

United States  
Nuclear Regulatory Commission



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# Report of Investigation

CALLAWAY PLANT:

16

DISCRIMINATION AGAINST [REDACTED]  
[REDACTED] FOR RAISING SAFETY  
CONCERNS

Office of Investigations

Reported by OI:RIV

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Title: CALLAWAY PLANT:

DISCRIMINATION AGAINST [REDACTED]  
FOR RAISING SAFETY CONCERNS

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Licensee:

Case No.: 4-2003-027

Union Electric Company  
P.O. Box 620  
Fulton, MO 65251

Report Date: March 3, 2004

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## SYNOPSIS

This investigation was initiated on May 20, 2003, by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if a [REDACTED] employed by the Wackenhut Corporation (Wackenhut) at the Union Electric Company's Callaway Plant, Fulton, Missouri, was the subject of employment discrimination by Wackenhut for raising safety concerns. 16

Based on the evidence developed during this investigation, OI:RIV determined the allegation that a [REDACTED] was the subject of employment discrimination by Wackenhut for raising safety concerns was not substantiated.

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LIST OF INTERVIEWEES

Exhibit

[REDACTED] ..... 2

BAUMEISTER, Roger J., Security Operations Supervisor, Wackenhut ..... 5

[REDACTED] ..... 8

CORBIN, Michael S., Project Manager, Wackenhut ..... 6

ROBERTS, Randall W., Security Officer, Wackenhut ..... 11

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## DETAILS OF INVESTIGATION

### Allegation

Discrimination Against [REDACTED] for Raising Safety Concerns 10

### Applicable Regulations (2003)

10 CFR 50.5: Deliberate Misconduct

10 CFR 50.7: Employee Protection

### Purpose of Investigation

This investigation was initiated on May 20, 2003, by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if [REDACTED] employed by the Wackenhut Corporation (Wackenhut) at the Union Electric Company's Callaway Plant (Callaway), Fulton, Missouri, was the subject of employment discrimination by Wackenhut for raising safety concerns (Exhibit 1).

### Background

During the conduct of an OI:RIV investigation [OI Case No. 4-2002-032] into the alleged employment discrimination against [REDACTED] by management for raising safety concerns, [REDACTED] provided additional information that he continues to suffer from harassment for raising safety concerns. During a second interview of [REDACTED] conducted by OI:RIV on February 25, 2003, [REDACTED] related that he and several coworkers met at [REDACTED] [REDACTED] advised that while at [REDACTED] Furthermore, [REDACTED] alleged [REDACTED] told his [REDACTED] coworkers that [REDACTED] "but he's gonna lose his job because of this association and because of raising these concerns." [REDACTED] also alleged [REDACTED] was intoxicated and called him a derogatory name. X 10

[REDACTED] stated he filed a complaint with Callaway management regarding [REDACTED] harassment and an investigation was conducted; however, [REDACTED] was not aware of the outcome of the investigation. [REDACTED] advised he was concerned that [REDACTED] had made such comments to him when they had always been on good terms. [REDACTED] added that 10

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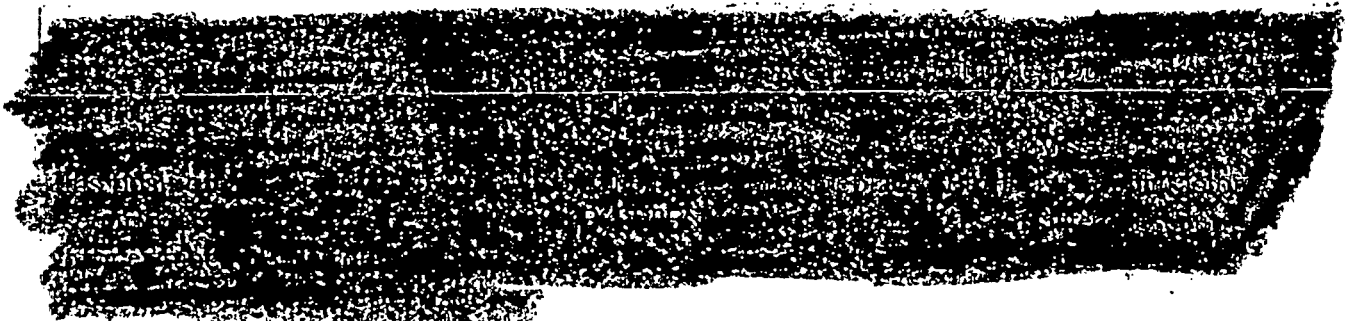
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[REDACTED] had a good rapport with Michael S. CORBIN and Roger J. BAUMEISTER, [REDACTED], and he believed that [REDACTED] comments at [REDACTED] may have been precipitated by either CORBIN or BAUMEISTER. [REDACTED] stated [REDACTED] actions at [REDACTED] was one of a series of incidents that he had been subjected to since filing his complaints [REDACTED] and the NRC [REDACTED] and, to him, was evidence of a hostile work environment. 1L

On May 19, 2003, the RIV Allegation Review Board discussed the allegations made by [REDACTED] and requested OI:RIV investigate [REDACTED] allegation of continuing harassment by management for raising safety concerns.

Interview of [REDACTED] (Exhibit 2)

On February 25, 2003 [REDACTED] was interviewed at his request by OI:RIV at Callaway in Fulton, Missouri.



AGENT'S NOTE: [REDACTED] work history information was obtained during a previous interview conducted on September 9, 2002 [OI Case No. 4-2002-032].

[REDACTED] advised that on [REDACTED] an awards banquet was held at Michigan Place in Jefferson City, Missouri, by Wackenhut security personnel to celebrate activities which occurred during the year 2002. [REDACTED] stated that "There were some people that didn't want to go..." and "...not participate with..." the awards banquet; therefore [REDACTED]."

