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R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

**CASE CLOSED  
LOGGED AND FILED****RECEIVED JUL 22 1986**General Construction Grievance No. 3-1478-85-112  
P-RC 1092

July 18, 1986

RICHARD S. BAIN, Chairman  
General Construction  
Joint Grievance CommitteeBARRY J. HUMPHREY, Chairman  
General Construction  
Joint Grievance CommitteeGrievance Issue

This grievance concerns the demotion of a Line Subforeman A for unsafe work practices.

Facts of the Case

On October 25, 1985, the grievant and his crew were assigned to perform a clearance at a 7-Eleven store. The grievant could not get into the customer's panel box and decided to do the job hot and installed temporary jumpers. The apprentice on the crew was holding the center jumper as he was coiling it up. The grievant was holding the slack. The bottom of the grievant's hot stick came into contact with the pot head resulting in an arc which caused a fuse to blow.

The lights at the 7-Eleven store and the stop light were working. The 7-Eleven store had been notified that the lights would be out for a few minutes while the fuse was being changed. The store had been notified the previous day and again that morning that they would be without power for a period of time, 30 minutes or less during the clearance.

The grievant did not notify his supervisor or the Dispatch Operator of this incident.

The grievant's supervisor became aware of this incident on October 28 when one of the crew members requested a new pair of safety glasses. The grievant was on vacation until November 4, 1985. The grievant stopped by the yard on October 31 to pick up his paycheck. His supervisor mentioned to him that he had lost the circuit at the store. The grievant stated that the power remained on.

On November 4, the General Foreman and the grievant discussed reclosure intervals. The General Foreman felt the incident was serious enough to warrant disciplinary action. The reason for considering disciplinary action was that the employee had been involved in a similar incident in January 1985

which led to his demotion to Lineman for six months.

The General Foreman decided that the grievant would be demoted to Lineman for twelve months based on the following reasons: (1) causing a commercial customer to be out of service for 20 to 25 minutes, (2) causing a relay or reclosure of the circuit and failure to report and notify the Dispatch Operator (D.O.) and his supervisor, (3) blowing the fuse which resulted in an arc, jeopardizing crew safety, (4) failure to use rubber to reduce the possibility of an arc and (5) causing a customer complaint.

### Discussion

The Committee noted that the Local Investigating Committee investigation revealed that although the grievant had taken the store out for 20-25 minutes to replace the fuse, the grievant had notified the store previously that they would be without power for 30 minutes. The circuit was not relayed to the substation, nor was there a tripped reclosure. In fact, there was no reclosure between the work site and the substation. Therefore, there was no requirement to report the incident to the Dispatch Operator. Also, it is not usually required to report a blown fuse to the supervisor and; in addition, no customer complaint occurred because of this.

The Committee did agree that the grievant should have shown better judgment and used rubber when working in close quarters, although given the configuration of this particular pole, rubbering would have been difficult and time consuming. Even if the grievant had used the rubber goods, this incident may not have been prevented. By not doing so, he may have jeopardized the safety of the crew.

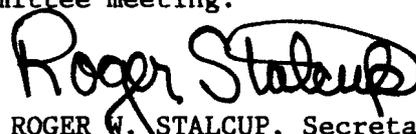
### Decision

The Committee agreed that at the time discipline was decided upon and administered, the Company did not have the complete and accurate facts and made some assumptions as to the specific incident. The Committee also agreed that the grievant, as an experienced employee, should have shown better judgment with regard to safety precautions in performing this work procedure.

Based on the foregoing, the Committee agreed that the 12-month demotion was too severe for this specific incident and, therefore, adjusts the demotion period from November 5, 1985 through March 14, 1986. Retroactive to March 17, 1986, the grievant will be promoted to Subforeman A. The disciplinary letter will be rewritten to accurately reflect this decision and the facts of the case.

With this adjustment this case is closed, and such closure should be noted in the minutes of the Joint Grievance Committee meeting.

  
DAVID J. BERGMAN, Chairman  
Review Committee

  
ROGER J. STALCUP, Secretary  
Review Committee