

RAS 6231

50-390-CIVP, et al.

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9/10/02

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Deposition of Milissa Westbrook

Docket Number: 50-390-CivP et al.

Location: Chattanooga, Tennessee

Date: Thursday, November 8, 2001

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AT&T CLEAR REGULATORY COMMISSION

Docket No. 07-797-01 Official Ex. No. Staff 10.2

In the matter of TVA

Staff _____ IDENTIFIED _____

Applicant _____ RECEIVED

Intervenor _____ REJECTED _____

Other _____ WITHDRAWN _____

DATE 9-10-02 Witness _____

Clerk R. Davis

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07-797-01

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TVA

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9-10-02

R. Davis

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P-R-O-C-E-E-D-I-N-G-S

(9:56 a.m.)

MR. DAMBLY: Okay, this is -- I have no idea what date it is -- November 8 -- the deposition of Milissa Westbrook in the case of -- in the matter of Tennessee Valley Authority. The Atomic Safety & Licensing Board Panel Number is 01-791-01-CivP.

Would you please swear in the witness?

Whereupon,

MILISSA WESTBROOK

appeared as a witness herein, and having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. DAMBLY:

Q Would you please state your name for the record?

A Milissa Westbrook.

Q And where are you employed?

A With Tennessee Valley Authority.

Q Whereabouts?

A In Chattanooga, Tennessee, Nuclear Human Resources.

Q How long have you been with TVA?

A I hired into TVA in 1985.

Q What position?

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1 A At that point in time, I hired in as a
2 clerk, in '85.

3 Q In '85 as a clerk, in Personnel or in some
4 other area?

5 A In another area, the Training Center,
6 Sequoyah Training Center.

7 Q What were your duties?

8 A Actually I had a BS degree and five years
9 of counseling experience before I came here and there
10 was a hiring -- it was during a period of time where
11 jobs were hard to find. I did secretarial work for
12 the trainers at the training center.

13 Q Okay. Then maybe backing up, we'll go
14 back to what's your educational background?

15 A Okay, a BS degree in psychology. I had
16 five and a half years of counseling experience prior
17 to coming to TVA.

18 Q And where was that at?

19 A Juvenile court.

20 Q Been in juvenile court, you should be a
21 perfect fit for personnel.

22 (Laughter.)

23 Q Okay, after your clerk job, go through the
24 rest of your employment history.

25 A Okay, I was hired into Nuclear Human

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1 Resources shortly after that as a Development Human
2 Resource Manager. And I went from there to -- I got an
3 offer to go to the Office of Power, which was a
4 promotional opportunity, and stayed over there until
5 right before TVA went through a lot of RIFs, at which
6 time, I was reduced in force at that time, and then
7 got another job back in Nuclear, in a line management
8 position. Stayed in that several years and then got
9 back into human resource for about a year and then
10 went into a line management position in the Power
11 Control Center where we buy and sell power across the
12 grid. Stayed there for a year until I came into
13 Nuclear Human Resources again, and I was asked to come
14 over on a rotational assignment at that time. The
15 manager was filling in for a position at Sequoyah, so
16 I took his position.

17 Q And whose position was that?

18 A Buddy Haemsch, H-a-e-m-s-c-h.

19 Q Okay. Backing up to your first job with
20 Nuclear in Developmental HR.

21 A Right.

22 Q What were your duties there?

23 A I supported the corporate staffs. At that
24 time, we were staffing up a lot, we were still in the
25 construction mode, getting ready to go into the

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1 operations side. Things were changing real fast and
2 Admiral White was here, it was right before Oliver
3 Kingsley came on board. I did some things for their
4 staffs and all their direct reports.

5 Q And then you went to the Office of Power.
6 What year was that, do you remember?

7 A To be honest with you, I can't remember.

8 Q Okay. You started in '85 --

9 A It probably would have been about -- I
10 went to Human Resources, I would say in '86 and I was
11 there a year or two and it was right after that that
12 I went to the Office of Power.

13 Q So we're talking '88, somewhere around
14 there?

15 A Right.

16 Q What were your duties at the Office of
17 Power? How does that differ from Nuclear, is that
18 non-nuclear power or--

19 A Right, it was non-nuclear power.

20 MR. MARQUAND: Different names over
21 different periods of time.

22 THE WITNESS: It was non-nuclear. At
23 that time, they weren't alcohol and drug tested. But
24 similar duties and responsibilities.

25 BY MR. DAMBLY:

1 Q Okay, and then there was a RIF in the
2 Office of Power and you came back to --

3 A To Nuclear, right.

4 Q And you said in a line management
5 position.

6 A Line management position.

7 Q Doing what?

8 A That was in Document Control and actually
9 at that time, I was doing some of their human resource
10 type functions.

11 Q What type?

12 A I wrote some disciplinary letters, I kept
13 up with their staffs, it was a pretty large staff in
14 different nuclear plants at that time. I helped
15 advise them when they had reductions in force, on the
16 proper way to do it.

17 Q And you said you kept up with their
18 staffs. What do you mean by kept up with staffs?

19 A I had a database system and any time any
20 changes were made, I would make them in my database
21 system, just to keep up with that.

22 Q And then you helped out with reductions in
23 force in that position?

24 A I counseled with them on different ways to
25 look at their staffs and where they could utilize

1 people and how to do it properly, yeah.

2 Q And where did you learn how to do it
3 properly?

4 A When I was in Human Resources.

5 Q Back in '86 in the Development HR
6 position?

7 A That was when I went over to the Office of
8 Power. Right before I took that job, we had a
9 massive reduction in force at that time.

10 Q Okay, you had a massive reduction in force
11 when you were in --

12 A In the Office of Power.

13 Q Oh, okay. So right after you left the
14 Developmental HR in Nuclear, you went to the Office of
15 Power and --

16 A Right.

17 Q -- and your duties there were in document
18 control?

19 A No, in the Office of Power, I was in human
20 resources.

21 Q Oh, you were in human resources there.

22 A Right.

23 Q Okay.

24 A And then we had a massive reduction in
25 force. We probably had over 100 layoffs, we had about

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1 100 people at that point in time that wanted to leave
2 and retire, so that was about 200 people. We did work
3 for about 1000 people at that time and at that -- also
4 at that point in time, our organization started
5 getting the fleet of airplanes, boats, cars and then
6 all of a sudden, they merged us with the Fossil &
7 Hydro Group, so it became a very large human resource
8 group, and at that point in time, they pulled the
9 retention register and all three of us that had been
10 working in the Power Human Resource Group received
11 reduction in force notices because we had less time
12 than the others.

13 Q Okay. Now before you got your own RIF
14 notice, did you work on other RIFs in the Office of
15 Power?

16 A Yes.

17 Q Were you given training, did you go to
18 some OPM course or TVA course or --

19 A No.

20 Q How did you learn what you were supposed
21 to do in the RIF?

22 A We used the retention -- we're unionized
23 and we have the Articles of Agreement that we go by
24 for that. We also do the same for managers, so
25 there's no -- we don't have unions for managers but we

1 use our agreement that we use for salaried policy and
2 that way we treat everyone equally.

3 Q Okay.

4 MR. DAMBLY: Do we have that?

5 MR. MARQUAND: I think so.

6 MR. DAMBLY: Somewhere, okay.

7 BY MR. DAMBLY:

8 Q So it specifies how you determine
9 competitive levels and --

10 A Right.

11 Q Did anybody give you any training on that
12 or --

13 A No.

14 Q It's self-evident when you read it?

15 A Well, you just go right by it.

16 MR. MARQUAND: Unless somebody slaps your
17 hand.

18 BY MR. DAMBLY:

19 Q What -- were you personally responsible
20 for determining competitive levels and areas for this
21 RIF or any of the RIFs that happened in the Office of
22 Power when you were there?

23 A I would say my manager looked over
24 everything. There were three of us in the office, I
25 had a manager, she worked very closely with what now

1 would be called the VP. But there was no training as
2 such. We often used our legal counsel if we were in
3 question of things, so that's not unheard of at all.

4 Q That's interesting. Most people, without
5 training, terms like competitive areas and competitive
6 levels don't have a whole lot of meaning, but it's
7 defined well enough in the contract that --

8 A It is as far as your competitive areas,
9 it's specified what departments were in those
10 competitive areas and those changed sometimes
11 throughout the years as the agreement changes. It
12 used to be called the orange book, now it's a blue
13 book. Some of the language has changed. It's not
14 open for language changes I think for another two or
15 three years.

