

7.1: A DML given to a Salinas Meter Reader for an avoidable vehicle accident that cause total loss of the Co. vehicle was for just cause.

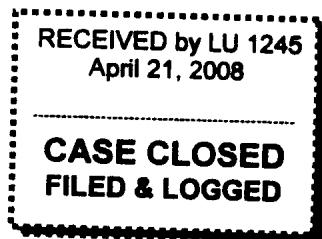


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MARGARET A. SHORT, CHAIRMAN

- 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. 17183 Customer Field Services – Meter Reading - Salinas

Voncille William  
Company Member  
Local Investigating Committee

Mike Haentjens  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns a Decision Making Leave given a Meter Reader for an avoidable vehicle accident .

#### Facts of the Case

On Thursday, December 28, 2006 at about noon, the grievant lost control of his truck, went off the road and hit an 8 x 12 post in the middle of a field, setting off the airbags. The truck was totaled. The weather conditions were clear and dry; there were no unusual road conditions.

At the scene, the grievant indicated to the Supervisor and the California Highway Patrol that "he was driving along and suddenly there was a car in front of him, coming toward him. He swerved to miss the oncoming car. The next thing he knew he was in the middle of the field." The grievant could not answer the question as to the color of the other vehicle or anything about it, whether it was a car or truck.

The CHP report indicates violation of Section 22107 of the Motor Vehicle Code, unsafe turning, by the grievant as the cause of the accident, although he was not cited. The CHP report found no physical evidence or witnesses to support the claim that another car crossed into his path. The CHP officer suggested to the Supervisor that it appeared the grievant may have fallen asleep. The grievant denies it.

During the investigatory interview on January 10, 2007, the grievant told his Supervisor that his car and another one collided, sending him off the road. Again, there was no physical evidence or witnesses to corroborate his claim.

At the time of this accident, the grievant had active: an Oral Reminder in the Work Performance category for failure to meet the minimum meter reading standards; a coach/counseling and an OR in the Attendance category for excessive absenteeism.

Discussion

Union argued the grievant took appropriate corrective action to avoid a head-on collision and as a result had an unfortunate accident; had the grievant not swerved to avoid the other vehicle, the accident may have been a fatal one. Union concluded there was no just cause for the DML.

Company responded that the grievant changed his story and neither of them are supported by physical evidence or witnesses. The one witness the grievant claims came upon the scene, did not actually see it happen. The grievant's claim of the involvement of another car doesn't seem credible as there were no skid marks on either side of the road. The road the grievant was traveling was a straightaway. If two cars were headed toward each other, one or both would have been applying brakes. The evidence just shows the grievant's car exiting the road to the right and coming to rest against the pole in the field.

The only logical conclusion is that the grievant lost control of his truck and ran off the road.

Decision

Based on the conflicting stories by the grievant; the CHP report, and total loss of the company vehicle the Pre-Review Committee is in agreement that the DML was for just cause. This case is closed without adjustment.

Margaret Short  
Margaret A. Short, Chairman  
Review Committee

4/16/08  
Date

Bob Choate  
Bob Choate, Secretary  
Review Committee

4/16/08  
Date