



REVIEW COMMITTEE

IBEW



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CASE CLOSED
FILED & LOGGED

INTERNATIONAL BROTHERHOOD OF
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R.W. STALCUP, SECRETARY

MARGARET A. SHORT, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Diablo Canyon PP Grievance No NPG-687-95-026
Fact Finding File No. 6202-95-219
Pre-Review Committee No. 2059

CARYL DAVIS
Company Member
Local Investigating Committee

MIKE HAENTJENS
Union Member
Local Investigating Committee

Subject:

This grievance concerns whether the Company's refusal to allow a Nuclear Operator to take the NRC Reactor Operator's (RO) license examination was in violation of the Agreement.

Facts:

The grievant is a Nuclear Operator headquartered at the Diablo Canyon Power Plant. He completed the Company administered Reactor Operator class in October, 1994. As provided in Exhibit VI-B, Special Conditions Applicable to Nuclear Power Plants, Section III - B, he was given the Company examination and passed with a score of 82.7%. He took the NRC license examination, passing the operational portion but failing the written portion. He was allowed three retesting opportunities.

The Company agreed to a six week remediation plan and scheduled the grievant for a retest of the written portion of the exam with the NRC. for May 22, 1995. While there is dispute as to the precedent conditions required for the grievant to be allowed the opportunity for the retest, the grievant's remediation plan schedule included the statement, "PLP Comp will be 100 questions with 80% required for retake of NRC Test". The Company maintained that they had communicated before and during the remediation that the grievant would only be allowed to take the retest if, in their opinion, he was making sufficient progress in remediation and was likely to pass the NRC examination.

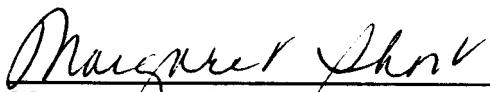
In any case, the grievant started remediation on April 11, 1995. He took a Sys Comp exam on April 21, 1995 and achieved a score of 84%. He took a PLP Comp exam on May 4, and achieved a score of 80.8%. He was removed from remediation on May 18 after Operations and Learning Center management determined that his progress was inadequate and that he would be better served by attending the next license class. At the time the grievant was removed from the remediation program, he had an average test score of 79.3 on SYS tests and 81.3 on PLP tests.

Discussion & Conclusion:

The grievant began his second RO license class in January, 1997. Provided he successfully completes class, he will be allowed to take the NRC examination in May 1998. The Committee agrees that the Company did not have a contractual obligation to offer remediation or to allow the grievant a second opportunity to participate in license class. However, the Company did provide remediation and schedule an NRC retest and thus has some obligation to fulfill its commitment. While it is somewhat unclear as to exactly the level of that commitment, the grievant's training schedule did provide that he would be allowed a retest only if he scored over 80% on the PLP Comp. The test records indicate that he scored above 80% on one PLP Comp exam. The grievant was removed from remediation on May 18, 1995, prior to completing the last two PLP tests.

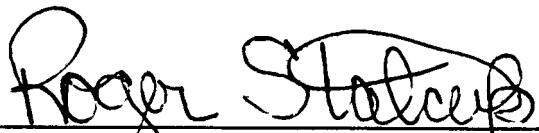
Given the fact that the Company did not have a contractual obligation to provide remediation or schedule a retest, but nevertheless placed the grievant in remediation for 6 weeks, it had an obligation to reasonably follow through. In light of these findings, the Committee agrees to an equity settlement that has two parts. First, the grievant will receive a lump sum payment of 1/4 of the license premium he would have received had he passed the retest on May 22, 1995. The LIC is instructed to reconvene to determine this amount, recognizing that the payment for 1997, and the partial payment for 1998, will be an estimate. Second, if the grievant passed the NRC exam in May 1998 and receives his license, he will receive a second lump sum payment equal to the first payment.

On that basis, this grievance is considered closed.



Margaret A. Short, Chairman
Review Committee

4/25/97
Date



Roger W. Stalcup, Secretary
Review Committee

4/25/97
Date