16 Q Okay. Did you have the privilege of
17 setting up your own register that you got RIF'd by or
18 --

19 A No, sir.

20 Q Okay, then after you were RIF'd from the
21 Office of Power, -- let me back up. When you were
22 involved in these other RIFs, did TVA in that office
23 do any pre-RIF planning?

24 A I don't recall that we did. Back then,
25 TVA had a workforce of about 50,000 employees and I

1 don't recall doing that.

2 Q Nobody went through and did a records
3 check to make sure personnel folders had what they
4 were supposed to or things were accurate or any of
5 that?

6 A No, sir.

7 Q Okay. In conducting those, did you come
8 across any cases where people didn't have accurate
9 position description descriptions in there? We call
10 them OPFs but you call them something else.

11 MR. MARQUAND: Some are called position
12 descriptions or job descriptions.

13 MR. DAMBLY: But they're personnel files.

14 THE WITNESS: Right. And I don't recall,
15 to be honest with you, that's been a long time ago.

16 BY MR. DAMBLY:

17 Q Then you went back to the Nuclear and you
18 were in Document Control and then at some point you
19 went to HR again in the nuclear side?

20 A Right.

21 Q Do you have any idea when that was?

22 A Let's see, actually I guess that was when
23 I came into the position I'm in now in --

24 THE REPORTER: Excuse me, you have to
25 speak up, I can't hear you.

1 THE WITNESS: That was during the time
2 that I came to the position I'm in right now in '85,
3 1985.

4 BY MR. DAMBLY:

5 Q Now I'm confused.

6 MR. MARQUAND: I think you misstated
7 something, you said -- the position you're in right
8 now in '85?

9 THE WITNESS: I came into this position,
10 the position I'm in right now in 1985.

11 MR. MARQUAND: Are we talking about '95?

12 THE WITNESS: '95, I'm sorry. I hired in
13 in '85.

14 MR. DAMBLY: That's where I got a little
15 confused.

16 THE WITNESS: I'm sorry.

17 MR. DAMBLY: That's okay.

18 THE WITNESS: Maybe I should be writing
19 this down. I haven't thought back through all this in
20 so long.

21 BY MR. DAMBLY:

22 Q Okay, so in '95, you switched to Nuclear
23 Human Resources again.

24 A Right.

25 Q And that's when you came into the position

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1 you're in now?

2 A Yes.

3 Q In '95.

4 A In '95.

5 Q And then after that, you went out of HR
6 again?

7 A No.

8 Q Into a line management function?

9 A No. From my document control position, I
10 went to another document control position at Sequoyah
11 Nuclear Plant for a year. Following that, I was RIF'd
12 again and I went into the ETP program. From there, I
13 got an offer to come over into Nuclear Human Resources
14 in '95 -- wait a minute, back up just a second.

15 Before that, I got an offer to go to work
16 for Naomi --

17 THE REPORTER: I'm sorry, to work for who?

18 THE WITNESS: Naomi Lindsey, N-a-o-m-i L-
19 i-n-d-s-e-y. And she worked -- she was the Human
20 Resource Manager in our Marketing Group. I worked for
21 her for a year. Then went into a line management
22 position in the Power Control Center.

23 BY MR. DAMBLY:

24 Q And after that you --

25 A And then after that, I came into the

1 position I'm in now.

2 Q So all that stuff there that you were just
3 talking about happened before '95?

4 A Yes.

5 Q So since '95, you've been in the job
6 you're in now?

7 A Yes.

8 MR. MARQUAND: Or similar job.

9 THE WITNESS: Yes.

10 BY MR. DAMBLY:

11 Q And what is the job you're in now?

12 A I'm a Human Resource Consultant.

13 Q And what are your duties as a Human
14 Resource Consultant?

15 A I provide services to our Engineering and
16 Technical Support Department. There's approximately
17 400 people in that department, they reside in
18 Chattanooga, Sequoyah Training Center, Muscle Shoals
19 and I have four employees that are at the Browns Ferry
20 Nuclear Plant.

21 Q What are the four at Browns Ferry?

22 A They're in our emergency preparedness
23 staff and they take care of the sirens that go off and
24 any mechanical problems that might take place with
25 that.

1 Q You have nobody at Browns Ferry?

2 MR. MARQUAND: What you need to
3 understand, counsel, is that the HR function is
4 handled corporately as well as on a site basis and
5 she's doing corporate type of work, so she doesn't
6 have site people, for the most part.

7 MR. DAMBLY: Okay.

8 MR. MARQUAND: Is that right?

9 THE WITNESS: Right. Their management is
10 in corporate, is a corporate function.

11 BY MR. DAMBLY:

12 Q The EP people at --

13 A They're here, the manager is here.

14 Q Oh, okay.

15 A In EP.

16 Q And that would be for all the plants or
17 just for Browns Ferry?

18 A For all the plants. He's here but we've
19 got trades and labor people that are at the sites that
20 take care of the sirens that go off in the case of an
21 emergency, very small staff there.

22 Q But do the emergency -- the EP people, I
23 guess, at Watts Bar and Sequoyah report to the same
24 corporate manager?

25 A They will shortly, that's starting to

1 happen right now.

2 Q And when they do, you pick up --

3 A Yes.

4 Q -- them as well.

5 A Uh-huh.

6 Q Now as an HR Consultant for the
7 Engineering and Technical Support Group, what are your
8 duties?

9 A I provide support to them if there's any
10 salary changes, reorganizational changes, disciplinary
11 actions. I often do -- not that often, but I do
12 internal investigations at times, those type of
13 functions.

14 Q And who do you report to?

15 A I report to Al Black.

16 Q And what was -- is his title?

17 A I'm not sure -- Senior Human Resource
18 Manager I believe.

19 Q Okay. Now when you're providing support
20 in all these areas, what's I guess the formal
21 relationship between HR and the Engineering and Tech
22 Support Group? Do they need your concurrence to take
23 actions, can they initiate actions and put them in
24 place on their own?

25 A In our capacity, they normally include me

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1 in on their discussions when we talk about
2 reorganizations. I'm there when they talk about
3 disciplinary actions, oftentimes I draft the memos for
4 those disciplinary actions. We discuss salary changes
5 and oftentimes I draft those memos for them -- those
6 types of things.

7 Q I appreciate that, but what I'm interested
8 in is the formal setup at TVA. Who has authority to
9 implement a salary change and whose approval would
10 they have to get to do that?

11 A Okay.

12 MR. MARQUAND: Are you talking about for
13 an individual or group?

14 MR. DAMBLY: For an individual.

15 THE WITNESS: And oftentimes, it depends
16 on what exactly you're talking about. Any outside
17 hires, Mr. Scalice has to sign off on those, along
18 with all the Engineering senior managers and VP.

19 BY MR. DAMBLY:

20 Q And an outside hire would be --

21 A Someone from outside TVA. If they're
22 doing a salary change --

23 Q Just a minute. If you hired in a grade
24 whatever clerk, at the bottom --

25 A Yes.

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1 Q That would go through Mr. Scalice if it
2 was outside.

3 A Yes, sir.

4 Q Okay. If it's somebody else, it goes
5 through a different level of manager?

6 A Yes, sir.

7 Q But does the HR function have a veto say-
8 so -- is it a requirement that they get your initials
9 on something before they can implement a personnel
10 action?

11 MR. MARQUAND: What kind of personnel
12 action?

13 MR. DAMBLY: Well, any of them.

14 MR. MARQUAND: They're different.

15 MR. DAMBLY: That's what I'm trying to
16 find out.

17 THE WITNESS: They are.

18 They can't make a salary change without me
19 approving it, although -- and if I feel like they want
20 to make a change that isn't appropriate, I tell them
21 that. I can't even think of an example of that,
22 however. Sometimes, where they may want to make an
23 increase in pay and someone else may be below where
24 they're wanting to increase another employee to, I'll
25 remind them of that. So I don't approve those, Al

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1 Black approves a lot of those type things along with
2 Keith Fogleman. Keith does approve all of that.

3 BY MR. DAMBLY:

4 Q So someone in HR has to approve any salary
5 adjustments.

6 A Yes.

7 Q Any hiring?

8 A Yes.

9 Q Promotions?

10 A Yes.

11 Q Does the HR person, yourself, whatever,
12 actually make the formal offer to a person if there's
13 a promotion?

14 A The manager does that.

15 Q The manager does.

16 A Right.

17 Q Okay. For reductions in force, what's the
18 role of the HR function versus the Technical function,
19 who has to approve what? Competitive level
20 determinations, is that an HR function or is that a
21 management function outside HR?

