

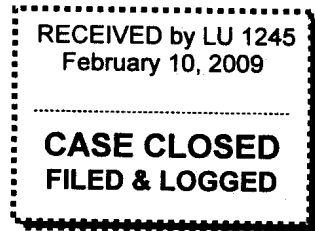


REVIEW COMMITTEE



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JOHN MOFFAT, CHAIRMAN

BOB CHOATE, SECRETARY

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Review Committee No. 17593 Customer Care – Meter Reading - Salinas

Voncille Williams
Company Member
Local investigating Committee

Mike Haentjens
Union Member
Local Investigating Committee

Grievance Issue:

The Company terminated a Meter Reader following two automotive accidents while on a DML.

Facts of the Case:

The grievant, a Meter Reader with 23 years of service who was on an active DML issued on January 16, 2007 and was terminated on June 12, 2007.

On May 22, 2007, the Supervisor received a call from a customer telling him that the grievant had an incident on his property. The incident involved the grievant hitting the customer's large planter, pushing it into his house. The customer told the Supervisor he was watching TV when all of a sudden his house shook. The customer went outside to investigate and found the PG&E truck had collided with his large outdoor planter, causing his house to shake.

At the same time the Senior Meter Reader received a call from the grievant informing him he had an incident on the customer's property.

The Supervisor and Senior Meter Reader went to the customer's property. The Grievant said he pulled up to read the meter, when he went to put the truck in park the truck took off forward. The Grievant said he was going to read the meter out of the truck.

The grievant would not have been able to see the face of the meter from the truck. The Supervisor pointed that out to the grievant and informed the grievant he was being very risky by trying to get so close to the fence to see the meter from the truck. The Supervisor informed the grievant that was risky behavior that he should eliminate. The grievant replied with "yeah, yeah, yeah you're going to do what you going to do."

The Supervisor told the grievant he should have backed in first to read the meter. That would eliminate the risky behavior of trying to get so close to the fence. Since there was no damage to the customer's planter, the Supervisor did not complete an incident report. The customer stated he did not want to make a compliant.

The grievant showed the Supervisor how the shift linkage was sloppy when he went to put the truck in park. The indicator would still say reverse on the column.

After leaving the customer's home, the grievant continued on his route using a different vehicle. The Supervisor and the Senior Meter Reader took the vehicle the grievant was driving back to the garage, where the garage replaced the shift linkage and cables. The shift linkage and cable was repaired on May 22, 2007. The truck was test driven and put back on the line. The next day, the grievant drove another truck. On May 24, 2007, the Grievant started driving his original truck again.

On May 24, 2007, the Supervisor received a call from the Senior Meter Reader informing him, the grievant was involved in another auto incident.

When the Supervisor went to the scene of the incident the grievant told him, he pulled up to *read the meter*, however was told by an employee of the packing shed to move the truck, because fork lifts drive in and out of the shed where he was parked. The grievant's initial statement in the field, was he was asked to move the truck and he backed it up. The grievant thought the truck was in drive. When he went to move forward, the truck was in neutral. The grievant told the Supervisor, he revved up the engine and the truck jerked forward, hitting the stand that holds a 500 gallon bleach container. There was no damage to the container. The grievant stated he always parks the truck by the tank and walks around the building to read the meter.

The truck was not drivable. The quote from the garage to repair the truck was \$2200 for body damage.

The Supervisor stated another Meter Reader, Pablo, informed him the vehicle the grievant was driving had a sloppy gear selector, otherwise the vehicle was fine. He did not have any problems with the grievant's truck.

The garage has no repair records for the truck the grievant was driving at the time of the accident on December 12, 2006. Prior to the grievant's accident on May 7, 2007, the garage worked on the truck's shift linkage for \$281.50 which is same repair cost for the truck after the accident on May 22, 2007.

The Ford dealer said they found a faulty sensor which would make the truck lunge forward or backward because it was intermittently working. They further told the grievant his truck had no business on the road because of the transmission. If you're a Meter Reader and not a mechanic, you would not know the transmission was bad. The transmission was faulty.

The Grievant was asked if he had trouble earlier in the day with the transmission and the grievant stated "No". The trouble only happened on May 22 and May 24.

