



# NAKNEK ELECTRIC ASSOCIATION, INC

POST OFFICE BOX 118 • NAKNEK, ALASKA 99833 • PHONE (907) 246-4261 • FAX (907) 246-6

April 8, 1992

Charles W. Mahlen  
Commissioner  
Alaska Dept. Of Labor  
P.O. Box 2-5506  
Juneau, Ak 99802-5506

Dear Commissioner Mahlen:

Last week I received formal notification that the Alaska Department of Labor is considering adopting regulations that would make the practice of "rubber gloving" illegal when working on energized lines with voltages above 5kV. I would like to explain to you how and why this action came about.

For background information, Naknek Electric Association is a small diesel burning rural electric cooperative that provides power to the communities of Naknek, South Naknek and King Salmon. We have ten generators, a total installed capacity of 6.6MW and approximately 65 miles of distribution line, with primary distribution voltages of 7.2kV and 14.4kV. We employ a total of 15 full time individuals, seven in generation, four in distribution and four in administration. We began operations in 1960 and our line foreman has been with us since 1961. The average tenure of our employees is over 9 years.

When I came on board here in mid 1990 I almost immediately started hearing little grumbles from members on the King Salmon feeder about the line slap problems on that line. When this line was built some 15-20 years ago, cost considerations had driven the cooperative to install poles 500+ feet apart and ever since, during periods of high wind activity or heavy ice fog or both, services connected to the feeder experienced recurrent momentary outages due to line slap and excessive line vibration. These outages were annoying and inconvenient to the members and stressful to our generators as well.

That winter I got Board approval to institute a project to install additional poles mid-span in the King Salmon feeder and we planned to complete the project over a three year period, installing approximately 30 poles each winter until all the spans in the exposed areas were shortened.

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A few weeks before the project was to begin, I was conferring with our Line Superintendent and one of our linemen on how the actual installation would proceed and what would need to be done to raise the energized lines and reinstall them on the new pole when one of them commented how much easier it would be if we could just rubber glove the project. This led to a discussion on the merits of rubber gloving, especially on a project like this one.

Following this discussion, I checked with the Alaska Department of Labor, who confirmed that rubber gloving was not illegal in Alaska. I called our statewide Safety and Training Director who confirmed that rubber gloving was a common practice elsewhere in the US and that the safety rules contained in the American Public Power Association Safety Manual adequately represented standard safety practices followed when utilizing this practice. I arranged for an in-house training effort whereby two linemen with limited rubber gloving experience were brought up to speed by the experienced glovers in my crew. We already had all the coverup material and 30kV gloves in stock and went through the recommended testing procedures before commencing the job.

The project began in early February, 1991. Outside work was done only on clear days when temperatures were not too cold to be prohibitive. The project could only be done in the winter when the tundra was frozen hard enough to drive on with our heavy line vehicles. At our annual meeting in mid March we advised our membership that we had installed 19 poles in the feeder and that the project was being accomplished in-house using rubber glove techniques. I had personally talked to each of my crew members about the project and it was evident that they were comfortable utilizing this technique. I had arranged for a week-long full scale rubber glove school for later in the spring to teach them more about the theory and application of this technique and they were eager to participate.

During the first week in April, I was in Juneau attending the ARPCA Legislative Conference when I got a telephone call from the office telling me that the IBEW had called our line foreman and "raised hell" about the rubber gloving project. Apparently an IBEW member from this region (not part of our crew) had complained to the Local that NEA linemen were rubber gloving here in Bristol Bay. Since I was out of town, I told my crew to hold on that job until I could return to town to deal with the situation.

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On my return, I discovered that the IBEW had followed up their phone call with a letter to our line foreman expressly forbidding him to rubber glove anything above 5000 volts. I wrote an angry letter to the IBEW Business Manager protesting this interference in our work practices and requesting that any future real or perceived problems be addressed through the channels prescribed in our collective bargaining agreement.

I did not hear back from the Union and the job was halted by the warming weather conditions. We had installed 34 poles during this time. The project accounted for 609 man hours, of which 168 hours were hot time. Actual hands-on hot time was 56 hours, (the entire three man crew is paid hot time even though only one is actually doing direct hot work at any point in time) representing about 3% of an annual work year. As I had promised my crew, during the first week of June we had a full scale rubber glove training session in Naknek, instructed by the ARECA Safety and Training Director and attended by linemen from two other cooperatives in addition to my crew. A couple of days into the training, while the entire class was out doing a demonstration job, two men in a pick-up truck parked close by and began video taping the session. The person video taping was an IBEW member and presumably the same individual that had contacted the Local in March.

Obviously, the class participants were very disturbed by this intrusion as most of them were IBEW members and the message clearly was that evidence was being collected to prove that they were violating some unwritten IBEW rule. So once again the job was interrupted and the crew returned to the office for more classroom instruction while I contacted our attorney to see what I could do to stop the harassment that was occurring.

