



## REVIEW COMMITTEE

**IBEW**



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ROBIN WIX, CHAIRMAN

KIT STICE, SECRETARY

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

### **Pre-Review Committee Number 22911 Electric Operations – Hydro General Construction – Red Bluff**

Julia Albuquerque-Kurtz  
Company Member  
Local Investigating Committee

Kyle Whitman  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the termination of a Station Mechanic for violating the Employee Code of Conduct and Code of Safe Practices by driving a Company vehicle without a valid California Driver's License, not reporting the suspension of his driver's license to his supervisor, and failure to report a driving citation received while driving a Company vehicle to his supervisor.

#### Facts of the Case

The grievant was a Station Mechanic with 10 years of service. The grievant had no active discipline at the time of the incident.

The grievant was driving a Company vehicle from Red Bluff to a jobsite at Hat 1 on September 8, 2014, when he was stopped at a "jump scale" on Highway 299. The grievant was cited by the California Highway Patrol for driving a vehicle while on a suspended license. The CHP officer allowed the grievant to continue to the jobsite. The grievant did not notify his supervisor that he had received a citation while driving a Company vehicle nor did he drive a Company vehicle following this date.

The Company became aware of the citation and the grievant's license suspension in November 2014. The grievant's license had been suspended since February 2014. The grievant did not report the suspension of his license to his supervisor prior to the investigation and stated that he drove a Company vehicle approximately 8 times between February 2014 and September 2014 when he was cited for driving on a suspended license.

#### Discussion

The Union argued the grievant was not aware he had to report the suspension of his driver's license to the Company, and does not recall ever being notified of the requirement to report a vehicle citation received while driving a Company vehicle to his supervisor. During the Local Investigating Committee (LIC) meeting the grievant stated he did not report the suspension of

his license to his supervisor because he was embarrassed. The Union further argued that he immediately discontinued driving Company vehicles after receipt of the citation in September and was honest during the LIC about how many times he estimated he drove a Company vehicle during the suspension.

The Company argued that driving without a valid license is not only a violation of the Company's Code of Safe Practices, it is also a violation of California law. The grievant stated he was aware he was not supposed to drive any vehicle without a valid driver's license, and therefore his actions demonstrate willful intent to disregard Company policy and California law, placing the Company and himself at risk. Additionally, the grievant had his license suspended in 2012 and he made his supervisor aware of his situation at that time so it is not believable that he did not know he was supposed to report the status of his driver's license to his supervisor.

Decision

The Committee agreed this termination was for just cause. This case is closed without adjustment.

Robin Wix      8/12/2015  
Robin Wix, Chairman      Date  
Review Committee

Kit Stice      8/12/2015  
Kit Stice, Secretary      Date  
Review Committee