



## 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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DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

F.E. (ED) DWYER Jr, SECRETARY

### **Review Committee Number 20918 Electric Operations – GC Line - Fresno**

Monica Oakes  
Company Member  
Local Investigating Committee

Mark Rolow  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the discharge of a Miscellaneous Equipment Operator (MEO) for driving his boom truck into a 70kv overhead conductor.

#### Facts of the Case

The grievant is an MEO who had 21 years of service, no active disciplinary action, and no previous safety incidents on record.

The grievant was part of a four person General Construction crew which also included a Sub-foreman and two Linemen. Their assignment for the day was to install two guy anchors and a pole base in the Henrietta Substation. The crew had finished digging one of the holes and needed to move the truck approximately 15 feet to dig the remaining two holes. The grievant drove the truck, with the boom in the elevated position. Instead of stopping, the grievant continued driving approximately 55 feet past the next location where he made contact with the overhead line.

#### Discussion

The Company argued that driving a boom into a 70kv line is a serious safety incident. The grievant drove the vehicle in a substation with the boom in an elevated position. The rule, which allowed driving with the boom in an elevated position while at a job site, was changed when the EM&C Manual was updated in December of 2008. CSP 310 was also updated with these changes in August of 2010. Both of these documents were changed and provided to the grievant prior to the incident in February of 2011.

The Union noted that according to the testimony of the crew, one of the Linemen was acting as a spotter. In fact, at one point along the path, the spotter stopped the grievant because

the auger was dragging on the ground. . The grievant has stated that he was relying on the spotter to tell him when to stop.

The Union further argued that the rule change regarding driving was not well communicated. According to the LIC Report, employees were advised that CSP 310 and the EM&C Manual were revised, but there was no discussion, review, training, or mention of the rule change with the employees in the yard. The entire crew, including the Sub foreman in charge, knew the grievant was driving with the boom in an elevated position. In fact, in order to prevent the auger from dragging, the spotter actually raised the boom higher.

Finally, the Union argued that discharge was excessive given the culpability of the rest of the crew, the lack of understanding of the recent rule change, and the grievant's long service and good safety record. Discharge is also inconsistent with other situations which have resulted in Written Reminders for contacting overhead lines with a boom.

Decision

After much discussion the Committee agrees to reinstate the grievant with no back pay under the following conditions: The grievant will be placed on a Written Reminder in the Work Performance category effective the date of his return. His service and benefits will be in tact except vacation forfeiture pursuant to Subsection 111.5(a). At Company's option, the grievant may be required to pass a skills and knowledge assessment. The Union may assist in the determination of the criteria used in the assessment process. This settlement is contingent upon the grievant successfully passing a DOT return to work test.

**For the Company:**

Doug Veader  
Laura Sellheim  
Rod Williams  
Tanya Moniz-Witten

By: Doug Veader  
Date: 11/20/12

**For the Union:**

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

By: F. E. Dwyer Jr.  
Date: 11/20/2012