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In The Matter Of:

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

*In the matter of Gary L. Fiser v.
Tennessee Valley Authority*

*Ronald O. Grover
January 29, 1998*

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Chattanooga, TN 37405
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CD000761

Ronald O. Grove
January 29, 1998

[1] BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES
 [2] UNITED STATES OF AMERICA
 [3] DEPARTMENT OF LABOR

[4] IN THE MATTER OF :
 GARY L FISER, :
 [5] Complainant, :
 [6] vs. : NO. 97-ERA-59

[7] TENNESSEE VALLEY AUTHORITY, :
 [8] Respondent, :

January 29, 1998

DEPOSITION OF RONALD O. GROVER

APPEARING FOR THE COMPLAINANT:

COLLETTE R. JONES, ESQUIRE
 CHAMBLISS, BAHNER AND STOPHEL
 1000 TALLAN BUILDING
 CHATTANOOGA, TENNESSEE 37402
 APPEARING FOR THE RESPONDENT:
 BRENT R. MARQUAND, ESQUIRE
 TENNESSEE VALLEY AUTHORITY
 400 WEST SUMMIT HILL DRIVE
 KNOXVILLE, TENNESSEE 37902

Also Present: Donna Green

HALL AND ASSOCIATES
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 CHATTANOOGA, TENNESSEE 37405-4145
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[1] The deposition of RONALD O. GROVER,
 [2] called as a witness at the instance of the
 [3] Complainant, taken by agreement on the 29th day of
 [4] January, 1998, at the Tennessee Valley Authority,
 [5] 12th and Chestnut Streets, Chattanooga, Tennessee.

STIPULATIONS

[6] Deposition is being taken by agreement of
 [7] counsel for the plaintiff and the defendant. It is
 [8] agreed that the deposition shall be taken in
 [9] machine shorthand by Cathy H. Karley, Notary Public
 [10] and Court Reporter, that the signature of the
 [11] witness to the completed deposition is not waived,
 [12] and that the witness may be sworn by the said
 [13] Notary Public.
 [14] It is further agreed that all formalities
 [15] as to caption, notice, certificate and mode of
 [16] transmission are waived, and that the deposition is
 [17] taken subject to the usual exceptions as to
 [18] irrelevancy, incompetency and immateriality, which
 [19] are reserved to the hearing of the cause, except as
 [20] to the form of the question.

50-390 Official Exh. No. Staff 52

Case No.	In the matter of	TVA	Staff	Applicant	Intervenor	Other	Date	Witness
✓		✓	✓	✓	✓	✓	6/1/98	W
							B/H/M	

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11 RONALD O. GROVER,
12 called as a witness at the instance of the
13 Complainant, having been first duly sworn, was
14 examined and deposed as follows:

15 DIRECT EXAMINATION
16 BY MS. JONES:

17 Q: Mr. Grover, can you please state your
18 full name and address for the record.

19 A: Ronald O. Grover [REDACTED]

20 [REDACTED]
21 Q: And are you married?

22 A: Yes.

23 Q: And what is your wife's name?

24 A: Sharon.

25 Q: And do you have any children?

26 A: Yes.

27 Q: Do they live with you or in this area?

28 A: I have three sons, two live with me and
29 one is in college.

30 Q: Okay. What are their names?

31 A: Ronald O. Grover, Jr., Myron Grover and
32 Brian Grover.

33 Q: Okay. Do you have any other immediate
34 family?

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Page 1

35 MR. MARQUAND: That's me.

36 A: Oh, I'm sorry.

37 Q: That's your attorney sitting next to
38 you there.

39 A: Oh, I'm sorry. Okay. No.

40 Q: Did you review any statements that you
41 had given previously?

42 A: No.

43 Q: Are you aware of any statements that
44 you had given previously?

45 A: Yes. I believe I spoke with

46 Mr. Marquand before when this first came up and
47 Ms. Cathy Welch. I believe I talked with her
48 somewhat during -

49 Q: And who is Cathy Welch?

50 A: She was the HR person, human resources
51 person, that was researching the case at the time
52 that it occurred. And since - I'm sorry. I
53 forgot your name.

54 MS. GREEN: Donna Green.

55 A: Yeah. Ms. Green. I'm sorry, Donna.

56 Ms. Green has taken over - has replaced Cathy
57 Welch. And also I spoke with a representative from
58 the Department of Labor about it. So I think there
59 was three people.

60 A: In the area?

61 Q: Yes, sir.

62 A: No.

63 Q: Okay. What is your current position at
64 TVA?

65 A: Well, I'm classified as a senior
66 manager in corporate nuclear engineering. And I'm
67 really in a transitional state right now. I just
68 recently was - returned from a temporary
69 assignment at the Institute of Nuclear Power
70 Operations in Atlanta, Georgia. I was there for 15
71 months. And I'm scheduled to undergo five months
72 of operator type training at the Sequoyah plant
73 starting February 16th.

74 So I'm really classified in like a
75 developmental status, senior manager, but I'm a
76 part of the corporate engineering organization
77 reporting -

78 Q: Corporate engineering did you say?

79 A: Corporate engineering reporting to Jack
80 Bailey.

81 Q: Okay. In preparing for your deposition
82 here today, did you talk to anyone other than
83 Mr. Marquand?

84 A: Mr. Marquand?

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Page 7

85 Q: And did the Department of Labor take a
86 statement?

87 A: Yes.

88 Q: Did Ms. Cathy Welch take a statement
89 independently of that?

90 A: Yes. She took notes. I don't know
91 whether she put it into a form of a written - I
92 wasn't asked to sign a deposition from Cathy.

93 Q: You anticipated my next question. Did
94 you ever review anything and then sign it?

95 A: No, as far as I recall. Now, I don't
96 recall signing anything from a legal staff
97 standpoint or anything like that.

98 Q: In preparation for your deposition, did
99 you review any of those notes that had been taken
100 about your prior interviews?

101 A: No. No, I did not.

102 Q: When did you begin with TVA?

103 A: February - I believe it was February
104 the 28th, 1994. It was the last day of February in
105 1994. I believe it was the 28th. I believe it
106 fell on the 28th of February.

107 Q: Where had you been employed prior to
108 that?

109 A: New York Power Authority for

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(11) A: Correct.

(12) Q: Okay.

(13) (Thereupon, the position
description was marked)

(14) Exhibit No. 1 to the
deposition of Mr. Grover
(15) and filed herein.)

BY MS. JONES:

(16) Q: Let me hand you a document which has
been marked as Plaintiff's Exhibit 1, which is a
position description for the chemistry and
environmental protection operation services, and
ask you if you can identify that.

(17) A: Oh, me?

(18) Q: Yes, sir.

(19) A: Oh, I'm sorry.

(20) Q: If you need to take a few minutes to
look at it.

(21) A: Yes. I'm aware of it.

(22) Q: Is this the position description for
the newly combined chemistry, environmental manager
that you have just described for me?

(23) A: The - yes. That's for the program
manager position, PG-8.

(24) Q: PG-8?

A: Right. And then there was -

Q: And that would be the position held by

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Page 14

(11) one for all the PG-8 level positions and there was
(12) a separate one for PG-7 because you had - it was a
(13) different level position.

(14) Q: I understand. Thank you for -

(15) A: But that was the direction we were
given to go - combine it, develop one PD.

(16) Q: Okay. And did you sit on the selection

(17) board for the people who had bid into that
position, the position of PG-8 I'm referring to?

(18) A: Yes, but not until after - I'm trying

(19) to recall. As I recall, the position I was vying
for had to be - you know, had to be resolved

(20) first. And once you - once the manager's position
was resolved, then - since I was selected to
fulfill that position, then I participated on the
selection board of the other positions.

(21) Q: Okay. And who was chosen for the newly
created PG-8 positions that are reflected in

(22) Plaintiff's Exhibit 1?

(23) A: As I recall, Gary Fiser, Sam Harvey,

(24) E.S. Chandrasekaran and Dave - I'm drawing a blank
here. Oh, boy. He was the environmental manager
at the time.

(25) MR. MARQUAND: Is that Sorrell?

(26) A: Sorrell. I'm sorry. Yeah. David

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(11) Sorrell was the fourth individual for those four
spots.

(12) Q: Okay. Turn to Plaintiff's Exhibit 1
and the principal accountabilities that are
reflected on page two and three of that document.
Generally in what ways does this position
description differ from the prior job description
that Mr. Fiser held in his position?

(13) A: The main difference was the addition of
the environmental function into this PD. That was
the main - because basically we - you know, from
a chemistry standpoint, they fulfilled all these
requirements. They met all these - you know,
these tasks, accountability, principal
accountabilities.

(14) Q: Would it be fair to say, then, they
were doing everything they did before in chemistry,
but environmental duties were added to that list?

(15) A: Yes. I think that's a fair statement.

(16) Q: All right.

(17) A: And vice versa. I mean, if you were in
the environmental group, you could say the same
thing because, now, you know, we're doing
everything environmentally plus now we're doing -
we got the chemistry functions added into that.

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111 Q: Okay. Excuse me for knocking feet here
112 under the table.
113 After this reorganization in I believe
114 the summer of '94 when Mr. Fiser was selected
115 by the board on which you sat for the newly created
116 position that we've been discussing in Plaintiff's
117 Exhibit 1, did he actually perform the
118 environmental duties that are reflected in this
119 revised job description?
120 A: No. At the time the - the whole
121 objective was to over time, and we're looking at,
122 you know, a couple of years, probably two years at
123 best, to transition into having everyone in the
124 organization competent enough to do environmental
125 work as well as chemistry. In other words, you
126 got - you're merging a group and you got chemistry
127 people that are specialists in chemistry and you've
128 got people that are specialists in environmental.
129 The plan was or the objective was to
130 combine the group and form one PD and over time
131 because you're getting smaller, you have less
132 resources, but you still have to accomplish the
133 same job load, so that the focus was or objective
134 was to get everyone, you know, up to speed to be
135 able to function in both arenas, if you will. Not

111 Q: During that time period was that
112 cross-training or cross-assumption of duties, did
113 it actually take place in your department?
114 A: Toward completion, no, it didn't.
115 Q: Okay. What, if anything, did occur?
116 A: During that time period?
117 Q: Yes, sir.
118 A: Well, we - one thing, I guess, that
119 kind of -
120 Q: And before you start, let me ask for
121 your favor here. You're talking to a nontechnical
122 person.
123 A: Okay.
124 Q: So you have to be very basic with me -
125 A: Okay.
126 Q: - and specific about what particular
127 jobs or duties do you recall your chemistry folks
128 taking on that was an environmental responsibility
129 before.
130 A: There were very little, if any. I'll
131 give you an example. I would ask the chemistry
132 folks to help out with chemical - what's called
133 chemical traffic controlling. In other words,
134 controlling - control of the chemicals used at the
135 plants. That was a chemistry function at the

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111 to say they've got to be environmental specialists
112 and chemical specialists, but at least they could
113 function in various - in both capacities. Same
114 thing in the environmental people, you know, get
115 them more involved in the chemistry function.
116 And we started to do that. We started
117 to do some there. But basically when we started
118 off at the time, I mean, the chemistry people
119 focused primarily on the chemistry tasks and the
120 environmental people focused on the environmental
121 piece with the idea that we started doing some of
122 that cross-fertilization, you know, and we would be
123 able to assign some of the chemistry duties and
124 some various tasks to environmental people.
125 Conversely, some environmental things
126 we would be able to, you know, get the chemistry
127 people to help on based on what the nature of the
128 task was.
129 Q: Let's focus on the next year and a
130 half. And by next I'm referring to about a year
131 and a half after that July reorganization in '94,
132 taking us up until approximately the beginning of
133 1996, which, if I'm doing my math in my head
134 correctly, is about a year and a half.
135 A: Uh-huh.

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111 plants, but it was - in years past during this
112 time prior to me coming it was moved into the
113 environmental organization as a responsibility at
114 the sites.
115 So I had the chemistry people because
116 they were knowledgeable in that area and on
117 occasion I had some of our chemistry folks would
118 help out in assessing that area and helping them
119 make sure they were meeting the requirements in the
120 chemical. That's one example.
121 But there was very little as far as
122 environmental. And one reason is because the
123 workload was so heavy in the chemistry area. That
124 was our main focus. We had some issues and some
125 challenges we had to deal with. We had problems at
126 two of the sites. So we had to put our main focus
127 on chemistry.

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128 And then - and, conversely, we had
129 several chemistry things that I had to ask for the
130 environmental people to do, but there wasn't a big
131 shift or major, okay, I'm going to break this
132 environmental ongoing task over and I'm going to
133 put it into - you know, I'm going to give this -
134 assign this to one of the chemistry guys and he has
135 to do it on an ongoing basis. So that didn't

[10] occur.

[11] The other thing I wanted to mention
[12] that kind of thwarted our efforts to move in that
[13] direction was the fact that we lost two of the -
[14] two of the environmental people that hired in
[15] during the merging found other jobs. So Jim
[16] Mantooth left shortly after the reorganization and
[17] Dave Sorrell left and took another position, you
[18] know, six months - several months after that.

[19] So - so we were - you know, because,
[20] you know - those individuals were long-standing
[21] specialists in the environmental area in the
[22] corporate organization. So one of the things that
[23] you need to make this type thing work is you've got
[24] to have your expertise there so you can
[25] cross-fertilize.

[26] Okay. So with losing that piece, now
[27] we had to bring in new people that didn't have -
[28] maybe didn't have the level of experience that
[29] these individuals had, so - but you're set
[30] backwards because once you lose a person, you know,
[31] you're talking six, eight months to try to fill
[32] that position.

[33] So that effort was really thwarted, if
[34] you will, to try to do that. So we pretty much -

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[35] and that combined with the fact that we had some
[36] mountains to climb to - you know, to tackle in
[37] the chemistry arena, we had to focus - had to have
[38] the chemistry people to focus on the chemistry
[39] things to get - in support of the plants to get us
[40] back - get us where we needed to be from a
[41] chemistry perspective.

[42] Q: Let me make sure I understand your
[43] answer here. Would it be fair to say, then, that
[44] between July '94 and January of '96, Mr. Fiser
[45] performed and all your chemistry specialists before
[46] performed essentially the same functions that they
[47] had performed prior to working under the new job
[48] description that is Plaintiff's Exhibit 1?

[49] MR. MARQUAND: I object to that. That
[50] mischaracterizes the previous testimony.

[51] MS. JONES: I'm asking him if it's
[52] fair.

BY MS. JONES:

[53] Q: If it's not, please tell me how it is
not.

[54] A: Well, the only thing I would add, like
[55] I said before, was I did ask the chemistry people
[56] on occasions to do some environmental function.
[57] But functionally, yes, they basically did the

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[58] chemistry function. They carried out the chemistry
[59] function.

[60] Q: Okay. Could you assign a percentage
[61] figure to the amount of time that your chemistry
[62] specialists including Mr. Fiser performed any kind
[63] of environmental responsibility.

[64] A: It would have probably been less than
[65] five percent. I mean, if you're talking about
[66] aggregate time and look at the number of tasks we
[67] gave them -

[68] Q: Yes, sir.

[69] A: - you know, you're probably looking at
[70] five percent, less than five percent.

[71] Q: All right. Thank you. Since we're
[72] talking about position descriptions, let's go on to
[73] the next position description that's going to be at
[74] issue in this lawsuit.

[75] (Thereupon, the position
description was marked

[76] Exhibit No. 2 to the
deposition of Mr. Grover
[77] and filed herein.)

BY MS. JONES:

[78] Q: Let me hand you a two-page document
[79] that's been identified as Plaintiff's Exhibit 2,
[80] which is the PD-8 description for the chemistry
[81] program manager and the initials are PWR and ask if

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Page 23

[82] you can identify that.

[83] A: PWR? Oh, okay. Yeah. That's
[84] abbreviations for pressurized water reactor. Are
[85] you asking am I aware of this?

[86] Q: Are you familiar with this?
[87] A: Yes.

[88] Q: Okay. And is this the position
[89] description that was posted in approximately June
[90] of 1996?

[91] A: When you say - you said posted?

[92] Q: Was this a position that was - when I
[93] use the word posted, I mean competitively bid for.

[94] A: Well, I don't know. This was - I'm
[95] aware of - of - in context I'm aware of this
[96] particular position description. I don't know
[97] whether this was the latest version. You know, I
[98] can't tell you whether this was the latest version
[99] that was used for the, you know, posting of the
[100] position and so forth. I mean, it's dated July the
[101] 16th, 1996.

[102] I can't recall whether, you know -
[103] when I look at it, I'm aware of the information
[104] there. It looks like there - you know, if this
[105] wasn't the latest version, it was close to the
[106] latest version; okay?

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[1] Q: Okay.
[2] A: I mean, when it got to this stage, it
[3] was either little small changes, pen and ink type
[4] things, you know, the typo, but the content - you
[5] know, the basic content was essentially the same.
[6] Q: Okay. Let's focus on that content. In
[7] comparing - taking that job description and
[8] comparing it, by that one I mean Plaintiff's
[9] Exhibit 2, in comparing it to Plaintiff's
[10] Exhibit 1 -

[11] A: Uh-huh.

[12] Q: - what are the essential differences
[13] in duties between those two position descriptions?
[14] A: Well, one of the main changes was
[15] the - the exclusion of the environmental piece out
[16] of the PD as it's written. Okay. That was
[17] basically the main difference here.

