

UNITED STATES NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS

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In the Matter of: :
INVESTIGATIVE INTERVIEW OF :
THOMAS J. SAPORITO (CLOSED) :
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1620 North U.S. Highway 1
Suite 6
Jupiter, Florida 33130

Wednesday, June 29, 1994

The above-entitled interview commenced, pursuant
to notice, at 10:46 a.m.

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA- 96-19

B/9

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EXHIBIT 14

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2-94-003

7C portfolio

1 APPEARANCES:

2
3 On behalf of the U.S. Nuclear Regulatory Commission:

4 VANESSA G. SELEWSKI, INVESTIGATOR

5 JAMES DOCKERY, INVESTIGATOR

6 U.S. Nuclear Regulatory Commission

7 Office of Investigations

8 101 Marietta Street

9 Atlanta, Georgia 30323

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1 sworn, was examined and testified as follows:

2 EXAMINATION

3 BY MS. SELEWSKI:

4 Q I'm going to go ahead and start, Mr. Saporito, by
5 saying that and having on the record, that this interview
6 was scheduled for 9:00 a.m today, as a mutual understanding
7 between you and I, and we are officially starting the
8 interview with you at 10:46 a.m., which is late quite a bit.

9 The first person that we interviewed was Richard
10 Reichenbach, who had some issues and concerns dating back to
11 1985 - 1986, which were expressed and received at that time.

12 And then we also interviewed William Flint, who is
13 employed [REDACTED] but going back to work with
14 Florida Power & Light as an electrician. He had some
15 concerns that really were industrial safety concerns. They
16 were OSHA related, they appeared to be OSHA concerns, which
17 really is not our jurisdiction.

18 And I just want to be sure that it is on the
19 record that we are here to interview you and your concerns
20 that are currently being evaluated and looked at by OI and
21 we want to focus on those concerns and stay on scope today.

22 And we want you to understand and have this on
23 record, that our resources are limited and maybe in the
24 future, we need to have more direct communication with what
25 our focus is and what your focus is and try to come to an

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1 agreement with that.

2 A Okay, I'd like to respond to that on the record.

3 Number one is I've made to date, four requests
4 with Mr. Bruno Uryc through Mr. DeMiranda and personally
5 through Mr. Uryc in writing for a meeting in Region II
6 Headquarters.

7 And this company and myself offered to meet and
8 have this interview done at NRC Headquarters in Atlanta,
9 Georgia, which would have saved the government a tremendous
10 amount of money and resources because it would have been
11 more convenient for all parties involved.

12 The NRC refused to grant that request and insisted
13 that this interview take place in Florida.

14 So the second part of that is, I want it on the
15 record that it was my understanding that in addition to
16 those licensees which Ms. Selewski mentioned earlier, I also
17 intend to discuss issues raised before the Florida Power &
18 Light Company, and that was expressly conveyed to Mr.
19 DeMiranda and there was no problem with me doing that,
20 according to him.

21 And I had asked him to relay all of that
22 information to yourself, and which he said he did. So if
23 we're talking about expenses, I think the government needs
24 to re-evaluate its own procedures and provide public access
25 to the Regional Headquarters within the jurisdiction of the

1 licensee's interest, so that resources can be minimized.

2 MS. SELEWSKI: Okay.

3 MR. DOCKERY: Mr. Saporito, prior to this
4 interview and the interview of the two other individuals
5 that you more or less insisted on, I believe there was a
6 press conference here today?

7 THE INTERVIEWEE: Yes, there was.

8 MR. DOCKERY: Who called that?

9 THE INTERVIEWEE: I did.

10 MR. DOCKERY: And when did you first schedule
11 that?

12 THE INTERVIEWEE: I don't recall the exact time.
13 Was that important to this interview?

14 MR. DOCKERY: Yes, it is. Do you know what date
15 that you scheduled it?

16 THE INTERVIEWEE: I don't want to respond. It's
17 not relevant and material to your interview, that's not why
18 we're here.

19 MR. DOCKERY: Well, we determine what's relevant
20 and --

21 THE INTERVIEWEE: Okay. Well, I'm not going to
22 respond to that question.

23 MR. DOCKERY: Okay, but we'd like to point out for
24 the record that we did not in any way take part in that
25 press conference. Was that your intent?

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1 THE INTERVIEWEE: My intent to do what?

2 MR. DOCKERY: Was it your intent that we take part
3 in some way in the press conference?

4 THE INTERVIEWEE: Whatever you do is your own
5 intentions. I can't direct your conduct.

6 Are we finished in that area?

7 MR. DOCKERY: What time was that press conference
8 scheduled for?

9 THE INTERVIEWEE: I don't recall.

10 MR. DOCKERY: But you scheduled it?

11 THE INTERVIEWEE: I'm not going to answer any more
12 questions regarding the press conference. I'm not here to
13 discuss that.

14 MR. DOCKERY: Are you disturbed by the questions?

15 THE INTERVIEWEE: Well, I'm disturbed by your
16 attitude and your conduct and your demeanor right now. You
17 seem very highly agitated and that same conduct and demeanor
18 was expressed to me by the other two individuals that were
19 here and that concerns me, being an agent of the government
20 such as yourself is.

21 Are you upset?

22 MR. DOCKERY: No, I'm not, Mr. Saporito.

23 THE INTERVIEWEE: You appear to be.

24 MR. DOCKERY: Are you upset, Mr. Saporito?

25 THE INTERVIEWEE: No, I'm not.

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1 MR. DOCKERY: Okay, let's continue with the
2 interview then.

3 MS. SELEWSKI: Okay.

4 BY MS. SELEWSKI:

5 Q Mr. Saporito, I wanted to get on record too that
6 the evaluations that I'm doing of your concerns that we
7 talked about, some of these issue, it probably would be wise
8 or would be wise in the future, if you have anything that
9 you want to communicate to me, to please direct that
10 directly to me.

11 Oscar DeMiranda is the Allegations Coordinator,
12 Senior Allegations Coordinator in Region II. He does give
13 me quite a bit of material when I ask for it. It doesn't
14 automatically sent to me just as routine.

15 And if there is information that you need looked
16 at and reviewed related to your case or cases, please direct
17 that to me, either by phone or send it to me directly and
18 that way I can have it directly from you. That would be a
19 big help because sometimes communications can be a little
20 gray and it needs to come directly to me.

21 And the issue that you did talk to Mr. DeMiranda
22 about regarding FP&L, those were expressed to me, you know,
23 generically, just you know, that you did have some concerns
24 from 1988 and 1989 that you did want to talk to me about and
25 we'll be glad to listen to those after we focus on the

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1 current issues.

2 And those were expressed to me and I did send, in
3 a confirmation letter that I sent to you, that those
4 additional issues would be covered today. But I just want
5 to be sure that we understand direct communications would be
6 best when it comes to what we're looking at in OI.

7 A Okay. I want to start with TAG, which is the
8 Atlantic Group, the job shop which is based out of Norfolk,
9 Virginia.

10 I know you've had some concerns that you've
11 expressed to Region V related to TAG and Arizona Public
12 Service back in '92, '93, and recently some new concerns
13 expressed in Region II related to TAG. And I have a letter
14 that you've written where you state that you believe you've
15 been blacklisted by them for raising safety concerns at the
16 Palo Verde Nuclear Station.

17 Let me go ahead and this is dated January 2nd,
18 1994, a letter you wrote to the Human Resources Department
19 of TAG in Norfolk, Virginia. And then, of course, you filed
20 a Department of Labor complaint against TAG and I have a
21 complaint dated January 2nd, 1994, and there may be other
22 documents related to your DOL complaint that I have
23 possession of or you can give me.

24 MR. DOCKERY: Do you need to take a look at this,
25 Mr. Saporito?

1 THE INTERVIEWEE: No.

2 MR. DOCKERY: Are you familiar with it by
3 reference?

4 THE INTERVIEWEE: Yes.

5 MR. DOCKERY: Okay.

6 BY MS. SELEWSKI:

7 Q And I'm basically going to go through documents
8 and start asking questions, specific questions about some
9 things that you've written in your documents to get details
10 as much as possible.

11 A Okay.

12 Q And as always, we want to focus on who, what,
13 when, where, why and how as much as possible. And we're
14 going to go back and forth between what Region II has
15 basically got and what Region V has had related to Arizona
16 Public Service.

