

7.1; 105.5: DML given to a Fresno ECF for a failure to follow a safety work rule that resulted in a fire to a residence causing 3rd party injury, customer vehicle damage and a tree. Issue is considered moot since the DML has expired. Case closed.



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MARGARET A. SHORT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

REVIEW COMMITTEE

RECEIVED by LU 1245
August 8, 2005

**CASE CLOSED
FILED & LOGGED**

IBEW



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
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(707) 452-2700
SALIM A. TAMIMI, SECRETARY

Pre-Review Committee No. 15307 OM&C – Area 4 – Electric T&D – Fresno

Monica Oakes
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a DML given an Electric Crew Foreman for a failure to follow a work rule that resulted in a fire to a residence causing third party injury, substantial damage to another customer's vehicle, and to a tree.

Facts of the Case

The grievant is very long service and had no active discipline at the time of the incident. The grievant was working with a Lineman and they were trying to locate an underground fault in a vault by using a biddle.

The grievant stated that always before when he'd used the biddle, there was a three person crew. However, the temporary supervisor asked him prior to the assignment if he thought the grievant could do the work with just two people. The grievant responded that they would try.

The fire occurred when they energized the cable without first inspecting, checking in the clear, isolating, or covering with protective devices. All cables are to be inspected or checked in the clear prior to testing. It was later determined that there must have been oil leaking in the vault. An inspection of the enclosure to make sure the cable was in the clear and free of flammables before energizing the line may have identified this hazard.

The Lineman received a Written Reminder and as is the practice, the Crew Leader received a higher level of discipline.

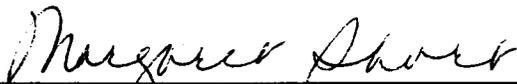
Discussion

Union opined the discipline was too severe for such a long service employee with no active discipline. Also, Union argued Company provided insufficient training on the biddle and allowed the employees to work without the appropriate complement.

Company responded this was a very serious incident resulting in third party injury and significant property damage. The levels of discipline are consistent with other serious work rule or safety infractions.

Decision

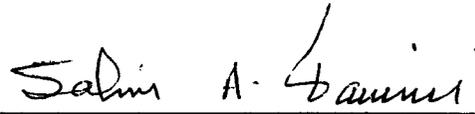
Inasmuch as the DML expired on August 3, 2005, the grievance issue is moot. The parties agree to disagree and close this case on that basis.



Margaret A. Short, Chairman
Review Committee

8/5/05

Date



Sam Tamimi, Secretary
Review Committee

8-5-05

Date