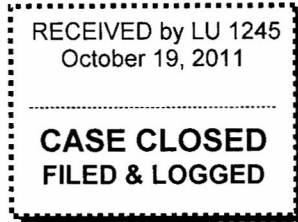




PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
MAIL CODE N2Z
P.O. BOX 770000
SAN FRANCISCO, CA 94177
(650) 598-7567

DOUG VEADER, CHAIRMAN
☐ DECISION
☐ LETTER DECISION
☐ PRE-REVIEW REFERRAL

REVIEW COMMITTEE



IBEW



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

F.E. (ED) DWYER Jr, SECRETARY

Pre-Review Committee Number 20793 Generation – Hydro – Rodgers Flat

Robin Wix
Company Member
Local Investigating Committee

Kit Stice
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) issued for a backing accident.

Facts of the Case

The grievant is a Water System Repairperson with 32 years of service and no active disciplinary action at the time of the accident. While backing out of the Rock Creek Powerhouse parking area, the grievant struck a parked third party vehicle. The result was a sizeable hole in the third party vehicle with a damage estimate of approximately \$4,000. The grievant had seen the parked vehicle before backing, however, indicated that he was not fully cut into the task at hand and may not have been paying attention.

Discussion

At issue in this grievance is the level of discipline. The Union argued that the DML is excessive. A Written Reminder would have been more appropriate and consistent with how backing accidents have typically been handled. The Company responded that given the nature of this accident and the grievant's overall safety record, the DML was appropriately issued.

The Committee reviewed Letter Agreement 10-36 which provides for considering an employee's safety record when determining disciplinary action due to safety violations:

"When determining disciplinary action due to safety violations, the Company shall consider an employee's overall safety record, both positive and negative. Discipline shall be based on the employee's safety record as a whole, provided that each safety issue relied upon was brought to the employee's attention at the time of the incident."

The letter agreement does not specify what is to be included in an employee's overall safety record other than "safety incidents which were brought to the employee's attention at the time". According to the LIC Report, the grievant's safety incidents included numerous automotive accidents. Including the current backing accident, the grievant's record includes a total of six automotive accidents. Three of these have occurred within the last five years.

Based the grievant's acknowledgement that he was not paying attention, his overall safety record, and the absence of mitigating factors, the Committee agrees the DML was issued for just cause.

The Committee notes that while on the DML, the additional protections of LA 10-36 are in place. Specifically, the language which provides "that an employee on a DML for a safety violation who commits a related minor infraction or who has multiple minor incidents that would not otherwise result in a written reminder or higher level of discipline, would not be subject to discharge."

Decision

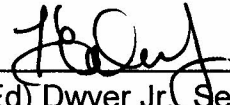
The Committee agrees the discipline was issued for just cause and closes this case without adjustment.



Doug Veader, Chairman
Review Committee

10/17/11

Date



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

10/17/2011

Date