17 A In your documents I gave you, is Exhibits 23, 28,
18 29 that deal expressly with TAG.

19 Q Okay. What were those documents, 23 and what?

20 A 23, 28 and 29. Those three are just for TAG.

21 Q Okay. Let me go ahead and look at what I have,
22 which I'm sure I have all the same documents and go from
23 there and then you add what you need to add as we go.

24 A I'm going to go ahead and pull these from my own
25 records then.

1 Q Sure. I can go ahead and pull these.

2 MR. DOCKERY: Mr. Saporito, that was 23, 28 and
3 29, right?

4 THE INTERVIEWEE: Right.

5 MR. DOCKERY: Okay.

6 BY MS. SELEWSKI:

7 Q Do you have in your mind a chronological way that
8 you want to start with TAG? We can do that or I can go
9 start with the documents that I have because they're not
10 really in chronological order.

11 A Well, if I can make a suggestion, in one of these
12 exhibits that I just mentioned, there is a chronology that
13 was prepared by Attorney Colapinto, who's representing me in
14 one of those matters, and it was prepared for Mr. John
15 Norris who is a DOL investigator, so it is a very explicit
16 and detailed chronology and might be the best way to
17 approach it. I don't know.

18 There it is on -- it's Exhibit 28, the first two
19 pages, three pages.

20 Q Well, we've got so much material and information
21 to go through, I want to be sure it's expressed in as much
22 of an organized manner as possible.

23 It looks like a good beginning to start with a
24 history of your employment with Palo Verde and TAG. Let me
25 glance through this briefly.

1 [Ms. Selewski peruses the document.]

2 MR. DOCKERY: Mr. Saporito, how recently was this
3 prepared?

4 THE INTERVIEWEE: That's dated June 1, '94.

5 BY MS. SELEWSKI:

6 Q Okay, we can go ahead and start with his, Mr.
7 Saporito. Let's not read the first letter, that's just a
8 letter to Mr Norris of the Department of Labor from David
9 Colapinto introducing the chronology related to TAG and the
10 Arizona Public Service.

11 What we can do is go ahead and read into the
12 record that first two pages here because it is very
13 significant regarding the history.

14 A Read it in?

15 Q Yes, please.

16 A Yes, on page 1 of the Exhibit, 128 -- I have each
17 page identified with an FEC Number. It would probably be
18 better to identify each document like that. It will be
19 Exhibit 28 and the FEC coding at the bottom is 000552.

20 Item Number 1, September, 1991 to December 30th,
21 1991, employment for the Atlantic Group at the Palo Verde
22 Nuclear Station Unit 2 as an instrument control technician.

23 And Item Number 2 is January 27th, 1992, Mr.
24 Saporito filed a complaint with the DOL Office of Wage &
25 Hour pursuant to Section 210 of the Energy Reorganization

1 Act, alleging he was denied a position.

2 MR. DOCKERY: Can I make a suggestion for the sake
3 of time? Mr. Saporito, rather than have you read this all
4 in, we can -- you've very well identified the document by
5 its FEC Number here at the bottom.

6 Why don't we just get your assurance that this
7 chronology that was prepared by your attorney is factual to
8 the best of your knowledge.

9 THE INTERVIEWEE: Yes, it is.

10 MR. DOCKERY: And we can just use it then as a
11 documentary exhibit.

12 MS. SELEWSKI: That's fine. We can do that. I'm
13 going to go ahead and -- since I haven't seen this, I'm
14 going to need a moment to review it and then just ask some
15 questions from this to get some details, and probably go on
16 into your Department of Labor complaint that I have a copy
17 of dated January, 1994, January 2nd, 1994.

18 MR. DOCKERY: While you're reading that, let me
19 ask you, Mr. Saporito, at what stage is this in the DOL
20 proceedings?

21 Has anything happened since the filing, is what
22 I'm asking.

23 THE INTERVIEWEE: I just want to clarify
24 something. Is this the complaint that John Norris is
25 investigating?

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1 MS. SELEWSKI: Yeah, we're going to start with
2 that one. There's a couple of different Department of Labor
3 complaints.

4 THE INTERVIEWEE: Mr. Norris has related to me
5 that his investigation will be concluded in August of this
6 year.

7 MR. DOCKERY: Okay. Is there more than one DOL
8 investigation ongoing regarding TAG?

9 THE INTERVIEWEE: Yes.

10 MR. DOCKERY: Okay.

11 MS. SELEWSKI: And we'll get into those two
12 separate investigations or what the DOL -- where you are in
13 the DOL process with each one.

14 THE INTERVIEWEE: Okay.

15 BY MS. SELEWSKI:

16 Q Mr. Norris is currently investigating your
17 Department of Labor complaint against TAG, which you filed
18 in January, '94.

19 And then you have a separate Department of Labor
20 complaint from your days at Arizona Public Service, which
21 you filed -- when was that -- in '92, January '92?

22 A Yes, I believe that's correct.

23 Q Where is that now, that complaint?

24 A Okay, what happened with that was the licensee,
25 Arizona Public Service Company, made an out of Court

1 settlement, which I accepted, releasing them from that
2 action, but I did not release the Atlantic Group and I have
3 gone forward with my cause of action against them.

4 And what happened was that case was codified 92-
5 ERA 30 and then I filed a subsequent complaint against --
6 which TAG is still a party to and that became codified as, I
7 think it's 93-ERA 26, if I'm not mistaken.

8 And that is before Judge Kichuk, I believe, in
9 Lauderdale. That's still in the discovery stage of the
10 proceeding. And I think that was consolidated with another
11 case, so I think it's actually 93-ERA 2345. I'm not real
12 sure if those numbers are correct.

13 Q I was thinking, there's a possibility that the
14 Norfolk, Virginia, Department of Labor was maybe going to
15 take in the TAG complaint that you filed in '92.

16 Is that a possibility or has that been done,
17 consolidate that from '92 into your present complaint that
18 you made in January of '92 against TAG?

19 A No, what happened was, and if you look at Exhibit
20 23 at page FEC 000362, that is a letter that I constructed
21 to the Area Director, this is the Director of the DOI in
22 Richmond, Virginia.

23 And what has happened was the Wage & Hour Division
24 there, through his office, they decided to suspend any
25 investigation that they had going on regarding TAG and their

1 basis for that decision was that I filed a complaint in
2 October of '93 against TAG for failing to rehire me at Palo
3 Verde.

4 And the Department of Labor in Washington sent
5 that complaint to San Francisco for some reason and it never
6 got adjudicated, never got -- there was never an
7 investigation. It was just kind of limbo forever.

8 And then I filed that January complaint and then
9 there was also an outstanding complaint in February,
10 February 26th. So what Mr. Maruca out of the Richmond,
11 Virginia, Wage & Hour Division, he wrote me a letter and
12 it's in here also. It's in the same exhibit, FEC triple
13 zero 366 and then there's a subsequent letter behind that.

14 He's saying that we're not going to -- we're going
15 to hold our investigation in abeyance because the Secretary
16 of Labor has remanded the settlement decision in Case 92-
17 ERA 30 back to Judge Michael P, Lesniak and back to Judge
18 Kichuk, because there's a bit of confusion over TAG's
19 liability in that proceeding.

20 And so -- and I've read the RDOs from both Judges,
21 and Judge Kichuk properly addressed the issue, holding TAG
22 still liable, but Judge Lesniak, for some reason, has a
23 problem in letting TAG out. He interprets the contract
24 language different.

25 So he has issued Post Hearing Order Number 9 in

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1 that case and I have a copy of it here floating around, to
2 counsel of both parties, saying that it looks like we're
3 going to have to have a hearing on why TAG is still a party
4 in these proceedings, but TAG will be held as a party.

5 Getting back to the Wage & Hour Director, Area
6 Director, Mr. Maruca, he's saying well, I think we ought to
7 consolidate all these cases against TAG. My opinion is that
8 is not consistent with DOL regulations because number one --

9 MR. DOCKERY: Can I interrupt you for just a
10 second? Can we go off the record for a second, please?

11 [Discussion off the record.]

12 MS. SELEWSKI: We're back on the record.

13 BY MS. SELEWSKI:

14 Q I'm going to go ahead and start with some specific
15 questions and we will be bouncing around quite a bit, Mr.
16 Saporito, because I've got information here --

17 [Interruption.]

18 MR. DOCKERY: Stop the record.

19 [Discussion off the record.]

