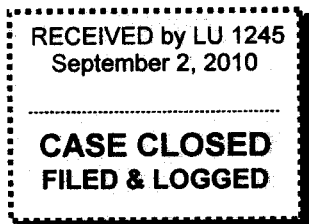




PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
MAIL CODE N2Z  
P.O. BOX 770000  
SAN FRANCISCO, CA 94177  
(415) 973-6725

JOHN A. MOFFAT, CHAIRMAN  
DECISION  
LETTER DECISION  
PRE-REVIEW REFERRAL

## REVIEW COMMITTEE



**IBEW**



INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

BOB CHOATE, SECRETARY

### Pre-Review Committee No. 19770 Energy Delivery – TSM&C - Antioch

Joe Cerruti  
Company Member  
Local Investigating Committee

Mike Saner  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the discharge of an Apprentice Electrician for a vehicle rollover incident which resulted in serious injury to a co-worker.

#### Facts of the Case

The grievant is an Apprentice Electrician with eight years of Company Service. Prior to becoming an Apprentice Electrician the grievant was a Utility Worker and a Lead Driver. The grievant was terminated on November 19, 2009.

The time of termination the grievant had no active discipline on file.

On August 20, an Electrician suffered fractured fibula, shifted ankle and tendon and ligament damage to his right ankle and leg. This employee was a passenger on a rented Utility Task Vehicle (UTV) which was involved in a roll over accident. The driver of the vehicle was the grievant. The UTV was a 4 wheel club car.

The grievant and the Electrician were performing clean up activities and drove to a dumpster to deposit copper grounds and other debris. The grievant drove the UTV around the dumpster tipping the vehicle over.

The Sub Foreman rented the UTV and provided a 15 minute tailboard on the vehicle's operation by reading the users' manual. The Grievant had been driving the vehicle for three weeks. The rental agency did a post incident investigation and no malfunctions were identified.

The investigation by the Company determined that a circle was made around the dumpster. The UTV was then driven to the other side of the dumpster where a power slide mark was identified which was made in the turn prior to the roll over.

When the grievant was questioned in the initial investigation he affirmed that he was goofing around or having fun.

The Electrician does not remember what he was doing at the time of the accident but was not paying attention.

The grievant stated in the LIC that he was not given any training, he denied doing a power slide, did not remember saying that he was goofing around

Discussion

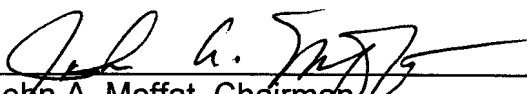
The Union argued the grievant was an excellent employee with no active discipline at the time of the discharge. The grievant denies any horseplay and the evidence does not support the accusation that he was doing a power slide with UTV. The grievant was not provided training prior to using the vehicle. In conclusion the discipline was too severe.

The Company argued that the discharge was appropriate given the accident was caused by the grievant's excessive speed and horseplay which resulted in a substantial injury to his co-worker. The UTV tracks show that the grievant drove in circles next to the dumpster. A power slide mark was made in the turn prior to the roll over. The physical evidence along with the grievant's admission that he was goofing around or having fun, substantiates the accident was caused by the grievant's behavior.

Decision

The parties agree based on the grievant changing his story and that there is no plausible explanation of how the vehicle rolled over other than the grievant's behavior and negligence that caused the rollover and the injury to a co-worker, therefore the termination was for just cause.

This case is closed without adjustment.

  
\_\_\_\_\_  
John A. Moffat, Chairman  
Review Committee

8/27/2010  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bob Choate, Secretary  
Review Committee

8/27/2010  
\_\_\_\_\_  
Date