



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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**CASE CLOSED
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

DOUG VEADER, CHAIRMAN
 DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

Review Committee Number 20658 Gas Operations – GC Gas - Lakeville

Carol Quinney
Company Member
Local Investigating Committee

J. V. Macor
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Backhoe Operator for a motor vehicle incident.

Facts of the Case

The grievant was a Backhoe Operator with 25 years of service. At the time of the accident his active disciplinary record consisted of a Decision Making Leave (DML) and a coaching and counseling for safety incidents.

The accident occurred as the grievant was making a U-turn. He had approached a stop light at an intersection and pulled into the far left turn lane. He did not realize that the lane to his right was also a left turn lane and that another vehicle had pulled along side of him in that lane. As he made the left hand turn, he swung into the other lane striking the third party vehicle, damaging both vehicles.

Discussion

One of the issues raised by the Union at the LIC was the whether the grievant had exceeded the Company's commercial driver's fatigue guidelines, and if so, whether this should mitigate the decision to discharge. According to the Union's calculations in the LIC Report, the grievant had worked 95 hours in the 7 days preceding the accident. The guidelines (Utility Procedure TRAN 2001P-01) prohibit driving a commercially regulated vehicle in non-emergency situations when an employee has worked 80 hours in 8 consecutive days.

The LIC Report contains a great deal of testimony regarding the fatigue guidelines including discussion over the relative responsibility of the employee and supervision in monitoring hours worked. The Union argued that management should never have allowed the grievant

to drive. The Company argued that the employee is responsible for tracking his hours and notifying supervision if he is too fatigued to drive. This obligation to raise your hand if too tired to work is also contained in Letter Agreement 85-61.

The Company opined that grievant's unfamiliarity with the area and his failure to be aware of his surroundings contributed to the accident, not fatigue. The grievant had arrived at his hotel at 8:30 p.m. and was relieved from duty until the next morning when he left the hotel at 6:00 a.m. The grievant had 9½ hours rest immediately preceding the accident.

The Committee noted that at the time of discharge the grievant was on an active DML for a very serious motor vehicle incident. Subsequent to the DML, the grievant was involved in another safety incident involving a Transmission Line. The decision was made at that time to not discharge the grievant and to instead a coaching and counseling was administered.

Decision

The Committee agrees the discharge was for just cause and closes this case without adjustment. The Committee also agreed to recommend to the Joint Health & Safety Committee that the issue of compliance with the Fatigue Guidelines be added to their agenda.

For the Company:

Doug Veader
Laura Sellheim
Ruben Ramirez
Mike Savage

For the Union:

F.E. (Ed) Dwyer Jr.
James Brager
Michael Scafani
Karen Russel

Doug Veader, Chairman
Review Committee

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

Doug Veader 10/25/11
Date

F. E. (Ed) Dwyer 10/25/2011
Date