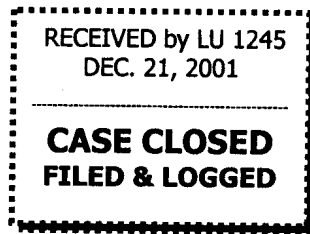




## REVIEW COMMITTEE



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SALIM A. TAMIMI, SECRETARY

MARGARET A. SHORT, CHAIRMAN

DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL

**Pre-Review Committee No. 12662**  
OM&C Area 7- Electric T&D - Garberville

Shawn Hoover  
Company Member  
Local Investigating Committee

Rich Cowart  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case concerns a Decision Making Leave given to a temporary Electric Crew Foreman for grounding errors which resulted in injury to a crew member.

### Facts of the Case

On Friday February 23, 2001 two crews, a transmission crew and a distribution crew, were to repair downed 12kV and 60kV lines. On the way to the job, the distribution crew's trailer slid off the road and they were unable to assist on the job. As a result the transmission crew completed repairs on the 60kV conductor.

On Saturday, February 24, 2001 a five person crew consisting of three Linemen and one Electric Crew Foreman from Fortuna and the grievant, a temporary Electric Crew Foreman from Garberville, dispatched to re-sag a 12 kV conductor. The grievant was the Crew Foreman in charge.

Getting to the job site took several hours as the weather conditions were poor and the site remote. Upon arriving, the crew tailboarded the job and agreed to drop the 12kV wire to the ground, bump the two ends together without adding additional wire, use the winch on the Sno-cat to re-sag the wire, and then pin the wire back into its original place. They also decided to leave the 60kV line energized.

Two of the Linemen climbed 200' down a ravine to access the downed 12kV line. The grievant was at the top of the ravine to relay information to the Lineman on one of the poles and the Lineman on the Sno-cat operating the winch. The Lineman on the pole placed grounds on it to create an Equal Potential Zone (EPZ).

The Linemen in the ravine bumped the two split ends together using rubber gloves. With that complete, the Lineman operating the winch began to slowly raise the line. When it was approximately 2-3 feet from being dead-ended, the 12kV line came into contact with the energized 60kV line. The voltage traveled from the conductor line, through the roller, down the line to the winch, through the remote control line, entered the right thumb of the Lineman operating the winch, and exited his left foot going to ground. The Lineman was thrown six feet backwards. The injured employee was examined at a hospital and released.

The following day, Sunday, the crew returned to the job site to complete the re-sagging of the 12kV conductor. With the 60kV conductor de-energized they attempted to re-enact the incident. At approximately the same point, the 12kV again contacted the 60kV. The crew then added approximately 1 to 2 feet of additional wire to the 12kV.

An investigation of the incident was conducted by Safety, Health, and Claims. It was determined that the following precautionary measures should have been taken:

- de-energize the 60kV conductor
- application of bracket grounds as required by the 2000 Protective Grounding Manual when conductors are broken and lying on the ground
- used running lines, hold down lines, or a tag line to maintain control of the downed 12kV conductor.

The grievant has been a journeyman Lineman for more than 20 years and had no active discipline at the time the DML was given.

#### Discussion

Union made three arguments in this case. First, the Union noted that the grievant conducted a tailboard meeting and all crew members agreed on how to proceed with the job. The incident occurred not because of short-cutting but due to an error in judgment about how to accomplish the job. That being the case, DML is too severe.

Secondly, the Union argued that the DML should be reduced because Company has continued to upgrade the grievant to Crew Foreman even though on a DML. Such upgrades are prohibited pursuant to the reading together of Sections 205.3, 205.7, and 205.11.

Third the Union argued that discipline to be effective needs to be timely and that two months to conduct an investigation and determine the level of discipline is too long. Company stated that there is no prescribed length of time for an investigation, some take longer than others depending in the complexity of the issues being investigated. Further, it is in everyone's best interest to have thorough and complete investigations.

Company responded that the method the employees chose to follow was in violation of specific requirements in the Grounding Manual (Section 7.5) which states:

"When conductors are to be contacted from the ground, the only grounding method that can be used is bracket grounding....."

and the Code of Safe Practices Rule Number 422 (a) which states:  
"When stringing or removing conductors, the number of employees handling the conductor shall be held to a minimum. Running lines, hold down lines, and/or tag lines shall be used, and left attached, until the conductors are in place and properly secured. It is the duty of the employee in charge to see that such means of protection are adopted as are necessary to make the work safe."

The Joint Statement of Facts contains testimony from the T&D Specialist about grounding training received by the grievants just months prior to this incident. The employees were given 4 - 6 hours of training on protective grounding and the changes made to the manual.

Company noted the grievant's testimony calls into question his ability and personal qualifications for Crew Foreman as contemplated in Section 205.14(a) of the Physical Agreement. The grievant testified:

"He doesn't feel that it is his job as an ECF to have to give specific direction to a crew with this kind of experience. He would give specific direction if he was leading a group of apprentices, but since this crew consisted of experienced hands with whom he had worked for years, there was no need to lead a specific tailboard."

The PRC noted that the Linemen on the crew were given Written Reminders and the other Electric Crew Foreman was given a DML which was reduced to a WR at the Fact Finding step of the grievance procedure. Company then pointed out that the Crew Leader is generally given a higher step of discipline than the crew members which is what was done in this case. However, the other ECF was not in charge of the crew even though he holds that classification on a regular basis.

Decision

The PRC agrees that the DML was for just and sufficient cause and that temporary upgrades to ECF should be discontinued until the DML is deactivated.

With regard to the date of deactivation, consistent with the settlement at Fact Finding, the date of issuance of the DML will be revised to March 23, 2001. This modification to the discipline is without prejudice.

Margaret A. Short  
Margaret A. Short, Chairman  
Review Committee

Sam Tamimi  
Sam Tamimi, Secretary  
Review Committee

12/21/01  
Date

12-21-01  
Date