20 MS. SELEWSKI: We're back on the record.

21 BY MS. SELEWSKI:

22 Q I'm going to go ahead and just start with some
23 documents that I have, Mr. Saporito and ask the questions
24 that I have from those documents and we'll bounce around
25 some of your documents, when you want to refer to those,

1 related to what we're looking at now.

2 You had -- in your complaint to the Department of
3 Labor, you said that you were employed at Palo Verde through
4 TAG an I&C technician from September 29th, 1991 to December
5 31st, 1991, and at that time, you engaged in protected
6 activities under the Act.

7 Now, while you were employed there in September to
8 December, did you voice some safety concerns to Arizona
9 Public Service, TAG, NRC and kind of go through not
10 necessarily what those concerns were, but did you voice
11 those?

12 A Yes, I voiced safety concerns to APS management,
13 to the Atlantic Group management.

14 Q Okay. Did you do that verbally, through
15 documents, how did you go about that?

16 A I did it verbally and through written documents.

17 Q Okay, so at that time -- that was while you were
18 working there at that time you voiced safety concerns?

19 A Yes.

20 Q Of some issues that possibly you had seen or maybe
21 were told?

22 A Yes.

23 Q Were these issues people had told you about or you
24 had seen some things?

25 A Most of them were actually jobs that I was

1 personally involved in.

2 MR. DOCKERY: Was it first hand knowledge then?

3 THE INTERVIEWEE: Yes.

4 MR. DOCKERY: Do you recall the identity of the
5 individuals either with APS or with TAG that you voiced
6 these concerns with?

7 THE INTERVIEWEE: I voiced concerns with Steve
8 Grove, who was the Unit 2 I&C supervisor and I voiced it
9 with his supervisor, William Simko, who was the maintenance
10 superintendent for Unit 2.

11 My immediate supervisor was Isidore Chavez, C-h-
12 a-v-e-z. Another first line supervisor, Ken Meyer, M-e-y-
13 e-r.

14 MR. DOCKERY: Now, had you specifically mentioned
15 your health and safety concerns to each of these
16 individuals?

17 THE INTERVIEWEE: Various concerns to different,
18 but not all of them to each. And Bill Engleking with the
19 Atlantic Group, I mentioned concerns towards the end of my
20 tour there.

21 BY MS. SELEWSKI:

22 Q Yes, we're going to get specifically into some
23 conversations that you had with Mr. Engleking later in the
24 interview.

25 Okay, did you also voice some concerns after you

1 left Palo Verde, after your time there from September to
2 December?

3 A Yes, I did.

4 Q '91? And you voiced those with TAG and Arizona
5 Public Service also or through the media?

6 A Yes, through the media and I voiced them directly
7 to the NRC.

8 Q And these concerns you voiced to NRC while you
9 were there, between September, '91 to December of '91?

10 A No, I don't believe I had contact with the NRC
11 until after my termination.

12 Q And the reason you were terminated at that time
13 was just a regular work stoppage or what was the reason?

14 A I was told that -- I wasn't given a reason why I
15 wasn't selected and I asked Engleking. There was like 18 of
16 us hired for Unit 2. We were supposed to get rolled over to
17 Unit 1.

18 Q Okay. And this is Unit 2 during September to
19 December, that's Unit 2?

20 A Right. There's three reactors out there and this
21 was Unit 2 and there was going to be back-to-back outages.
22 In fact, that was a point of interest when I was first
23 anticipating employment with Atlantic, am I going to work
24 both outages? Yes, back-to-back.

25 Because I didn't want to travel, it's like 3,000

1 miles from here or 2,000 miles, and I said I don't want to
2 go all the way out there when it's not worth it.

3 MR. DOCKERY: You were promised that you would
4 work both?

5 THE INTERVIEWEE: Yes, she said it was for both.
6 You do have to pass a written test to become what they
7 termed an independent, qualified technician. She said once
8 you get that, you get a dollar increase. It's an incentive
9 for you to get that and you'll work both outages, you'll be
10 rolled over.

11 MR. DOCKERY: Who made that promise?

12 THE INTERVIEWEE: It was Ellen Simmons, a
13 recruiter with Atlantic Group. And then their employment
14 documents also indicated a start date.

15 *R* It did not indicate a stop date because we were
16 supposed to get rolled over and I did become independently
17 qualified. There's the certifications up there..

18 [Indicating.]

19 People that were not certified, were selected over
20 me. *VE-517*

21 BY MS. SELEWSKI:

22 Q Okay, when you initially started working there
23 through TAG in September of '91, you were just basically
24 hired on through TAG with no problems?

25 A Right. I went there with the other 17 or 18

1 people. We went through the general employee training, got
2 qualified for respirators, the drug testing, the physicals,
3 and then we went through like two weeks of rigid classroom
4 training, and during that time I raised safety concerns also
5 because I wasn't satisfied with some of the training
6 aspects.

7 Q Okay, and then in December 31st, 1991, you were
8 told by whom okay, this work is stopped and then kind of go
9 through a chronological order of what happened after that
10 and with whom?

11 A Well, through that outage everybody was kind of up
12 in the air because how many people are they going to hire
13 for Unit 1, you know, and no one from the Atlantic Group was
14 coming over to meet with us.

15 And during that whole stay of the outage, I don't
16 believe I ever had contact with an Atlantic Group person
17 coming over and saying okay, you employees of the last
18 group, let's have a meeting. We want to talk about who's
19 going to work or anything like that.

20 So there was all kinds of rumors flying, they're
21 going to hire everybody over there and then they're going to
22 hire, you know, a handful of guys. So nobody really knew
23 what was going on, who was going to be hired there.

24 Then, towards the -- I guess it was sometime in
25 December, maybe beginning or mid December, there was a

1 female I&C technician there who was a contractor with the
2 Atlantic Group.

3 Q Who's that?

4 A Robin Drake. She went around with a tablet with
5 everybody's name on it. She said that Jan Gilard, G-i-l-a-
6 r-d, who is an Atlantic Group, I guess Administrator, I
7 don't remember what her title was, told her to go interview
8 everybody and see who wants to work at the Unit 1 outage.

9 You know, I said well, I certainly do and so any
10 way, she said she was on this mission because Jan Gilard
11 told her to do it. And --

12 Q So she was -- so Ms. Drake was walking around
13 taking names and putting them on this tablet?

14 A Right.

15 Q And her direction was Jan Gilard at TAG?

16 A Absolutely.

17 Q And Jan Gilard is Human Resources?

18 A No, Jan Gilard worked with Bill Engleking in the
19 trailer out there, they have a trailer, TAG had their own
20 trailer.

21 So then these rumors kept going on, so no one knew
22 how many were going to -- so any way, we're all putting
23 resumes out to other companies because we weren't sure if we
24 were going to be -- we thought everybody was going to be
25 rolled over, but you know, you want to cover all your bases.

1 So I was sending resumes out and one of the places
2 I sent was the Houston Lighting Department, the STT plant.
3 In fact, I told a lot of people that they're hiring down
4 there.

5 The recruiter from Mission Bay in California said
6 if you've got anybody else that wants a job down there, we
7 need more -- we have a lot of slots open and I said well,
8 I'll pass the message around.

9 So I talked to like Rick Abarr and some of these
10 other guys I knew pretty well over there. And then I talked
11 to a fellow I worked with out there, Robert Wazak. I think
12 it's W-a-z-a-k. He got hired late into the outage and he
13 had a military background or something, in the nuclear Navy.

14 And I got to know him pretty well. His car broke
15 down one evening and I stopped and helped him and we went
16 into town and we got a fuel pump and got his car working.
17 So we went out, we used to go out and have a few beers and
18 stuff.

19 It also turns out that he was also paling around
20 with Bill Engleking, going out and having beers and stuff.
21 And through him, I learned that I was not going to work the
22 Unit 2 outage, that my name wasn't on -- I mean the Unit 1
23 outage, that my name wasn't on this magic list that was
24 going around.

25 Q Okay. Now, is this the same list that Ms. Drake

1 is -- now, you signed the list, you put your name on the
2 list Ms. Drake was passing around.

3 A She wrote my name on it, right.

4 Q Okay, but there's another list that TAG has issued
5 of who they're going to hire for the Unit 1 outage?

6 A Right. There was like a yellow tablet, I found
7 out later it was a yellow -- I saw it, it was a yellow
8 tablet, a lined tablet.