[REDACTED] advised that several Wackenhut security personnel from [REDACTED] met at [REDACTED] at around four o'clock in the afternoon to have some drinks and play foosball. [REDACTED] stated, "For those people that wanted to go to the Wackenhut deal, they were free to do so...I had not made...definite plans either way..." (Exhibit 2, page 60). 1L

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██████████ stated that "At about midnight or so... ██████████ showed up at ██████████ and began to harass him ██████████ stated that ██████████ was intoxicated and called him derogatory names "...in a very derogatory way...And...was pretty ugly towards..." him (Exhibit 2, page 61). ██████████ further advised that ██████████ comments to him ██████████ were overheard by other Wackenhut security personnel at ██████████ further stated that ██████████ also made statements directly to the Wackenhut security personnel [NFI] at ██████████ by saying, ██████████ may win his ██████████ but he's gonna lose his job because of this association and because of raising these concerns" (Exhibit 2, page 61). ██████████ explained that ██████████ was assigned to the same security crew as ██████████ which was known as ██████████

██████████ surmised that ██████████ directed negative comments towards him because he ██████████ may have believed that he ██████████ was "...out to get Corbin and...Baumeister..." because of the safety concerns that he had raised to management (Exhibit 2, page 69) ██████████ stated, "I thought I had a friendly rapport with... ██████████ and "I was shocked that he reacted to me this way...his behavior is indefensible" (Exhibit 2, page 62). ██████████ advised he believed that ██████████ negative actions and derogatory comments were attributed to his alcohol intoxication and that had he would not have made derogatory comments to him under normal circumstances ██████████ advised that the following Monday morning [NFI] he filed a complaint with Wackenhut regarding ██████████ behavior towards him at ██████████ and subsequently, Patrick J. DORAN, Legal Counsel for Wackenhut, and James R. PEEVY, Reserve Employee Concerns Manager, Callaway, were assigned to investigate his complaint.

██████████ stated that on January 22, 2003, he met with PEEVY, CORBIN, and DORAN to discuss his complaint but felt that he was being interrogated by DORAN when questioned about his confrontation with ██████████ stated that subsequently another meeting was held with ██████████ in attendance; whereby, he ██████████ "...apologized profusely..." to him and at the end of the meeting they ██████████ shook hands (Exhibit 2, page 68). ██████████ stated that he reported ██████████ behavior towards him as a concern to Wackenhut management and the NRC to show a pattern of a continuation of a hostile work environment at Callaway.

██████████ stated that he has no knowledge of any actions taken by Wackenhut to address or resolve his complaint and stated that because he had filed "...formal complaints again with OSHA and NRC there's been a continuing battery and harassing in events" (Exhibit 2, page 70). ██████████ further stated, "...I have not heard and been told the impending disposition on ██████████ for a (sic) harassing me has been completed" (Exhibit 2, page 68).

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AGENT'S NOTES: Documents provided to OI:RIV by [REDACTED] during his interview are referenced in Exhibit 3.

Coordination with NRC Staff

On March 12, 2003, Karla D. SMITH, Regional Counsel, NRC:RIV, was provided a copy of [REDACTED] transcript of interview for review to determine if [REDACTED] was engaged in protected activities and possibly subjected to employment discrimination.

On March 13, 2003, a copy of [REDACTED] transcript of interview was forwarded to the RIV's technical staff for review and identification of safety and/or technical concerns. 7C

On March 14, 2003, Troy W. PRUETT, Chief, Plant Support Branch, NRC:RIV, reported that a review of [REDACTED] transcript did not disclose or identify any safety or technical issues which were related to "... the overall discrimination complaint" (Exhibit 4, page 1).

On May 9, 2003, SMITH provided her review and analysis of [REDACTED] transcript of interview. SMITH advised that [REDACTED] 5

Testimony/Evidence

OI:RIV interviewed the following individuals regarding the allegation that Wackenhut management discriminated against [REDACTED] for raising safety concerns. 7C

Interview of Roger J. BAUMEISTER (Exhibit 5)

On July 10, 2003, Roger J. BAUMEISTER, Security Operations Supervisor, Wackenhut at Callaway, was interviewed by OI:RIV in Fulton, Missouri. Also present during the interview of BAUMEISTER was DORAN, Attorney and Legal Representative for Wackenhut.

BAUMEISTER began his employment at Callaway as a security officer in 1982 and after 2 years, was promoted to Central Alarm Station (CAS) operator. Subsequently, BAUMEISTER was promoted on various occasions to security shift assistant supervisor, security shift supervisor, and ultimately to security operations supervisor in January 2002.

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Regarding [REDACTED] reported behavior at [REDACTED], BAUMEISTER advised that he was surprised to learn that [REDACTED] had a conflict because, to his knowledge, they had a good relationship with each other and he was not aware of any hostilities between them. BAUMEISTER stated that [REDACTED] was "...one of the type guys that gets along with everybody..." and that prior to receiving [REDACTED] complaint about [REDACTED] Wackenhut had no previous discipline problems with [REDACTED] (Exhibit 5, page 20). BAUMEISTER also explained that he considered [REDACTED] actions towards [REDACTED] at [REDACTED] as unprofessional and not a form of harassment or discrimination; however, he stated that it was "...unacceptable for an employee to do that to another employee, no matter what the relationship..." (Exhibit 5, pages 13 and 20). 7C

BAUMEISTER advised that he had no involvement and did not attend the [REDACTED]. BAUMEISTER stated that he had only attended the awards ceremony and was notified on the following work day about the incident between [REDACTED]. BAUMEISTER stated that, other than receiving notification about the incident from CORBIN, he had no further involvement with [REDACTED] complaint/concern.

