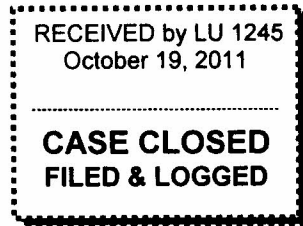




REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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DOUG VEADER, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Pre-Review Committee Number 20610 Electric Operations – M&C – Sonora

Debbie Sargent
Company Member
Local Investigating Committee

John Mendoza
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) and permanent preclusion from promotion to Crew Foreman and other lead positions.

Facts of the Case

The grievant is a Lineman with 25 years of service. At the time of the incident, his active disciplinary record consisted of a coaching and counseling in conduct.

The grievant was the acting supervisor in charge when a T&D Equipment Operator was fatally injured. He was disciplined for not conducting an adequate tailboard and identifying and mitigating risks associated with the job. The employee on his crew was digging pole holes without an observer when the digger boom came in contact with energized primary.

Discussion

Throughout the grievance process the Union has argued that the grievant was held accountable for something which was not his fault. It was a well established practice for Equipment Operators to work without observers. Even the policy which came out after the incident allows for this work to be performed alone unless it is within ten feet of high voltage line. In regard to the tailboard, the grievant was upgraded to exempt supervisor who are not responsible for conducting tailboards.

The Company responded that the grievant was the person-in-charge when he accompanied the Equipment Operator to the job. He allowed the employee to work under an energized 17 KV span without an observer. It was this situation which resulted in the fatality. Given the grievant's responsibility for the job and the serious consequences that day, the grievant might well have been discharged.

In regard to the preclusion from bidding to Crew Foreman or other lead classifications, the Union argued that there is no provision in the Labor Agreement which allows for this. Additionally, one safety incident should not preclude an employee from promotional opportunities. The Company responded that there is no contractual language which prohibits this action and it cannot have an unqualified employee in a lead classification.

In previous grievance settlements, the parties have addressed the bidding rights of demoted employees. The Committee noted the following settlements.

In Arbitration Number 107, which involved a ten-day disciplinary lay-off and a demotion of a Gas Crew Foreman, the arbitrator upheld the lay-off and the demotion, but ruled the grievant could be eligible to bid to the Crew Foreman classification after approximately 18 months.

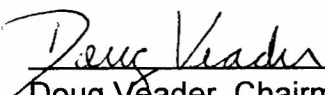
In PRC 12553, the Committee upheld an employee's demotion, but agreed the grievant may be considered for temporary or regular assignment to Working Foreman a year from the date of demotion. The Committee also agreed that permanent demotions have occurred when an employee is being demoted from the same classification a second time.

Turning to the case at hand, the Committee agrees that the DML was issued for just cause and that during the active period of the DML, in accordance with Section 205.11, the grievant will be automatically bypassed for any classifications having a higher wage rate.

Once the DML active period expires, the Company reserves the right to bypass the grievant under Sub-Section 205.11(a). Additionally, the Company reserves the right to bypass the grievant to Foreman or Crew Lead classifications by making an appointment on the basis of ability and personal qualifications, as provided for under Section 205.14. In turn, the Union reserves the right to grieve any bypass which it believes violates the labor agreement.

Decision

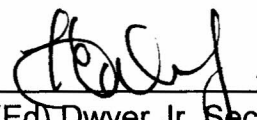
The Committee agrees the DML was issued for just cause and closes this case out based on the above discussion regarding the grievant's bidding rights.



Doug Veader, Chairman
Review Committee

10/17/11

Date



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

10/17/2011

Date