9 Q Okay. And Mr. Wazak told you your name's not on
10 the list?

11 A He said he talked to Engleking. They were out
12 having beers and he said I wasn't on the list.

13 Q Did you ask him why you weren't on the list?

14 A Yeah, I asked him why and he said he didn't know
15 and I think he also spoke to Jan Gilard about that. No,
16 that's exactly what he told me. He said he spoke to Jan
17 Gilard because he wanted to know if he was on the list she
18 was working on, but since he was my drinking pal --

19 Q He said why isn't Saporito on --

20 A He said why -- is Saporito on there, you know, and
21 she said no, he's not on there, but she wouldn't give him a
22 reason.

23 And then subsequent to that, I went to get my --
24 at the end of the outage, I went to get my paycheck and --
25 well, prior to getting the paycheck, it's been a while now

1 but prior to getting my paycheck, I had -- I was
2 communicating about this Houston job and they Fed Ex'd me a
3 package and they wanted that right back, so I was filling
4 that out real quick.

5 And I got a hold of Dan Robertson, who was a --
6 Dan Roberts is his name, I think. He's with their employee
7 concerns program and he told me that they hadn't made any
8 decisions out there yet, and he'd talked to people at Unit
9 1, that he'd see people and I guess it's Frank Warner now,
10 but I don't believe he used his name at that time and he
11 said they haven't made any decisions about who's going to be
12 selected there, so he said, you know, you still have a shot
13 at that. I said oh, great. And then I met Engleking out in
14 the parking lot.

15 Q Now, was this before you went to pick up your
16 paycheck, right?

17 A Yes, I believe it was.

18 Q About what time frame was this that you met Mr.
19 Engleking?

20 A This had to be early January.

21 Q Okay.

22 A And I was, you know, and I was already started
23 packing stuff up, you know, and he's telling me to park my
24 -- so I said what's the story on the job and I says I just
25 talked to Dan Roberts and he knew who Dan Roberts was.

1 And I said you guys aren't going to hire me out
2 there because I've raised some safety concerns with you, you
3 know, you don't want to lose this big contract out here.

4 And then I told him I thought they were
5 blacklisting me and I was going to file a DOL complaint. I
6 wasn't going to let the issue ride and I was going to
7 include the Atlantic Group in it. And then he got real
8 upset with me and --

9 Q How did he get upset with you? I mean was he just
10 raising his voice?

11 A He just like, words like that wouldn't be a good
12 career move if you would do that, you should just go on to
13 your next job, you know, words to that effect like, you
14 know, if you file a DOL complaint against Atlantic Group,
15 like you'll never work -- it was inferred.

16 He didn't say that verbatim, but to me that meant
17 that if you file a DOL claim against us, you're never going
18 to work for us again and that's a fact. And when it
19 happened, I haven't worked for them since.

20 But then I went -- subsequent to that I got my
21 paycheck, I believe, and he had this yellow tablet on his
22 desk. I said was that the list of people and he said your
23 name's not on it. I said let me see. He wouldn't let me
24 see it.

25 Q He wouldn't let you see the list?

1 A No, he wouldn't let me see the list.

2 MR. DOCKERY: Mr. Saporito, how extensive was that
3 list? How many people are we talking about?

4 THE INTERVIEWEE: It was a tablet --

5 MR. DOCKERY: No, I understand it was a standard
6 legal size tablet.

7 THE INTERVIEWEE: No, no, it was a small tablet.

8 MR. DOCKERY: Oh, I see.

9 BY MS. SELEWSKI:

10 Q How many people were they hiring --

11 THE INTERVIEWEE: It was like this, something like
12 this. [Indicating.]

13 MR. DOCKERY: Was it filled with names?

14 THE INTERVIEWEE: I could see it. He had it on
15 his desk and you could see it was all the way down and there
16 was some stuff on the side there.

17 MR. DOCKERY: So roughly 25 or 30?

18 THE INTERVIEWEE: Oh, I can't tell you that,
19 but --

20 MR. DOCKERY: That's the question. Do you know
21 how many positions they were attempting to fill?

22 THE INTERVIEWEE: Well, I don't off the top of my
23 head remember, but it came out in the trial. There's
24 exhibits and that list is in the exhibits, so there is the
25 actual document in there.

1 But in testimony in the trial, I think it came it
2 came out that they wanted five people or something like
3 that, but I think they ended up hiring more than five
4 people. But -- I hope I'm not getting off track here, but I
5 just want to mention that I have the exhibit in here.

6 I took Engleking's deposition in August of '92 for
7 discovery in that trial and the reason that's relevant, the
8 reason I'm bringing that up is because when Judge Lesniak,
9 and he ruled in my favor against APS, but he ruled in
10 Atlantic Group's favor in that same case.

11 But when he ruled in my favor, he held -- this is
12 before APS confessed -- he held that Frank Warner lied under
13 oath because he had contact with Steve Grove and he could
14 infer -- Steve Grove knows and that's the reason for his
15 concern, and they had all these management meetings daily up
16 there, you know, because we had an outage going on, so he
17 said it was inferred and implied that Warner had knowledge
18 of my protected activity and Warner was the decision maker
19 and Warner has to be lying in my Court.

20 And that turned out to be true, he was, and you
21 could tell this guy was lying on the stand. Everything that
22 was coming was coached and it was a lie.

23 BY MS. SELEWSKI:

24 Q And when Engleking --

25 A But Engleking, at the post hearing, you see, and

1 it's in the transcript --

2 Q Do I have that?

3 A Yeah.

4 Q Which exhibit is that?

5 A It's Exhibit 29, FEC Number 620 through 703.

6 That's on August 31st of '92 and let me just pull that
7 because that's very germane to this conversation. And I've
8 got the pages there, 620 -- and if you look at 620 --

9 Q Just give us a summary.

10 A Here on pages 640 to 642, that's Engleking's
11 contact with Frank Warner, the decision maker. Okay? So --

12 Q Just give us a summary of what he said during that
13 deposition that's germane to what we're talking about today.

14 A Well, that part of the deposition shows that he
15 had contact with Frank Warner, he had contact from Warner
16 specifically about I&C technicians working at Warner.

17 Now, he had more than one contact with him and he
18 had contact over the phone and then he said he met him out
19 at the plant a couple of times and he became very evasive in
20 that line of questioning.

21 So it stands to reason if Judge Lesniak could
22 infer the knowledge of protected activity because Warner had
23 contact with Steve Grove, well, Engleking had contact with
24 both of those guys, so he had to have that same knowledge,
25 and that is the motive for the retaliation and not hiring me

1 out there or any other place since there.

2 Q And when do you think he had the knowledge of your
3 protected activity?

4 A At the same time or maybe even before Warner --

5 Q When you started working at APS or during your
6 work at APS?

7 A No, he knew before I worked at APS because my
8 resume and application showed that I had raised concerns at
9 Turkey Point, at Florida Power & Light. He knew that and
10 it's in the deposition that he knew that.

11 But beyond that, even more than that, he had lost
12 communications with Steve Grove even before Warner did and
13 it's all in the transcript. So the Judge inferred that
14 Warner knew through Grove. Well, Engleking talked to both
15 these guys and he talked to Grove before Warner, so
16 Engleking had knowledge.

17 Q Okay, and this is all in the deposition about
18 Engleking's knowledge?

19 A Well, his meetings with Grove and discussions
20 about who's going to work the Unit 2 outage and how many you
21 need and all of stuff.

22 MR. DOCKERY: And from that you infer, you make
23 the inference that he had knowledge based on this
24 deposition?

25 THE INTERVIEWEE: Based on the deposition and

1 based on the -- I don't have the hearing transcripts here,
2 but the hearing transcripts go into even more detail of his
3 communication with Grove. You know, Grove went down a list
4 and said well this guy, this worker and this -- and he made
5 certain determinations about --

6 BY MS. SELEWSKI:

7 Q Did anyone tell you or did you hear or hear first
8 hand that Engleking had discussed with Grove or anyone else
9 there at APS, we're not going to rehire this guy, he's a
10 trouble maker, we're not going to fool with him any more, we
11 don't want him working with us any more?

12 A No, I never --

13 Q Was there any inference of that?

14 A I haven't heard that from anyone, but there was
15 one point of contention that I just recalled now that I
16 could never get resolved to this date. In that case, when I
17 went out there, you know you have to fill out all the
18 security forms and all that stuff and the applications.

