



REVIEW COMMITTEE

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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

**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-94-77
Fact Finding Committee No. 5744-94-193
Pre-Review Committee File No. 1866

Subject of Grievance

This grievance concerns a Written Reminder given to the grievant for poor work performance related to the damage of a fiber optic cable.

Fact of the Case

The grievant has 10 years of service and has been a Fitter for 4 years. He was upgraded to Gas Crew Foreman for the dates of February 10 and 11 performing excavation work in San Francisco's Financial District. On February 14, he was replaced as Gas Crew Foreman but continued to work on the crew as a Fitter.

On the first day of his upgrade, the grievant notified the temporary exempt supervisor that the job had not been marked by Underground Service Alert (U.S.A.). The temporary exempt supervisor responded that he believed U.S.A. had been called but had probably not gotten around to marking the area. He instructed the grievant to proceed with the job but to be careful and to dig by hand. In San Francisco Division, the exempt supervisor is normally responsible for contacting U.S.A. It was later determined that U.S.A. had not been contacted.

Standard Practices 449-1 and 254-5 provides that it is the crew foreman's responsibility to ensure that he has been provided with all the available information relative to underground facilities and that the exact location of such facilities must be determined or marked.

On February 14, he turned the job over to a new Gas Crew Foreman and remained on the job as a Fitter. The grievant told the new Gas Crew Foreman 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 Gas Crew Foreman damaged the fiber optic cable while using a jack hammer. Fifty-eight financial district building were affected. The grievant was out of sight and behind the truck when the accident occurred.

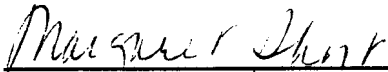
The grievant was given a written reminder for not taking the necessary steps to ensure that all the facilities had been identified.

Decision

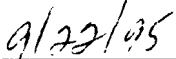
At the outset, the committee determined that the active period of the disciplinary action had expired and the Written Reminder had been removed from the grievant's 701 file. Notwithstanding the fact that the discipline had been deactivated and the issue in this grievance is therefore moot, the committee concluded that it appears that the disciplinary action taken was too severe given the circumstances of the incident.

The grievant had notified his exempt supervisor that the job had not been marked by U.S.A and was instructed to proceed with caution. He made some attempt to identify facilities and briefed the new Gas Crew Foreman on the situation. He was not in charge of the job or involved in the work when the accident occurred. Since the issue of discipline is moot, the committee did not attempt to resolve what level of discipline, if any, would have been appropriate.

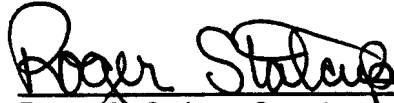
On that basis, this case is considered closed.



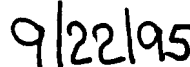
Margaret A. Short, Chairman
Review Committee



Date



Roger W. Stalcup, Secretary
Review Committee



Date