[18] That combined with we wrote two PDs for
[19] the two chemistry positions that were to remain,
[20] one for BWR, which is boiling water reactor,
[21] because TVA has two units - two unit boiling water
[22] reactors, and one for PWR, which is primarily
[23] pressurized water reactor, which TVA has three
[24] sites or actually two right now that function.
[25] So the main difference was that you

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[1] TVAN senior technical expert to the sites in the
[2] areas c. PWR secondary chemistry control, okay,
[3] which is different from BWR chemistry control.

[4] Q: Okay.

[5] A: Now, that's where the steam generators
[6] come into play. That whole system chemistry is -
[7] fits in under number two; whereas, you don't have
[8] steam generators in boiling water reactors.

[9] Q: But in the prior job description that
[10] is Plaintiff's Exhibit 1, were those
[11] responsibilities included?

[12] A: Yes. They're embedded in here, yes.

[13] They were embedded in here. We didn't make the
[14] distinction in this one. Are you with me?

[15] Q: Right.

[16] A: You know, to give you an example here,
[17] well, number one here, page two, provide technical
[18] and programmatic expertise for implementation of
[19] the TVAN chemistry and environmental protection
[20] programs at individual sites. So we didn't make
[21] the distinction. It was all rolled into one
[22] statement.

[23] Q: Let me make sure I understand you,
[24] then. So statement number one on page two of
[25] Plaintiff's Exhibit 1 incorporates those duties

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[1] took the environmental piece back out of this, but
[2] essentially, you know, from an overall sense the
[3] chemistry functions in here, chemistry
[4] accountabilities, stayed the same.

[5] Q: Okay.

[6] A: But they were split somewhat between
[7] the PWR and the BWR. Some of the things that -
[8] you know, PWR or BWR focus we put in the BWR and
[9] then PWRs was like steam generators are system-wise
[10] a part of the PWR, not part of the BWR. So that
[11] control - that chemistry controlled that equipment
[12] built into this particular one.

[13] Q: Okay. Now, at the risk of being
[14] tedious because I'm, again, as I warned you, a
[15] nontechnical person -

[16] A: Okay.

[17] Q: - I'm going to have to have a little
[18] bit of specifics on what you just told me so that I
[19] can better understand what you mean by both of them
[20] as they're applied in this position description.

[21] For instance, can you tell me by pointing out on
[22] Plaintiff's Exhibit 2 which duties here are unique
[23] to a PWR position.

[24] A: Okay. Well, statement number or line
[25] item number two here on page two, function as the

Page 25

Page 27

[1] that you have identified as statement number two on
[2] Plaintiff's Exhibit 2.

[3] A: Correct.

[4] Q: All right. Is there anything else on
[5] Plaintiff's Exhibit 2 that is unique to the PWR
[6] chemistry position?

[7] A: No. The only difference is that we
[8] specify - you know, we specified the plants, the
[9] PWR plants, Sequoyah, Watts Bar. So you reference
[10] those. And then the BWR ones you would reference
[11] the BWR, but the function stays the same. So, you
[12] know, the main difference is you got a different
[13] chemistry program for PWRs than you do BWRs and
[14] that's referenced in the - you know, the secondary
[15] chemistry control, but, again, it's - so
[16] essentially they're basically the same except you
[17] just made specific reference to the PWR plant
[18] versus the BWR plant because the chemistry program
[19] is a little bit different.

[20] Q: Okay. So then would it be fair to say
[21] that all of the chemistry responsibilities that are
[22] included in the job description on Plaintiff's
[23] Exhibit 1 included both the PWR and BWR

[24] responsibilities that were later divided - CD000768
[25] A: Correct.

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111 Q: - into two job descriptions?
112 A: That's correct.
113 Q: So the only thing that was excluded
114 from the two new job descriptions, and by new ones
115 I mean PWR and BWR job descriptions, was the
116 exclusion of those environmental responsibilities
117 that were included in Plaintiff's Exhibit 1; is
118 that correct?
119 MR. MARQUAND: I'm going to object. I
120 think that mischaracterizes the testimony. I also
121 think the documents speak for themselves.
122 Q: You may answer.
123 MR. MARQUAND: You can answer.
124 A: I don't know how this is -
125 Q: This is a lawyer thing here.
126 A: I don't know whether I'm supposed to,
127 you know -
128 MR. MARQUAND: I'm making these
129 objections for the record.
130 THE WITNESS: Oh, okay. I didn't know
131 whether I'm supposed to stop or what.
132 MR. MARQUAND: You do stop when I start
133 to make an objection. Let me state it and then -
134 THE WITNESS: Okay. I didn't know
135 whether I had to - okay. Could you repeat the

Page 29

111 question. I mean, I forgot what -
112 MS. JONES: Can you read it back.
113 (Thereupon, the requested portion of
114 the record was read back by the reporter.)
115 THE WITNESS: That's correct. In
116 addition to we tried to delineate more when we
117 split the two out in that we may have had a general
118 statement in the old one and we tried to delineate
119 more like you have to be a part of this working
120 group or this, that and the other.
121 So it's not a direct word for word
122 parallel. You know, you can't take this one and
123 say, okay, I'm going to lay it beside this one and
124 it should be word for word except for
125 environmental. There was some rewriting or
126 reengineering to be more specific on, well, I have
127 to participate in this user's group or I have to
128 do, you know, this.
129 Q: Right.
130 A: But it was all embedded in this one,
131 but yet it was more general and it wasn't broken
132 out.
133 Q: Okay.
134 A: So I just wanted you to understand it's
135 not going to be a direct word for word, you know,

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111 correlation.
112 Q: I didn't mean by my question to imply
113 that the words were the same.
114 A: Yeah. But functionally, yes.
115 Q: Let me ask a follow-up question and
116 make sure that we have that clear. So functionally
117 if you took - let me ask it this way: If you took
118 all the responsibilities, chemistry
119 responsibilities, in the PWR, added it to all the
120 chemistry responsibilities in the BWR job
121 descriptions, would that cover all the chemistry
122 responsibilities that are included in Plaintiff's
123 Exhibit 1, which was the old job description?
124 A: Yes.
125 Q: Thank you. Go off the record for a
126 minute.
127 (Thereupon, a brief recess was taken.)
128 BY MS. JONES:
129 Q: Mr. Grover, I'd like to turn our
130 attention to the reorganization that occurred in
131 1996. How did you first learn about TVA's plans to
132 do a reorganization in '96 that would affect your
133 department?
134 A: Well, we had a staff meeting, an
135 initial staff meeting. It was the March time

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111 frame. I don't recall the exact date, but we
112 had - Tom Magrath called a staff meeting and he
113 had discussed what the - that we were going to be
114 doing a reorganization and it basically entails a
115 staff reduction, budget reduction basically, you
116 know, and laid out some objectives that we'd have
117 to look to accomplishing this reorganization.
118 Q: And did he tell you what the - did he
119 give you some firm objectives that you were going
120 to have to meet?
121 A: As I recall, we had to reduce our
122 current budget/head count level by 40 percent by
123 the year 2000. Okay. And -
124 Q: So that was about a five year time
125 span?
126 A: Well, let's see, '96 to 2000.
127 Q: Four years.
128 MR. MARQUAND: This was for fiscal year
129 '97, though.
130 A: Yeah. It was starting for '97, fiscal
131 year '97, through the year 2000. What, three -
132 three years? '97, '98, '99, 2000. So four years.
133 Q: Okay. Did you say - what was the
134 percentage?
135 A: Roughly 40 percent.

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111 Q: Okay. Did you have a short-term goal
112 that you had to meet initially that was identified
113 in this March staff meeting?

114 A: Well, I'm not sure what you mean by
115 short term. I mean, I didn't have an immediate
116 goal like, for example, by the end of 1996 I had to
117 have reduced it down by - you know, achieve this
118 budget level.

119 We - we were directed to come - to
120 develop a plan to - a proposed plan to get to that
121 end. Okay. That was the initial direction was to
122 develop a plan to get to that end.

123 Q: At that time period.

124 A: At that time period.

125 Q: Okay.

126 A: And he would look at that and then, you
127 know, we would try to work - you know, work it out
128 from there.

129 Q: Okay. Was your understanding initially
130 that you didn't have to make the entire 40 percent
131 cut in the next fiscal year?

132 A: That was the initial information that
133 was put out and then we had a subsequent meeting
134 and it was - it was discussed that your proposal
135 would be reviewed and if it was saw fit that we can

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111 you know, a certain percent reduction. You know,
112 in my recollection, we may have been given a
113 certain percentage that we had to reduce by fiscal
114 year 1997. It may have been like 17 percent or
115 something like that.

116 In fact, now that I remember it, it was
117 some number, some intermediate number, like we want
118 to see a 17 percent for the first year, something
119 like that.

120 Well, the plan included - it met that
121 criteria because one thing we had - we had - we
122 had one position that we hadn't filled yet, so we
123 had one vacancy. So from a budgetary standpoint we
124 were able to achieve that.

125 And then we looked at it and, you know,
126 I had the team look at it and we - the team, my
127 group, we all kind of looked at it and we - we put
128 together a plan to achieve that end of 40 percent
129 with intermediate reductions. Okay. So
130 intermediate reductions were in that plan. We
131 didn't just say, well, we'll stay like we are and
132 then at the year 2000, boom, we'll just reduce by
133 40 percent.

134 Q: In that initial plan that you said that
135 you discussed with your group members, did you -

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111 do it all now, you know - you know, Tom Magrath
112 was the general manager of the department. Tom
113 said that's what I'll - you know, I'll make the
114 decision and we'll do it.

115 You know, so it was, well, if we can -
116 I'll look at the plan and we'll make a decision as
117 to - based on how you've got it laid out. We may
118 get it. We may wait. It may go to 2000 or we may
119 do it sooner. We may - you know, so it was - you
120 know, it was a management decision to change it or
121 move it up or that sort of thing.

122 Q: Did you submit an initial plan to
123 Mr. Magrath for his consideration that was less
124 than the 40 percent reduction in the next year for
125 him to look at?

126 A: Yes. The original submittal was - was
127 structured such that we would achieve the 40
128 percent in the year 2000. I believe it was 1999 -
129 between 1999 and 2000 we would -

130 Q: Under that first initial scenario how
131 did you envision staff cuts or meeting those goals
132 in your department?

133 A: Well, as I recall, the first submittal
134 for 19 - I know 19 - you know, if we're looking
135 through the year 1997-1998, we were able to meet,

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111 was part of that changing the job description that
112 we've discussed at length already in creating new
113 positions?

114 A: No, not the initial one because
115 initially organizationally I looked at the
116 chemistry and environmental piece and we tried to
117 look at it in a horizontal fashion. And then the
118 other groups did the same thing, RadChem and
119 training and, you know, the other organizations
120 reporting under operations support at the time. So
121 I was just looking at between environmental -
122 within the environmental chemistry organization how
123 are we going to achieve that.

124 Q: Okay. So in your initial plan, meaning
125 this interim about 17 percent I believe you said -

126 A: Right.

127 Q: - reduction, your chemistry and
128 environmental managers would have stayed in the
129 position that they were in; is that right?

130 A: Well, for the first - for the -

131 Q: For that time period.

132 A: For the first year.

133 Q: That's right.

134 A: For the first year. Obviously you
135 couldn't - we couldn't maintain the same -

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[1] because the problem is we didn't have a significant amount of additional expenses over the overhead.
[2] The overhead meaning the individuals in the [3] positions. Okay. Overhead was us. Okay.

[4] Q: Yes.

[5] A: So there wasn't a lot of room above [6] overhead. You had some - some basic expenses that [7] we had to, you know, carry, travel to the plants [8] and some minimal things, office support and that [9] sort of thing, but there wasn't a lot of overhead.

[10] So we - you know, and everybody [11] realized that. You couldn't sit here until 2000 [12] and think you got this - you know, you got a big [13] chunk of variable costs that you can reduce down [14] and that's going to give you 40 percent. We didn't [15] have that luxury. So it involved - it was going [16] to involve people.

[17] Q: Right.

[18] A: So I think the plan, if I recall [19] correctly, included maintaining the head count at [20] least through 1997, okay, before we hit our first [21] reduction of the people that were already in these [22] positions because we - again, we had a position [23] that we didn't have filled and we had some room to [24] reduce some of the other operating expenses.

[25] particularly if it looks like there's going to be a [26] staff reduction, this, that and the other, my [27] primary concern was communicating to the people, [28] letting them know as much as I knew that I could [29] discuss with them, letting them know that here's [30] what - here's the situation. Okay. Here's what [31] we've been asked to do. Here's the objective of [32] this whole effort, okay, as far as I've been [33] directed to carry out.

[34] Okay. And I always asked - I always [35] advised or encouraged rather is a better word, I [36] always encouraged all the people in our [37] organization, okay, look at - first of all, we [38] support - our number one objective is supporting [39] the sites. We basically work for the sites.

[40] Okay.

[41] So the number one objective is - the [42] first thing I encourage all of them to do is go to [43] your respective sites and your counterparts and let [44] them know here's the situation because what - as [45] it boils down or when it boils down as this all [46] shakes out, what's going to count is if the site [47] wants your particular position, your function, [48] they're going to stand - they have to want to [49] stand up and say this is what we want. We don't

[50] Q: Okay. In this initial plan, was moving [51] Mr. Harvey to the - I believe it was to an on-site [52] location part of your initial plan?

[53] A: No.

[54] Q: Okay. Was he transferred to - I [55] wanted to say Sequoyah, but I'm not sure if that's [56] accurate.

[57] A: Was he transferred?

[58] Q: Yes.

[59] A: No, he wasn't transferred. At the time [60] he was working on a project in support of Sequoyah [61] which we - which required that he work a [62] considerable amount of time there, but, no, he was [63] never transferred to Sequoyah.

[64] Q: Okay. Was there any action regarding [65] Mr. Harvey that you were going to take that would [66] have taken him out of your budget and helped you [67] meet your goals?

[68] A: Well, there was - there was something [69] that came up. You know, let me preface this with [70] this: You know, at the time when we've gone [71] through this - and the people here at TVA have [72] been through this before.

[73] Okay. And I always took the position [74] that whenever we go through reorganization and

[75] want this. We want to maintain this particular [76] function. So that affects all of our organization [77] on an individual basis or a collective basis or [78] however you want to look at it.

[79] So the first thing I encourage them is [80] to go talk to your counterparts and the RadChem [81] chemistry managers and let them know what's going [82] on. And if they sense a need that they need to [83] keep your particular function, okay, now, we're [84] talking functions now, they need to feed that back [85] to organization.

[86] Okay. And that's generally how it [87] goes, okay, when you go through reorganization.

[88] Okay. We need to look at everything. Look at [89] everybody's function. What's everybody doing? [90] What kind of support are we getting from [91] corporate? Let's feed that back. If we need this, [92] what can we do without? We still need this. You [93] know, that's what - that's our goal. So I said [94] you need to let them know that so if they want your [95] function, they need to feed that back.

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[96] Okay. The second thing I always [97] encourage them to do is look around, look for other [98] options. There may be other positions that you [99] could - you could apply for because I don't know

111 how this is going to all shake out. Okay. I don't
112 know how it's going to go, this, that and the
113 other.

114 I'm in the same situation, okay,
115 because my position is being phased out and merged
116 into one. So I told them I would be straight up
117 with them, straight forward with them.

118 And I encourage that because if these
119 positions get redefined and re - you know,
120 combined and they get reposted, this, that and the
121 other, you're not just interviewing back in the job
122 you had. There's other people that's going to
123 interview. So you're competing against other
124 people that weren't in this organization before.
125 Now, oh, this is a new job, so I can come in and
126 compete, as well.

127 So there is no guarantee even if
128 there were three slots left and you got three
129 chemistry people and we have to repost it. It's
130 the same thing we went through in '94. You know, I
131 had to interview with other - there were four or
132 five other candidates I had to interview with, you
133 know, and it worked out okay for me. Same thing
134 with the other individuals.

135 So you're not just - you know, well,

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111 me how would I feel? Would I be opposed, this,
112 that and the other.

113 And I expressed to him, I said, I'm not
114 opposed to anyone, you know, looking at another
115 opportunity or - you know, because you know what
116 we're going through. And they were aware of it. I
117 mean, it was common knowledge what we were going
118 through. It was no secret.

119 So I said - I told them, I said,

120 I'm not opposed to anything. If any of the
121 individuals - it didn't have to be Sam's
122 position. It could have been Gary position or
123 Chandra's position or one of the sites had come to
124 me and said we would - we would like - we would
125 wonder what you would think about this and would
126 you support it, I would be all for it, you know, if
127 the individual is for it.

128 And when they approached me with that,
129 the first thing I did, I went and talked with Sam.

130 Q: Okay.

131 A: And I had a direct conversation with
132 Sam and I asked Sam, I said, Sam, this is what they
133 asked me and you're probably aware of it because
134 that was his primary plant that he supported. So
135 obviously if they're your primary plant, they're

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111 we're just going to - it's not just a paperwork
112 drill. Okay. It's posted. It's an open
113 opportunity for everybody to - that's interested
114 in that position. So you're competing against
115 other people. So I always tell them to look
116 around, explore your options, you know.

117 Q: Did Mr. Harvey do that?

118 A: I - I would think that all of them
119 looked at that and I think he did that, as well,
120 you know.

121 And to answer your question as a
122 follow-up, shortly after we had that - I think our
123 second meeting in the March time frame, I was out
124 at Sequoyah and Charles Kent, which is RadChem
125 chemistry manager at Sequoyah, and Gordon Rich,
126 which is chemistry manager, we were - you know,
127 they approached me. We were talking about some
128 other matters, but they approached me and asked
129 that - Howard felt if they would request his
130 position be transferred out at Sequoyah because at
131 the time I think they had a vacancy because they
132 had a person left a year ago and they had a
133 vacancy.

