

BEFORE THE

PUBLIC UTILITIES COMMISSION OF THE STATE OF

Order Instituting Rulemaking on the Commission's Own Motion to Adopt New Safety Regulations for Natural Gas Transmission and Distribution and Rate-making Mechanisms

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PRELIMINARY COMMENTS OF THE UWUA on DRAFT GAS SAFETY PLAN Of the SOUTHERN CALIFORNIA GAS COMPANY Filed pursuant to SENATE BILL 705

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JULY 20, 2012

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PRELIMINARY ☐ COMMENTS ☐ OF ☐ THE ☐ UWUA
on ☐ the ☐ DRAFT ☐ GAS ☐ SAFETY ☐ PLAN ☐
Of ☐ the ☐ SOUTHERN ☐ CALIFORNIA ☐ GAS ☐ COMPANY,
Filed ☐ pursuant ☐ to
SENATE ☐ BILL ☐ 705

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☐ On ☐ June ☐ 29, ☐ 2012 ☐ Southern ☐ California ☐ Gas ☐ Company ☐ System ☐ Safety ☐ Plan ☐ (hereafter ☐ Draft ☐ Safety ☐ Plan), ☐ the ☐ 04-010 ☐ The ☐ Utility ☐ Workers ☐ Union ☐ on ☐ filed ☐ a ☐ filing ☐ (UWUA) PRELIMINARY ☐ COMMENTS ☐ to ☐ address ☐ process ☐ issues ☐ that ☐ can launch ☐ of ☐ the ☐ SB ☐ 705 ☐ Customer Safety and Plan Workforce in California. ☐ (SCG) can ☐ be ☐ assisting ☐ in ☐ potential ☐ pitfalls ☐ and ☐ misunderstandings ☐ could ☐ under ☐ a ☐ successful ☐ launch ☐ UWUA ☐ may ☐ hereafter ☐ move ☐ pu 11.1 ☐ for ☐ work ☐ on ☐ the ☐ issues ☐ raised ☐ here

☐ UWUA ☐ bring ☐ three ☐ issues ☐ to ☐ the ☐ Commission ☐ these ☐ are ☐ Preliminary Comments: ☐

(1) ☐ The ☐ inexplicable ☐ failure ☐ to ☐ consult ☐ with ☐ or ☐ the ☐ could ☐ collaborate ☐ certified ☐ bargaining ☐ representative ☐ over ☐ 4000 ☐ employees ☐ at ☐ SCG, development ☐ of ☐ the ☐ Draft ☐ Plan

(2) ☐ Potential ☐ ambiguities and/or ☐ contradictions ☐ of ☐ Draft ☐ Safety ☐ Plan elements ☐ in ☐ the ☐ Draft ☐ Plan ☐ the ☐ substantive ☐ direction ☐ and ☐ the ☐ Draft, ☐ exacerbated ☐ by ☐ the ☐ failure ☐ to ☐ consult

(3) ☐ A ☐ recommendation ☐ that ☐ the ☐ Commission ☐ convene ☐ workshops ☐ involving ☐ employees ☐ and ☐ unions, ☐ managers ☐ and ☐ staff ☐ from ☐ Assessment ☐ Unit ☐ (RAU) ☐ to ☐ get ☐ the ☐ Plan ☐ process ☐ back ☐

☐ These ☐ Preliminary ☐ Comments ☐ are ☐ not ☐ an ☐ assessment ☐ of ☐ the ☐ Draft ☐ Safety ☐ Plan

☐ It ☐ is ☐ apparent ☐ that ☐ SCG ☐ takes ☐ the ☐ Safety ☐ Plan ☐ pre submission ☐ is ☐ personally ☐ signed ☐ by ☐ every ☐ senior ☐ officer ☐ of

unprecedented circumstance that UWUA commends. This process even difficult to comprehend of the California Legislature, Governor Commission has made it quite clear that transform the culture in the gas industry by making every level of gas operations workers their interactions with the facilities and their interactions with the gas industry people who make this happen. Failing to work with the electric responsible for bargaining terms and conditions of employment safety is a former behavior that would prudent not to do. The Commission can and should correct this behavior.

1. Failure to Consult

The Draft Safety Plans filed by gas utilities in 2011 by the provisions of Public Utilities Code sections 961 and Stats. 2011 (SB 705) (the Gas Safety Act) was the sponsor of legislation,¹ and has worked with SCG, both through the process and informally, to make safety the highest priority in the Util. Code section 961. SCG and UWUA have a long formal relationship over safety issues and procedures, pursuant to contractual undertakings and mutual statutory obligations and conferees. SB 705 builds on these relationships and practices in requirement in Pub. Util. Code 961(e)

The commission and gas corporation shall provide open meaningful, substantial, and ongoing participation by the corporation workforce in the development and implementation plan, with the objective of developing an industrywide culture that will minimize accidents, explosions, fires, and danger

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¹ Senate Floor Analysis, September 1, 2011. <file:///Users/bill/Desktop/SB%20705/SB%20705%20Senate%20Bill%20705%20ConcurBill%20Analysis.webarchive>

conditions for the protected public and the gas corporation workforce.