Regarding [REDACTED] alleged comments to security personnel about [REDACTED], BAUMEISTER surmised that [REDACTED] may have obtained information about [REDACTED] complaints to [REDACTED] from coworkers assigned to [REDACTED]. BAUMEISTER stated, "I haven't discussed anything with him...I certainly never discussed it with anyone other than my superiors..." (Exhibit 5, pages 17-18). 7C

BAUMEISTER stated that he had not observed any incidents of discrimination, retaliation, or harassment at Callaway towards [REDACTED] or any other employees (Exhibit 5, page 20). BAUMEISTER further stated that when [REDACTED] raises a concern, "Everybody bends over backwards for him...If he brings up a concern, it gets the high attention of anybody..." (Exhibit 5, page 21). BAUMEISTER also believed that he [BAUMEISTER] could raise safety and/or security concerns without hesitation at Callaway.

#### Interview of Michael S. CORBIN (Exhibit 6)

On July 10, 2003, Michael Steven CORBIN, Project Manager, Wackenhut at Callaway, was interviewed by OI:RIV in Fulton, Missouri. Also present during the interview of CORBIN was DORAN, Attorney and Legal Representative for Wackenhut.

CORBIN began his employment at Callaway as a temporary, part-time security officer in 1989 and was subsequently promoted on various occasions to security shift assistant supervisor,

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security shift supervisor, and finally to project manager in the year 2002. CORBIN's immediate supervisor is James [NMN] MILLS, Nuclear Director, Nuclear Services Division, Wackenhut Corporate Office, West Palm Beach, Florida.

CORBIN advised that on or about January 20, 2003, he was approached by [REDACTED] who appeared to be "...extremely upset..." about a confrontation he had with [REDACTED] which occurred at [REDACTED]. CORBIN stated that [REDACTED] informed him that he was going to file an [REDACTED] because [REDACTED] had called him [REDACTED] a derogatory name in the presence of other security personnel and "...had been drinking too much..." while at [REDACTED]. CORBIN advised that [REDACTED] told him that [REDACTED] had also made comments at [REDACTED] to Curtis D. WILLIAMS, Security Officer, Wackenhut, assigned to [REDACTED] that he [WILLIAMS] would have to be retrained because of his association with [REDACTED] Exhibit 6, pages 8-11). CORBIN further advised that [REDACTED] also reported that [REDACTED] Wackenhut, likewise had a confrontation with [REDACTED] that evening; however [REDACTED] did not provide any details regarding the conflict between [REDACTED] and [REDACTED].

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CORBIN advised that because the Wackenhut security officers are assigned to work on different shifts, two awards banquets are held each year in order to provide an opportunity for all employees to attend an awards banquet. CORBIN stated that both awards banquets were held at the "Bones Bar and Lounge in Jefferson City, Missouri" (Exhibit 6, page 14). CORBIN advised that the first awards banquet was held on January 18, 2002, and the second awards banquet was held 1 or 2 weeks after the first banquet [NFI]. CORBIN stated, "All the available shift security supervisors except [REDACTED] with the exception of Mark [NMN] ELLIOTT, Shift Security Supervisor, Delta "D" Crew, Wackenhut, because he [ELLIOTT] had been [REDACTED] and was not available (Exhibit 6, page 18). CORBIN advised that [REDACTED] told him that he had planned to attend the [REDACTED] but felt obligated to stay at [REDACTED] when [REDACTED] decided to remain at [REDACTED] with the other Wackenhut employees [NFI]. CORBIN stated that the [REDACTED] ..was not a company-sponsored function..." and it was not work related (Exhibit 6, page 35).

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CORBIN advised that he was not aware any conflicts or tension between the security officers assigned to [REDACTED]. CORBIN further advised that he had no knowledge of any conflict or tension between [REDACTED] prior to incident at [REDACTED]. CORBIN related that he was unaware of the [REDACTED] at [REDACTED] until [REDACTED] brought it to his attention on January 20, 2003. CORBIN stated that he did not participate in the Wackenhut/Callaway investigation of [REDACTED] complaint and was not present when [REDACTED] was interviewed during the investigation.