19 And there was this security data form that I
20 filled out where I had listed Turkey Point and I have the
21 discharge and the reason for it and all that, and I was in
22 their trailer there.

23 Like I said, they have trailers there and we were
24 on a break, a bunch of us in there and it was either Vance
25 Pettus or this guy named Allen James, and I'm kind of

1 thinking it was Allen James, came in there with this tablet,
2 hand written tablet and he read from there just
3 complimenting us as technicians, how well we're doing our
4 job.

5 And this is coming from APS management, he said,
6 and he went through all this recital. Then he leaves and
7 Jan Gilard comes out and she comes right over to me and
8 hands me another security form, a blank one, and she says
9 you have to fill this out again.

10 And I said well, what's wrong with the other one
11 and she goes well, we just need it again, and you need to
12 really detail your reasons you became -- you left Florida
13 Power, you got terminated from Florida Power & Light.

14 Q What time frame was this now that you're talking
15 about that this happened?

16 A This is during our working at Unit 2.

17 Q During the September through December time frame?

18 A Yeah. It was earlier though into the outage. And
19 I specifically remember filling that out again and then I
20 put like a little asterisk on that thing and I flipped that
21 over, meaning that there's more comments on the back and
22 those attorneys wouldn't -- I asked them specifically for
23 that form and they gave me only the one side.

24 And I said well, now, as far as I know there's
25 another side and they said no, that's all there is Mr.

1 Saporito, no. But they have -- you know, like I have these
2 little numbers on the bottom here, these FEC numbers?"

3 Well, they had their own number and they call them
4 Bates numbers. They took all the documents in that case,
5 they're all sequential numbers and all of a sudden there
6 will be a break, right? There will be a whole bunch of
7 numbers missing and then they'll start again.

8 Well, I asked them when I had the Judge on the
9 conference call with both attorneys, Thornton and Lyons, I
10 says -- and Nexxen was on there, he's the Atlantic Group
11 attorney -- I said how come there's this break in the
12 numbers?

13 Did you guys give me all the documents? And they
14 said yeah, you got all of your documents. That's just
15 attorney work product and, you know, that's neither here nor
16 there. But I never got that document and --

17 Q What do you think was on that document that is --

18 A No, well, that shows that I'm engaged in protected
19 activity, I contacted the NRC --

20 Q Right.

21 A -- and I was fired for that. I mean she wanted me
22 to go into detail.

23 Q That shows they definitely had knowledge of your
24 protected activity.

25 A Absolutely.

1 MR. DOCKERY: And that was your narrative on the
2 back of the document you're describing?

3 THE INTERVIEWEE: That's right.

4 BY MS. SELEWSKI:

5 Q Okay, back when you were fired initially for --
6 sent your resume into TAG in what, '92, whatever it was?

7 A '91.

8 Q Did you tell them yeah, I am a -- I brought safety
9 concerns at FP&L? Did you put that in there?

10 A The resume I don't believe it did. I think that
11 was the first resume I had generated for like eight years
12 because I had worked for FP&L for seven or eight years and
13 it was just like a very vague resume.

14 But their applications that they sent me,
15 something like a security package that you had to fill in,
16 it was on there, I remember I put on there that I got fired
17 for raising safety concerns.

18 Q Okay.

19 A And that document's around here somewhere.

20 Q Okay, I want to go on to when you picked up your
21 paycheck with Mr. Engleking, what was the conversation at
22 that time and I'm thinking that was around January 2nd of
23 '92 when you picked up your paycheck?

24 A Right. Yeah, it was in that first week and he
25 didn't have my paycheck, for whatever reason, and we went

1 into this discussion about who's going to -- am I going to
2 work Unit 2 -- the Unit 1 outage and he said my name wasn't
3 on his list.

4 He wouldn't show me the list. I said so why
5 wasn't I selected and he wouldn't give me an answer and I
6 raised -- at that time I had -- I said well, it's because I
7 had raised these concerns, the safety concerns, and he
8 wouldn't respond to that.

9 And I said well --

10 MR. DOCKERY: Let me ask you, did he say no it
11 isn't or --

12 THE INTERVIEWEE: No, he didn't say no it isn't.

13 MR. DOCKERY: Well, I'm just trying to get the
14 specifics of how he responded. Did he shake his head?

15 THE INTERVIEWEE: No. The best I can recall is
16 when I said well, it's because of the safety concerns you
17 don't want me over there, because I raised safety concerns,
18 I don't know the reason you weren't selected and it's just
19 like he kept repeating, I don't know the reason you weren't
20 selected, I don't know the reason.

21 And I said well, I said you know I've brought up
22 many a times about these other -- like we had this guy
23 Arthur Hughes. A real nice guy, but he's extremely
24 overweight and he didn't even have security access. They
25 were still doing his background because he had some problems

1 that everybody knew about.

2 And he couldn't even read a blueprint and he's
3 working on safety related equipment out there and I said
4 this guy's got no business out here working for a nuclear
5 facility here. And he goes well, we just need some bodies
6 out here and we hire --

7 BY MS. SELEWSKI:

8 Q Now, are you saying this Hughes guy was hired on
9 with TAG?

10 A Oh, yeah.

11 Q And you weren't?

12 A Well, right. Oh, no, he worked with me at Unit 2.

13 MR. DOCKERY: That was just one of your concerns?

14 THE INTERVIEWEE: Yeah, that was --

15 MR. DOCKERY: Regarding his qualifications?

16 THE INTERVIEWEE: Right. And this one guy, he had
17 an alcohol problem. This guy was always drunk on the site
18 and then he just started missing all his work and they
19 finally pulled his access. What the heck was his name? I
20 forget, it's out of my head.

21 But then he later took a job at the Arkansas plant
22 because he ran into -- Billy Reeves was the other guy I
23 worked with out there and Billy Reeves told me that he ran
24 into this alcoholic and he had total access to this plant,
25 unescorted access.

1 BY MS. SELEWSKI:

2 Q Do you have a list of names of other people that
3 were hired for that Unit 1 outage and you weren't through
4 TAG?

5 A It's in the record and Colapinto has all my
6 transcripts from that case, so he didn't give me any of
7 that. There is a detailed list there.

8 Q Okay, let's go back to the conversation you had
9 with Mr. Engleking and you basically said, you know, you
10 asked him why you weren't on the list for Unit 1 and he said
11 he didn't know. Now, Mr. Engleking is an Administrator.
12 What is his exact title or what was it at that time?

13 A I believe he said he was the Site Coordinator.

14 Q Okay. Would he have been in a position to make
15 decision on who gets hired for Unit 1 outage?

16 A Yes and it's in his deposition that him and --
17 that Frank Warner communicated directly with him about
18 getting resumes and the selection process.

19 Q Okay. So he was in a position to make the
20 decision and to really possibly know reason, he should have
21 known reasons people were or were not hired?

22 A Absolutely.

23 Q At that outage, whether it was an Arizona Public
24 Service reason, you know, they had enough people, they had
25 more qualified people or maybe another reason which you

1 think is that you have been -- it's a conspiracy to
2 blacklist against your future hiring.

3 A Right.

4 Q Exactly -- okay and then you asked him, well, what
5 is the criteria for -- to be rehired or to be hired in Unit
6 1 or you asked something about criteria for hiring a tech
7 and can you go into that a little bit?

8 A Yeah, and I went into -- and you'll see in
9 deposition, I went into great detail and they have what's
10 called an employee status form. And on that form, they give
11 you ratings and a 1 rating is a very poor rating and a 5 is
12 the very best rating and a 3 is an average rating.

13 So my status sheet, and we have it in here --

14 Q What exhibit is that?

15 A It's in one of these three that we pulled. I'm
16 looking at Exhibit 28 and it's on FEC page number 000567.
17 It's an employee change of status form on me by the Atlantic
18 Group. And their reason for termination is indicated on
19 here as a reduction in force.

20 They gave me an evaluation in the center of this
21 form. It says evaluation site rehiring, is he eligible to
22 be rehired at this site? It says yes, a Y for yes. And it
23 says is he eligible -- it says company rehiring, can he be
24 hired at Atlantic Group at any facility other than Palo
25 Verde and it says yes.

