

7.1; 105.1: Discipline is for just and sufficient cause given to a Subforeman A and an Appr. Lineman for safety violations (Tailboard Briefings) resulting in the injury to a 2nd step Appr. Lineman on their crew.

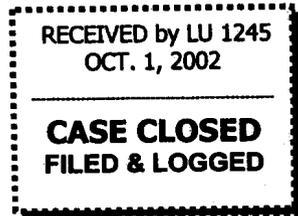


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MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

REVIEW COMMITTEE



Review Committee No. 13312 and 13313
GC – Line Construction - Monterey



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

Kathy Ledbetter
Company Member
Local Investigating Committee

Mike Haentjens
Union Member
Local Investigating Committee

Subject of the Grievances

These cases concern a DML given to a Subforeman A and a Written Reminder given a 6th step Apprentice Lineman for safety violations resulting in the injury to a second step Apprentice Lineman on their crew.

Facts of the Cases

In addition to the above, there were also an MEO and a Utility Worker on the crew. Their assignment was to replace a rotten pole. At the request of the 6th step Apprentice, the Subforeman agreed to allow the Apprentice to be in charge of the job to gain experience leading.

The Apprentice led a short tailboard in the morning, but did not go into the specifics of how the work would be accomplished. They primarily discussed the need to run the clearance, and that the 6th step Apprentice would be running the job, and that they would be dropping a wire. The Apprentice stated he knew they should secure the pole if changing the strain on it, but they didn't nor did they discuss doing so at the tailboard. They also did not test the pole, nor did they discuss it during the tailboard.

The crew first called the D.O., then shed the load, cleared the lines, and tested the lines Dead and Grounded. The 2nd step Apprentice climbed the pole to remove the molding. The 6th step Apprentice told the 2nd step Apprentice that he would have to first let the service down. When the 2nd step cut the service releasing the tension on the pole, it fell over. The 2nd step Apprentice rode down with the pole and his leg was seriously injured when he hit the ground.

Discussion

At the outset, the PRC is in agreement that discipline is in order as the employees violated Code of Safe Practice Rule Nos. 1(a) Tailboard Briefings; P-11(d) Employee Responsibilities; and 414(c)(d)(e) Working in Elevated Positions; and (e) and USP 22, Safety and Health Program.

The Union opined the discipline is too severe as neither employee had any active discipline at the time of the incident.

Company responded that the parties have agreed in prior precedent decisions that DML is appropriate under certain circumstances, an employee being injured is one of them. Further, Company expressed concern about the Subforeman delegating his responsibilities, especially to an employee who was not even a journeyman and with a very junior crew.

The Committee reviewed PRC Decisions 2224 and 2233, PRC 13242, and RC 11575, all cases upholding DML's for serious safety or work procedure rule violations resulting in injury, property damage, or significant customer outage.

Decision

Separate grievances were filed and each case was discussed based on its specific facts. However, because the grievants were involved in the same incident, the files were joined in one decision.

The Review Committee agrees that the discipline in these cases was for just and sufficient cause. These cases are closed without adjustment.

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: Salim A. Tamimi

Date: 9/30/02

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