

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF : Docket No.

~~XXXXXXXXXX~~ 16 : 1-2003-045

(CLOSED) :

-----X

Thursday, May 20, 2004  
Salem Hope Creek Station  
Human Resources Conference Room  
TB-2 Building  
Hancocks Bridge, New Jersey

The above-entitled interview was conducted  
at 12:52 p.m.

BEFORE:

Senior Special Agent JEFFREY TEATOR

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5, 7C  
FOIA- 2005-194

2003-045

EXHIBIT 41 2-8  
PAGE 1 OF 100 PAGE(S)

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1     APPEARANCES:

2             On behalf of [REDACTED] and PSEG Services:

3                     MR. JEFFREY KEENAN

4                     Assistant General Solicitor

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

12:52 p.m.

SR. SPECIAL AGENT TEATOR: Today's date is May 20th, the year is 2004. My name is Jeffrey Teator, I'm a Senior Special Agent with the NRC's Office of Investigations, and it's about 12:52 in the afternoon.

And today I'm interviewing [REDACTED]. This interview is taking place in a Conference Room in the Human Resources Department in the Building TB-2, located at Salem Hope Creek Nuclear Generating Station in Hancocks Bridge, New Jersey.

[REDACTED] prior to going on the record, did I explain to you this is a voluntary interview?

[REDACTED] Yes, you did.

SR. SPECIAL AGENT TEATOR: Okay, knowing it's voluntary, do you wish to go forward?

[REDACTED]: Yes, I do.

SR. SPECIAL AGENT TEATOR: Okay, do you have any objection today to providing sworn testimony?

[REDACTED]: Not at all.

SR. SPECIAL AGENT TEATOR: Raise your right hand for me please? [REDACTED], do you swear that the information that you are about to provide to me is the truth, the whole truth, and nothing but the truth?

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1                   [REDACTED] That's correct, I do.

2                   SR. SPECIAL AGENT TEATOR: Okay, thank you.

3                   [REDACTED] you're being interviewed as a witness this  
4                   afternoon, in an investigation I'm conducting into  
5                   whether there was a violation of 10 CFR 50.7, that's  
6                   the Employee Protection Regulation of the NRC's  
7                   Employee Protection Regulation.

8                   And an allegation has been brought to the  
9                   Commission that Kim Harbin, her position was  
10                  eliminated because she engaged in an NRC protected  
11                  activity, meaning she raised safety concerns.

12                  And also that her last day here on-site  
13                  was moved up from April 16, 2003, until March 28,  
14                  2003, because she engaged in protected activity or  
15                  raised safety concerns.

16                  Those are two areas I'm going to be  
17                  talking to you about. Again, you're being interviewed  
18                  as a witness, and you're represented by Counsel today.  
19                  If Counsel could identify himself for the record  
20                  please, and explain his representation.

21                  MR. KEENAN: Yes, my name is Jeff Keenan.  
22                  I'm Assistant General Solicitor with PSEG Services.  
23                  Today I'm representing [REDACTED] and PSEG Nuclear in  
24                  a joint and dual capacity.

25                  I have reviewed the information relative

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1 to the concern in this event, and I have not detected  
2 a conflict of interest. If a conflict arises, we'll  
3 take a break from the record and figure out how to  
4 best handle that.

5 We appreciate the opportunity to provide  
6 this testimony today, and we would like the  
7 opportunity to review our transcript at a mutually  
8 convenient time, later on.

9 SR. SPECIAL AGENT TEATOR: Okay. (b)(7)(C) is  
10 that your understanding of the representation?

11 (b)(7)(C) It is.

12 SR. SPECIAL AGENT TEATOR: Okay, I just  
13 have a few follow-up questions on that. Does your  
14 employer require you to have an attorney represent you  
15 when you're interviewed by the Office of  
16 Investigations?

17 (b)(7)(C) No.

18 SR. SPECIAL AGENT TEATOR: Were you in any  
19 way threatened with any type of adverse action by your  
20 employer, if you did not request Counsel to represent  
21 you during this interview?

22 (b)(7)(C) No.

23 SR. SPECIAL AGENT TEATOR: Do you  
24 understand that you have the right to a private  
25 interview, with me, if you wanted one?

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1 (b)(7)(C) Yes, I understand that.

2 SR. SPECIAL AGENT TEATOR: Okay, knowing  
3 all this, do you wish to go forward with Counsel  
4 present?

5 (b)(7)(C) Yes, I do.

6 SR. SPECIAL AGENT TEATOR: Okay. (b)(7)(C) can  
7 you state your full name for the record please and  
8 spell your last name?

9 (b)(7)(C) Sure. (b)(7)(C)  
10 (b)(7)(C)

11 SR. SPECIAL AGENT TEATOR: Okay, and your  
12 date and place of birth, please?

13 (b)(7)(C) Place of birth, (b)(7)(C)  
14 (b)(7)(C)

15 SR. SPECIAL AGENT TEATOR: All right. Your  
16 Social Security Number, please?

17 (b)(7)(C) (b)(7)(C)

18 SR. SPECIAL AGENT TEATOR: And your current  
19 home address?

20 (b)(7)(C) Current address, (b)(7)(C)  
21 (b)(7)(C)

22 SR. SPECIAL AGENT TEATOR: Thank you. Your  
23 home phone number, please?

24 (b)(7)(C) Area code (b)(7)(C)

25 SR. SPECIAL AGENT TEATOR: Okay. Did you

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1 ever serve in the United States military?

2 (b) No, I have not.

3 SR. SPECIAL AGENT TEATOR: All right. And  
4 have you attended college?

5 (b) Yes.

6 SR. SPECIAL AGENT TEATOR: Which school?

7 (b) [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 SR. SPECIAL AGENT TEATOR: What's your  
12 bachelor's degree in?

13 (b) [REDACTED]

14 [REDACTED]

15 SR. SPECIAL AGENT TEATOR: And your masters  
16 is in what?

17 (b) [REDACTED]

18 SR. SPECIAL AGENT TEATOR: Okay, at some  
19 point were you hired to work here at Salem Hope Creek  
20 Nuclear Generating Station?

21 (b) That's correct.

22 SR. SPECIAL AGENT TEATOR: When was that?

23 [REDACTED]

24 SR. SPECIAL AGENT TEATOR: And do you know  
25 what you were hired as?

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED] but the function is essentially the  
4 same.

5 SR. SPECIAL AGENT TEATOR: Okay. And since  
6 [REDACTED] have you remained continuously employed  
7 here at Salem Hope Creek?

8 [REDACTED] Yes, I have.

9 SR. SPECIAL AGENT TEATOR: Okay, have you  
10 always worked in the HR arena down here?

11 [REDACTED]: Yes. Yes, I have.

12 SR. SPECIAL AGENT TEATOR: I guess, well,  
13 what's your current job title?

14 [REDACTED]  
15 SR. SPECIAL AGENT TEATOR: Okay. I'm going  
16 to be talking about, I guess a couple of periods in  
17 time here. But, in 2001, through March, end of March,  
18 '03, what would your job title have been then?

19 [REDACTED]  
20 SR. SPECIAL AGENT TEATOR: Okay. And why  
21 did you leave, when did you stop being the site [REDACTED]

22 [REDACTED]  
23 [REDACTED] Last month, April of 2004, as  
24 a result of a reorg. There was organizational changes  
25 and I returned to the former classification of [REDACTED]

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[REDACTED]

SR. SPECIAL AGENT TEATOR: Okay. Was your change in position related in any way to Kim Harbin's position elimination or the moving up of her last day here at the site?

[REDACTED] No, it was not.

SR. SPECIAL AGENT TEATOR: Anything to do with that at all?

[REDACTED]: None.

SR. SPECIAL AGENT TEATOR: Okay, thank you. And as the site [REDACTED] could you give me a description of what your responsibilities were in that position?

[REDACTED] Sure. At the time, the site [REDACTED] the function has changed most recently, but at the time in charge of all the HR facilities, HR functions for the site.

So I oversaw the industrial relations function, employee relations, staffing, recruiting and related assignments.

SR. SPECIAL AGENT TEATOR: And when you were the site [REDACTED] (phonetic) work for you?

[REDACTED]: Yes, [REDACTED] was one of the persons that worked for me.

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1 SR. SPECIAL AGENT TEATOR: And who would  
2 you have reported to as a site ( ) Who was  
3 your boss?

4 ( ) Actually there were two at the  
5 time. The first one was ( )  
6 ( )

7 SR. SPECIAL AGENT TEATOR: All right.

8 ( ) left, I believe, in the  
9 early 2002 time frame, and late 2002 time frame,  
10 ( ) came on as the site,  
11 excuse me, ( )

12 SR. SPECIAL AGENT TEATOR: Power mean,  
13 stand for?

14 ( ) Power stands for the entity of  
15 fossil, nuclear and trading.

16 SR. SPECIAL AGENT TEATOR: And when did  
17 ( ) take over for ( ), again?

18 ( ) I believe it was roughly about  
19 the August, 2002 time frame. Somewhere around there:

20 SR. SPECIAL AGENT TEATOR: Okay, thank you.  
21 All right. I guess the first area I want to explore  
22 with you are some general questions about Kim Harbin,  
23 if we could. Do you know who Kim is?

24 ( ) Yes, I do.

25 SR. SPECIAL AGENT TEATOR: And when did you

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1 first meet her, do you remember?

2 (b) Probably '99, 2000 time frame.  
3 She was hired in corporate and on loan down at  
4 nuclear.

5 SR. SPECIAL AGENT TEATOR: Okay, we're  
6 going to talk about that change in a few minutes. Her  
7 coming from corporate down to nuclear.

8 (b) Okay.

9 SR. SPECIAL AGENT TEATOR: All right. But  
10 first I want to cover a couple of other things. At  
11 any point after Kim came down hereto work, whether it  
12 was after the formal transfer or before that.

13 Because I believe she was working here  
14 before she was formally transferred to (b) 7C  
15 group, right?

16 (b) That's correct, yes.

17 SR. SPECIAL AGENT TEATOR: At some point  
18 were there concerns or complaints brought to your  
19 attention regarding Kim Harbin and the way she was  
20 doing her business down here?

21 I that's pretty general but, or complaints  
22 about how she treated individuals? Her holding  
23 meetings and people coming out of meetings crying?

24 Stuff like that. Were issues like that  
25 brought to your attention?

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1 ( [REDACTED] ) There were issues. You first  
2 characterized it as complaints, I don't know that I  
3 would characterize it as a complaint.

4 But there were issues raised about her  
5 interpersonal skills and maybe her effectiveness, if  
6 that's where you're going.

7 SR. SPECIAL AGENT TEATOR: Well, I was  
8 pretty specific. About one issue, from what I've been  
9 able to understand, there was at least one meeting  
10 held where Kim was part of the meeting, or maybe even  
11 running the meeting, where there were a number of  
12 people who were either crying during the course of the  
13 meeting or who were crying after the meeting.

14 And that was an issue that, that at least  
15 some people were aware of. Were you aware of this  
16 particular (inaudible).

17 ( [REDACTED] ) (Inaudible)

18 SR. SPECIAL AGENT TEATOR: All right, well  
19 why don't you tell me about what issues were brought  
20 to you attention regarding how, Kim's interactions  
21 with people, first, and then we'll talk about her  
22 effectiveness second.

23 ( [REDACTED] ) Okay. These are general  
24 issues, I don't know that I would characterize them as  
25 formal complaints.

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1            Formal complaints by my definition, means  
2            that I have to take official action from the point of  
3            the company, so I'll just call them interpersonal  
4            issues.

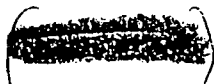
5            They were kind of varied over a course of  
6            years. Let me just see if I can pick a couple of  
7            them. We had one manager, sometime ago she had  
8            mentioned that Kim was working within outage-related  
9            work.

10           She heard that they needed to clean the  
11           turbine deck, and she took it upon herself to organize  
12           the Admin Support Staff to help clean the turbine  
13           deck. That they were going to go up there and sweep  
14           the turbine deck.

15           So the manager interceded once she heard  
16           one of her clerks was going to do that. She said well  
17           they are not trained, they're not qualified, all kinds  
18           of IDW related issues around that. We're not going to  
19           do that.

20           So that would be one kind of example.

21           SR. SPECIAL AGENT TEATOR: Can I stop you?

22            Sure.

23           SR. SPECIAL AGENT TEATOR: I'll ask you  
24           some more about that and then you can go forward.  
25           When was that issue brought up, do you remember?

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1 [REDACTED] Months back, but not at the  
2 time of the event.

3 SR. SPECIAL AGENT TEATOR: Okay. So the  
4 event happened and you found out about it sometime  
5 later?

6 [REDACTED] Yes, months later.

7 SR. SPECIAL AGENT TEATOR: Did you have to  
8 council Kim regarding that?

9 [REDACTED] No.

10 SR. SPECIAL AGENT TEATOR: Okay, go ahead.

11 [REDACTED] Also the same manager, and  
12 these are in general discussions. Had related that at  
13 some point Kim had approached [REDACTED] about her apparent  
14 zeal in supporting a safety.

15 And then it came across to the manager,  
16 this is a [REDACTED] manager, as if Kim was almost  
17 accusing [REDACTED] of being false in her approach of how [REDACTED]  
18 approaches safety.

19 And the [REDACTED] was pretty upset about it,  
20 because I think [REDACTED]  
21 it was particularly troubling to [REDACTED] just the way that  
22 Kim approached [REDACTED] and the way [REDACTED] felt demeaned in  
23 that conversation.

24 SR. SPECIAL AGENT TEATOR: Who is the  
25 manager you're talking about?

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[REDACTED] That would be [REDACTED]  
[REDACTED] (phonetic).

SR. SPECIAL AGENT TEATOR: And she, you  
became aware of both these issues through [REDACTED]

[REDACTED] Yes.

SR. SPECIAL AGENT TEATOR: And did you have  
to follow up with Kim regarding that issue?

[REDACTED]: No, I did not.

SR. SPECIAL AGENT TEATOR: How about,  
anything else that pops in your mind?

