



## REVIEW COMMITTEE

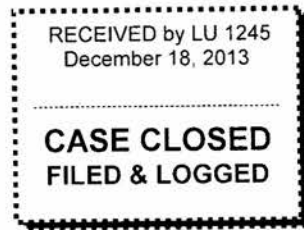


PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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SAN FRANCISCO, CA 94177  
(530) 613-3203

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

DOUG VEADER, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL



F. E. (ED) DWYER Jr, SECRETARY

**Review Committee No. 21521**  
**Electric Operations – M&C – Auberry**  
[Arb. # 317]

Monica Oakes  
Company Member  
Local Investigating Committee

Mike Grill  
Union Member  
Local Investigating Committee

### Subject of the Grievance

This grievance concerns the termination of an Electric Crew Foreman who led a crew which failed to properly set a pole and associated hardware.

### Facts of the Case

The grievant is an Electric Crew Foreman with 31 years of service and no active disciplinary action at the time of his termination.

The grievant was in charge of a three person crew assigned to set a pole. Approximately 8 months after the pole was set, it leaned over during a storm and had to be replaced. It was determined that the pole had been cut off at the bottom and had not been set to the proper depth as required by Company procedures. Additionally, the grounding rods had not been properly set.

### Discussion

The Company argued that the grievant had not followed the requirements of GO95 and had created an unsafe situation, especially if someone had attempted to climb the pole. The crew hit rock when digging the hole and decided to set it at a shallow depth and attempted to hide it. By cutting the pole at the bottom, it gave the appearance that it had been set to the proper depth. The actions of the grievant and his crew were extremely egregious.

The Union responded that the grievant and the crew members all stated that when they hit rock, they stopped the job and read the standards. They believed it was appropriate to set the pole at four feet depth rather than six since they were in rock. They further stated that they cut the bottom of the pole rather than the top because they had already framed the top, not in an effort to conceal the depth. The Union noted that there is no prohibition against cutting the bottom of a pole.

The Committee discussed this case at length. The Committee agreed that the actions of the grievant were extremely serious and had the potential to seriously harm others. The Committee noted that the employees stated that they stopped the job, read the construction standards, and believed they were correctly following those standards. The Committee also discussed the grievant's long service (31 years) and clean disciplinary record, as well as the statements of the crew members. In consideration of these factors, the Committee agrees to settle the grievance on the following basis:

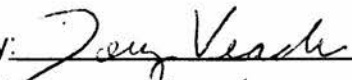
The grievant's discharge will be converted to a demotion to Lineman and placement on a Written Reminder with the understanding that any reckless safety behavior or intentional violation of a key to life during the active period will in all likelihood result in termination. He will be placed in the Fresno headquarters with no back pay or retroactive benefits (except for 50% of vacation allowance) with service intact. This settlement is contingent upon the grievant successfully passing a DOT return to work test.

Decision

The Committee agrees to close this grievance on the basis of the above understandings.

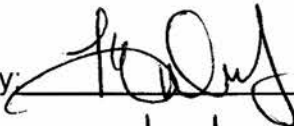
**For the Company:**

Doug Veader  
Laura Sellheim  
Rod Williams  
Tanya Moniz-Witten

By:   
Date: 12/18/13

**For the Union:**

F.E. (Ed) Dwyer Jr.  
Jim Brager  
John Blaylock  
Karen Russell

By:   
Date: 12/18/13