134 You know, I didn't get into the
135 specifics of what they had available. They asked

111 going to want to ask for you, I mean, if you're
112 doing a good job for them.

113 Okay. It was like the other - the
114 other individuals. You know, I would expect the
115 same type of relationship and same type of support
116 from the others.

117 So I asked Sam pointedly, I said, Sam,
118 is - I will support this if this is what you want
119 to do. I said don't get me wrong. There's nothing
120 going on that's trying to force you out into
121 another position or this would alleviate the
122 problem, this, that and the other because it
123 doesn't. I mean, you're welcome to - you know,
124 whatever spots is left, you'd be interviewing for
125 that. If you want to go out and pursue a position
126 out at Sequoyah, that's your choice.

127 I said you let me know what you want to
128 do and that's what I'll support, okay, because it's
129 no pressure. It's not a directive I've been given
130 or anything like that, you know.

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131 And that's - that was with any of
132 the people in the group. I - you know, I tried
133 to work as much as I could to try to help people
134 get - you know, my main objective was that
135 everybody would have a job after all this. Okay.

(11) And I worked with other people in the organization.
 (12) Dedra Smith and we had an intern, Trish Landers.
 (13) You know, I worked. I tried to call other people
 (14) and we tried to work effectively to see whether
 (15) there was other options in other organizations.

(16) Q: Okay.

(17) A: So, you know, I didn't mean to belabor
 (18) that.

(19) Q: No. I appreciate that. That's very
 (20) helpful information. Thank you.

(21) A: But I just wanted to give you a
 (22) background on that particular situation.

(23) Q: Yes. And I appreciate that. Let me
 (24) ask a question, though, so that I understand how
 (25) this works. You're very familiar with how internal
 (26) things work at TVA and I am not.

(27) This position that Charles Kent and the
 (28) other man out at Sequoyah approached you about that
 (29) they said, you know, how about this, how about if
 (30) we transfer Sam Harvey into this, would -

(31) MR. MARQUAND: I'll object. That's a
 (32) mischaracterization of his testimony. He said
 (33) transfer Sam Harvey's position.

(34) Q: Transfer Sam Harvey's position.

(35) A: Right.

(11) Q: I didn't mean to mischaracterize. I
 (12) think this is because I don't understand TVA's
 (13) procedures.

(14) A: I understand. Right.

(15) Q: If his position were transferred to
 (16) Sequoyah, would that position still be in your
 (17) budget?

(18) A: Well, it would have - it would have
 (19) depended upon how it was done. Okay. Now, I
 (20) wasn't aware - when they approached me, they could
 (21) have had a slot available for him.

(22) Q: Okay. If a slot were available, would
 (23) it be in your budget?

(24) A: Well, no, it wouldn't be in my - see,
 (25) it was two ways. They could have had a vacant
 (26) position. Okay. That's one thing. They could
 (27) have - it could have been - I know they did
 (28) have - they had a position at one time and the
 (29) person left and they didn't fill it.

(30) I didn't know - I don't know and you'd
 (31) have to talk with their human resource people
 (32) whether that position was still being carried in
 (33) their budget or not. I don't know that. Okay.

(34) If they didn't and then if you were
 (35) willing to - the other way a position would be

(11) created is you've got a function that supported the
 (12) site and you wanted to transfer that function to
 (13) the site, you would have to transfer that head
 (14) count and that budgeted piece to the site for that
 (15) year. And then in subsequent years the site would
 (16) have to agree to - you know, we'd be happy to add
 (17) it to their head count and they would have to
 (18) budget it into their proposed budget for the
 (19) upcoming year.

(20) Q: Okay. I'm trying just to -

(21) A: So my understanding is it could have
 (22) been, you know, looked at in two different ways.

(23) Okay.

(24) Q: Okay.

(25) A: But -

(26) Q: And either way, however, it would have
 (27) reduced your head count.

(28) A: Oh, correct. Well, in the standpoint
 (29) of - well, if he was vying for a position out
 (30) there and they had a position, I would still - the
 (31) first way if they had a position, vacant position,
 (32) there at Sequoyah, okay, and they wanted to try to
 (33) see if they could move him into that position,
 (34) okay, whatever the procedure was laid out by HR, if
 (35) it could be done, then the position would still

(11) functionally stay - the position he would - he
 (12) would just leave - leave out of that position that
 (13) was at corporate.

(14) The position would still be there.

(15) Okay. It would be vacant until it's eliminated.

(16) Okay. And it would be, you know, if the reorg
 (17) eliminated that position, then it would go away.

(18) Q: But your dollars spent would go down
 (19) because the dollars spent for his salary would no
 (20) longer be attributed to you.

(21) A: Correct. If they had dollars for that
 (22) position or if - if - if - well, either way it
 (23) would go down. I would spend it if the dollars
 (24) stayed in my budget or if they needed the dollars
 (25) out there and we transferred it over to their
 (26) budget, it would still go down.

(27) Q: Okay. I just wanted to make sure I
 (28) understood that. Did you ever have a conversation
 (29) with Mr. Magrath about this potential transfer of
 (30) Sam Harvey to Sequoyah?

(31) A: Yes.

(32) Q: Tell me about that.

(33) A: Well, this is not a normal routine type
 (34) evolution. I know it's - you know, I was aware
 (35) that it's been done before. We move people from

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111 corporate into site positions and we've transferred
112 people from site into corporate positions. So, you
113 know, to my understanding this has been done
114 before.

115 And so I guess I was thinking at the
116 time he approached me and said, yeah, you know, I
117 was thinking that the site would have to initiate
118 this and request it and so forth, but essentially
119 it got back because Wilson had approached me and
120 said, well, you know, they're waiting on you to
121 initiate this transfer.

122 And I said, well, I'm not sure how it's
123 supposed to be done. So I went and talked with the
124 HR representative at the time, which was Ben
125 Easley, and said, well, Ben, this is what the site
126 is requesting. How does this - you know, how do
127 you do this, you know?

128 And at the time he had mentioned that,
129 well, you have to start with a request. A request
130 memorandum or request letter has to come requesting
131 that this, you know, action be taken, okay, be
132 initiated and then we'd work with HR and follow
133 what the proper procedures are and this sort of
134 thing.

135 So I went and talked with Tom Magrath

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111 said he preferred Sam - you know, his choice was
112 to have Sam down here fulfilling one of those -
113 whatever position would be left, one of the
114 positions that would be left.

115 And so I didn't pursue it anymore.

116 There was no need to - you know, I mean, that's
117 what he had stated. So I didn't - you know, we
118 didn't get into a long discussion or I didn't try
119 to challenge it or anything. I said, well, if
120 that's what you want, that's - you know, I said
121 okay.

122 You know, I just went back and
123 informed Charles Kent and Gordon Rich that - and
124 also Sam. I said, well, you know, it's - there
125 was a - you know, I said basically, you know, Tom
126 Magrath doesn't support proceeding in that way with
127 Sam's - you know, transferring Sam out to the site
128 because I had to get back to them because they were
129 asking me, you know, let's get it going.

130 Q: Sure.

131 A: So that's how it ended, you know.

132 Q: Okay. Let me make sure I understand
133 the time line. At the time you had this
134 conversation with Mr. Magrath about Harvey's
135 potential transfer, had you submitted another plan

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111 about it because, you know, I had told him, I said,
112 well, you know, this is something that the site
113 asked me about and they were interested in bringing
114 Sam to the site.

115 Okay. And I told him I had talked with
116 HR about it to get whatever the procedure was and a
117 letter of - initiating letter, but the site, you
118 know, they wanted me to check and me to probably
119 run this by you and see if you are comfortable
120 with it, you know, supporting this, this attempt or
121 just - just what your position is. There's no
122 need in us going through all the groundwork and,
123 you know, he wasn't supportive of it.

124 So he, you know, responded to me and
125 said that he didn't - he didn't support moving Sam
126 Harvey to the site.

127 Q: Did he tell you why?

128 A: Well, he just mentioned that he - he
129 preferred that he keep Sam down at corporate in the
130 organization to fill - fill a corporate function.

131 Okay. So he didn't want him, you know, being
132 transferred to the site.

133 Q: Okay. Did he say anything more about
134 that?

135 A: No. He just - he - he - he just

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111 for the reduction in your chemistry department by
112 then that would have required a reduction of three
113 positions to two?

114 A: We probably had. I mean, we - you
115 know, you understand this kind of went back and
116 forth. It was a number of - number of iterations,
117 okay, and, you know -

118 Q: When you say go back and forth, you
119 mean between you and Magrath?

120 A: Well, yeah. It was - really we - at
121 the time, you know, Tom had mentioned, well, you
122 know, I want you to - at one of the subsequent
123 meetings I want RadChem and chemistry to basically
124 combine - you know, combine this plan and send in
125 one plan. So that's what we did. We worked
126 together with RadChem and combined it with the
127 assumption that - with the understanding that one
128 manager would be left and the organization would be
129 combined into one group. CD000774

130 So I worked in conjunction with Wilson
131 and his organization and we went through several
132 iterations. So it was - this was a part of it. I
133 just can't say, you know, which iteration it was.
134 We must have went through, you know, six
135 iterations, three to six iterations at that time or

[1] something like that, you know, trying to get to the
[2] end point of where - because, you know, I'm sure
[3] Tom was looking at the other organizations and
[4] looking at the total dollars and saying, well,
[5] you're not there yet. I wanted this or I'd like to
[6] see it - you have this much. So you had a lot of
[7] that going on in the process.

[8] Q: Well, I take it from your answer, then,
[9] that the initial plan that we had discussed prior,
[10] prior in your testimony, where you were going to
[11] get about a 17 percent reduction in the next fiscal
[12] year was rejected by Mr. Magrath.

[13] A: Correct.

[14] Q: And so you had to come up with another
[15] plan; is that right?

[16] A: Yeah. Well, at the time then he - he
[17] looked at it and he made a decision, well, I want
[18] the entire - you know, we can get it down to 40
[19] percent now.

[20] Q: Now meaning the next fiscal year?

[21] A: Right. 1997. Let's do that. You
[22] know, he - he made the decision to eliminate the
[23] environmental function completely out of the
[24] organization. Well, at the time - you know, at
the time we were going through this he'd say I want

[1] to move all environmental functions and budgets to
[2] the sites. And so we don't need a - we don't have
[3] a need for the environmental function.

[4] Q: Okay.

[5] A: So try to get it down, force it down as
[6] much as you can for fiscal year '97.

[7] Q: So basically what he wanted was the
[8] entire several year 40 percent reduction done in
[9] the next fiscal year?

[10] A: Yeah. I mean, that's - that's
[11] his - that's his prerogative. So he chose to, you
[12] know -

[13] Q: Were there any other groups under
[14] Mr. Magrath that were required to meet the 40
[15] percent reduction goal in the next fiscal year?

[16] A: Not that I'm aware of.

[17] Q: Okay. In order to meet this 40 percent
[18] reduction mandate by Mr. Magrath, did you have to
[19] reduce the number of positions, the chemistry
[20] positions, to two from three?

A: Yes.

Q: Was Mr. Magrath involved in how those
[21] positions - the decision about how those positions
[22] would be defined?

[23] A: Well, he gave direction. I mean, he

[1] wanted to - he specifically said that he wanted
[2] one BWR - you know, one BWR specialist and one PWR
[3] specialist for the two remaining positions.

[4] Q: Okay.

[5] A: Now, I'm calling specialists
[6] chemistry. You know, in other words, you - your
[7] specialty area is BWR chemistry and your specialty
[8] area is PWR chemistry respectively.

[9] Q: Did Mr. Harvey have expertise in BWR
[10] chemistry?

[11] A: He did a little. He worked a little
[12] bit in the BWR side, but his primary expertise is
[13] in PWR chemistry. Very little - he'd done - he's
[14] done some work at Brown's Ferry, but very little.
[15] But as far as from an expertise standpoint, his
[16] expertise lied in the -

[17] Q: Primarily PWR?

[18] A: Primarily PWR chemistry.

[19] Q: And Mr. Fiser's expertise, how would
[20] you characterize it?

[21] A: It was primarily PWR.

[22] Q: Okay.

[23] A: Again, he did probably comparative -
[24] from a comparative standpoint, he did more on the
[25] BWR side, but his primarily expertise was PWR.

[1] Q: And Mr. Chandra?

[2] A: He - he - he was - well, if I
[3] correctly categorize him, he was proficient in
[4] both, okay, but he - because of his extensive
[5] experience in the BWR side, he was more toward
[6] the BWR. In other words, all BWR issues went
[7] through - was really addressed by, you know,
[8] Mr. Chandra as opposed to the others. That was
[9] his - his primary assignment was Brown's Ferry,
[10] which was a BWR plant.

[11] Q: Did Mr. Magrath give you any
[12] explanation or share with you his reasoning in
[13] wanting to divide the chemistry specialists into
[14] PWR and BWR?

[15] A: Well, he just mentioned - he just
[16] stated that that's what he felt that it should
[17] be structured, I mean, to have one - if we're
[18] going down to two people, have one in the BWR side
[19] and one in the PWR side, you know, just as
[20] specialists. I mean, that's what he stated to me,
[21] he shared with me. We didn't get into a long,
[22] drawn out discussion or in-depth discussion on his
[23] reasoning.

[24] Now, support-wise, you know, it's not
[25] balanced because you've got one BWR site and you've

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11) got two PWR sites. So it wasn't a direct, you
12) know, balance in workload, per se, from a site
13) standpoint. Okay.

14) Q: Okay. Was Mr. Magrath involved in
15) drafting the new job descriptions?

16) A: He was involved with the review. We -
17) we - well, our organization, our group, our entire
18) group, had input on the new PDs. We initiated the
19) chemistry PD. And also, you know, the
20) environmental piece that went over to Rad Waste, an
21) environmental person was able to review that
22) portion of it, you know, that position description,
23) but we put it together and essentially, you know,
24) submitted it for his concurrence.

25) Q: Okay. And so when you said your group
26) had input in it, then Mr. Harvey and Mr. Chandra
27) and Mr. Fiser also had an opportunity to review the
28) position descriptions?

29) A: Correct.

30) Q: Okay. And they each had an opportunity
31) to offer input?

32) A: Correct. All of them had comments and
33) everyone submitted their comments and they were all
34) incorporated. And we had - we've had - we had
35) several meetings on it and, you know, got

11) redundant.

12) So we'll take that input, those
13) comments back, but as far as the technical content
14) of it, we have to do that.

15) Now, they'll help us put us in a
16) right - package it right so it - you know, it
17) makes sense and all, you know, the positions and
18) all this stuff is filled out correctly.

19) Q: Let's take a step backward in time
20) prior to the creation of the position description
21) and whatever input that Mr. Easley may have had in
22) that. Was Mr. Easley consulted about the decision
23) to create new positions and to post them?

24) A: Yes. I'm sure. He was very involved
25) with all this - the entire reorganization effort.
26) And he's had - he had several conversations with
27) Wilson McArthur and Tom Magrath, you know, because
28) they have to work closely with the - with the
29) responsible manager in this whole evolution to make
30) sure - you know, and that's my experience from
31) before. I mean, they work with them closely to
32) make sure it's being done the right way.

33) Q: In this instance are you aware of any
34) objections that Mr. Easley may have had to the
35) process of posting this position to begin with?

11) everyone's concurrence that - you know, that
12) wanted input, you know, that had input. And
13) everybody had some - you know, had - had some
14) comments.

15) Q: Was Ben Easley involved in the creation
16) or drafting of that position description?

17) A: He wasn't involved in the drafting. He
18) was involved from a human resources standpoint and
19) he had to - you know, we had to submit the PDs
20) through HR and they had to review them and make
21) sure they were consistent. You know, whatever HR's
22) function.

23) Now, I didn't mean that in a negative
24) sense. I mean, but they look at it and make sure
25) we got the - like the dimensions right and the
26) purpose right and, you know, it's consistent. It's
27) not too wordy and we're - you know, we meet the
28) format from that standpoint.

29) And if there's something there that
30) they don't understand, they ask for clarification
31) and they give us - you know, they provide good
32) feedback if we're too wordy or we got too many
33) accountabilities, we'll combine some of that. So,
34) no, they provide us good feedback on, you know,
35) well, you're kind of off base on this or this seems

11) A: Well, there was discussions on how to
12) go about - the right way in going about
13) transitioning from where you are now to where
14) you're reducing to. Okay. And that - this is my
15) understanding and what I've been exposed to in my
16) experience here up to this point on how the process
17) should work from a procedural standpoint based on
18) what you're trying to do.

19) You know, there's a - there's a
20) certain percentage. If you're creating a new
21) position, there's a - there's a basis for saying
22) that, okay, we're going to reorganize and we're
23) going to change some functions around. There's a
24) basis for when you have to create a new position
25) description, when you don't have to create a new
26) position description, when you - and as I
27) understand it, and I'm saying this to lead up to
28) your question, that when - say if you're going to
29) change organization and you got five people in your
30) organization and you're going to reduce it down to
31) three, but the functions stay the same. Okay.
32) Functionally they've got certain position
33) descriptions, but you've just got to reduce two
34) people.

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35) Well, as I understand it, the way it's

[11] supposed to work is if you're not changing the
[12] position description, you don't go through a
[13] reposting or this, that and the other. You go on
[14] seniority. Okay.

[15] Q: Is that called rollover?

[16] A: I don't know what the term is.

[17] Q: All right. Go ahead.

[18] A: But it's based on seniority because you
[19] didn't change the - you didn't change the job.
[20] You didn't change the job function, this, that and
[21] the other.

