

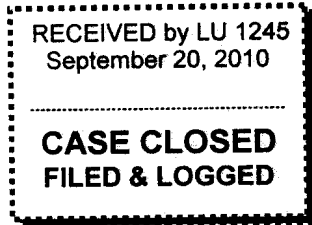


REVIEW COMMITTEE



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JOHN A. MOFFAT, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

BOB CHOATE, SECRETARY

Pre-Review Committee No. 19881 Energy Delivery – Electric Transmission – San Carlos

Michelle Roberts
Company Member
Local Investigating Committee

LandisMarttila
Union Member
Local Investigating Committee

Subject of the Grievance

A DML was issued to a Transmission Troublemaker for an avoidable vehicle accident and failure to timely report the incident.

Facts of the Case

The grievant is a Transmission Troublemaker with 25 years of Service and five years in his current classification. The grievant was on an active Written Reminder for a motor vehicle accident.

The grievant was investigating trouble tags in the Placerville area. The grievant reported that he had damaged the bins on his truck while attempting to cross a bridge. The incident happened on December 7, 2009, on December 8, 2009 he reported the incident to the local supervision, he reported it to his regular supervisor on December 15, 2009 and the investigation commenced on December 17, 2009.

The bridge is a single lane bridge in a residential area. The bridge had a weight restriction posted of 5 tons and a maximum width of 90 inches. The grievant's vehicle weighed 11,500 pounds (5 3/4 Tons) and was 95.5 inches in width. The grievant attempted to cross the bridge damaging the bins on the truck.

The grievant stated that the conditions were difficult and does not remember seeing any signs. He stated that most of the damage was caused when he was trying to straighten the truck to back off the bridge. The roads had black ice in was snowing and the truck had

chains on. The grievant used a "Garmin" device to find the location. The locals stated that they would not have used the route provided by the "Garmin".

The grievant had been driving this vehicle for a month prior to the incident. The grievant had been tailboarded in November 2009 regarding the responsibility of not exceeding bridge weight. The grievant had also been instructed to immediately complete the "yellow card" that is kept in the glove box of any incident. The grievant completed the yellow card a week after the incident.

Discussion


The Union argued that the discipline was unwarranted because he was working in an unfamiliar area. Union further argued that this is a conscientious employee who was simply trying to get the job done. The Union argued that the employee did report the incident timely to the supervisor at the temporary headquarters.

Company argued that it is common for Troublemens to work in unfamiliar areas and under difficult conditions. This was the employee's second incident within a short period of time. It was posted and clear that the bridge was too narrow for the grievant's vehicle to cross. There were signs posted and the grievant could have or should have gotten out of the vehicle to determine whether it was safe to cross. The policy in the department is clear about immediately reporting all motor vehicle incidents.

Decision

The parties agree that the employee is conscientious and he was working in difficult conditions. The parties do not agree on the reporting of the incident by the grievant as he did not notify local supervision timely and the Union believes that the grievant received the DML for two automotive accidents within eight months as indicated in his DML letter. The PRC agrees there was just cause for the DML.

This case is closed without adjustment.



John A. Moffat, Chairman
Review Committee

9/17/2010

Date



Bob Choate, Secretary
Review Committee

9/16/10

Date