[REDACTED] Just, I'll call them general  
conversations like with the Union. If you're talking  
to [REDACTED] (phonetic), he's the [REDACTED]  
for the IBEW. Just a general sentiment that she  
wasn't always trusted or, and would insert herself  
into activities that they felt that she didn't belong  
in.

Union activities, sometime grievance  
meetings. Sometimes Shop Steward kind of meetings.  
And those, again, were just general discussions that  
[REDACTED] would have had with me over the course of  
months or even years.

SR. SPECIAL AGENT TEATOR: Okay. Jeff,  
could you pull out these, when was the (inaudible)  
interview. And you can go to Page 14, because I want

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1 to follow up on that about the Union stuff. I'll read  
2 it on the record.

3 Page 14 is a question asked by the  
4 attorney, I believe it's, it will be Michael  
5 Magary(phonetic) from Winston Strong(phonetic).

6 So you remember being interviewed by Mr.  
7 Magary and another gentleman?

8 (REDACTED) Yes, about a year ago or  
9 something, if I remember.

10 SR. SPECIAL AGENT TEATOR: Right. The  
11 question is with respect to that sentiment was it  
12 widespread among the management team?

13 You answered it maybe unfair to  
14 generalize, I didn't speak to the whole management  
15 team. I'm just talking informal conversations.

16 There were a number of persons that  
17 questioned her role, the usefulness of her assignment.  
18 That was both in management team as well as persons  
19 from the representing ranks, in particular the  
20 (REDACTED) phonetic)?

21 (REDACTED): Yes. (REDACTED)

22 (REDACTED)

23 SR. SPECIAL AGENT TEATOR: Fine, thanks.  
24 And some of the (REDACTED) questioned her role on  
25 site and events that she took place in. Who would

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1 have been some of the [REDACTED] you were referring  
2 to there?

3 [REDACTED]  
4 SR. SPECIAL AGENT TEATOR: Okay.

5 [REDACTED]  
6 SR. SPECIAL AGENT TEATOR: Yes.

7 [REDACTED] Primarily [REDACTED]

8 SR. SPECIAL AGENT TEATOR: Line 14, there  
9 a question. What was the nature of their concern in  
10 terms of the intervention? Answer, their, meaning the  
11 Union?

12 Question, yes. Line 18, you answered  
13 basically they have low trust for Kim. They felt that  
14 she was not bringing about results and they were  
15 fearful in talking openly with her.

16 Did you get that sentiment from [REDACTED]

17 [REDACTED]  
18 [REDACTED] Primarily [REDACTED]

19 SR. SPECIAL AGENT TEATOR: Did you ever  
20 corroborate that with anyone else from the Union?

21 [REDACTED] No, I didn't.

22 SR. SPECIAL AGENT TEATOR: That that's how  
23 they felt about Kim?

24 [REDACTED] No, I did not.

25 SR. SPECIAL AGENT TEATOR: Based on what

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1 [REDACTED] told you, did you take any type of action to  
2 follow up on that?

3 ([REDACTED]) No, I did not.

4 SR. SPECIAL AGENT TEATOR: Since you jumped  
5 and spoke about [REDACTED] I wanted to close that for  
6 now.

7 ([REDACTED]) No, that's fine.

8 SR. SPECIAL AGENT TEATOR: All right, let's  
9 go back and talk about Kim again. Were there ever any  
10 issues, concerns or complaints brought to your  
11 attention that Kim was intimidating people?

12 ([REDACTED]) I don't know that I would use  
13 the term intimidating.

14 SR. SPECIAL AGENT TEATOR: Okay.

15 ([REDACTED]) That infers a rather strong  
16 aggressive stance. I don't think I would use the term  
17 intimidating.

18 SR. SPECIAL AGENT TEATOR: Well, is there  
19 something about my question that you haven't answered  
20 to that maybe in your mind doesn't reach to the level  
21 of intimidating? If so, please go ahead.

22 This is going to be kind of open, this  
23 beginning part.

24 ([REDACTED]) Yeah, just so you know, I'm  
25 trying to be helpful,

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1 SR. SPECIAL AGENT TEATOR: I understand.  
2 [REDACTED] But (inaudible) in my response.  
3 Let me just go with that. When I talked a little bit  
4 about the track, the issue of trust, there was a  
5 belief that Kim was very closely tied to [REDACTED] 7c

6 So there were a number of people that felt  
7 she was so closely tied to [REDACTED] that you had to  
8 guard what you said to Kim for fear that it would get  
9 to [REDACTED] and maybe not have the right meaning, or the 7c  
10 tone, or the inflection.

11 So, when you say did she intimidate  
12 people, I wouldn't go quite that far. I think that  
13 the way that she carried herself or the perception  
14 that she was very close with [REDACTED] and the Senior 7c  
15 Management Team, may have, maybe not intimidated, but  
16 certainly caused people to be cautious in their  
17 approach or their discussions with her.

18 SR. SPECIAL AGENT TEATOR: Okay, and did  
19 you hear that from both Union and Non-Union people?

20 [REDACTED] Yes.

21 SR. SPECIAL AGENT TEATOR: Who would have  
22 been some of the Non-Union people?

23 [REDACTED] Non-Union I would say fairly  
24 widespread. Let me just, [REDACTED] who was the  
25 [REDACTED] I know that in one meeting, or in 7c

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1 several meetings we had, Kim would insert herself into  
2 the discussions. This was, God, probably a year ago,  
3 about the different training programs.

4 We were looking to put together training  
5 and leadership in the 21st century. There also was a  
6 supervisory training program.

7 And when Kim would insert herself in those  
8 discussions out at the training center, you could feel  
9 the tempo in the room sort of come down. Storm  
10 (b)(7)(D)(phonetic), (b)(7)(D), myself and others  
11 would be sensitive to what do you say, because Kim  
12 often carried herself as an expert, and she didn't  
13 have the technical experience in some of these areas  
14 where (b)(7)(D) or others would be the technical  
15 expert.

16 Likewise, we were just talking about (b)(7)(D)  
17 (b)(7)(D) I know at one point he coached her, in fact  
18 I think, and I don't remember the specifics, but he  
19 said he had to, he removed her from a simulator class  
20 where she, how can I put this?

21 She went after or a supervisor,  
22 superintendent, she said when are you going to grow a  
23 set of balls or something like that. So he pulled her  
24 aside and said that's not appropriate. And as far as  
25 I know, he actually went to (b)(7)(D) (inaudible) to offer

1 a formal complaint that he thought that that was  
2 inappropriate, or something around that.

3 SR. SPECIAL AGENT TEATOR: Okay, was HR  
4 asked to do something formally regarding [REDACTED]  
5 issue with -

6 [REDACTED] No, we didn't know about it at  
7 the time.

8 SR. SPECIAL AGENT TEATOR: Okay, but you  
9 said, you were actually present at a meeting out there  
10 in training where Kim's presence did what?

11 [REDACTED] It sort of changed the tempo,  
12 the tone of the meeting. Because Kim inserts herself  
13 and it sort of limits the discussion, if you will.

14 SR. SPECIAL AGENT TEATOR: Okay.

15 [REDACTED] And again that's a perception,  
16 that's a feeling.

17 SR. SPECIAL AGENT TEATOR: But you were  
18 there for that one?

19 [REDACTED] Yes.

20 SR. SPECIAL AGENT TEATOR: Now did HR  
21 conduct any type of formal integrity investigations  
22 regarding Kim Harbin?

23 [REDACTED] No, not to my knowledge.

24 SR. SPECIAL AGENT TEATOR: Were there any  
25 formal -

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1 [REDACTED] I'd like to clarify that. When  
2 you say integrity, I know at some point [REDACTED]  
3 (inaudible) was concerned about some expenses, and I  
4 believe [REDACTED] may have done a review or an  
5 investigation. I don't know the full extent of that.

6 And that was towards the end of Kim's  
7 employment with (inaudible).

8 SR. SPECIAL AGENT TEATOR: I'll use the  
9 term investigations, I'll keep it general. Were there  
10 any, are you aware of any investigations being  
11 conducted into any of Kim Harbin's activities  
12 (inaudible)?

13 [REDACTED]: None other than what I just  
14 referenced.

15 SR. SPECIAL AGENT TEATOR: Jeff, do you  
16 want to add something?

17 MR. KEENAN: No, I just wanted to add some  
18 clarity. That there is a, there are separate  
19 departments outside of the HR function that perform  
20 reviews.

21 SR. SPECIAL AGENT TEATOR: Okay.

22 MR. KEENAN: That HR may or may not have  
23 awareness of?

24 SR. SPECIAL AGENT TEATOR: Is that true?

25 [REDACTED] Yes, there's an internal

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1 investigation, rather corporate investigative  
2 services.

3 SR. SPECIAL AGENT TEATOR: Okay, I just  
4 assumed, probably wrongly, that HR would know if those  
5 things were being done.

6 [REDACTED] No, we would not.

7 MR. KEENAN: I thought that might be  
8 helpful.

9 SR. SPECIAL AGENT TEATOR: Yes, okay. How  
10 about formal complaints made to HR regarding Kim  
11 Harbin's activities down here?

12 [REDACTED]: I'm not aware of any formal  
13 complaints, no.

14 SR. SPECIAL AGENT TEATOR: Okay, all right.  
15 Let's go talk about Kim Harbin's transfer from [REDACTED]  
16 [REDACTED] (phonetic) group, down here to work for

17 [REDACTED]  
18 And I know there's an October 31st, 2001,  
19 e-mail which [REDACTED] sends to [REDACTED] describing that, what  
20 it meant and what it didn't mean. But tell me, when  
21 that formal move, transfer from corporate to here  
22 occurred, what did that mean in your eyes, as far as  
23 being the [REDACTED] here at the site?

24 (No response.)

25 SR. SPECIAL AGENT TEATOR: Okay. I was

1 just trying to, do you want to see the e-mail?

2 (b) Yes, if I could. I think I do  
3 remember getting that forwarded to me from (b) But  
4 I'd like to see it.

5 SR. SPECIAL AGENT TEATOR: (b)

6 (b) Yes.

7 SR. SPECIAL AGENT TEATOR: Do you want to  
8 go ahead and take a look at it for a minute, and then  
9 I'll ask you some questions. It's 11:14, we're going  
10 to turn the tape off for a minute.

11 (Whereupon, the foregoing matter  
12 briefly went off the record.)

13 SR. SPECIAL AGENT TEATOR: (b) you have  
14 the October 31, 2001, e-mail in front of you?

15 (b) Yes, I do.

16 SR. SPECIAL AGENT TEATOR: Okay, I'm going  
17 to read part of it here and then I'll ask you some  
18 questions about some particular sentences.

19 It's from (b) to (b)  
20 (b) there's a number of people CC'd. I don't see  
21 you as being one of them, but I do see a handwritten  
22 note on there. It says (b), FYI, (b) Is  
23 that what you were talking about when you said (b)  
24 gave this to you or sent it to you?

25 (b): Yes.



1 SR. SPECIAL AGENT TEATOR: Anyway, the e-  
2 mail reads [REDACTED] this is to confirm our conversation  
3 earlier today RE Kim Harbin's status for 2002. 7C

4 We will move Kim Harbin over to your  
5 payroll by the end of the year so that she will be on  
6 your payroll in 2002, for the entire year.

7 This will be considered a, quote,  
8 rotational, end quote, assignment. To you what did  
9 that mean back then, rotational assignment?

10 [REDACTED] Typically rotational  
11 assignments were for 12 to 18 months at the end of the  
12 rotational assignment, a person returns, if an opening  
13 exists, to their former classification or the former  
14 location.

15 SR. SPECIAL AGENT TEATOR: Okay. But was  
16 she, this switch from [REDACTED] payroll over  
17 to [REDACTED] payroll, did that not make her a  
18 permanent nuclear group employee? 7C

19 [REDACTED]: I would, she became a full time  
20 nuclear employee. As far as the permanency, I think  
21 that's what the letter was saying is that it's a  
22 rotational assignment, there are no guarantees beyond  
23 that.

24 And while she was here at a full-time  
25 employee, and if go in further in the letter it says

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1 no guarantees, we'll evaluate this further in the  
2 2002. So it was my understanding and others, that this  
3 assignment was going to last approximately one year,  
4 and then conclude.

5 SR. SPECIAL AGENT TEATOR: Okay. The next  
6 sentence reads we will discuss her status towards the  
7 latter part of 2002. Did you participate in any such  
8 discussions?

9 [REDACTED]: No formal discussions, no.

10 SR. SPECIAL AGENT TEATOR: Informal?

11 [REDACTED]: I had conversations with [REDACTED] 7C  
12 at the end of the 2002 time frame, and what you said  
13 that we would be looking to end her, end her  
14 assignment or words to that effect.

15 But I didn't participate or actively  
16 participate into the merits of keeping her or not.

17 SR. SPECIAL AGENT TEATOR: Okay. All  
18 right, since you brought that up, where did that  
19 conversation occur with [REDACTED] in late 2002? Do you 7C  
20 know where it occurred?

21 [REDACTED]: I really can't say  
22 specifically. I didn't have a lot of dealings with  
23 [REDACTED] outside of this location. So my recollection it  
24 was in his office or maybe [REDACTED] because  
25 there were discussions not only with Kim, but with 7C

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1 other groups about us having some reduction in forces  
2 during the latter part of 2002.

3 SR. SPECIAL AGENT TEATOR: Right, and  
4 carrying over into early '03?

5 ( [REDACTED] ) That's correct.

6 SR. SPECIAL AGENT TEATOR: Is that correct?

7 ( [REDACTED] ) That's correct.

8 SR. SPECIAL AGENT TEATOR: So, when did you  
9 first hear that Kim Harbin's position was going to be  
10 eliminated? Would it have been during that  
11 conversation with ( [REDACTED] )

12 ( [REDACTED] ) Yes, and as I said, I believe  
13 it was the last quarter of 2002.

14 SR. SPECIAL AGENT TEATOR: Okay. Do you  
15 think it was before Christmas or after Christmas?

16 ( [REDACTED] ) I believe it was before  
17 Christmas.

