



REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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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 Numbers 20678 & 21238 Electric Operations – Restoration – Concord

Brenda Legge
Company Member
Local Investigating Committee

Lou Mennel
Union Member
Local Investigating Committee

Subject of the Grievance

These cases concern a Decision Making Leave (DML) and subsequent discharge of a Troubleman for safety incidents.

Facts of the Cases

The grievant received a DML while working as a Lineman on temporary upgrade to Electric Crew Foreman. The grievant's crew did not apply sufficient rubber protection resulting in an arc flash when a wrench came within minimum distance of a switch base plate. The grievant was discharged when he committed a switching error while working as a Troubleman. He had 22 years of service at the time of discharge and no active discipline prior to the DML.

Discussion

The Union argued that the two safety incidents which resulted in this long service employee's discharge were human errors. Since the time of the discharge, the Company has taken a different approach to safety related discipline which is more forgiving of human errors. Had these incidents happened after the safety culture change began in 2012, the grievant would not have been discharged.

The Company responded that Letter Agreement 13-05, which addresses the new approach to safety discipline, does not apply to individuals who have been discharged. As such, the letter agreement is not applicable to the grievant. On the basis of the disciplinary approach in place at the time, the discharge of the grievant was for just cause.

The Union acknowledged the Company's arguments, but asked if the Electric Operations leadership would, without prejudice or precedence, consider reinstating the grievant under

terms which would be acceptable to the Company. The Company responded that the Electric Operations leadership would agree to reinstatement under the terms listed in the decision below.

Decision

The grievant will be reinstated, without prejudice and precedence, under the conditions listed below:

- Placed on a DML effective upon his return to work
- Demoted to Lineman in Richmond
- Bidding rights restricted for 12 months
- No back pay or benefits
- Seniority intact at the time of reinstatement
- Must pass pre-employment drug screen
- Must successfully complete a knowledge and skills assessment

If the grievant does not pass the drug screen or knowledge and skills assessment, the discharge will be upheld and the grievance closed without adjustment.

For the Company:

Doug Veader
Laura Sellheim
Rod Williams
Tanya Moniz-Witten

By: Doug Veader
Date: 3/27/13

For the Union:

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

By: H. Dwyer Jr.
Date: 3/27/2013