



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
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MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

RECEIVED by LU 1245
OCTOBER 16, 2000

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
(925) 933-6060
BOB CHOATE, SECRETARY

Pre-Review Committee No. 10452

Jeff Neeley
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Decision Making Leave (DML) given to a Troublemaker for an avoidable automobile accident.

Facts of the Case

On October 25, 1999 the grievant rear ended a third party which resulted in injury to the third party and extensive damage to the third party's vehicle. The grievant stated he was traveling with the flow of traffic and that when the vehicle in front of him came to a sudden stop, his truck rear ended the third party's vehicle.

The grievant was given a DML on November 30, 1999 citing violation of Industrial Injury Prevention Program Rules 317(a) - Basic Speed Law and 321 - Following too Closely.

These violations were also cited in the police report. At the time the grievant was already on an active Oral Reminder (OR) resulting from an avoidable auto accident which occurred on August 18, 1999.

Following the accident on October 25, the grievant submitted two work tags for the garage to inspect the brakes on the truck involved. The truck's brakes were tested three times and found to be in good working order.

Discussion

Union argued that DML was too severe and didn't warrant skipping a step of Positive Discipline. Union noted that Troublemakers have a high degree of risk for auto accidents because they drive so much. Further, the Union argued that the PD log indicated that the grievant was coached and counseled on October 25 for the auto accident and that giving him a DML was double jeopardy.

Company responded that skipping a step of PD was warranted in this case to get the grievant's attention that safe driving is imperative. He'd had an accident only two months prior where his side mirror struck a parked trailer and pick-up truck causing significant damage to the Company truck and the third party truck and trailer. In the OR, the grievant was told:

"As a TROUBLEMAN you drive many miles a day and are exposed to many hazards and because of this you must be extra careful."

As to the PD Log, the LIC did not discuss the October 25 entry and therefore there is no testimony concerning it. The PRC noted the explanation that what transpired on that day was the initial investigation into the facts and that it should not have been recorded as a coaching and counseling session. PRC further noted the explanation that the delay in administering the DML was, in part, due to the explanation that the grievant gave alleging faulty brakes. They had to be checked by the Garage before a final decision concerning discipline could be made. The PRC also noted that the supervisor had already written in the deactivation date for the August 25 OR when clearly that date had not yet transpired. Further, there were a couple entries on this PD log indicating coaching and counseling for "pink slips". In general, employees would not be subject to the disciplinary process for filing pink slips.

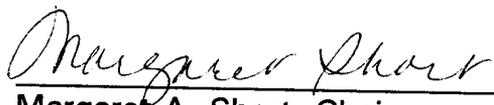
The PRC also noted that the October 25 c/c entry had been lined through and therefore it cannot be conclusively decided that a double jeopardy situation occurred.

PRC strongly recommends that in disciplinary cases, copies of all accurate active discipline and related information be a part of the LIC report.

Decision

In an effort to settle this case, the PRC settles this case without prejudice by agreeing the DML was for just and sufficient cause based on the facts of this case. The DML will be deactivated October 25, 2000 assuming no other incident occurs prior which warrants discipline.

This case is closed based on the foregoing adjustment.



Margaret A. Short, Chairman
Review Committee

10/12/00

Date



Bob Choate, Secretary
Review Committee

10/10/00

Date