

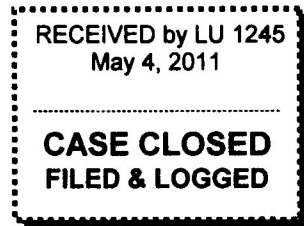


REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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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. 20254 Support Services – Pony Express – West Sacramento

Marlene Brock
Company Member
Local Investigating Committee

Arlene Edwards
Union Member
Local Investigating Committee

Subject of the Grievance

The grievant was issued a DML for an automotive accident.

Facts of the Case

The grievant is a Light Truck Driver with 15 years of service and no active discipline. On May 17, 2010 the grievant was issued a DML for an avoidable auto accident.

On April 20, 2010, the grievant was driving on Hwy. 5 at 7:00 a.m. and the following is the sequence of events:

- Light rain and no distractions
- Posted speed limit 70 actual speed estimated at 60 mph by the grievant
- Nothing unusual in the roadway
- The vehicle went from the grooved highway surface to the smooth surface of the bridge overpass
- Midway across the bridge the van began fishtailing
- He thought his tire went flat
- He let off the gas and the van veered into the concrete bridge rail
- Van went across the lanes of traffic toward the right embankment
- At the embankment the vehicle flipped over

The grievant has completed the Smith Driver's course and has attended other safe driving session provided by the Company.

The Company had the tires sent out for inspection and the result were the Fleet Department and the third party Goodyear vendor could find no defects. The inspections also included steering, suspension and brakes and no problems were found.

The grievant claimed to have reported the hydroplane issue a month prior to the incident. The Fleet Department maintains that the tires are all terrain and the best option for commercial vehicles. Up to the time of the incident the department had not received any complaints regarding the tires.

Discussion

Union argued that the discipline was excessive. The grievant was not driving in a reckless or careless manner. The road conditions were wet and as in a similar case the grievant complained about the tires not performing well. The tires were Goodyear 949 and in the opinion of the Union could have caused the "fishtailing" and contributed to the cause of the accident. The Union recommends that the health and Safety Committee review the performance of these tires.

The Company argued that this is a serious accident and warranted a DML. The vehicle struck a concrete bridge rail slid across both lanes of traffic and then flipped over. Luckily there were no serious injuries. The CHP cited VC 22107 violation and driving too fast for the conditions, as the cause of the accident.

Decision

Given the serious nature of the accident and the potential for serious injury the Committee agrees to close the case without adjustment.



John A. Moffat, Chairman
Review Committee

4/22/11

Date



Bob Choate, Secretary
Review Committee

4/22/11

Date