

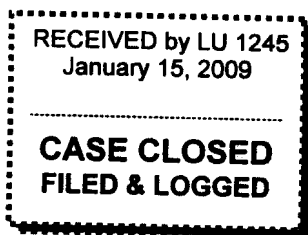


REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
2850 SHADELANDS DRIVE, SUITE 100
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JOHN A. MOFFAT, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL



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. 18383 Diablo Canyon – Mechanical Maintenance

Susan Gerkaris
Company Member
Local Investigating Committee

Dan Lockwood
Union Member
Local Investigating Committee

Subject of the Grievance

Mechanic/Rigger at Diablo Canyon was issued a DML for driving a crane into the guy wires of a meteorological tower.

Facts of the Case

The grievant was given a Decision Making Leave for damaging plant equipment when the crane he was operating contacted the guy wires to the meteorological tower. As a result the tower will require a complete replacement. The grievant did not have any active discipline at the time of incident.

The Grievant was assigned the task of moving a 30 ton Grove Mobile Crane parked near the MET tower to the garage for storage. Grievant observed that the cones previously placed to the north to allow a travel path for the crane to leave the area had been moved and cars were blocking the intended egress path of the crane. Grievant selected an alternate path to the south and observed that there were cars parked in a manner that would impede his travel. He lowered the boom of the crane to clear the guy wire and not strike a vehicle. As he traveled forward, he turned slightly to avoid hitting a car and as a result the crane contacted one of the guy wires of the MET tower. The Grievant got out of the crane and walked around the crane looking for the reason for the obstruction. Finding nothing on the ground, Grievant returned to the crane and at that time noticed employees at the training building waving at him and pointing overhead. Grievant then realized that he had contacted the guy wire and in looking at the MET tower, realized it was damaged.

The grievant stated that at the time, he was sure that he would be able to maneuver the crane out of the parking lot. He stated that the guy wires were not adequately marked. He noted that there were many cars improperly parked. When asked why he did not contact security to have the cars moved, the grievant stated that Security will not ask people to move vehicles.

After an extensive review of plant policies and company procedures (including, among others, the Diablo Canyon Safety Manual, Code of Safe Practice, and "Mobile Crane Handling and Operation"). It was concluded that the grievant violated Sections 309 and 310 of the Code of Safe Practices by not ensuring that there was a clear path for the vehicle and taking precautions to prevent the boom from contacting structures. He added that the grievant also did not follow the Maintenance Standards of Excellence in Human Performance. He should have realized that when his original plan to move the crane was changed because the cones had been moved that he might need assistance or to change his plans. He should have stopped when unsure and contacted his supervisor to have the cars moved.

Discussion:

The Union argued that the grievant followed all safety standards and accepted practices to move the crane, There were a number of illegally parked vehicles beneath the crane and while attempting to maneuver around them he made contact with the guy wire. This was not a reckless act. While some level of discipline may have been appropriate, a DML was much too severe.

The Company argued a DML was appropriate as the grievant violated a number of safe work practices. Section 309, Code of Safe Practice, requires the driver of a vehicle to determine that no person or object is in the path prior to moving. The grievant failed to exercise due care. He had a number of options available to him. He could have called security to request that the vehicles be removed. Or, he could have quite simply not moved the crane until it was safe to do so. The grievant's actions could easily have resulted in injury. As it was, the complete destruction of the tower resulted in a significant cost to the Company as well as an impact to other employees who were not able to remove their vehicles until the following day.

Decision

The grievant violated safe work practices and caused significant damage to property and inconvenience to other employees and the discipline was determined to be for just and sufficient cause.

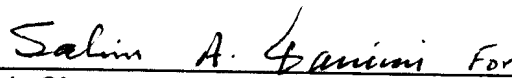
This case is closed without adjustment.



John A. Moffat, Chairman
Review Committee

1/14/2009

Date



Bob Choate, Secretary
Review Committee

01-14-2009

Date