



REVIEW COMMITTEE

7.1 - Just Cause for discipline - backing accident

MAR - 1 1990



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

**CASE CLOSED
LOGGED AND FILED**

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

RECEIVED FEB 12 1990

D.J. BERGMAN, CHAIRMAN

Stockton Grievance No. SJ-STKN-76-16-88-167-29
P-RC 1382

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

February 6, 1990

KARI BRIGHT, Company Member
Stockton Division
Local Investigating Committee

BOB GIBBS, Union Member
Stockton Division
Local Investigating Committee

Subject of the Grievance

This case concerns a Written Reminder received by a Sr. Meterman for a backing accident.

Facts of the Case

On October 24, 1988, the grievant was working a tag that did not have a specific address. While searching for the meter location, the grievant drove into a driveway at a chicken farm. Upon reaching the pole, the grievant determined that it was not the meter that he needed. The grievant was on a path on which he could continue forward, but the road was muddy and he was uncertain whether he could exit the property in that direction. Therefore, he backed up to turn around so that he could exit the property in the direction from which he had entered. While backing around some bushes, the grievant's pick-up truck fell into a large cement pit. The truck had to be pulled from the pit and was driven to the service center. It was later determined that the pick-up, with approximately 90,000 miles on it, had to be stripped for auction due to the extent of damage to it.

Discussion

The issuance of the Written Reminder rather than lesser discipline was based on the severity of damage to the vehicle and the potential for serious injury to the grievant. Company believes that these are legitimate factors to be examined when considering the appropriate level of discipline. Union opined that these factors should not be considered.

The Committee examined discipline meted out in Stockton Division for previous backing accidents. Of twelve previous incidents, ten employees were issued either a disciplinary letter under constructive discipline or an Oral Reminder under Positive Discipline. One employee received a one-day disciplinary layoff for a backing accident in 1986. That employee had no previous discipline and had one previous accident in 1984. Another employee received a two-day layoff

February 6, 1990

and had five previous accidents, the last of which had resulted in a disciplinary letter.

Decision

There was no disagreement that the grievant was negligent. He had a number of options available to him before backing, including leaving the vehicle to make sure adequate room existed to safely turn around. The disagreement was over the level of discipline. Setting aside the above dispute over what factors should be considered in determining the discipline but considering the Division's practice in this area, the Committee agreed that this incident does not rise to the level of a Written Reminder. Therefore, the discipline is reduced to an Oral Reminder.

On the basis of the above, this case is considered closed, and such closure should be noted by the Local Investigating Committee.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

RRDoering(223-1124):mc