

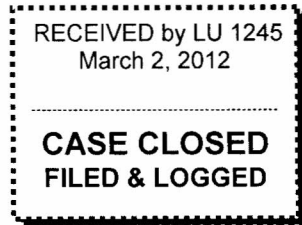


## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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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 20940 Electric Operations – Restoration – Santa Rosa

Deanna Helm  
Company Member  
Local Investigating Committee

J.V Macor  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns a Written Reminder issued for an automotive incident.

#### Facts of the Case

The grievant is a Lineman with 12 years of service. At the time of the incident he had no active discipline and was on upgrade to Troubleman.

While driving home from an overtime assignment, the grievant drove his Company vehicle off the road into a ditch. The grievant was not injured and the LIC Report does not describe the extent of the vehicle damage other than it was repaired and placed back in service.

The grievant reported to work Saturday night at midnight. He left his home at 9:30 pm as his assigned work area was approximately 2 1/2 hours from his residence. He had worked his regular 7:00 am to 3:00 shift on Friday and continued to work until 6:00 am on Saturday morning. He went to bed at 7:00 pm on Saturday in anticipation of 4:00 am Sunday overtime. At 9:00 pm he received a call that he needed to report right away.

There was no cell phone or radio coverage in the area and the grievant would go to the local firehouse to make calls. At approximately 6:00 pm on Sunday night, the grievant called the Santa Rosa Service Center and spoke to a clerk in the storm room. He advised the clerk that he was tired and was going home. The grievant then called the supervisor and left a message indicating he was tired and going home. On his way home, he received notification of two hazard tags on his screen, including one with wires across a car. He responded to these two tags and then continued to drive home.

The grievant's accident happened at around 7:45 pm on Sunday evening. At the time of the accident the grievant had been working nearly 22 hours. He had been driving for about an hour immediately before the accident and was approximately 1 1/2 hours from home. He became hypnotized by the road and wanted to pull over, but was waiting until he reached a staging area. He indicated that he fell asleep for a quick moment, and when he opened his eyes, the vehicle was in a sharp turn and he could not correct in time.

**Discussion**

The Union argued that the discipline should be mitigated due to the number of hours the grievant had worked, both that day and during the preceding week. Additionally, even after starting home, the grievant worked hazard tags. One of the tags involved hazard to life and he was not left with much of a choice other than work the tags.

The Company responded that the discipline was appropriate giving proper consideration to the hours worked and the seriousness of falling asleep at the wheel and driving the vehicle off the road. The grievant acknowledged that he was becoming hypnotized and believed he needed to pull off the road. Instead, he continued to drive.

The Company noted that under Letter Agreement 85-61 employees have an obligation to inform supervision when too tired to continue working safely. Except in the case of emergencies involving hazard to life or property, the Company has agreed to accept an individual employee's determination that he is too tired to work safely.

The Company also noted another grievance involving an auto accident with the issue of working extensive hours and/or falling asleep while driving. In that case the action taken by the Company was upheld (PRC 16553 – WR upheld).

**Decision**

The Committee agrees the discipline was issued for just cause. Under Letter of Agreement 89-24-PGE the effective date of discipline is the day the employee is informed that they are receiving the discipline, not the date of the Written confirmation. Therefore the 12 month active period began on 4/7/2011, not 4/13/2011. This case is considered closed without further adjustment.

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Doug Veader, Chairman  
Review Committee  
By: Doug Veader  
3/1/12  
\_\_\_\_\_  
Date

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F. E. (Ed) Jr. Dwyer, Secretary  
Review Committee  
By: [Signature]  
3/1/2012  
\_\_\_\_\_  
Date