

TENNESSEE VALLEY AUTHORITY  
Office of the Inspector General  
RECORD OF INTERVIEW

Name: James E. Boyles  
Position: Human Resource Manager  
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TVA Nuclear  
Chattanooga, Tennessee  
Work Tel.: (423) 751-7059  
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RULEMAKINGS AND  
ADJUDICATIONS STAFF

Boyles was contacted at his office, advised of the identity of the interviewing agent, and interviewed concerning a Department of Labor (DOL) complaint filed by Gary L. Fiser. In Fiser's allegation, he alleges that TVA recently posted the job they offered him as settlement to a DOL complaint back in 1994. Fiser also alleges that he believes there was malice and that the posting was a smoke screen design to hide TVA's true intentions—the preselection of another candidate for this position. Boyles furnished the following information.

TVA started its Business Plan process in approximately March 1996. Part of the process was to downsize its organizations, including the Operation Support Group. In reviewing the Business Plan, Boyles noted that the plan showed that Operation Support was to reduce from the present complement of 80 people to 53 people.

Boyles said that his organization assigned TVA management in establishing target numbers for each organization through year 2000. Each year the organization's numbers were adjusted to meet certain goals.

Realizing that the organization was downsizing, the human resource (HR) office looked at the positions and jobs, and management made the decision on which jobs to keep or

(Continued)

Investigation On: July 10, 1996

At: Chattanooga, Tennessee

By: SA David V. VanBockern: DG

File: 2D-169 -5

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OIG-02 (10/93)

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Template = SECY-028

SECY-02

FEDERAL COMMUNICATIONS COMMISSION

Docket No. 50-390 Official Ex. No. STAFF 2  
in the matter of TVA  
Staff  IDENTIFIED   
Applicant  RECEIVED   
Intervenor  REJECTED   
Other  WITHDRAWN   
DATE 6/18/62 Witness   
Clerk BHM

eliminate. After management made the decision, HR would then prepare the job description for management.

As they worked through the planning process, Operation Support made the decision to split the chemistry/environmental positions in Radcon. After that decision was made, HR office then prepared the position descriptions.

Looking at the positions, HR looks at the job description to decide if this is a transfer of duties to determine if the preponderance of duties are the same as the old position, or if they are different and they have to post the job. After reviewing the new and the old position descriptions, Ben Easley, HR officer (HRO), made the decision that the positions were different and that they needed to be posted. One factor we considered here was that three or four people presently in the positions would be vying for the two positions being posted and that everyone should have an equal chance to apply and secure a position. Easley did not view the new position as a transfer of work for the incumbents; and based on that fact, Easley recommended that the positions be posted. They have used this same process in other reorganizations and restructuring and handle all reviews of positions and the posting the same way. After Easley conducted his review of the two positions and made his recommendations to me, I reviewed Easley's work and concurred with his recommendation.

In June 1996, Gary Fiser went to Ben Easley over the job posting. Fiser was concerned because we are going to post his position and he felt he was given this position as part of a DOL settlement from a previous DOL complaint. Boyles told Fiser that he was not aware of the decision or the agreement; however, he would look into the matter and get back with Fiser. Boyles said that he talked with Kathy Welch, TVA Labor Relations, over the posting of this job and Fiser's issue. Welch reviewed the issue and also obtained a copy of the settlement agreement. Welch provided Boyles a copy of the settlement agreement. Welch also talked with TVA Attorney Brent Marquand, who reviewed the settlement agreement and advised Welch that there was no time frame involved with Fiser's job and that they could go ahead and post the position. Boyles also reviewed a copy of the settlement agreement between TVA and Fiser over Fiser's position, and he also concurred that the settlement agreement did not impact on posting the position.

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Boyles said he talked with Ben Easley and informed Easley of the outcome of Welch's review. A short time later, he talked with Fiser and told him of the results of the review conducted by Labor Relations and OGC and that based on the results, they were going to post the position. During the initial contact with Fiser, Fiser told him that if TVA posted the position, that he was going to get an attorney. After Boyles informed Fiser that they were going to post the position, Fiser said that he would going to file a DOL complaint.

Boyles said they are performing a restructuring process for five different organizations and are using the same process for each group. They are restructuring Operation Support,

Human Resource Office, Nuclear Assurance and Licensing, Engineering, and Information Services. Each group is being restructured based on the Business Plan needs. Each group is being designed to meet their goals and to function with a smaller organization.

When they split the chemistry/environmental organizations, Fiser could have applied for either position. Boyles has not looked at the applicants' packages and was not aware whether Fiser has applied for either or both positions.

Tom McGrath is the acting general manager of Operations Support. McGrath is in charge of the overall process of reorganization and the selection process. McGrath will select a management selection board to interview and make recommendations for the positions to be filled to Wilson McArthur, Manager of the Radcon Chemistry Group.

The selection board has not been determined; however, there will be probably between three and four people on the selection committee. They should meet within the next two weeks for interviews and make the final selection.

Based on Fiser's experience, background, and qualifications, he should be one of the top applicants for the vacant positions. Sam Harvey, another program manager in the Chemistry Environmental Protection Group, has also raised issues with the HRO that the job description would not afford him adequate consideration. Harvey expressed concern that the job description was written to more suit Fiser's experience and not his. Harvey has not filed any formal complaint over his concern.

Boyles is not aware of any preselection consideration given for either individual, meaning Fiser or Harvey, because the management selection team has not been determined. There was not favoritism shown to either individual, and he has never had any discussions with any manager about the selection of Fiser or Harvey for either position. Fiser apparently is very caught up with the downsizing process and with losing his job.

Boyles said that they two positions being posted are:

1. Program Manager/Chemistry (PWR) Pressurized Water Reactor. The PWR position is associated with Sequoyah and Watts Bar reactors.
2. Program Manager/Chemistry (BWR) Boiling Water Reactor. The BWR is associated with Browns Ferry Nuclear Plant (BFN).

Fiser only applied for the PWR position which will handle both Sequoyah and Watts Bar. Fiser previously assisted at the Watts Bar Plant. Harvey worked closely with the Sequoyah Nuclear Plant. The third manager, E. S. Chandrasekaran, had been working at BFN and applied for both positions. Harvey also has applied for both positions.

In conclusion, Boyles said that they have handled Operations Support organization restructuring the same way that they handled all other organizations. There has been no favoritism and no preselection for any of their job openings. It would not have been fair to other people in the Operations Support organization not to advertise these positions because the position description and function did change. It also would not be fair to treat Fiser differently because he has threatened to file a DOL complaint or because he had filed a previous DOL complaint.

Since the position description has changed for Fiser's position, it is only fair that they advertise the position to give all employees or interested applicants equal opportunity to obtain a job. Boyles was not aware of any safety concern raised by Fiser.

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