1 And then it says -- it has three categories,
2 attendance, attitude and work performance and I got a rating 7C
3 of a [REDACTED] and [REDACTED] on that. Now, in Engleking's deposition, I
4 went into great details on these ratings and I said well,
5 Mr. Engleking, let's talk about these three -- these
6 parameters on what you evaluate people to rehire on.

7 And he said okay, and I said what about attendance
8 because you gave me a [REDACTED] what does that mean? And he says 7C
9 well, a 3's average. 1's bad and 5's the best.

10 And I said well, how does one get a rating better
11 than a [REDACTED] and he says well, it's very hard. He goes you --
12 and I said well, if a guy had perfect attendance, he was
13 there every day of the week, wouldn't that be a 5? He says
14 no, no, that's a 3. You're expected to be there every day.
15 That's just average performance.

16 He goes, to get a better than a 3, you'll have to
17 do something beyond that. You'll have to come in and work
18 on a day you're not really supposed to come in and work, on
19 a day you're not scheduled because our client needs you
20 there or you'll have to volunteer for a holiday.

21 Q We probably need to get back on focus with what
22 the initial question was relating to this form. What was
23 the point that you wanted to make?

24 A Well, it's disparate treatment, you see. I should
25 have gotten a [REDACTED] or a [REDACTED] on attendance because I met his 7C

1 criteria. I was there all the time, never missed a day. I
2 worked the holidays, I volunteered for them so that there in
3 house people could have it with their families because I
4 didn't have my family out there, but he still wouldn't give 7C
5 me anything higher than a

6 Q You feel like this was a form of adverse action
7 against you while you were with TAG?

8 A Absolutely, and it shows that I was treated
9 different. I mean I should have, by their own policies --

10 Q And you know that the other people though, Mr.
11 Saporito, did not get the same ratings and that this was
12 different treatment?

13 A Because I have the sheets on the other people and
14 I reviewed them and I was there when those people weren't
15 there. I was there when those people, like the guy -- go
16 look at the guy who got discharged for the alcohol. I'll
17 bet you he's got a 3 in all three of his categories.

18 Q Okay, so where are those other forms on the other
19 people?

20 A Well, they're with -- Colapinto has them in
21 Washington. He's got my whole case file on that.

22 Q Okay.

23 MR. DOCKERY: Mr. Saporito, the exchange between
24 you and Mr. Engleking during the deposition, that's
25 contained -- regarding this form -- that's contained in the

1 deposition you provided us today?

2 THE INTERVIEWEE: Right, right.

3 MR. DOCKERY: So what you just described is -- and
4 he was under oath at the time?

5 THE INTERVIEWEE: Yes.

6 MR. DOCKERY: And we can review that deposition
7 and see the exchange between the two of you, okay.

8 BY MS. SELEWSKI:

9 Q Okay. And the criteria that I had asked about
10 before, he basically told you or did he say he didn't know
11 what the criteria was? I just want to get that on record
12 and I can review this in detail later.

13 A Well, that's the three areas we talked about, but
14 also, and I don't have his exhibit here, they have their
15 Atlantic Group employee workbook or employee manual, and it
16 goes into explicit detail on what they base the criteria on
17 and I met all of it and Colapinto has that also.

18 Q Okay. Let me ask you about TAG and their
19 practices for selection. What do you know about that as far
20 as when someone is selected, say to work for this Unit 1
21 outage, what -- who selects you or other people, Arizona
22 Public Service or the job shop, TAG?

23 A It's -- it works by the supervisor for that
24 particular unit or one of his foremen making a request
25 through the vendor contractor for APS in this case. Then a

1 contractor's supposed to contact the Atlantic Group and say
2 we've got eight openings for I&G technicians, send us eight
3 resumes.

4 But this case, is unique because they already knew
5 we were there, they knew who was there on Unit 1 because the
6 supervisors and the other techs, and we interchanged through
7 the whole outage of all three units, they shared employees.

8 They knew we were already qualified, they knew
9 that I was independently qualified and they gave us these
10 documents and they didn't necessarily have to go through all
11 those procedures again.

12 So when Warner contacted Engleking, he knew who
13 was available, he had already talked to Grove and he knew
14 who was independently qualified and who wasn't. And if you
15 look at the people that Warner selected, he selected people
16 that didn't even have the minimum training required.

17 They didn't even have respirator qualifications
18 and money is always an object with utilities, so they're not
19 -- why would they select somebody that they'd have to pay
20 and go through all these other, more resources to train to
21 bring them up to speed when someone is already badged, all
22 qualified and can go right out and do the work?

23 Q Okay, let me go back to my question here on who
24 selects. Who selected you when you began the outage, this
25 outage 2 work in September of '91 to December of '91? Was

1 APS the selecting people and who, if they were, or did TAG
2 say okay, we're going to select Saporito, here you go APS,
3 here's Saporito? Who made the actual selection of you?

4 A Oh, I believe it was -- it's my understanding form
5 going through the trial, when I submitted my resume they
6 said okay, you meet our qualifications for an I&C technician
7 based upon your experience before of Florida Power & Light.

8 They forwarded my resume out there to Phoenix and
9 they sent it into APS management and they selected me as one
10 of the 18 and they brought me out there.

11 Q And who made the selections?

12 A Well, it would have to have been, it was probably
13 reviewed by Steve Grove and Chavez, Meyers or any one of
14 those first line supervisors.

15 MR. DOCKERY: Who were SPS persons.

16 THE INTERVIEWEE: Right.

17 MR. DOCKERY: Let me ask you this. To the extent
18 you know if they were hiring 18 people, were more than 18
19 resumes provided by TAG?

20 THE INTERVIEWEE: I believe so. But let me back
21 up a second. There is a -- I missed a very critical point
22 on that process. The resumes were actually hand picked by
23 an Atlantic Group person, Vance Pettus or Allen James, I
24 forget which one, but they -- he told us while we were all
25 there in the Atlantic Group headquarters out there in

1 Phoenix on 51 and Dyce or one of those streets that they
2 have a building out there, he says I hand picked you people
3 because I felt that you could pass this independently
4 qualified test and get that extra dollar.

5 We're going to give you an extra dollar an hour
6 and that's your incentive to pass this test. And I hand
7 picked you people because I feel that you can do it, and it
8 was either Pettus or Allen James, one of those two did it,
9 he stood right there and told everybody.

10 So they did have input into who they were going to
11 send to APS.

12 MR. DOCKERY: How many people were standing there,
13 do you recall?

14 THE INTERVIEWEE: There was a whole class there,
15 we were all there. All the Atlantic Group people that were
16 hired were there.

17 MR. DOCKERY: So there were 18, at least?

18 THE INTERVIEWEE: There was at least 18, yes. We
19 were all there. We took the whole classroom and it was an
20 APS training guy, they sent an APS training guy to train us
21 to pass the test. It was Frias or Fretus or something like
22 that.

23 BY MS. SELEWSKI:

24 Q Do you know if Mr. Grove or whoever made the
25 selection for the outage, for the Unit 2 outage, was aware

1 of your protected activity in the past?

2 A Oh, yes, he was.

3 Q So at that point when he selected you in September
4 of '91, he knew that you had a history of voicing safety
5 concerns and being involved in protected activity at other
6 nuclear plants?

7 A Yes.

8 MR. DOCKERY: Do you know how he knew that?

9 THE INTERVIEWEE: Yes. Steve Grovenveld, who I
10 worked with at Turkey Point, and Rex Smith, who I worked
11 with at Turkey Point, both told him and Rex Smith made a
12 point of -- he went to Steve Grove and told him all about
13 me, he went to Isidore Chavez and told him all about me, he
14 went to Meyer and -- who's the other guy -- there's two or
15 three more supers -- and he went to all these people and
16 told them about me.

17 MR. DOCKERY: Why did he do that?

18 THE INTERVIEWEE: That was the question I asked
19 him in Court. He goes, well, I don't know, I just thought I
20 had to do it. He went and told everybody. He said I've
21 seen this guy on CNN raising concerns about Turkey Point as
22 I was flicking through the TV and my dad sent me a newspaper
23 from Sarasota, Florida, and he told this all in open Court.

24 MR. DOCKERY: So now he was just a co-worker of
25 yours, is that correct?

1 THE INTERVIEWEE: When? Out there he wasn't, out
2 there he was a quality -- a QC Inspector at Palo Verde. At
3 Turkey Point, he was just an I&C tech with me.