18 SR. SPECIAL AGENT TEATOR: Do you have any  
19 type of records to show when that conversation took  
20 place?

21 ( [REDACTED] ) Nothing precise. I remember  
22 seeing documentation when we had some layoffs we do a  
23 financial analysis of groups when, what's going to be  
24 the impact, what's going to be the cost?

25 How much separation pay? How many accrued

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1 benefits do they have? And I remember seeing Kim  
2 Harbin's name along with some other persons in another  
3 group that were, that were about to be transitioned,  
4 laid off or whatever.

5 And I believe that those things started in  
6 the November, December time frame.

7 SR. SPECIAL AGENT TEATOR: Okay, do you  
8 think you still have a copy of what you're describing?  
9 ~~\_\_\_\_\_~~ I don't, but I believe ~~\_\_\_\_\_~~ or  
10 someone has a copy over there.

11 SR. SPECIAL AGENT TEATOR: Okay, do you  
12 think you might have any type of written document  
13 showing that you had that conversation with ~~\_\_\_\_\_~~  
14 ~~\_\_\_\_\_~~ in the last quarter of '02?

15 ~~\_\_\_\_\_~~ No, I don't. As a matter of  
16 fact, I believe the request came in to supply records,  
17 so I believe we turned over the records that we had or  
18 the records I had.

19 SR. SPECIAL AGENT TEATOR: But since that  
20 original request went out, I've been doing a lot of  
21 interviews and I've gotten other documents that, I  
22 think people didn't know they had.

23 So that's why I asked you the question.  
24 Might there be something you had to show that? You  
25 had that conversation with ~~\_\_\_\_\_~~

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1 [REDACTED] Nothing I can think of.

2 SR. SPECIAL AGENT TEATOR: All right, okay.

3 Let's talk about how this was conveyed to Kim Harbin,  
4 this transfer down from corporate to the nuclear  
5 business unit, working for [REDACTED] 7C

6 Did you have any discussions with Kim  
7 Harbin regarding what this transfer meant as described  
8 in this e-mail that it's a rotational assignment and  
9 the understanding that there are no guarantees beyond  
10 that.

11 Do you recall if you had any discussion  
12 with her surrounding that issue?

13 [REDACTED] Certainly not around this time  
14 frame. Not around the October time frame.

15 SR. SPECIAL AGENT TEATOR: Okay, might you  
16 have had a conversation with her about, you know,  
17 there would be no guarantees beyond 2002. Would you  
18 have had a conversation with her at some point  
19 regarding that?

20 [REDACTED] The closest that I recall  
21 having a conversation was somewhere around mid 2002.  
22 And I'm thinking July time frame when Kim was trying  
23 to get expense money.

24 So I said Kim you understand we're going  
25 ahead with this, we're making payments for 2002 on

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1 your expenses, and you understand this ends, and if I  
2 remember right, January the 5th of '03, and then  
3 that's it.

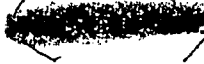
4 What do you mean by that? Something  
5 about, well, you know this is a temporary assignment,  
6 that's the end.

7 Her words were something like well I don't  
8 believe that this is a temporary assignment. And I  
9 said something like, well then you need to talk to  
10 Harry, because that's my understanding this is a  
11 temporary assignment.

12 SR. SPECIAL AGENT TEATOR: And what would  
13 that understanding been based on at that point?

14 : My understanding was based on  
15 this document. Conversations with -

16 SR. SPECIAL AGENT TEATOR: The document  
17 being the e-mail?

18  Yes. This document and others,  
19 it was just my understanding this was just an  
20 extension. It was a temporary assignment. Actually,  
21 an assignment that had been extended a number of  
22 times, because when she first came down here I  
23 originally heard she was down here for like a year and  
24 then, you know, her assignments kept on being extended  
25 or extended over a course of several years, I guess.

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1 SR. SPECIAL AGENT TEATOR: All right. And  
2 you think you had that discussion with Kim Harbin,  
3 sometime in mid 2002? Where you made her understand  
4 that her temporary living expenses would end in  
5 January, '03.

6 She asked why, well that's probably,  
7 that's going to be the end of your assignment, right?  
8 [REDACTED] Words to that effect, something  
9 like that.

10 SR. SPECIAL AGENT TEATOR: Do you think you  
11 might have something to document that you had that  
12 conversation with Kim during that time period?

13 [REDACTED] No, I don't.

14 SR. SPECIAL AGENT TEATOR: Anything?

15 [REDACTED]: No.

16 SR. SPECIAL AGENT TEATOR: Some people keep  
17 diaries, I don't know, that's why I ask.

18 [REDACTED] No, and if I had them, because  
19 obviously they'd be helpful. I don't keep a calendar,  
20 I mean I have my calendar and that's about it. I  
21 don't have a -

22 SR. SPECIAL AGENT TEATOR: Okay. It's  
23 1:23, we're going to take a short break and then we'll  
24 move on to a different area.

25 (Whereupon, the foregoing matter

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1                               went off the record at 1:23  
2                               p.m., and went back on the  
3                               record at 1:25 p.m.)

4                               SR. SPECIAL AGENT TEATOR: It's 1:25, we're  
5                               back on the record. Let's talk a little bit about  
6                               Kim's temporary living expenses. Do you know why she  
7                               was granted temporary living expenses for the year  
8                               2002?

9                               [REDACTED] It was my understanding in,  
10                              again, just discussions with [REDACTED] because it was a  
11                              temporary assignment she was going to get expenses,  
12                              much as she had before when she was on loan from the  
13                              Corporate Services Group.

14                             SR. SPECIAL AGENT TEATOR: Right.  
15                             [REDACTED]: And that just seemed to be  
16                             carried off, excuse me, carried forward, which seemed  
17                             consistent with even requests from Kim in some of her  
18                             earlier e-mails where she said, much like other  
19                             Contractors, you know, I should get a per diem or  
20                             something to help me with my expenses.

21                             SR. SPECIAL AGENT TEATOR: Do you recall  
22                             seeing e-mails where Kim described her working down  
23                             here almost as a Contractor or Consultant?

24                             [REDACTED] Yes.

25                             SR. SPECIAL AGENT TEATOR: Jeff, do I have



1       those? If I do, I didn't stumble on it. Do you think  
2       you have those?

3               MR. KEENAN: I know I have them. In fact,  
4       while we're on the record, I had given those to you in  
5       the additional documents that you were going to  
6       provide. I think I, well -

7               SR. SPECIAL AGENT TEATOR: Maybe I do have  
8       them.

9               MR. KEENAN: - I'm pretty confident that  
10      I haven't gotten to all of them yet. We're stepping  
11      over each other but I believe I've provided everything  
12      that has been supplied to me.

13              Our document production on this has been  
14      pretty voluminous, as you are aware.

15              SR. SPECIAL AGENT TEATOR: Yes, I am. If  
16      I, I'm sure I will see that document at some point.  
17      And if I do and I have a follow up question for you on  
18      it, I'll just get a hold of Jeff, and we can probably  
19      do it over the phone.

20              MR. KEENAN: That's fine. But if you want  
21      me to get the document.

22              SR. SPECIAL AGENT TEATOR: Do you have it  
23      readily available?

24              MR. KEENAN: Yes.

25              SR. SPECIAL AGENT TEATOR: Why don't we get

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1 that, then.

2 MR. KEENAN: Yes, let's take a break from  
3 the record.

4 SR. SPECIAL AGENT TEATOR: It's 1:27, and  
5 we're going to take a quick break.

6 (Whereupon, the foregoing matter  
7 went off the record at 1:27  
8 p.m., and went back on the  
9 record at 1:38 p.m.)

10 SR. SPECIAL AGENT TEATOR: Okay, it's 1:38  
11 in the afternoon, and we're back on the record. Jeff,  
12 you and [REDACTED] went and retrieved the record which  
13 you described, [REDACTED]

14 It's an e-mail from Kim  
15 Retigliano (phonetic) to [REDACTED] regarding  
16 expenses. In this e-mail she, in a way, compares her  
17 situation, in the December of 2002, to long-term  
18 Consultants.

19 And that's the reason for why she should  
20 get the per diem. Is that an accurate representation?

21 [REDACTED]; That was my understanding.

22 SR. SPECIAL AGENT TEATOR: And Jeff, you  
23 did supply this to me, and I did see it before, it  
24 just slipped my memory.

25 MR. KEENAN: Thanks for the clarification

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1 on the record that it was supplied to the Commission  
2 previously.

3 SR. SPECIAL AGENT TEATOR: [REDACTED] I know you  
4 mentioned this before, but why were her expenses ended  
5 on January 5, 2003?

6 [REDACTED] They ended because it was my  
7 understanding that it was one, the duration that [REDACTED]  
8 had agreed to pay, and that was the end of her  
9 assignment at nuclear.

10 SR. SPECIAL AGENT TEATOR: Okay, that's  
11 your understanding of the duration [REDACTED] agreed to  
12 pay?

13 [REDACTED] Yes.

14 SR. SPECIAL AGENT TEATOR: And how did you  
15 learn that January 5th, 2003, would be the last day  
16 she'd be getting temporary living expenses?

17 [REDACTED] That was in a document, again,  
18 in one of these documents that went to [REDACTED]  
19 (inaudible) or [REDACTED] something along those lines.

20 And I think Kim was copied on that, as  
21 well. It will say your final payment will be January  
22 the 5th of 2003.

23 SR. SPECIAL AGENT TEATOR: Okay, all right,  
24 thank you. We had another short discussion off the  
25 record about something that you raised, just

1 subtleties regarding Kim Harbin. Why don't you go  
2 ahead and tell me what you mean by that, and then I'll  
3 ask you some follow up questions.

4 (REDACTED) Yeah, the question was about  
5 issues around Kim, and I'll just call them subtleties  
6 where things were brought to my attention, not for an  
7 official capacity.

8 And just in dealing or looking at Kim and  
9 her work experience, even personally, my first dealing  
10 with Kim was over here in the HR Conference Room.

11 There was a little confrontation between  
12 my former boss and herself, and she just broke down  
13 crying. Her response seemed way out of, her response  
14 seemed extremely out of character what you would have  
15 thought with a minor confrontation or minor push back  
16 on the part of my boss.

17 I can't even recall the exact specifics.  
18 As far as other subtleties, other things that  
19 employees have said, for instance (REDACTED)  
20 (REDACTED) phonetic), God, months back, some time back had  
21 mentioned that it just seemed a little bit odd or  
22 strange that Kim was, was pushing or was involved in  
23 a person having a (REDACTED).

24 And she involved him and the group in  
25 that, and it seemed odd or something that he should be

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1 involved with and he seemed uncomfortable in that  
2 setting. Again, this didn't happen, the comment about  
3 the offer didn't happen at the time, but he said that  
4 (b)(7)(C) it seemed strange but, I was at a Landmark Forum  
5 where Kim professed her love to, with one of the, to  
6 one of the managers here on site.

7 And he said there were others in the group  
8 from PSEG. He said that those kind of behaviors just  
9 seemed a little bit, I call them odd, whatever you  
10 want to call them.

11 Other things, I don't know, and again, I  
12 don't know what your other -

13 SR. SPECIAL AGENT TEATOR: Go ahead and go  
14 into what you've got.

15 (b)(7)(C) - discoveries had revealed, but  
16 we're looking into an Arbitration on the (b)(7)(C)  
17 Arbitration, so I actually asked (b)(7)(C) to pull his e-  
18 mails.

19 I discovered e-mails surrounding Kim  
20 Harbin, and then we also asked to pull her e-mails.  
21 And the e-mails, they were somewhat odd, I'll just  
22 call them.

23 And she had almost a treatise to (b)(7)(C)  
24 (b)(7)(C). There's several pages. Her own emotional  
25 feelings, what she wanted to tell (b)(7)(C) That

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1       seemed a bit odd. Also her use of the e-mail system.  
2       And again, this is close to the end of her employment  
3       with the company.

4               I saw these or I saw some of the e-mails.  
5       [REDACTED] saw most of them and I told [REDACTED] (inaudible)  
6       about those, and I said [REDACTED] do you want me to do a  
7       full investigation, because I think there's  
8       impropriety here and you may have a discharge on our  
9       hands.

10              And it was pretty much, [REDACTED] I'll take  
11       care of that. We're at the end of her employment and  
12       I'll take care of it. I doubt that [REDACTED] ever  
13       followed up on that, but that would have been in the  
14       January, 2003 time frame.

15              When I just caught some of these  
16       subtleties, those are the kinds of things you heard.  
17       Nothing that was, I'll call directly actionable.  
18       Nothing that I would say is a For Cause Referral.

19              Nothing that crossed that threshold, just  
20       things that seemed a little bit, my word is odd.

21              SR. SPECIAL AGENT TEATOR: Would you have  
22       shared those things with [REDACTED]

23       [REDACTED] No, I did not. Oh, with the  
24       exception of the e-mails that I discussed in the  
25       February, 2003 time frame.

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1 SR. SPECIAL AGENT TEATOR: All right.  
2 Let's talk about -

3 [REDACTED] Let me just clarify. These  
4 things that come in, I don't have firsthand knowledge  
5 for most of those.

6 So other than what I observed in the HR  
7 Conference Room, they are secondhand, nothing that I  
8 heard first hand, and I didn't see a requirement to,  
9 that were actionable or directly actionable.

10 SR. SPECIAL AGENT TEATOR: How about  
11 something surrounding a book that Kim had been handing  
12 out. The impression, I guess, being, the potential  
13 impression being that she may have been soliciting  
14 personal business by handing this book out.

15 [REDACTED] I'm not aware of a book she was  
16 handing out.

17 SR. SPECIAL AGENT TEATOR: Let's talk about  
18 her position being eliminated, okay? You've testified  
19 earlier today that you first learned of this from  
20 [REDACTED] And when was that again?

21 [REDACTED] The last quarter of 2002. And  
22 when I said, it was either [REDACTED] or [REDACTED]  
23 because [REDACTED] was assisting [REDACTED] and working on the  
24 proposed reductions in force.

