



REVIEW COMMITTEE

IBEW



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
WALNUT CREEK, CALIFORNIA 94598
(925) 974-4282

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

RECEIVED by LU 1245
AUGUST 31, 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. 11419

Kelly Adams
Company Member
Local Investigating Committee

Lula Washington
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a long service (24 years) Gas Service Representative, Oakland, for an avoidable accident.

Facts of the Case

At the time of the accident, the grievant had been on an active DML for nine months. The grievant had progressed through each step of the PD process to DML in the work performance category resulting from low productivity and quality review scores, tag completion errors, and leaving hazards. The grievant had been a GSR since 1991. The DML was grieved and sustained, conditionally. The Supervisor and co-workers have recognized that the grievant was not suited for the classification he was in and regularly assisted him in filing bids and transfers for jobs that he would be more suitable. As part of the local grievance settlement, if the grievant was able to obtain another classification, the DML would be rescinded.

On February 1, 2000 at 5:30 p.m. the grievant was driving a Gas Service truck southbound on Highway 880 in lane #3. He moved to lane #4, then noticed a vehicle tailgating him. He perceived the car in front of him was at least four car lengths ahead, so to create space from the tailgater, he looked to the left to see if he could pass the vehicle in lane #3. There was a bus swiftly approaching in lane #3. At this time, the grievant looked to the front and noticed the car in front of him, in lane #4, was abruptly braking. He then proceeded to apply his brakes but had miscalculated the stopping distance. Still trying to avoid the car in front of him, the grievant pulled into lane #3, striking the bus on the right rear causing his vehicle to careen to across lane #4, side swiping the car that had been in front of him, and then continuing on another 50 feet striking another third party vehicle.

The Highway Patrol Report concluded: that the grievant caused this traffic collision by violating section 21703V.C., following too close. An associated factor in this traffic collision was that the grievant was in violation of 22107V.C., unsafe turning movement. The cause was determined by statements, damage and vehicle location. The accident caused significant loss to the Company and to third party vehicles.

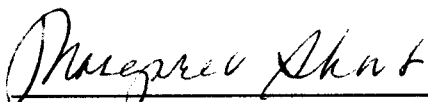
Discussion

The Union argued that based on the termination letter, the avoidable accident would not have warranted discharge if the grievant had not already been on a DML. Union opined it was clear to both parties locally that the grievant was not suited to be a Gas Service Rep and asked that Company consider reinstating him to another position. Further, the grievant did have a job award to Utility Worker but the Company canceled that position and 10 others, before he could report.

Company responded that the grievant had been a GSR for many years and had demonstrated over the years that he could perform the work satisfactorily. In addition, Company cited Arbitration Cases 167 and 215 which upheld discharges for minor avoidable accidents of long service employees who were on active DML's.

Decision

Based on the fact that the grievant was on an active DML at the time of the accident, the PRC is in agreement that the discharge was for just and sufficient cause. This case is closed without adjustment.



Margaret A. Short, Chairman
Review Committee

8/30/00
Date



Bob Choate, Secretary
Review Committee

8/30/00
Date