22 A That's an HR function and I do that. Our
23 administrative assistant will pull a retention
24 register, I'll look at the retention register to make
25 sure that it's accurate. Again we go by the Articles

1 of Agreement, our negotiated agreement with the
2 Engineering Association Union. That is in writing, it
3 tells me what the competitive area is, competitive
4 level is a job whose function is the same and whose
5 level is the same. So I do look at those and I
6 administer that.

7 Q Okay. You said earlier -- is there a
8 separate TVA policy on some reductions in force,
9 because you talked about you apply the same rules to
10 managers and supervisors as are in the bargaining
11 agreement.

12 A Right.

13 Q Is there something separate written about
14 that that tracks that and says we're doing this for
15 managers, or --

16 A Not that I know of. We just treat
17 managers similarly.

18 Q Okay. When you make competitive -- well,
19 let me ask a different question first. I don't know
20 if this ever happened to you, but you got RIF'd a
21 couple of times.

22 A Right.

23 Q Does TVA have save grade and pay if you go
24 into another job?

25 A I'm sorry, do they have?

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1 Q Do you have save pay levels, whatever.

2 MR. MARQUAND: Save?

3 MR. DAMBLY: Save.

4 BY MR. DAMBLY:

5 Q In other words if you -- well, I know you
6 guys -- let's say somebody is at a PG-10.

7 A Right.

8 Q And in a reorganization, RIF, whatever,
9 they end up in a PG-8 position. Is there a period of
10 time in which they keep their PG-10 and their pay or -

11 -

12 MR. MARQUAND: You mean are they red
13 circled?

14 MR. DAMBLY: Well, red circled -- I mean
15 there is a thing called save pay and grade separate
16 and apart from red circle.

17 THE WITNESS: We don't use that
18 terminology, but normally if a manager in a RIF status
19 gets another job at a lower level, they have kept
20 their pay.

21 BY MR. DAMBLY:

22 Q Do they keep their -- you know, if they
23 were a PG-10 and they go to a PG-8, do they become a
24 PG-8 but keep the 10 pay?

25 A Right.

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1 MR. MARQUAND: Just a second. You're
2 generalizing very broadly. You're talking about
3 somebody in the same organization or somebody leaving
4 say Fossil and going to Nuclear. I think those are
5 different situations.

6 THE WITNESS: That would be a different
7 situation.

8 BY MR. DAMBLY:

9 Q Well, within Nuclear, we'll stay within an
10 organization.

11 MR. MARQUAND: Well, if you stayed like
12 within the very same organization, you're
13 reclassifying a job versus taking a new job as a
14 different grade, even in Nuclear I mean. Those are
15 different situations. It's difficult I think to
16 answer that, it's just such a generalized question.
17 If you can, answer it.

18 THE WITNESS: I've never had one going
19 from Nuclear to Fossil -- I mean from Fossil to
20 Nuclear.

21 BY MR. DAMBLY:

22 Q Okay, just within Nuclear, if you had
23 somebody in the PG-10 position and because of a
24 reorganization, reclassification, whatever, that
25 person ended up in a PG-8 position, would they

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1 normally still have in their official records that
2 they're a PG-10 and being paid at that level or would
3 it say they're a PG-8?

4 A It would say whatever they are getting
5 paid. Our records show if you're at a PG-8, what your
6 salary is, so it just depends on what that salary is.
7 We're market-priced now and that's a little different
8 than what happened back in 1996, we were not market
9 priced. And now with market pricing, you have a band
10 around that, so you get people within the band.

11 Q Okay, back in the '96 space, a PG-10 would
12 normally make more money than a PG-8, for example?

13 A Yes.

14 Q And if because of some reduction, the
15 person lost their PG-10 status and competed somehow
16 and got a PG-8 position, would they be listed as a PG-
17 8 but would they keep that 10 pay or would they go
18 down in pay normally?

19 A The only thing I can tell you about that
20 is I don't recall ever cutting anybody's salary.

21 Q Okay. But you would cut their, what I
22 would call grade level.

23 A Yes, yes.

24 Q And if you were doing a reduction in force
25 and looking at competitive levels and somebody had

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1 been a PG-11 and now they're in a PG-8 position, you'd
2 look at the positions with other -- you wouldn't look
3 at the person's salary or where they'd been, you'd
4 look at the level that they were in on the org chart
5 for your competitive level?

6 A You would look at the job description.
7 And if it were a PG-8 job description, you would look
8 at other PG-8 job descriptions to see if they were
9 similarly situated.

10 Q Okay. The reduction in force actions that
11 took place -- I guess surplussing actions -- do you
12 treat surpluses differently than reductions in force
13 in terms of setting up competitive areas and levels or
14 --

15 A No, they're treated similarly.

16 Q Similarly.

17 A Uh-huh.

18 Q Were you involved in the reduction that
19 affected Mr. Fiser in '96 I guess?

20 A No, I wasn't.

21 Q Your only involvement there was in that
22 one selection?

23 A Right.

24 MR. MARQUAND: To clarify, I think your
25 question was was she involved in the reorganization

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1 and RIF that involved Mr. Fiser. I think it's
2 accurate to say she wasn't involved with his
3 organization, reorganization, but she was in TVA
4 Nuclear HR, which was conducting the reorganization
5 and RIF that was going on throughout Nuclear at the
6 time.

7 THE WITNESS: Right.

8 MR. MARQUAND: She was involved with other
9 people, just not Mr. Fiser.

10 BY MR. DAMBLY:

11 Q Let me show you an organizational chart
12 that's entitled Nuclear Operations, Operations
13 Support, Radiology and Chemistry, Control -- there's
14 a date in the lower right hand corner of 02/13/95 and
15 then it says NCO3-2.

16 Would you look at that? I believe it
17 shows Mr. -- or is it Dr. McArthur occupying a PG-11
18 position as Rad Control Manager -- the big box right
19 there. And next to him, Mr. Grover as a PG-11 for,
20 was it, Chemistry?

21 A Chemistry and Environmental Protection.

22 Q If you were setting up a retention
23 register -- or a competitive levels, would those two
24 jobs be in the same competitive level, irrespective of
25 whether or not Mr. McArthur or Dr. McArthur, had a

1 different pay grade than that? You'd go with the job
2 level?

3 A I would need to look at the job
4 descriptions to see if they're different. I would
5 think these two job descriptions are different.

6 Q Well, I'm not talking about whether or not
7 -- I'm talking about in terms of levels.

8 A Right.

9 Q Not whether --

10 A That is a competitive level. Competitive
11 level is if the job description is different, that
12 would be on a separate retention register. If it's
13 the same, they'd be on the same retention register.

14 Q So what I was looking at is in terms of --
15 because we've had somebody tell us because Dr.
16 McArthur had a position description, apparently the
17 only one anybody could find was from 1990, and was a
18 PG-Senior position, I guess. That, therefore, he
19 wasn't at the same level, if you will, as Mr. Grover.
20 And I'm asking, position-wise, would you look at
21 positions for determining whether people are in the
22 same pay level?

23 A Pay level?

24 Q Yes.

25 A Wow.

1 MR. MARQUAND: I'm not sure I understand
2 that question, but I think there's a misunderstanding
3 here. Pay grade does not establish competitive
4 levels. It helps to determine if somebody's at the
5 same competitive levels, but that's not determinative
6 of competitive levels.

7 THE WITNESS: Are you asking about
8 competitive levels?

9 MR. DAMBLY: I'm asking competitive levels
10 and if one of the issues you're supposed to be looking
11 at is are they in the same pay.

12 THE WITNESS: When we look for
13 competitive levels, we don't look at pay at all.

14 BY MR. DAMBLY:

15 Q What do you look at?

16 A We look at the level they are, which is
17 11.

18 Q Uh-huh.

19 A That would be one factor and then the
20 other factor is are the job descriptions the same, is
21 the work the same that they're doing. And if the work
22 is the same and there is the same PG level, then they
23 would be on the same job description. If the work is
24 different but the PG level is the same, PG level is
25 the same, they would be on separate retention

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1 registers, if the work is different. So you have to
2 look at a variety of things to determine if they go on
3 the same retention register.

