



**United States
Nuclear Regulatory Commission**

Report of Investigation

CALLAWAY NUCLEAR PLANT:

**DISCRIMINATION AGAINST AN [EMERGENCY
PREPAREDNESS DEPARTMENT SUPERVISOR] BY
MANAGEMENT FOR REPORTING CONCERNS**

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Office of Investigations

Reported by OI: **RIV**

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Title: CALLAWAY NUCLEAR PLANT:

DISCRIMINATION AGAINST AN [REDACTED] 7C
[REDACTED] BY MANAGEMENT FOR REPORTING
CONCERNS

Licensee:

Callaway Nuclear Plant
P.O. Box 620
Fulton, MO 65251

Docket No.: 50-483

Case No.: 4-1999-054

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SYNOPSIS

This investigation was initiated on September 28, 1999, by the Nuclear Regulatory Commission (NRC), Office of Investigations, Region IV, to determine if a [REDACTED] in [REDACTED] at AmerenUE's Callaway Nuclear Plant (Callaway) was discriminated against by management for reporting safety concerns. 7C

Based on the evidence developed during this investigation, testimony, and document review, the allegation that a [REDACTED] in [REDACTED] was discriminated against by management for reporting safety concerns was not substantiated. 7C

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LIST OF INTERVIEWEES

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DETAILS OF INVESTIGATION

Allegation

Discrimination Against [REDACTED]
[REDACTED] by Management for Reporting Concerns

Applicable Regulations

10 CFR 50.7: Employee Protection (1999 Edition)

Purpose of Investigation

This investigation was initiated on September 28, 1999, by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if [REDACTED] at AmerenUE's Callaway Nuclear Plant (Callaway) was discriminated against by management for reporting safety concerns (Exhibit 1). 7C

Background

On September 22, 1999, John HANNA, NRC:RIV Resident Inspector at Callaway, was contacted by [REDACTED] who reported that he was being harassed and intimidated by senior management for reporting safety concerns. According to HANNA, [REDACTED] alleged that there was an inability to classify and/or a significant delay in the classification of emergencies using Emergency Action Levels (EALs) as they are currently written. [REDACTED] reported that [REDACTED] Callaway, attempted to dissuade him [REDACTED] from reporting his concerns to the NRC. In addition, [REDACTED] stated there was a trust issue between himself and [REDACTED]. 7C

Interview of Allegor [REDACTED] (Exhibit 2)

[REDACTED] was interviewed by OI:RIV on [REDACTED] and stated he had worked for Union Electric, now AmerenUE, at Callaway since [REDACTED] in essentially the same job as [REDACTED]. His current supervisor is [REDACTED] and includes [REDACTED] Shift Supervisor, [REDACTED]. 7C

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[redacted] said EALs were indicators used to determine if the plant had an emergency and the emergency's degree or level. [redacted] said a couple of years ago, [redacted] Callaway, said he considered the EALs to be vague and ambiguous. [redacted] said the old bases for radiological portions of the EALs were inadequate, did not exist, or relied on incorrect information, assumptions, or miscalculations. [redacted] said, with [redacted] approval, he revised all calculations for radiological numbers in EALs, came up with new values, and incorporated them in a draft revision of EALs which he sent for cross-disciplinary review about 18 months ago. 7C

[redacted] said some calculations could be construed as a decrease in effectiveness to the EALs, because they were less conservative. Some were also in the Radiological Emergency Response Plan, and changes to this plan had to be submitted to the NRC for prior approval. [redacted] said they had a special meeting of the off-site review committee in approximately [redacted] to discuss the EALs. [redacted] said some of his EAL changes to procedures were adopted if they were considered conservative in direction, but the on-site review committee did not approve the changes that were considered nonconservative, even though some old values were incorrect. [redacted] said that caused a disagreement and "some friction" between him and [redacted]. Shortly after this, EALs were assigned to [redacted] who did not work on them because he believed there was nothing wrong with them. [redacted] said he told [redacted] they still needed to make the rest of the EAL changes, but he got little or no response. 7C

[redacted] said he never had any problems with [redacted] and they had "a very good working relationship..." until he met with him on [redacted] about EALs. [redacted] said he wanted to get EALs changed before the [redacted] scheduled for [redacted]. [redacted] said he told [redacted] that [redacted] was not pursuing the EALs issue, but it should be pursued, and "It got kind of nasty at that point..." [redacted] attitude was if the numbers were wrong in a conservative direction, "it is no big deal," but he [redacted] believed if the numbers were wrong, they needed to be changed. [redacted] said when he got irate about [redacted] responses, [redacted] told him he had a bad attitude and a problem dealing with people. [redacted] agreed that he had confrontations with people in the department, but only when they were trying to resolve conflicts. This was first time [redacted] told him he thought he had problems dealing with coworkers. [redacted] admitted he was stressed out and 7C

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became upset with [REDACTED] [REDACTED] said [REDACTED] did not threaten him in any way, only mentioned his bad attitude. 7C

[REDACTED] said he subsequently wrote [REDACTED] in which he said the EALs needed to be changed, and it had been over a year since he drafted a copy of the EALs. He did not talk to [REDACTED] prior to writing the SOS, which he was not required to do. After he wrote it, [REDACTED] said he talked to [REDACTED] about it. According to [REDACTED] was "very cold and indifferent," and then he "blew up" and mentioned his [REDACTED] inadequate job performance. [REDACTED] said "it got really nasty," and they got into a heated argument. [REDACTED] told him the SOS was unprofessional, and [REDACTED] admitted "the SOS was not real nice how I wrote it," and it "shed a negative light on my supervisor." [REDACTED] said [REDACTED] told him he [REDACTED] was keeping a file on him and making a case against him, and if he wasn't happy "here," maybe he should seek employment elsewhere. [REDACTED] did not give him specifics as to what part of his [REDACTED] performance he [REDACTED] thought was inadequate, nor did he [REDACTED] ask for them. [REDACTED] said he left, and the meeting "was very bad and it was not done professionally on my part or his." [REDACTED] said after meeting with [REDACTED] he wrote [REDACTED] and identified his concerns about the EALs and his meeting with [REDACTED] but he received no response from [REDACTED] 7C

[REDACTED] said on [REDACTED] asked him to read an e-mail he [REDACTED] had written to himself. [REDACTED] said [REDACTED] claimed he wrote this e-mail on Friday, but they had not talked about some of the items mentioned until Monday. [REDACTED] said [REDACTED] e-mail was correct when it said he [REDACTED] had mentioned [REDACTED] attitude possibly being tainted by him, [REDACTED] having gone to the NRC years ago. [REDACTED] said [REDACTED] e-mail talked about problems he [REDACTED] had with the rest of the [REDACTED] group, but he [REDACTED] said he had no problems with the rest of the group, and he had no knowledge of anyone saying they could not work with him or he was hard to get along with. According to [REDACTED] e-mail mentioned a confrontation between [REDACTED] and training, but [REDACTED] said he was an advocate for training. 7C

[REDACTED] said he decided to talk with [REDACTED] [REDACTED] used to be his manager, and he met with him on [REDACTED] [REDACTED] said he was upset that [REDACTED] was making him look incompetent, like he was not doing his job and did not get along with anyone. [REDACTED] 7C

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said that was untrue, and he had a good work record and good performance appraisals. [redacted] told [redacted] he wanted [redacted] to give him specifics if he was not doing his job, so he [redacted] could correct it. [redacted] told [redacted] he wanted to move forward with [redacted] and regain trust. [redacted] told him [redacted] considered the SOS unprofessional because of the way he [redacted] wrote it. [redacted] said after he received a memo prepared by [redacted] about their meeting, he believed things would be resolved, and they would implement some of [redacted] suggestions. 7C

