

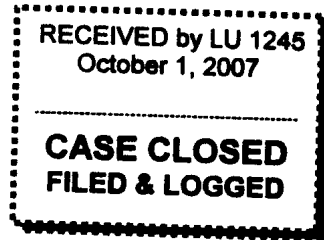
7.1: *The DML and subsequent discharge of a Bakersfield Gas Service Representative for an avoidable auto accident that caused major damage to a 3rd party vehicle and significant damage to the Co. vehicle was issued for just cause.*



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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. 17087 & 17149
Customer Field Services – Gas Service - Bakersfield

Melanie Curry
Company Member
Local Investigating Committee

Bob Dean
Union Member
Local Investigating Committee

Subject of the Grievance

These cases involve a Decision Making Leave and subsequent discharge of a Gas Service Representative, Bakersfield.

Facts of the Case

The grievant was sent on a broken lock tag. He was to put a new seal on the meter as the customer's service was off for non-payment. When the grievant arrived, he noted the broken lock but also noticed the security ring on the meter had been cut. The grievant noticed a ladder propped against the house next to the meter. The ladder extended to the roof line. Since it was obvious the meter had been tampered with, the grievant decided to use the ladder to cut service at the weather head. It was expected that grievant would reseal the meter and install a new security ring. When he cut the service at, it arced causing fire. The fire damaged the customer's roof, siding, fence, a gas meter belonging to another utility, the neighbor's car port, and started two grass fires. The grievant was able to extinguish some of the fire before the fire department arrived. The grievant was given a DML for this incident.

About one month after being placed on a DML, the grievant was involved in an avoidable auto accident. He pulled over on the right shoulder of the road to consult a map. He then made a left turn and in the middle of the intersection, he came in contact with a third party truck that was also making a left turn from the opposite direction. The grievant's report indicated that he saw the third party and tried to stop.

Discussion

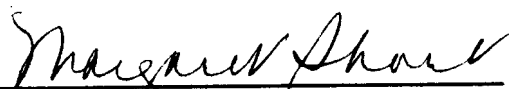
Union opined the DML should be reduced to a Written Reminder because the confirming letter indicated the grievant worked outside of his classification of Gas Service Rep by cutting power at the weather head. Since this is an untrue statement, the discipline should be reduced. The statement is untrue because the parties negotiated a revision to the Gas Service Rep job definition in the 2000 General Negotiations to specifically allow them to cut service at the weather head.

Before the negotiated change, that was a duty for the Troubleman classification. In any case, the grievant has been trained in this task, and by his own statements was qualified because of extensive training in the line department as a Groundman, T&D Assistant, and Apprentice. The GSR's in the Bakersfield area have never been trained to cut the services at the weather head, and are not required to. The grievant acted on his own. Neither the Incident or LIC reports indicate what caused the arcing. This incident resulted in significant damage to customers' property.

With respect to the avoidable auto accident, there was no dispute about the grievant's contribution to the accident. The grievant's actions caused major damage to a third party vehicle and significant damage to the Company vehicle.

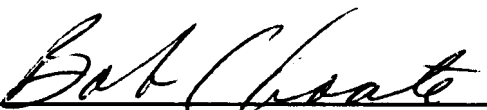
Decision

The DML and discharge were for just cause. These cases are closed without adjustment.



Margaret A. Short, Chairman
Review Committee
9/29/07

Date



Bob Choate, Secretary
Review Committee
9/29/07

Date