

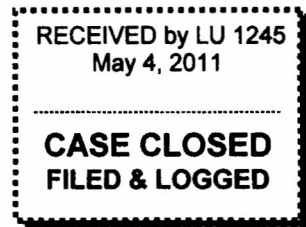


REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
MAIL CODE N2Z
P.O. BOX 770000
SAN FRANCISCO, CA 94177
(415) 973-6725

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



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

BOB CHOATE, SECRETARY

Pre-Review Committee No. 20245 Support Services – Pony Express – West Sacramento

Marlene Brock
Company Member
Local Investigating Committee

Arleen Edwards
Union Member
Local Investigating Committee

Subject of the Grievance

The grievant was involved in an avoidable automotive accident and was issued a DML.

Facts of the Case

The grievant is a Light Truck Driver. The grievant has 19 years of Company Service and was not on any active discipline at the time of the accident. The grievant had been in his current position for seven years.

The grievant stated the following that at the time of the incident:

- It was raining heavily
- Posted speed limit was 55 mph with an advisory for the curve at 45 mph
- Very familiar with the road and no distractions
- Traffic in both directions
- Driving in the left lane for more traction
- Truck went by the van in the opposite direction
- The van hydroplaned and he steered to the right hand side of the road
- The van hit a sign post
- The van spun striking a tree and came to a stop.
- No injuries reported

The grievant claimed that having two types of tires on the van may have caused the vehicle to hydroplane and the tires were not suitable for this type of wet weather. He never relayed these concerns to his supervisor prior to the incident.

Fleet department has not received any complaints regarding these tires. The tires on the vehicle are for all terrain.

The grievant claimed that the vehicle had not been properly repaired. The Company was not aware of any problems with the vehicle and if there were problems the vehicle would have been pulled from service.

The grievant had successfully completed the Smith Driving course.

The CHP report stated that the grievant was driving at an unknown rate of speed and was unable to keep control of the vehicle while exiting a curve. The report cited an unsafe turning movement that resulted in the vehicle colliding with a sign post, then spun and ended up colliding into a tree.

Discussion:

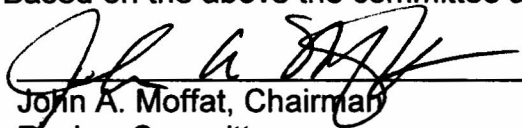
Union argued that the discipline was excessive. The argument was that the road was wet and the grievant was not driving careless or in a reckless manner. The grievant expressed concerns about the vehicle and the concerns were not appropriately addressed.

Company believes that this is a serious automotive accident for which a DML is appropriate. The accident could have resulted in serious injury to the grievant or the public. The grievant lost control of the vehicle and slid off the road resulting in a total loss of the vehicle. The CHP report cited the cause of the accident as a violation of VC 22107, Unsafe Turning Movement. There were no mechanical problems identified.

Decision

The grievant was aware of the van's handling issues and he continued to drive the vehicle, the grievant was aware of the route weather and road conditions and the CHP cited the cause of the accident an "Unsafe Turning Movement."

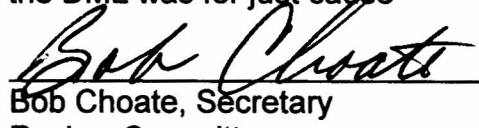
Based on the above the committee agrees that the DML was for just cause



John A. Moffat, Chairman
Review Committee

4/22/11

Date



Bob Choate, Secretary
Review Committee

4/22/11

Date