4 BY MS. SELEWSKI:

5 Q Okay, and Steve Grove though --

6 A Steve Grovenveld.

7 Q Grovenveld.

8 A Was the other I&C tech I worked with at Turkey
9 Point and he is an I&C technician at Palo Verde.

10 Q Okay, so in September of '91 when you started at
11 that Unit 2 outage, the person that selected you, which you
12 think is Steve Grove, was part of the selection process?

13 A You know, I think it was -- I don't know if he was
14 the only person that selected me. I think, you know, it was
15 input from the other supervisors who's coming in here.

16 Q Right.

17 A I really didn't get the clear story who that
18 decision maker was.

19 Q Well, why would he select you if he had knowledge
20 of your protected activities?

21 A Because it's my believe now, when I look back on
22 the record, that he was told to select me from Bill Conway
23 and/or James Levine or both, because there was a call made
24 from Florida Power & Light to Arizona Public Service, Bill
25 Conway, saying Saporito is out there.

1 And Levine made an effort to personally instruct
2 Bill Simko, who's a maintenance superintendent, to go find
3 out. And he made them go through my resume and they found
4 out I worked at Turkey Point when they went through the
5 resume.

6 He had communications with Steve Grove, direct
7 communications. In fact, he testified that he went back, he
8 personally met with Steve Grove during the outage and to
9 check up on me and how I was doing.

10 So I believe, looking back on it now, that they
11 knew who I was and that he was told to hire me and
12 hopefully, he said, I won't raise any safety concerns while
13 I was here. But I did raise safety concerns and they didn't
14 want me to continue them.

15 Q Okay, so we've kind of got a history of who
16 selected you at that point was APS and a name there. So
17 then when you tried to get into the Unit 1 outage work
18 through TAG, it appears TAG was saying they were making
19 those selections or non selections?

20 What is your understanding of who made the
21 decision to not select you or to select the -- and to select
22 the other people, was it Mr. Engleking, was it someone in
23 TAG that you're targeting?

24 A Well --

25 Q And why would it be different?

1 A Okay. Well, number one is Frank Warner's already
2 confessed that he's the guy that didn't select me. One of
3 his -- Larson, his foreman, did select me and Warner de-
4 selected me. So on the part of APS, Warner de-selected me
5 and it's my belief that he was encouraged from probably
6 Levine's level management to do that.

7 Engleking had communications with Grove and Warner
8 about who's going to work Unit 2 and Engleking has, in my
9 opinion, just as much input of time, you don't want to hire
10 this guy. I mean, he's raised all these concerns.

11 But it got so bad, this guy named Bill McCullough,
12 who was a co-worker, pushed me in a security sense because I
13 raised concerns that he was involved in on the job, he was
14 doing some bad things.

15 And Engleking knew all about the incident and he
16 testified to that, and he didn't do a darn thing, even
17 investigate it and that's disparate treatment all by itself.
18 He didn't do anything to stop it nor did APS.

19 Q Back to Engleking. Do you have proof that there
20 were conversations among those people or that he had direct
21 input into your not being hired for that outage, Unit 1
22 outage?

23 A No, just the inference that's drawn with his
24 communication with Warner and with Steve Grove and my
25 conversation with Wazak, you know, this guy knew that I was

1 raising concerns on the units, so he knew about my protected
2 activity while I was working there in addition to my Florida
3 Power & Light protected activities.

4 Q Okay. So the APS people that you're talking about
5 here, Warner, made the confession saying that basically he
6 didn't hire you because someone had told him you were a
7 whistle blower or whatever.

8 That was that confession during this time of this
9 Unit 1 outage, right? That's when they're saying they
10 didn't hire you?

11 A No, he didn't confess until after the Judge ruled
12 against him.

13 Q But it was during that time frame he's saying that
14 he didn't hire you because you're a whistle blower, I guess
15 is what I want to be sure of understanding the chronology.

16 A I don't understand the question.

17 Q Okay. We have the confession of Mr. Warner, APS
18 and then there was another person involved that --

19 A Steve Grove.

20 Q Steve Grove, okay. Is that the time frame they
21 said that they didn't hire you because you were a whistle
22 blower?

23 A Right.

24 Q It was the Unit 1 outage.

25 A It was the Unit 1 outage, right.

1 Q Okay, I just want to be clear on that. And did
2 you think TAG was involved in that decision?

3 A Oh, absolutely.

4 Q In that conspiracy to not hire you?

5 A Absolutely.

6 Q And you think the main subject there is Mr.
7 Engleking?

8 A Right. And -- well, go ahead.

9 MR. DOCKERY: I'd like to summarize it and make
10 sure I'm understanding everything here.

11 You were -- you put in for -- submitted a resume
12 to TAG, which accepted your resume, forwarded the resume to
13 APS, who selected you for an outage at --

14 THE INTERVIEWEE: Well, they forwarded the resume
15 to their Phoenix Atlantic Group office. Then one of those
16 executives, either Allen James or --

17 MS. SELEWSKI: Ellen Taylor?

18 THE INTERVIEWEE: No, Allen James or Vance Pettus.
19 Allen James and/or Vance Pettus is a little tight with James
20 Levine, they golf together and all this kind of stuff. So
21 one of those guys -- that's another angle I forgot to
22 explore when I was deposing those guys, but they made the
23 decision -- he hand picked us, he told us that.

24 MR. DOCKERY: Okay. Is that an APS?

25 THE INTERVIEWEE: That's a TAG guy.

1 MR. DOCKERY: That's a TAG.

2 THE INTERVIEWEE: He had picked the people that
3 they were going to give to APS and they said here's the
4 bunch that we think will pass your test. Do you want them
5 or not?

6 MR. DOCKERY: And at that point, it's up to APS to
7 determine whether or not on your resume, the face of your
8 resume, they want you to work in their plant?

9 THE INTERVIEWEE: Right.

10 MR. DOCKERY: Okay. So you were selected through
11 that entire procedure to work for an outage for Unit 2.

12 THE INTERVIEWEE: For Unit 2, right.

13 MR. DOCKERY: The Unit 1 outage, came after the
14 Unit 2 outage, correct?

15 THE INTERVIEWEE: That's correct.

16 MR. DOCKERY: Okay, for the Unit 1 outage, did the
17 TAG group again submit your name or resume to APS? Was that
18 the procedure?

19 THE INTERVIEWEE: Yes, they did. At least I
20 thought that was the testimony that Larson and -- Larson and
21 there was another foreman that worked for Warner. Well,
22 it's in the record, but I don't know his name off the top of
23 my head.

24 But any way, those two guys -- apparently Warner
25 testified that he gave all these resumes that Atlantic Group

1 gave him to the foreman, Larson, so Larson could go through
2 these. Give me a yes or no on who you want.

3 MR. DOCKERY: And this is for the Unit 1 outage?

4 THE INTERVIEWEE: Yeah. For Unit 1.

5 MR. DOCKERY: We'll make it the second outage that
6 you wanted to work out.

7 THE INTERVIEWEE: Right.

8 MR. DOCKERY: Okay.

9 MS. SELEWSKI: Yeah.

10 THE INTERVIEWEE: Okay. And then there was
11 communication between Warner and Engleking, who said hey, I
12 need techs, give me resumes. They gave him resumes.

13 MR. DOCKERY: Same procedure then, basically.

14 THE INTERVIEWEE: Yeah.

15 MR. DOCKERY: TAG supplies resumes to APS.

16 THE INTERVIEWEE: Right.

17 MR. DOCKERY: And APS considers the resumes.

18 THE INTERVIEWEE: Right. But the only problem is
19 with that whole scenario is Warner and Grove and Engleking
20 all communicated during the Unit 2 outage and they knew who
21 they wanted before all this went down.

22 MR. DOCKERY: Okay.

23 THE INTERVIEWEE: So I mean I can't even -- I
24 don't even believe any of that testimony. I mean Warner
25 impeached himself and, in my opinion, Engleking impeached

1 himself under oath, and so I mean I'm a little suspect.

2 I think those people had their minds made up
3 before the Unit 2 outage even ended, who they wanted to work
4 over there. But what happened was, it was probably, in my
5 opinion, there was probably early intervention with Steve
6 Thornton, the attorney out there and we've got to play it by
7 the book. You've got to review these resumes.

