

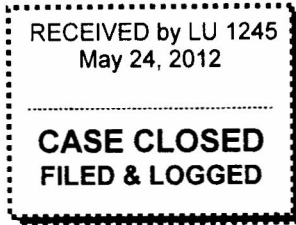


REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
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LOCAL UNION 1245, I.B.E.W.
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DOUG VEADER, CHAIRMAN

F. E. (ED) DWYER Jr, SECRETARY

- ☐ DECISION
- ☐ LETTER DECISION
- ☐ PRE-REVIEW REFERRAL

Review Committee No. 20788 Electric Operations – Electric T&D – San Francisco

Michelle Roberts
Company Member
Local investigating Committee

Landis Marttila
Union Member
Local Investigating Committee

Subject of the Grievance

This grievance concerns the termination of a Cable Splicer for his role in a serious safety incident.

Facts of the Case

The grievant is a Cable Splicer with 9 years of service and no active discipline at the time of termination.

The grievant was part of a crew that was removing temporary power facilities including a pad-mounted transformer, a fused bypass switch, and primary and secondary cable. The crew did not adequately ground and test the cables and did not properly address potential back feed.

There was back feed from a generator which resulted in an arc flash. There were no injuries. After the flash, the foreman opened a secondary breaker on the transformer (which was not an adequate method to provide protection). The crew resumed work until a supervisor arrived on the job and shut it down.

Discussion

The Union stated that this is the only situation they can recall where an entire crew was discharged for a safety incident. There have been incidents where the Crew Foreman has been discharged, but the journeymen have received Decision Making Leaves or Written Reminders. The grievant's discharge is especially unusual given that he had no active discipline and was moved directly from a clean record to discharge.

The Union argued that the grievant believed the procedures used were appropriate for removal of the temporary transformer. His belief was reinforced by the direction of the experienced (38 years) Cable Crew Foreman. The grievant was following the direction of his foreman who told him everything was in the clear and ready to go. The grievant honestly believed he was performing the work safely and in compliance with all procedures.

The Company responded that there is nothing which precludes the discharge of a journeyman when working under the direction of a crew foreman. In this case, the journeyman was properly trained and continued to work even after the flash. Additionally, during the investigation, the grievant was vague with regard to the specifics of the work. This was a very serious safety incident which could have resulted in severe injury or death.

In regard to the allegation of not being completely forthcoming, the Union pointed out that the grievant was not accused of lying. He fully answered questions regarding his activities. He could not answer some questions regarding the work of his foreman and co-worker as he could not see them from his vantage point.

In regard to continuing the work after the flash, the Union argued that the grievant believed the foreman when he told the crew that opening the secondary breaker had addressed the potential back feed issue. Never the less, the work that was performed after the flash was performed by the foreman and the other Cable Splicer, not the grievant.

Decision

This grievance had been referred to arbitration; however, the parties continued efforts to resolve the case. After much discussion the Review Committee agrees to resolve this grievance as described below:

- Reinstated on Written Reminder effective upon his return to work
- No back pay
- Benefits in tact
- Must pass pre-employment drug screen
- Must successfully complete a knowledge and skills assessment
 - Failure of the assessment will result in retraining and reassessment
 - A second failure will result application of 206.15

This decision is based on the specific facts of this case and does not set precedence for any other grievances. Additionally, the Committee agrees that journeymen acting under the direction of a crew foreman may be discharged subject to challenge for just cause.

For the Company:

Doug Veader
Laura Sellheim
Ruben Ramirez
Mike Savage

By: Doug Veader
Date: 5/24/12

For the Union:

F.E. (Ed) Dwyer, Jr.
Mike Scafani
Jim Brager
Karen Russell

By: [Signature]
Date: 5/24/12