



## REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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RECEIVED by LU 1245  
November 22, 2013

**CASE CLOSED  
FILED & LOGGED**

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

### Pre-Review Committee Numbers 20389 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 suspension without pay, of a Diablo Canyon Power Plant (DCPP) employee, when his Unescorted Access Authorizations (UAA) was suspended following an off-duty arrest.

#### 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. The grievant is in a classification required to maintain unescorted clearance in order to perform his job duties.

The grievant was arrested for Felony Assault with a Deadly Weapon. The incident did not occur during the grievant's scheduled hours of work or on Company property. The DCPD Access Authorization Department was notified of the arrest, reviewed the arrest paperwork, and suspended the grievant's access. The grievant remained on unpaid suspension until he was convicted of a lesser charge of battery with serious bodily injury. Following his conviction the grievant's UAA was revoked and he was terminated for failing to maintain his UAA. The unpaid suspension lasted approximately three months.

#### Discussion

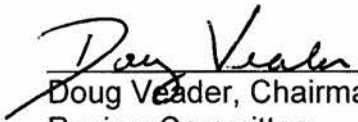
At the time of the grievant's suspension, SP 432 was designated as a safeguarded document, which precluded the Company from providing the document to the Union.

Recently, the document's safeguarded designation was rescinded, allowing the Company to provide the document to the Union.

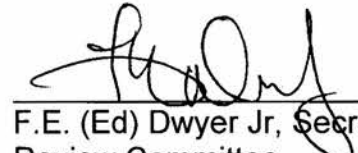
The Pre-Review Committee reviewed SP 432 and the reason for the suspension of the grievant's UAA. The grievant's arrest met the criteria for automatic suspension of UAA. The Committee also noted that there is no provision in the Labor Agreement which provides for these suspensions to be with pay.

Decision

The Committee agrees the suspension of the grievant was in accordance with SP 432 and was not a violation of the Labor Agreement. This case is closed without adjustment.

  
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Doug Vealer, Chairman  
Review Committee

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

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

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