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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

-----x
In the Matter of: :
INTERVIEW OF :
MELISSA WESTBROOK :
(CLOSED) :
-----x

Tennessee Valley Authority
Lookout Place Building
12th & Chestnut Street
Chattanooga, TN

Friday, December 18, 1998

The above-entitled matter came on for interview,
pursuant to notice.

BEFORE:
DIANE BENSON, Special Agent

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EXHIBIT 31
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C O N T E N T S

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WITNESS

EXAMINATION

MELISSA WESTBROOK

BY MS. BENSON

4

E X H I B I T S

NUMBER

IDENTIFIED

(NONE.)

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P R O C E E D I N G S

(1:06 p.m.)

MS. BENSON: Today's date - for the record today's date is 18 December, 1998 and the time now is approximately 1:06 p.m..

I'm Special Agent Diana Benson of the NRC Office of Investigations, Atlanta, Georgia, and I'll be conducting this interview.

During this proceeding, which is being recorded for transcription, the NRC Office of Investigations will conduct an interview of Melissa Westbrook.

MS. WESTBROOK: Right.

MS. BENSON: And the interview pertains to OI Investigation No. 2-1998-013.

The location of this interview is TVA Lookout Building, Chattanooga, Tennessee.

Others in attendance at this interview are Mr. Brent Marquand, M-a-r-q-u-a-n-d, who is here representing both TVA and Ms. Westbrook in a dual capacity.

I had asked you earlier prior to going on the record whether you had any objection to going under oath, or swearing to your testimony.

Whereupon,

MELISSA WESTBROOK

the Interviewee, was called for examination and, having been

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1 first duly sworn was examined and testified as follows.

2 MS. BENSON: And I also asked you to read over
3 Section 1001 of Title 18 of the U.S. Code. Did you read
4 over that?

5 MS. WESTBROOK: I did.

6 MS. BENSON: Okay, do you understand that?

7 MS. WESTBROOK: Yes, I did.

8 MS. BENSON: Okay, that's good.

9 EXAMINATION

10 BY MS. BENSON:

11 Q And your full name if you would, please, spelling
12 your last name?

13 A Okay, Milissa, M-i-l-i-s-s-a Wilson, W-i-l-s-o-n,
14 Westbrook, W-e-s-t-b-r-o-o-k.

15 Q And your date of birth?

16 A [REDACTED]

17 Q And your social security number?

18 A [REDACTED]

19 Q And I also indicated to you earlier that what I
20 was interviewing you about today was the 1996 DOL complaint
21 filed by Gary Fiser about TVA concerning discrimination. I
22 guess your involvement as far as the whole process goes as
23 far as what his complaint was was you were employed - in
24 1996 what was your position here with TVA?

25 A I was a Human Resource Consultant for Nuclear

1 Power.

2 Q And just going back a little bit can you please
3 give me your employment history here at TVA?

4 A Sure. I was hired in 1985 and I came into - well
5 I had worked in Nuclear Human Resources previously and I
6 worked in several different capacities in Nuclear Human
7 Resource throughout TVA. In non-nuclear capacities too. In
8 line management positions.

9 I came to the position I have now in 1994 so I've
10 been there about four years.

11 Q Okay, and what are your responsibilities in that
12 position?

13 A I provide Human Resource support to various
14 organizations in the Nuclear Corporate Office. We also have
15 people at the Plant sites but their official station what we
16 call as Chattanooga. We have some travel teams that travel
17 out.

18 My capacity now at the present time is I support
19 mainly the engineering organization and the inspection
20 services organization which is housed at Sequoyah Nuclear
21 Plant, the trading center.

22 Q And during 1996 who did you report to at that
23 time?

24 Who was your supervisor, immediate supervisor?

25 A Ed Boyles.

1 Q And did you work with a Mr. Ben Easley --

2 A Yes, I did.

3 Q During that time period?

4 A Right.

5 Q And what was your position in relation to Ben
6 Easley's?

7 A We were peers.

8 Q What is your knowledge of the complaint basically
9 that was filed by Mr. Fiser? Do you know what the complaint
10 was?

11 A This complaint?

12 Q Un-hum.

13 A That he felt discriminated against because he
14 wasn't selected for a position due to a previous complaint
15 if I'm not mistaken.

16 Q And when did you first learn about his filing this
17 complaint against TVA?

18 A I don't recall.

19 Q Were you involved in the evaluation of the
20 position, the chemistry positions, when the determination
21 was made on whether they would be posted or not?

22 A No, I wasn't.

23 Q And do you know who did that evaluation?

24 A No, I don't.

25 Q When did you become involved in the selection

1 process?

2 A Ben asked me to sit in for him. Normally we have
3 selection boards for interviewing managers and salary policy
4 employees. We sit in and facilitate. We being the Nuclear
5 Human Resource Consultants. We facilitate the managers
6 through it and he asked me if I would sit in for him. He
7 explained to me that Gary Fiser had filed a complaint
8 previously and that he had knowledge of that complaint and
9 didn't want anybody to think that he had done anything to
10 the selection. If anything else - if he didn't get the job
11 or if he did the job so I think he wanted everything to be
12 unbiased.

