



## REVIEW COMMITTEE

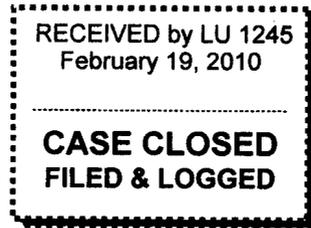


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INTERNATIONAL BROTHERHOOD OF  
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LOCAL UNION 1245, I.B.E.W.  
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VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

JOHN MOFFAT, CHAIRMAN

DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL



BOB CHOATE, SECRETARY

### Pre-Review Committee No. 19236 Energy Delivery – GC Tower - Fresno

Margaret Franklin  
Company Member  
Local investigating Committee

Mike Haentjens  
Union Member  
Local Investigating Committee

#### Grievance Issue:

The Grievant was issued a DML for an accident that resulted in a serious injury to a fellow employee.

#### Facts of the Case:

The Grievant was hired in 2007 and is currently an Apprentice Lineman and was previously a Towerman.

The Grievant and another employee went to a jobsite to meet a vendor who was delivering a bobcat type vehicle, called a skid steer. The vendor asked the Grievant if he knew how to operate this piece of equipment which the Grievant affirmed. The vendor went through the safety check with the Grievant. The Grievant was driving the piece of equipment and was asked to move it out of the way so concrete could be delivered. The Grievant went to a location where other employees were unloading equipment to tell them to move as well. As the Grievant approached the other employees the bucket on the bobcat raised striking an employee in the leg and pushing him against the bumper of a truck. The employee suffered a dislocated right ankle and puncture wound to his leg. The injury resulted in surgery for the employee and extended time off work.

The equipment was tested and proved to be functioning correctly. The investigation showed that it was operator error and the Grievant pulled up too close to the other employee. The Grievant regrets that he injured his friend and co-worker.

#### Discussion:

The facts in this case are not in dispute. The Union argued that the degree of discipline is too severe given the Grievant's employment history. Historically, Written Reminders are issued for automotive incidents. The Company argued that some situations are so serious that more severe disciplinary action is taken. In this case severe injury to a co-worker elevates the discipline to the DML step and is consistent with the decision in Pre Review Committee decision No. 2224.

#### Decision:

After much discussion the parties agreed that the discipline was for just and sufficient cause. This case is considered closed.

  
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John A. Moffat, Chairman  
Review Committee

2/11/2010  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bob Choate, Secretary  
Review Committee

2/11/2010  
\_\_\_\_\_  
Date