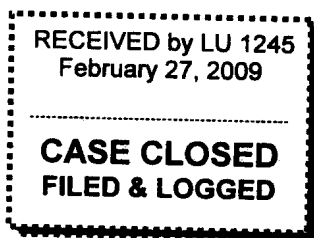




## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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INTERNATIONAL BROTHERHOOD OF  
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LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

### Pre-Review Committee No. 18182 Electric T & D - Cupertino

Voncille Williams  
Company Member  
Local investigating Committee

Bill Brill  
Union Member  
Local Investigating Committee

#### Grievance Issue:

This case concerns a Decision Making Leave (DML) issued to an Electric Crew Foreman for two consecutive avoidable automotive incidents over a two day period, and whether or not the discipline was for just and sufficient cause.

#### Facts of the Case:

The first incident occurred in the yard on January 25, 2008. The Grievant hit the left panel and bumper of a parked F250 pick-up truck while maneuvering through an empty parking spot to get out of the parking area. He was driving an F450 splicing truck with a utility body. There were no photos, and the amount of damage to the pick-up truck was \$3279. The damage to the right front bottom of the box of the grievant's splicing truck had not been estimated by the time that vehicle was totaled in the second incident.

Two days later, on January 27, the Grievant was driving the same splicing truck on a 2 lane muddy country road under stormy conditions when he hit a pothole and veered off the road. The truck rolled three times down a hill before landing upside down 60 feet from the road, in a ravine. Fortunately the Grievant was not injured. The vehicle was totaled.

The Company investigation determined that the incident was avoidable, and that the grievant lost control of the vehicle because he was traveling too fast for the conditions.

#### Discussion

The Union opined that a DML is too severe in this case given the mitigating circumstances with the second incident. There is evidence in the second incident that the road was in very poor condition and that the tires on the vehicle were not appropriate for road conditions. The

Union added that it appears from the photos that the truck had come to a stop before it had rolled down the hill. The Union believes a Written Reminder is the appropriate level of discipline.

The Company opined that it was the grievant's responsibility to evaluate the safety of the vehicle and the working conditions, to ensure the proper equipment is used and evaluate the safety of the driving conditions. Under those conditions he should have been travelling extremely slowly and if he had, a pothole would not have caused him to lose control of the vehicle.

As to the level of discipline, the Company members argued that, had there been time to complete the investigation and resulting discipline on the first incident prior to the second incident occurring, it likely would have resulted in a Written Reminder. The second incident was much more serious, and had the grievant already been on discipline, even an Oral Reminder, he would likely have received a DML.

Decision

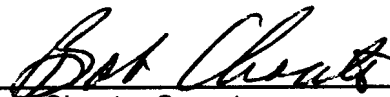
The Pre-Review Committee agreed that since the DML expired on January 25, 2009, that the issue of appropriate level of discipline is moot. This case is closed without prejudice to the position of either party.



John A. Moffat, Chairman  
Review Committee

2-24-09

Date



Bob Choate, Secretary  
Review Committee

2/27/09

Date