



REVIEW COMMITTEE



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SALIM A. TAMIMI, SECRETARY

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DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

ARBITRATION CASE NO. 247

Review Committee File Nos. 11575 and 11697

OM&C – Electric Transmission Operations – San Mateo Substation

Joe Cerruti
Company Member
Local Investigating Committee

Landis Martilla
Union Member
Local Investigating Committee

Subject of the Grievances

These cases concern a Decision Making Leave (DML) and subsequent discharge of a System Operator for switching errors and failure to properly report and document those errors.

Facts of the Cases

RC 11575

On December 8, 1998 the grievant was engaged in switching operations to restore a Bus Section to normal. The grievant also was the preparer of the switch log being used. The log did not include four steps required to cut in the differential relay prior to closing breaker 402 to energize the bus.

This equipment had been taken out of service for routine maintenance. There was no urgency to getting it back on line. On the morning of December 8, the grievant accompanied the Maintenance Crew Leader into the substation yard to test a switch. The Crew Leader then "reported clear" to the grievant, meaning maintenance's work was complete and the grievant could return the equipment to normal.

However, the maintenance crew failed to remove all appropriate grounds so when the grievant closed breaker 402 an outage occurred. The grievant's failure to cut-in the differential relay allowed the outage to expand until a significant portion of the city of San Francisco, approximately 450,000 customers, were without electricity for many

hours. The function of the differential relay is to contain/isolate the problem. Extensive testing demonstrated that the relay was not cut-in, despite the grievant's testimony that he did cut-in the relay. The grievant also failed to record operations on the switch log used to reclear the bus so the grounds could be removed.

Seven other bargaining-unit employees were disciplined ranging from coaching and counseling to DML and demotion. The grievant had no active discipline at the time of this DML (March 5, 1999).

RC 11697

On October 31, 1999 the grievant was involved in another switching error. The grievant was in the process of reenergizing a bus section that had been deenergized for dead washing. The grievant testified that he accidentally caught the string of a Caution tag on the relay cut-out rotary switch thereby cutting-in the wrong switch and causing an outage to approximately 115,881 customers for periods of a few minutes up to 2 ¼ hours. There were at least two major customers out of power, a racetrack and a large shopping mall.

In this instance, the relay switch did operate by restoring service, but it took longer to do so than it should have due to a programming error. Had the relay switch been properly programmed, it would have reset immediately, not after 5 minutes.

The grievant did not report the outage, as he did not know one occurred until the following day. There is disputed testimony as to whether the grievant told another Operator that he'd accidentally cut-in the relay.

At the time of his discharge effective November 19, 1999 the grievant was on an active DML and had 27 ½ years of service. The DML grievance had not yet been resolved in the grievance procedure. It was received in Fact Finding on December 9, 1999.

Discussion

These errors caused widespread customer outages for extended periods of time. Both were subject to extensive investigation by the Company, the CPUC, and various independent firms to test the equipment. In both instances, conclusions were drawn that are not consistent with the grievant's version of events. Some of the statements made by the grievant following the outages were the basis for conducting many inquiries and equipment tests which it was concluded later were unnecessary and caused significant expense to the Company and delay in identifying the cause of the problems.

These cases were referred to arbitration and a hearing was held on March 16, 2001. However, the parties continued to engage in discussion of these cases. The dispute centers around the severity of the discipline, not whether the grievant committed errors or whether discipline is appropriate. The Company has disciplined many employees for switching errors, for failure to report an error, and/or for attempting to cover-up an error. The parties have even arbitrated another discharge for a switching error, Arbitration Case No. 235. That discharge was upheld.

Consistent with the parties' belief that it is generally better to resolve grievances ourselves than a third party, the agreement below was reached.

Decision

The parties agree that generally a Written Reminder is the appropriate level of discipline for a switching error. However, a Decision Making Leave may be appropriate based on the nature of an error and/or its effect (i.e. an error that results in a significant outage, injury, or adverse publicity to the Company and/or involves dishonesty). It is understood that the above applies to employees who have no active discipline at the time of the switching error.

Based on this understanding, the parties agree that the DML given the grievant was for just and sufficient cause. In light of this agreement that the DML was for just cause, a subsequent switching error would be just cause for termination. However, the parties have reached a confidential non-precedential equity settlement on the termination issue.

For the Company:

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For the Union:

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By: Margaret Short

By: Sam A. Tamimi

Date: 1/23/02

Date: 1-23-02

