

BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES
UNITED STATES OF AMERICA
DEPARTMENT OF LABOR

RECEIVED
U.S. DEPARTMENT OF LABOR
1992 JAN 20 PM 1:57

OFFICE OF
ADMINISTRATIVE
LAW JUDGES
CINCINNATI, OHIO

IN THE MATTER OF)
)
GARY L. FISER)
)
Complainant)
)
v.)
)
TENNESSEE VALLEY AUTHORITY)
)
Respondent)

Case No. 97-ERA-59

DOCKETED
USNRC

2003 MAR 11 PM 3:56

DECLARATION OF PHILLIP L. REYNOLDS

SECRETARY
RULING MAKINGS AND
ADJUDICATIONS STAFF

Phillip L. Reynolds subscribes and declares:

1. I am currently employed by the Tennessee Valley Authority (TVA) as the General Manager of Nuclear Human Resources (NHR), a position I have held since June 1994. I have been employed by TVA since 1987. Prior to 1994, I held several positions with NHR and TVA's Employee Relations & Development organization. Before I became General Manager over NHR, I was the Manager of Employee Relations & Development for Nuclear Power. In 1995 my duties as General Manager of NHR included the overall supervision of more than 40 employees, 6 of whom reported directly to me. My responsibilities include supervising Nuclear Power's investigation and recommending appropriate action to dispose of employee complaints, such as grievances, Merit Systems Protection Board appeals, Equal Employment Opportunity complaints, and Energy Reorganization Act complaints. My responsibilities require that I work with and have access to the personal history records

CLEAR REGULATORY COMMISSION

License No. 50-390 Official Ex. No. Staff 110
In the matter of TVA
Staff IDENTIFIED
Applicant _____ RECEIVED
Intervenor _____ REJECTED _____
Other _____ WITHDRAWN _____
DATE 6/17/62 Witness _____
Clerk BHM

6/17/62

6/17/62

(PHR) of TVA employees. I have read the June 25, 1996, complaint of Gary L. Fiser, and have personal knowledge of the matters stated herein.

2. From 1988 until 1992, Mr. Fiser served as Chemistry Manager, grade PG-9, at TVA's Sequoyah Nuclear Plant,¹ at which time he was rotated to the Corporate Chemistry Manager position in Chattanooga, Tennessee. He was subsequently removed from the position of Corporate Chemistry Manager and assigned to work as a Chemistry Program Manager in the Corporate Chemistry organization. While still assigned to the management and specialist pay schedule, Mr. Fiser no longer had supervisory responsibilities, but was responsible for providing technical expertise to the plants.

3. Although Mr. Fiser had moved out of the Sequoyah Chemistry Manager position and the Corporate Chemistry Manager position, NHR had not caught up with his reassignments and had not issued official paperwork reflecting his new position. Thus, when a 1993 reorganization eliminated the Sequoyah Chemistry Manager position, Mr. Fiser still occupied the Sequoyah Chemistry Manager position on paper and he received a reduction-in-force notice. On September 23, 1993, he filed an ERA complaint alleging discrimination in his removal from the Sequoyah Chemistry Manager position. When NHR informed TVA management that Mr. Fiser was being reduced in force from a position which he did not actually occupy, TVA canceled complainant's RIF notice and settled complainant's ERA complaint by officially placing him in the lower level, nonsupervisory Chemistry Program Manager staff position at the PG-8 level in the Corporate Chemistry organization, to which he had already been assigned. A copy of the settlement agreement is attached hereto as exhibit 1. As a

¹ TVA's PG schedule includes management and specialist positions which are classified from grade PG-1 to grade PG-11.

result of the settlement, there was no decision in that case at any administrative level by the Department of Labor.

4. As part of the work force planning effort for the year 2001 and the budget planning process for fiscal year 1997, corporate Nuclear Power underwent a reorganization and reduction in the summer and fall of 1996. The goal for the year 2001 was for the overall corporate organization budget to be reduced by about 40 percent. In the short term, the budget for the corporate organization was to be reduced by at least 17 percent. These proposed reductions were for the overall Nuclear Power organization; some of the constituent organizations might be more, while some might be less.

5. At some point in time I became aware that Nuclear Power's Corporate Chemistry organization was downsizing by replacing the three generalist Chemistry and Environmental Protection Program Manager positions with two specialist Chemistry Program Manager positions. I was also aware that Mr. Fiser had not been selected for one of the new positions and had volunteered to resign effective September 6, 1996. At that time, any TVA employee whose position was surplus and who had not been offered a new position, such as Mr. Fiser, could volunteer to resign from TVA and would receive a lump-sum payment equal to their unpaid salary through the end of fiscal year 1997, September 30, 1997, severance pay, and a lump-sum payment for unused annual leave. Regardless of the fact that Mr. Fiser had not been chosen for one of the new positions and had volunteered to resign, I was authorized to and did make an unconditional offer to him on September 27, 1996, of the PWR Chemistry Program Manager position. As stated in the memorandum, if he had accepted the offer, it would have canceled his resignation. A copy of my memorandum to Mr. Fiser extending that offer is attached hereto as exhibit 2. Mr. Fiser refused to accept the job offer.

September 27, 1996

Gary L. Fiser, BR 5D-C

JOB OFFER

This is in response to our discussion regarding your employment at TVA.

As the result of our discussion, I am offering you a position as Chemistry Program Manager (PWR), PG-8, at a salary of \$77,069.00. This position is located in Chattanooga in the Corporate Radiological and Chemistry organization. This offer if you accept will cancel your voluntary resignation from TVA.

Please respond to me by October 2, 1996.



P. L. Reynolds
General Manager, Human Resources
LP 3B-C

Accept

Reject

POSITION TITLE: Chemistry Program Manager (PWR)
NAME _____ SSN _____
(First) (Middle) (Last)

PD NO. 960383
EFFECTIVE DATE _____

PRINCIPAL ACCOUNTABILITIES:

Areas of Responsibilities

- SQN, 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 concurrence with site staffs and issue.
 11. Function 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 ERM.
 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.