

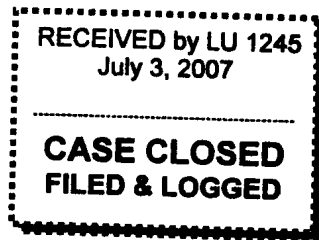
7.1: Given the amount of damage (\$8,000) and contributing factors of inattention and speed, WR given to the San Jose Apprentice Lineman for an avoidable automobile accident was for just cause.



PACIFIC GAS AND ELECTRIC COMPANY
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MARGARET A. SHORT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

REVIEW COMMITTEE



IBEW



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. 16578 OM&C – Electric T&D – San Jose – Edenvale

Paula Jean
Company Member
Local Investigating Committee

Bill Brill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns a Written Reminder given an Apprentice Lineman for an avoidable automobile accident.

Facts of the Case

On October 28, 2005 the grievant was driving a double bucket truck en route to a job site. As he exited US 101 South at 10th Street in Gilroy, traffic was stopped. Ahead of him was a Line truck with a trailer loaded with transformers. Behind the grievant was a third Company vehicle, a splicing rig. The posted exit speed is 35 mph and the length of the ramp is 1325'. There is a curve and a slight slope before a 275' straight flat section of road. The grievant traveled approximately 1200' before he rear-ended the trailer on this flat portion of the road.

The grievant indicated to the CHP that he exited at 60 mph, took his foot off the accelerator and coasted to about 10-15 mph before applying the brakes. At this point, the line truck and trailer were approximately 30' in front of him and coming to a stop. The grievant said he felt no effect from the brakes; he then applied the retarder which also failed to stop the truck. He then looked in the side view mirror and determined there the left lane was clear. He attempted to pull around the trailer but clipped the right side of the trailer, causing it to jack knife and detach from the line truck. The grievant had noted in the pre-check inspection report that he had tested the brakes that morning and deemed them operational.

The investigating CHP Officer field tested the brakes and determined, in his opinion, they had not failed. He believed the accident resulted from excessive speed and inattention. The Fleet Service Lead Mechanic indicated three types of inspections are made on bucket trucks: CAL-OSHA, 90-day; and Boom.

With each inspection, the brakes are checked. This bucket truck had a Boom inspection the day before the accident and no problem was found with the brakes. Approximately one month prior the 90-day inspection was performed and no problem was found with the brakes; and finally, the vehicle records indicate no other driver had ever filed a complaint that the brakes in this vehicle were not operating properly.

The employee-witness in the splice truck behind the grievant stated he never saw the brake lights on the bucket truck prior to its swinging into the left lane and clipping the trailer in front of it. There was a total of about \$8000 damage to the bucket truck, trailer, and line truck.

At the time of the incident the grievant had about 5 1/2 years of service and no active discipline.

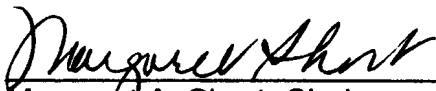
Discussion

The Company has been experiencing an increasing number of vehicle incidents and has put in place several measures to help turn this incident occurrence around. In this case, there was substantial damage to Company equipment and there were not mitigating factors that contributed to the accident. The facts indicate that the grievant was traveling too fast and was not paying attention when he rear-ended a Company vehicle.

Given the amount of damage and contributing factors of inattention and speed, discipline was for just and sufficient reason. The Union noted concern that the discipline, the Written Reminder, was not issued until about six months after the accident, which is not consistent with the Positive Discipline guidelines. The Company agrees that the PD process has to be timely, but there are circumstances that may cause delay.

Decision

The Written Reminder was for just cause. This case is closed without adjustment.



Margaret A. Short, Chairman
Review Committee

6/30/07

Date



Bob Choate, Secretary
Review Committee

6/30/07

Date