[22] Now, if you combine several functions
[23] and you redid the job description and if it changed
[24] by, I believe, 15 percent or so to - you know,
[25] which is considered a significant amount or
[26] whatever, then if it's changed by a significant
[27] amount, now, they may be able to correct me on the
[28] percentage, I believe it was 15 percent of the
[29] original position description, then you're required
[30] to post the position and rehire - and rehire in,
[31] you know, bid it and rehire in.

[32] Q: Okay.

[33] A: Okay. So there was some discussion I
[34] know back and forth as to which category this
[35] would - you know, what you're trying to do, what

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[1] would that fit into, you know. And so I know Ben
[2] Easley had some discussion back and forth with Tom
[3] and this, that and the other. So it was
[4] discussions and it wasn't totally clear, at least
[5] to me at the time, I mean, which way was the best
[6] way to go, but the decision was ultimately made to
[7] modify the job description this way and repost the
[8] positions.

[9] Q: Okay. Do you know what Mr. Easley's
[10] position was on that?

[11] A: Well, his position was that - like I
[12] basically said, his position was if - and he was
[13] basically going on the HR policy at the time. If
[14] the -

[15] Q: Let me ask you a more specific
[16] question.

[17] A: Okay.

[18] MR. MARQUAND: Well, let him finish.

[19] A: Yeah. Can I - let me -

[20] Q: Go ahead.

[21] A: His position was this: If the position
[22] description for the new positions didn't change
[23] significantly by that 15 - I believe it's 15 -
[24] let's use 15 percent for working purposes now. I
[25] may be off on that. But if it didn't change

[1] significantly, then you don't - you basically
[2] don't - aren't required to post it and you go on
[3] seniority.

[4] If the functions change significantly
[5] and you rewrote the job description, then you post
[6] the job and - and competitive bid it and so
[7] forth. Okay. That's what his position was. I
[8] mean, he was following what the guidelines - what
[9] the guidelines were at the time. Okay.

[10] Q: Did Mr. Easley conclude that this was a
[11] job that did not have to be posted based on those
[12] criteria?

[13] A: Well, I can only say that he voiced
[14] sentiment in that direction. Now, again, I don't
[15] know what the final conclusion of it for HR. Maybe
[16] he got with Tom Magrath and just - you know, and
[17] whoever was working with Magrath at the time or
[18] whatever and they made that decision to go ahead
[19] and pursue this and post it. Okay. I can only
[20] follow what was decided and - to proceed on.

[21] Q: Well, we know what the ultimate
[22] decision was.

[23] A: I know he expressed sentiments that
[24] this should be - it should meet one category or
[25] the other. So if it didn't change by 15 percent,

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[1] it should go on seniority. Okay.

[2] (Thereupon, an off-the-record
[3] discussion was held.)

[4] A: Did I answer your question?

[5] Q: You did.

[6] A: Okay.

[7] Q: I think. Did you ever have a

[8] conversation with Ben Easley about his sentiment as
[9] you described it?

[10] A: We talked. I mean, we talked all the
[11] time during this - during this - you know, during
[12] this period about -

[13] Q: So it's in those conversations that he
[14] expressed his sentiment that this may not be a
[15] position that needed to be posted?

[16] A: Yeah. Now, I'm calling it sentiment,
[17] but he was expressing a requirement to me. And he
[18] said based on his assessment of it, you know,
[19] that's the way he felt about it. And, you know, he
[20] doesn't have the final decision, but, I mean -

[21] Q: Sure.

[22] A: - that's the way he felt about it. CD000777

[23] Q: Okay.

[24] A: And so it may have been Tom Magrath's
[25] ultimate decision to which way he wanted to go on

Page 6:

[1] it, this, that and the other, you know. So we
[2] just - whatever decision was made, that's what we
[3] had to follow.

[4] Q: Let's move forward a little bit more in
[5] the process, then. Once the position is posted,
[6] then people, as you described before, can
[7] competitively bid for it, be interviewed for it; is
[8] that right?

[9] A: Yes.

[10] Q: And a selection board is formed to
[11] interview the candidates; is that correct?

[12] A: Correct.

[13] Q: Okay. Did you have any input into who
[14] was on that selection board?

[15] A: No.

[16] Q: Okay. By that time, by the time that
[17] selection board, and I'm referring to the selection
[18] board for -

[19] A: For the -

[20] Q: - the position Gary Fiser bid for, of
[21] course, had your position been eliminated?

[22] A: Yes.

[23] Q: Okay.

[24] A: Uh-huh.

[25] Q: Are you aware of who was on the

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[1] background, engineering?

[2] A: Primarily engineering.

[3] Q: Why -

[4] A: Now, I don't know - you know, I don't
[5] know whether he's - he had a degree. I can't tell
[6] you from an educational standpoint. I can only
[7] tell you what capacity he was functioning in at the
[8] time.

[9] Q: Sure. Who would have been the Watts
[10] Bar representative had there been one on this
[11] selection board?

[12] MR. MARQUAND: Objection. Calls for
[13] speculation.

[14] Q: If you know.

[15] A: Well, if you wanted to - if you're
[16] looking at it from equal representation, you
[17] would - you would want the RadChem manager at
[18] Watts Bar. That way they're all - you know, you
[19] got peers. You got like peers there.

[20] Q: Who would that be?

[21] A: It would have been Jack Cox, but, you
[22] know, sometimes you can't - for various reasons,
[23] for whatever in selection processes, that may not
[24] always work out because of scheduling or whatever.
[25] so - but that's what you would like even if - you

[1] selection board for Mr. Fiser's -

[2] A: Yes.

[3] Q: All right. Who made the determination
[4] of who was going to be on that board?

[5] A: I think it was, you know, between
[6] Wilson McArthur and Tom Magrath. They made the
[7] decision on who they invited for the board process.

[8] Q: Who was it initially?

[9] A: If I recall correctly, Charles Kent,
[10] which is Rad chemistry manager at Sequoyah; John
[11] Correy, which is Rad chemistry manager at Brown's
[12] Ferry; and they did not have a Watts Bar plant
[13] representative to my understanding. They had Rick
[14] Rogers, which was the - he was in the technical
[15] support group here at corporate. I think he stood
[16] in as the third member representative from the
[17] plant - for the plant's standpoint.

[18] Q: Who -

[19] A: I believe Wilson sat in on it and I
[20] think Ben was a part of it, as well, Ben Easley.

[21] Q: Mr. Rogers' background, is he in
[22] chemistry?

[23] A: No. He was in the technical support.
[24] He was in the maintenance technical support.

[25] Q: What would that have made his

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[1] know, when I sat in on selection boards, you know,
[2] I always tried to get - would ask for like
[3] representation at like levels so that, you know,
[4] you get the same perspective and the same
[5] viewpoints. You know, you're looking at it from
[6] the same level and that sort of thing.

[7] Q: Okay. Do you know whether Jack Cox
[8] was - it was ever discussed with him about serving
[9] on the selection board?

[10] A: Yes, it was. Yeah, it was discussed.

[11] Wilson McArthur had informed me that it was
[12] discussed with him. You know, they had asked him,
[13] you know, about it.

[14] Q: Did he have a conflict?

[15] A: He approached me and asked me - huh?

[16] Q: Did he have a conflict that day?

[17] A: Yeah. I don't know what the reason

[18] was, you know. And we - in fact, we were up - he
[19] had asked - Ben was - Easley was - Ben and -
[20] Ben and I were talking about something and Wilson
[21] called us over and said, well, here. Here's the
[22] selection process or his board lineup and for some
[23] reason he couldn't get Jack Cox. And, you know, he
[24] had mentioned that to us while we were there
[25] talking.

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[10] Q: Did they attempt to reschedule it to accommodate Mr. Cox's schedule?
[11] A: Not that I'm aware of. I don't know what the conflict was or what. I - you know, I wasn't privy to that. You know, not to - not that I'm aware of. I know they had it scheduled and then the conflict came up. And I don't know whether the urgency to proceed on with the selection process had to take place or what.
[12] Q: Okay. Are you aware of any participation by Mr. McGrath in the scheduling or composition of that board?
[13] A: Well, again, he may have. I don't, you know -
[14] Q: I'm asking for your knowledge.
[15] A: Yeah. Yeah. It wasn't - he didn't communicate to me directly. He may have been involved with it with Wilson. I don't know.
[16] Q: Okay. Did you get any knowledge indirectly about his participation in this selection or the scheduling of that selection board?
[17] A: No. Other than he - you know, he wanted it to happen. He wanted it to move forward and happen as soon as possible. That's - you

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[18] TVA, but not that I was aware of. Not since I've been at TVA, no, they didn't.
[19] Q: All right. If you want to take a break so you can answer your page.
[20] A: Oh, okay.
[21] (Thereupon, a brief recess was taken.)
[22] BY MS. JONES:
[23] Q: Before we leave the selection process topic, there are a few follow-up questions I needed to ask you about procedure because you have both interviewed with a selection board and been on a selection board in your experience at TVA; is that right?
[24] A: Yes.
[25] Q: Is it your understanding that the selection board is supposed to review the candidate's most recent performance appraisals as part of its determination?
[26] A: The application for a position requires that you attach the most recent service review to it. Okay. That's part of the application process. And that package goes with the booklets made up for the selection process.
[27] Q: Okay. So it's available to the board members.

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[28] know, that's the only thing I heard through Wilson, you know, that he wanted to pursue it and move ahead with it, but other than that, no.
[29] Q: Now, Mr. Charles Kent, we've talked about him before. He's the person who had approached you about getting Sam Harvey transferred to a position at Sequoyah; is that correct?
[30] A: Yes.
[31] Q: Okay. And Mr. Correy; is that right?
[32] A: Uh-huh.
[33] Q: Correy worked at Brown's Ferry. Was Mr. Chandra the principal person, chemistry specialist -
[34] A: Yes.
[35] Q: - who helped him out -
[36] A: Yes.
[37] Q: - at Brown's Ferry?
[38] So there was no one on the selection board who had worked for any significant length of time with Mr. Fiser, was there?
[39] MR. MARQUAND: Objection. Lack of foundation. You can answer, if you know.
[40] A: Not directly, no, unless they had some prior work relationship that I wasn't aware of with, you know, Mr. Fiser prior to me coming to

[41] A: Yeah. You have the application. You have this - the person's most recent performance review. So you have that basic information to review and, you know, you've got information on the - his educational background, what he's been doing, his current position, that sort of thing.
[42] So that's part of the basic information.
[43] Q: And when you were on the selection board, did you review that most recent performance appraisal?
[44] A: On the boards that I -
[45] Q: On which you served.
[46] A: Yes. Uh-huh.
[47] Q: When the process is ended and all the numbers are tabulated and totaled, in the particular selection that we're talking about here, Mr. Chandra came out the winner for both positions, is that right, BWR and PWR?
[48] MR. MARQUAND: I'm going to object to lack of foundation. Mr. Grover - and also - I mean, he's already said by the time the board met, he wasn't in his job, neither was he on the board.
[49] Q: Are you aware of what the end result of the selection process was?
[50] A: Yes.

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111 Q: Are you aware that Mr. Chandra came out
112 the high scorer for both the PWR and BWR positions?
113 A: Yes.
114 Q: When that happens in a selection
115 process, is it your understanding that the
116 candidate who is the winner may choose which of
117 those two positions he wants?
118 A: Well, I don't know if there's a human
119 resource direction on that.
120 Q: I'm asking for your understanding.
121 A: Well, I would think it would work
122 out - it would be based on the interaction between
123 the hiring manager and the candidate. You know,
124 the hiring manager has a right if - the board may
125 select a certain individual and, now, if the hiring
126 manager doesn't want to hire that individual, then
127 the hiring manager says, well, I want to look at
128 some more candidates or whatever. I think - you
129 know, it's my understanding they have got that
20 option.
21 So it's up to the hiring - you know,
22 the hiring manager's discretion whether they wanted
23 to ask the hiring manager which position you wanted
24 or I'm looking to get you to fill this - you know,
25 this particular position.

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111 So I don't know what transpired between
112 the hiring manager, which is Mr. Wilson McArthur,
113 and Chandra. I don't know, you know, whether, you
114 know, he - I wasn't there when the discussion took
115 place.
116 Okay. Again, I only was - I guess it
117 was - I had gotten feedback that, you know, he had
118 an option. He was given a choice. Okay. Again, I
119 wasn't there when it took place, so I can't say,
120 you know, factually that this, that and the other.
121 That's the feedback I got. You'll have to talk
122 with those individuals, but I would have had the
123 understanding that he was given a choice between
124 the two positions.

125 Q: Okay. And obviously you've been away
126 for a while at INPO, but I'm sure have kept up with
127 folks back here at TVA because you remained a TVA
128 employee that entire time; right?

129 A: Right. Right.

130 Q: Are you aware of changes in the
131 chemistry department or however it's now called,
132 chemistry RadChem combined department, after this
133 selection process was completed?

134 A: Am I aware of any changes in the -

135 Q: Yes. Let me be a little bit more

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111 specific here.
112 A: Yeah.
113 Q: Are there still two chemistry
114 specialist positions in the combined departments?
115 A: Yes. As far as I know, yes.
116 Q: Are they still denominated PWR and BWR?
117 A: Yes.
118 Q: Okay. And are there still only two?
119 A: Yes.
120 Q: Okay.
121 A: As far as I'm aware.
122 Q: Right. That's all you can answer to.
123 And you were Mr. Fiser's supervisor
124 when his latest performance appraisal was done; is
125 that right? That would be '95.
126 A: The last annual one I did for him
127 was - was, yes, 1995, fiscal year 1995. And we
128 did quarterly reviews, as well. So the last actual
129 assessment probably was the - what, the first -
130 probably the first quarter of 1996. I think it was
131 somewhere in that time frame.
132 (Thereupon, the
133 Performance Review and
134 Development Plan for Gary
135 L. Fiser was marked
136 Exhibit No. 3 to the
137 deposition of Mr. Grover
138 and filed herein.)

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111 BY MS. JONES:
112 Q: You've been handed a document that's
113 been labeled as Plaintiff's Exhibit 3 which is the
114 annual performance appraisal for Gary Fiser for the
115 time period 10-1-94 to 9-30-95. Turn to the last
116 page of that document where it asks for the
117 supervisor's signature. Is that your signature?
118 A: Yes.
119 Q: Okay. Obviously this is a multi-page
120 document with many entries, but overall would you
121 rate Mr. Fiser as someone who was weak in
122 management or leadership skills?
123 A: No.
124 Q: Would you characterize this performance
125 appraisal as a good one?
126 A: Yes. It was a good performance review
127 when you look at, you know, the overall rating.
128 The way this is structured on a point basis and
129 discussion, it was a good review.
130 Q: Okay. And, in fact, when you were out
131 on leave or had to be absent, you frequently
132 appointed Gary as acting manager in the department.
133 isn't that right?
134 A: Yes. Along with - you know, he wasn't
135 the only one that was appointed. Chandra served in

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[1] that capacity and, I think, Sam served on one or
[2] two maybe occasions or - but he was - yeah. He
[3] served frequently in that capacity.
[4] Q: And by he then you're referring to
[5] Gary.
[6] A: Gary Fiser, yes.
[7] Q: Did you help put the questions together
[8] that would be asked of all the candidates in the
[9] selection process?
[10] A: I'm trying to think whether I was -
[11] I didn't physically put the questions together. If
[12] I - you know, I'm going on recollection here. I
[13] think I was asked to review or Wilson had asked me
[14] for some questions that would be good questions to
[15] ask, if I recall correctly. Okay. But I never did
[16] review the entire list or give a sign of approval,
[17] that sort of thing. If I recall correctly, Wilson
[18] did ask for my input on what would be some
[19] questions to ask.

[20] (Thereupon, the Questions
for Program Manager

[21] Chemistry was marked
Exhibit No. 4 to the
[22] deposition of Mr. Grover
and filed herein.)

BY MS. JONES:

[23] Q: You have been handed a two-page

[1] document which are the questions that have been
[2] produced to us by Mr. Marquand as those being asked
[3] in this selection process. There are a lot of
[4] handwritten notes here by whoever took these notes,
[5] but I'm most interested in focusing in on the
[6] questions that were asked. So I'll give you an
[7] opportunity to review those right now.

[8] A: Okay.

[9] Q: Do you see any of your questions there?

[10] A: Well, again, I - you know, I don't
[11] specifically recall putting together, you know,
[12] these and, you know, say, okay, I submit these four
[13] questions here, this, that and the other.

[14] One thing I - I - there would be -
[15] there are questions - I would say that there are
[16] questions on here that I would - you know, that I
[17] would see - could see asking of the candidates.

[18] Q: Okay. That wasn't my question.

[19] A: Would you - do I see -

[20] Q: My question is do you - you had
indicated before that you made a few suggestions of
questions -

[21] A: Right.

[22] Q: - to Wilson McArthur, is that right?

[23] A: Right.

[1] MR. MARQUAND: I think the testimony
[2] was he had input.
[3] A: Yeah. I had input. I don't - and I
[4] don't -
[5] Q: Do you remember specifically what you
[6] suggested to be asked?
[7] A: No.
[8] Q: All right.
[9] A: No.
[10] Q: All right.
[11] A: But I can look at here and tell you
[12] what - you know, there's obviously others on here
[13] that I didn't specifically, you know, request to be
[14] asked.
[15] Q: Sure. The position that's being
[16] interviewed for requires a fair amount of
[17] expertise, would you agree, in radioanalytical
[18] chemistry?
[19] A: Say that again.
[20] Q: Certainly.
[21] A: Can you repeat that question.
[22] Q: The position that is being interviewed
[23] for and these questions are being asked of the
[24] candidates, that that position requires expertise
[25] in radioanalytical chemistry; is that correct?

