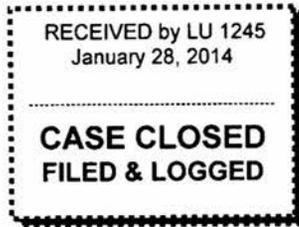




## REVIEW COMMITTEE



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DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

### Pre-Review Committee Number 22077 Electric Operations – M&C – Chico

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 to an M&C Coordinator for a safety incident and abusing overtime by taking an excessive amount of time to complete mandatory training.

#### Facts of the Case

The grievant is an M&C Coordinator with 37 years of service and an active Written Reminder in conduct at the time of the incident. He is a Qualified Electrical Worker and trained in working within confined spaces.

The grievant was assigned to assist a Fieldperson in hooking up a locator to a #7 splice box in order for the Fieldperson to perform mark and locate for a contractor standing by to start a job. The grievant and the Fieldperson verbally tailboarded the job, but did not document it as required. The grievant did not have hot sticks to utilize in hooking up the locator within the splice box. He proceeded to hook up the device by laying on the ground and bending over into the energized vault at his waist while the Fieldperson held his ankles to prevent grievant from falling into the vault and to assist in pulling him back out in case he needed assistance.

In addition to the safety incident, the grievant was disciplined for taking excessive time to complete mandatory training while on overtime. The grievant submitted for 14 hours of overtime over a two day period to complete an estimated 7.5 hours of web-based training. The grievant stated he had never done web-based training before and therefore it took him a lot of time to maneuver through the modules. Additionally, because he believed there was a test at the end of each module, he spent time going back over each question missed before completing the modules. Grievant's training record shows he had completed other web-based training earlier in 2012 and in 2009.

Discussion

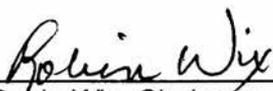
The Union argued that a DML was too severe. The grievant reported to the worksite to assist the Fieldperson, which is outside of his normal assigned duties as an M&C Coordinator, due to the urgency to have the mark and locate work completed so that the contractor could begin working on their job. Because he does not carry hot sticks in his vehicle, grievant reached into the vault to hook up the locator using rubber gloves. Monitoring and documenting the air quality was not warranted as grievant's head was below the vault opening for a very minimal amount of time. At the LIC meeting, the grievant stated he did not believe that a #7 splice box was considered a confined space, and the risk of falling into the energized vault was minimal given the Fieldperson was holding onto his ankles. In regards to the alleged abuse of overtime to complete mandatory training, the Union argued that the Company does not have a defined amount of time required to complete each training course, and it is reasonable that individuals will vary in the amount of time required to complete each course.

The Company responded that grievant's unsafe actions were an intentional violation of the Keys to Life as he did not follow the "confined space" rules. Grievant had just completed Confined Space web-based training on December 29, 2012, one month prior to this incident. Additionally, the grievant executed the job in an extremely unsafe manner by lying on the ground and hanging over the edge into a vault with energized equipment, relying on his co-worker to secure him and assist in pulling him back out if needed.

As to the matter of the web-based training, the Company argued that the grievant clearly abused the amount of time required to complete the training courses by several hours. The supervisor allotted an additional 20 to 30 minutes to each course's estimated time requirement for completion in order to allow grievant a more than reasonable amount of time to complete each module. Even with this additional allotted time, the grievant reported overtime for a total of 14 hours to complete 7.5 hours of training which is clearly an abuse of overtime.

Decision

While the Union does not agree there is sufficient cause for taking disciplinary action due to the training modules time, the Union does agree that the DML was issued for just cause based on the seriousness of the safety incident. The Committee agrees the DML was issued for just cause with the understanding that the active period runs to February 22, 2014.

  
Robin Wix, Chairman  
Review Committee

1-27-14  
Date

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

1/27/14  
Date