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REVIEW COMMITTEE

CASE CLOSED DEC 23 1983
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INTERNATIONAL BROTHERHOOD OF
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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

San Francisco Division Grievance No. 2-821-82-121
P-RC 851

December 22, 1983

MR. K. H. ANDERSON, Company Member
San Francisco Division
Local Investigating Committee

MR. F. A. SAXSENMEIER, Union Member
San Francisco Division
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Step Five A(i) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

Subject of the Grievance

This case concerns a disciplinary letter to a Cable Splicer for safety violations and a switching error. The grievant was assisting an Underground Foreman on Sunday, October 24, 1982 on a job that required the raising of potheads on a riser pole. This job also required the services of an overhead and underground crew. Also present was a General Construction line crew. The grievant assisted the Underground Foreman in transferring secondary load in the morning. The grievant was with the Underground Foreman when he verified that Switch No. 290 was open and tagged to the D.O. The grievant was also present when the Underground Foreman consulted with the G.C. Foreman about opening Switch No. 286 as an added safety precaution to avoid any possible secondary backfeed. After the G.C. Foreman agreed to open Switch No. 286, which was within his clearance limits, the Underground Foreman prepared three man-on-line tags and sent the grievant to open Switch No. 286 and tag to the Underground Foremen.

The grievant opened Switch No. 286 without a protective switching suit or gloves with protectors. Not wearing the protective gear was in violation of Accident Prevention Rule 706. After the General Construction line crew cut the jumpers in the clear from the energized overhead primary to the riser potheads with hot sticks, a platform was mounted on the pole. The grievant then began working on the riser cables without testing and grounding, a violation of Accident Prevention Rules 406 and 711.

While the grievant was performing the work on the potheads, the Underground Foreman was called to another job. Before leaving the job, the Underground Foreman called to the grievant on the pole "to close those switches if you finish before I get back, but check with the G.C. Foreman before you do". The grievant acknowledged by waving his hand. Upon completing the work, the grievant approached the G.C. Foreman and requested permission to close the switches as he had been instructed by the Underground Foreman. The G.C. Foreman asked that he

instead help remove the platform from the pole. The grievant countered that it would only take a few minutes to close the switches and that he wanted to do so. The General Construction Foreman then gave him the approval to go ahead. At this point, the grievant looked at the General Construction crew on the pole and saw they were not in contact with the potheads and left to close the switches. The grievant removed the tags from Switch No. 286 and closed. The grievant further removed the tags from Switch No. 290 and closed, energizing the portion of the circuit back to the potheads where he had been working. A General Construction Lineman received an electric shock when the grievant closed Switch No. 290. The Lineman who received the shock notified the General Construction Foreman who ran towards the grievant yelling and waving his arms. It was at this point the grievant understood he closed Switch No. 290 in error. The grievant has been a journeyman Cable Splicer since April 15, 1982 and has fully completed the apprenticeship.

Discussion

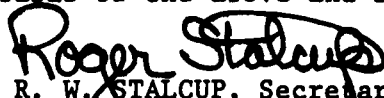
The first violation noted in the disciplinary letter to the grievant, (i.e., not wearing protective clothing and gloves when opening Switch No. 286 the morning of October 26) was done by the grievant after he was told by the Underground Foreman not to wear the protective clothing since Switch No. 286 was between clearances and was de-energized. The Committee agreed that the instruction, although contrary to the Company's safety rules, was condoned by the Underground Foreman and to discipline the grievant for its violation is improper. In further discussions, the Union opined that line switching by Cable Splicers in San Francisco Division without direct supervision was in violation of Item 11 of I. W. Bonbright's December 21, 1979 cover letter from the 1979 negotiations. Item 11 of the December 21, 1979 cover letter states that the issue of switching and clearances taken by Cable Splicers is a matter that would need to be further discussed in an Ad Hoc Negotiating Committee and until the matter was resolved each Division would continue its past practice with respect to this matter. The Pre-Review Committee referred several questions back to the Local Investigating Committee. 1) what has been the practice in San Francisco Division with regard to Cable Splicers switching, and 2) if they have switched, was it with supervision present or alone. The Local Investigating Committee responded that 1) Cable Splicers have never done primary switching on their own in San Francisco Division, and 2) Cable Splicers have switched on primary and installed 4 KV links and 4 KV boxes but only under the supervision of a Field Foreman. The grievant was employed in 1971 and has been in the Electric Department since 1974. He has received no prior discipline.

Decision

The Pre-Review Committee, after reviewing the subsequent information received from the Local Investigating Committee, is of the opinion that the grievant, in this case, was improperly disciplined. The order given the grievant to close the switches was not an accountable operating practice for any switchman. Any operating order must be specific in accordance with the General Operating Instructions, Section 3e. The Committee, therefore, agrees that the November 18, 1982 disciplinary letter will be rescinded. However, in regards to the Accident Prevention Rule violation of not grounding and testing before working on the riser cables, the Committee agrees that some discipline is in order. The employee,

therefore, should receive a memo to file outlining the Accident Prevention Rule and the violation. The case is closed on the basis of the above and should be so noted by the Local Investigating Committee.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

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