

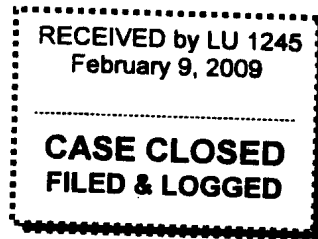


## REVIEW COMMITTEE



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INTERNATIONAL BROTHERHOOD OF  
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JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

**Pre-Review Committee No. 18280**  
Customer Care – Gas Service - Hayward

Bryan Kauffman  
Company Member  
Local investigating Committee

Bernard Smallwood  
Union Member  
Local Investigating Committee

### Grievance Issue:

Written Reminder issued to a Gas Serviceman for a backing accident.

### Facts of the Case:

The grievant, a Gas Service Representative with five years of service was issued a Written Reminder on April 3, 2008 for his role in an a vehicular backing accident.

On March 31, 2008, the grievant pulled into a parking lot to use a restroom at Starbucks. When he returned to his vehicle and attempted to back out of the space he struck a third party vehicle.

The third party vehicle was in the process of pulling into the parking space to the left of the PG&E truck that grievant was driving. The third party had pulled around a vehicle waiting for grievant to vacate his space. The grievant did not ever see this vehicle until he struck it.

The grievant did check to his right and left before he attempted to back out of the stall. The grievant contends that the vehicle he was driving has limited visibility due to the height of the cabinets attached to the bed of the truck. He has been driving that truck for about 2 years.

The grievant stated that all drivers who drive this type of vehicle he was using that day have the same complaint about visibility.

Safety devices have been requested by the safety department. The grievant was told that the requests are being held up in "red tape" in the fleet department. There was testimony that the new vehicles are being ordered with the sensors.

The grievant stated that when he arrived at the scene to use the restroom, the traffic conditions in the parking lot were light and there were no cars in the parking spaces next to where he parked. He stated that one of those spaces was a handicapped space. The grievant stated that he purposely parked next to the handicapped space to prevent the possibility of someone parking on the passenger side of his vehicle. He stated that he could have backed into the space that he did use, but later stated that he did not feel he could do so safely.

The supervisor observed that there were many parking spaces available at the time which were approximately 100 yards from grievant's destination which would have allowed the grievant to pull through the parking space and face forward to leave. This would have allowed the grievant to avoid backing out of a parking space. At the time of the conversation, the grievant did not disagree that or state any reason that would have precluded him from parking in such a space.

The damage to the third party vehicle included a scuff on the passenger side door and damage to the mirror. It was characterized during the course of the LIC as minor by the supervisor.

The grievant stated that the action of the third party (e.g. pulling around the SUV which was waiting for the grievant to back out) was the primary cause of the incident.

#### Discussion

The Union believes that the Written Reminder is too severe. The discipline should be mitigated for several reasons: (1) poor visibility due to height of cabinets on the bed of the truck, (2) contributing factor of the third party vehicle driving around a waiting vehicle and pulling into the next stall just as the grievant was backing out, and (3) relatively minor damage.

The Company responded that Written Reminders are typically issued for backing accidents, particularly when the backing could have been avoided. In regard to the relatively minor damage, this is typical in backing accidents due to the relatively slow speed associated with backing. In regard to the other factors (poor visibility and other vehicle pulling into the next stall, the Company argues that these factors further support the importance of avoiding backing, if possible.

The Company continued that this backing accident could have been easily avoided if the grievant had followed the Motor Vehicle Backing Policy. Just six weeks prior to the accident, the policy had been reviewed with the grievant which states, in part:

*"Employees should attempt to avoid backing vehicles, if possible, by choosing a parking space or planning a route which requires no backing."*


*As a last resort, where backing a vehicle is required, the following procedures shall be followed: (1) When arriving at a job site or parking location where it is determined that backing will be necessary, back at the same time you arrive, rather than backing when you leave".*

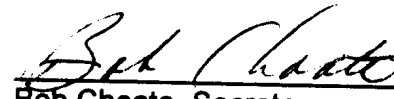
The grievant stated that he did not follow the policy's requirement to back into the parking spot at the time he arrived because he felt it was unsafe to do so. The Company noted that he offered no explanation, however, as to why it would be less safe to back into the spot than to back out.

The grievant stated that he did not follow the policy's requirement to choose a parking space which required no backing because he didn't think he could make it to the restroom in time (those spots were further away from Starbuck's and he urgently needed to use the restroom). The Company noted that the grievant had just left the yard, which is only approximately 2.5 miles (and 6 minutes) from Starbuck's. This, combined with the 20 minutes spent at Starbuck's, raises doubt as to the grievant's urgent need to use Starbuck's bathroom.

Decision

After a lengthy discussion between the parties and the emphasis the Company has placed on backing accidents the parties agree that discipline is appropriate. In this case the action of the third party contributed to the accident but the grievant could have put him into a position to greatly mitigate the risk. The parties agree to reduce the discipline in this case to an Oral Reminder. This case is closed without further adjustment.

  
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John A. Moffat, Chairman  
Review Committee  
2/6/09  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bob Choate, Secretary  
Review Committee  
2/6/09  
\_\_\_\_\_  
Date  
PZ.