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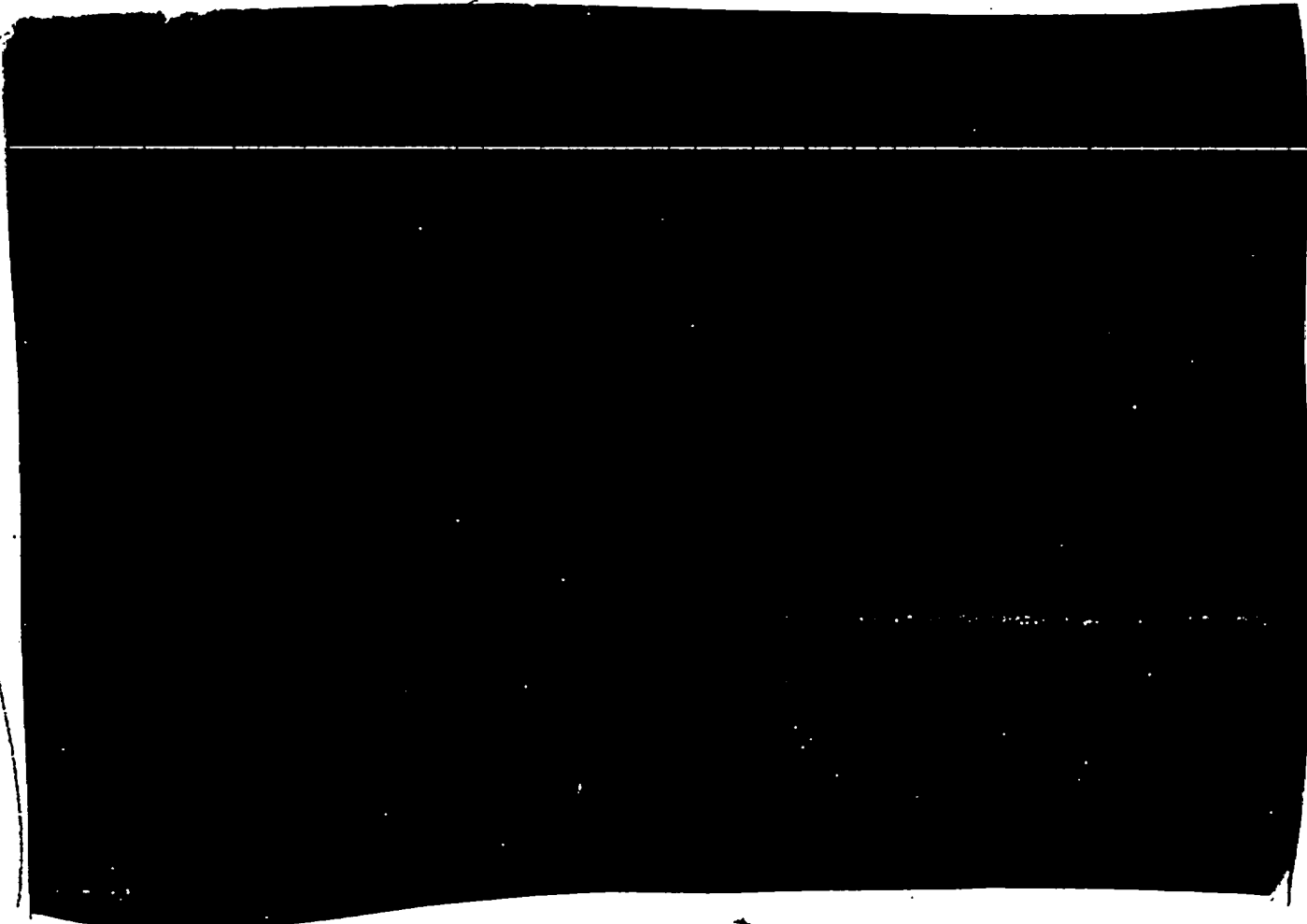
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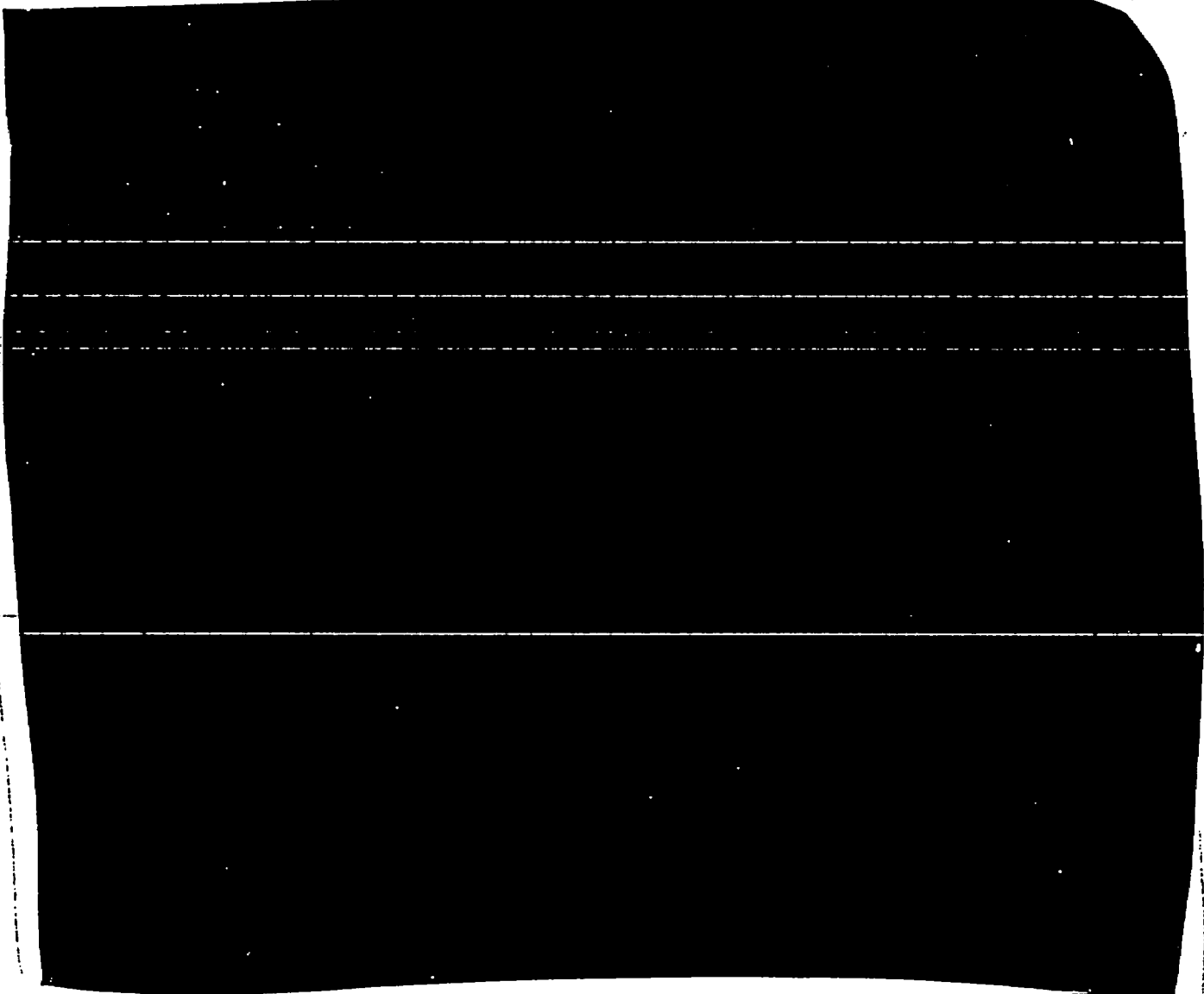
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CORBIN surmised that [redacted] negative comments towards [redacted] were due to his [redacted] frustration with a [redacted] for "...not [redacted] (Exhibit 6, page 11). CORBIN advised that he did not view [redacted] comments to [redacted] as discrimination, harassment, or retaliation for filing concerns. CORBIN stated that he viewed [redacted] comments to [redacted] "...as a dumb mistake, plain and simple...But I have no control over what happens [redacted] (Exhibit 6, page 37). CORBIN further stated, "To my knowledge, there is no harassment from anyone towards [redacted] (Exhibit 6, page 39).

