



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(925) 974-4282

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(925) 933-6060
SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

RECEIVED by LU 1245
SEPT. 26, 2002

**CASE CLOSED
FILED & LOGGED**

Review Committee No. 13242
OM&C – Electric T&D - Bakersfield

Jeff Neeley
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a DML given to a Title 200 Lineman for violation of safety rules, which resulted in his being seriously injured.

Facts of the Case

On August 2, 2001, the grievant was assigned to work with a Title 300 crew on a new business job consisting of upgrading an existing open delta transformer bank to a larger size and installing two 4-wire services. General Construction requested a Lineman for about three months; the grievant was one month into the assignment when the incident leading to the discipline occurred. The other crew members were a Lineman upgraded to Crew Leader; a six month Apprentice Lineman; and a Hiring Hall MEO. The grievant and the temporary Crew Leader were the only two qualified electrical workers.

Prior to the incident, the Crew Leader left the job to go get additional materials leaving the grievant to perform the entire overhead energized work alone without a qualified worker or qualified observer. The Crew Leader returned to the job prior to the incident. The Crew Leader conducted a tailboard in the morning but did not conduct a second tailboard in the afternoon when the scope of the job changed. There was also confusion among crew members as to who was in charge of the job.

The grievant was working from a bucket using rubber gloves on the energized high side of the cutouts. He then noticed the floating ground buss had not yet been attached to the ground wire. As he attempted to crimp on an extension wire, he made electrical contact. Both of the grievant's hands were burned and he was immediately taken to the hospital for treatment. He was off work approximately six months to recover.

Investigation into the incident determined that the following Code of Safe Practices were violated: P-1 Scope; P-3 Knowledge; P-4a Compliance; P-11 c&d Employee Responsibilities; Rule #22 Electrical Hazards; Rule #402 Energized High Voltage Conductors; Rule #405 Approach and Working Distances; Rule #411 Use of Rubber Protective Equipment; Rule #601 Scope; Rule #602 General; Rule #603 Use of Approved Rubber Protective Equipment; Rule # 607 Combination Rubber Glove/Live Line Tool Methods.

The direct cause of injury was failure to observe safe working distance while a contributing factor was failure to observe rubber glove work procedures. The root cause was failure of the crew to follow company work methods from the beginning of the job until the time of the incident.

The grievant went through the Apprentice Lineman training program and became a journeyman in 1997. He had no active discipline at the time of the incident. The other crew members were also disciplined.

Discussion

The Union argued that a DML is too severe in that the employee had no active discipline and had suffered enough due to his injury. Union opined Company is not following the steps of Positive Discipline.

Company responded that some incidents are so serious that they warrant skipping steps in the disciplinary process. Failure to follow safety rules and work procedures is considered serious employee offenses. When these failures result in injury, damage to property, significant outages, or damage to company image, discipline will be more severe and it is likely that disciplinary steps will be bypassed.

The parties have agreed in other precedent grievance decisions to the above Company position. PRC 2233 upheld a DML for another Lineman who received a serious burn to his finger when he came into contact with an energized line. The employee in that incident did not have on the proper rubber gloves while in the contact area and like the grievant in this case, had no active discipline. PRC 2224 and RC 11575 are other examples sustaining DML's in the grievance procedure for employees who failed to follow safety or work procedures resulting in significant injury or property damage or both. None of the employees in these decisions had active discipline prior to the issuance of the DML.

Union alleges Company fails to recognize the seriousness of a DML and the risk it places employees for termination. Company responded that because of that possibility, "out-of-the box" DML's are limited to situations that have significant consequences occur as a result of employee failure. Absent the consequence, many rule violations would result in Written Reminders. Our mutual grievance history demonstrates there are occasions when it is appropriate to skip steps and give DML's.

Decision

The Review Committee is in agreement that the DML was for just and sufficient cause. This case is closed without adjustment or prejudice to Union's position.

For the Company:

Margaret A. Short
Ernie Boutte
Dave Morris
Malia Wolf

For the Union:

Sam Tamimi
William R. Bouzek
Ed Dwyer
Sherrick A. Slattery

By: Margaret Short

By: Sam A. Tamimi

Date: 9/26/02

Date: 9-26-02