

7.1; 102.2: DML given to Bakersfield GC Subforeman for an incident where a crane fell over and employee injuries occurred. Just cause for the discipline, however, was already mitigated by the shortened active life of the DML.



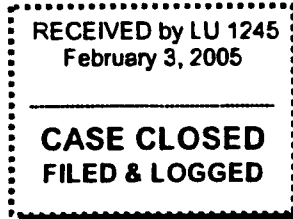
## REVIEW COMMITTEE

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



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 95696  
(707) 452-2700  
SALIM A. TAMIMI, SECRETARY

Pre-Review Committee No. 15181  
GC - Line Construction - Bakersfield

Jeff Neeley  
Company Member  
Local Investigating Committee

Mike Haentjens  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This case involves a DML given a Subforeman A for his involvement in an incident where a crane fell over and employee injuries occurred.

### Facts of the Case

On January 14, 2004 the grievant's crew was working on an 115KV line to setup and put the conductor in rollers. The crew had been on site the day before utilizing the rented crane. The crew attended training on the use of this piece of equipment on January 8, 2004. However, they did not complete the scheduled three hours of training as they were asked by a Transmission Supervisor, not their own, to go assist another crew. The Subforeman pulled his crew from the training and complied with the request without checking with his own Supervisor.

The incident was very serious resulting in significant injuries to the grievant and one other crew member.

The DML day was June 9, 2004 after a thorough investigation by Safety, Health, and Claims and the grievant's return to work. The confirming DML letter indicates that the active time period of the DML is until January 15, 2005, one year from the date of the incident.

### Discussion

Union argued the discipline is too severe for a Subforeman who was not the operator of the equipment and who does not have the personal skills or background as an equipment operator.

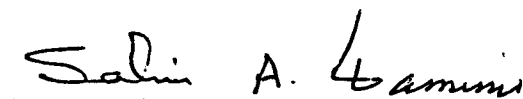
Company responded that crew leaders are responsible for what occurs at the job site and typically are held to a higher standard than their crew members when discipline is meted out. Further, Company noted that the shortening of the active DML time frame was a local decision and not precedential in any way. Further, without going into all of the facts and discussion here, Company noted there was clearly just cause to discipline the Subforeman and that the level of discipline is at this point, moot. Finally, the grievant's discipline was already mitigated by the shortened active life of the DML.

### Decision

This case is closed without adjustment and without prejudice to the position of either party.

  
Margaret A. Short, Chairman  
Review Committee

1/31/05  
Date

  
Sam Tamimi, Secretary  
Review Committee

1-31-05  
Date