[1] A: Correct.
[2] Q: What questions listed here on
[3] Plaintiff's Exhibit 4 pertain to radioanalytical
[4] chemistry of the, let's see, 16 typewritten
[5] questions and then there's one identified as 17
[6] that's handwritten?
[7] A: There aren't any questions here that
[8] specifically - that - that is specifically
[9] directed at a radio chemistry subject area. You
[10] know, there's no question that's pointed
[11] specifically toward a radio chemistry subject area
[12] or interest or, you know, issue.
[13] Okay. They're more global in nature.
[14] And, you know, you could get into that based on the
[15] discussion. How the discussion went on the
[16] selection process, I don't know. I wasn't aware of
[17] that. But there's not one specifically as I read
[18] this -
[19] CD000781
[20] Q: Okay.
[21] A: - specifically targeted toward that.
[22] Q: Are there any questions here that would
[23] elicit a candidate's experience in that kind of
[24] radiological data interpretation?
[25] A: Well, I could see six if, you know -
or 16, discuss your specific management experience

[1] and training, if it would come out in that [2] particular - under that particular question, but, [3] again, it more management oriented.

[4] Q: But the question isn't directed toward [5] that subject area.

[6] A: No. You would have to - like I said, [7] you would - it would have to come out, you know, [8] as one of these - as part of one of these [9] questions here.

[10] Q: Okay. And, similarly, that's hard to [11] say that word, are there any questions here that [12] would specifically elicit experience or expertise [13] in radioactive effluence or failed fuel analysis?

[14] A: Indirectly. I mean, say, number three [15] there, it would have to come out - you know, it [16] would have to come out as part of one of these [17] questions here. I mean -

[18] Q: All right.

[19] A: - you know, number three says part of [20] the accountabilities for this position is that of [21] assessments. How do you go about assessing the [22] effectiveness of the program and then to develop [23] corrective actions for weaknesses? So if you used [24] that as an example, you know -

[25] Q: So the candidate would have to

[1] Okay. And others talk. I mean, the [2] other - well, they say, you know, well, here's [3] what he went through, this, that and the other. So [4] it was mostly input from the work force and, you [5] know, what had transpired, this, that and the [6] other.

[7] Again, I have no file case or written, [8] you know, deposition or something. I didn't read [9] up on it. I didn't - it wasn't a case file or a [10] case history that I pulled off the shelf and read [11] up on it.

[12] Q: Yes. Just general talk?

[13] A: Yeah. And I didn't - I didn't discuss [14] it with Gary. I mean, we - I knew it was a - you [15] know, he had went through this, that and the other, [16] but I just felt it wasn't my place. I mean, that [17] happened before I come here and it's really - you [18] know, it's irrelevant to what - what goes on now, [19] I mean, you know, from that point on.

[20] Q: From your point of view in managing [21] him.

[22] A: Yeah. I had no - yeah. It was not - [23] I felt it was not my place to get into that, what [24] happened in the past, I mean, you know.

[25] Q: But the person who informed you of this

[1] volunteer that.

[2] A: The candidate - the candidate would [3] have to, like I said, bring that up or it would [4] have to be a follow-up question from one of the [5] board members to say, okay, here's an example. You [6] had indications of - what would be your [7] indications of a failed fuel condition from a [8] chemistry standpoint? So it's not a - you know, [9] it's not a direct question in that area.

[10] Q: Okay. Were you aware that Mr. Fiser [11] had filed a complaint in 1993 with the DOL, which [12] is, of course, prior to your employment with TVA, [13] but I'm asking were you aware that he had this [14] prior complaint?

[15] A: Yes.

[16] Q: Did you and he ever discuss that?

[17] A: No.

[18] Q: How did you become aware of it?

[19] A: Well, it's just discussions. When I [20] hired in, you know, I was told, you know, Wilson [21] and several others, that, you know, this individual [22] is coming back. He went through this ordeal, this [23] complaint and so forth, and it's been - you know, [24] it's been settled and the individual is coming back [25] to this particular position.

[1] was Wilson McArthur; is that right?

[2] A: Well, Wilson and others. Wilson had [3] mentioned it to me because I worked for him and [4] he gave me some background on what - you know, [5] what - you know, because I didn't know what was [6] going on and, you know, why the position - because [7] I thought we were going to post the position and [8] move forward or go look outside and that sort of [9] thing. And he mentioned to me what was - you [10] know, what was in process and what was being worked [11] out, that sort of thing.

[12] Q: How about Mr. Magrath, did you and he [13] ever have a discussion about Mr. Fiser's prior [14] whistle blower complaint?

[15] A: No.

[16] Q: Did he ever indicate to you that he was [17] aware of that?

[18] A: No.

[19] Q: Let's look at the knowledge of the [20] selection board folks. Did you ever have a [21] conversation with Charles Kent or otherwise aware [22] of any knowledge he may have had of Gary prior [23] complaint?

[24] A: No.

[25] Q: How about John Correy?

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[1] A: No.
[2] Q: Rick Rogers?
[3] A: No.
[4] Q: At the time the selection board met -
[5] let me back up a moment. When did you become aware
[6] that Gary Fiser had filed a second complaint?
[7] A: It was - if I recall correctly, it was
[8] like right around that time frame or right after
[9] the board met. I can't recall the exact, you know,
[10] date when - you know, when I became aware that he
[11] did file, you know, a complaint on it.
[12] Q: Do you remember how you became aware of
[13] it?
[14] A: Well, we - it must have been in one of
[15] our discussions. I mean, we discussed it.
[16] Q: From Gary himself?
[17] A: Yeah, from Gary himself. You know, he
[18] had voiced a lot of concerns and, you know, he had
[19] stated that he's proceeding on with filing a
[20] complaint, you know. And so that's each
[21] individual's right and prerogative.
[22] Q: Sure. So this was when you were still
[23] there in a managerial position with him, is that
[24] right -
[25] A: Well -

[1] A: That he had filed a complaint?
[2] Q: Yes.
[3] A: No.
[4] MR. MARQUAND: Other than counsel and
[5] the people you've -
[6] A: And, again, counsel and HR, they talked
[7] to me, but I don't know -
[8] Q: Oh, I know there's an investigation
[9] later, but -
[10] A: But, see, I don't know whether - see,
[11] I don't know the time. I don't know whether - you
[12] know, he didn't give me the paperwork he sent in to
[13] file the complaint. So I don't know whether he had
[14] discussed it with personnel and personnel came and
[15] discussed it with me and the complaint was
[16] officially filed. I don't know.
[17] I'm just - it may have been - they
[18] may can tell you exactly when and the sequence of
[19] events, but, you know, I just didn't want to
[20] mislead or give you the wrong information that I
[21] knew the exact time and date that he did that.
[22] Q: Oh, no. No. I didn't mean to imply
[23] that.
[24] A: All right.
[25] Q: About when did you leave TVA to go to

[1] Q: - that he let you know that he was
[2] upset and he was going to file a complaint?
[3] A: Yeah. But, I mean, again, it was -
[4] and I can't with all this - you know, I can't
[5] remember the time - the exact time frame, you
[6] know. I probably wasn't in that capacity to be -
[7] I wasn't his direct manager at the time, you know.
[8] I'm thinking it happened around that selection
[9] process, that sort of thing, you know, right
[10] afterwards and, obviously, Wilson was the manager
[11] of the organization at the time. So I knew it was
[12] somewhere in that time frame, but, I mean, he
[13] expressed his concerns and sentiments, you know.
[14] Q: Did he make it generally known in the
[15] workplace that he had filed a complaint?
[16] A: Not that I'm aware of. I mean, he
[17] didn't go around broadcasting it. You know, he
[18] didn't put it on the Internet, you know. So I
[19] don't think he did, you know.
[20] Q: Did you ever -
[21] A: And I don't know who - who he
[22] discussed it with. I know he discussed it with me
[23] and I kept - you know, I always kept those type of
[24] things confidential.
[25] Q: Did anyone else discuss it with you?

[1] work for INPO?
[2] A: September 30th, 1996. I reported to
[3] INPO on - yeah. I reported to INPO on the 30th of
[4] September.
[5] Q: And I think you said at the very
[6] beginning of this deposition that you were there
[7] for about 15 months; is that right?
[8] A: Correct.
[9] Q: During the time period that you were
[10] there, were you aware that Mr. Fiser had applied
[11] for employment with INPO?
[12] A: Yes.
[13] Q: Okay. Did you talk to Mr. Fiser about
[14] that application for employment?
[15] A: Yes.
[16] Q: Okay. Were there any statements made
[17] internally at INPO about his application?
[18] A: Well, you mean statements like - I
[19] mean, we had talked and, you know, he had asked
[20] me. And he's got other individuals at INPO that he
[21] talked with. And, obviously, I was a loanee. I
[22] wasn't a permanent employee there. CD000783
[23] And we just talked in general. He
[24] thought what about - you know, what did he think
[25] about - what I thought about INPO because I was

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111 down there and my perspective on it as a potential
112 place to work. And he had talked to others there
113 that he know - you know, that he had long-term
114 relationships with.

115 And, you know, I told him, you know, if
116 the department manager from the chemistry
117 standpoint, if he talks to me, you know, if he
118 wants to talk to me about you, you know, I'll be
119 more than happy to tell him our relation - you
120 know, discuss our relationship, working
121 relationship, we've had, that sort of thing
122 because, you know, that's what they do.

123 They talk to - they try to get input
124 from other sources on the candidate that - such
125 that they can get some different perspectives, that
126 sort of thing, to make a determination of whether
127 they want to call him in for an interview.

128 Q: All right. Did you ever relate to
129 Mr. Fiser any statements that you had heard that
130 TVA had made about Mr. Fiser?

131 A: Well, the - he put in the
132 application. It was looked at. There were some -
133 what I got - I got - initially got some feedback
134 that they were going to call him in for an
135 interview.

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111 And then I - then I received feedback
112 later that he had tried to call and find out when
113 they was going to schedule it. I got feedback -
114 the department director - the departmental manager
115 told me they were going to call him in for an
116 interview.

117 You know, I said, well, that's great,
118 you know, fine.

119 He had asked me - you know, asked me
120 for some input for Gary. He was looking at some
121 other candidates, as well. He told me that. He
122 said that - he had told me that he had performed
123 several - we're going to call him in for an
124 interview.

125 I said, well, that's - that's great,
126 you know.

127 Then sometime later nothing
128 transpired. I guess Gary hadn't heard anything.
129 And then it didn't take place and - and I had - I
130 had asked one of the other permanent employees
131 because I know they had worked together for a long
132 period of time and that sort of thing that he had
133 heard anything or had something happened or this,
134 that and the other.

135 And basically I heard that the - I

111 guess a comment was made that Gary was involved
112 with a - let me see if I can remember this
113 correctly. Something was made to the effect

114 that - something was made to the effect that Gary
115 was having problems with TVA and he had - he was
116 in the middle of a case or something, some type of
117 employee's - filing employee's concern, that sort
118 of thing. Something to that effect, you know.

119 So maybe that - you know, that
120 feedback, you know, and it was to the point where I
121 had heard - you know, one of the other, I guess,
122 employees in the group had said I had heard that
123 he's - you know, he's got some problems up there
124 and he's - you know, he's got an employee's
125 concern in process or something like that.
126 employee's complaint.

127 And so I think, you know, decisions
128 were made, well, let's - you know, we need to back
129 off. Probably the decision. I'm not saying nobody
130 came to me and told me that, but I'm thinking a
131 decision was made to back off and not pursue him as
132 a potential candidate. That's what I suspect.

133 Okay.

134 Q: He never got an interview, did he, at
135 INPO?

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111 A: No. Again, I wasn't trying to push him
112 in the interview. That was strictly the
113 departmental manager's - he called me and asked me
114 what I thought about him and he talked to three or
115 four, five other people.

116 I gave my input and that was - you
117 know, I tried not to get involved. I told him -
118 you know, I told him specifically, you know, this
119 is - that's - that's your process. You know, I'm
120 independent of that. You make your own decisions.
121 You're looking at other candidates. So don't think
122 I'm here trying to influence you one way. I'll
123 just give you what I know, you know, about the
124 individual.

125 Q: What was the name of the department
126 manager you're referring to here?

127 A: Chris Hobfoster.

128 Q: Chris?

129 A: Hobfoster.

130 Q: Hobfoster.

131 A: Hobfoster. Again, that feedback I got
132 was - like I said, that was - you know, it wasn't
133 directly from an individual or the source or it was
134 just feedback I got from the other people that
135 worked there.

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[11] Q: I understand.
[12] A: So I - you know, don't quote me as
[13] saying, you know, the personnel manager told me
[14] that that's why they didn't do it. That didn't
[15] happen. Okay.
[16] Q: Sure. And this what you're calling the
[17] feedback, this information that Gary was involved
[18] in some sort of an employee dispute, who told you
[19] that?
[20] A: A guy by the name of Jim Bates had
[21] mentioned that to me.
[22] Q: Is he still at INPO?
[23] A: Yes.
[24] Q: Is he one of those loaned employees?
[25] A: No. He's a permanent employee. And,
[26] again, that's feedback he had gotten and so, you
[27] know, he just shared it with me that that's what he
[28] had heard. Okay. Now, he didn't say -
[29] Q: Did he share with you who he had heard
[30] it from?
[31] A: Well, he didn't say that because of
[32] that information, they made a decision not to bring
[33] him in. He said I had heard that that was some
[34] negative - some negative information that - that
[35] came out.

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[11] Q: I understand. Did he say who he had
[12] heard it from?
[13] A: Yes. He said who he had heard it from.
[14] Q: And who was that?
[15] A: Jim Corbit.
[16] Q: Who is Jim Corbit?
[17] A: He's an employee there at the - he's
[18] an evaluator there in the chemistry department, a
[19] permanent employee.
[20] Q: You say evaluator. Is that a -
[21] A: That's the position title. You're an
[22] evaluator. That's what you - you know, that's
[23] what you primarily do. That's the position title,
[24] evaluator.
[25] Q: Job description?
[26] A: Yeah. Yeah. That's what it's called.
[27] You know, like you're a chemist or a chemical
[28] engineer. You're an evaluator.
[29] Q: Would Jim Corbit be one of the people
[30] making an employment decision for the kind of
[31] position Gary was applying for?
[32] A: Well, he would - he may have been
[33] asked to talk with the person, to talk with the
[34] candidate, I'm sure. He's a senior level person.
[35] He's the senior person there and been in the

[11] organization for a while.
[12] I'm sure their process entails getting
[13] the candidate to talk - you know, lining him up
[14] to - setting him up to talk with some of the
[15] employees that are long standing.
[16] Q: Sure.
[17] A: You know, and the department head gets
[18] that feedback and he makes the decision based on
[19] what he's talked - you know, what his impressions
[20] are and also any other people that have talked with
[21] him, he gets that input and he makes the decision.
[22] Q: The position that Gary was applying
[23] for, would he have reported to Jim Corbit?
[24] A: No.
[25] Q: Okay. Who would he have reported to?
[26] A: It would be Chris - the department
[27] manager, Chris Hobfoster.
[28] Q: Does Jim Corbit report to Chris
[29] Hobfoster?
[30] A: Oh, yes. Uh-huh.
[31] Q: Okay.
[32] A: Now, again, let me state that's only
[33] input that I received. Now, it could have been
[34] some other reason why. I don't - you know, I
[35] don't want to say that - I don't want to be on

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[11] record as saying that because they got this
[12] information, they made that decision. They made
[13] the decision.
[14] It could have been some other reason.
[15] They looked at other candidates. I don't - you
[16] know, I'm just giving you what -
[17] Q: What you know.
[18] A: - was given to me. So I don't
[19] want you to - I don't want anyone to draw the
[20] conclusion that because someone said this or
[21] that negative input, that was the reason why. I
[22] can't - I can't attest to that, that that was the
[23] case or not.
[24] Q: Well, when you asked or were talking to
[25] Jim Bates about, you know, basically what's the
[26] status with Gary, other than this information we've
[27] already discussed, did he give you any other
[28] information about Gary?
[29] A: No. He just said that was the only -
[30] that was the negative thing he had gotten back
[31] about the whole thing.
[32] Q: Okay. He didn't give you any other
[33] negative things; did he?
[34] A: No. No. So I just -
[35] Q: Did he give any other positive things?

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11 A: Well, you know, the context of the
12 conversation, I just asked him had he heard
13 anything. You know, did something go on or did -
14 you know, did he hear anything? Was there a
15 problem because Gary hadn't been contacted?
16 Well, I take that back. Gary was
17 contacted by the HR people and they went to - they
18 were going to - see, that's what the question
19 was. That's what was puzzling me because they did
20 go ahead and contact him and said we're going to
21 set you up for an interview, going to bring you in
22 for an interview.
23 Q: Okay.
24 A: And then like more than a week
25 transpired and he hadn't heard anything. So he
16 said, well, Ron, is there - what's going - you
17 know, is there something going on or this, that and
18 the other?
19 I said I don't know. I just said I -
20 you know, I can call up Jim and find out whether
21 he's heard anything, this, that and the other
22 because they usually - you know, when they
23 contacted him, they said we're going to bring you
24 in, you know, here shortly. We'll be contacting
25 you.