13 Q Okay.

14 A And I didn't know Gary.

15 Q Okay. Were you involved as far as preparing the
16 packages on the individual applicants for that particular
17 position?

18 A No, I was not.

19 Q Were you involved with - from my understanding I
20 guess there is a package that is put together by Human
21 Resources for the managers?

22 A Right.

23 Q And there is also a book that is given to the
24 screening panel?

25 A Right.

1 Q Were you involved with either one of those putting
2 those together?

3 A No, I wasn't.

4 Q Do you - and I did not bring any of the copies of
5 the notebooks with me.

6 MR. MARQUAND: I believe she has seen them before.

7 BY MS. BENSON: Okay.

8 Q Do you recall what was in those packages when you
9 were doing the facilitating during that screening panel?

10 A Each of the selection board members had a book and
11 in the book had the resume and the application of each
12 candidate if they had submitted a resume. There were
13 questions in the book. Each person was asked the same
14 question for the positions they had applied for.

15 There was a BWR position and a PWR position on the
16 ones that I sat in on. Gary Fiser applied on the PWR and
17 not the BWR so for those that applied on the BWR there were
18 some additional questions for those. I believe that was all
19 that was in the book.

20 Q Okay. In your job function back in '96 and when
21 you were working in that arena did you ever compile any of
22 those notebooks yourself?

23 A No. I mean I have compiled them for myself for
24 other interviews. Is that what you're asking?

25 Q Yes.

1 A Yes.

2 Q That was one of your functions?

3 A Yes.

4 Q Okay. Is there a separate notebook - you know
5 once the applicants have all applied for the position is it
6 your job function to prepare separate notebooks for the
7 applicants that's given to the HR or the managers, selecting
8 manager?

9 A I guess I don't understand.

10 Q Okay. When each applicant applies for a position,
11 a vacant announcement --

12 A Right.

13 Q They apply based on that what do you do with those
14 applications?

15 A Okay, when we initially get all the applications
16 of everyone that has applied we give those to the selecting
17 supervisor. He develops a spread sheet on those to look at
18 their qualifications and how they meet minimum
19 qualifications, and then any other qualifications he or she
20 deems necessary to perform the job.

21 Then he rates or she rates all of those by the
22 same criteria. After that they select usually the top four
23 or five to interview.

24 Q Okay.

25 A I did not see that part of the selection process.

1 Q Okay, so what I'll - the question I would ask you
2 then would be based on your experience in other packages
3 that you have prepared in other announcements when somebody
4 or all the applicants have provided their application and
5 their resume what information do you provide to the manager,
6 selecting manager, such as do you provide the application
7 itself filled out by the individual?

8 A I see what you're asking.

9 Q The resume?

10 A Yes, we provide all the documentation that they
11 have submitted to bid on a job. Some employees will send
12 their service reviews for the last four or five years. Some
13 will not. Some will send a resume and some will not.

14 We have a form that they are to fill out and
15 sometimes we will get that form and at the bottom it will
16 list their knowledge and skills that apply to that position.
17 Sometimes that's the only thing we get, but we give all that
18 information to the manager.

19 Q Okay.

20 A We also provide them with a PHR. Now I'm not sure
21 if they did in this instance. Sometimes we do and sometimes
22 we don't depending on how many vacancies we have going on
23 during that period of time.

24 Q And for the record can you advise us what PHR
25 stands for?

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1 A Yes, it's your personal history record. It's
2 microfilm of every - your whole history with TVA.

3 Q Okay, and does that PHR include service ratings or
4 --

5 A Yes, it does.

6 Q Their service evaluations?

7 A Yes, it does.

8 Q So that's something that usually is given to the
9 selecting manager along with the application?

10 A Yes.

11 Q Now is there a separate notebook that is put
12 together by Human Resources and the selecting manager that
13 is given to the screening panel?

14 A Yes, there is.

15 Q Okay.

16 A And that was in that book that I mentioned
17 earlier. The one that I used when I went to the selection
18 board. Each board member had an identical copy. I had a
19 copy of that, and in that notebook there were questions.
20 Normally what I do and I think Ben did the same thing at
21 that period of time is that we asked the selection board to
22 give us four pop questions that they feel would be necessary
23 to ask for the candidate or all the candidates.

24 Then we go through those and we show them to the
25 selecting supervisor and we go over those and put those

1 together. I did not do that with this particular one. I
2 would assume Ben did that.

3 Q Other packages that you have prepared though for
4 the panel or screening boards what do you include in there?
5 What is standard for you to include in a package like that?

6 A I include all the documentation they've given when
7 they apply on a job --

8 Q Which includes --

9 A Only for the candidates being interviewed. Not
10 for all the candidates that applied. Only those that you're
11 interviewing. I include a copy of the usually the job
12 description and a copy of vacancy announcement, and a list
13 of the questions for each candidate. We set them up by the
14 name of the employee that we're interviewing so each
15 employee when we flip to the end they will have the same
16 thing in there.

