



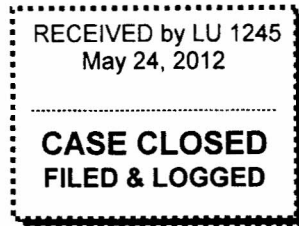
## REVIEW COMMITTEE

**IBEW**



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INTERNATIONAL BROTHERHOOD OF  
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LOCAL UNION 1245, I.B.E.W.  
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DOUG VEADER, CHAIRMAN

F. E. (ED) DWYER Jr, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

### Review Committee No. 20789 Electric Operations – Electric T&D – San Francisco

Michelle Roberts  
Company Member  
Local investigating Committee

Landis Marttila  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This grievance concerns the termination of a Cable Splicer for his role in a serious safety incident.

#### Facts of the Case

The grievant is a Cable Splicer with 8 years of service and no active discipline at the time of termination.

The grievant was part of a crew that was removing temporary power facilities including a pad-mounted transformer, a fused bypass switch, and primary and secondary cable. The crew did not adequately ground and test the cables and did not properly address potential back feed.

There was back feed from a generator which resulted in an arc flash. There were no injuries. After the flash, the foreman opened a secondary breaker on the transformer (which was not an adequate method to provide protection). The crew resumed work until a supervisor arrived on the job and shut it down.

#### Discussion

The Union stated that this is the only situation they can recall where an entire crew was discharged for a safety incident. There have been incidents where the Crew Foreman has been discharged, but the journeymen have received Decision Making Leaves or Written Reminders. The grievant's discharge is especially unusual given that he had no active discipline and was moved directly from a clean record to discharge.

The Union argued that the grievant believed the procedures used were appropriate for removal of the temporary transformer. His belief was reinforced by the direction of the experienced (38 years) Cable Crew Foreman. The grievant was following the direction of his foreman who told him everything was in the clear and ready to go. The grievant honestly believed he was performing the work safely and in compliance with all procedures.

The Company responded that there is nothing which precludes the discharge of a journeyman when working under the direction of a crew foreman. In this case, the journeyman was properly trained and continued to work even after the flash. Additionally, during the investigation, the grievant was vague with regard to the specifics of the work. This was a very serious safety incident which could have resulted in severe injury or death.

In regard to the allegation of not being completely forthcoming, the Union pointed out that by all accounts the grievant was extremely shaken up by the flash which occurred right in front of him. It is difficult to hold him accountable for being unclear of what happened after that. Likewise, it is difficult to hold him accountable for the work he performed (under his foreman's direction) after the flash. Quite frankly, the Union is surprised that the job was not shut down after the flash to assess the situation and the ability of the grievant to proceed.

**Decision**

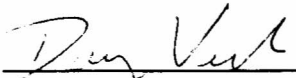
This grievance had been referred to arbitration; however, the parties continued efforts to resolve the case. After much discussion the Review Committee agrees to resolve this grievance as described below:

- Reinstatement on a DML effective upon his return to work
- 50% back pay (based on straight time hours offset by outside income)
  - (must provide income documentation)
- Benefits intact, except for 50% vacation reduction
- Must pass pre-employment drug screen
- Must successfully complete a knowledge and skills assessment
  - Failure of the assessment will result in retraining and reassessment
  - A second failure will result application of 206.15

This decision is based on the specific facts of this case and does not set precedence for any other grievances. Additionally, the Committee agrees that journeymen acting under the direction of a crew foreman may be discharged subject to challenge for just cause.

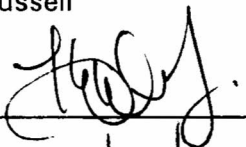
**For the Company:**

Doug Veader  
Laura Sellheim  
Ruben Ramirez  
Mike Savage

By:   
Date: 5/24/12

**For the Union:**

F.E. (Ed) Dwyer, Jr.  
Mike Scafani  
Jim Brager  
Karen Russell

By:   
Date: 5/24/2012