4 Q Okay, and when you're looking at --

5 A A Mr. Raines, who is a PG-10.

6 Q Right.

7 A He would be on a separate register
8 definitely, because of his PG level.

9 Q So one issue you look at is what PG level.

10 A Right. So I would gather up all the PG-
11 lls here and look at those and then I would get all
12 their job descriptions and look at those. And
13 normally, I'll put a book together when I'm doing a
14 RIF or at least lately I have been, because it does
15 get confusing. And then you have to look through
16 their job descriptions to see if they're the same.

17 MR. MARQUAND: Let me complicate this
18 further. Let me hypothesize that Harvey, Chandra,
19 Fiser and Diedre Nida, who are all shown here, had job
20 descriptions that defined them as Chemistry Program
21 Managers -- Chemistry and Environmental Program
22 Managers.

23 MR. DAMBLY: Right.

24 MR. MARQUAND: But Nida is at a PG-7
25 whereas the others are 8s. I think that would make a

1 difference as well.

2 THE WITNESS: Right, she would be on a
3 different register.

4 BY MR. DAMBLY:

5 Q You set competitive levels looking at the
6 same job duties and same pay level?

7 A Right, right.

8 Q Okay, I understand. That's what I
9 thought.

10 A Do y'all do that?

11 Q We go by grade, if you're a grade 15,
12 you'd put all 15s doing similar duties. Probably a
13 lot different than you do. In the general counsel's
14 office, all 15s would be fungible, even though they'd
15 be in different divisions with different PDs.

16 A Okay.

17 MR. DAMBLY: We take the position we can
18 do anything. Y'all are a little more limited.

19 MR. MARQUAND: The litigators all assume
20 that they can, but I'm not sure that the advisory team
21 would agree.

22 MR. DAMBLY: Trying to cover for the next
23 RIF, doesn't want too many other people involved.

24 Can I get a cup of coffee possibly? Is
25 there some place around here?

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1 MR. MARQUAND: There is.

2 (A short recess was taken.)

3 BY MR. DAMBLY:

4 Q Now how you came to be involved in the
5 selection involving Mr. Harvey, Mr. Chandra and Mr.
6 Fiser back in '96, what was your first involvement?

7 A Ben Easley asked me to sit in on a
8 management review board in his place. He said that he
9 didn't feel that he should do that, he felt like it'd
10 be better to have a party that was considered
11 unbiased. He didn't want anyone to think that he was
12 biased against Gary Fiser. And I told him that I
13 could do that and would do that for him.

14 Q Did he indicate why anybody would think he
15 was biased against Gary Fiser?

16 A I knew that he did their human resource
17 work and I knew that Gary had filed a Department of
18 Labor complaint or had had a concern in the past. I
19 didn't know what that entailed or any of the details,
20 but I think Ben felt like Gary might feel that he was
21 biased in some form or fashion and didn't want that
22 appearance.

23 Q What was the organizational relationship
24 between yourself and Ben Easley?

25 A We were peers.

1 Q You report to the same manager?

2 A Yes, sir.

3 Q You just have different accounts?

4 A Yes, yes, different customers.

5 Q Customers. Was this the first time you'd
6 been involved in a selection in the Radiological and
7 Chemistry Control Group in the '95-'96 time frame?

8 A Yes, it was.

9 Q Had you ever been involved in any
10 selections or had any personnel official, if you will,
11 involvement with an organization that Mr. Fiser was
12 in?

13 A No, I had not. I had been involved in
14 many selection review board, management review boards
15 before.

16 Q And which -- how are those supposed to be
17 conducted? What's the basis for them, how they're set
18 up, how does it normally work?

19 A We had a business practice at that time
20 and still do that -- it's a little different now, but
21 at that point in time, we posted all senior jobs, PG-1
22 positions to senior level positions, and the
23 applications come into our organization in Human
24 Resource. We collect those until the closing date and
25 at that time, we send them to the manager for review

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1 and he sets up a spreadsheet, determines who is
2 minimally qualified and then who out of those are the
3 most qualified. We suggest that they interview the
4 top three or four candidates.

5 They tell us who they want to interview,
6 we look at those folks and make sure that they are
7 minimally qualified and the most qualified and we make
8 the arrangements for the interviews in our office. We
9 contact -- for example, if an employee worked at
10 Sequoyah Nuclear Plant, we would contact the Sequoyah
11 Nuclear Plant's Human Resource and they get in touch
12 with the manager to let them know there's an interview
13 in Chattanooga on such and such a date for such and
14 such position.

15 We put together management review board
16 books, we get questions from the managers that they
17 would like to ask at the interview. We put those
18 questions in the book along with the information that
19 the employee sends to be considered for the position.

20 Q So you indicated I guess you accept all
21 the applications up to the deadline. Your function or
22 the manager's function determines whether people meet
23 minimum qual?

24 A I give them to the manager, let them look
25 them over and they determine if they meet the minimum

1 qualifications that's on the job description. I look
2 at it and make sure that they do too.

3 Q And if you looked at it and said they
4 don't and the manager looked at it and said they do --

5 A We would discuss it to see, you know,
6 where the manager was coming from and where I was
7 coming from.

8 Q Then if you still disagree, who has the
9 ultimate say on minimum qualifications for a job?

10 A I think we'd take it up a step higher and
11 let someone else decide if that were the case. Say if
12 it said 10 years experience in a nuclear power plant
13 and he may have an understanding of some work that
14 technically I'm not sure of, so I would probably take
15 it to his manager to make sure that that was accurate.
16 If I didn't trust that that wasn't accurate.

17 Q But ultimately within the TVA
18 organization, determination of qualification for
19 positions, is that an HR function or a manager
20 function?

21 A Well, I consider it both because I don't
22 think a manager is going to want to hire someone
23 that's not minimally qualified, there's too many
24 liabilities there in nuclear power. If someone wasn't
25 minimally qualified or if they were all not minimally

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1 qualified, then you'd want to pick the one that was
2 the most minimally qualified. So, you know, I think
3 the manager is not -- I guess what I'm feeling is
4 you're thinking there's an adversarial role there,
5 where we may not agree with each other and I don't
6 know that that's ever happened. If I have a question
7 about something, we discuss it and if I don't think
8 they're minimally qualified -- let me give you an
9 example of something that happened recently. In our
10 negotiations of 1996 with our union, it was decided
11 that employees that did not have degrees would not be
12 considered for engineering position. And an
13 engineering degree is a degree that -- we consider
14 degrees that are technology degrees in the engineering
15 field as not being degreed. We had an employee of
16 such, he got his degree from Penn State and it was an
17 electrical engineering technology degree and they
18 wanted to him and I told them no. And that was the
19 right thing to do. The Vice President found out about
20 it the next day and called them and wanted to know why
21 he was making an offer to him and he said I'm not,
22 Milissa explained to me the rules and we're not going
23 to make an offer.

24 So those type of things happen, but it's
25 not in an adversarial role. We usually work together

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1 and they know that I try to protect them to do the
2 right thing. And we try to treat people equally.

3 Q I'm not suggesting otherwise, I was still
4 trying to get who has the ultimate say. I appreciate
5 maybe it's never happened, but suppose in that case
6 that you're talking about, the fellow I guess with the
7 electrical engineering technology degree and the
8 manager said I don't care, I'm going to make the offer
9 anyway. Does he have the authority to make the offer
10 or does he have to have your approve to make the
11 offer?

12 A He would have to have my approval. And in
13 that case, I would take it to Al Black.

14 Q And then if Al said no.

15 MR. MARQUAND: Al would take it to the
16 mgr's boss.

17 THE WITNESS: Right, he would take it to
18 Keith Fogleman. If Keith said no, then it would not
19 be made.

20 BY MR. DAMBLY:

21 Q You don't have any kind of -- I mean the
22 ultimate personnel authority all the way up the line,
23 I guess eventually you'd get up to somebody who was
24 over both the HR and the whatever function and they'd
25 make a decision.

1 A Well, then you'd get to the VP and you've
2 got VPs of both groups, of Engineering Technology and
3 that's John Rupert and you've got Phil Reynolds and
4 they would have to discuss it.

5 Q And then it's end up with Scalice if they
6 --

7 A That could be.

8 MR. MARQUAND: This is all hypothetical
9 though, she said this just doesn't happen, they work
10 together, not in an adversarial posture.