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11 are?
12 A: Yes.
13 Q: Okay. Let's move back in time.
14 A: Okay.
15 Q: Back to the - prior to the creation of
16 the selection board for the position that Gary lost
17 out on. Did you ever get any information that Sam
18 Harvey was preselected for that position?
19 A: Well, when you say did I get any
20 information he was pre - I didn't get anything in
21 writing that said that he was - no one came to me
22 directly and said that Sam is going into that
23 position, no. Not from that standpoint, no, I
24 didn't get any information.
25 Q: Nothing in writing, nothing directly
16 from any person. Anything indirectly that would
17 indicate that Mr. Harvey had been selected or
18 designated as the winner prior to the selection
19 process even taking place?
20 A: Well, it was something that was - it
21 was a conversation that I had with Dave Volar. I
22 think I mentioned this to you - I think I
23 mentioned it earlier in our discussion.
24 And I don't - again, I don't know how
25 this transpired, but what was told to me by Dave

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11 But, as I said, they did make contact.
12 As Gary explained to me, they did make contact with
13 him and said they were going to bring him in for an
14 interview.
15 Q: Okay.
16 A: And then the decision was made not to.
17 So I - that's the reason why I just - he asked me
18 and I said, well, let me find out from Jim because
19 Jim is a longtime employee. He knows how - I
20 don't know how the process works or whether it
21 takes a month after they say they're going to bring
22 you in for an interview.
23 You know, so I just asked him what's
24 the status or have you heard anything or how long
25 does this take or was there a problem or a glitch?
26 You know, that's the reason why I - I just asked
27 him because Gary asked me. I said, man, I thought
28 that they were going to contact you by now, you
29 know.
30 Q: Where is INPO located?
31 A: Atlanta, Georgia, the corporate - you
32 know, the main headquarters.
33 Q: Is that where you were?
34 A: Yes.
35 Q: Is that where Jim Bates and Jim Corbit

11 Volar was the fact that Sam had went up there at
12 some point in time and said -
13 Q: Sam Harvey?
14 A: Sam Harvey went up and had a little
15 meeting session with Dave Volar and, I guess, in
16 the course of the conversation told Dave that he
17 was up here because he wanted to, you know, kind
18 of get reoriented with Dave because he's going to
19 be - you know, once this reorganization is
20 finished, he's going to be working directly for -
21 supporting Dave and words to that effect, that
22 basically he'll be - you know, he's looking to be
23 in that position and so forth.
24 And, I guess, they had discussion back
25 and forth and Dave didn't know, well - you know,
16 you'll have to talk to Dave Volar to find out the
17 actual words that was said, but to the effect -
18 Q: And I plan to, but what I'm asking for
19 right now is your memory of what Mr. Volar told
20 you.
21 A: Well, and then Dave was concerned and
22 he called me. I was -
23 Q: Why was Dave concerned?
24 A: Well, he was concerned from the
25 standpoint, well, he thought they was going through

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[1] a selection process. I mean, just Sam would have
[2] to go through a selection process just like
[3] everybody else. And I guess he's gotten - he's
[4] getting input that, you know, this was already
[5] made - you know, the decision was already made.

[6] Q: A done deal.

[7] A: Yeah. So we had talked because, you
[8] know, I had heard feedback and then we were trying
[9] to get - so he called me. And I can't remember.
[10] We're missing - playing phone tag or whatever, but
[11] he called me, I called him or I can't remember who
[12] got ahold of who first, but he had stated that this
[13] was what transpired.

[14] And I said, well, as far as I know,

[15] Dave, you know, they've got - they're still going
[16] through the selection process unless somebody made
[17] a decision and didn't tell me about it, you know.

[18] So I wouldn't - you know, I wouldn't
[19] personally put stock in it from the standpoint of
[20] it's a done deal and the decision was made to go
[21] another way. We still - as far as I know and as
[22] far as the HR people told me, we're still going
[23] through the process.

[24] So I told him that that's the way I'm
[25] proceeding with this as far as my participation is

[1] Q: Did you ever tell anyone else that he
[2] had?

[3] A: What, said that you have to make
[4] things -

[5] Q: That.

[6] A: Not that I recall, no. I didn't - I

[7] didn't - you know, I've just tried to repeat what
[8] was said to me at face value, you know. You know,
[9] that he expressed his sentiments and kind of the
[10] way he wanted to go with this and that's fine. I
[11] didn't argue with him or we didn't get into a long,
[12] drawn out discussion.

[13] You know, he's the manager and if
[14] that's the call he wants to - you know, the
[15] direction he wants to go, then that's the way I
[16] looked at it. He expressed his - you know, he was
[17] pretty clear about his sentiments. So I didn't see
[18] any need to pursue it further.

[19] MS. JONES: Okay. Give me just about
[20] ten minutes to review my notes. I think I'm pretty
[21] close to done.

[22] (Thereupon, a brief recess was taken.)

[23] BY MS. JONES:

[24] Q: Mr. Grover, you just had a lengthy
[25] conversation out here in the hall with

[1] concerned. And I can't - you know, I can't attest
[2] to what - that statement he made to you, you
[3] know. You know, unless something - some decision
[4] was made that I wasn't aware of, this is the
[5] direction we're still going with this.

[6] Q: Well, it was your feeling from talking
[7] to Mr. Volar that Sam Harvey had led him to believe
[8] otherwise.

[9] A: Correct.

[10] Q: Okay. Let's move even further back in
[11] time to the discussion we had talked about earlier
[12] where we talked about the potential transfer of Sam
[13] Harvey to the Sequoyah plant prior to the posting
[14] and selection process that happened later. And you
[15] had related to me the conversation, to the best of
[16] your memory, I think, of Mr. Magrath about how he
[17] had disapproved of that idea, transferring him out
[18] there.

[19] A: (Witness moves head up and down.)

[20] Q: Do you recall Mr. Magrath telling you,
[21] Ron, sometimes you just have to make things come
[22] out the way you want?

[23] A: No.

[24] Q: Did he say anything similar to that?

[25] A: Not that I recall.

[1] Mr. Marquand. Do you need to change the answers to
[2] any of your questions, any of the questions I've
[3] asked you?

[4] A: No. I think, Brent, you wanted to just
[5] clarify.

[6] MR. MARQUAND: No. If counsel has got
[7] any more questions, go ahead.

[8] A: No. I didn't want to change any
[9] answers.

[10] MS. JONES: All right. I have nothing
[11] further. I pass the witness.

CROSS EXAMINATION

BY MR. MARQUAND:

[12] Q: Mr. Grover, I have a few questions.
[13] Counsel asked you earlier about the amount of
[14] time - let me see the exhibits.

[15] A: Okay.

[16] Q: Referring to Exhibit 1, that's the
[17] chemistry and environmental protection senior
[18] program manager position.

[19] A: Okay.

[20] Q: And you testified that, in fact, that

[21] Mr. Fiser and his peers who had been chemistry
[22] program managers when they were in this new
[23] chemistry and environmental position spent a small

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[10] portion of their time doing environmental types of
[11] functions.

[12] A: Correct.

[13] Q: All right. When you review the written
[14] position description, which is Exhibit 1, is there
[15] a very - is less than five percent of the
[16] functions - are less than five percent of the
[17] functions environmental functions in the written
[18] position description?

[19] A: No, because it was written, you know,
[20] on a balance - the attempt was - like I said
[21] before, a balanced PD to combine chemistry and
[22] environmental. So on paper it should be a
[23] balance.

[24] You know, ideally we were shooting for
[25] an individual could - could spend half of his time
[1] with the chemistry, half of his time with
[2] environmental, 60/40 or whatever the need is for
[3] the plant. So it wasn't limited to just five
[4] percent, you know.

[5] It wasn't intended for the chemistry
[6] people with the chemistry expertise just to stay
[7] all chemistry and just do a little bit of
[8] environmental. We were trying to cross-fertilize
[9] and get everybody up expertise-wise.

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[10] Q: As I understand it, your intent was
[11] that over time people would pick up the expertise
[12] in the other area and work into a more balance.

[13] A: Correct.

[14] Q: Okay.

[15] A: Yeah, but that didn't happen. That was
[16] our objective, but it didn't happen in the time
[17] frame we're talking about.

[18] Q: All right. Now, later counsel asked
[19] you about your understanding of the consequences of
[20] reorganizing and eliminating positions and there
[21] was a discussion about whether or not positions
[22] were similar or dissimilar and what the
[23] consequences would be. Do you recall that?

[24] A: Yes.

[25] Q: Where did you gain those types of
[1] understandings about the personnel consequences?

[2] A: Talking with the HR, human resources,
[3] you know, specialists involved and particularly
[4] primarily Ben Easley at the time. We worked - he
[5] was assigned to our organization, so we did all our
[6] you know, really conversing with him.

[7] Q: Did you rely on the human resource
[8] specialist and Mr. Easley to tell you what the
[9] human resource policies and practices were?

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[10] A: Yes.

[11] Q: You're not claiming to be well versed
[12] in TVA human resource policy and practice.

[13] A: It depends on what you mean by well
[14] versed. I feel like I've been -

[15] Q: Do you feel -

[16] A: I feel like I've got a little handle on
[17] it with all that we've gone through, but I don't
[18] claim to be the specialist. I think, you know,
[19] after working with Ben Easley for a time period, I
[20] felt at least we had a -

[21] Q: Comfortable.

[22] A: It was my responsibility as a manager
[23] to have a good working knowledge of what could be
[24] done and what can't be done. So I felt
[25] comfortable. Now, I'm not sitting here claiming
[1] that I was the expert in all the nuances of what
[2] the policy was, but I felt I had a good working
[3] understanding of what the policy was.

[4] Q: There was a discussion about your
[5] understanding that if job functions changed by more
[6] than 15 percent, then new positions - then any new
[7] position descriptions which were rewritten are
[8] required to be posted. Do you recall that
[9] testimony?

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[10] A: Correct. Again, I don't know if that's
[11] fact or not. We'd have to talk with the HR people,
[12] but I believe it was around 15 percent.

[13] Q: But at some percentage there's some
[14] sufficient dissimilarity that they're required to
[15] be posted.

[16] A: Correct.

[17] Q: Now, do you know, in fact, if the
[18] policy is to compare the written position
[19] descriptions or the jobs that are being performed?

[20] A: Well, the way it's supposed to be, the
[21] way it's supposed to work is the jobs that you're
[22] actually performing should match the position
[23] description.

[24] Q: Right.

[25] A: So there shouldn't be a disparity in
[1] your position description with what you say you do
[2] on paper and what you actually do. If there is a
[3] disparity, then it should be rectified. So it
[4] really starts with the position description, which
[5] is what's written.

[6] Q: Okay. So they compare position CD00075-
[7] descriptions?

[8] A: Right. Now, if there was some reason
[9] why you can't do everything in the position

[11] description, it should be understood, and I think
[12] in this - in our particular case it was, you know,
[13] what we were trying to get to, that sort of thing.
[14] Q: All right. You're familiar with both
[15] Plaintiff's Exhibit 1 and Plaintiff's Exhibit 2.
[16] A: Right.
[17] Q: Just looking at the position
[18] descriptions, are they similar or dissimilar?
[19] A: Are they similar or dissimilar?
[20] Q: How much - are they substantially -
[21] A: Well, they're dissimilar because you've
[22] got the environmental piece.
[23] Q: Okay.
[24] A: But in actuality, I mean, you know,
[25] from an actual standpoint or a practical
[26] standpoint, you know - you know, like I said
[27] before, the chemistry people did the same thing
[28] functionally in one that they did in the other.
[29] Q: Now, you told us that you had a number
[30] of people reporting to you. You had Mr. Fiser,
[31] Mr. Chandra, Mr. Harvey, Allen Sorrell.
[32] A: Right. No. David Sorrell.
[33] Q: David Sorrell. And what job
[34] description did David Sorrell have?
[35] A: He had the same description as this PD

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[11] on the environmental side, but chemistry, that was
[12] one of those tasks where we actively - chemistry
[13] people had expertise and they actually helped out.
[14] Q: In fact, it's not - do you know if
[15] it's TVA human resource policy that an individual
[16] has to, in fact, be doing all of the specific
[17] assignments or that they can just be assigned some
[18] of the specific assignments consistent with a
[19] position description?
[20] A: Well, if you look at it - you know,
[21] I'll call it - use this, coin a phrase, letter of
[22] the law, I mean, from HR, again, you're supposed to
[23] be performing - you're supposed to be actually
[24] doing what the position description says you do,
[25] you know. That's the purpose of the position
[26] description.
[27] Q: Your manager can assign you any of
[28] these things.
[29] A: Your manager has that flexibility,
[30] but his intent is to have you do what's in the -
[31] otherwise, you have the wrong position
[32] description.
[33] Q: Okay.
[34] A: You know, so you should be right in -
[35] the position description should be developed based

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[11] dated 10-17-94.
[12] Q: But he was performing primarily
[13] environmental functions?
[14] A: Correct. And we had another
[15] individual, Jim Mantooth, who was in the PG-7
[16] position. Primarily same - same basic position
[17] description, but it was PG-7 instead of PG-8 level.
[18] Q: So under this position description,
[19] which is Exhibit 1, an individual could perform any
[20] of these functions consistent with that position
[21] description; is that correct?
[22] In other words, if you had an
[23] individual who was working as a senior technical
[24] adviser on specific environmental permitting
[25] tasks -
[26] A: Correct.
[27] Q: - that's the type of thing that
[28] Mr. Sorrell and Mr. Mantooth were working on?
[29] A: Correct.
[30] Q: And at the same time you would have
individuals such as Mr. Harvey or Mr. Fiser who
were working as TVAN senior technical experts in
chemical traffic control?
[31] A: Well, let's use another example, lab
[32] QAQC, because chemical traffic control was really

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[11] on what you actually do and - unless we were
[12] trying to accomplish something different in this
[13] case and that's what we started out with the
[14] objective of doing.
[15] Q: In fact, you were trying to accomplish
[16] something different.
[17] A: Well, that's why we laid out the
[18] objective, but we didn't get there, but,
[19] functionally - you know, I'll be honest with you,
[20] functionally the chemical guys still did the same
[21] thing. The environmental guys still did the same
[22] thing under the existing PD. We didn't get there
[23] yet, you know.
[24] Because you change it on paper doesn't
[25] mean you have the ability from a human standpoint,
[26] from a personnel standpoint, to go right in it, but
[27] if you got a plan to try to transition into it,
[28] which we did, that's what we was trying to do.
[29] Q: You said that Mr. Easley expressed some
[30] sentiment about not posting for competitive bidding
[31] the new chemistry program manager PWR specialist
[32] position. Do you recall that testimony? CD000789
[33] A: Correct.
[34] Q: Do you know if, in fact, at some point
[35] in time he did compare Exhibit 1 with Exhibit 2 to

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111 determine if they were substantially dissimilar so
112 as to require that the position be posted?

113 A: I'm sure he did. You know, he didn't
114 sit down with me and say, Ron, let's go through
115 this line by line, but he had all the PDs. He was
116 reviewing it. He has to make the determination.

117 The organization has to consult him,
118 his organization. The operating organization, you
119 know, the responsible organization that is doing
120 the change, making the change, has to consult the
121 human - that's the way it's supposed to work.
122 They're supposed to consult the human resources
123 personnel, the appropriate personnel, and decide
124 and with them get the right way to do this.

125 Here's what we're trying to do. Advise
126 us as to how we're supposed to, you know,
127 procedurally do it in the right way.

128 Q: And the advice you ultimately got from
129 human resources was that you needed to post that
130 position for bidding, the position in -

131 MS. JONES: Objection. Leading and
132 mischaracterizes his prior testimony.

133 A: Well, I wasn't - again, I wasn't -

134 Q: Okay.

135 A: - in this process directly. My

111 Q: Well, do you know that they interviewed
112 people for the BWR chemistry program manager
113 position?

114 A: Well, yeah. The PW and BW, yeah. Yes.
115 Yes.

116 Q: Do you know that they interviewed
117 people for the environmental - I guess it wasn't
118 environmental; was it?

119 A: Well, the Rad waste environmental
120 position, they combined that function.

121 Q: That was interviewed on the same day?

122 A: I don't know whether that was the same
123 board or they interviewed - they may have. I
124 don't know. I don't recall.

125 Q: Now, you, in fact - you earlier
126 testified as to the individuals who were on the
127 selection board, Mr. Kent, Mr. Correy and Rick
128 Rogers.

129 A: Yes.

130 Q: Do you know, in fact, who chose them to
131 sit on that selection board or is that something
132 you just have an understanding about through the
133 grapevine?

134 A: No. I don't know who made the final
135 selection. I know Wilson McArthur was involved

111 conversations with Mr. Easley were that he
112 expressed concern, sentiments or whatever you want
113 to call it that it looked like on - based on the
114 way these were written, there was that 15 percent
115 or greater change functionally in what they did.
116 Okay. And he understood it because he was with us
117 with this whole process in developing it and so
118 forth, you know. Now, again, I wasn't in that
119 loop. Okay.

120 Q: Okay.

121 A: Because I was basically, you know -

122 Q: You were a bystander.

123 A: That's right. So he - but I tried to
124 help. And Wilson asked me, well, can you give
125 comments on this and this, that and the other. So
126 I tried to help as much as I could. Although, I
127 wasn't in the process, I still tried to help, you
128 know, take - you know, with this transition.

129 Q: Now, when the interviews were - I want
130 to change the subject again. When the interviews
131 were done for the PWR chemistry program manager, on
132 the day they were done, that selection board also
133 interviewed people for a number of other positions;
134 didn't they?