The use of the term "workforce," defined in ~~Section 9~~ employees and contractors ~~any~~ inference that the opportunity participate in ~~the~~ is ~~not~~ ~~limited~~ ~~to~~ ~~represented~~ ~~employees~~ ~~but~~ ~~exclusion~~ from plan development of the, ~~employees~~ ~~bargaining~~ representatives, ~~who~~ ~~are~~ ~~legal~~, ~~experienced~~ ~~and~~ ~~forceful~~ ~~advocates~~ ~~employee~~ ~~point~~ ~~of~~ ~~view~~ ~~of~~ ~~interest~~, ~~public~~ ~~is~~ ~~wholly~~ ~~inconsistent~~ ~~with~~ statute's directive to develop ~~the~~ ~~public~~ ~~utility~~ ~~industry~~ ~~safety~~.

SCG describes extensive examples of direct communication interaction with employees, using a survey instrument, focus facilitated interactions, and other communications tools. In activities its failure to interact with the Union in Plan deliberate, and potentially provocative rather than collaborative.

Ultimately, the Commission must review the Plan and "accept reject" it. Pub. Util. Code, section 961(b)(2). UWUA Plan at this time for this egregious failure, although the initial utility Draft might ~~be~~ ~~less~~ ~~transparent~~ ~~to~~ ~~the~~ ~~Commission~~, ~~the~~ ~~public~~, ~~and~~ ~~the~~ ~~organ~~ the primary agent for carrying out the Plan.

The statute's directive to provide opportunities for meaningful participation runs both to the utility and to failure in this regard ~~to~~ ~~consult~~ ~~and~~ ~~cooperate~~ ~~with~~ ~~the~~ ~~empl~~ bargaining representatives ~~to~~ ~~be~~ ~~rectified~~ ~~through~~ ~~Commission~~ ~~to~~ ~~its~~ ~~own~~ ~~responsibility~~ ~~and~~ ~~power~~.

2. Potential Ambiguities and Characterizations

The Commission's exercise of its responsibility to provide opportunities for participation includes employee bargaining representatives has significant impact. As a result of the failure to consult senior officers have made representations to the Commission Plan which are ambiguous and misleading, particularly in the Operations section of the Executive Summary. Although they are consistent for interpretation and understanding among employees, managers and staff should come through ongoing consultation and cooperation, given the complexity of the refusal must be facilitated by the Commission. UWUA will focus on only one instance, an important several others. The Executive Summary Plan contains several statements about employees' "ability to halt unsafe stop work conditions."² This is a significant step forward in putting a genuine SCG policy shift and not a subtle attempt at employee empowerment which does not exist that representation to the Commission does not reflect a uniform procedure at SCG heretofore; going forward with more widely practiced since this is significant.

However, it raises several practical issues for which employees are managers instructed about the employee's ability to stop work and manager disagree about whether a condition

² Executive Summary, page 10: "Beginning on their first day of work, employees that they have a responsibility to report unsafe conditions as stop work if they observe unsafe conditions."

Executive Summary, page 10: "[During training] our employees' they observe unsafe conditions their obligation to report such conditions, is emphasized."

employee be disciplined for insubordination if he/she stops an employee assume the risk of if adverse is judged by a been wrong about whether a condition is unsafe? (D compensation value productivity (contribution to earnings) higher an employee unable to complete a job on time without or otherwise creating an unsafe condition, should the em about employees of third party "contractors"? Do issue they have the same ability to job "stop" SCG separately employees have? What the workforce size issues that could create a safety engenders considerations against up state

These issues are of the sort that unions as emp with managers in good faith all the time. fail to It is consult with the UWUA in putting together a Draft Sa significant culture

This element individual employees' power is especially important because SCG wants to contrast its approach to responsibility with the UWUA's advocacy of a system is a proceeding⁴ and in the General "Welding Case" stop Producting job" employees are powerless to implement safe procedures, or compliance in the of managers who may appear and to want productivity over other considerations and SCG disagree about philosophy and approach to safety; while that issue is Commission, SCG push may its approach safety

has significant operational and employment implications addressed
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³ UWUA advocates a prevention approach that focuses on eliminating them by improving the systems that underlie the cited

⁴ COMMENTS OF THE UTILITY WORKERS UNION BEFORE THE AMERICAN
14, 2011, page 10

⁵ 12/16/06, Exhibit 582; Testimony of UWUA Witness John

cooperatively with the UWUA. Shutting the UWUA out of process runs the risk of Plan failure if widespread misbehavior occurs among employees and managers.

Descriptions of employee training, "coaching" of employees, safety interactions both formal and informal contained in all appear intended to create a collegial atmosphere of empowered employees and solicit UWUA members do not recite this atmosphere is widespread at SCG, although as an aspirational future atmosphere might be desirable.

3. Recommendation for Workshops

The failure to consult with the UWUA appears to have resulted in the failure to consult with the Commission's Risk Assessment developed a preliminary compilation and ranking of hazards, range, that should be systematically addressed. There is little effort beyond the Draft Safety Plan by SCG to go beyond the status quo of DIMP and Operation and Plans, Maintenance and their extended time horizon (review of many systems and activities).

The primary stakeholders in the safety dynamics, including commission staff and representative public representatives, should be encouraged to work together to carry out the primary command of the plan.

961.

...

(d) The plan developed, approved, and implemented pursuant to subdivision (b) shall set forth how the gas corporation shall achieve each of the following:

(1) Identify and minimize hazards and systemic risks in order to prevent accidents, explosions, fires, and dangerous conditions, and the gas corporation workforce

Workshops would be used for the purpose of facilitating the identification of hazards, including hazards in the customer service area with the facilities. It also will jump start interactions occurring right along begin to draw out of its

Respectfully submitted,

/s/ [Signature] /s/ [Signature]

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