11 BY MR. DAMBLY:

12 Q Now I think you said also after it goes to
13 the manager and they look at minimum quals and who's
14 best qualified, you also review whether you agree that
15 the people are best qualified?

16 A Uh-huh.

17 Q And then if you set up interviews, you're
18 the one that puts together the books for the panel?

19 A I used to. I don't have time to do that
20 any longer. I usually -- the managers' secretaries do
21 it now.

22 Q Okay, but back in the '95, '96 time frame,
23 you would put together the books?

24 A Right.

25 Q What did you put in the books?

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1 A I put the -- usually tried to get the job
2 description in the books, the vacancy announcement and
3 all of the materials that the employees would send in
4 to us to be considered for the position. I'd put the
5 questions either in the front or the back of each
6 person and do a book for each management review board
7 member, so we would all have a book.

8 Q Now was that material that you put in the
9 books the same material that the manager had with
10 respect -- that was going to be making the selection,
11 with respect to these people to determine the minimum
12 quals and who's best qualified or was it a subset of
13 that?

14 MR. MARQUAND: I don't understand the
15 question.

16 A And I don't really understand either. All
17 I put in were the ones we were going to interview.

18 Q I appreciate that, but for the ones you
19 were going to interview, did the manager determine,
20 along with you, who was minimally qualified and who
21 was best qualified to be interviewed, did he have
22 material other than the material that went in the
23 books on those individuals that are going to be
24 interviewed?

25 A A spreadsheet maybe, we do a spreadsheet

1 on the qualifications. Sometimes I would put that in
2 there.

3 Q Did the manager -- would they typically
4 have performance appraisals for individuals?

5 A Only if they sent them in, if the employee
6 sent them in to be considered. The manager would have
7 them prior to the selection, we send personal history
8 records, microfiche to the managers to review.

9 Q Is that prior to making the best qualified
10 list?

11 A Yes, yes.

12 Q Okay, so the manager would have the
13 personal history record of the employees.

14 A Yes.

15 Q But you wouldn't put that in the book?

16 A No.

17 Q Is there a reason you'd give the manager
18 something different than the selecting review board,
19 whatever it's called?

20 A They're microfiche and a selection review
21 board could not read the microfiche. They don't come
22 in hard copy. If you had a hard copy, it'd probably
23 be two to three inches thick. And we don't do that.

24 Q Do managers typically go through that
25 amount of microfiche?

1 A They just scan through it. They look at
2 -- there's a lot of information in those. We usually
3 ask them to look at the last three or four service
4 reviews and as long as they do the same thing for each
5 person, that's fine.

6 Q Are the service reviews on microfiche or
7 are those --

8 A Yes.

9 Q So you keep everything on microfiche.

10 MR. MARQUAND: The personal history
11 record, PHR, contains all of the official personnel
12 related information which includes service reviews,
13 application for employment, your appointment, life
14 insurance deductions --

15 MR. DAMBLY: Your PHR is what we would
16 call the official personnel file.

17 THE WITNESS: Right.

18 BY MR. DAMBLY:

19 Q Assume somebody writes a service review,
20 which I take it is what I call a performance
21 appraisal?

22 A Right.

23 Q That gets immediately microfiched and
24 there's no hard copies kept?

25 MR. MARQUAND: Not immediately, but

1 eventually.

2 A The employees would keep the hard copy and
3 that's why the employee may have sent that with their
4 package.

5 MR. MARQUAND: And to correct one other
6 thing, I'm not sure we still microfiche everything, I
7 think it's now computer imaged, so we migrated from
8 the microfiche to the computer image and I think we
9 use a combination of both.

10 MR. DAMBLY: You probably save a lot of
11 money then on aspirin because microfiche will make you
12 sick.

13 BY MR. DAMBLY:

14 Q What typically happens with a selection
15 review board? How does it typically function, what's
16 your role vis-a-vis the board and --

17 A Okay, we meet together in a room right
18 before the interviews, usually maybe 15 minutes
19 beforehand. And we go over the questions that we have
20 and if they want to add any more questions, we do that
21 at that point in time, so that everyone is asked the
22 same questions. If we feel like there's too many, we
23 may take some away. And they're able to look at all
24 the materials in the book. We decide who's going to
25 ask what questions so that -- and normally we go

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1 around the room. Normally everybody will ask one
2 question and then it'll just keep going around until
3 it's over.

4 Q Okay, when it's over, what happens?

5 A The employee leaves. We ask them do you
6 have any other questions of us and if they say no,
7 then they know it's over.

8 Q Okay. And what happens with the board
9 once they've interviewed however many candidates?

10 A When I'm doing a selection review board,
11 when a candidate leaves, then I go over strengths and
12 weaknesses of the candidate during the interview. We
13 look at the questions that were asked and how they
14 responded to those answers -- or how they answered the
15 questions.

16 I take notes on the strengths and
17 weaknesses of those candidates.

18 Q Now when you say we go over the strengths
19 -- are you grading the employees also or just asking
20 what did you guys think were the strengths and
21 weaknesses?

22 A I ask them what they think the strengths
23 and weaknesses are. I do not grade them.

24 Q Do you participate in the discussion at
25 all?

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1 A I do participate in the discussion
2 afterwards.

3 Q Okay, so you take notes of what everybody
4 thinks the strengths or weaknesses of each individual
5 candidate are. What happens to those notes?

6 A I keep them in the book.

7 Q And the book goes back to the selecting
8 official?

9 A The book comes back to our office and we
10 file them all, we usually take them apart and staple
11 them if we can, file the books, the whole book. We
12 started doing so many that we're stapling them now,
13 but we keep them with the selection package. So I'll
14 always have my notes in the selection package.

15 Q Because the manager making the selection,
16 does he get all of that information afterwards or just
17 the scores, if there are scores?

18 A He has his own book, he or she will have
19 their own book, they'll score in their book, so they
20 have no one else's scores, they only have their own
21 scores.

22 MR. MARQUAND: Are you talking about the
23 selecting official?

24 THE WITNESS: No, I'm talking about the
25 individual management review board members. I'm

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1 sorry.

2 MR. MARQUAND: Because we use the term
3 manager interchangeably in what I would think of as
4 the selecting official and I think we're starting to
5 part paths on our understanding of what we're talking
6 about.

7 BY MR. DAMBLY:

8 Q So the individual people on the selecting
9 review board only have their own stuff.

10 A Right.

11 Q And that's all they know.

12 A Right.

13 Q You collect all of that.

14 A Right.

15 Q But do you take all of their notes and
16 your notes and provide them then to the selecting
17 official along with the score?

18 A Yes.

19 Q Okay. I was beginning to think the
20 selecting official got no knowledge whatsoever of what
21 happened.

22 A I'm so sorry.

23 Q Just Joe's number one. Is it typical for
24 the selecting official to sit in on the interviews?

25 A That's their prerogative.

1 Q Okay, the ones that you've been in, do the
2 managers, if they sit in, do they ask questions or
3 they just sit in the background?

4 A Normally they don't ask questions.

5 Q And from your experience, once the review
6 board has met and I guess somebody in personnel
7 tallies up the scores to find out who came in first,
8 second and third on these questions?

9 A Right.

10 Q And then that's provided to the --

11 A To the manager, selecting manager.

12 Q -- selecting manager. Again, based on the
13 cases you've been involved in, the selections you've
14 been involved in, do managers normally then go back
15 and review the entire packages for the people, the PHR
16 and everything or they just take the recommendation of
17 the board?

18 A They normally take the recommendation of
19 the board.

20 MS. EUCHNER: I have a question for you.
21 When do the members of the selection review board get
22 their copies of the notebooks for the interviews? Do
23 they get them the day of the interviews or do they
24 have time in advance to review them?

25 THE WITNESS: Normally I give them to them

1 the day of the interviews. I have had managers ask
2 for them earlier and I try to give them to them
3 earlier.

4 BY MR. DAMBLY:

5 Q I'm going to give you one of these, which
6 I'm sure you've seen, which is I think the --
7 hopefully, the selection review board package, if you
8 will, for the -- that involved the selection of Mr.
9 Harvey and Mr. Chandra and not Mr. Fiser for the
10 position of PWR Chemistry Manager. This is the
11 selection review board you sat in in Mr. Easley's
12 place?

13 A Yes, sir.

14 Q Did you prepare this book for the
15 selection review board members or had Mr. Easley done
16 that?

17 A Mr. Easley had done that.

18 Q He had done that. Were you involved in
19 development of the questions that were used or was
20 that done before you got involved?

