



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
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RECEIVED by LU 1245
OCTOBER 3, 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

MARGARET A. SHORT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

Pre-Review Committee No. 11473 & 11474

Kathy Ledbetter
Company Member
Local Investigating Committee

Mike Haentjens
Union Member
Local Investigating Committee

Subject of the Grievances

These cases concern Decision Making Leaves (DML) given January 26, 2000 to a Street Fitter and a Backhoe Operator for their actions on January 6, 2000.

Facts of the Case

On January 6, 2000 the grievants and a Working Foreman B were working on private road in Los Altos Hills digging a receiving hole for the boring crew. The line was USA marked about 20 feet away well away from the area that the crew was digging.

The Backhoe Operator stated the dirt was very hard in the area that he was digging, he was thinking this as his Backhoe snagged a "bolt on" 1/2" service attached to the 1 1/4" service. The "bolt on" came out causing the line to blow gas. The Operator first set his Backhoe on the leak in an attempt to deflect the dirt. The Street Fitter who had been spotting for the Operator jumped into the hole and started bending the line over to stop the leak. The Operator moved the Backhoe and jumped into the hole with the Street Fitter. The two employees were able to bend the pipe back and tape it to stop the leak.

While the record is very unclear in this regard, it appears that the Working Foreman B who was initially 100 feet away in his truck completing time cards, also jumped into the hole. The record does not state how long it took the grievants to stop the leak but indicates it occurred at about 11:00 a.m.

The Street Fitter and the Working Foreman B returned to the service center to pick up the materials needed to make repairs. The repairs were completed by 2:00 p.m. The grievants nor the Working Foreman B reported the dig-in to a supervisor as they are required to do. The Working Foreman testified that he told a Field Engineering Tech by cell phone that the job wasn't marked correctly.

The Distribution Supervisor stated he became aware of a possible problem after speaking to the Boring Crew Foreman while attending a tailboard meeting with that crew at the Cupertino yard on the morning of January 7th. He left and arrived at the job site about 20 minutes later where he observed plywood covering a hole and asked the crew to lift it and show him what was underneath. The Distribution supervisor saw the repaired leak and interviewed everyone on the crew about it. The Street Fitter initially told the Supervisor the pipe had been squeezed off.

The DML's were given for violation of APR P11c, d, & e (employee responsibilities), 1313d (suitable clothing and personal protective devices), 1315 (plastic pipe static charges), Gas Standard A-93.1 (7.2.1 Squeeze requirements) and failure to notify management of a serious situation. Neither grievant had any active discipline at the time of the DML. The Working Foreman received a DML and was demoted. This action was grieved and resolved at the local level.

The Supervisor stated the grievants should have made the area safe, stood by, and contacted a supervisor immediately. The supervisor would have made arrangements for a Division crew to respond as they are equipped and staffed to do this type of work. The correct procedure to make the repair would have been to dig another hole and squeeze the line in that hole. The repair would not have been made while wearing flashsuits.

Discussion

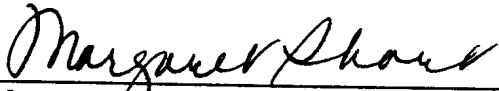
The Union argued that DML's were too severe for the action taken by the grievants, that their actions resulted from an error in judgment rather than from negligence. The cause of the dig-in was incorrectly marked facilities, not Backhoe Operator error. Further, the Company has not followed the intent of Positive Discipline which is to change behavior, that it was not necessary or warranted for a DML to be given in this case and a lower level of discipline would have the intended effect. Union also believes that the crew leader must be held accountable for the actions of his crew as was done in this case. In general this means the crew leader who allows or participates in work rule violations or misconduct will receive a more severe step of discipline than his crew members. To apply this principle to this case would result in the reduction of the DML's to Written Reminders.

Company argued that there has been much communication with gas department employees about the general dangers of and precautions necessary when entering an excavation with blowing gas. There is documentation in the LIC file that this topic was reviewed with employees in this headquarters on at least three occasions in 1999 prior to this incident. Company stated that despite taking serious disciplinary action in the past when employees have jumped into a hole with blowing gas without protective clothing, the practice continues and it must stop.

Decision

The PRC agrees to mitigate the discipline for the grievants in these cases by reducing the DML's to Written Reminders. In settling these cases, the Pre-Review Committee is not setting precedent for future similar situations as the expectation of how blowing gas situations are to be handled has been clearly communicated to employees. Appropriate discipline will be based on the facts of specific situations.

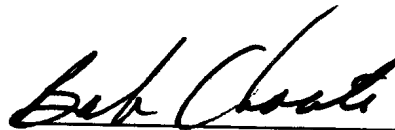
These cases are closed on the basis of the adjustments provided herein.



Margaret A. Short, Chairman
Review Committee

9/29/00

Date



Bob Choate, Secretary
Review Committee

9/29/00

Date