



# REVIEW COMMITTEE

**IBEW**



PACIFIC GAS AND ELECTRIC COMPANY  
201 MISSION STREET, ROOM 1508  
MAIL CODE P15B  
P.O. BOX 770000  
SAN FRANCISCO, CALIFORNIA 94177  
(415) 973-8510

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**CASE CLOSED  
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W  
P.O. BOX 4790  
WALNUT CREEK, CALIFORNIA 94596  
(510) 933-6060  
R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Grievance No. SFO-94-76  
Fact Finding Committee No. 5743-94-192  
Pre-Review Committee File No. 1865

## Subject of Grievance

This grievance concerns a Decision Making Leave given to the grievant for poor work performance caused by the damage of a fiber optic cable.

## Facts of the Case

The grievant is an Unassigned Fitter with 16 years of Company Service. He transferred to the physical bargaining unit as a Utility Worker - Gas T&D in 1990 and became an Unassigned Fitter on January 24, 1994. He did not have any active discipline at the time of the incident that resulted in the DML.

The grievant was upgraded to Gas Crew Foreman on the third day of a job performing trenching work in San Francisco's financial district. When the job was turned over to the grievant it was explained that the job had not been marked by U.S.A. and to be careful because of all the other facilities in the trench.

The grievant had jack hammered through approximately 10 inches of pavement before encountering some red slurry. After breaking through about 5 inches of the slurry, he hit a pocket which caused the slurry to split and the jack hammer to drop on the fiber optic cable. The cut in the cable resulted in fifty-eight Financial District buildings being affected. The grievant testified that he did not know what was underneath the slurry.

Two weeks before the incident, Pacific Bell made a presentation to the gas department on safety measures to be followed around fiber optic lines. In February 1993 a tailboard was held on the same subject. The grievant was not present at either meeting. Standard Practice 449-1 requires that where the depth of facilities is not established, power digging equipment is not to be used except to break and remove the surface pavement.

Subsection 205.14 (b) allows that the Company shall give preferential consideration for upgrade or appointment to supervisory classifications to those employees with one year or more of experience in a journeyman classification. It is not clear from the LIC report why the grievant, who had only three weeks experience as a journeyman, would be upgraded to Gas Crew Foreman replacing a more seasoned employee.

## Decision

The committee determined that the active period of the disciplinary action had expired and the Decision Making Leave had been removed from the grievant's 701 file. Notwithstanding the fact that the discipline has been deactivated and the issue in this grievance is therefore moot, the committee concluded that it appears the DML may have been too severe given the circumstances of the incident.

The testimony fully supports that the grievant was negligent in discharging his duties. When the grievant encountered the red slurry, which he testified he was unfamiliar with, he should have investigated it further before using a jack hammer. Also, he had an additional responsibility as crew foreman to ensure that the facilities were properly identified. It is clear that some level of discipline was appropriate. However, that level of discipline should have been mitigated by the fact that the grievant had been upgraded to the job with less than three weeks as a journeyman, had not attended any of the recent training on underground facilities, and had no active discipline.

The grievant was denied upgrade to crew foreman during the period of the DML, but it appears he would probably not have been eligible anyway given the fact that he had less than one year as a journeyman for almost the entire time of the DML.

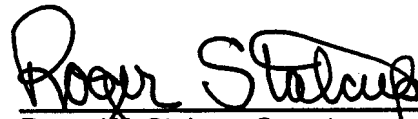
This case is closed without adjustment.



Margaret A. Short, Chairman  
Review Committee

9/22/95

Date



Roger M. Stalcup, Secretary  
Review Committee

9/22/95

Date