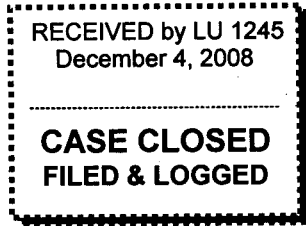




REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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VACAVILLE, CALIFORNIA 94696
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BOB CHOATE, SECRETARY

JOHN MOFFAT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

REVIEW COMMITTEE No. 17705 Eastbay – OM&C/Field Services - Richmond

Joe Cerruti
Company Member
Local Investigating Committee

Lula Washington
Union Member
Local Investigating Committee

Grievance Issue:

Company discharged a Troublemaker on an active DML due to an automotive accident and his failure to follow instructions.

Facts of the Case:

The grievant was on a DML for serious conduct issues. The grievant was discharged for an automotive accident in which his trouble truck stalled. There was no damage to the truck but did result in an industrial injury to the employee. The grievant was also provided release forms which his physicians were to fill out prior to his return to work and the grievant returned to work without the forms being completed.

The Union believes that the auto accident was due to the vehicle stalling. A sudden loss of power steering while in the middle of a turn could cause anyone to have a minor accident. In regard to the alleged failure to follow directions, the grievant did get the release as required. The Company is arguing that the grievant did not get a second release to cover his use of medication while at work. The Union believes this request for a second release was not made. It certainly was not made in the presence of the shop steward or the business representative. He left numerous messages for his supervisor and reported to work as his schedule required.

The Company argued that discharge is appropriate in this case. At the time of these incidents, the grievant was on a DML for serious conduct issues. The automotive accident he was in was avoidable. Even if the grievant story that the vehicle stalled is true, the accident was still avoidable. If the vehicle stalled, it was because the grievant failed to keep the vehicle fueled. He even testified that the vehicle had stalled before because he let the fuel get too low. Also, even if the vehicle stalled, his brakes and steering would still work. The

power steering feature might go out, but there is no mechanical reason he could not make a safe turn. The cause of the accident was driver error and resulted in injury to the grievant.

In addition to the auto accident, the grievant failed to follow the supervisor's directions regarding securing releases before returning to work. This is a consistent pattern with the grievant where he chooses to do as he wishes, not as his supervisor directs him.

Finally, between the DML and discharge, the grievant was coached and counseled regarding his inappropriate message he left on his time card and for the inappropriate manner in which he spoke with the clerk in the office.

Decision

The parties discussed this issue and struggled with the testimony provided by the parties. There was a conflict between the Ford Dealership and that information provided by the Company's Fleet Services, whether the vehicle stalled due to low fuel or mechanical failure. The accident, however, was properly reported by the grievant.

There were a number of calls made by the grievant to his supervisor's cell phone. The supervisor was on vacation but did not leave a temporary out of office message on his phone referring to his replacement or an alternate number. Grievant appears to have made an effort to contact his supervisor.

The grievant did not meet his obligations to provide the appropriate release to return to work.

The parties agree to return the grievant back to work without back pay and the DML will remain active for a period of approximately 7.5 months; the equivalent of the time remaining at the point the employee was discharged.

This case is closed on the basis of the foregoing understandings and adjustment.

For the Company:

John Moffat
Gayle Hamilton
Dave Morris
Malia Wolf

By: John A. Moffat

Date: 12-3-08

For the Union:

Sam Tamimi
William R. Bouzek
Lou Mennel
Russ Rylee
Karen Russel

By: Salim A. Tamimi

Date: 12-3-08