17 Q In past packages that you have put together do you
18 normally include the evaluations of that employee?

19 A If they have submitted them.

20 Q And what do you do if they don't submit them?

21 A I do not put them in there.

22 Q And you know just having spoken to Mr. Easley what
23 he said is since - especially if it's TVA employees that
24 sometimes HR will take initiative to get copies of the
25 evaluations themselves since they know they have access to

1 them. Is that standard or not?

2 A I do not.

3 Q Okay.

4 A He may have. I don't.

5 Q Okay, so that's only what is submitted by the
6 applicant?

7 A Right, for me. That's how I put one together.

8 MS. BENSON: Do you have --

9 MR. MARQUAND: Do you want to ask her about the
10 interview process at all?

11 BY MS. BENSON: Well I think I've pretty much you
12 know just covered that with the other people I've talked to.

13 Q He's talking about the actual screening panel
14 yourself. I guess you were in control of when they would
15 answer question you know you can go over briefly how it was
16 handled with Mr. Easley in his interview. Not Mr. Easley.
17 I'm sorry. Mr. Fiser. You were present during that
18 interview, weren't you?

19 A I was present, right, for the interviews. I took
20 notes. I take notes during the interview process and then
21 after the candidate leaves we take about fifteen minutes or
22 I do with the selecting supervisor, or the management -- and
23 go over the strengths and witnesses of each candidate and I
24 list those.

25 I listed those on the back of each candidate's -

1 there was a blue piece of paper in that particular file, and
2 that's what I do.

3 Q Did it seem to be a standard interview as far as
4 other interviews you had been in?

5 A Yes.

6 Q Anything out of the ordinary that you noticed?

7 A No, not at all. There wasn't anything unusual.

8 MR. MARQUAND: Wish I had thought to bring Ms.
9 Westbrook's notes of the interview with Mr. Fiser.

10 MS. WESTBROOK: Would you like for me to get them?

11 BY MR. MARQUAND: Do you want to ask her about
12 those at all?

13 A As I was looking through my notes I guess it was
14 yesterday or day before yesterday I made a notation on Gary
15 Fiser's and I guess I just need to look at them to see
16 exactly what it said.

17 As I looked through when we - Nuclear Power has
18 gone through the construction phase and now we're into the
19 operating mode and we have downsized quite a bit over the
20 past years. Now we're down to our best candidates so in
21 Gary's situation they were all excellent candidates
22 including Gary so what you look for in interviews are how do
23 they present themselves.

24 These are management level positions. We pay them
25 well to do what they do. They have certain specialties that

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1 we need and they need to deal with people well, and feel
2 confident in doing so.

3 As I looked through my notes he had made some
4 comments that I had put in quotes about his being at
5 Sequoyah Nuclear Plant and how he felt that - I can't
6 remember the exact words but he didn't feel comfortable.
7 No, his words were I wasn't ready for that position.

8 Then I looked on through there was another
9 candidate that we interviewed and he was concerned about his
10 educational background. Some of the fellows - one of the
11 fellows had a Ph.D. and they're very well educated. This
12 particular one did not although he was very -- and would
13 have appeared to be a very good candidate but he was
14 concerned over his educational background.

15 There were notes like that that when you're on a
16 selection board you're looking for a lot of different things
17 and that being one for people to feel confident and present
18 themselves well.

19 Gary appeared very relaxed in the interview. He
20 spoke very softly though and I was closest to him and had
21 difficult time at times hearing him but there were some -
22 there were several things in my notes that were sort of
23 concerning just about how he felt and maybe that he didn't
24 feel as confident doing those positions.

25 Q Were you responsible for evaluating yourself? I

1 mean did you give --

2 A No, I did not.

3 Q Okay.

4 A I did not.

5 Q So you were there basically then to insure the
6 process went fairly?

7 A Right, right.

8 MR. MARQUAND: I don't have anything.

9 MS. BENSON: Like I said I hope it was painless
10 for you but I appreciate your time and I hope we haven't
11 held you up too long wondering when we were going to call
12 you down.

13 MS. WESTBROOK: No, not at all. I hope you get
14 lunch too.

15 MS. BENSON: Okay, we'll be terminating the
16 interview and the time now is approximately 1:25.

17 (Whereupon, at 1:25 p.m., the interview was
18 concluded.)

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PROOFREADER'S CERTIFICATE

In the Matter of: INTERVIEW OF MELISSA WESTBROOK

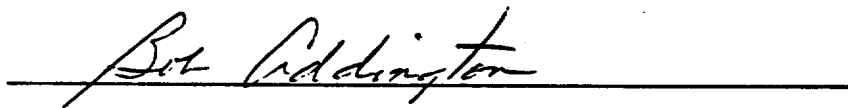
Witness: MELISSA WESTBROOK

File Number:

Date: DECEMBER 18, 1998

Location: CHATTANOOGA, TENNESSEE

This is to certify that I, Bob Addington, do hereby swear and affirm that the attached proceedings before the U.S. Nuclear Regulatory Commission were held according to the record and that this is the original, complete, true and accurate transcript that has been compared to the reporting or recording accomplished at the hearing.

A handwritten signature in cursive script, reading "Bob Addington", is written over a solid horizontal line.

Date: DECEMBER 22, 1998

Ann Riley & Associates, Ltd