AGENT'S NOTES: Documents provided to OI:RIV by CORBIN during his interview are referenced in Exhibit 7.

Interview of [redacted] (Exhibit 8)



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Interview of Timothy A. WRIGHT (Exhibit 9)

On July 10, 2003, Timothy Alan WRIGHT, Security Officer, Wackenhut, was interviewed by OI:RIV in Fulton, Missouri. .

WRIGHT began his employment at Callaway as a security officer in November 1998 and has remained in the security officer position to the present. WRIGHT's immediate supervisor is BATTEN, Alpha "A" Crew, Wackenhut.

When questioned about his knowledge of the events leading up to an incident which occurred between ~~\_\_\_\_\_~~ WRIGHT explained that

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the confrontation occurred because several security officers decided to attend a [REDACTED] instead of the [REDACTED] that night. WRIGHT stated, "I didn't want to go to the Wackenhut [REDACTED] so I planned a dinner..." at [REDACTED] "...just to get together as a crew and eat...the [REDACTED] thing just came up" (Exhibit 9, page 8). WRIGHT stated that he personally did not want attend the [REDACTED] because "There's just certain things on my job I don't agree with" (Exhibit 9, page 9). WRIGHT explained that several members on his crew [Alpha "A" Crew], to include himself, believed that the Wackenhut promotion process for security personnel had not been conducted in a fair manner for the past 4 to 5 years and, as a result, some of his crew members did not want to attend the [REDACTED] that evening. 7c

WRIGHT advised that after having dinner at [REDACTED] he and several members of his crew left the restaurant and arrived at [REDACTED] WRIGHT recalled that the following individuals were present when he arrived at [REDACTED] Randy ROBERTS and his girlfriend, [REDACTED] and Jeff BYLAR, [REDACTED] Rob HECKMAN; WILLIAMS; and [REDACTED] WRIGHT advised that around 10:30 p.m. or 11 p.m., he observed that [REDACTED] was also present in the sports bar [REDACTED] and noticed him [REDACTED] conversing with [REDACTED] WRIGHT stated that after BUSCHER finished his conversation with [REDACTED] he [REDACTED] approached him and "...made some [REDACTED]." [REDACTED] (Exhibit 9, page 6). 7c

WRIGHT advised that [REDACTED] appeared to be "...very, very mad..." and blamed [REDACTED] for planning a [REDACTED] [REDACTED] (Exhibit 9, pages 24-25). WRIGHT stated [REDACTED] was "...very drunk..." and called [REDACTED] an offensive name (Exhibit 9, pages 18 and 24). WRIGHT further stated that [REDACTED] told him that he [WRIGHT] should transfer from [REDACTED] "...they were a bunch of losers..." (Exhibit 9, page 26). WRIGHT stated that [REDACTED] was "...[REDACTED]" of his and surmised that because they had known each other [REDACTED] he [REDACTED] felt comfortable in talking to him about [REDACTED] (Exhibit 9, pages 16 and 27). WRIGHT further advised that WILLIAMS was present during part of his conversation with [REDACTED] and [REDACTED] 7c

WRIGHT believed that [REDACTED] negative comments about [REDACTED] were excessive and influenced by his consumption of alcohol. WRIGHT advised that during his conversation with [REDACTED] did not mention or refer to any concerns that had been raised by [REDACTED] at Callaway. WRIGHT stated, "...this is the only time I've ever seen... [REDACTED] "...since he has worked here drinking and upset...He was upset we weren't at the party, and he basically went overboard with what he was saying..." (Exhibit 9, pages 32 and 34). WRIGHT advised that he believed [REDACTED] remarks about [REDACTED] were his personal opinions about [REDACTED] and had not been instigated by someone else.

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WRIGHT recalled that he informed [REDACTED] about [REDACTED] comments that same night at [REDACTED]. WRIGHT advised that subsequently when [REDACTED] told him that he [REDACTED] was going to file a concern with Wackenhut regarding [REDACTED], he [WRIGHT] stated he disagreed with [REDACTED] because the incident with [REDACTED] and... [REDACTED] just basically was drunk and...said stupid things..." (Exhibit 9, page 40). 7c

WRIGHT advised that during his employment at Callaway, he has not observed, nor been subjected to, any retaliation, harassment, or discrimination for raising concerns.

#### Interview of Curtis D. WILLIAMS (Exhibit 10)

On July 10, 2003, Curtis Douglas WILLIAMS, Security Officer, Wackenhut, was interviewed by OI:RIV in Fulton, Missouri. Also present during the interview of WILLIAMS was DORAN, Attorney and Legal Representative for Wackenhut.

WILLIAMS began his employment at Callaway as a watchman in September 2002 and later hired as a security officer and has remained in the security officer position to the present. WILLIAMS' immediate supervisor is ELLIOTT.

When questioned about his knowledge concerning an incident which occurred between [REDACTED] WILLIAMS explained that he and WRIGHT were present when [REDACTED] arrived at the [REDACTED] and began making comments about [REDACTED]. WILLIAMS recalled that he had decided not to attend the [REDACTED] that night because he was not the recipient of any award, but instead, attended the [REDACTED]. 7c

WILLIAMS stated that sometime between 10 p.m. and 11 p.m. [REDACTED] appeared at [REDACTED] and it was apparent that [REDACTED] had "... been drinking a little bit..." (Exhibit 10, page 15). WILLIAMS stated that [REDACTED] walked over to them [WILLIAMS and WRIGHT] and began questioning WRIGHT about why [REDACTED]. WILLIAMS advised that [REDACTED] told them [WRIGHT and WILLIAMS] that it was inappropriate for [REDACTED]. WILLIAMS stated that [REDACTED] referred to [REDACTED] with a derogatory name during the conversation but, in his opinion, "...guys talked like that all the time" (Exhibit 10, page 21).