[redacted] said he and [redacted] subsequently discussed some [redacted] sent by [redacted] and [redacted] notification that he would be unable to take action on the EALS until April. [redacted] explained that the SOS had been assigned to him for action. [redacted] told him he was "flabbergasted" because he thought the EALS were important to him [redacted] [redacted] said he told [redacted] with the outage and vacation, he had little time for EALS, adding "it was not a positive discussion." 7C

[redacted] said he e-mailed [redacted] on [redacted] asking that human resources (HR) get involved in his case, and that he was going to the Department of Labor (DOL) and NRC. [redacted] said [redacted] had slammed a chair into his [redacted] desk and slammed his [redacted] day planner on his [redacted] desk during discussions. [redacted] said "it was getting pretty belligerent. It was kind of upsetting me." Subsequently, he met with Karen BOULANGER, HR, but she seemed to be investigating [redacted] 7C

AGENT'S NOTE: [redacted] was [redacted] 7C

Shortly thereafter, [redacted] said he was interviewed by [redacted] who was at Callaway to [redacted] into his [redacted] allegations. He said he told [redacted] he went to the NRC because he believed Callaway was trying to make him look bad, and he wanted to be sure no additional disciplinary action was taken against him. [redacted] said [redacted] told him [redacted] was upset by the SOS because it said that he [redacted] was unresponsive or negligent in failing to respond to the EALS, and the whole plant could access SOSs. 7C

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[redacted] said Callaway has a program where psychologists evaluate an employee's performance and provide feedback to the employee about how better to get along with people. [redacted] said many people, including [redacted] had gone through that program. 7C [redacted] told him he [redacted] had that option, but he [redacted] believed suggesting that was inappropriate because it seemed like the company was saying he was the only one with a problem. [redacted] said that was what he was talking about in his e-mail to [redacted] where he mentioned psychologists.

[redacted] said about this time, AmerenUE implemented market-based compensation for all management employees. [redacted] kept a board in his office showing all [redacted] employees and their evaluation, including education, performance, number of [redacted] experience, etc. [redacted] said he had pencilled in his guess as to names of individuals on [redacted] white board list, and he believed he [redacted] ranked at the bottom. [redacted] said he believed [redacted] was going to use this compensation package to pay him less than everyone else in the department. [redacted] said he ended up being ranked less than the [redacted] [redacted] said he discussed this with [redacted] and [redacted] told him it meant he no longer met minimum standards and his performance was unsatisfactory. [redacted] said [redacted] said [redacted] who had been in [redacted] about 2 years, told him he [redacted] was rated [redacted] under midpoint. However, [redacted] said that was expected because [redacted] did not have his [redacted] experience in [redacted] 7C

[redacted] said, at his request, he met with [redacted] the week of [redacted] [redacted] said he planned to take no action until he had reviewed [redacted] investigation report. [redacted] said he had spoken with [redacted] and [redacted] previous supervisor, about his [redacted] performance and "it wasn't good." [redacted] said he told [redacted] he would like the opportunity to compare his performance with anyone's in the department, but "that kind of fell on deaf ears." [redacted] also stated he believed it was unfair to use the number of SOSS written as a criteria of performance. He said he seldom wrote SOSS because he usually fixed things, worked on projects, and did not evaluate or critique things or perform surveillances. [redacted] said he was shocked at [redacted] inaction because he had believed [redacted] to be fair, honest, and up-front. He said he expected more from [redacted] and the system. 7C

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[redacted] said BOULANGER recently told him her interviews indicated [redacted] advocated writing SOSs, so she had concluded his [redacted] concerns were not valid. He said he told her his concern had never been that [redacted] did not advocate writing SOSs; his concern was that [redacted] got upset if an SOS was written about him. 7C

[redacted] said [redacted] never told him or implied that he should not go to the NRC with his concerns. [redacted] said he told [redacted] he was going to the NRC, and [redacted] told him that was well within his right to do so. [redacted] said [redacted] had never told him he could not talk with the NRC, nor had anyone at or associated with Callaway said anything like that. [redacted] said they were always above board in talking to the NRC. 7C

[redacted] said, "I can see some further retaliation." However, thus far, what [redacted] considered to be retaliation was that [redacted] had gotten confrontational with him, slammed a chair, made threats about his [redacted] performance, and his [redacted] market-based compensation was below average. [redacted] said he had not received a recent evaluation despite asking [redacted] and [redacted] for one. He said no one ever gave him anything in writing criticizing his performance. He said [redacted] boss, [redacted] had never talked to him about anything, including his [redacted] performance. [redacted] said [redacted] and another employee whom he refused to name also had problems with [redacted] in the past. 7C

[redacted] said he had not filed a DOL complaint, although he had filed a DOL complaint in the past. At that time, the company determined his complaints were legitimate and transferred a supervisor to another department. [redacted] said that NRC:RIII investigated his complaint in [redacted] or [redacted] and the investigator concluded he [redacted] was discriminated against, but the NRC regional office apparently changed that conclusion and did nothing. [redacted] said he viewed that as "a negative experience." 7C

Coordination with NRC Staff

On November 17, 1999, OI:RIV provided the transcript of [redacted] interview to NRC:RIV staff for review and determination of any violations of NRC regulations. 7C

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By memorandum dated November 30, 1999, Paul ELKMAN, [REDACTED] NRC:RIV, stated he had reviewed [REDACTED] transcript and concluded that failure to resolve EAL problems and maintain accurate EALs was a potential violation of 10 CFR 50.54(q) (Exhibit 3). ELKMAN recommended that Callaway's EALs be reviewed during an NRC:RIV inspection. ELKMAN subsequently conducted an [REDACTED] inspection on January 10-14, 2000, at Callaway, including the EAL issue and the licensee's response to [REDACTED] 7e

In a memorandum dated January 27, 2000, ELKMAN stated he substantiated the allegation that the EALs contained known inaccuracies (Exhibit 4). Licensee management stated they did not correct an inaccurate EAL because they believed it would be a decrease in effectiveness in the emergency plan. ELKMAN concluded that Callaway management made a deliberate decision not to implement an EAL change to correct an EAL they knew to be in error, in violation of 10 CFR 50.54(q). Licensee management stated they believed not correcting the error was a conservative action that would avoid a future violation. This issue was discussed by the NRC:RIV Allegation Review Board (ARB) on January 31, 2000. The ARB concluded that the licensee made a mistake in judgment regarding the EALs, and appropriate enforcement action would be developed following issuance of the RIV:OI report.

On February 10, 2000, the NRC:RIV issued Inspection Report 50-483/2000-04 regarding the inspection at Callaway and left the EAL issue an unresolved item (Exhibit 5).

Testimony/Evidence

Interview of William O. JESSOP (Exhibit 6)

JESSOP, Superintendent of Business Planning and Development at Callaway, was interviewed by OI:RIV on October 27, 1999, and stated he has been employed at Callaway since 1980.

JESSOP stated that approximately one year ago, AmerenUE decided to go to a market-based compensation for all utility managers, supervisors, and other non-Union employees, both nuclear and nonnuclear. JESSOP said AmerenUE hired Towers-Perrin, a consulting company, to compare the utility industry's salaries nationwide with AmerenUE's salaries. JESSOP said AmerenUE first sent job surveys to affected employees requesting them to

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describe their job duties. These completed forms were provided to Towers-Perrin through AmerenUE's HR Department. Towers-Perrin then attempted to match each specific job with its equivalent within the utility industry and returned these matches to HR. According to JESSOP, HR validated the majority of these matches, modified some of them, and returned all of them to Towers-Perrin. Towers-Perrin then placed a salary on each job, which was the midpoint of the salary range determined by using a utility database of position salaries.