25 SR. SPECIAL AGENT TEATOR: And what was the

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1 reason given for why her position was going to be  
2 eliminated? Do you remember what the reason was?

3 ( [REDACTED] ) I don't remember a direct  
4 conversation. It was just my understanding it was a  
5 temporary position and the need or the requirement had  
6 gone away.

7 SR. SPECIAL AGENT TEATOR: Was, do you know  
8 if the decision was based in part on other areas or  
9 groups being downsized here, mainly in the support  
10 staff area?

11 ( [REDACTED] ) There were cutbacks in the  
12 support staff area, so ( [REDACTED] ) we had already  
13 impacted the technology integration, I think the admin  
14 support group under ( [REDACTED] ) (phonetic) and I  
15 believe Kim was also in that grouping, larger  
16 grouping.

17 SR. SPECIAL AGENT TEATOR: Right. But was,  
18 was the, the fact that there were staff, position  
19 eliminations, was that the reason why her position was  
20 eliminated too, or was it just the fact that it was a  
21 temporary job down here?

22 ( [REDACTED] ) I'm not sure I quite understand  
23 the question. Would you try again, please?

24 SR. SPECIAL AGENT TEATOR: I seen, or I've  
25 heard of three reasons why her position was

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1 eliminated. One, it's part of the downsizing down  
2 here. Two, performance based, and the third is  
3 slipping me right now, for some reason.

4 But was her position eliminated as part of  
5 the downsizing?

6 (b) (7)(C) Yes, I believe it's part of a  
7 larger downsizing if that's where you were going.

8 SR. SPECIAL AGENT TEATOR: Well, I'm not  
9 really going anywhere. I'm trying to find out what  
10 the reason was for why her position was eliminated.

11 (b) (7)(C) Yes, I would say it was part of  
12 a larger downsizing. And a desire to more effectively  
13 manage the headcount for the site.

14 SR. SPECIAL AGENT TEATOR: Okay. That may  
15 make sense to an HR person, but what does that really  
16 mean?

17 (b) (7)(C) It means that we had a targeted  
18 headcount number for each year. The targeted  
19 headcount, we were probably 37, 40 positions heavy  
20 going into 2003.

21 SR. SPECIAL AGENT TEATOR: Is that, are you  
22 talking about the Navigan(phonetic) study?

23 (b) (7)(C) Not so much the Navigan Study  
24 is, I'll just say an internal headcount number that's  
25 provided through financial control.

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1 SR. SPECIAL AGENT TEATOR: And when you  
2 first heard that Kim Harbin's job was going to be  
3 eliminated in the last quarter of '02, did you take  
4 any action to follow up on that, to help that process  
5 happen and occur?

6 [REDACTED] The only, the follow up that I  
7 recall is that I believe I had asked [REDACTED] to pull  
8 together what I call the numbers.

9 So if we reduce, let's say eight, nine  
10 people, or whatever, what is the cost associated for  
11 that for the finance group.

12 So [REDACTED] pulls together the number of weeks  
13 vacation, separation allowance, that sort of thing,  
14 and does a financial review of what those costs are  
15 going to be incurred by the company.

16 I believe that occurred in the end of  
17 2002.

18 SR. SPECIAL AGENT TEATOR: What makes you  
19 believe that that occurred then?

20 [REDACTED]: Because I'm remembering this  
21 document that had the names on it. Kim and the admin  
22 support folks. I believe that was done the end of  
23 2002.

24 SR. SPECIAL AGENT TEATOR: I'm going to  
25 take a short break, oh, I think I have it right here.

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1 I have a document here in front of me. It's a  
2 Microsoft Excel Worksheet. Do you have a copy in  
3 front of you there?

4 MR. KEENAN: I gave you the wrong thing,  
5 just a second. We're off the record, right?

6 SR. SPECIAL AGENT TEATOR: No.

7 MR. KEENAN: Sorry.

8 SR. SPECIAL AGENT TEATOR: I can be off the  
9 record. We'll take a short break, it's 1:49.

10 (Whereupon, the foregoing matter  
11 went off the record at 1:49  
12 p.m., and went back on the  
13 record at 1:50 p.m.)

14 SR. SPECIAL AGENT TEATOR: Okay, we're back  
15 on, it's about 1:50. I'm looking at a document, Sheet  
16 1 and Sheet 2 of a Microsoft Excel Admin Support SEP  
17 Worksheet. Do you see those documents?

18 (REDACTED) Yes, I do.

19 SR. SPECIAL AGENT TEATOR: Is that the  
20 document that you're referring to that you think you  
21 saw in late 2002?

22 (REDACTED) This is the document I was  
23 referring to, yes.

24 SR. SPECIAL AGENT TEATOR: Are you positive  
25 it's that document?

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1 [REDACTED] I have a high degree of  
2 certainty, but this is the format, this is the group.  
3 I believe that this is the document.

4 SR. SPECIAL AGENT TEATOR: Okay, when you  
5 say this is the group, you're talking about the names  
6 of the individuals listed there?

7 [REDACTED] Yes.

8 SR. SPECIAL AGENT TEATOR: Okay.

9 [REDACTED] And just for the record, I  
10 don't for whatever reason remember Sheet 2. I just  
11 remember seeing something like Sheet 1.

12 SR. SPECIAL AGENT TEATOR: Okay, Sheet 1.  
13 All right. When you first saw this document, Sheet 1,  
14 did you take any action to help this process happen at  
15 that point? Any further action, direction,  
16 supervision to, regarding the elimination of Kim's  
17 position?

18 [REDACTED] Well, not only Kim and these  
19 other positions, so as I recall there were other  
20 discussions with, as you said, [REDACTED] [REDACTED]

21 [REDACTED]  
22 And as far as I remember those discussions  
23 continued into January of 2003.

24 SR. SPECIAL AGENT TEATOR: Okay, we're  
25 going to talk just about Kim now.

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1 [REDACTED] Okay.

2 (Tape flipped over.)

3 [REDACTED] - that I asked, I had a  
4 conversation with [REDACTED] and I asked [REDACTED] to put  
5 together what I call a package or a Separation  
6 Package.

7 So what you do is you take this  
8 information, you draw up agreements as far as  
9 separation allowances, that sort of thing. And I  
10 think that happened in the late January time frame,  
11 something like that.

12 SR. SPECIAL AGENT TEATOR: If [REDACTED] had  
13 decided in late 2002, to eliminate Kim's position, can  
14 you tell me why she was not informed of that until  
15 February 26, 2003?

16 [REDACTED]: Well, one, you never notify the  
17 associate until you have corporate approval, you have  
18 the separation agreement. The terms and conditions of  
19 the separation can be modified or changed.

20 So, I mean it's not as simple as your job  
21 is being eliminated. There are a number of processes  
22 that have to be followed to make sure that the  
23 notification is proper, you have the correct  
24 agreement.

25 Is there any kind of sweetener or special

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1 consideration given to groups. So the Corporate  
2 Practices Procedure Manual calls out you get one half  
3 weeks for every four year credit of service.

4 In addition, sometimes we elect to do a  
5 voluntary separation agreement. So if you sign  
6 voluntarily you get enhancements to that package.

7 All of those discussions have to take  
8 place before you can offer a separation agreement to  
9 a person.

10 SR. SPECIAL AGENT TEATOR: Even before you  
11 inform them that their job is being eliminated? That  
12 stuff all is done before the employee is informed?

13 ( [REDACTED] ) Yes.

14 SR. SPECIAL AGENT TEATOR: Okay. You  
15 mentioned corporate approval. Was their corporate  
16 approval obtained for the decision to eliminate Kim's  
17 position?

18 ( [REDACTED] ) Yes.

19 SR. SPECIAL AGENT TEATOR: Tell me what it  
20 was and is there a document showing that there was  
21 corporate approval?

22 ( [REDACTED] ) I don't believe there's a  
23 document as far as corporate approval. The voluntary  
24 separation agreements are signed or approved by ( [REDACTED] )  
25 (inaudible), as ( [REDACTED] )

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1 So by virtue of her acceptance,  
2 acknowledgement of the separation agreement, that is  
3 approval through [REDACTED] and [REDACTED]

4 SR. SPECIAL AGENT TEATOR: So by [REDACTED]  
5 name appearing on the 45-day letter or the separation  
6 agreement, that's what you're talking about as far as  
7 corporate approval?

8 ([REDACTED]) Correct.

9 SR. SPECIAL AGENT TEATOR: Did you have  
10 conversations with [REDACTED] about this corporate  
11 approval?

12 ([REDACTED]) Yes.

13 SR. SPECIAL AGENT TEATOR: Can you share  
14 those with me and when you first had them?

15 ([REDACTED]) Again, I remember, or I believe  
16 those conversations were in the January time frame  
17 where discussions, or through [REDACTED]. And don't forget  
18 the reporting relationship at that time was through  
19 ([REDACTED]) who's the ([REDACTED]) who  
20 reports up, well actually he reports up through  
21 ([REDACTED]) (phonetic), but ([REDACTED]) is in charge of all of  
22 ([REDACTED])

23 All of that being, I'm sorry, you had a  
24 question.

25 SR. SPECIAL AGENT TEATOR: All of HR for

1 the whole company?

2 (b) Correct.

3 SR. SPECIAL AGENT TEATOR: He is, okay, go  
4 ahead.

5 (b): All of that being said, is that  
6 my recollection was, not only was it Kim, but it was  
7 for the whole group. We're having layoffs, these are  
8 the people, those discussions were with (b)  
9 (b) and (b) reviewed that. I know  
10 I had conversations with (b) about that. We go  
11 through, do the separation agreements, get  
12 concurrence.

13 Get concurrence on the site. Make sure  
14 that the, how do you transition the work that they're  
15 doing. Have all those things being finalized and then  
16 you go ahead with the actual separation.

17 So at least all of the separations that  
18 I've been familiar with since, God, early '90s, that  
19 process has been the process.

20 You go through, get the corporate  
21 approvals, get the separation agreements. Work out  
22 how did the person get separated. It's a rather, this  
23 is a nuclear site so, you know, is there a potential  
24 threat?

25 Do we make those notifications outside of



1 the protected area? Do you escort the person off  
2 site? Do you leave them inside the gate?

3 So there are a number of discussions that  
4 you have before you even contemplate a reduction in  
5 force.

6 SR. SPECIAL AGENT TEATOR: Okay. And all  
7 those things would be done before the employee would  
8 be notified, is that correct?

9 ~~\_\_\_\_\_~~ That's correct.

10 SR. SPECIAL AGENT TEATOR: Okay, all right.  
11 It's 1:56, we're going to take another break.

12 (Whereupon, the foregoing matter  
13 went off the record at 1:56  
14 p.m., and went back on the  
15 record at 2:10 p.m.)

16 SR. SPECIAL AGENT TEATOR: It's 2:10 in the  
17 afternoon and we're back on the record. Maybe we  
18 could just talk a little bit about Kim's job  
19 effectiveness, what you heard about that?

20 That came up very early in the interview  
21 when I asked you some questions, some general  
22 questions about Kim.

23 ~~\_\_\_\_\_~~ Right.

24 SR. SPECIAL AGENT TEATOR: And I put that  
25 aside then, but maybe we can go into that now. What

1 were you hearing when, you know, we're getting towards  
2 late 2002, before [REDACTED] tells you that he's going to  
3 eliminate Kim's position. What are you hearing before  
4 then regarding Kim's job effectiveness the view of her  
5 job effectiveness?

6 [REDACTED] More or less the general  
7 comments that I mentioned earlier, just about some of  
8 the behavioral aspects. Didn't seem to be moving the  
9 organizational fully ahead.

10 We had gap initiatives. And again, the  
11 organization seemed to be not progressing at the rate  
12 that they would have liked.

13 And that pretty much her effectiveness  
14 was, if you will, waning or words to that effect.

15 SR. SPECIAL AGENT TEATOR: Who are you  
16 hearing that from that her effectiveness was waning or  
17 words to that effect?

18 [REDACTED]: Just, I think it was just a  
19 general comment. It might have been with [REDACTED]  
20 or [REDACTED] It wasn't specific. It wasn't in the form  
21 of a performance appraisal or anything along those  
22 lines.

23 SR. SPECIAL AGENT TEATOR: Okay. All  
24 right, now [REDACTED] tells you about his decision to  
25 eliminate Kim's position.

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1 After that date, were you hearing the same  
2 types of general comments about Kim's effectiveness or  
3 value? And if so, who were you hearing them from?

4 ( [REDACTED] ) I'll say that general comments  
5 -

6 SR. SPECIAL AGENT TEATOR: About her  
7 effectiveness?

8 ( [REDACTED] ) Not so much, because at that  
9 point, once the decision is made to release a person,  
10 we move on that track.

11 So then you start doing the processing of  
12 paperwork and the other things associated with that.

13 SR. SPECIAL AGENT TEATOR: While we're  
14 talking about the process and paperwork, I have some  
15 documents here.

16 There's a draft, I guess 45-day letter to  
17 Kim Retigliano and the signature block would be for  
18 ( [REDACTED] ) And then attached to that would be a  
19 separation agreement, a copy of that, and the  
20 signature block there would be ( [REDACTED] ) (inaudible),  
21 because she's the one that does that, the separation  
22 agreement.

23 ( [REDACTED] ) Yes. Just so, if you want me  
24 to expand on the process a little bit.

25 SR. SPECIAL AGENT TEATOR: Yes, go ahead.

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1                   ( ) Maybe that might help you. So  
2 from an HR standpoint, you get these forms  
3 assimilated. How much separation pay? Is there going  
4 to be a voluntary separation agreement?

5                   Because sometimes that isn't part of the  
6 package.

7                   SR. SPECIAL AGENT TEATOR: Right.

8                   ( ) Get all of that approved, and  
9 just as far as process, normally the separating  
10 manager is there with a Client Consultant, usually  
11 that's the process. Sometimes they do it by  
12 themselves.

