

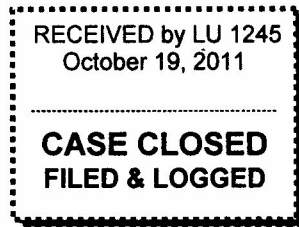


REVIEW COMMITTEE



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

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



DOUG VEADER, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Pre-Review Committee Number 20925 Electric Operations – M&C – San Luis Obispo

Melanie Curry
Company Member
Local Investigating Committee

Mark Taylor
Union Member
Local Investigating Committee

Subject of the Grievance

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

Facts of the Case

The grievant is a Street Light Maintenance person with 27 years of service and no active discipline at the time of the accident. Prior to this accident, his overall safety record for purposes of LA 10-36 consisted of zero safety incidents over his career.

The grievant drove his Troubleman truck through an In-N-Out drive through. After ordering he drove to the first window to pay and then proceeded to the second window to pick up his food. The height of the overhang was lower at the second window than at the first. The height of the vehicle is 10' 6" and the height of the overhang at the second window is 9' 4". The top of the truck hit the ceiling of the overhang resulting in minimal damage (minor scratch and tightening of bolts needed for truck and minor stucco/paint to building). The grievant immediately reported the accident.

Discussion

The Company argued that this accident was completely avoidable. First, the grievant could have entirely avoided the situation by simply parking his vehicle and walking into the restaurant. Second, the height of the vehicle is clearly marked on the dash and a sign is posted showing the height of the overhang. The grievant simply did not pay attention. While, the physical and monetary damage may have been minimal, such an accident also has immeasurable damage to the Company's reputation for safety.

The Union pointed out that the grievant was disciplined for the accident itself and not for his decision to go through a drive through. There have been no rules prohibiting drive-throughs

communicated to employees. Additionally, at the time the discipline was issued, the Company was under the impression from the restaurant manager that the window employee may have warned the grievant about the height. Neither the initial investigation nor the LIC were able to confirm this assertion, and the grievant from day-one has denied that this conversation ever took place.

The Union also argued that DMLs have only been issued for very serious automotive accidents, and that Written Reminders are typically issued. Given that Written Reminders are typically issued for automotive accidents, the minimal amount of damage, the immediate reporting of the accident, the clean disciplinary record, and 27 years service with no safety incidents, a DML is excessive.

The Committee discussed that the appropriate level of discipline for an automotive accident needs to be determined based on the circumstances and factors specific to the accident and employee involved. In this situation, a Written Reminder is appropriate.

The Committee's decision is based on consideration of all the factors in this case including the grievant's clean active disciplinary record, his 27 years of zero safety incidents, and the minimal amount of damage. Had any of these factors been different, or had there been a rule prohibiting drive-throughs, or had he been warned about the height, action beyond a Written Reminder could have been appropriate.

Decision

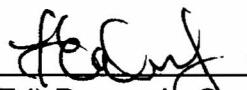
The Committee agrees that that discipline was appropriate, but that the level of discipline should be a Written Reminder. With this adjustment, the grievance is closed.



Doug Veader, Chairman
Review Committee

10/17/11

Date



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

10/17/2011

Date