JESSOP stated that AmerenUE used a market rate of 60% of Towers-Perrin's salary midpoint as their [AmerenUE's] median salary for calculating employee salaries. JESSOP said employees were then grouped by jobs, and each superintendent evaluated each job category under his/her supervision. JESSOP said each supervisor was then asked to evaluate and place their employees somewhere within a market range of plus or minus 20% of the median market rate. JESSOP said AmerenUE's Nuclear Division had devised a list of criteria for supervisors to use to rate their employees, including experience, performance, and leadership. JESSOP said the supervisors were told to evaluate each employee's present performance and not to use the employee's past performance in their evaluation.

JESSOP explained that superintendents were responsible for determining supervisors' salaries; managers were responsible for determining superintendents' salaries; and [redacted] was responsible for determining managers' salaries. In addition, [redacted] and the managers reviewed and approved each lower level employee's salary. JESSOP said, at the conclusion of this process, each superintendent or manager met with his/her employees and provided them written notification of their market-based salary. JESSOP said AmerenUE decided no employee's salary would be reduced. JESSOP said Callaway evaluated 371 employees, and of these, approximately 40% retained their current salary and 60% received a raise. 7C

Interview of [redacted] (Exhibit 7)

[redacted] at Callaway since [redacted] was interviewed by OI:RIV on [redacted] and said he has been employed at Callaway since [redacted]. 7C

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[redacted] said he was [redacted] manager in [redacted] for 5 years and had found [redacted] to have strengths and weaknesses. He believed [redacted] was a difficult employee whose main problem was interacting with people, but "he adds value in his technical aspects." [redacted] said he and [redacted] had counseled [redacted] about his inability to get along with others in the department. He believed there were comments made on [redacted] performance appraisals about his need to improve his working relationships and to be less disruptive during meetings. 7C

As an example, [redacted] said AmerenUE's purchasing department said [redacted] was "very antagonistic" when he was procuring some equipment. There was no formal discipline of [redacted] associated with his interaction with purchasing. Another example, according to [redacted] was in [redacted] when [redacted] became upset because [redacted] was selected to act as [redacted] instead of him [redacted]. [redacted] said he told [redacted] that [redacted] was a better choice because he [redacted] had problems dealing with others. [redacted] said about 5 months later, [redacted] apologized for his behavior and performance and that he had not been an effective team player. [redacted] said AmerenUE had offered [redacted] additional training, management development classes, and other opportunities to work on his interpersonal skills, but [redacted] did not avail himself of them. 7C

[redacted] said he met with [redacted] on [redacted] and discussed his [redacted] relationship with [redacted]. [redacted] said he wanted to reestablish trust and improve his business relationship with [redacted]. [redacted] said he offered [redacted] a management development program available at Callaway which he [redacted] had used himself. He said psychologists interview the employee, peers, and supervisor, give the employee personality type tests, and provide an action plan on improving the employee's skills. [redacted] said this was a voluntary program, and [redacted] told him he would consider using the program but not at the present time. 7C

[redacted] said a day or two before he met with [redacted] [redacted] had shown him [redacted] e-mail to him [redacted] and asked him [redacted] to investigate its allegations. [redacted] said [redacted] asked him to look into [redacted] relationship with and concerns about [redacted] and not [redacted] concerns about the EALs. [redacted] believed [redacted] wanted to obtain an objective assessment of his performance. However, in the past, [redacted] had been unwilling to accept others' perceptions of his performance and modify his 7C

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behavior. According to [redacted] admitted he was paranoid and distrustful of most managers, not just [redacted] 7C

[redacted] said he did not believe [redacted] was always forthright with him on all issues. As an example, in an e-mail, [redacted] said he [redacted] told him to see a psychologist, which was untrue. [redacted] said [redacted] was referring to his suggestion that he [redacted] use the behavioral analyst group, whom he admitted were psychologists. [redacted] said he believed [redacted] was paranoid or distrustful. As an example, he said [redacted] believed [redacted] had backdated an e-mail about a counseling session to show it occurred prior to [redacted] writing [redacted] [redacted] said he spoke with Rick BROCKMEIER who is responsible for the e-mail system. BROCKMEIER told him it would be beyond the capability of anyone on-site to go into the system and change the date and time on an e-mail. 7C

[redacted] said he interviewed [redacted] and they talked about [redacted] providing an assessment of [redacted] performance and working on an improvement plan. [redacted] said [redacted] never wrote a [redacted] performance appraisal for [redacted] or any of the [redacted] employees because [redacted] had been [redacted]. Since [redacted] was their peer, AmerenUE did not want him to write performance appraisals. [redacted] admitted that [redacted] never provided [redacted] with a written assessment of his performance. However, [redacted] said [redacted] had three counseling sessions with [redacted] in [redacted]. One was about [redacted] walking out of a drill critique meeting; one was about his interactions with [redacted] and training; and one was about his performance regarding some computer systems. [redacted] said [redacted] did have a "B file" on [redacted] but he had one on all the [redacted] staff. That was a file supervisors put both good and bad things in to use when preparing an employee's performance appraisal. [redacted] said at the conclusion of his interview with [redacted] he was satisfied [redacted] was not treating [redacted] any differently from other employees. [redacted] believed, as a result of his discussion with [redacted] that [redacted] was going to meet with [redacted] and develop performance standards and a personal action plan to address performance issues. [redacted] said he "continued to observe the situation" and believed [redacted] and [redacted] were addressing the issues. 7C

Upon receipt of a [redacted] e-mail from [redacted] [redacted] said he recommended to [redacted] that they conduct an HR investigation and an investigation by [redacted] 7C

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Wolf Creek, into [redacted] relationship and problems with [redacted] Callaway's [redacted] was assigned to evaluate the technical aspects of the EALS and [redacted] [redacted] said he was not present during HR or [redacted] interviews and had no part in drafting reports or coming to conclusions. 7C

[redacted] said both HR and [redacted] interviewed [redacted] and other members of [redacted] and neither HR nor [redacted] substantiated [redacted] concerns. [redacted] said [redacted] generated a report, but HR did not issue a report. BOULANGER made no recommendations, but [redacted] recommended team building within [redacted] to address the distrust between [redacted] [redacted] said [redacted] found no problems with [redacted] and other [redacted] employees, but did find problems between [redacted] and [redacted]. 7C

[redacted] admitted [redacted] was [redacted] and being involved in [redacted]. As a result of that issue, everyone in [redacted] was counseled about the company's zero tolerance for that kind of activity. [redacted] believed [redacted] took offense at this counseling, saying he had nothing to do with [redacted]. 7(c)

[redacted] said [redacted] visited him on [redacted] the day he received his market-based salary review from [redacted]. He was not pleased and said he was going to "take this issue to the wall." [redacted] said he had no input or involvement in [redacted] rating for this salary. [redacted] said he called [redacted] and told him about [redacted] concerns. [redacted] met with [redacted] on [redacted] at [redacted] request, but [redacted] said he was not present. However, [redacted] sent him some documentation about the meeting for the ECP file. [redacted] stated [redacted] performance was in the lower one-third of all supervisors, and his raise reflected that. 7C

[redacted] said he never issued a report regarding his involvement in this matter. However, he concluded that none of [redacted] concerns or allegations had been substantiated, and [redacted] was using this to divert attention away from his [poor] performance. 7C

[redacted] said, during his discussions with [redacted] [redacted] said perhaps he had been in [redacted] too long, was suffering from burnout and needed a change. [redacted] said Callaway sent surveys yearly to all management personnel asking if they were interested in a rotation to another part of the organization. Therefore, [redacted] had the opportunity to change his position, but had never done so. 7C

