

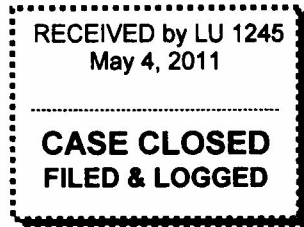


REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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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 94696
(707) 452-2700

BOB CHOATE, SECRETARY

Pre-Review Committee No. 20159 Energy Delivery – GC Tower - Davis

Robin Wix
Company Member
Local Investigating Committee

Mike Saner
Union Member
Local Investigating Committee

Subject of the Grievance

The discharge of a Miscellaneous Equipment Operator for an Avoidable Motor Vehicle Accident (MVI).

Facts of the Case

The grievant is a MEO with eight years of service and was on an active Written Reminder for a MVI.

The grievant and his passenger left the yard slightly before the foreman. The grievant stopped at a Carl's Jr. to get an energy drink due to his lack of sleep from the night before. The grievant had minor arm surgery the day before.

The exit before the jobsite there was a Carl's Jr. Once at Carl's Jr. the grievant decided to go through the drive-through. He was driving a F550 crew cab truck. The clearance was 8'6" and the truck with a digger bar sticking straight up was 8'8".

The passenger stated that he offered several times to get out of the truck to be sure they had clearance. The grievant said there was no need to get out of the vehicle that he could see in the mirrors and he had clearance. The truck passed under the clearance bar but the digger bar struck and damaged the over hang.

The grievant did not call his supervisor because he thought the damage was minor and he could take care of it himself. The cost to repair the damage was not a minor amount. The claim and the final cost is still not closed as of the date of this decision.

Once the grievant arrived at the jobsite his foreman asked him what took so long and he told his foreman what happened. The foreman then told him to call the supervisor and the grievant refused. The foreman then told the grievant that he would call. The grievant then at this point called his supervisor to report the accident.

Discussion

The Union argued that the discharge was too severe for minor MVI.

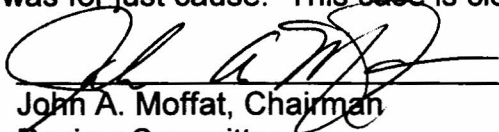
The Company argued this was a short service employee who was on a Written Reminder for an MVI at the time of this incident. The grievant had multiple infractions in this incident:

1. He drove the Company vehicle out of the way to make a personal purchase.
2. He drove the vehicle through the drive-through rather than parking and going into the restaurant.
3. He turned down two offers of assistance from his passenger to check on the clearance.
4. He failed to immediately call his supervisor because he planned to take care of it himself.
5. He refused several times to call the supervisor it was only after the foreman threatens to call for him to report the incident.

This is a serious infraction and another similar case, PRC18669, the Company issued a DML to a long service employee who had no active discipline. The parties maintained their positions in that case due to deactivation. The Union, however, argued that two Written Reminders for this type incident was appropriate and the Company argued that a DML was appropriate.

Decision

The grievant was a short service employee, who was on an active Written Reminder for MVI and based on the previous positions of the parties in PRC 18669 the termination in this case was for just cause. This case is closed without adjustment.



John A. Moffat, Chairman
Review Committee

4/22/11

Date



Bob Choate, Secretary
Review Committee

4/22/11

Date