135 A: I don't - I don't recall.

111 with that. I mean, he shared that with me, but -

112 Q: He was the selecting official
113 ultimately, wasn't he, for the positions?

114 A: Right. But he was also involved
115 with selecting the people on the board. I
116 don't know whether he came up with the names and
117 Tom Magrath approved it, but I know he had
118 involvement because he - you know, he discussed
119 that with me. He said, you know, he was involved
120 with that.

121 Q: The day they interviewed people for the
122 PWR chemistry program position, did you witness who
123 was, in fact, present for the interview?

124 A: No. I wasn't, you know, aware of -

125 Q: Of who was actually involved in the -

126 A: Right. This was only feedback I
127 received of who was actually on the board from -
128 you know, the candidates mentioned who was - who
129 sat on the board to me. RD000730

130 And I may have been in error because I
131 want to correct that if I had stated that, you
132 know, Ben Easley was - was on the board. I know
133 it was an HR representative. I may have said Ben
134 Easley. I think I understand from you that may
135 have been an error and it was another -

11 Q: I can't testify.

12 A: Oh, okay. But I just want to let you
13 know I - this was feedback I got and I may have
14 been in error in that, but there was an HR
15 representative on the board.

16 Q: You earlier testified that, of course,
17 obviously you came to TVA after Mr. Fiser's
18 previous DOL case had been filed.

19 A: Correct.

20 Q: And you said that you were told by
21 Wilson McArthur that Mr. Fiser had a previous DOL
22 case.

23 A: Correct.

24 Q: What was the context of that
25 conversation?

26 A: Well, he had mentioned to me - you
27 know, he had discussed with me to an extent that it
28 was - it was really tying into the vacant position
29 that the decision was made with the settlement that
30 Mr. - you know, Gary Fiser would be returning to
31 TVA and would work back - would come back to the
32 chemistry organization and would fill that
33 position.

34 And that's when he said, well, you
know, it was part of a complaint that was filed and

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11 outside. We were going to canvas outside.

12 Q: So the explanation was to you as to why
13 it wasn't necessary to conduct -

14 A: Correct.

15 Q: - a search or even a bidding or
16 whatever.

17 A: Correct. Because initially when I come
18 to the position, I mean, we were going to look for
19 a candidate to fill the position. So I was taking
20 action to do that. And then, I guess, the
21 settlement was reached and then we were told, well,
22 let's all stop and this is what - how it's going
23 to transpire.

24 Q: Okay. There was some discussion in
25 your previous testimony about Mr. Fiser applying
for a job at INPO and comments that you heard,
input that you heard, about Mr. Fiser being
involved in the middle of a DOL complaint with
TVA.

26 A: (Witness moves head up and down.)
27 Q: And you said you heard that from Jim
28 Bates, who is an INPO employee.

29 A: Right.

30 Q: And he expressed or he had heard
something along those lines from Jim Corbit,

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11 a settlement was reached and that sort of thing.
12 So it was tied into - it was tied into - because
13 he explained to me because I didn't - obviously
14 I'm new and I've got a vacant position and I'm
15 thinking, well, we need to go ahead and follow the
16 right procedure in getting it filled. So he
17 explained to me the background and why Gary Fiser
18 was coming back into the position.

19 Q: Okay. So to summarize or rather for me
20 to restate that, you were the manager of that
21 vacant position.

22 A: Right.

23 Q: And you were sitting there thinking
24 I've got to go through whatever the proper
25 procedure is to fill that position.

26 A: Correct.

27 Q: And Dr. McArthur told you that we are
28 putting Gary Fiser in that position as part of the
29 settlement of his previous DOL complaint.

30 A: That's correct.

Q: Okay.

A: Now - and, you know, I was informed of
that right before he - he returned because I was
taking steps at the time to go ahead and try to
fill the position because we're going to look

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11 another INPO employee.

12 A: Correct.

13 Q: Okay.

14 A: Now, I don't know whether he heard it
15 directly or he heard that he'd stated that. Again,
16 I'm just giving you what I heard from Bates. That
17 was the only negative that came up - issue that
18 came up that may have had an impact on him not
19 being interviewed.

20 Q: And I think you said that Jim Bates
21 knew Mr. Fiser?

22 A: Yeah. Yeah. They - they - yeah,
23 recognizing that they had been in the industry a
24 long time. They worked together in the past and he
25 knows - Gary Fiser knows Jim. And, you know,
they've been at the plant, so they know all the
long-term employees like Bill Nestel.

CD000791

26 You know, I mean, they've either
27 worked together or because of evaluators, they've
28 known each other over the years. So all the
29 permanent people there, long-standing permanent
people, basically the industry knows, but Gary
has, you know, the opportunity to - he's worked
with them as well as been on - you know, been
evaluated at plants that he's worked at, that sort

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Ronald O. Grove
January 29, 1998

- [1] of thing.
[2] MR. MARQUAND: That's all the questions
[3] I have.
[4] MS. JONES: Nothing further.
[5] FURTHER THIS DEPONENT SAITH NOT.

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- [1] WITNESS CERTIFICATE
[2] I, RONALD O GROVER, do hereby certify:
[3] That I have read and examined the
[4] contents of the foregoing pages of record of
testimony as given by me at the time and place
[5] herein aforementioned;
[6] And that to the best of my knowledge and
belief the foregoing pages are a complete and
[7] accurate record of all the testimony given by me at
said time, except as noted on the errata sheet
[8] attached hereto.
[9] I have or have not made
corrections to be attached
[10]
[11]
[12] RONALD O. GROVER
[13] STATE OF TENNESSEE)
[14] COUNTY OF HAMILTON)
[15] I, Notary Public for the
County of , State of .
[16] hereby certify:
[17] That the herein above named personally
appeared before me this day of ,
[18] 1998, and that I personally witnessed the execution
of this document for the intents and purpose herein
above described.
[19] Sworn to and subscribed before me
this day of , 1998.
[20]
[21] NOTARY PUBLIC
[22] My commission expires: .
[23]

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- [1] The witness, RONALD O. GROVER,
[2] requests the following changes to be made in the
[3] transcript of the deposition which was taken on
[4] January 29, 1998.

[5] PAGE LINE CHANGE

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RONALD O. GROVER
[21]
[22] Notary Public
[23]
[24] My commission expires: .
[25]

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[1] REPORTER'S CERTIFICATE

[2] STATE OF TENNESSEE :

COUNTY OF HAMILTON :

[3]

I, Cathy H Kerley, the officer

[4] before whom the foregoing deposition was taken, do
hereby certify that the witness whose testimony
[7] appears in the foregoing deposition was duly sworn
by me;

[8]

That the testimony of said witness was

[9] taken by me in machine shorthand and thereafter
reduced to typewriting, that the said deposition is

[10] a true record of testimony given by said witness;

[11] That I am neither counsel for, related

to, nor employed by any of the parties to the

[12] action in which this deposition was taken, and
further that I am not a relative or employee of any

[13] attorney or counsel employed by the parties hereto,
nor financially or otherwise interested in the

[14] outcome of the action;

[15] That the said deposition has in no
manner been changed or altered since same was given

[16] by said witness, but that the same has remained in
my possession up to the time of delivery.

[17]

In witness whereof, I have hereunto set

[18] my hand this day of ., 1998.

[19]

[20]

[21] CATHY H KERLEY, Registered

Professional Reporter.

Notary Public in and for the

State of Tennessee at Large.

My commission expires

June 23, 1999.

[22]

[23]

CD000793

Lawyer's Notes

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(a) ultimate - air

Lawyer's Notes

CD000804

PO NO. _____

POSITION DESCRIPTION

Gary L. EasleyPosition Title CHEMISTRY AND ENVIRONMENTAL PROTECTION SENIOR PROGRAM MANAGERLocation Chattanooga

Organization Titles:

Group TVANOperations Nuclear OperationsDivision Operations ServicesDepartment Chemistry and Environmental ProtectionSection Org Code

Social Security Number _____

Pay Group or Schedule/Grade PG - BEffective Date 10/17/94Incumbent's Signature
Gary L. EasleySupervisor's Signature
R. O. GroverHRH/HRO's Signature
B. G. Easley

Reports to _____

(Title) Manager, Chemistry and Environmental Protection

Supervisory _____

Approved Job Code: 2581Function Code: I21Schedule/Pay Grade: PG-B

POSITION EVALUATION:

EVALUATION DATE: 9/21/94ECIR REVIEWER
INITIALS: IVAN/JEC

<u>FI3</u>	<u>350</u>	<u>E3 (38)</u>	<u>132</u>	<u>E1P</u>	<u>132</u>	<u>614</u>	<u>56-22-22</u>
K-H Slot	K-H Pts	P-S Slot	P-S Pts	Acct Slot	Acct Pts	Total Pts	Profile

POSITION PURPOSE:

Provide senior technical direction, support, and oversight to the TVAN chemistry and environmental protection programs. The incumbent serves as the primary liaison between the sites and TVAN corporate. The incumbent manages the implementation of directives, standards, and policies and regulations at all TVAN sites. The incumbent is the lead individual for ensuring that high standards are set and maintained at both corporate and the sites. His/her efforts are focused on establishing/maintaining a chemistry and environmental program that enhances the safe and reliable operation of TVAN sites.

DIMENSIONS:Employee:

Management/Professional/Technical = 0
Clerical/Technical Support = 0
TOTAL = 0

Budget:

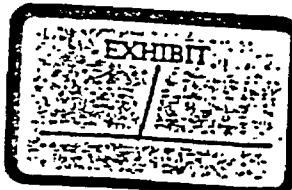
Operating = 0
Payroll = 0
TOTAL = 0

Distribution: Original - Human Resources Microrecords Unit, Knoxville
 Copy - Operations Organization (as needed)
 Copy - Central Office of Union Having Jurisdiction...
 Copy - Employee

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12A (C&ED-CPLA 7-91) [7-91] Page 1 of 2
8447u

Exhibit 5



NAME Gary L. Fiser SSN EFFECTIVE DATE 10/17/94
(First) (Middle) (Last)

PRINCIPAL ACCOUNTABILITIES:

General:

1. Provide technical and programmatic expertise for implementation of the TVAH chemistry and environmental protection programs at individual sites. Provide direction as needed for project managers managing projects at his/her assigned site. Oversee the activities of other personnel assigned support functions for meeting the responsibilities of this position.
2. Assist site management with interpretation of chemistry and environmental policy; review and concur with site procedures and other TVAH documents that may impact the programs. Promote optimum consistency among site programs.
3. Recommend chemistry and environmental protection goals and specifications that are consistent with best industry practices, and assist with the implementation of actions to achieve them. Direct the performance of site evaluations of the chemistry and environmental protection programs to ensure consistency and compliance with established requirements.
4. Direct review and concur with root cause analyses for identified chemistry and environmental protection program problems, direct the development of corrective action plans, and coordinate the implementation of approved corrective actions.
5. Direct the performance of regulatory and licensing reviews of chemistry and environmental issues, recommend TVAH responses or positions, and concur with responses to external organizations.
6. Direct the development of chemistry and environmental protection training and qualification criteria. Conduct specialized seminars on chemistry and environmental protection technical topics as requested.
7. Provide long-term/large scope project support to the plant sites for major chemistry and environmental projects. Provide short-term plant problem response to the sites as requested.
8. Perform long-term data trending and assessment of key chemistry and environmental protection data. Provide appropriate feedback and corrective action proposals as necessary. Prepare an Annual Chemistry and Environmental Protection Report; review for concurrence with site staffs and issue.
9. Function as a primary TVA representative to the EPRI PWR Primary Water Chemistry Committee, EPRI/SGOG Chemistry Committee and EPRI BWR Owners Group Chemistry Committee and the appropriate environmental protection committees. Coordinate the release of chemistry and environmental data to outside organizations as authorized.
10. Serve as a chemistry and environmental protection specialist or alternate dose assessor, or environmental assessor, in the event of a radiological emergency. Remain on call 24 hours per day unless relieved by other approved personnel.
11. Actively engage in weekly plant tours, personnel interviews, observation feedback and working meetings during routine operations and plant outages. Coordinate with sites the preparation for INPO evaluations and responses.
12. Function as team leader and provide technical expertise in support of the Quarterly Chemistry and Environmental Protection Team assessments for TVAH sites.
13. Chair working groups such as radioanalytical working group, and analytical working group, the radiological assessment review committee.
14. Develop research and development project issues and act as technical coordinator. Compile data and research positions that support requests for systems specificati: changes and engineering design changes.

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NAME - Gary L. Fisher
.. (First) (Middle) (Last)

SSN

EFFECTIVE DATE. 10/17/94

Sp: 5:

as a senior technical advisor and assist in carrying out site specific environmental permitting tasks such as NPDES, NEPA, underground storage tanks, asbestos, 404 Permits, landfill/disposal, mixed waste, material storage, storm water.

2. Provide direction in the implementation of site hazardous materials control plans, the proper handling and shipping of hazardous waste, mixed waste and solid waste.
3. Function as the TVAH senior technical expert to the sites in the areas of Chemical Traffic Control plans, bulk chemical control, handling of spills, PWR and BWR operational chemistry control, laboratory QA/QC, radioactive effluents, demineralization, post-accident sampling requirements, and failed fuel action plans..
4. Develop and interpret detailed data trending in the areas of primary and secondary chemistry for both BWR's and PWR's, auxiliary and makeup systems chemistry, radioactive effluents, site environmental discharges. Provide specific feedback for improvement on a routine basis.
5. Make recommendations to TVAH sites on resin type for usage in all plant applications. Assist the site in the development of resin specifications and analysis.
6. Understand the purpose and provide direction to TVAH site staffs in the implementation of such programs as ETA/Boric Acid/Molar-ratio control, secondary PWR Chemistry Control, IGSCC, mitigation, HMC and Zinc injection programs for BWR's, zebra mussel/clam control in service water systems.
7. Function as the senior technical expert and provide direction to the TVAH sites in all aspects of PWR steam generator chemistry/corrosion control which include hideout return evaluations, sludge lancing, chemical cleaning, and corrosion product transport minimization.
8. Function as the senior technical expert and provide direction to the TVAH sites in the areas of OOCM and radiological effluents management. Coordinate all regulatory updates.

MINIMUM QUALIFICATIONS:

Manager should have a bachelors degree or the equivalent in chemistry, environmental sciences, or chemical engineering, including formal training and experience in management. The manager shall have at least eight years professional experience in applied chemistry or environmental protection, with experience at an operating nuclear power plant preferable. The manager should have detailed knowledge of modern analytical and radioanalytical equipment and methods used for performing all required chemistry and environmental analyses at TVAH sites which includes equipment operation and capabilities. He/she must possess a very good knowledge base in the areas of environmental regulations, PWR and BWR chemistry control guidelines and permitting requirements. An advanced degree and ten years experience at the professional or managerial level are desirable.

POSITION DESCRIPTION

Name		Social Security Number	
Position Title	<u>Chemistry Program Manager (PWR)</u>	Pay Group or Schedule/Grade	<u>PG-08</u>
Location	<u>Chattanooga</u>	Effective Date	
Organization Titles:			
Group	<u>TVA Nuclear</u>	Incumbent's Signature	
Operations	<u>Nuclear Operations</u>	Supervisor's Signature	
Division	<u>Operations Support</u>	HRM/HRO's Signature	
Department	<u>Corporate Radiological Control and Chemistry</u>	Reports to (Title)	<u>Corporate Radiological Control and Chemistry Manager</u>
Section			

FOR COMPENSATION PLANNING AND ANALYSIS USE ONLY

POSITION EVALUATION:	EVALUATION DATE:	CP&A REVIEWER INITIALS:						
<u>F13</u> <u>K-H Slot</u>	<u>350</u> <u>K-H Pts</u>	<u>E3 (38)</u> <u>P-S Slot</u>	<u>132</u> <u>P-S Pts</u>	<u>E1P</u> <u>Acct Slot</u>	<u>132</u> <u>Acct Pts</u>	<u>614</u> <u>Total Pts</u>	<u>55-22-22</u> <u>Profile</u>	<u>=</u> <u>Profile</u>
Approved Job Title: <u>PROGRAM MANAGER</u>			Schedule/Pay Grade: <u>PG-08</u>					
Organization Code:			Job Code: <u>2581</u> Supervisory Code: <u>N</u> Function Code: <u>L20</u>					

POSITION PURPOSE:

Provide senior technical direction, expert support, oversight, and Program/Project management in the chemistry programs of the TVAN facilities. Develop programmatic requirements for chemistry management programs. The incumbent serves as the primary liaison between the TVAN sites and TVAN corporate. The incumbent manages the implementation of directives, standards, and policies and regulations at all TVAN sites. The incumbent is the lead individual for ensuring that high standards are set and maintained at both corporate and the TVAN sites. His/her efforts are focused on establishing/maintaining a chemistry program that enhances the safe and reliable operation of TVAN sites.

DIMENSIONS:

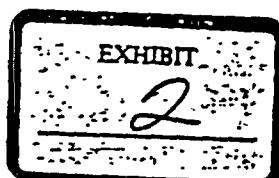
Typical size of projects - \$10M - \$10MM. Annual projects managed - 10

Other:

1. Incumbent acts as Manager, Radiological Control and Chemistry, in his absence with the signature authority and control of the budget (\$3MM) associated with that position.
2. Serves as Technical Contract Manager establishing, controlling, and maintaining multi-site chemistry services and material contracts. (Material and Services Annual Budget \$10MM)
3. Serves as Radiological Assessment Manager in the event of a nuclear site emergency.