The Supervisor talked to the garage. The garage stated if you have your foot on the brake, the truck is not going to move. According to the garage when the ABS sensor goes on it only disables the system. You no longer have anti-locking braking system. The truck will not lunge forward. The garage said when you put the truck into gear, there is a delay between when you move the selector into the position on the column when the actual gears engage. However, if you have your foot on the brake the truck is not moving.

In general when you shift or change gears, the driver's foot should be on the brake. There was no need for the driver to accelerate. The linkage was working on the date of the May 24, 2007 incident. There was no need for the driver to accelerate forward when the truck was already close to the tank stand it hit. The incident occurred due to operator error.

The garage did not work on the transmission. There was never an indicator there were problems with the transmission. They were only alerted about problems with the Shift Linkage, which they replaced and repaired prior to the May 24 2007 incident.

After the last incident the transmission was replaced under warranty by Salinas Valley Ford and put back on the line.

The truck transmission was worked on and was replaced under warranty after the May 24, 2007 incident. The transmission was slipping. There were delays when putting the truck in gear. The truck also had Shift Linkage problem because of the mud under the truck. The Shift Linkage is exposed to the outside elements.

When asked if it was possible for the truck to jump forward several feet because of the Shift Linkage problem, The Ford Technician said yes, when he tested the truck, there was a delay when he tried to put the truck in gear. The engine and transmission revved, but would not initially go into gear. After a few seconds, the transmission would catch, and go into gear. That could cause the truck to jump forward.

Discussion

The Company argued that the case is made up of two incidents. Both of which the employee was accountable for results. The first incident was the employee's disregard for safe driving at a customer's residence and the second incident two days later which damaged a customer's property. In the both incidents it was clear that the employee had control of the situation and used poor judgment. He failed to back in; he failed to follow good driving practices and failed to exercise good judgment not to drive the vehicle if it was not safe. He put himself, the public and customers at risk.

The issue with the vehicle's transmission was under the control of the grievant and he should have reported it or contacted the garage. He choose his own fix, racing the engine, to see what would happen which caused of the accident. The racing of the engine caused the vehicle to lunge forward, he failed to have his foot on the brake when change drive selections which could have potentially damaged the customer's tank and creating a potential hazardous chemical situation.

Given that the employee was on a Decision Making Leave, which means he will follow all the rules and perform in a fully satisfactory manner, and the grievant failed to live up to the commitment. The termination is appropriate in this case.

The Union's position is that the Local Committee established that there was something wrong with the grievant's vehicle. The local Ford dealer even stated that the vehicle could have jumped forward based on the mechanical problems. The Ford Technician and Company mechanics stated that both the shift linkage and the Transmission slippage could have caused the vehicle to jump forward in this case. The vehicle had been repaired several times for the same issues. To hold the grievant accountable for incidents when he had in fact, submitted repair orders for the problems is unfair and without just cause.

Decision

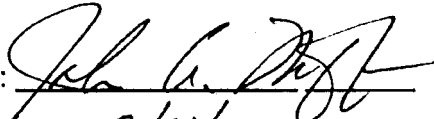
This case was discussed at length and it was determined that the grievant had control of the vehicle and knew that something was not right but continued to drive the vehicle. He failed to contact the garage even though he knew how to report the vehicle's mechanical problems. He failed to back in to the parking spot and choose to race the engine as opposed to getting direction from the garage or calling his supervisor to inform him of the vehicle problems. He damaged a customer's property The

grievant was on a DML and which means he will follow all the rules and perform in a fully satisfactory manner, and the grievant failed to live up to the commitment.

This case is closed without adjustment.

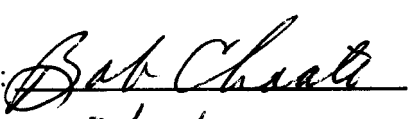
For the Company:

John A. Moffat
Gayle Hamilton
Dave Morris
Malia Wolf

By: 
Date: 2/10/09

For the Union:

Bob Choate
William R. Bouzek
Louis Mennel
Karen Russell

By: 
Date: 2/10/09