



# REVIEW COMMITTEE

7.1 Just cause for  
discipline -  
Auto accident

PACIFIC GAS AND ELECTRIC COMPANY  
215 MARKET STREET, ROOM 916  
SAN FRANCISCO, CALIFORNIA 94106  
(415) 973-1125

NOV 30 1989

**CASE CLOSED  
LOGGED AND FILED**



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(415) 933-6060  
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

RECEIVED NOV 30 1989

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

General Construction Grievance No. 3-1909-89-14  
P-RC 1365

BYRON TOMLINSON, Chairman  
General Construction  
Joint Grievance Committee

BARRY HUMPHREY, Chairman  
General Construction  
Joint Grievance Committee

### Subject of Grievance

On January 6, 1989, Company issued a written reminder for auto accident.

### Facts of the Case

The grievant was a Field Garage Mechanic A with a hire date of July 31, 1978. The grievant had no discipline history.

On December 17, 1988, the grievant rear-ended a third party vehicle at a stop sign. The accident was determined as avoidable by Safety, Health and Claims. The grievant, as he was approaching a stop, indicated that he had taken his eye off the other vehicle when that vehicle slowed down prior to completing its right turn. The grievant was also making a right turn.

### Discussion:

The Company opined that the discipline meted out was consistent with the Department's past practice regarding avoidable auto accidents. Unless mitigating factors are evident, a written reminder is the usual discipline for this safety violation.

The Union stated that it is inappropriate to give written reminders for almost all avoidable accidents. Given the wide range of circumstances and factors associated with such an accident, a broader range of discipline would be expected to be meted out. Further, the Union stated that in the Divisions, an oral reminder is common discipline for the first avoidable auto accidents. It is the Union's opinion that several years ago, prior to Positive Discipline, General Construction did not categorically give a written reminder with time off for the first avoidable auto accident.

The Union also produced a copy of Grievance 3-1908-89-13 which was filed the day before the subject grievance. It involved a written reminder issued for

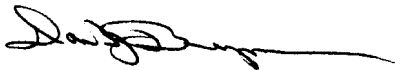
an avoidable auto accident which occurred two weeks after the subject grievance. It was settled at the Local Investigating Committee that an oral reminder was appropriate. This grievance involved the same supervisor, another individual in the same classification as the grievant and similar circumstances, whereby the grievant failed to maintain proper distance and rear-ended a third party vehicle. The grievant was also a long-service employee with no previous discipline.

Discussion and Decision

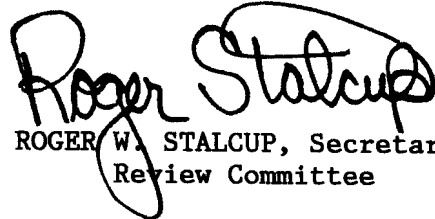
The Committee discussed at length the Department's discipline history regarding safety violations and avoidable auto accidents and also reviewed the other concurrent case. The Union opined that it is inappropriate to have a set policy that infractions of a certain nature automatically mandate a set level of discipline. The Union opined that discipline should be meted out based on the facts of the case, and with that, the level of discipline should vary. The Company opined that since time off without pay is no longer given that the written reminder must cover a wider range of circumstances.

In consideration of the foregoing, the Committee agreed to reduce the written reminder to an oral reminder solely on the basis of the concurrent grievance. The Committee does not intend that this settlement establish a precedent as to the appropriate level of discipline for this type of violation.

Based on the foregoing, this case is closed and such closure should be so noted in the minutes of the Joint Grievance Committee meeting.



DAVID J. BERGMAN, Chairman  
Review Committee



ROGER W. STALCUP, Secretary  
Review Committee

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