13                   But we actually prefer that the Client  
14 Consultant be there. Okay, so the separation goes  
15 ahead. The employee reviews the documentation. ( )  
16 does not sign the separation agreement.

17                   If the employee elects to sign, they sign  
18 their piece of it. It's sent back. ( ) then signs  
19 and then it's mailed back to the employee. So that's  
20 how, that's a little bit of how the process works.

21                   SR. SPECIAL AGENT TEATOR: Okay. Now these  
22 documents that are stamped draft, dated February, with  
23 no particular day, 2003. Do you know who would have  
24 produced those?

25                   ( ) I believe I asked ( ) to do

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1 those for me.

2 SR. SPECIAL AGENT TEATOR: Okay. And then  
3 there's a document, the same document dated March 3rd,  
4 2003. It's not stamped draft. Okay, no, this is  
5 good, this is the worksheet. Okay.

6 Okay, all right. Looking at the  
7 acknowledgment, the acknowledgment receding the cover  
8 letter and separation agreement. The top of that is  
9 dated March 3rd, 2003. Do you see that?

10 (REDACTED): Yes, I do.

11 SR. SPECIAL AGENT TEATOR: And does that  
12 look like Kim Harbin's signature there?

13 (REDACTED): To tell you the truth, I  
14 wouldn't know her signature.

15 SR. SPECIAL AGENT TEATOR: All right, but  
16 the date is 2-26-03. And it has Kim's name at the top  
17 and there's a signature block signed. I'm going to  
18 say it's Kim's signature.

19 So you know why the date is written in as  
20 2-26-03, yet the typed in date is March 3rd, 2003?  
21 Can you explain that?

22 (REDACTED): I believe in talking to (REDACTED)  
23 this was prepared for, originally for a March 3rd  
24 separation meeting with (inaudible) and Kim. I think,  
25 I don't know if there was a problem with the calendar

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1 or maybe a difficulty meeting that date, and they  
2 moved the date up. And I believe (b)(7)(C) was  
3 involved in that as well, on the 26th of February.

4 So I believe that this document, while it  
5 shows a typed date of March 3rd at the top, was  
6 actually signed by Kim as shown on this document.

7 SR. SPECIAL AGENT TEATOR: Okay. Let's  
8 talk about, let's transition from that to her actual  
9 last day here. Okay, let's talk about that.

10 Initially, was it, was it thought that Kim  
11 would actually be working, and the key there is  
12 initially. Was it thought that Kim would work the  
13 full 45 days up until her last day of employment at  
14 PSEG?

15 (b)(7)(C): I believe that's correct, yes.

16 SR. SPECIAL AGENT TEATOR: Okay. Do you  
17 know who was involved in that discussion?

18 (b)(7)(C): No, I don't. I took that as an  
19 assumption.

20 SR. SPECIAL AGENT TEATOR: All right. At  
21 some point did you participate in discussions  
22 surrounding her last day being moved up from April  
23 16th, to some time earlier than that?

24 (b)(7)(C): Yes, I do.

25 SR. SPECIAL AGENT TEATOR: Okay, let's go

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1 into that. When did those discussions first occur and  
2 who were they with?

3 (REDACTED): I believe, it would be helpful  
4 if I had my calendar.

5 SR. SPECIAL AGENT TEATOR: The calendar in  
6 front of me -

7 (REDACTED) Oh, I've got that.

8 SR. SPECIAL AGENT TEATOR: If Jeff can get  
9 to it before me, that would be fine. But I do have  
10 it, also. We'll go off the record and look for it.  
11 It's 2:17.

12 (Whereupon, the foregoing matter  
13 went off the record at 2:17  
14 p.m., and went back on the  
15 record at 2:20 p.m.)

16 SR. SPECIAL AGENT TEATOR: Okay, it's 2:20.  
17 We've all found a calendar that's stamped, well not  
18 stamped, but printed out as March, 2003. At the  
19 bottom it says (REDACTED) on site. Sorry, plan -  
20 (REDACTED) is that the calendar you were referring to?

21 (REDACTED): Yes, it is.

22 SR. SPECIAL AGENT TEATOR: Okay. And my  
23 question to you was at some point did you participate  
24 in discussions surrounding Kim Harbin's last date of  
25 work being moved up?

11C

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1 [REDACTED] Yes, I did.

2 SR. SPECIAL AGENT TEATOR: And after  
3 looking at this calendar, can you answer my question?  
4 When you first participated in those discussions?

5 [REDACTED]: Sure, that was on the evening  
6 of the 18th, up at, where it says Hamilton Park  
7 Conference Center. That was up in North Jersey.

8 SR. SPECIAL AGENT TEATOR: Okay. And tell  
9 me who was present for that discussion and how it  
10 turned to discussing Kim's departure from the site?

11 [REDACTED]: Okay. First of all, by way of  
12 background, it was a general HR staff meeting for  
13 [REDACTED] and all her reports. It was a special meeting  
14 up in Hamilton Park.

15 At the end of that meeting, I was asked to  
16 wait with [REDACTED] and myself, so it was  
17 a meeting of three of us at the end of that meeting in  
18 Hamilton Park.

19 SR. SPECIAL AGENT TEATOR: Okay, go ahead.

20 [REDACTED]: There was discussion, two-fold.  
21 One is you'll see discuss meeting on 3-20 with [REDACTED]  
22 [REDACTED] There was an Industrial Relations meeting for  
23 guidance on the 20th.

24 They were looking for some of my thoughts.  
25 Some IR, Industrial Relations issues that [REDACTED] wanted

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1 to work with. At the end of that the discussion moved  
2 to Kim Harbin, and I was asked, directed, what's the  
3 status on Kim? What's happening there?

4 And I was told to move up her separation  
5 date.

6 SR. SPECIAL AGENT TEATOR: By who?

7 [REDACTED] By [REDACTED]

8 SR. SPECIAL AGENT TEATOR: Both of them?

9 [REDACTED] Yes.

10 SR. SPECIAL AGENT TEATOR: Did they say why  
11 they wanted that date moved up?

12 [REDACTED] [REDACTED] had said is her work  
13 done? Yes, her work is pretty much done. Again, I  
14 got a sense that there was still concerns with the,  
15 how can I put it? The potential irregularities.

16 SR. SPECIAL AGENT TEATOR: Temporary living  
17 expense claims? Is that what you're talking about?

18 [REDACTED] Yes.

19 SR. SPECIAL AGENT TEATOR: Okay.

20 [REDACTED] Kim was still involving herself  
21 in other areas. I believe [REDACTED] had heard, I don't if  
22 I or someone else had told her that Kim moved into a,  
23 was moving into a different office.

24 And there wasn't a lot of discussion or  
25 debate as far as [REDACTED] let me know that [REDACTED] wanted to

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1 move that date up. And I was directed to make that  
2 happen by the 21st.

3 SR. SPECIAL AGENT TEATOR: Okay. So the  
4 direction you got from ( [REDACTED] ) was to move up  
5 her last day here from April 15th, until March 21st?

6 ( [REDACTED] ): That's correct.

7 SR. SPECIAL AGENT TEATOR: Okay. All  
8 right. So this is the 18th, that's a Tuesday. Then  
9 March 21st would be that Friday?

10 ( [REDACTED] ): Correct.

11 SR. SPECIAL AGENT TEATOR: What actions did  
12 you take that week to accomplish that?

13 ( [REDACTED] ): I told ( [REDACTED] ) that I would give  
14 it my best shot. I intended to meet with Kim to make  
15 that happen. This was a week from hell, you saw,  
16 excuse me.

17 SR. SPECIAL AGENT TEATOR: That's fine.

18 ( [REDACTED] ): In your words, a very busy  
19 week. I had an Arbitration prep, we had a series of  
20 company union meetings on Wednesday, and I just  
21 didn't, and I thought maybe I could still make it  
22 happen at the end of Friday.

23 And you can see I had an Arbitration up in  
24 Mount Laurel. I was hoping to get back early, it  
25 didn't happen. And as a consequence I didn't, I

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1 didn't meet the, what [REDACTED] had asked me to do.

2 SR. SPECIAL AGENT TEATOR: Okay. At any  
3 point during that week, did you tell any of your  
4 people, here at the site, that Kim's last date was  
5 going to be moved up from April 16th?

6 [REDACTED] I believe I told, and not with  
7 absolute certainty, [REDACTED] as well.

8 SR. SPECIAL AGENT TEATOR: Who's [REDACTED]  
9 [REDACTED] (inaudible) my Secretary.

10 SR. SPECIAL AGENT TEATOR: Okay, all right.

11 [REDACTED]: That she was going to have her  
12 date moved up. And the reason I'm thinking [REDACTED] is  
13 I believe when I saw that it wasn't going to happen on  
14 the 21st, and again, a year ago, I'm stumbling here,  
15 rambling a bit.

16 I think I called [REDACTED] and said, [REDACTED]

17 I'm not going to make it. Call Kim and set up a  
18 meeting for Monday the 24th. So, you know, I'm at the  
19 Arbitration, I believe it was the 21st.

20 I'm not going to make it, [REDACTED] set  
21 something up. I'm not going to be able to get her out  
22 of here this week, we'll have to make it next week or  
23 something like that.

24 SR. SPECIAL AGENT TEATOR: Okay, and your,  
25 the calendar for Monday the 24th, that block shows

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1 11:00 to 11:30, Kim, (b)(6), paren., (b)(6)  
2 office. Do you see that?

3 (b)(6) Yes.

4 SR. SPECIAL AGENT TEATOR: Did that meeting  
5 occur at that time on Monday?

6 (b)(6) I have notes for that meeting.  
7 My recollection is that it was a phone conversation  
8 and not an actual meeting. And I'm a little unclear  
9 on that.

10 I looked, I saw that I have notes on it,  
11 and I didn't see that (b)(6) was on the meeting notes.  
12 So I think that Kim said she couldn't make it or  
13 something that we did it over the phone.

14 SR. SPECIAL AGENT TEATOR: Okay.

15 (b)(6) Again, not absolute, 100  
16 percent clear on the conversation.

17 SR. SPECIAL AGENT TEATOR: During that  
18 Monday meeting on the 24th, did you tell Kim Harbin  
19 that her last day there had, was going to be moved up?

20 (b)(6) Yes.

21 SR. SPECIAL AGENT TEATOR: Okay, did you  
22 tell her who's decision that was?

23 (b)(6) I don't believe I did. I'd  
24 like to refer to my notes where that might be helpful.

25 SR. SPECIAL AGENT TEATOR: Okay, why don't

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1 you go ahead and do that. It's 2:26, and we're going  
2 to take a break so [REDACTED] can review his notes.

3 Were those notes that you took after the  
4 meeting or during the meeting?

5 [REDACTED] No, after the meeting.

6 SR. SPECIAL AGENT TEATOR: Okay, we're  
7 going to take a short break.

8 (Whereupon, the foregoing matter  
9 went off the record at 2:26  
10 p.m., and went back on the  
11 record at 2:30 p.m.)

12 SR. SPECIAL AGENT TEATOR: It's 2:30 in the  
13 afternoon and we're back on the record. [REDACTED]  
14 you've got, had a chance to review some notes that you  
15 took, following your March 24th, 2003, meeting with  
16 Kim Harbin?

17 [REDACTED] That's correct.

18 SR. SPECIAL AGENT TEATOR: Do you see about  
19 three-quarters of the way down there, you have written  
20 down there that Kim asked you why she's being treated  
21 differently.

22 Can you tell me what she said during that  
23 meeting about that?

24 [REDACTED] I believe that she said that  
25 being treated differently, not being allowed to work

7c

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1 to the end of her 45 days, so that she felt as though  
2 this was being different than others may have been  
3 treated.

4 SR. SPECIAL AGENT TEATOR: Did you think  
5 she was being treated differently?

6 [REDACTED] She was being treated a little  
7 differently than some of the others that were out-  
8 processed within that window.

9 Certainly not different or what is allowed  
10 by process or what have you. But it did, it must have  
11 felt different to her.

12 SR. SPECIAL AGENT TEATOR: What was  
13 different in the way she was handled compared to some  
14 of the others?

15 [REDACTED] As far as working to the end of  
16 the 45 days.

17 SR. SPECIAL AGENT TEATOR: Okay, but  
18 everybody is not, everybody doesn't always work the 45  
19 full days, isn't that correct?

20 [REDACTED] Well, most people don't work  
21 the 45 days. So if you were to look at historical,  
22 probably since the '90s, I would say probably 95  
23 percent of the people don't work the 45 days.

24 SR. SPECIAL AGENT TEATOR: So you thought  
25 it was different because she was working towards that

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1 45 days?

2 [REDACTED] Yes, I mean from her  
3 perception, she had a belief that she was going to  
4 work for the 45 days. And her perception was, it  
5 probably felt to her as though she was being treated  
6 differently.

7 SR. SPECIAL AGENT TEATOR: Okay. I've got,  
8 I'm going to break these down just a little bit about  
9 who's decision it was to move up her date leaving the  
10 site.

11 You've indicated that it was your action  
12 under the direction of [REDACTED] to make that  
13 happen, correct?

14 [REDACTED] That's true.

15 SR. SPECIAL AGENT TEATOR: Okay, did you  
16 share that with [REDACTED]

17 [REDACTED] That was shared [REDACTED] on,  
18 I believe it was the 20th, after our meeting with  
19 [REDACTED] on the 20th.

20 And it wasn't, how can I put this? It was  
21 [REDACTED] we're separating her earlier, is there any  
22 assignments that would preclude that or whatever.

23 So it wasn't so much looking for [REDACTED]  
24 concurrence, it was just [REDACTED] this is what we're  
25 doing.

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1 SR. SPECIAL AGENT TEATOR: Right. Did he  
2 object to that? Do you recall him objecting to that  
3 at all?

4 [REDACTED] No. As far as I know he didn't  
5 object.

6 SR. SPECIAL AGENT TEATOR: All right. But  
7 are you clear, it was [REDACTED] decision?  
8 You were carrying out their direction in making that  
9 occur? Is that what happened?

10 [REDACTED]: That is what happened, yes.