21 A That was done before I got involved.
22 However, we went over those questions that day and we
23 added a question, we took away some questions. It was
24 going to be too long to have as many questions as was
25 provided.

1 Q Do you know what questions were added and
2 which were subtracted?

3 A Do you want me to look at one in
4 particular? The BWR was a little different than the
5 PWR.

6 Q The PWR I guess is the one we're
7 interested in.

8 MR. MARQUAND: She's looking at the
9 section of the book for Mr. Chandrasekaran, there's a
10 page labeled Questions for Program Manager, Chemistry,
11 and up in the right hand corner it says PWR.

12 MR. DAMBLY: This page is the one you're
13 talking about?

14 MR. MARQUAND: Yep.

15 THE WITNESS: There's a note page for
16 each of selection review board members to write down
17 notes. But we asked question 1 -- they're circled on
18 the page with the questions, 1, 2, 7, 9, 11, 12, 13,
19 15, 16 and then we added a question 17. This is on
20 Chandra --

21 BY MR. DAMBLY:

22 Q Okay, so you've got 1, 2, 7, 9, , 11, 12,
23 13 is crossed out?

24 A Right, we didn't ask 13. 15, 16 and 17.

25 Q 17 was the one that was added.

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1 A Right.

2 Q And who added question 17?

3 A I don't recall.

4 Q Who was involved with the decision -- why
5 did you not ask all 17 or 16 questions?

6 A That's too many questions, it would have
7 taken a long time. Usually you keep it to about 10,
8 that's normal and I probably suggested --

9 Q Do you know where the list of 16 came
10 from?

11 A No, I don't.

12 Q To your knowledge, did the selection
13 review board develop these questions or --

14 A I don't know.

15 Q You don't know. There was a list of 16
16 when you got there.

17 A Right.

18 Q How far ahead of the actual selection
19 review board panel meeting did Mr. Easley pass the
20 torch to you?

21 A It was just a couple of days, from what I
22 recall.

23 Q Okay. So you had no involvement in
24 reviewing qualifications or who was best qualified or
25 any of that?

1 A No.

2 Q That was already done?

3 A Right.

4 Q Okay. And before we get to this again,
5 after this was over -- you followed it from that point
6 forward, you didn't pass it back to Mr. Easley after
7 the interviews?

8 A Pass what, the book?

9 Q The selection, the book, the
10 responsibility or whatever.

11 A Ben came in after we finished the BWR and
12 PWR interviews and he took the book and continued on
13 with the other selection process.

14 MR. MARQUAND: In fact, I think you could
15 ask her whose writing is on the page of the score
16 sheet notes.

17 MR. DAMBLY: What are we calling score
18 sheet notes?

19 THE WITNESS: I don't score them. The
20 other managers would have had ratings in here. This
21 is not my writing, this is Ben's writing.

22 MR. MARQUAND: She's saying that the
23 accumulation of the scores in the left hand column
24 were Ben's writing.

25 THE WITNESS: I just wrote 1, 2, 7 and 9.

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1 MR. DAMBLY: The page I'm looking on says
2 July 18, 1996 at the top and it's got section 1 and
3 then it's got next to it I guess, Corey, Kent and
4 Rogers.

5 MR. MARQUAND: Right.

6 THE WITNESS: Right.

7 MR. DAMBLY: With a 10-8-8 for one and 9-
8 8-9 for two.

9 THE WITNESS: Right.

10 MR. MARQUAND: She's telling you that
11 those three columns are all Ben's writing.

12 MR. DAMBLY: Okay.

13 MR. MARQUAND: Including the headings
14 Corey, Kent and Rogers.

15 THE WITNESS: Right, I did not write
16 that.

17 MR. MARQUAND: But the writing to the
18 right is all hers.

19 THE WITNESS: This is mine.

20 MR. DAMBLY: Okay, the comments part --

21 MR. MARQUAND: She wrote down the answers,
22 literal answers, but Ben came back and accumulated the
23 scores.

24 MS. EUCHNER: When did he come back?

25 MR. MARQUAND: She said right after the

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1 interviews.

2 THE WITNESS: I don't know when he did
3 the scoring, but he came in after the last person that
4 we interviewed, which may have been John Traynor.

5 MR. MARQUAND: You've got a schedule at
6 the beginning of the book.

7 THE WITNESS: I think it was Traynor.

8 And then Diedra Nida was next at 4:15 to
9 interview for the Rad Waste Environmental position.
10 And they continued on until I guess 8:00 that night.
11 I left, left Ben the book.

12 MS. EUCHNER: When did you leave?

13 THE WITNESS: I left right after the John
14 Traynor interview.

15 MR. MARQUAND: And right now, she's
16 referring under the tab that says interview schedule -
17 -

18 MR. DAMBLY: Right.

19 MR. MARQUAND: There's an interview
20 schedule here and she's indicating she left after Mr.
21 Traynor's interview.

22 MS. EUCHNER: And that's when Mr. Easley
23 took over?

24 THE WITNESS: Yes.

25 BY MR. DAMBLY:

1 Q And that would have been because Mr.
2 Traynor was also for the BWR and you were doing the
3 PWR and BWR?

4 A Right, yes, sir.

5 Q Then just so I understand because this is
6 a question I asked before, basically even in the
7 selection for the BWR and PWR, then your only
8 involvement was to sit in on those interviews.

9 A Yes, sir.

10 Q Mr. Easley picked the ball back up after
11 that.

12 A Yes, sir.

13 Q Okay. Now if we look at this page that we
14 were looking at before with the numbers on it --
15 again, it's hard to -- PWR and BWR, the name Chandra,
16 that's the one with I guess both Mr. Easley's and your
17 handwriting on it.

18 A Yeah, okay.

19 Q The comments that over there, you wrote
20 down those comments as Mr. Chandra here would have
21 been answering the questions?

22 A Yes, sir.

23 Q Okay, so those are your notes of what he
24 said.

25 A Right.

1 Q The notes from the other individuals --
2 the actual individuals on the selection review board,
3 their notes, did they have those or did they turn
4 those in to you as well?

5 A They did not turn them in to me. They
6 would have turned them in at the end of the day.

7 Q They would have turned them in to Mr.
8 Easley?

9 A Right, they would have stayed in the book
10 and they would have given the book back to Ben.

11 Q Okay. And then what would Ben have done
12 with them?

13 A He would have tabulated the scores, and as
14 I said before, we keep these notes in our files, in
15 our office. So he would have put the books with the
16 package for the interview and we file those.

17 Q And do we have in these books somewhere
18 the ones that were made by Corey, Kent and Rogers?

19 A Theirs would be --

20 MR. MARQUAND: We produced to you four
21 books. You're looking at the Milissa Westbrook/Ben
22 Easley book, there are three other books -- Kent,
23 Corey and Rogers. And their books have --

24 MR. DAMBLY: Their notes.

25 MR. MARQUAND: Yes.

1 MR. DAMBLY: Okay.

2 MR. MARQUAND: As well as their individual
3 score sheets.

4 THE WITNESS: And their names I believe
5 are on them too.

6 MR. MARQUAND: Yes.

7 MR. DAMBLY: Okay.

8 BY MR. DAMBLY:

9 Q And basically then after that was done,
10 their books, along with your book would have gone to
11 Dr. McArthur as part of his ability to review them if
12 he had wanted to.

13 A Right.

14 MR. MARQUAND: The books were given to
15 McArthur?

16 THE WITNESS: Probably not, we don't give
17 the whole books back to the manager. I give them --
18 I'll write down the -- after I tabulate everything,
19 you know, I'll show them the tabulation, but they
20 don't normally look at the books. Wilson was there
21 during the interview, he heard the comments.

22 BY MR. DAMBLY:

23 Q He was there afterwards too when you
24 discussed strengths and weaknesses?

25 A Yes, he was there during that.

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1 Q And did he participate in that
2 discussion?

3 A I don't recall him saying anything when I
4 was there.

5 Q So typically what you would do afterwards
6 would then just be to provide to the selecting
7 official the tabulation and the scores from the
8 individual reviewers and where that comes out in
9 ranking?

10 A Right. Just number ranking. And if they
11 weren't present, then I would discuss strengths and
12 weaknesses that the team saw.