Our attorney contacted the IBEW Business Manager who assured him that the IBEW had not and would not interfere in the performance of work at NEA or in our crew participating in any training sessions. He indicated however that Local 1547 was opposed to rubber gloving and that, if we continued to rubber glove, the Local would file a grievance against us.

On June 13, 1991 a class action grievance was filed by Local 1547 against us challenging management rights to institute new work practices and citing safety concerns such as electrical exposure and the dangers of "electrical magnetic fields (EMF's)".

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I immediately rejected the grievance and suggested remedy, which was to cease rubber gloving. However, recognizing the uncomfortable position that my employees were being placed in by the Union's objections, I agreed to an expedited resolution of this issue through the arbitration process. In the interest of timeliness, I agreed to the selection of one mutually acceptable arbitrator from the American Arbitration Association instead of the "Panel of Three" called for in our agreement. I also instructed my employees that, since the Union was working with us toward a speedy resolution of the problem, they should abstain from rubber gloving until the matter was settled.

On June 25, the AAA provided NEA and IBEW 1547 with a list of potential arbitrators and requested responses by July 9. On July 15, the AAA notified both parties that the response date had been extended to July 29 since the IBEW had not submitted their response. After their strikes no arbitrator remained on the list so the AAA provided a new list of potential arbitrators. Eventually, at the end of August an arbitrator was selected but then the IBEW's representative could only make three days available in mid November for this arbitration and, in the final analysis, December 16-18 was settled for the hearing.

In early December, the IBEW started negotiating a settlement of the grievance. They indicated to our attorney that they intended to have legislation introduced banning rubber gloving in Alaska and that this would make the grievance essentially moot. It was my feeling that we should proceed with the arbitration because I felt we would be able to clearly demonstrate that rubber gloving was a widely used and safe line technique that is considered by experienced linemen to be the preferred technique for live line operations. Evidence presented during the hearing could also be utilized to educate Legislators ruling on the merits of a bill introduced to restrict rubber gloving.

Finally, on December 10 I indicated to our attorney that, if the IBEW was willing to concede that the management rights clause in our bargaining agreement allowed the introduction of changed work practices, I would be willing to settle the grievance and would resume rubber gloving as long as it was legal to do so. Although a proposed settlement agreement had been drawn up, it was never actually executed because the next day, the IBEW dropped all settlement discussions and wrote the AAA a letter indicating that they had withdrawn their grievance against us.

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On January 15, Representative Finkelstein's office introduced HB403, a bill intended to eliminate the practice of rubber gloving in Alaska. Shortly after, I learned that the Department of Labor had essentially advised the Representative's staff that the appropriate channel for such changes in work practices was through departmental regulations rather than through legislative changes. Which brings us to the present day.

Commissioner, I have attached a summation of various states and individuals that I have contacted regarding this issue. I have also attached a rather voluminous document entitled "Assessment of the Proposed Standard on Electric Power Generation, Transmission and Distribution." The "Proposed Standard" is the new set of regulations that are being considered for adoption by the US Department of Labor. Included were safety standards for working on energized lines essentially identical to those contained in the APPA safety manual.

Also enclosed is a copy of the order granting a permanent variance to Pacific Gas and Electric by the OSHSB of the State of California, allowing the use of rubber glove and bare hand techniques on their distribution and transmission lines. Current California laws allow rubber gloving on energized systems up to 7500 volts. PG & E employs approximately 2500 linemen, about 50% of the entire state's workforce. As you will see, the IBEW Local representing PG & E linemen strongly supported the variance.

I have also enclosed a copy of the most recent APPA safety manual and copies of some correspondences I have received regarding this issue. I believe you will see that the practice of rubber gloving is a lot more commonplace than some would like to believe. When talking with the Anchorage Department of Labor office, I learned that Alaska considers itself and California to be leaders in the field of Occupational Safety and Health. I believe that, if we adopt regulations restricting the use of technologically advanced operation methods, we are taking a giant step backwards and are catering to the outdated philosophy that asserts: It's worked for us for 40 (or 80 or 100) years - it'll work for us for another 40.

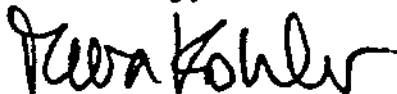
It is my strong feeling that the decision of whether to glove or stick a job is one that should be made at the field level by the crew performing the job. To not provide our people with the training and equipment that would allow them access to all

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practical options is doing them a great disservice. To continue to propagate the myth that rubber gloving is an unsafe act with numerous unspeakable dangers (eg. EMP) is to belie the fact that 90% of line departments in the United States routinely use rubber gloving techniques on voltages up to 34.5 KV and linemen trained and capable in both hot stick and rubber glove techniques will almost always choose the latter when either option is appropriate.

If there is any additional information I can provide you on this very important subject, I urge you to contact me.

Sincerely,



Meera Kohler  
General Manager

MK/cc