11 SR. SPECIAL AGENT TEATOR: Okay. Now I  
12 have a copy of a taped conversation between you and  
13 Kim Harbin. I want to play that tape and I'll play  
14 it.

15 You can hear it and then I have some  
16 follow up questions regarding that. This tape wasn't  
17 done at our direction, but it's been provided to the  
18 Commission and it's a copy of a tape that we have.

19 MR. KEENAN: Is it a telephone message or  
20 is it -

21 SR. SPECIAL AGENT TEATOR: I don't believe  
22 it's a phone message, I believe it's person-to-person.

23 MR. KEENAN: Is it transcribed in any  
24 manner?

25 SR. SPECIAL AGENT TEATOR: Yes, I'll let

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1 you read along. It's a pretty clear tape. Why don't  
2 we listen to it first and then if we need to break it  
3 down in writing, we can do that. Okay?

4 And then, in the meantime you might, Jeff,  
5 you might want to get out [REDACTED] Winston Strong  
6 transcript.

7 MR. KEENAN: Just one more thing before we  
8 break. I mean clearly you're talking about a  
9 recording that [REDACTED] had, that Kim had with [REDACTED] a  
10 discussion?

11 SR. SPECIAL AGENT TEATOR: It's a recording  
12 of the discussion that Kim had with [REDACTED]

13 MR. KEENAN: And clearly it's distressing  
14 to be recorded in a capacity without your knowledge.  
15 I'm assuming, [REDACTED] you didn't have any knowledge of  
16 this recording?

17 [REDACTED] No. I don't know if it's legal  
18 or whatever, but that's for you guys to sort out.

19 SR. SPECIAL AGENT TEATOR: Right.

20 MR. KEENAN: So obviously we'll cooperate,  
21 but I think it should be duly noted that it's  
22 certainly troublesome to be recorded in a manner like  
23 that, and I'll listen to the tape and move forward.

24 SR. SPECIAL AGENT TEATOR: Okay, I'll play  
25 the tape, off the record? Is that what you would

10

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1 prefer? It doesn't matter to me. I have a  
2 transcript, I know what it says and I've listened to  
3 the tape.

4 MR. KEENAN: I think we would prefer if we  
5 had a break. Thank you.

6 SR. SPECIAL AGENT TEATOR: Okay, it's 2:35,  
7 we're going to take a break and play the tape.

8 (Whereupon, the foregoing matter  
9 went off the record at 2:35  
10 p.m., and went back on the  
11 record at 3:12 a.m.)

12 SR. SPECIAL AGENT TEATOR: Okay, we're back  
13 on the record, it's 3:12. Now, gentlemen, I played a  
14 copy of the tape of a discussion between yourself and  
15 Kim Harbin, off the record. Do you agree that that's  
16 your voice on the tape?

17 (REDACTED): Yes, I do.

18 SR. SPECIAL AGENT TEATOR: Okay. And, well  
19 first Jeff, you wanted to say something and then I'll  
20 go ahead.

21 MR. KEENAN: Yes, just before you start the  
22 questions. We appreciate you letting us listen to the  
23 tape and review the transcript.

24 Again, obviously, it's distressing to be  
25 secretly recorded. (REDACTED) is participating in this in

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1 a voluntary manner and he is willing to continue and  
2 cooperate and provide testimony with respect to the  
3 recording.

4 I would like to preserve (b)(7)(C) ability, 1C  
5 should these tapes be found to be inadmissible or not  
6 useable for purposes of this forum. And should that  
7 occur, we would preserve the right to strike the  
8 testimony relevant to this information.

9 SR. SPECIAL AGENT TEATOR: (b)(7)(C) just so  
10 you understand, we had this issue reviewed by our  
11 Office of General Counsel and they came to a  
12 determination (b)(7)(C) 5  
13 (b)(7)(C)

14 Just so we did pursue that with our legal  
15 people. And I hear what you're saying Jeff.

16 (b)(7)(C) Because I'm not an attorney, so  
17 I don't know.

18 SR. SPECIAL AGENT TEATOR: Me either. I  
19 just ask the questions.

20 MR. KEENAN: And again, just to expand that  
21 I'm adding that for a legal protection mechanism, and  
22 (b)(7)(C) is, again, willing to, as he indicated,  
23 provide his, continue testimony on this.

24 SR. SPECIAL AGENT TEATOR: Okay. We  
25 listened to the tape off the record, (b)(7)(C) and then I 1C

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1 gave you and Jeff Keenan the best copy of the  
2 transcript that we have of that tape. Did you have a  
3 chance to read that?

4 [REDACTED] Yes, I did.

5 SR. SPECIAL AGENT TEATOR: Okay, if you  
6 could go to the bottom of the first page of the  
7 transcript. Kim is asking you if you, have you talked  
8 with [REDACTED] since I met with him? And you  
9 answer I talked to [REDACTED] last Thursday, you think it  
10 was.

11 Looking at your calendar, do you think you  
12 talked to [REDACTED] on Thursday the 20th?

13 [REDACTED] Yes, I believe it was after our  
14 Industrial Relations Meeting, as we said before.

15 SR. SPECIAL AGENT TEATOR: Okay. And then  
16 Kim asked you, after I met with him? And you answer  
17 I believe it was after you had met with him.

18 How positive are you of that day your  
19 meeting with [REDACTED] took place after he had met with  
20 Kim?

21 [REDACTED] I'm not absolute, but I believe  
22 that it was after, well, it would be helpful if I knew  
23 what time Kim met with him.

24 But, if I remember, it was at the end of  
25 the day. I thought my IR meeting was at the end of

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1 the day.

2 SR. SPECIAL AGENT TEATOR: And so the  
3 meeting with [REDACTED] would have been at the end of the  
4 day, then?

5 [REDACTED] Yes, that's what I remember.

6 SR. SPECIAL AGENT TEATOR: Okay, I'm not  
7 trying to, I'm just trying to get your understanding  
8 from when you met with [REDACTED]

9 Now during that meeting that you had with  
10 [REDACTED] let's switch to that for just a minute. During  
11 that meeting did [REDACTED] tell you that he had met  
12 with Kim earlier that day?

13 [REDACTED] I thought that he had. I  
14 thought he said, I thought that he did.

15 SR. SPECIAL AGENT TEATOR: Okay. During  
16 your meeting with [REDACTED] in the afternoon of the 20th,  
17 okay? Did [REDACTED] tell you during that meeting that Kim  
18 Harbin had raised any type of safety concern to him  
19 during a meeting that he had just had with her or one  
20 that he had previously had with her?

21 [REDACTED] No. There was never any  
22 mention of a safety concern or anything along those  
23 lines.

24 SR. SPECIAL AGENT TEATOR: Okay. At any  
25 point, did [REDACTED] tell you that Kim Harbin had

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1 raised concerns to him regarding a production over  
2 safety mentality in the plant?

3 [REDACTED] No.

4 SR. SPECIAL AGENT TEATOR: Did [REDACTED] ever  
5 tell you that Kim had raised a concern to him about  
6 non-conservative decision making occurring inside the  
7 plant?

8 [REDACTED] No.

9 SR. SPECIAL AGENT TEATOR: Did [REDACTED] ever  
10 tell you that Kim had raised a concern with him that  
11 management inside the plant was in and of itself a  
12 safety concern?

13 [REDACTED] No.

14 SR. SPECIAL AGENT TEATOR: All right, okay.  
15 Let's go up to the first part of Page 1 of this  
16 transcript.

17 [REDACTED] Sure.

18 SR. SPECIAL AGENT TEATOR: And I'll just  
19 read it for the record. You say Kim I wanted to talk  
20 to you about, [REDACTED] talked to me a little bit, I guess  
21 it was on Wednesday or so, in reference to your  
22 position and the services you are currently providing.

23 As you know, the 16th of May, excuse me,  
24 the 16th of April I think is scheduled to be your last  
25 day. A couple of things with the on-site or the

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1 change of leadership with (b)(7)(C) coming on board,  
2 (b)(7)(C) obviously leaving in the next week or so.

3 I thought it would be beneficial, I  
4 thought it would be beneficial if we moved up, if we  
5 moved your date up for your departure, still paying  
6 you through the 16th, to give you more time to look  
7 for other work or whatever.

8 Are you telling her that it was (b)(7)(C)  
9 decision to move up her last day?

10 (b)(7)(C) No, not at all.

11 SR. SPECIAL AGENT TEATOR: Tell me, because  
12 you can read it that way.

13 (b)(7)(C): Umm hmm.

14 SR. SPECIAL AGENT TEATOR: Do you agree  
15 that it can be read that way?

16 (b)(7)(C): No, I really, I don't read it  
17 that way, so -

18 SR. SPECIAL AGENT TEATOR: Okay, tell me  
19 why?

20 (b)(7)(C) Okay, I started saying that  
21 there were conversations Wednesday or so, which we'll  
22 say Wednesday or Thursday, the position and the  
23 services you are currently providing. The 16th is  
24 your scheduled for your last day.

25 There's a change in leadership. (b)(7)(C) is

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1 leaving in the next week or so and it would be, and  
2 you see there's a comma. I thought it would be  
3 beneficial if we moved your day up to your departure,  
4 still paying you through the 16th.

5 So the conversation I had with [REDACTED] 7c  
6 somewhere, and I'm thinking it was on the 20th, was  
7 just to confirm that she had no other assignments.

8 So from my vantage point, she had no other  
9 work related assignments. So I'm not reading this  
10 that [REDACTED] said move your date up. [REDACTED] is 7c  
11 confirming she has no other work-related assignments.

12 SR. SPECIAL AGENT TEATOR: Okay.

13 [REDACTED] So what I'm saying is, and it  
14 is consistent. We had the meeting on the 18th, [REDACTED]  
15 and I are meeting with [REDACTED] at the end of this IR  
16 meeting.

17 She doesn't have anymore assignments.  
18 We're changing leadership. And there was a desire by  
19 [REDACTED] that Kim not be here for the new  
20 leadership, so she was not, so she was not annoying,  
21 soliciting or whatever.

22 So when I say, thought it would be  
23 beneficial to move up you date, I didn't say [REDACTED] and  
24 I thought it was beneficial to move up your date.

25 Thought it would be beneficial to move up



1 your date. So the way I read that, no where do I say  
2 that [REDACTED] said move up your date.

3 SR. SPECIAL AGENT TEATOR: Okay. Next  
4 sentence reads so that's what I wanted to talk to you  
5 about today to see what that time table looked like so  
6 discussions with [REDACTED] where he thought it would, it  
7 looks like this week sometime, as far as in other  
8 words the leadership of [REDACTED] leaving and the new guy  
9 is coming on board.

10 You were tied pretty close to [REDACTED] and  
11 that leadership and to make that transition a little  
12 quicker, like I said, as far as the pay and that sort  
13 of thing, and I'm not going, I don't need to read the  
14 rest of it.

15 But, I look at those next few sentences  
16 and it sounds like, based on discussion with [REDACTED], or  
17 he thought it would be beneficial to move up your day.  
18 That's the way I read that. Is that what you, is that  
19 the way you read it?

20 [REDACTED]: No, it's not.

21 SR. SPECIAL AGENT TEATOR: All right, is  
22 that what you, all right, well tell me why, tell me  
23 why I'm wrong?

24 [REDACTED]: Okay. The reason you're wrong  
25 is, one, I know the conversation that I had with

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1        [REDACTED] And [REDACTED] never said move the date up, and  
2        like I said, that was already established.

3                The new guy is coming on board, that was  
4        based on I'm stumbling over myself, so obviously when  
5        I'm reading or having the conversation with Kim, I'm  
6        obviously a little bit nervous having the conversation  
7        or moving this time frame up.

8                SR. SPECIAL AGENT TEATOR: Why, though?  
9        Why would you have been nervous about talking to her  
10       about that?

11               [REDACTED] Kim can be very sometimes  
12       challenging. She was obviously a little upset in the  
13       meeting. So, I mean, it's a difficult conversation.

14               Any time you have a conversation with  
15       somebody, they're about to lose their job, it's a  
16       difficult conversation. Where was I?

17               SR. SPECIAL AGENT TEATOR: You were telling  
18       me why I shouldn't read it that way, or why it  
19       shouldn't be read that way.

20               [REDACTED]: Oh, and the new guy is coming  
21       on board. So the desire, the desire was that she not  
22       be there for the new guy coming on board.

23               That wasn't [REDACTED] desire, that was  
24       [REDACTED] desire.

25               SR. SPECIAL AGENT TEATOR: Right, okay.

1 The way Kim Harbin perceived this, though, was that  
2 you were telling her that [REDACTED] had been made, had  
3 been a decision maker to move up her day. That's the  
4 way she read it.

5 [REDACTED]: Yes, and if I was Kim Harbin,  
6 not knowing the facts, I can see where she would, she  
7 could draw that correlation.

8 SR. SPECIAL AGENT TEATOR: Okay, let me ask  
9 you this question. Why didn't you tell her during  
10 this discussion that the decision to move up her day  
11 had been made by [REDACTED] That's who  
12 made it, right?

13 [REDACTED]: Yes.

14 SR. SPECIAL AGENT TEATOR: Okay.

15 [REDACTED]: Hindsight being 20/20, I  
16 probably should have.

17 SR. SPECIAL AGENT TEATOR: All right, any  
18 reason why you didn't? Any particular reason?

19 [REDACTED]: No.

20 SR. SPECIAL AGENT TEATOR: If you look at  
21 Page 24 of your Winston Strong transcript, and you had  
22 a chance to review a page or two around that Page 24,  
23 is that correct?

24 [REDACTED]: Yes, I did.

25 SR. SPECIAL AGENT TEATOR: All right. Did,

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1 in Line 12 there's a question, but the question was  
2 did Mr. (b)(7)(C) discuss with you during this time you  
3 need to out-process Ms. Harbin earlier than April  
4 16th, you answer no.

5 Question, in her letter, her letter  
6 meaning Kim Harbin's letter, she states that when she  
7 met with you on the 24th, which you did meet with her  
8 on the 24th, correct?

