



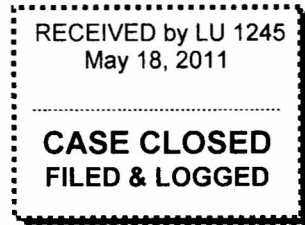
REVIEW COMMITTEE

IBEW



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LOCAL UNION 1245, I.B.E.W.
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JOHN A. MOFFAT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

FE (Ed) Dwyer Jr., SECRETARY

Pre-Review Committee No. 20274 Energy Delivery – Restoration - Clearlake

Deanna Helm
Company Member
Local Investigating Committee

Ed Dwyer
Union Member
Local Investigating Committee

Subject of the Grievance

The case concerns a troubleman given a DML for failure to wear fall protection.

Facts of the Case

A Troubleman with 31 years of service with no active discipline was issued a DML for his violation of Fall Protection rules, CSP 414 and 415.

On March 26, 2010, and investigation was conducted to determine if the grievant violated CSP 414 and 415. The investigation was conducted due to photos of the grievant being received via US Mail.

The supervisor stated that based on the picture the grievant appeared not be wearing a harness while working from a bucket.

The grievant provided picture of what he looked like in the bucket wearing the harness. The grievant stated that he wears the harness all the time. He further stated that he wears the harness under his vest or rain gear.

On May 27, 2010, the grievant was given a DML in lieu of discharge for the infraction and returned to work on June 1.

Discussion

The Union argued that from the pictures it was possible that the grievant was wearing his harness. The grievant argued that putting on the harness is habit, like putting on your boots for work.

Company argued that the evidence was sufficient to prove that the grievant was not wearing fall protection. The grievant told the supervisor when shown the pictures when asked about wearing fall protection he said "I guess not from the pictures." The Company further argued that the rule for fall protection is clear, training has been provided and communications on the topic has been provided.

The parties agree that if the person who took the photos was an employee of the Company that person should have stepped up and told the grievant to put on his harness. It is inappropriate not to stop an unsafe act if possible.

Decision

The DML in this case is now moot and the case is considered closed without prejudice to either parties' position.



John A. Moffat, Chairman
Review Committee

5/16/2011
Date



F.E. (Ed) Dwyer Jr, Secretary
Review Committee

5/16/2011
Date