WILLIAMS advised that he did not view [REDACTED] comments regarding [REDACTED] as hostile and stated [REDACTED] was "...just joking around and just stuff like that" (Exhibit 10, page 22). WILLIAMS stated that he and WRIGHT laughed at [REDACTED] comments because they "...thought all of it was funny, even the name-calling" (Exhibit 10, page 23). WILLIAMS recalled that [REDACTED] had even joked with him that he [WILLIAMS] would have to be 7c

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retrained as a [REDACTED]  
WILLIAMS advised that [REDACTED] visited with them [WILLIAMS and WRIGHT] for about an hour and then he left [NFI].

WILLIAMS advised that [REDACTED] was not present during their [WRIGHT and WILLIAMS] conversation with [REDACTED] and he did not, at any time, observe [REDACTED] talking to [REDACTED] 7C

WILLIAMS further advised that he considered [REDACTED] a friend and also described him as a "workaholic." WILLIAMS stated that although he and [REDACTED] did not "hang out" with each other, he [WILLIAMS] occasionally played basketball with him at the gym located on-site after work (Exhibit 10, page 16). WILLIAMS advised that the dinner at [REDACTED] was the first time that he had been in a social setting with coworkers.

WILLIAMS stated that, in his opinion, [REDACTED] comments about [REDACTED] were not related to any type of retaliation, harassment, or discrimination against [REDACTED] for raising concerns and simply viewed [REDACTED] as his personal views and jokes (Exhibit 10, page 24).

#### Interview of Randall W. ROBERTS (Exhibit 11)

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On July 10, 2003, Randall W. ROBERTS, Security Officer, Wackenhut, was interviewed by OI:RIV in Fulton, Missouri.

ROBERTS began his employment at Callaway as a security officer on August 2, 1982, and has remained in the security officer position to the present. ROBERTS' immediate supervisor is BATTEN, Alpha "A" Crew, Wackenhut.

When questioned about his knowledge concerning an incident which occurred between [REDACTED] ROBERTS acknowledged that he had been present when [REDACTED] held earlier that evening. ROBERTS advised that sometime between 11:45 p.m. and 12 a.m., [REDACTED] ROBERTS related that when [REDACTED] noticed [REDACTED] sitting at a table, he [REDACTED] immediately walked over to [REDACTED] and began to make statements to [REDACTED] lack of leadership for not attending [REDACTED] ROBERTS stated that [REDACTED] was "...real belligerent and drunk..." when he was speaking to [REDACTED] however, he [ROBERTS] does not recall hearing any cursing, name calling, or derogatory comments directed at [REDACTED] (Exhibit 11, pages 22-23). ROBERTS stated that [REDACTED] conversation with [REDACTED] lasted "...Approximately two or three minutes" (Exhibit 11, page 27). 7C

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ROBERTS advised that he was not surprised at [REDACTED] behavior towards [REDACTED] and stated that it "...was common knowledge that... [REDACTED] ...has a few beers every now and then..." and becomes "Real loud, outgoing, belligerent..." after he had been drinking (Exhibit 11, pages 23-24). ROBERTS further advised that there have been other occasions at parties that he [ROBERTS] and [REDACTED] attended where they did not get along because he had been drinking. 7C

ROBERTS believed that [REDACTED] actions towards [REDACTED] was a form of employment harassment because coworkers were present and [REDACTED] had made job-related comments regarding [REDACTED] leadership abilities and [REDACTED]. ROBERTS further explained that he believed that [REDACTED] was intentionally harassed by [REDACTED] was not part of the "cliques" at Callaway and had raised concerns to management (Exhibit 11, pages 30-31). ROBERTS surmised that [REDACTED] CORBIN, and BAUMEISTER were part of a clique or "...buddy system..." and although [REDACTED] may not have been instructed to harass [REDACTED] he [REDACTED] may have been instigated by gossip among "the clique" to confront [REDACTED] (Exhibit 11, pages 29-30). ROBERTS clarified that he believed [REDACTED] actions may have been related [REDACTED] filing concerns at Callaway and/or not [REDACTED] but he [ROBERTS] had no specific information or knowledge about [REDACTED] motive for confronting or harassing [REDACTED] (Exhibit 11, page 39). 7C

ROBERTS advised that there have been other occasions where [REDACTED] exhibited the same behavior towards him as he did towards [REDACTED]. For example, ROBERTS stated that on one occasion last year [REDACTED] and some of the other security crew members attended a party where he [ROBERTS] was part of the band. ROBERTS stated that he sometimes wears earrings when he performs with the band and at this party, when [REDACTED] [REDACTED] so we had a few exchanged words at that point" (Exhibit 11, page 34). ROBERTS advised that after [REDACTED] subsequently interacted socially and at work but have never mentioned or acknowledged the incident to each other. 7C

ROBERTS further advised that because of his [REDACTED] with [REDACTED] to include informally raising concerns himself, he [ROBERTS] believed that [REDACTED]. ROBERTS stated that he had been employed at Callaway for 21 years and "...it kind of makes me angry that...new people... [REDACTED]" (Exhibit 11, pages 49-50). ROBERTS advised that [REDACTED]. 7C

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[REDACTED] (Exhibit 11, page 61). ROBERTS stated he decided [REDACTED] (Exhibit 11, page 61). ic

AGENT'S NOTE: At the conclusion of the interview, OI:RIV provided ROBERTS with the NRC's telephone number and contact information for the [REDACTED].

### Review of Documentation

During the course of this investigation, OI:RIV reviewed and evaluated documents provided by the licensee, allegor, and/or the NRC:RIV staff. The documents deemed pertinent to this investigation are delineated in this section.