9 Answer, yes, as I said, somewhere around  
10 the middle. Line 20, Question, she indicates that  
11 quote, he told me, he meaning, being you, told me that  
12 (b)(7)(C) instructed HR to accelerate my departure  
13 date to the end of the week.

14 Your answer there is not correct. Can you  
15 tell me why your testimony there to Winston Strong is  
16 not in conflict with what you told Kim Harbin on the  
17 24th, during this taped conversation?

18 (b)(7)(C): Because it's just as I related  
19 before. When I'm reading that, I still believe that's  
20 true. Quote, he told me that Mr. (b)(7)(C) had  
21 instructed HR to accelerate my departure date to the  
22 end of the week.

23 (b)(7)(C) never instructed, ordered, directed  
24 HR to accelerate the departure date at all. So that  
25 is true. That is not what I told Kim Harbin.

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1 SR. SPECIAL AGENT TEATOR: Okay. Even  
2 though she may have taken it that way.

3 (REDACTED) Yes, she may have taken it that  
4 way, but that's not what, that's not what I told her.

5 SR. SPECIAL AGENT TEATOR: She did take it  
6 that way, all right. Okay, if you could go to -

7 (REDACTED): By the way, I don't mean to get  
8 loud.

9 SR. SPECIAL AGENT TEATOR: That's fine, you  
10 can get loud. It's not going to bother me. Sometimes  
11 I get loud.

12 (REDACTED) Okay.

13 SR. SPECIAL AGENT TEATOR: That's all  
14 right. We've got business to do and that's fine.

15 (REDACTED) Okay.

16 SR. SPECIAL AGENT TEATOR: Go to the next  
17 to the last page of the transcript of the telephone  
18 call, please.

19 (REDACTED) Okay.

20 MR. KEENAN: That's not a telephone call,  
21 right?

22 SR. SPECIAL AGENT TEATOR: Oh, I'm sorry,  
23 the face-to-face meeting.

24 MR. KEENAN: Okay.

25 SR. SPECIAL AGENT TEATOR: The taped

1 meeting of March 24th.

2 MR. KEENAN: Okay. At least me established  
3 it was a meeting now.

4 SR. SPECIAL AGENT TEATOR: Yes. Next to  
5 the last page.

6 [REDACTED] Okay, sorry.

7 SR. SPECIAL AGENT TEATOR: At the bottom  
8 there, it's written here, underneath your name, it  
9 says [REDACTED] Okay, and Kim, the other thing is that in  
10 talking to [REDACTED] or talking to [REDACTED] is that I said  
11 does Kim understand the position has been eliminated?

12 And I think there was a fear or is a fear  
13 that you didn't understand that the position was or is  
14 eliminated. Why did you say that to Kim?

15 [REDACTED]: Because Kim seemed to be going  
16 to great lengths not to out, not to move on with her  
17 life. When I look at people that are being  
18 transitioned, that are leaving the company, their  
19 desire should be to find another job and to move on,  
20 either internal to PS or external to PS.

21 And there seemed to be, by all of her  
22 machinations a desire not to leave the company and  
23 almost a belief that she wasn't really laid off.

24 So there was part of my perception that  
25 Kim didn't believe that she was, that she was laid

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1 off.

2 SR. SPECIAL AGENT TEATOR: What was she  
3 doing or not doing that led you to believe that? That  
4 that's the way she was seeing it or feeling?

5 [REDACTED] Almost a perception, as I said,  
6 I understood she moved into another office. Just the  
7 difficulty getting her to move ahead, like I said, as  
8 far as the out-processing, that sort of thing.

9 SR. SPECIAL AGENT TEATOR: Was she avoiding  
10 you, did you believe that week, in dealing with her  
11 out-processing?

12 [REDACTED] Yes, absolutely.

13 SR. SPECIAL AGENT TEATOR: How was she  
14 doing that?

15 [REDACTED] Just the nature, the phone  
16 conversations, almost what I'll call misleading.  
17 There was this cat and mouse game. Well, I have work  
18 to do for [REDACTED] Then I have to run to [REDACTED]  
19 do you have anymore work for her to do?

20 No, [REDACTED] I'm done with her. Oh, [REDACTED] has  
21 given me assignments. Then I have to run to [REDACTED] and  
22 say, [REDACTED] Kim is saying that she has assignments that  
23 are going to take her into the May/June time frame, is  
24 that true?

25 No, that's not true. So it was almost a

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1 desire, probably not to mislead me, but that's how it  
2 felt as though the senior leadership here was giving  
3 her assignments that were going to take her beyond her  
4 separation date.

5 SR. SPECIAL AGENT TEATOR: Did you find  
6 that to be true, that there were assignments that she  
7 had to do?

8 [REDACTED]: No, there weren't assignments.

9 SR. SPECIAL AGENT TEATOR: All right.  
10 Okay. It's 3:36, we're going to go off the record for  
11 a minute.

12 (Whereupon, the foregoing matter  
13 went off the record at 3:36  
14 p.m., and went back on the  
15 record at 3:40 p.m.)

16 SR. SPECIAL AGENT TEATOR: It's 3:30 in the  
17 afternoon, this is a continuation of the interview  
18 with [REDACTED]. [REDACTED] I want to go one more thing  
19 about this, the moving up of Kim's last day.

20 [REDACTED]: Sure.

21 SR. SPECIAL AGENT TEATOR: All right, and  
22 then I'll go into another area. But do you recall  
23 attending a lunch-time type meeting here in HR with  
24 [REDACTED] where Kim's,  
25 moving up of her last day here was discussed?

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[REDACTED]: Yes, I do.

SR. SPECIAL AGENT TEATOR: Tell me what you remember about that?

[REDACTED]: I believe [REDACTED]

were down, I think for a Salary Planning Meeting, it was on the 24th. It was over a lunch time over in our little library/cafeteria area.

You mentioned [REDACTED] I think [REDACTED]

(inaudible) was also in the meeting at the time. Towards the end of the lunch break or whatever, [REDACTED] again reaffirmed that make sure that Kim is out-processed.

Get it done, because obviously I didn't meet the first commitment on the 21st.

SR. SPECIAL AGENT TEATOR: Right.

[REDACTED]: And just make it happen. And

I think that was the extent of it. We had a follow up conversation, either then, later that day or the next day and it was clear that it's completely done.

In other words, her access is done, computers, everything else is turned off and when she leaves, she's done.

SR. SPECIAL AGENT TEATOR: Do you think you had your meeting with Kim before that lunch time meeting, or after?

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1 ( [REDACTED] ) According to my calendar it  
2 says 11:00 to 11:30 was the meeting with Kim. Oh, in  
3 fact, can I refer to my notes, I probably have the  
4 time.

5 SR. SPECIAL AGENT TEATOR: Yes. We'll stay  
6 on the record while you do that.

7 ( [REDACTED] ) Yes, according to my notes it  
8 looks like the meeting was around noon.

9 SR. SPECIAL AGENT TEATOR: The meeting  
10 with?

11 ( [REDACTED] ) The meeting with Kim was around  
12 noon.

13 SR. SPECIAL AGENT TEATOR: Okay.

14 ( [REDACTED] ) So this would have been  
15 probably immediately after my meeting with Kim. I'm  
16 sorry, I confused you. The meeting with Kim was  
17 around noon.

18 My assumption is that the meeting with  
19 ( [REDACTED] ) and others was after my meeting with Kim Harbin.

20 SR. SPECIAL AGENT TEATOR: Okay. So -

21 ( [REDACTED] ): I confused you.

22 SR. SPECIAL AGENT TEATOR: Yes. Do you  
23 think you met with Kim before this luncheon meeting  
24 with ( [REDACTED] )

25 ( [REDACTED] ) I believe that I did.

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1 SR. SPECIAL AGENT TEATOR: Well, if you met  
2 with Kim before the luncheon, you would have, you told  
3 her during the meeting on the 24th, that her date had  
4 been moved up.

5 So then why, why would you have told (b)(7)(C)  
6 (b)(7)(C) at this luncheon meeting, hey, I told her  
7 earlier today that her last day here is going to be  
8 Friday?

9 (b)(7)(C): Well, and it was an extension  
10 of that meeting, like I said. I don't know if it was  
11 then or a follow up that everything is done.

12 Because my recollection was that I told  
13 Kim that she could have her access badge and stuff  
14 until the 16th, and then (b)(7)(C) reaffirmed  
15 that, no, everything is done.

16 So that would be, did I lose you as far as  
17 the consistency?

18 SR. SPECIAL AGENT TEATOR: I think so.

19 (b)(7)(C): Yeah, all right. Let me,  
20 should I try it one more time?

21 SR. SPECIAL AGENT TEATOR: Please.

22 MR. KEENAN: Well, let me just ask maybe a  
23 couple of things. Could it be possible that that's  
24 when you wrote the note, as opposed to when you had  
25 the meeting?

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1 [REDACTED] That's probably when I wrote  
2 the note.

3 MR. KEENAN: One other question. At the  
4 beginning of the tape you were getting a cup of  
5 coffee. Do you drink coffee one particular time of  
6 the day?

7 [REDACTED] Normally I drink coffee in the  
8 morning.

9 MR. KEENAN: Do you have coffee at noon or  
10 later?

11 [REDACTED] No, not usually.

12 MR. KEENAN: Does that help refresh you as  
13 to when the meeting may have been?

14 [REDACTED] No, he asked to give my best  
15 guess and my guess is that the meeting with Kim was in  
16 the morning.

17 Like I said, the calendar shows 11:00 to  
18 11:30. That probably sounds about right, wrote the  
19 note somewhere around noon.

20 And then normally we eat lunch about 1:00,  
21 1:00 or 1:30ish. And if I had to guess, that would be  
22 my guess.

23 SR. SPECIAL AGENT TEATOR: All right, you  
24 guys eat lunch that late?

25 [REDACTED] Right.

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1 SR. SPECIAL AGENT TEATOR: Okay, all right.

2 Is that helpful?

3 [REDACTED]: Yeah, it might be. Yeah, and  
4 I think it is, because -

5 SR. SPECIAL AGENT TEATOR: All right,  
6 that's fine. Let's -

7 [REDACTED] And then if, okay, I'm sorry.

8 SR. SPECIAL AGENT TEATOR: No, go ahead.

9 [REDACTED] Because when I read the  
10 transcript it dawned on me, it sounded as though she  
11 was going to have her access and computer and stuff  
12 until the 16th of April.

13 I remember having a, I think Kim and I  
14 talked about that maybe she didn't have her access.  
15 She's going to have to turn in her computer and  
16 everything.

17 I had a conversation with her, I'm  
18 thinking around the 26th, which seemed to be, if I'm  
19 her, inconsistent with what I told her the couple days  
20 before. Did I lose you?

21 SR. SPECIAL AGENT TEATOR: No, you didn't.  
22 No, no. That might some of what went on there is Kim  
23 viewed what she was being told as being inconsistent,  
24 from more than one person.

25 [REDACTED] Umm hmm.

17C

1 SR. SPECIAL AGENT TEATOR: Could you shed  
2 some light on why she may have been, why she may have  
3 thought that there was inconsistent messages out there  
4 about her leaving early?

5 [REDACTED] Well, I can't really answer for  
6 her, why she thought or had a particular train of  
7 thought, so I don't -

8 SR. SPECIAL AGENT TEATOR: Right. But you  
9 said that you had a conversation with her later in the  
10 week, which you may have given her inconsistent  
11 information. Go ahead and share with me what -

12 [REDACTED] No, that's what I'm saying.  
13 When I read, when I read the, it won't be a  
14 transcript, but whatever was transcribed of our  
15 conversation on the 24th.

16 SR. SPECIAL AGENT TEATOR: The taped  
17 conversation?

18 [REDACTED] The taped conversation.

19 SR. SPECIAL AGENT TEATOR: Okay.

20 [REDACTED] As I read that, it appeared to  
21 me as if I told her she could have her computer, that  
22 sort of thing, until the 15th of April.

23 SR. SPECIAL AGENT TEATOR: Right.

24 [REDACTED] Later I'm thinking, and I don't  
25 know if I have notes somewhere, around the 26th, in

16

1 fact instead of rambling maybe I should just look at  
2 the notes of the 26th.

3 Where I said she has to completely out-  
4 process. Meaning computers, turn in her badge, IDs,  
5 and that would be, you know, if I'm sitting in Kim's  
6 space, I would say well, gee, that's inconsistent. He  
7 told me Monday I could keep that until the 16th, and  
8 now he's saying, two days later, that I have to turn  
9 everything in.

10 SR. SPECIAL AGENT TEATOR: Right, okay.

11 (REDACTED) And, I don't mean to talk loud.

12 MR. KEENAN: There is, these notes from  
13 the 26th.

14 (REDACTED): Okay.

15 MR. KEENAN: I don't know if it would help  
16 refresh your recollection.

17 SR. SPECIAL AGENT TEATOR: Go ahead and  
18 look at them (REDACTED), and then if you think it helps in  
19 your recollection we can talk about that a little bit.

20 (Notes are being reviewed.)

21 SR. SPECIAL AGENT TEATOR: Now, after  
22 reading your notes of your March 26th, meeting with  
23 Kim, does it help you in your recollection?

24 (REDACTED) Yeah, it does on a couple of  
25 fronts. The first is she had said earlier that she

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1 had some more work to do. So it says I followed up  
2 with [REDACTED] after our last conversation. So whenever I  
3 talked to her last, if that was, let's just say it was  
4 the 24th or whatever.

5 She saying she has more work to do. I had  
6 confirmed with [REDACTED] that she has no more assignments,  
7 so her assignments again are done. This is the piece  
8 where I say it seems as though I was being misled.

9 I've got work for [REDACTED] I've got work for  
10 [REDACTED] So, it's like, you don't have work for [REDACTED]  
11 you don't have work for [REDACTED] your work is done.

12 And then I go on to say that be prepared  
13 to out-process with [REDACTED] and remember to  
14 turn in company equipment, cell phones, credit cards,  
15 as well as company IDs.