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Interview of [REDACTED] (Exhibit 8)

[REDACTED] since [REDACTED] was interviewed by OI:RTV [REDACTED] and stated he has been employed at Callaway since [REDACTED] 7C

[REDACTED] said he knew from the beginning "the department was highly dysfunctional...a lot of personality conflicts," and he knew who "created a lot of the havoc." He said only [REDACTED] were trying to save program. [REDACTED] said in [REDACTED] he moved [REDACTED] from [REDACTED] into the [REDACTED] which "solved one of his problems because he "got to split out one of, who I consider one of the troublemakers." [REDACTED] said he had known [REDACTED] in the past, but never [REDACTED] him. Even in the past, he had been aware that [REDACTED] could be direct and confrontational. [REDACTED] said in [REDACTED] had [REDACTED] which "was a disaster." [REDACTED] liked to argue, did not like to assume responsibility, and did not get work done. 7C

[REDACTED] said he assigned [REDACTED] the [REDACTED] and gave him from [REDACTED] to improve it. During that time [REDACTED] worked in another building. He was also assigned [REDACTED] and did not return to [REDACTED] until [REDACTED] When [REDACTED] returned to [REDACTED] in [REDACTED] could see some friction, and he told [REDACTED] he needed to calm down and work with people. 7C

[REDACTED] characterized his relationship with [REDACTED] in [REDACTED] as "fine." In [REDACTED] he told [REDACTED] to be more careful in his interfaces with people and to listen to their concerns. On [REDACTED] during a meeting about a [REDACTED] got angry [REDACTED] said on [REDACTED] he counseled [REDACTED] about this meeting and his behavior, but the EALs were not mentioned during that counseling session. [REDACTED] admitted the session got pretty heated, and he told [REDACTED] did not have time to deal with his [REDACTED] personnel type issues. [REDACTED] told [REDACTED] he needed to change his attitude and how he dealt with people. [REDACTED] admitted he told [REDACTED] that if he was unhappy at Callaway, he should look for another job. 7C

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[redacted] said when he came to work on Monday [redacted] he reviewed all plant SOSs, as was typical, and noticed [redacted] by [redacted] about EALs. He said he did not understand the [redacted] but instead of "doing something stupid," he thought about it before talking to [redacted] [redacted] said, while there was no plant policy that SOSs must be discussed with supervision before being written, he believed it was "common courtesy" to discuss them with the affected parties, in this case himself, which [redacted] did not do. 7C

[redacted] said he had attended an on-site review committee meeting in the [redacted] at which some EAL revisions were supported and some were not. [redacted] admitted [redacted] had expressed concerns about EALs in the past and said they needed to be revised. [redacted] said he told [redacted] that was not high on his priority list because he had reviewed the revisions with [redacted] who did not see value to making revisions. [redacted] said he and [redacted] had not discussed EALs since about October 1998, so he considered it a "dead issue." [redacted] said even though he was aware [redacted] was unhappy about the EALs, he was surprised by the SOS. 7C

[redacted] said on [redacted] [redacted] told him one of them [redacted] had received an e-mail from [redacted] dated [redacted] [redacted] said that e-mail was inaccurate because it referenced the EALs and things he and [redacted] had not discussed the previous Friday. [redacted] asked him [redacted] to pursue the matter and told him he [redacted] would be available to meet with [redacted] In [redacted] e-mail, he stated [redacted] was keeping a file on him. [redacted] admitted he may have told [redacted] he was keeping a file on him, but he meant a "B file" he kept on all employees, in which he noted their interaction with others, their assignments, etc., to use when completing their performance appraisals. [redacted] admitted the majority of items in his employees' B files were negative, including problems with interactions or job assignments or counseling sessions. He said he wanted [redacted] to know his performance was unacceptable and he [redacted] was documenting it. 7C

[redacted] said he met with [redacted] on [redacted] and [redacted] continued to deny he had a problem dealing with people. [redacted] said he suggested they bring in psychologists to evaluate [redacted] and determine if there was a problem. [redacted] refused at that time, but said he might consider it later. [redacted] said the beginning of his meeting with [redacted] was controversial and confrontational, and [redacted] told him he [redacted] was going to bring him down by going to HR or someone else. By the end of the 7C

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meeting, [REDACTED] "pretty much" admitted he needed to improve and said he would work on the problem. [REDACTED] said he told [REDACTED] he would work with him, but they did not agree to any specific plan. [REDACTED] said he had never written a performance appraisal on [REDACTED] or anyone in [REDACTED] because he had just gotten to [REDACTED] when they were due in [REDACTED]. He gave everyone 2% raises, the average raise for that year. [REDACTED]

[REDACTED] Consequently, [REDACTED] had received nothing in writing about his performance before his counseling by him [REDACTED] in [REDACTED]. [REDACTED] said there had been one previous counseling session in [REDACTED] when [REDACTED] "blew up" at a [REDACTED]. [REDACTED] said he believed he had adequately conveyed to [REDACTED] that his performance in dealing with others needed to improve. 7C

[REDACTED] said, as a result of [REDACTED] he was asked to counsel all his supervisors that if they received or saw improper e-mail to notify their supervisor and take action. [REDACTED] said he sent an e-mail about this issue with attached company policy and met individually with all his employees. According to [REDACTED] took offense at this meeting, saying he [REDACTED] said at the time, he did not know who had [REDACTED] but he discovered that [REDACTED] had not received anything. [REDACTED] said he then apologized to [REDACTED] but told him he was telling all employees to be aware of the policy and their responsibilities. 7C

[REDACTED] said a woman from HR [NFI] interviewed him about [REDACTED] [REDACTED] found on a computer, and [REDACTED] complaints about him [REDACTED]. [REDACTED] said he never received any feedback from HR about this meeting. [REDACTED] said someone from Wolf Creek [NFI] also investigated [REDACTED] [REDACTED] said allegations against him [REDACTED] and interviewed him and other employees. [REDACTED] said he never read the [REDACTED] report, but [REDACTED] told him there were no concerns in the report he needed to address. 7C

[REDACTED] said in summer 1999 AmerenUE instituted a market-based compensation program to compare salaries with similar jobs. Supervisory personnel, including everyone in [REDACTED] had to complete and return a questionnaire about their job positions by [REDACTED]. Each person completed the form and forwarded it to their supervisor who added comments in caps and forwarded it to the organizational development group. In cases where employees spent a great deal of time doing something other than their regular job, [REDACTED] 7C

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they were evaluated against both jobs. [redacted] said in [redacted] case, he was evaluated for [redacted] and market-based salaries were obtained for both. 7C

[redacted] said he rated his nine employees and provided them with an assessment of their standing in [redacted]. He said he rated employees on experience, education, budget, program and procedure improvements, completion of assigned tasks, quality of response, SOS use, adaptability, communications, human resources teamwork, job knowledge, planning and organizing, problem-solving, motivation, and attitude. [redacted] said on his matrix, [redacted] was represented by the [redacted] and [redacted] said he ranked [redacted] last, and [redacted] first. [redacted] said he did not give anyone a low 1 in any category. He ranked [redacted] a 2 in completion of assigned tasks and in communications, his only employee he rated a 2 in those categories. He said [redacted] did not perform well in [redacted] and he did not keep him informed on the status of the new notification process. [redacted] said [redacted] "typically" took offense whenever anyone tried to tell him what to do. Also [redacted] did not communicate well with others and "got them all upset and worked up for nothing." [redacted] said he also gave [redacted] a 2 in attitude, as well as [redacted] shown on the matrix as [redacted]. 7C

