

To Allegation file: RIII-2002-A-0114

From: Jim Heller

Subject: Contact with the CI

outside scope

On July 15, 2002, I talked to the CI for approximately 45 minutes. The CI confirmed that s/he had talked to Jim Guvula and that [REDACTED]

[REDACTED] The CI stated that s/he is working as a welder for at a non-nuclear facility and that they would not object to his/her use of the fax machine.

The CI discussed two examples of discrimination. The CI stated that when s/he was employed by NPS at the facility s/he and other had raised the smell of alcohol of [REDACTED] and the [REDACTED] without a procedure to his/her foreman [REDACTED]. The CI stated that s/he never pursued the alcohol issue and [REDACTED] as instructed. However the CI stated that s/he did not like way activities were managed at the site and quit. The CI stated that s/he and four other individuals quit. The CI stated that the foreman has lied to the licensee's investigator and denied that he was ever informed of the smell of alcohol. The CI stated that [REDACTED] boss has stated many times that the CI had informed [REDACTED] about the smell of alcohol on an individuals breath.

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I asked the CI if it was normal to quit before the work assignment was complete. The CI stated that s/he had worked for several contractors at the facility during the last 20 years and had quit several times to go to non-nuclear other jobs. The CI stated that s/he had been rehired each time. I asked the CI if the union was including his/her name on the rehire list. I told the CI that I had heard that some unions would not include people on the next rehire list if the individual quit before the job was complete. The CI stated that the union had included this name. When the union included his/her name on the rehire list it was informed that s/he was red flagged which prevented re-employment.

outside scope

The CI stated that s/he had been interviewed by the company investigator (Hal Walker) who was looking at the alcohol [REDACTED] issue. The CI rambled on for approximately 5 minutes about inconsistencies in his/her statements to the licensee's investigator. I am speculating that the reason for the red flagging was the inconsistencies. The CI stated that 2 of the 5 individuals who had quit at the same time have been rehired. The CI stated that these individuals were rehired because they stated to the licensee investigator that they did not remember anything. The CI believes that because s/he had provided facts about the smell of alcohol [REDACTED] was the reason s/he was not rehired.

← outside scope

The CI stated that s/he had raised the [REDACTED] alcohol issue in 11/01 and was interviewed by the licensee's investigator in 12/01.

I informed the CI that we investigation that we may investigate claims of discrimination. However if we investigate a claim of discrimination we will need to release his/her name to the licensee and contractor during the investigation. The CI did not object to the release of his/her name for the alcohol issue but objected to the release of his/her name for the [REDACTED]. The CI stated that s/he was working with the licensee and believed that the [REDACTED] would be resolved soon.

outside scope

Information in this record was deleted in accordance with the Freedom of Information Act, exemptions 7C, outside scope
FOIA 2006-113

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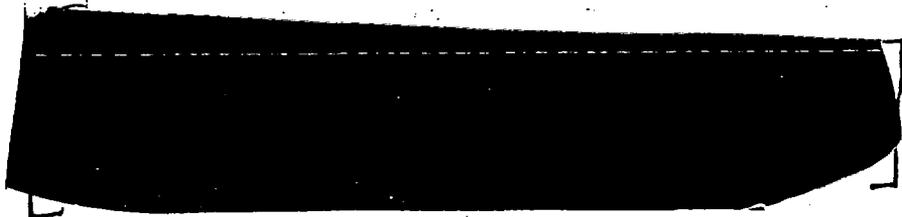
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I told the CI that since s/he believed s/he was the subject of employment discrimination, s/he has 180 days from the date of the alleged discriminatory act to file a written complaint with the DOL under Section 211 of the Energy Reorganization Act. On July 17, 2002, I recontacted the CI and provided him/her the address and telephone number to the DOL.

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street, Rm. 3244
Chicago, Illinois 60604
Telephone: (312) 353-2220

I informed the CI that the NRC and DOL have differing responsibilities when evaluating employment discrimination. While the DOL can order personal remedies such as reinstatement of your job, back pay, and reverse disciplinary action, the NRC does not have that authority.

the CI name is
the CI home number is
the CI cell number is



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