### Documents Provided by [REDACTED] to OI:RIV on February 25, 2003 (Exhibit 3)

A review of documents provided by [REDACTED] on February 25, 2003, disclosed the following:

Pages 42-43: This email from [REDACTED] dated January 20, 2003, was notification that he [REDACTED] was reporting a concern regarding a continuing hostile working environment and harassment by a coworker [REDACTED]. ic

Page 45: This email from [REDACTED] to himself, dated January 21, 2003, was a record of a telephone conversation he had with [REDACTED] regarding his role as a witness to [REDACTED] behavior at [REDACTED]. [REDACTED] also annotated that he informed [REDACTED] concerns about "...being labelled (*sic*) a snitch or whistle blower..." when they are questioned by Wackenhut management regarding [REDACTED] actions at [REDACTED].

Pages 56-57: This apparent email from [REDACTED] to the "NRC Office of Investigations," dated February 25, 2003 [date not electronically generated], was a list of events, complete with dates and descriptions of activities, to support his claim that he was subjected to a hostile and chilling work environment for raising safety concerns. ic

AGENT'S NOTE: Concerns raised by [REDACTED] and reported to the NRC prior to February 25, 2003, were investigated by OI:RIV under OI Case No. 4-2002-032.

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Documents Provided by CORBIN to OI:RIV on July 10, 2003 (Exhibit 7)

A review of documents provided by CORBIN on July 10, 2003, disclosed the following:

- Page 1: This email from CORBIN to himself, dated January 20, 2003, was a record of a conversation that he had with [REDACTED] the same date. CORBIN's email reported that he was advised by [REDACTED] that he planned to submit an employee concern regarding a [REDACTED] [REDACTED] 10
- Page 2: This letter from [REDACTED] is a letter of [REDACTED] [REDACTED]. The letter further stated, "Future inappropriate or disrespectful incidents, as the one that occurred on [REDACTED] may result in your removal from supervisory status or more severe disciplinary measures, up to and including termination of employment."
- Pages 3-21: This document, Wackenhut Nuclear Services (WNS) Procedural Manual, Employee Concerns Program (ECP), Number 113, Revision 2, outlines the program procedures for Wackenhut employees for reporting job-related concerns.
- Pages 12-21: This document, WNS Procedural Manual, Open Door Policy, Number 114, stated, "It is the policy of the WNS that all employees be treated fairly and equitably and that all employees can communicate openly with supervisors and managers without fear of reprisal. It is the policy of the WNS not to tolerate any reprisals levied against an employee expressing their ideas, issues or complaints."

Email from CORBIN to OI:RIV, dated July 3, 2003 (Exhibit 12)

This email from CORBIN to OI:RIV was documentation of a meeting that he observed between [REDACTED] on January 27, 2003. The meeting was scheduled by CORBIN so that [REDACTED] could meet and discuss the conflict which occurred on [REDACTED] [REDACTED] 11

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Email from [REDACTED] to OI:RIV, dated July 6, 2003 (Exhibit 13)

This email from [REDACTED] to OI:RIV was notification that he [REDACTED] had "[REDACTED]"  
[REDACTED]

Callaway ECP Reports and Interview Notes Regarding [REDACTED] Complaint Filed on [REDACTED] (Exhibit 14)

AGENT'S NOTE: These documents were provided to OI:RIV by Dave HOLLABAUGH, Employee Concerns Manager, Callaway.

The following reports and interview notes were generated by ECP Callaway as a result of a complaint filed by [REDACTED] regarding his alleged continued exposure by Wackenhut to a "chilled and hostile environment," specifically alleged harassment by [REDACTED]

Pages 1-3: This document, [REDACTED] ECP Interview Notes, dated January 23, 2003, reflected [REDACTED] recollection of the events at [REDACTED]

Pages 4-5: This document, WILLIAMS' ECP Interview Notes, dated January 23, 2003, reflected WILLIAMS' recollection of events at [REDACTED]

Pages 6-8: This document, [REDACTED] ECP Interview Notes, dated January 23, 2003, reflected [REDACTED] recollection of events at [REDACTED]

The document further annotated [Page 8] [REDACTED] states that he has no evidence or information against [REDACTED] that tie them to the 'threatening comments' about protected activity or losing his job."

Pages 9-10: This document, WRIGHT's ECP Interview Notes, dated January 24, 2003, reflected WRIGHT's recollection of events at [REDACTED]

Pages 11-12: This document, [REDACTED] Apology ECP Notes, dated January 27, 2003, reported that [REDACTED] accepted an apology from [REDACTED] during a meeting with [REDACTED] and ECP in attendance.

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Analysis of Evidence

An analysis of the evidence was performed to determine if [REDACTED] was the subject of employment discrimination by Wackenhut's management for reporting safety concerns. 7C

Protected Activity

[REDACTED] had previously raised safety concerns to Wackenhut/Callaway management and alleged that he had been subjected to a hostile work environment because he filed complaints with the DOL and NRC. Specifically, [REDACTED] was evidence of a continuing hostile work environment against him at Callaway. 7C

Further, a review and analysis of [REDACTED] allegation by NRC:RIV Counsel indicated that additional investigation by OI:RIV was warranted in order to ascertain whether [REDACTED] actions toward [REDACTED] constituted harassment, discrimination, and/or a continuation of a hostile work environment.

Management's Knowledge of Protected Activity

Callaway/Wackenhut management [CORBIN, BAUMEISTER, and PEEVY] were aware of [REDACTED] protected activity because [REDACTED] had informed management and nonmanagement personnel of his concerns. Subsequently, on January 20, 2001, [REDACTED] reported his confrontation with [REDACTED] and filed a second complaint with Wackenhut and Callaway's ECP management who, in turn, conducted an investigation and later [REDACTED] by [REDACTED] (Exhibit 7, page 2). 7C

Adverse Action

During a non-work-related social function on [REDACTED] [REDACTED] confrontation with [REDACTED] was not related to his [REDACTED] protected activities or evidence of a hostile work environment. 7C

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Nexus: Was the Adverse Action a Result of [REDACTED] Engaging in Protected Activity?

