

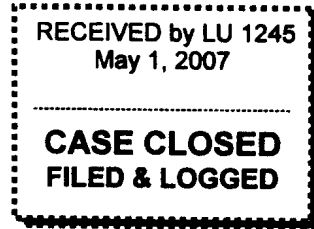
7.1: Based on the seriousness of the Co. vehicle accident (minor injuries and the truck was totaled); the Comm. agrees the DML given to an Elect. T&D Assistant was for just and sufficient cause.



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

REVIEW COMMITTEE



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

Pre-Review Committee No. 16564 Energy Delivery – Electric T&D – San Carlos

Betty Wong
Company Member
Local Investigating Committee

Landis Marttila
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a DML given an Electric T&D Assistant for an avoidable vehicle accident.

Facts of the Case

The grievant was driving, with an Appr. Lineman in the passenger seat, from a job in Hillsborough to the San Carlos service center. It was approximately noon when the accident occurred. The grievant indicated he was driving between 10 – 25 mph, well below the posted speed limit on the highway. Weather conditions were rainy and the roadway was wet. As he rounded a curve in the highway, traffic stopped suddenly. He braked hard for about 5-10 seconds; the truck went up an embankment to the right then rotated 180 degrees, slid down the guardrail about 15 feet, and came to rest on the driver's side roof and boom. The grievant and the Apprentice sustained minor injuries; the truck was totaled. The replacement value for the truck and the property damage is approximately \$200,000.

A post-accident DOT drug and alcohol test was conducted. The results were negative.

The CHP determined the grievant caused the accident by violating Vehicle Code Section 22350 – "driving at unsafe speed for conditions." The grievant had driven this truck almost daily for an extended period if time.

Discussion

Union opined the level of discipline, DML, was too severe for a short term employee with no active discipline. Union cited the weather conditions as a contributing factor and also the grievant's claims about unfamiliarity with the truck. The grievant stated he did not know the center of gravity for the truck; had been given only one afternoon of training in Livermore on a similar double bucket truck; and did not believe the brakes performed properly.

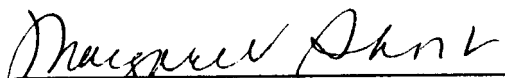
Company responded that the grievant and passenger were fortunate to have sustained only minor injuries, it could have been much worse. Company noted the property damage was substantial and it was fortunate that there were no third party injuries. The grievant stated that he was familiar with functions of the truck as he had operated it several times, as well as, the other trucks in the San Carlos yard. The roadway where the accident occurred is well marked of the hazards during wet weather.

The CHP's conclusion that the grievant was driving too fast for the conditions cannot be overlooked. This is the fundamental "safe driving speed" rule and is a judgment made by each driver every time they are behind the wheel. The grievant was not driving in an unfamiliar area; he was on his way back to the yard on a freeway he drives regularly. The grievant pre-checked the truck prior to leaving the yard and everything was in working order.

Based on the seriousness of the accident; the contributing actions of the grievant; and the absence of mitigating circumstances, the PRC agrees the discipline was for just and sufficient cause.

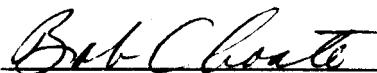
Decision

This case is closed without adjustment.



Margaret A. Short, Chairman
Review Committee

4/26/07
Date



Bob Choate, Secretary
Review Committee

4/26/07
Date