[redacted] said, in [redacted] after he evaluated and rated his employees, he [redacted] and [redacted] met and discussed all rad/chem supervisors. They placed all rad/chem supervisors into top, middle, and bottom third, based on their value and performance. [redacted] said education, experience, and other things had already been taken into consideration when he prepared a matrix evaluating [redacted] personnel. [redacted] said he was familiar with all the rad/chem supervisors since he had worked in [redacted] years. [redacted] said he, [redacted] and [redacted] reached a consensus as to where to place 24 rad/chem supervisors. Then they discussed where the lower third performers should be placed in the market rate. They decided the lower performers should be listed at minus 5 from the market range. [redacted] said [redacted] were rated at [redacted]. 7C

[redacted] said he told the others he would rank [redacted] in the [redacted] of performers. [redacted] said neither [redacted] disagreed with his assessment of [redacted] in placing him in the [redacted]. 7C

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[redacted] said they talked specifically about [redacted] because he [redacted] was already making less than other rad/chem supervisors, and he [redacted] believed [redacted] should not have his pay reduced. [redacted] said he wanted to give [redacted] a \$2,000 raise, 7C but [redacted] and [redacted] wanted to give him no raise. After discussion, they agreed to give the [redacted] at least \$1,000, but to give [redacted] \$2,000 since he started out with a lower salary than the other [redacted]

[redacted] said he placed his employees on a protective services market rate graph, around market-based compensation. After he put that together, he, [redacted] met again; everyone agreed with the ratings, and he gave them to JESSOP. [redacted] said, as far as he was aware, [redacted] did not review the rankings.

[redacted] said he never discussed the rankings with [redacted]. He said when he handed the diskette to JESSOP, his role was finished, and he had no further involvement in the matter. However, he was aware that AmerenUE had decided to make [redacted] the deciding official. [redacted] said AmerenUE did not have enough funds to cover all the recommended raises, so [redacted] had to reduce raises. All proposed raises less than \$3,000 or \$5,000 [redacted] could not recall which] were reduced by a certain percentage. [redacted] said this process was explained in a memo by [redacted] stating there was a flat percentage reduction of proposed salary increases. 7C

[redacted] said [redacted] name was last on the ranking list because he [redacted] sorted them on salary. He said he did not know why [redacted] salary was lower than other rad/chem supervisors, but he "suspected" it was due to [redacted] past performance. [redacted] denied that his rating of [redacted] was impacted in any way by [redacted] having reported safety concerns. 7C

[redacted] said he met with [redacted] the second week in [redacted] to discuss his market-based compensation. [redacted] said he had typed up some information he wanted to review with [redacted] but he never got to that point because [redacted] became upset and left his office. 7C

[redacted] said during a staff meeting on [redacted] he told [redacted] to pursue the EAL changes. He also met with [redacted] about a rotational survey because [redacted] had said he would be interested in a rotation. [redacted] said he has had several discussions with [redacted] about him [redacted] finishing his college. 7C

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degree. [redacted] said he explained to [redacted] that he needed to complete his college degree if "he wanted to move out," but [redacted] had taken no steps in that direction. 7C

[redacted] said he believed he was highly regarded by his other employees and got along well with them. [redacted] said he believed [redacted] has a problem communicating with others and working for anyone, and he did not consider this an isolated case between himself and [redacted]. [redacted] said he felt threatened by [redacted] and believed he was trying to end his career in nuclear power. [redacted] said he did not believe he had done anything wrong and was "taken aback by all this." 7C

Reinterview with [redacted] (Exhibit 9)

[redacted] was reinterviewed by OI:RIV on [redacted] and stated that the poor treatment, including discrimination and harassment by [redacted] he reported to HANNA on February 7, 2000, was a continuation of the same issue previously discussed with the Reporting Agent. [redacted] said there was "nothing new," and this was part of [redacted] pattern of treating him vindictively and in "an intimidating and harassing" manner. [redacted] said no new action had been taken against him. He had not yet received a performance appraisal, and he had received no additional disciplinary action, including counseling. 7C

[redacted] said [redacted] refused to assign him jobs he wanted, such as department web page development. [redacted] said [redacted] told him he needed him [redacted] working on Health Physics items. In addition, he said [redacted] took the [redacted] away from him and asked Callaway's [redacted] to handle it, saying he wanted a new approach. [redacted] admitted he was not a [redacted] and it might have been a good idea to obtain input from the [redacted]. [redacted] further admitted that [redacted] [NFI] recently left [redacted] which left [redacted] short-handed. 7C

[redacted] said he was disappointed that Callaway had not transferred or rotated him to another job within the plant. [redacted] said approximately one week ago he submitted a bid for a transfer to another department, which would involve working in programming on the simulator. He said he gave [redacted] a copy of his written request for a transfer to this job, as required by AmerenUE policy, but they did not discuss it. [redacted] said this is the only transfer he had formally requested in writing. 7C

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[redacted] said his reference in a [redacted] e-mail to reopening an old OI investigation from the mid-1990s meant that he believed some of the things he reported at that time had not changed. The [redacted] Department still had a lot of problems, particularly with management, which AmerenUE refused to address. [redacted] said he believed an effective ECP at Callaway would help employee morale and solve some of the issues. 7C

Reinterview with [redacted] (Exhibit 10)

[redacted] was reinterviewed by OI:RIV on [redacted] and said he met with [redacted] and [redacted] about his alleged harassment by [redacted]. [redacted] said [redacted] "did all the talking" during the meeting, and [redacted] took notes. [redacted] made only one or two comments about his [redacted] performance when he [redacted] worked for him, but "they weren't really negative." 7C

[redacted] said [redacted] told him "they" had looked at his [redacted] request for a job rotation within Callaway last fall and could not support his request because of his poor job performance. According to [redacted] said job rotations were used as a reward for good job performance. [redacted] said that was untrue, and he was aware of several instances wherein employees were rotated to other jobs or departments because of poor job performance or because they did not get along with their supervisor. 7C

[redacted] said [redacted] told him he would be receiving a performance appraisal before the end of [redacted] and his performance would be reviewed more frequently than normal. [redacted] told him that none of his [redacted] allegations had been substantiated by two internal Callaway investigations, but [redacted] refused his [redacted] request for a copy of these investigation reports. 7C

[redacted] said [redacted] mentioned the possibility of him [redacted] leaving AmerenUE and discussed severance pay, benefits, and outplacement services. [redacted] said he believed that was in response to his [redacted] statement in an earlier e-mail that he would like to leave Callaway, but could not financially afford to do so. [redacted] said he had spoken with an attorney and intended to file a Section 211 Complaint with DOL. 7C

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DOCUMENTATION REVIEW

During the course of this investigation, numerous documents were reviewed by OI:RIV. Those deemed pertinent to this investigation are delineated in this section.

Personnel file

An analysis of [redacted] performance appraisals revealed the following: 7C

For [redacted] five ratings could be utilized - Exceptional, Highly Competent, Competent, Marginal, and Unsatisfactory. 7C

[redacted] - [redacted] gave [redacted] 2 Highly Competents, 11 Competents, and 3 Marginals in Coordination of Activities with Others, Attitude, and Human Relations. [redacted] responded by stating, "I totally disagree with #6! I have developed many useful contacts outside the department. I compromise as frequently as necessary. I believe [redacted] sees me in this respect because of our many differences." 7C

[redacted] gave [redacted] 13 Competents and 3 Marginals in Attitude, Human Relations, and Initiative. [redacted] responded "I have spent 11 yrs. in this industry. Until the last 1 1/2 yr. my job appraisals have never been less than excellent. [redacted] and I do not get along. Unfortunately, this evaluation is a good example of that." 7C

Appraisals dated [redacted] used the categories "Far exceeds requirements, Meets all requirements, and Does not meet all requirements." 7C

[redacted] gave [redacted] 9 Meets all requirements, and 3 Does not meet all requirements, in Communication, Managing Through People, and Problem Solving/Decision Making, with an overall rating of Meets all requirements. [redacted] noted, [redacted] must improve in the area of communications. He must learn to work with supervision and coordinate activities with others. He must be able to handle more responsibilities." 7C

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[redacted] - [redacted] gave [redacted] 1 Far exceeds requirements in Attendance, 7 Meets all requirements, and 4 Does not meet all requirements, in Revising the Dose Assessment Program, Managing Through People, Planning/Organization, and Problem Solving/Decision Making, with an overall rating of Meets all requirements. [redacted] noted, [redacted] seems to be making a real effort to improve communications. This effort must continue to improve to a satisfactory level." 7C

[redacted] - [redacted] gave [redacted] all Meets all requirements with a Far exceeds requirements in Attendance.