The evidence developed during this investigation disclosed that [REDACTED] was not subjected to retaliation, harassment, employment discrimination; or a continuing hostile working environment because of his participation in protected activities. 7c

Interviews of Wackenhut personnel conducted by OI:RIV regarding allegations that [REDACTED] subjected [REDACTED] to harassment and discrimination because he raised safety concerns disclosed that [REDACTED] negative commentary to [REDACTED] and other security personnel present at [REDACTED] was spontaneous and the result of [REDACTED] negative behavior towards [REDACTED] was influenced and amplified by [REDACTED] consumption of alcohol prior to arriving at [REDACTED] comments to [REDACTED] and other security personnel were viewed as [REDACTED] personal opinions and not related to any harassment or discrimination of [REDACTED] that had been directed by Wackenhut/Callaway management. Further, the confrontation between [REDACTED] 4c

During an interview [REDACTED] stated, "I honestly do not think I would have confronted him if I had not been drinking. It was the liquid courage" (Exhibit 8, page 36). [REDACTED] stated, "I should have never said anything to... [REDACTED]" "...It was none of my business..." (Exhibit 8, page 14). [REDACTED] further stated, "...I got stupid one night and let my mouth override, and I truly am sorry for that, and I apologized to [REDACTED] later" (Exhibit 8, page 43).

During an interview of CORBIN, he surmised that [REDACTED] negative comments towards [REDACTED] were due to his [REDACTED] frustration with [REDACTED] (Exhibit 6, page 11). CORBIN advised that he did not view [REDACTED] comments to [REDACTED] as discrimination, harassment, or retaliation for filing concerns. CORBIN stated that he viewed [REDACTED] comments to [REDACTED] as a dumb mistake, plain and simple...But I have no control over what happens [REDACTED] (Exhibit 6, page 37). CORBIN further stated, "To my knowledge, there is no harassment from anyone toward [REDACTED]" (Exhibit 6, page 39). 7c

During an interview of WILLIAMS, he advised that he did not view [REDACTED] comments regarding [REDACTED] as hostile and stated [REDACTED] was "...just joking around and just stuff like that" (Exhibit 10, page 22). WILLIAMS stated that he and WRIGHT laughed at [REDACTED] comments because they "...thought all of it was funny, even the name-calling" (Exhibit 10, page 23). WILLIAMS recalled that [REDACTED] had even joked with him that he [WILLIAMS] would have to be retrained as a security officer because of his association with the [REDACTED]

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During an interview of WRIGHT, he stated he believed that [REDACTED] negative comments about [REDACTED] were excessive and influenced by his consumption of alcohol. WRIGHT advised that during his conversation with [REDACTED] did not mention or refer to any concerns that had been raised by [REDACTED] at Callaway. WRIGHT stated, "...this is the only time I've ever seen... [REDACTED] ...since he has worked here [drinking and upset]. He was upset [REDACTED] and he basically went overboard with what he was saying..." (Exhibit 9, pages 32 and 34). WRIGHT advised that he believed [REDACTED] remarks about [REDACTED] were his personal opinions about [REDACTED] and had not been instigated by someone else. 7C

During the interviews of security personnel, only ROBERTS stated that he believed that [REDACTED] actions towards [REDACTED] was a form of employment harassment because coworkers were present and [REDACTED] had made job-related comments regarding [REDACTED] leadership abilities and [REDACTED]. ROBERTS further explained that in his opinion, [REDACTED] was intentionally harassed by [REDACTED] because [REDACTED] was not part of the "cliques" at Callaway and had raised concerns to management (Exhibit 11, pages 30-31). ROBERTS stated that he had no specific information or knowledge about [REDACTED] motive for confronting or harassing [REDACTED] (Exhibit 11, page 39). ROBERTS did not provide any specific information to OI:RIV to support his opinion that [REDACTED] had been subjected to harassment and discrimination for raising concerns. 7C

A review of documents obtained during this investigation showed that Callaway/Wackenhut initiated an investigation within 2 days [REDACTED] of receiving [REDACTED] complaint regarding [REDACTED] and within 7 days [REDACTED] had taken action against [REDACTED] in the form of [REDACTED] (Exhibit 7, page 2, and Exhibit 14, pages 1-12).

In summation, OI:RIV determined that the analysis of the evidence collected during this investigation disclosed no evidence that [REDACTED] was subjected to employment discrimination by Wackenhut for raising safety concerns.

### Conclusions

Based on the evidence developed during this investigation, OI:RIV determined the allegation that a [REDACTED] was the subject of employment discrimination by Wackenhut for raising safety concerns was not substantiated. 7C

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated May 20, 2003 (1 page).
2	Transcript of Interview with [REDACTED] dated February 25, 2003 (100 pages).
3	Documents Provided by [REDACTED] to OI:RIV, various dates (57 pages).
4	Various documents obtained during coordination with RIV staff (4 pages).
5	Transcript of Interview with BAUMEISTER, dated July 10, 2003 (24 pages).
6	Transcript of Interview with CORBIN, dated July 10, 2003 (44 pages).
7	Documents Provided by CORBIN to OI:RIV, various dates (21 pages).
8	Transcript of Interview with [REDACTED] dated July 10, 2003 (45 pages).
9	Transcript of Interview with WRIGHT, dated July 10, 2003 (46 pages).
10	Transcript of Interview with WILLIAMS, dated July 10, 2003 (54 pages).
11	Transcript of Interview with ROBERTS, dated July 10, 2003 (64 pages).
12	Email from CORBIN to OI:RIV, dated July 3, 2003 (6 pages).
13	Email from [REDACTED] to OI:RIV, dated July 6, 2003 (2 pages).
14	Callaway ECP Reports and Interview Notes Regarding [REDACTED] Complaint Filed on January 20, 2003, various dates (28 pages).

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