Distribution: Original - Human Resources Microrecords Unit, Knoxville
 Copy - Operations Organization (as needed)
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POSITION TITLE: Chemistry Program Manager (PWR)
NAME _____ SSN _____
(First) (Middle) (Last)

PD NO. 960383
EFFECTIVE DATE _____

PRINCIPAL ACCOUNTABILITIES:

of Responsibilities

- IN, WBN (PWR) Chemistry Program
 - Secondary Chemistry Program Support for TVAN PWRs
 - Post accident sampling systems
 - Cooling tower chemistry
 - Software control program
 - Analytical Working Group Management for all TVAN sites
 - Multi-Site Technical contract Management such as Ecolochem, Dionex, PASS services for all TVAN sites
1. Provide technical and programmatic expertise for implementation of the TVAN chemistry program at individual sites. Provide direction as needed for project manager's managing projects at SQN and WBN. Oversee the activities of other personnel assigned support functions for meeting the responsibilities of this position.
 2. Function as the TVAN senior technical expert to the sites in the areas of PWR Secondary chemistry control.
 3. Function as the TVAN senior technical expert and provide direction in the implementation of such programs as Molar Ratio Control, Secondary Chemistry Optimization, and zinc injection.
 4. Assist Management with interpretation of chemistry policy - review and concur with site procedures and other TVAN documents that may impact the programs. Promote optimum consistency among site programs.
 5. Recommend chemistry program goals and specifications that are consistent with best industry practices, and assist with the implementation of actions to achieve them. Direct the performance of site evaluations of the chemistry program to ensure consistency and compliance with established requirements.
 6. Direct review and concur with root cause analyses for identified site chemistry program problems, direct the development of corrective action plans, and coordinate the implementation of approved corrective actions.
 7. Direct the performance of regulatory and licensing reviews of chemistry issues, recommend TVAN responses or positions, and concur with responses to external organizations.
 8. Develop and conduct specialized seminars on chemistry technical topics as requested and conduct periodic training related observations/provide recommendations for improvements as necessary.
 9. Provide long-term/large scope project support to WBN and SQN for major chemistry projects. Provide short-term plant problem response to the sites as requested.
 10. Perform long-term data trending and assessment of key WBN and SQN Secondary chemistry data. Provide appropriate feedback and corrective action proposals as necessary. Prepare an annual WBN and SQN chemistry report with review and recurrence with site staffs and issue.
 11. Act as a TVAN representative to the EPRI PWR water chemistry committee, PWR Owners Group Chemistry Committee, and appropriate industry and regulatory workshops/conferences/seminars. Coordinate the release of chemistry data to outside organizations as authorized.
 12. Serve as a Chemistry specialist, does assessor, or RAC/RAM in the event of a radiological emergency. Remain on call 24 hours a day unless relieved by other appropriate personnel during emergency events.
 13. Actively engage in plant tours, personnel interviews, observation feedback and working meetings during routine operations and plant outages. Coordinate with sites for INPO evaluations and responses.
 14. Function as team leader and provide technical expertise in support of the Quarterly Chemistry Team assessments for TVAN sites.
 15. Chair Analytical Working Group for all TVAN sites and ERMI.
 16. Develop multi-site contract technical specifications and act as technical contract manager for applicable contracts such as makeup water, Dionex services, PASS services, bulk chemicals for all sites.
 17. Act for the Corporate Radiological Control Manager in his/her absence.
 18. Provide effective communications of the Corporate Chemistry Program to the TVA nuclear sites.

MINIMUM QUALIFICATIONS:

The incumbent should have a bachelor's degree or the equivalent in chemistry, environmental sciences, or chemical engineering, including formal training and experience in management. The incumbent shall have at least eight years of professional experience in applied chemistry, with experience at an operating nuclear power plant preferable. The incumbent should have a detailed knowledge of modern analytical and radioanalytical equipment and methods used for performing all required chemistry analyses at TVAN sites which includes equipment operation and capabilities. He/she must possess a very good knowledge base in the areas of PWR and BWR chemistry control guidelines requirements. An advanced degree and ten years experience at the professional or managerial level are desirable.

Incumbent in this position is subject to rotational assignment.

**PERFORMANCE REVIEW AND DEVELOPMENT PLAN
(FOR MANAGERS AND SPECIALISTS)
(For COO & TVAN Use Only)**

Name GARY L. FISER
Position Senior Chemistry & Environmental Specialist
Review Period 10/1/94 to 9/30/95
Date of Annual Performance Review _____

Social Security Number
Organization Chemistry & Environmental Protection

EXHIBIT
2

PERFORMANCE RATINGS DEFINITIONS

Exceeds Expectations	Individual far exceeds expectations for this objective or expectation. Frequently makes significant contributions well beyond job responsibilities.
Meets Expectations	Individual consistently meets expectations for this objective or expectation. Employee knows and performs the job well. May occasionally exceed expectations in some areas. Fully competent and valuable employee.
Meets Some Expectations	Individual partially meets expectations for this objective or expectation. Improvement in this area is necessary for the employee to fully meet expectations. Performance does not indicate successful completion of all assigned responsibilities.
Unacceptable	Individual consistently below expectations and performance is unacceptable for this objective or expectation. May require more supervision than expected. Improvement required to meet expectations.

QUARTERLY REVIEW DISCUSSIONS

Manager Employee
Initials
Date Discussed

2nd
Manager Employee
Pete JJ
Initials
4/17/95
Date Discussed

Manager Employee
Initials
8/14/95
Date Discussed

Manager Employee
Initials
10/30/95
Date Discussed

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PERFORMANCE OBJECTIVES	PERFORMANCE SUMMARY	WEIGHT	X	EXPECTATIONS					TOTAL
				4	3	2	-1	UNACCEPTABLE	
				MEETS	MEETS	SOHE	EXCEEDS	EXCEEDS	
Establish specific results or goals that this employee is expected to achieve during this rating period. (Additional pages may be used as necessary).	Review performance against each objective. Discuss results achieved, areas of success, and improvements needed. Cite examples where appropriate below. Then mark (X) in the column on the right which best describes the employee's performance.								
1) Meet the expectations of the Corporate Chemistry & Environmental Protection (C&EP) FY95 Business Plan, Management Expectations and Goals as determined by the Corporate C&EP Task List.	Satisfactory results achieved.	15%	X						45
2) Maintain focus on C&EP/TVAN Top Ten priorities list.	Satisfactory results achieved.	15%	X						45
3) Support adherence to the FY95 budget requirements & continually look for effective ways to reduce costs.	Satisfactory results achieved.	5%	X						15
4) Function as lead chemical engineer in support of WBN site startup preparation.	Excellent effort; Gary played a key role in assisting the site staff in addressing program deficiencies/solving problems in startup preparation.	5%	X						20
5) Visit TVAN sites on a routine basis (consistent with REP responsibilities) and exhibit a high level of support for site activities. Site badging to be accomplished as required.	Excellent effort; Gary consistently exhibited a high level of support for site activities. He was a key player in helping to address critical issues at all sites.	15%	X						60
6) Pursue a high level of technical capability by personal development and attendance at appropriate conference/meeting.	Satisfactory results achieved.	5%	X						15
7) Manage implementation of multi-site raw water contract.	Satisfactory results achieved.	5%	X						15
8) Assist in development of monthly and annual chemistry report for WBN and perform routine data reviews.	The annual chemistry report was completed. Monthly reporting has started, but improvement is still needed to get a complete report issued by the site staff on a consistent basis.	5%	X						15

PERFORMANCE BEHAVIORS

BEHAVIORS	PERFORMANCE SUMMARY	WEIGHT	EXPECTATIONS					TOTAL
			4	3	2	-1	UN	
	X				H	E	A	
			EXCEEDS	MEETS	MEETABLE	SOME	FAIL	
These behaviors come directly from TVA's workforce mission. Employee and supervisor jointly decide which of these behaviors specifically apply for the review period. Choose up to six behaviors, with no behavior receiving a weight of less than .5.	Review performance against each behavior. Discuss results achieved, areas of success, and improvements needed. Cite examples where appropriate below. Then mark (X) in the column on the right which best describes the employee's performance.							
1. High Performance Sets clear goals for self and others; includes the needs of customers in setting these goals; shows persistence and dependability in accomplishing goals; looks for ways to make projects successful rather than finding reasons for failure; takes personal responsibility for ensuring results are achieved.	Excellent effort; Gary has been very proactive in this area. He consistently takes the lead in finding solutions to problems to make projects/programs successful and assumes personal responsibility.	5%	X					20
2. Teamwork Shows a team orientation by placing team goals over individual goals; effectively communicates information needed for task completion; contributes actively to group projects and meetings; develops positive and productive relationships with other team members; works to turn conflict into "win-win" situations; looks for shared goals with other workgroups.	Excellent effort; Gary is a superb team player. He interacts well with peers and site counterparts. He has worked well at all sites and has been invaluable in keeping key programs moving forward. He has often been asked to step into crisis situations and has always met the challenge.	5%	X					20
3. Diversity Seeks and uses a broad range of experiences, backgrounds, and points of view to achieve organizational goals; treats co-workers with dignity and respect; encourages and supports actions to ensure a representative demographic mix in the workforce.								
4. Innovation Develops original, cost effective, and resourceful approaches to work situations; encourages and recognizes the initiative and creativity of others; takes appropriate levels of action to get the job done right.	Excellent effort; Gary always looks for and pursues cost effective and efficient ways to complete tasks.	5%	X					15

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2

TVA 4535 (1-93) (2-95) 3

Total

55

BEHAVIORS	PERFORMANCE SUMMARY	EXPECTATIONS					TOTAL
		WEIGHT	X	EXCEEDS	MEETS	MEETS SOME	UNACCEPTABLE
	Review performance against each behavior. Discuss results achieved, areas of success, and improvements needed. Cite examples where appropriate below. Then mark (X) in the column on the right which best describes the employee's performance.						
5. Continuous Improvement Determines customer expectations; identifies strengths and weaknesses in present work methods; uses Quality problem-solving tools and techniques to develop new and more effective methods; creates a non-blaming atmosphere while exploring past mistakes and future methods changes; evaluates continuous improvement for self, suppliers, and customers by: determining performance benchmarks, setting explicit, measurable goals, and measuring progress toward goals.	Excellent effort; Gary always sticks with problems until they are solved. He has the ability to work with site counterparts in getting good solutions/fixes in place. He always strives to seek a win-win situation.	5%	X				20
6. Coaching and Developing Sets clear performance expectations with each employee; provides ongoing feedback; works with employees to prepare individual development plans; provides support and resources for implementation of development plans; evaluates performance based on established expectations.							
7. Leadership Consistently communicates a clear direction for the workgroup; gains commitment and participation by modeling actions necessary to accomplish the direction; implements an organizational or cultural change that gives action to organizational vision; recognizes and rewards others for their contributions.							
8. Communication Sends and receives information clearly, accurately, thoroughly, and effectively; verbal, written, up, down, lateral, one-to-one, and group communication.	Satisfactory results achieved.	5%	X				15
TVA 4535 (1-93) (2-95) 4							Total 35

. PERFORMANCE BEHAVIORS

BEHAVIORS	PERFORMANCE SUMMARY	WEIGHT	EXPECTATIONS				TOTAL
			4 EXCEEDS	3 MEETS	2 SOME	-1 UNACCEPTABLE	
These behaviors come directly from TVA's workforce mission. Employee and supervisor jointly decide which of these behaviors specifically apply for the review period. Choose up to six behaviors, with no behavior receiving a weight of less than 5.	Review performance against each behavior. Discuss results achieved, areas of success, and improvements needed. Cite examples where appropriate below. Then mark (X) in the column on the right which best describes the employee's performance.	X					
9. Interpersonal Skills Interacts with others in ways that enhance understanding and respect.							
10. Judgement and Decision Making Shows readiness to take action based on factual information and logical assumptions.							
11. Planning and Organizing Sets goals and develops strategies for meeting goals.	Satisfactory results achieved.	5%		X			15
12. Technical Shows familiarization and utilization of tools, equipment, concepts, methods, and procedures which are discipline specific and necessary for professional excellence.							

FORMULA

Objectives Rating Total = 230

Behaviors Rating Total = 105

Overall Rating Total = 335 Divided by 100 = 3.35

OVERALL PERFORMANCE

RATING

EXCEEDS

MEET

HEETS
SOME

UNACCEPTABLE

1.9 and
Below

STRENGTHS

DEVELOPMENTAL NEEDS (To be completed by supervisor with employee input.)

Overall Strengths: Ability to work effectively with site personnel; total team player; excellent understanding of site operational chemistry.

Overall Dev. Needs: Continue support of the WBN startup effort; continue to focus on getting a complete WBN monthly chemistry report issued on a routine basis; continue to focus on work planning/timely task completion.

CAREER OBJECTIVES (0 - 3 years)

Employee's stated Career Objectives: (Priority order)

- (1) Manager, Chemistry and Environmental Protection (3)
- (2) _____ (4) _____

INDIVIDUAL DEVELOPMENT PLAN

AREAS FOR DEVELOPMENT List specific knowledges, skills, and behaviors to be developed. Indicate areas of current performance which need to be developed with an asterisk (*).	ACTION List steps which can and will be taken to address these development needs.	TARGET DATE FOR COMPLETION (12-18 mo.)	COMPLETION (X)
Develop computer based skills	Attend MS Word Processing Trng	TBD	Items could not be completed due to work scheduling changes affected by the loss of 2 group members this review period.
Develop computer based skills	Attend Lotus Freelance Trng	TBD	
Develop computer based skills	Attend MS Excel I and II Trng	TBD	
Develop computer based skills	Attend MS Project I and II	TBD	
Develop computer based skills	Attend Harvard Graphics Trng	TBD	
Develop computer based skills	Attend MS Access Database Trng	TBD	
Develop computer based skills	Attend MS Power Point Trng	TBD	

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OVERALL SUMMARY OF PERFORMANCE:

Gary's overall performance continues to be very good. His aggressive approach toward his job has been evident in the chemistry program turnaround at both WBN and SON. He has worked very well with all site staffs and is very dependable in the followup of items they request of him. His indepth knowledge and understanding of site operational chemistry has proven to be a key attribute for our staff in assisting the sites.

EMPLOYEE ACKNOWLEDGEMENT: (My signature means that I have been advised of my performance)

Employee's Comments: _____

EMPLOYEE SIGNATURE: Lee Jeter DATE: 10-30-95

APPROVALS:

SUPERVISOR SIGNATURE: Rose Jordan DATE: 10/30/95

ER&D REVIEW: Mike B. Fahey DATE: 11/19/95

NEXT LEVEL SUPERVISOR
REVIEW AND ENDORSEMENT: D.C. Mohrly DATE: 11/4/95

CD000816

TVA 4535 (1-93) [2-95] 7

PWR

QUESTIONS FOR PROGRAM MANAGER CHEMISTRY

(page 1 of 2)

- 1) What strengths do you have that will benefit this position?
- 2) Indicate weaknesses that you need to address if you fill this position.
- 3) Part of the accountabilities for this position is that of assessments. How do you go about assessing the effectiveness of a program and then to develop corrective actions for weaknesses?
- 4) - If, in the process of seeking consensus from the three sites, you have one site that disagrees with the others, how do you resolve the issue?
- 5) How much time should the individual that fills the position spend at a site and why?
- 6) One of the requirements of the position is the potential to rotate and be assigned to fill a site position. How do you feel about being assigned to a site temporarily or permanently?
- 7) Describe 3 projects/programs you helped to initiate, develop, and complete in the Chemistry areas. *participated on QIT & standardization*
- 8) What do you see as the main role for this position?
work with chem - use perf. program
- 9) Describe the level of responsibility this position should have in contributing to the success of the site Chemistry programs. *discuss issues openly with sites, go to leadership of lead sites, been tech support both short and long term, must try to do more with less, self assessments - independent review*
- 10) What is your method of getting work accomplished for the sites (i.e., how do you go about working out solutions and fixing problems)?
① be internal protect SSC in lower regions
- 11) Describe at least 2 chemistry concerns of TVAN.
④ site chemistry ⑤ instrumentation - trending geolocation
- 12) Define the term "denting" and where and how does it occur?
Tube to tube support area, H_2O , F_2
- 13) What is Hydrogen Water Chemistry? How would Hydrogen Water Chemistry benefit BFN?
- 14) If an INPO evaluation determined that a concern should be a finding and you disagreed, how would you attempt to resolve the issue?

- tech background
- Radiochem Lab exp.
- start up 2 PWR sites
- BWR

- Const Env
- Reactor
- Fe Assess
- dosimetry
- S. phys

- HWC chem treatment
- for erosion
- program
- toxicity
- stud

- depleted
- U?
- env.?
- concn
- work
- lead
- chem
- res?

- H₂ W₂
- chem
- destr
- appr

CD000817



QUESTIONS FOR
PROGRAM MANAGER CHEMISTRY
(page 2 of 2)

not aware of year 2000 goals

(15) Discuss the INPO Chemistry Index. What is its significance?

(16) Discuss your specific management experience and training.

- not currently supervising people
- South Texas Project - chem & rad waste
- greatest challenge ^{area} - technical is critical

a:\RadChem\Wilson\SLecture.doc

- aware that it has been revised
- BWR - aware of what went up
- anticipated of how it will be 2.1 - 2.2 for BWR
- aware of SQD & also

(17) Define Molar Ratio, its Primary Indicators, and control

- Na from solutes or condenser leach causes pH swings
- understand how it affect crevice chemistry
- control by chloride addition (
- must control Na/Cl ratio 3 to 5 ppb

Overall

^{WPA}
to strength

technical

- aware of PWR & BWR major task issues
- good response on Molar Ratio

Communication

- good verbal skills
- appeared confident

④ Strength is BWR chemistry

CD000818