[redacted] gave [redacted] all Meets all requirements with a Far exceeds requirements in Attendance. [redacted] noted, "Communications with [redacted] continues to improve." 7C

[redacted] gave [redacted] all Meets all requirements with a Far exceeds requirements in Attendance. [redacted] noted, [redacted] needs to focus on assigned task to ensure timely completion. He needs to concentrate more on working with people." 7C

[redacted] gave [redacted] 8 Meets all requirements and 5 Does not meet all requirements, in Maintenance of Medical Emergency Response Program, Emergency Response Procedures, Human Relations/Teamwork, Motivation of Others, and Problem Solving/Decision Making, with an overall rating of Does not meet all requirements. 7C

[redacted] gave [redacted] 11 Meets all requirements and 2 Does not meet all requirements, in Motivation of Others and Problem Solving/Decision Making. [redacted] noted, [redacted] has communicated the desire to improve performance and has actively sought guidance. Although there have been improvements, more is needed." 7C

[redacted] gave [redacted] Meets all requirements in all 12 categories. [redacted] noted, "Personal communication with [redacted] has improved considerably.... [redacted] performance continues to improve." 7C

[redacted] - [redacted] gave [redacted] Meets all requirements in all 13 categories. [redacted] noted, "Communications has particularly improved.... [redacted] has been a good productive employee the past few months." 7C

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Appraisals dated from [redacted] used the categories "Far exceeds requirements, Meets or exceeds requirements, and Does not meet all requirements."

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[redacted] gave [redacted] Exceeds requirements in all 13 categories. [redacted] stated, "This has been a good productive year for [redacted]"

7C

[redacted] gave [redacted] Exceeds requirements in all 13 categories.

[redacted] gave [redacted] Exceeds requirements in 7 categories and Far exceeds requirements in 5 categories, with an overall rating of Exceeds requirements.

7C

[redacted] gave [redacted] 1 Meets requirements in Human Relations/Teamwork, 8 Exceeds requirements, and 3 Far exceeds requirements, with an overall rating of Exceeds requirements. [redacted] noted, [redacted] should try to be more sensitive to the perceptions of others and ensure coworkers are receptive to his critique before he offers it.... The direct approach is not effective with everyone."

7C

[redacted] gave [redacted] Meets requirements in 4 categories, Exceeds requirements in 3 categories, and Far exceeds requirements in 5 categories. [redacted] noted, "From a technical standpoint, [redacted] is an exceptional employee.... [redacted] does not seem to have the same appreciation for the extent to which effective implementation of the plan also relies on interpersonal relationships and effective teamwork."

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Memo from [redacted] [NFI] to [redacted] [NFI], dated [redacted] with Attachment (Exhibit 27)

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[redacted] for insubordination. [redacted] stated [redacted] was suspended for "insubordination, unwillingness to provide requested information on an assigned project, and failing to respond to supervisory direction. This follows a history of marginal performance in communications and response to supervision."

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REVIEW OF OTHER DOCUMENTATION

E-mail from [REDACTED] dated [REDACTED] (Exhibit 28)

[REDACTED] stated, "It's very frustrating and demoralizing to keep getting what I would consider nitpicky comments from you that inhibit forward progress. Nobody likes to be told that their work is inadequate and they need to redo it. I've got lots of work to do and it seems I'm hung up on minutia." 7C

Series of E-mails, dated [REDACTED] (Exhibit 29)

These e-mails reference the problem [REDACTED] had with the Purchasing Department. [REDACTED] [NFI] stated in an e-mail that [REDACTED] does not have his facts straight nor were his slanderous comments appropriate...." In an e-mail from [REDACTED] to [REDACTED] stated, "I think you have some coaching to do." In an e-mail from [REDACTED] stated, "he [REDACTED] has a long way to go with his people skills." 7C

E-mail from [REDACTED] (Exhibit 30)

[REDACTED] stated he discussed [REDACTED] demeanor and feedback received that [REDACTED] appeared to be unwilling to work with others. 7C

E-mail from [REDACTED] (Exhibit 31)

[REDACTED] stated he told [REDACTED] he needed to work with his peers and not walk out of meetings. 7C

E-mail from [REDACTED] dated [REDACTED] (Exhibit 32)

[REDACTED] stated he spoke with [REDACTED] about his attitude and lack of teamwork. [REDACTED] said [REDACTED] "has not opted to become a member of the team" and was sometimes "outright confrontational." [REDACTED] stated he asked [REDACTED] why he did not leave [Callaway] if things were so bad. [REDACTED] responded by stating he was documenting all of his [REDACTED] actions and building a case. [NOTE: the "TOTAL FABRICATION!!" written on this e-mail was done by [REDACTED] 7C

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E-mail from [REDACTED] (Exhibit 33)

[REDACTED] stated [REDACTED] was not receptive to revising the EALs, and their meetings had been "confrontational." [REDACTED] said [REDACTED] told him to look elsewhere for a job and that he was keeping a file on him. [REDACTED] said he did not like being threatened or intimidated for bringing up regulatory issues.

7C

E-mail from [REDACTED] (Exhibit 34)

[REDACTED] said he met with [REDACTED] on [REDACTED] to follow up on [REDACTED] e-mail to [REDACTED] which [REDACTED] said was incorrect in stating he and [REDACTED] had discussed the SOS on [REDACTED]. [REDACTED] said the beginning of this meeting with [REDACTED] was confrontational, and [REDACTED] threatened to bring him [REDACTED] down. [REDACTED] said he told [REDACTED] he was a marginal employee from a teamwork and attitude perspective. [REDACTED] indicated he would try to resolve this, but [REDACTED] said he had doubts about that.

7C

Meeting Notes with [REDACTED] and [REDACTED] dated [REDACTED] (Exhibit 35)

[REDACTED] stated he met with [REDACTED] who told him his main concern was his relationship with [REDACTED]. He wanted to re-establish trust with [REDACTED] and a positive work environment in [REDACTED]. [REDACTED] asked for an objective assessment of his performance from [REDACTED] and [REDACTED] team-building. [REDACTED] said they discussed [REDACTED] using Behavior Analysts [to evaluate his performance and relationship with coworkers] which [REDACTED] said he would leave open as an option.

7C

E-mail from [REDACTED] (Exhibit 36)

[REDACTED] told [REDACTED] to "keep up with good work," in response to an e-mail sent to him by [REDACTED] referencing positive comments [REDACTED] had made about [REDACTED] work.