13 Q Okay.

14 A But he was there, so --

15 MS. EUCHNER: Do you know, did McArthur
16 have a note book like this to look at during the
17 interviews?

18 THE WITNESS: Gosh, I don't remember --
19 I don't remember.

20 MR. MARQUAND: Do you recall seeing one?
21 Do you recall seeing one in your file?

22 THE WITNESS: I don't remember.

23 BY MR. DAMBLY:

24 Q Just looking at Mr. Chandra's section,
25 somewhere in there is the Chandra and it says strength

1 -- it didn't say weaknesses. Does he not have any?

2 A That's on the right side.

3 Q Oh, you just didn't label it?

4 A Right.

5 Q I was going to say that's pretty
6 impressive, if he has no weaknesses, that's a good
7 man.

8 A No, those are the weaknesses on the right
9 side.

10 Q Okay. And if you could then go to Mr.
11 Fiser's section here, the third or fourth tab in, his
12 strengths and weaknesses. This is what you wrote down
13 based on what the three reviewers, interviewers,
14 whatever, their comments?

15 A Right.

16 Q Okay. And maybe if you could read the
17 strengths and tell me to the best of your knowledge
18 what the basis for those were, because I'm --

19 A Okay. The first one, he realizes he can't
20 succeed if the site fails. And I believe he said that
21 in his interview. That was in my notes, if I recall.

22 Q And why is that a strength?

23 A He realizes it's going to take -- for him
24 to succeed, the site is going to have to succeed, so
25 that's a positive thing. I mean, you want to succeed

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1 and make the site succeed. So --

2 The second one, he went out to get help --
3 went out and got help. I don't recall -- average
4 response on definition of denting; extremely relaxed
5 in interview; technically direct and to the point in
6 denting.

7 Weaknesses -- did you want me to go over
8 those?

9 Q Yes.

10 A Trusts in people too much, he said that he
11 trusts in people too much and I believe that's what he
12 said in identifying what are your strengths and your
13 weaknesses, he talked about that. He was weak on
14 discussing his strengths.

15 He discussed problems frequently on
16 projects instead of positive issues, he would go into
17 problems he was having on different projects when he
18 would be asked to tell about a project. He didn't
19 present the projects well, he was very focused on line
20 details instead of management issues. No interface
21 with Vohler. Discussed not succeeding because of lack
22 of resources, he did talk about that. Lack of
23 ownership of problems. He didn't know chemistry index
24 even for the year 2000, didn't know Sequoyah was a
25 target for Watt's Bar chemistry index. Talked

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1 negatively about his experience at Sequoyah
2 management. I wasn't ready for it, it was a great
3 experience. I believe that was a comment that he had
4 made and I made a note that he had talked about his
5 experience at Sequoyah and for whatever reason, it
6 wasn't a good one.

7 And I didn't know Gary, so some of the
8 comments, I didn't really know why he was saying that.
9 Normally though in an interview, you talk about the
10 positive things about yourself and your project. He
11 was -- in communication, he was long winded. He said
12 I don't know what new widget is on the horizon but I
13 do know how much it costs when you lose power. He
14 would say things like that, which showed that he
15 didn't know what was going on in the industry and I
16 know that was one thing that they were looking for, to
17 see if the managers were up to date on what is going
18 on in the industry.

19 He said his biggest concern is keeping up
20 with technology, staying abreast of technology. They
21 need to budget more money to purchase new technology.
22 It was always not what I'm going to do in this
23 position to help TVA purchase more technology, it was
24 they need to do it. Someone else wasn't doing it, he
25 wasn't taking the responsibility himself.

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1 Q Is that -- you had as a weakness lack of
2 ownership of problems. Is that the kind of comment
3 that he made that led the group to conclude he wasn't
4 taking ownership?

5 A I'm sorry, say that again.

6 Q Over on the weaknesses page --

7 A Right.

8 Q -- you have the lack of ownership of
9 problems.

10 A Right.

11 Q I'm sure he didn't say I'm not taking
12 ownership or anything, but the group drew a conclusion
13 that that was his -- the message they were getting.

14 A Right, that was the perception you get
15 from the answers he gave to the questions.

16 Q That's the kind of answer you just talked
17 about -- they need to get more money and they need --
18 rather than an I or a we?

19 A Right.

20 Q Did you have any interactions or any
21 knowledge of Mr. Harvey before this? Had you ever
22 worked any place --

23 A No, I didn't.

24 Q Again, on the strengths and weaknesses
25 page, if you could tell us what's written there and

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1 how or the basis for that, to the extent you can
2 recall.

3 A The strengths were confident in PWR, good
4 communication skills, technically sound, understands
5 PWR, no steam generators, very familiar with Watts Bar
6 generators. Good discussion of his involvement in
7 projects, successful projects that he's working on, he
8 discussed those. He seemed to be very direct, good
9 knowledge of denting. He would do whatever it took to
10 find resources and he used an example, he would go to
11 the industry to see if he could find resources. He
12 was up front with problems and confronts problems head
13 on. Knew Watts Bar and Sequoyah ratios, felt
14 chemistry index won't save you, but good common
15 ground. Verbalizes well, outspoken and aggressive.

16 Weaknesses -- hydrogen water chemistry,
17 BWR, but would come up to speed. I mean he said he
18 could come up to speed on the BWR side.

19 Q And I guess I didn't ask this before, but
20 were there a separate set of questions for BWRs and
21 PWR?

22 A Right.

23 Q So he would have gotten two sets of
24 questions for Mr. Harvey, Mr. Chandra --

25 A Right. We just added a few extra

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1 questions.

2 Q Because I gather Mr. Fiser only applied
3 for the PWR position?

4 A Right.

5 Q So he had less questions or different
6 questions?

7 A Right, different. There were I think two
8 or three additional questions for the BWR positions
9 that we asked those candidates that had applied on
10 those.

11 Q Okay. And they would have gotten --

12 A A few extra questions.

13 Q And they would have gotten scored on those
14 extra questions?

15 A Right.

16 Q But Mr. Easley was careful, he didn't add
17 the scores from the extra questions in with the ones
18 that just went to PWRs in the rankings?

19 A To be honest with you, I did not talk to
20 Ben about the scoring. I assume he did that.

21 Q Okay. And how do we know which ones were
22 the extra questions?

23 MR. MARQUAND: If you look in the Chandra
24 section, there's a second set of questions that are
25 labeled BWR.

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1 MR. DAMBLY: Oh, okay.

2 MR. MARQUAND: And number 13 is scratched
3 out there, but 13 was -- is on the tabulation for the
4 scores so it was apparently asked. I think it was
5 scratched out for PWR but not for BWR -- obviously
6 it's a BWR type of question, it's hydrogen water
7 chemistry.

8 MR. DAMBLY: I'm looking at the BWR
9 questions on the page before the PWR and they're
10 identical.

11 MR. MARQUAND: The PWR has a number 17
12 that was added. And if you look at the scoring, on
13 the very last page, where it shows that they did add
14 13 into the scoring for the BWR.

15 Q Right. You indicated there was some
16 additional questions.

17 A Number 13.

18 Q When you said additional, you mean
19 additional out of -- because I thought my question was
20 beyond these 16 or 17, was there a separate sheet.

21 A Oh, I'm sorry, no, there was not a
22 separate sheet.

23 Q So they asked one or two different
24 questions off the 16 and actually apparently one
25 different question off those 16. Number 13 was asked

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1 of BWRs and it wasn't asked --

2 A It looks like that was the only one that
3 was asked.

4 THE REPORTER: I'm sorry, I couldn't hear
5 you..

6 THE WITNESS: It does look like that was
7 the only one asked.

8 BY MR. DAMBLY:

9 Q I know I've seen it and I'm sure you gave
10 it to us at the PEC once upon a time. There's a
11 separate sheet that went from I guess Mr. Easley to
12 Dr. McArthur that tallied up the scores for the PWR
13 position and the scores for the BWR position?

14 A I don't know.

15 MR. MARQUAND: We did give you a PEC but
16 that was something we put together accumulating the
17 scores -- as I recall the document.

18 MR. DAMBLY: Okay.

19 MR. MARQUAND: I think the cumulative
20 score is here on the bottom of those score sheets that
21 are in the notebooks though -- the cumulative scores
22 for each review board member.

23 MR. DAMBLY: If we look at Mr. Harvey's,
24 it has just a sheet with numbers for the PWR position
25 apparently. It looks like this.

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1 THE WITNESS: That's for Harvey?

