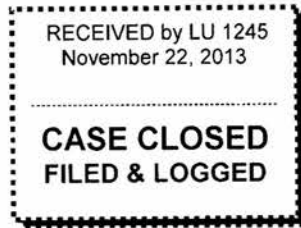




## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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INTERNATIONAL BROTHERHOOD OF  
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DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

F. E. (ED) DWYER Jr, SECRETARY

### Pre-Review Committee Number 20567 Energy Supply – Nuclear – DCPD

Micah Van Bogelen  
Company Member  
Local Investigating Committee

Mark Taylor  
Union Member  
Local Investigating Committee

#### Subject of the Grievance

This case concerns the discharge of a Diablo Canyon Power Plant (DCPP) Nuclear Operator as a result of his Unescorted Access Authorization (UAA) being revoked.

#### Facts of the Case

Nuclear Regulatory Commission (NRC) regulations require nuclear power facilities to implement screening programs to ensure the reliability of those who are granted UAA. In compliance with this requirement, the Company established access policy requirements (SP 432), which include specific DCPD access eligibility criteria. SP 432 has been reviewed and approved by the NRC. Nuclear Operators are required to maintain their unescorted clearance in order to perform their job duties.

DCPP Security (Access Authorization Department) was notified by the California Department of Justice that the grievant was arrested and charged with "felony assault with a deadly weapon" in connection with an off duty/off work incident. As a result of the arrest, the Company determined that he no longer met the criteria for unescorted access and his access was suspended. The grievant subsequently plead "no contest" to a lesser charge of "battery with serious bodily injury". With the conviction, the Company changed the grievant's status from suspended to revoked based on his criminal record. The grievant was then terminated for failing to maintain his unescorted access.

#### Discussion

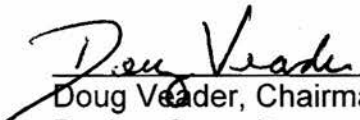
At the time of the grievant's termination, SP 432 was designated as a safeguarded document, which precluded the Company from providing the document to the Union.

Recently, the document's safeguarded designation was rescinded, allowing the Company to provide the document to the Union.

The Pre-Review Committee reviewed SP 432 and the reason for the revocation of the grievant's UAA. The grievant's conviction met the criteria for automatic termination of UAA. The Committee also noted that the grievant appealed the access revocation decision, as provided for in SP 432, and that his appeal was denied.

Decision

The Committee agrees the discharge was for just cause and closes this case without adjustment.

  
\_\_\_\_\_  
Doug Veader, Chairman  
Review Committee

11/20/13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
F.E. (Ed) Dwyer Jr, Secretary  
Review Committee

11/20/2013  
\_\_\_\_\_  
Date