16 And I think, your words were inconsistent  
17 or that it could cause confusion, and I can see where  
18 that could happen. So as I read this, this seems to  
19 be inconsistent with what I told her on the 24th.

20 SR. SPECIAL AGENT TEATOR: Okay, so you  
21 told her on the 26th, there's portions of what you  
22 told her on the 26th, that looking at it now, weren't  
23 consistent with what you told her on the 24th?

24 [REDACTED]: Yeah, it looks inconsistent.

25 SR. SPECIAL AGENT TEATOR: Regarding her



1 access and her keeping her computer, stuff of that  
2 nature?

3 ( [REDACTED] ) Yes.

4 SR. SPECIAL AGENT TEATOR: Okay. All  
5 right, we'll move to another area unless, Jeff,  
6 there's something you want to go over?

7 MR. KEENAN: No, I think, but that  
8 discussion on the 26th I think remedies or cures that,  
9 I guess.

10 SR. SPECIAL AGENT TEATOR: I'm going to go,  
11 push towards closure here and then I'll take a break  
12 and see if I need to ask you anything else.

13 Now, in any of the discussions you had  
14 with Kim, did she ever raise any of these concerns to  
15 you. Production over safety. Management in and of  
16 itself was a safety issue.

17 Non-conservative decision making occurring  
18 in the plant. Did she ever raise any of those  
19 concerns to you?

20 ( [REDACTED] ) No, not directly.

21 SR. SPECIAL AGENT TEATOR: How about  
22 indirectly?

23 ( [REDACTED] ) There was a conversation with  
24 ( [REDACTED] ) and again, I think have notes here  
25 somewhere around the, well you can't help me, around

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1 the 31st or so, where, maybe I should look at the  
2 notes.

3 SR. SPECIAL AGENT TEATOR: Well, let me ask  
4 you it this way. Prior to her leaving the plant, did  
5 she ever raise such concerns to you?

6 ( [REDACTED] ) No.

7 SR. SPECIAL AGENT TEATOR: Prior to her  
8 leaving the plant on the 28th, had anyone told you she  
9 had raised such concerns to them?

10 ( [REDACTED] ) No.

11 SR. SPECIAL AGENT TEATOR: All right. I'm  
12 aware of what ( [REDACTED] ) told you, I do remember  
13 reading that in your notes.

14 ( [REDACTED] ) Okay.

15 SR. SPECIAL AGENT TEATOR: And if memory  
16 serves me correctly, and correct me if I'm wrong.  
17 When you were told this you got this to the Employee  
18 Concerns Program in some fashion?

19 ( [REDACTED] ) Well, I did two things. One,  
20 I told ( [REDACTED] ) because he said Kim was going to call him  
21 back. I said when Kim calls you back, make sure that  
22 you refer her to Employee Concerns.

23 And I told ( [REDACTED] ) that I was immediately  
24 going to call Employee Concerns, and I called them  
25 within an hour, I think.

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1 SR. SPECIAL AGENT TEATOR: (b)(7)(C) did  
2 you call (b)(7)(C) about it?

3 (b)(7)(C) Yes, I called (b)(7)(C) to say that  
4 an employee concern had come in and he needs to follow  
5 up.

6 SR. SPECIAL AGENT TEATOR: Was that the  
7 first time that you became aware that Kim had such a  
8 concern?

9 (b)(7)(C): Umm hmm.

10 SR. SPECIAL AGENT TEATOR: All right, okay.  
11 And other than what you just described, the actions  
12 you took after hearing this from (b)(7)(C) were you  
13 instructed to take any actions to investigate whether  
14 or not what she claimed was true or not?

15 (b)(7)(C) No, I mean that's an employee  
16 concern, I'm not -

17 SR. SPECIAL AGENT TEATOR: It's a yes or no  
18 question.

19 (b)(7)(C) Okay, no, I didn't do anything.

20 SR. SPECIAL AGENT TEATOR: At some point  
21 did you become aware of the letter that Kim Harbin  
22 sent to (b)(7)(C) (phonetic)?

23 (b)(7)(C) I did at some point.

24 SR. SPECIAL AGENT TEATOR: How long after  
25 she left the site do you think you became aware of

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1 that letter and what was in it?

2 (b) I don't believe I've ever seen  
3 the letter and what was in it.

4 SR. SPECIAL AGENT TEATOR: At some point  
5 were you made to understand what was contained in the  
6 letter?

7 (b) No. Let me just explain.  
8 Portions of which, when I was interviewed, when was  
9 it?

10 SR. SPECIAL AGENT TEATOR: By Winston  
11 Strong.

12 (b) By Winston Strong, they kept on  
13 referring to a letter and I didn't know what they were  
14 talking about.

15 SR. SPECIAL AGENT TEATOR: Right.

16 (b) So they're referring to a  
17 letter and I didn't know what they were talking about.  
18 So I just assumed that obviously there was a letter  
19 that had come in.

20 SR. SPECIAL AGENT TEATOR: All right. At  
21 any point did Kim Harbin ask you if she had been  
22 blackballed down here at the site?

23 (b) No.

24 SR. SPECIAL AGENT TEATOR: Did anybody ever  
25 tell you that that concern had been raised to them by

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1 her?

2 (REDACTED): No.

3 SR. SPECIAL AGENT TEATOR: All right. It's  
4 3:42. I'm going to review my notes, but at this point  
5 I don't have any other questions.

6 I'm sure I'm going to have a couple of  
7 follow up questions, but Jeff, if you want something,  
8 if you want to go over something with your client,  
9 we'll take a short break and then we'll finish up.

10 MR. KEENAN: It sounds good.

11 (Whereupon, the foregoing matter  
12 went off the record at 3:42  
13 p.m., and went back on the  
14 record at 4:05 p.m.)

15 SR. SPECIAL AGENT TEATOR: It's 4:05 in the  
16 afternoon, I have a few follow up questions and then  
17 we'll go through these.

18 (REDACTED) think back to when you first heard  
19 from (REDACTED) that Kim's position was being  
20 eliminated. You heard that from (REDACTED) in the fourth  
21 quarter of '02. I think that's what you testified.

22 (REDACTED) That's what I recall.  
23 Somewhere in November, December time frame.

24 SR. SPECIAL AGENT TEATOR: Okay. Now when  
25 a decision is made like that down here, at some point

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1 is that information shared with the budget people so  
2 they can, the budget going forward accordingly? And,  
3 if so, when would that be shared with them?

4 (b) It's not so much shared with  
5 the budget people going forward so they can capture  
6 the head count, it's shared with the budget folks so  
7 they can start accruing or account for the expenses.

8 But my recollection is those things are  
9 still very tight to the vest and we don't share that  
10 until after the employee is notified.

11 SR. SPECIAL AGENT TEATOR: Okay. At some  
12 point were there discussions held that this decision  
13 to eliminate Kim's position should be shared with  
14 (b) Do you know who (b) is?

15 (b) Yes, (b) works up in  
16 Accounting for (inaudible). Yeah, I know (b)

17 SR. SPECIAL AGENT TEATOR: He was doing the  
18 accounting for (b) was here.

19 (b) Okay, yeah, yeah.

20 SR. SPECIAL AGENT TEATOR: At some point  
21 were there discussions held where the decision to  
22 eliminate Kim's position needed to be shared with  
23 (b)  
24 (b) I'm not sure if they were  
25 shared directly with (b) or someone else in the

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1 group, but that would be the typical process. I  
2 didn't speak directly with (b)(7)(C)

3 SR. SPECIAL AGENT TEATOR: And would the  
4 typical process be that the budget people, the  
5 accounting people would not be made aware of this  
6 until after the employee had already been notified?  
7 Is that the normal process?

8 (b)(7)(C) There or in close proximity.  
9 Just for confidentiality.

10 SR. SPECIAL AGENT TEATOR: All right. At  
11 any point did you tell Kim Harbin that it was (b)(7)(C)  
12 (b)(7)(C) who had made the decision to move up Kim's  
13 last day to March 28th?

14 (b)(7)(C) No.

15 SR. SPECIAL AGENT TEATOR: At any point did  
16 you say that to Kim?

17 (b)(7)(C) No.

18 SR. SPECIAL AGENT TEATOR: All right. I  
19 have a copy of a fax cover sheet dated April 14, 2003.  
20 It's to (b)(7)(C) from you. Is that your  
21 handwriting?

22 (b)(7)(C) Yes, it is.

23 SR. SPECIAL AGENT TEATOR: Okay. And under  
24 the comments section it has written in there

25 (b)(7)(C). I wanted you to have a copy of (b)(7)(C) - 7C

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1 that's ( [REDACTED] ) memo of October 31, 2001.  
2 That's the e-mail we talked about before.

3 ( [REDACTED] ) Umm hmm.

4 SR. SPECIAL AGENT TEATOR: Please note that  
5 it was considered a, and you have in quotes,  
6 rotational, end quote, and underlined, assignment,  
7 with no guarantee of employment beyond 2002.

8 Can you tell me why you sent that to [REDACTED]

9 [REDACTED]  
10 ( [REDACTED] ): Just as a reminder, as far as  
11 their files, or to make sure that they had full  
12 accounting of the circumstances around Kim and her  
13 assignment.

14 I think she was already copied on it, so  
15 it was - no, she was not.

16 SR. SPECIAL AGENT TEATOR: She may have  
17 been copied down here.

18 ( [REDACTED] ) Okay, there it is, okay.

19 SR. SPECIAL AGENT TEATOR: On the original,  
20 you meant.

21 ( [REDACTED] ) Yes.

22 SR. SPECIAL AGENT TEATOR: I guess my  
23 question is why did you feel a need to send this to  
24 ( [REDACTED] ) on April 14th, '03, and write this  
25 that please note that it was considered a rotational

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1 assignment with no guarantee of employment beyond  
2 2002. Why did you feel a need to write that  
3 information on the cover sheet? Was there a reason?  
4 (b) No, just to, I guess,  
5 accentuate that it was a rotational (inaudible).

6 SR. SPECIAL AGENT TEATOR: Okay, but what  
7 was bringing that up? What caused you to send that up  
8 to them, with that note written on there?

9 (b) I'm trying to remember. I  
10 don't think they requested it. I'm not really sure,  
11 other than to bring their attention to that.

12 SR. SPECIAL AGENT TEATOR: Do you recall  
13 there being questions raised surrounding why Kim's  
14 positions was eliminated in April of '04, '03, why, do  
15 you recall if there were questions raised on why her  
16 position was eliminated?

17 (b) Yeah, the interviews I had with  
18 Winston Strong, I think there were questions around  
19 that.

20 SR. SPECIAL AGENT TEATOR: Right. When as  
21 that, Jeff?

22 MR. KEENAN: (b) interview?

23 SR. SPECIAL AGENT TEATOR: Yes.

24 MR. KEENAN: I think it was April 9th.  
25 Let's check that. It was April 9th.

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1 SR. SPECIAL AGENT TEATOR: Okay, fine. I  
2 don't need to go into that, I just wanted the date.  
3 All right. One more question, it's just a repeating  
4 question.

5 ( [REDACTED] ) Sure.

6 SR. SPECIAL AGENT TEATOR: Who's decision  
7 was it to move up Kim's last date of work here at the  
8 plant, from April 16th, to make it earlier than that.  
9 Who's decision was that?

10 ( [REDACTED] ) It was ( [REDACTED] ) on  
11 March the 18th.

12 SR. SPECIAL AGENT TEATOR: Okay, and did  
13 they, did both of them provide direction to you to  
14 make that happen?

15 ( [REDACTED] ) Yes, they did.

16 SR. SPECIAL AGENT TEATOR: And did you  
17 carry out that action and it ultimately resulted in  
18 Kim's last day being March 28th, 2003?

19 ( [REDACTED] ) That's correct.

20 SR. SPECIAL AGENT TEATOR: Okay. Was it  
21 ( [REDACTED] )'s decision that Kim's last day be moved  
22 up from April 16th, to March 28th?

23 ( [REDACTED] ) No, it wasn't.

24 SR. SPECIAL AGENT TEATOR: All right, it  
25 was ( [REDACTED] )

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1 ( ) That's correct.

2 SR. SPECIAL AGENT TEATOR: That she would  
3 be moved up from April 16th?

4 ( ) Okay.

5 SR. SPECIAL AGENT TEATOR: It's 4:11 in the  
6 afternoon. I don't think I have anything right now  
7 further. If I do need to re-interview you or ask you  
8 something I forgot to, I'll contact Jeff.

9 Right now I don't think I have to do that,  
10 but if something comes up, Jeff, I'll just contact  
11 you. Is there something you want to add for the  
12 record?

13 MR. KEENAN: No. I appreciate it, thank  
14 you.

15 SR. SPECIAL AGENT TEATOR: Okay, ( )  
16 we've gone over a lot today. Is there something you  
17 feel I need to know about what I'm looking at? You  
18 know what I'm looking at.

19 Is there something that you would like to  
20 bring to light now that we haven't gotten to yet  
21 today?

22 ( ) No, I think you covered most of  
23 the, hopefully all of the information that you needed.

24 SR. SPECIAL AGENT TEATOR: Yeah, don't say  
25 most, because if we go into most, we're going to dive

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1 back in. Because if there's something that we didn't  
2 get at today that you now feel you need to bring  
3 forward, that's important to what I'm looking at.

4 ~~(REDACTED)~~ No, I think you adequately  
5 covered it. We've talked about confusion on her part  
6 and she wouldn't have had the knowledge of what  
7 happened on the 18th, so from her vantage point, I can  
8 understand why she thought it was confusing or  
9 whatever.

10 SR. SPECIAL AGENT TEATOR: Or that there  
11 were mixed messages, maybe?

12 ~~(REDACTED)~~ Umm hmm, yeah, no, I  
13 understand.

14 SR. SPECIAL AGENT TEATOR: All right.  
15 Jeff?

16 MR. KEENAN: Nothing further.

17 SR. SPECIAL AGENT TEATOR: Okay, it's 4:12,  
18 this interview is concluded, thank you.

19 (Whereupon, the foregoing matter  
20 was concluded at 4:12 p.m.)  
21  
22  
23  
24  
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