7C

[REDACTED] Discussion Regarding [REDACTED] (Exhibit 37)

[REDACTED] told [REDACTED] he had "examples that...may need to be used during his [REDACTED] evaluation." [REDACTED] share his B file with [REDACTED]. [REDACTED] told [REDACTED] he was treating [REDACTED] the same as everyone in [REDACTED] but [REDACTED] needed to develop "soft

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skills and group interaction." [redacted] denied there was a hostile environment in [redacted] for [redacted] stated he wanted to rebuild trust with [redacted] but [redacted] should have consulted him before writing the SOS. [redacted] suggested developing and discussing software/systems performance standards for [redacted] developing an action plan to address performance issues; and pursuing the Behavior Analysts process. 7C

Series of E-mails between [redacted]
[redacted] (Exhibit 38) 7C

These e-mails reference [redacted] concerns about EALs and the SOS.

E-mail from [redacted]
[redacted] (Exhibit 39)

[redacted] discussed [redacted] request for a rotational assignment out of [redacted] said he had reservations about rotating [redacted] into [redacted] because of [redacted] poor teamwork skills. [redacted] believed Engineering would be a better fit because [redacted] could work alone. However, [redacted] lacked approximately [redacted] so that might not be an option. [redacted] was not interested in rotating to HP. 7C

E-mail from [redacted]
[redacted] (Exhibit 40) 7C

The original e-mail from [redacted] copied to [redacted] stated [redacted] was concerned by [redacted] lack of action regarding the EALs. [redacted] stated [redacted] response to the SOS was "less than appropriate...abusive, threatening and intimidating." [redacted] said [redacted] told him a case was being made against him, and his employment was threatened. [redacted] asked that [redacted] verify the date of [redacted] e-mail of [redacted] [redacted] said he had asked [redacted] to intercede and counsel [redacted] on his behavior and/or get HR involved since this involved employee harassment. [redacted] stated [redacted] continued to bring up the SOS, which [redacted] characterized as unprofessional, and to "badger" him to agree the concerns were insignificant." [redacted] stated that since the SOS, [redacted] had been violent and intimidating. 7C

[redacted] responded to [redacted] e-mail by stating that he had counseled [redacted] before [redacted] wrote the SOS. [redacted] stated [redacted] concern about EALs was "low on the list" of issues. 7C

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he [redacted] needed to address. Although [redacted] admitted he had an "aggressive" management style, he denied being abusive, threatening, or intimidating towards [redacted]. He admitted talking to [redacted] about the SOS but only to attempt to resolve the issues. [redacted] admitted he may have hit his day planner on the shelf but denied slamming any chairs. 7C

E-mail from [redacted]
(Exhibit 41)

[redacted] wrote this e-mail in response to an e-mail from [redacted] stating he [redacted] had verified that [redacted] had not received the "offensive" e-mail from [redacted] but that he [redacted] had reviewed the policy on use of company computers and e-mail with all staff personnel. [redacted] responded by stating he doubted that [redacted] had voluntarily followed up on this issue; he was probably directed to do so. [redacted] claimed [redacted] again brought up [redacted] which was "typical of your intimidating actions." [redacted] stated [redacted] had used their meeting to "further abuse your authority and punish me for bringing up nuclear and public safety concerns." 7C

[redacted] (Exhibit 42)

This [redacted] written by [redacted] stated that he had discussed draft EAL changes made over a year ago on several occasions with [redacted] but these were never incorporated. 7C

Job Analysis Questionnaire for [redacted] for Market-Based Compensation Program (Exhibit 43)

This questionnaire was completed by [redacted] and changes by [redacted] were made in capital letters. 7C

List of Unnamed EP Employees, numbered 1 to 10 (Exhibit 44)

This was prepared by [redacted] to rate his employees 1-5 in numerous categories. By [redacted] testimony, [redacted] is listed as [redacted] received no 1s [redacted] gave no one any 1s], 6 twos, 4 threes, 3 fours, and 1 five, in experience. 7C

Market-Based Compensation Program Implementation, dated September 3, 1999 (Exhibit 45)

This document states that market targets and ranges had been established for all jobs and individuals in Nuclear. All

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supervisors were to verify information on salary spreadsheets for employees in their group. The supervisor was to use the +/-20% band around market target to set salaries that reflected an employee's experience, competence, and performance. Employees who were rated lower than or no more than \$1,000 over their current salary would retain their current salary. No employee's salary was to be reduced.

Market Range Graph (Exhibit 46)

According to [redacted] testimony, this document rated all rad/chem supervisors within the market band and was prepared by [redacted] This graph lists [redacted] as -5% of Market Target for position. 7C

Nuclear Market Rates; MSE Organization - Protective Services (Exhibit 47)

According to [redacted] testimony, Nuclear Market Rates was a consensus between himself, [redacted] as to where to place all rad/chem supervisors and recommended or proposed salary. The second document lists all employees in Protective Services, including [redacted] listed on the first document and their final proposed salary. These documents reveal the following: 7C

RAD/CHEM SUP	INITIAL PROPOSED SALARY	FINAL PROPOSED SALARY
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

 7C

Market-Based Compensation Communication Process, dated October 3, 1999 (Exhibit 48)

This document explained to supervisors how to communicate the market salary information to employees and included individual salary information sheets for each employee.

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Porter
Parker 7C

Nuclear Business Line Market-Based Compensation Information Sheets (Exhibit 49)

These sheets were prepared for each of the 10 employees in Protective Services. Changes in the employee's salary ranged from 0.0% (4 employees) to 28.72% [REDACTED] received a salary increase of 1.05%. 7(C)

E-mail from [REDACTED] (Exhibit 50)

This stated that [REDACTED] would receive a base salary increase of \$700. He had been rated in the lower third of all rad/chem supervisors in the Nuclear Division based on his performance for the past 15 months. [REDACTED] stated [REDACTED] needed to improve in adaptability, communications, and teamwork. 7C

Memo to File by [REDACTED] (Exhibit 51)

[REDACTED] stated he met with [REDACTED] on [REDACTED] regarding [REDACTED] and [REDACTED]'s salary raise. [REDACTED] stated he told [REDACTED] he had not seen reports from individuals reviewing [REDACTED] and had not made a decision on that issue. [REDACTED] he and others thought his [REDACTED] performance was excellent; he [REDACTED] might be burned out and need a rotation; and [REDACTED] had a grudge against him and saw him differently than others. [REDACTED] said he told [REDACTED] that he [REDACTED] was ranked in the lower third, based on performance, and [REDACTED] former supervisor [NFI] had the same opinion of [REDACTED] performance. [REDACTED] said he told [REDACTED] he supported [REDACTED] assessment and decisions. 7C

E-mail from BOULANGER to [REDACTED] (Exhibit 52)

BOULANGER stated she investigated [REDACTED] concerns; interviewed [REDACTED] and concluded no harassment occurred under AmerenUE's EEO policy. 7C

Wolf Creek Investigation Report, dated [REDACTED] (Exhibit 53)

The report indicates [REDACTED] interviewed [REDACTED] FOA Evaluator at Callaway, [REDACTED] previous supervisor, 6 years of [REDACTED] and [REDACTED] and reviewed various e-mails. [REDACTED] stated he did not substantiate [REDACTED] allegation that he was being 7C

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In his 7C

retaliated against by [REDACTED] for writing [REDACTED] [REDACTED] stated his investigation indicated [REDACTED] did not get along well with others, was not a team player, but he was very experienced in [REDACTED] and highly intelligent. [REDACTED] recommended that [REDACTED] work with Behavior Analysts to build trust and teamwork and improve group dynamics. 7C

E-mail from [REDACTED]
(Exhibit 54)

[REDACTED] told [REDACTED] since writing [REDACTED] he had been continually harassed by [REDACTED] which was having a negative effect on his health, work, and personal relationships. [REDACTED] said [REDACTED] had been intimidating, hostile, and vindictive towards him. [REDACTED] said he could not afford to quit his job, and he was disappointed that his request for a transfer [to another department] had not been granted. 7C