2 MR. DAMBLY: For Harvey.

3 THE WITNESS: Ben did this.

4 BY MR. DAMBLY:

5 Q And he got those numbers from?

6 A I was not involved when Ben did this, so
7 I don't know.

8 Q I guess the page after that in mine has --
9 is the comments, that would have been your handwriting
10 on the right, but Mr. Easley's tabulations.

11 A Right.

12 Q I guess what I was looking at when I
13 looked at that page, I see Corey, Kent, Rogers, and
14 next to question 1 and question 2 and 7 and 9 and 11,
15 there are scores; next to 12, there isn't; next to 15,
16 there is; and if we turn over I don't see any for 16,
17 17 but 13 had scores.

18 Did 12, 16 and 17 not count for BWRs? Do
19 you recall whether there was some breakdown?

20 MR. MARQUAND: I think you have to look at
21 the other books to get the scores that he put on that
22 page.

23 MR. DAMBLY: If you flip back in the
24 Chandra section, I guess there's only one sheet that
25 tallies both and it has all the questions and the

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1 scores. It does appear that --

2 MR. MARQUAND: No, there's another sheet,
3 there's one with Milissa's handwriting that says PWR
4 and BWR.

5 MR. DAMBLY: Uh-huh.

6 MR. MARQUAND: And four or five pages
7 over, there's a score sheet for BWR.

8 MR. DAMBLY: Oh, okay. Maybe that would
9 help.

10 THE WITNESS: 12 wasn't asked on the BWR.

11 MR. DAMBLY: Right, 12 wasn't and
12 apparently they didn't count 17 on BWR either.
13 Unfortunately I don't see the scores for 16 or 15 for
14 Mr. -- well 15 is there, I guess; 16 I guess is what
15 I'm missing on the BWR. I guess you can go get it
16 from the other page. So they're all there, you just
17 have to get it from a different page.

18 BY MR. DAMBLY:

19 Q I mean you didn't give a different score
20 when the panel was working here and asked a question,
21 they wouldn't score somebody a 9 for the PWR and an 8
22 for the BWR on the same question.

23 A I don't know what they scored.

24 Q I mean to your knowledge, each question
25 was graded one time, not differently depending on

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1 whether the person applied for more than one job? Do
2 you know what I'm talking about?

3 A No, I'm sorry.

4 MR. MARQUAND: You're saying, for example,
5 did they score question number 9 twice, once for PWR
6 and once for BWR, or did they use the same score for
7 both interviews or both applications.

8 MR. DAMBLY: Right.

9 MR. MARQUAND: If she knows.

10 THE WITNESS: I don't remember.

11 MR. MARQUAND: Did you discuss the
12 individual scores with the team members?

13 THE WITNESS: No, no, we didn't discuss
14 the scores.

15 MS. EUCHNER: Did they give the scores to
16 you as soon as the interview was over or at the end?

17 THE REPORTER: I'm sorry, I can't hear
18 you.

19 MS. EUCHNER: I'm sorry. Did they give
20 the scores to you at the end of each interview or at
21 the end of all of the interviews did they provide
22 their scores to you?

23 THE WITNESS: At the very end, they gave
24 Ben the book, which contained the scores, the very end
25 of the interviews that evening.

1 BY MR. DAMBLY:

2 Q You gave him your book and the books from
3 the three --

4 A I gave him my book when I left at 5:00.

5 Q Oh, and he collected the ones from the
6 other people at the end of the -- after all of the
7 interviews.

8 A As far as I know that's what he did.

9 Q Okay.

10 MR. MARQUAND: Let me ask, was there a
11 discussion of scores or just of answers?

12 THE WITNESS: The strengths and weaknesses
13 and the answers to the questions, related to the
14 answers.

15 BY MR. DAMBLY:

16 Q You're telling me the scoring was totally
17 independent.

18 A Right.

19 Q Mr. Corey -- they asked a question and he
20 wrote 8.5 down and Mr. Kent wrote 9 and Mr. Rogers
21 wrote 9 and they didn't know what anybody else had
22 written.

23 A No.

24 Q And that wasn't discussed even after the
25 interview was over when you were discussing strengths

1 and weaknesses.

2 A That's correct, we did not discuss scores.

3 Q Do you know if they wrote their numerical
4 determinations down while the interview was going on
5 or after the discussion of strengths and weaknesses?

6 A I don't know that either.

7 Q Okay. How much involvement did you have
8 with the TVA services organization?

9 A In what respect?

10 Q Well, did you ever end up there yourself
11 in any of the RIFs? I guess you were RIF'd twice.

12 A I don't believe I ever ended up in the TVA
13 service organization and I believe I've been RIF'd
14 about six times.

15 MR. MARQUAND: Can't get rid of her.

16 (Laughter.)

17 THE WITNESS: I'm one of the younger
18 ones, believe it or not.

19 BY MR. DAMBLY:

20 Q Were you at all involved with any of the
21 union negotiations -- I gather this was somehow
22 negotiated with the union, to your knowledge, the
23 setup of the TVA services organization.

24 A No, I was not.

25 Q What's your understanding of what the

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1 services organization was, I guess at this point?

2 A The service organization was designed to
3 assist employees in retooling their skills and
4 knowledges; also, to give them an opportunity to find
5 other jobs in other TVA organizations. They also did
6 some work outside TVA, it was almost like a small
7 company where some people did work outside TVA,
8 providing services, and they did try to make money at
9 that point in time. So it was sort of like a small
10 business. It gave people the opportunity that they
11 would not lose any money, it was a lateral move over,
12 they went with their same grade level, financially
13 they weren't affected at all. It was a wonderful
14 opportunity for people to try to find another job in
15 TVA.

16 Q The -- I guess the only other question --
17 maybe I should say line of questions because if I say
18 question, it'll be a lot for sure -- when you're
19 setting up competitive levels and you're looking at
20 position descriptions to determine similarity,
21 interchangeability, is one of the considerations in
22 determining whether the PDs are similar, the old PD in
23 a new position, whether or not if you make a call that
24 they're similar, some people won't be able to compete
25 for the job? When you're determining job A, we'll

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1 call it chemistry program manager; and job B,
2 chemistry program environmental. Are they the same so
3 that the retention register would apply, or are they
4 dissimilar so you'd have to advertise? If I say
5 they're the same, then two or three people won't be
6 able to compete for the new jobs, we'll just follow
7 the register -- is that a legitimate consideration, is
8 it one you've ever made?

9 A No. I mean when you're looking at
10 reorganizing, you're looking at what's best for the
11 organization and how it needs to be structured and how
12 it's going to run from that point on, not -- you don't
13 look at your personnel at that point. You just need
14 to see what's best for the organization. Around that
15 period of time, TVA had been in a construction mode,
16 we were going into operations, we had been downsizing
17 over the years and we were trying to do things more
18 cost effectively and what unfortunately happens in
19 those situations is that we reduce head count. And
20 you have to do things faster, better, with less
21 people.

22 Q And I understand that. My question was
23 would you make a determination that position A,
24 comparing that position description with position B,
25 I'm not going to say that they're similar enough that

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1 somebody in A gets to roll over into B through the
2 retention register because if I do that, then there's
3 other people that are in position A that won't get to
4 compete because of seniority -- it won't be open
5 competition for everybody.

6 A When I assist with reorganizations, first
7 and foremost in my mind is that I'm going to have to
8 defend whatever suggestions I make to the managers.
9 Not who's going to be in it and who's not going to be
10 able to apply, but how are we going to defend this at
11 a later time so that everybody thinks that we've done
12 this the most fair way possible. That's my
13 consideration when I do that. My job is on the line
14 at that point in time.

15 Q I mean you wouldn't, in making a position
16 description comparison between A and B, look at how
17 that is going to help or hurt individuals, you're
18 making an objective are they basically the same.

19 A Exactly.

20 MR. DAMBLY: Okay. That's all, I
21 appreciate your time.

22 THE WITNESS: You're welcome. Good to
23 see you.

24 (Whereupon, the deposition was concluded
25 at 11:41 a.m.)

AUTHENTICATION BY SIGNATURE

I, the undersigned, do hereby certify by my signature hereunder that I have read the foregoing deposition of testimony given by me on November 8, 2001, and find said transcription to be a true and accurate record, as corrected.

Milissa Westbrook

Sworn to and subscribed before me this _____ day
of _____, 20__ __.

Notary Public

My commission expires _____.