E-mail from [REDACTED]
(Exhibit 55)

[REDACTED] referenced the meeting he had with [REDACTED] earlier that day regarding [REDACTED] harassment of him [REDACTED] for writing [REDACTED] [REDACTED] said he was disappointed that [REDACTED] repeatedly brought up the need for disciplinary action against him [REDACTED] for poor performance. [REDACTED] also talked about [REDACTED] leaving AmerenUE and discussed severance, outplacement, etc. [REDACTED] said he considered [REDACTED] actions to be more evidence of continued harassment. 7C

Summary of Employee concerns meeting on [REDACTED] by [REDACTED]
(Exhibit 56)

[REDACTED] said he prepared this document from the notes he made during his [REDACTED] meeting with [REDACTED]. According to [REDACTED] told him none of his [REDACTED] allegations had been substantiated; [REDACTED] was an excellent manager; [REDACTED] performance needed improvement; and [REDACTED] request for a job rotation would not be granted. 7C

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As his 7C

E-mail from [REDACTED] and
Response from [REDACTED] (Exhibit 57)

[REDACTED] stated his meeting with [REDACTED] was not a disciplinary meeting, and he believed [REDACTED] was not harassing him [REDACTED] but was holding him responsible for his performance. [REDACTED] said, despite repeated requests, he had received no evidence from [REDACTED] to support his allegations. 76

[REDACTED] responded that he did not bring harassment and safety concerns to [REDACTED] because [REDACTED] had not acted on the issues he [REDACTED] had already brought to him. [REDACTED] said he had "no misgivings" about his job performance, and [REDACTED] was making a "Big Mistake" in supporting [REDACTED] in this matter. 76

Agent's Analysis

An analysis of evidence was performed to determine if [REDACTED] was the subject of employment discrimination by AmerenUE management for reporting safety concerns. 76

1. Protected Activity

[REDACTED] has worked at Callaway for approximately [REDACTED]. Beginning in [REDACTED] he reported safety concerns regarding inaccurate EALs to [REDACTED] and [REDACTED] including writing [REDACTED] on [REDACTED]. In the fall of [REDACTED] he reported his concerns to the NRC. [NOTE: [REDACTED] was the subject of a previous OI:RIII investigation into alleged harassment and discrimination for reporting concerns about EALs.] Clearly, [REDACTED] has engaged in protected activity. 76

2. Management Knowledge of Protected Activity

[REDACTED] admitted [REDACTED] had reported concerns to him about the EALs and that he [REDACTED] had decided the EALs were not a pressing issue of immediate concern. [REDACTED] further admitted he had read [REDACTED] and discussed it with [REDACTED] on several occasions. 76

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3. Adverse Action

[REDACTED] alleged that poor treatment by [REDACTED] such as kicking a chair, slamming a daytimer on the desk, and refusing to allow him [REDACTED] to work on preferred assignments constituted harassment and intimidation. However, in fact, there has been no change in [REDACTED] working conditions. He has not been terminated, suspended, reassigned to a less desirable job, received a poor performance appraisal, or denied a raise. During AmerenUE's recent change to a market-based pay system, [REDACTED] received a raise of \$700 a year; approximately 40% of plant personnel received no raise. Although [REDACTED] is lower paid than other rad/chem supervisors in [REDACTED] this was the case before [REDACTED] became the [REDACTED] and [REDACTED] had no involvement in that.

7C

Although there has been no overt adverse action taken against [REDACTED] it is clear that he and [REDACTED] have a very poor supervisor/employee relationship. They appear to distrust and harbor hostilities against each other. The working environment appears to have been negatively affected by their relationship.

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Conclusions

Based on the evidence developed during this investigation, testimony, and document review, the allegation that [REDACTED] was discriminated against by management for reporting safety concerns was not substantiated.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated September 28, 1999.
2	Transcript of Interview with [REDACTED] dated [REDACTED] 7C
3	Memo from ELKMAN to WISE, dated November 30, 1999.
4	Memo from ELKMAN to WISE, dated January 27, 2000.
5	NRC:RIV Inspection Report 50-483/2000-04, dated February 10, 2000.
6	Interview Report with JESSOP, dated October 27, 1999.
7	Transcript of Interview with [REDACTED] 7C
8	Transcript of Interview with [REDACTED]
9	Reinterview Report with [REDACTED]
10	Reinterview Report with [REDACTED] 7C
11	[REDACTED] Performance Appraisal, dated [REDACTED]
12	[REDACTED] Performance Appraisal [REDACTED]
13	[REDACTED] Performance Appraisal, dated [REDACTED] 7C
14	[REDACTED] Performance Appraisal, [REDACTED]

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- 15 [REDACTED] Performance Appraisal, dated [REDACTED] 7C
- 16 [REDACTED] Performance Appraisal, dated [REDACTED]
- 17 [REDACTED] Performance Appraisal, dated [REDACTED]
- 18 [REDACTED] Performance Appraisal, dated [REDACTED] 7C
- 19 [REDACTED] Performance Appraisal, dated [REDACTED]
- 20 [REDACTED] Performance Appraisal, dated [REDACTED]
- 21 [REDACTED] Performance Appraisal, dated [REDACTED] 7C
- 22 [REDACTED] Performance Appraisal, dated [REDACTED]
- 23 [REDACTED] Performance Appraisal, dated [REDACTED]
- 24 [REDACTED] Performance Appraisal, dated [REDACTED]
- 25 [REDACTED] Performance Appraisal, dated [REDACTED] 7C
- 26 [REDACTED] Performance Appraisal, dated [REDACTED]
- 27 Memo from [REDACTED] dated [REDACTED]
- 28 E-mail from [REDACTED] dated [REDACTED] 7C
- 29 E-mails, dated November 1998.
- 30 E-mail from [REDACTED] dated [REDACTED]
- 31 E-mail from [REDACTED] dated [REDACTED]
- 32 E-mail from [REDACTED] dated [REDACTED] 7C

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- 33 E-mail from [REDACTED] dated [REDACTED] 7C
- 34 E-mail from [REDACTED] dated [REDACTED]
- 35 Meeting Notes, dated July 1, 1999.
- 36 E-mail from [REDACTED] dated [REDACTED] 7C
- 37 [REDACTED] Discussion, dated [REDACTED]
- 38 E-mails between [REDACTED] dated [REDACTED]
- 39 E-mail from [REDACTED] dated [REDACTED] 7C
- 40 E-mail from [REDACTED] dated [REDACTED]
- 41 E-mail from [REDACTED] dated [REDACTED] 7C
- 42 [REDACTED] dated [REDACTED]
- 43 [REDACTED] Job Analysis Questionnaire.
- 44 List of Unnamed EP Employees.
- 45 Market-Based Compensation Program Implementation, dated September 3, 1999.
- 46 Market Range Graph.
- 47 Nuclear Market Rates; MSE Organization.
- 48 Market-Based Compensation Communication Process, dated October 3, 1999.
- 49 Nuclear Business Line Market-Based Compensation Information Sheets.
- 50 E-mail from [REDACTED] dated [REDACTED] 7C

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- 51 Memo to File by [REDACTED] dated [REDACTED] 7C
- 52 E-mail from BOULANGER to [REDACTED] dated [REDACTED]
- 53 Wolf Creek Investigation Report, dated [REDACTED] 7C
- 54 E-mail from [REDACTED] dated [REDACTED]
- 55 E-mail from [REDACTED] dated [REDACTED] 7C
- 56 Summary of Employee Concerns Meeting by [REDACTED]
- 57 E-mail from [REDACTED] dated [REDACTED] 7C
[REDACTED] and Response from [REDACTED] dated [REDACTED]

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