8 So what, in my opinion, happened was that Warner
9 gives these resumes to Larson and says make me two piles,
10 the ones you want to work here and the ones you don't and
11 Larson says okay, I want these guys, I don't want these
12 guys. Puts yeses or nos on these resumes.

13 MR. DOCKERY: But you've just stated that's your
14 opinion that that happened and we can't work with opinions
15 if we're going to investigate it.

16 THE INTERVIEWEE: But you can't believe any of
17 their testimony at all.

18 MR. DOCKERY: Why?

19 THE INTERVIEWEE: Because they lied under oath.

20 BY MS. SELEWSKI:

21 Q Well, let me make something a little clear here,
22 that it's a little information, background information, and
23 that's Region V material that is background regarding
24 Arizona Public Service and the confession and their
25 investigations they're doing out there relating to Warner

1 and Grove.

2 A I thought you said you were taking it, that Region
3 II was taking that?

4 Q I'm taking the TAG part of it.

5 A Oh, the TAG part, okay.

6 Q Yeah, the actual Arizona Public Service, who of
7 course, you've settled with, is being investigated --

8 A How?

9 Q -- at Region V.

10 A Oh.

11 Q And I know it's confusing because we have some
12 changes of the guard.

13 MR. DOCKERY: What I'm trying to get to here is
14 can you give us a direction to go in, as far as any way we
15 can substantiate what you presume to be conversations
16 between employees of APS and employees of TAG, regarding
17 whether or not you would be hired for the second outage?

18 THE INTERVIEWEE: Yeah. This Warner, Warner,
19 Larson and Wagner's the other guy's name, Robert Wagner, all
20 dealt and physically handled the resumes and had input on
21 them and there was also testimony about Wagner.

22 I said well, what did you do with the resumes?
23 Stuck them in my desk drawer. And I wanted to find out if
24 the resume -- the original wasn't even returned to me. And
25 I said well, what did you do with them then? Well, he gave

1 them to Dan Roberts of the employees concerns program, and
2 then they disappeared.

3 BY MS. SELEWSKI:

4 Q Okay. And my understanding that one of those --
5 your resume was marked no, reject or whatever.

6 A It was marked yes by Larson and no by Warner.

7 Q And that is part of something Region V is looking
8 at. But yes, we want to kind of know how we can show the
9 TAG side of the conspiracy.

10 A So the people that dealt with the resume, in my
11 opinion, on that selection process is Jan Gilard and Robin
12 Drake and Bill Engleking and Frank Warner, Robert Wagner and
13 Dave Larson.

14 And those people all -- and Steve Grove, of
15 course, and then you have the first line supervisors who
16 were constantly rotated throughout the outage, that all knew
17 who I was, so you know, that's --

18 Q So your resume was actually submitted for that
19 Unit 1 outage by TAG to APS?

20 A Right.

21 Q You do know that? But you weren't on the list to
22 be hired?

23 A Right.

24 Q That Engleking had.

25 MR. DOCKERY: Which is the decision that APS

1 ultimately makes.

2 THE INTERVIEWEE: Right.

3 BY MS. SELEWSKI:

4 Q Okay. I have some information that possibly APS
5 was saying that was TAG's decision. Do you have any
6 information on that, that normally --

7 A It was my understanding --

8 Q Let me just finish real quickly now.

9 A All right, I'm sorry.

10 Q That normally TAG -- that normally APS does make
11 those selections, but this time was different, that you
12 know, APS didn't make it, TAG made this selection and non
13 selection, which was different from how they normally do it.

14 Now, this is what I understand APS is saying. I
15 don't have a whole lot of information on that.

16 A It's sworn testimony where Dave Larson said that
17 he put the yeses and nos on the resumes. The resumes prove
18 that out.

19 Q And Dave is APS?

20 A He's APS. He works directly for Frank Warner and
21 Fran Warner accepted Larson's opinion and they've worked
22 together for like 15 years, accepted his opinion on every
23 one except me.

24 But I also understand that there was vendor, APS
25 vendor input and Atlantic Group intervention on that issue

1 also, and I don't have names though.

2 Q You don't have any vendor people names?

3 MR. DOCKERY: How did you come by that
4 information?

5 THE INTERVIEWEE: I don't want to -- I'd rather
6 not say that confidential person I'm speaking with about
7 that.

8 BY MS. SELEWSKI:

9 Q About the vendor and TAG?

10 A And TAG. There's more to that whole story that
11 has not come out yet.

12 Q Does Region V have information on that, that you
13 know of?

14 A I don't know what -- they won't tell me the
15 direction of their investigation.

16 MR. DOCKERY: Is that information that will come
17 out at some point, the nature of this confidential
18 discussion you had with someone? I'm just not clear.

19 THE INTERVIEWEE: Not from me, no.

20 MR. DOCKERY: So in conducting this investigation,
21 that is something --

22 THE INTERVIEWEE: Well, I'm sure Region V could
23 bring you up to speed on all that very quickly.

24 BY MS. SELEWSKI:

25 Q Okay. So you don't -- you haven't any proof or

1 any -- I mean do you have information that TAG made the
2 selection or non selection of you for that outage?

3 A No, I don't have any.

4 Q Any comments on that whole issue of who made, you
5 know, of APS saying no, we didn't make the selection this
6 time, TAG did?

7 A My comments and opinion, looking back on the
8 entire record and everybody's testimony, all these
9 depositions and exhibits, there was a concerted effort
10 between APS and Atlantic Group.

11 The key players, Steve Grove, Frank Warner and
12 Bill Engleking and Jan Gilard and Robin Drake. She was an
13 agent of TAG at that time because she was on a mission for
14 them. And those people all had the input.

15 And Robin Drake knew all the protected activity I
16 was in, just as much as any of them, and the only reason she
17 got selected for Unit 1's outage was because her ex-husband
18 worked over there and had a connection with Frank Warner,
19 and she was threatening to sue the company for sexual
20 harassment and they were harassing the dickens out of her
21 and she had every right to do it, in my opinion.

22 And she had a private meeting with Steve Grove and
23 that one supervisor she worked with. I forget what his name
24 was. And then all of a sudden, she was hired. She went for
25 Union 1's outage and she had no problems after that. That's

1 how she got over there.

2 I mean they used to keep her in the shop. \$22 an
3 hour and didn't do anything, just sat there all night.

4 BY MS. SELEWSKI:

5 Q Okay, let me go back to the document at hand here,
6 the complaint filed by DOL against TAG and I have a few
7 other questions.

8 You said that a list of the other employees that
9 were hired is with your attorney, Colapinto?

10 A Yes, he has the majority of the case files on that
11 whole case, the transcripts and everything.

12 Q Okay, so that information is not in any of the
13 documents that you've given me today?

14 A Well, Engleking's deposition is in there and
15 there's -- my resumes are in here and some letters. I had
16 an affidavit of Ellen K. Taylor here, is in here, and
17 there's a lot of information in here, but --

18 Q Okay, but not a real list of the employees that
19 were hired for that particular outage?

20 A Oh, no. No, no. Colapinto has that.

21 Q Okay. Let me just go off the record for a moment,
22 please.

23 [Discussion off the record.]

24 MS. SELEWSKI: We'll go back on the record.

25 BY MS. SELEWSKI:

1 Q You also wrote a letter to TAG asking to be
2 considered for employment in the fall of '93.

3 A Right.

4 Q Was there a time between the issue we just talked
5 about, which was the Unit 1 outage, was there any time
6 between there that you applied with TAG for employment?

7 A Yeah, I wanted to work -- there was - they had
8 openings and Robin Drake got one of them because her and Jan
9 Gilard were tight out there, in which they wanted people to
10 work under the fire protection system and they were going to
11 work from, you know, the Unit 1 outage and you would
12 continue on to the Unit 3 outage, so you would not have a
13 break in employment.

14 And I wanted that job and I specifically wanted to
15 get that job. And I dealt with Jan Gilard through that and
16 Robin Drake, I told her I also was interested in that job.

17 Q Okay and that was -- the Unit 3 outage was what
18 time frame?

19 A It was September of 93, I think that was -- '92,
20 excuse me.

21 Q And how did you communicate with TAG at that time,
22 was it through a letter?

23 A Yeah, I wrote a cover letter requesting
24 employment, I believe.

25 Q I have one dated December 1st, 1993, so you're

1 saying there was one submitted prior to that in '92?

2 A There's one that's specifically for that outage.

3 Q Is that in the exhibits that you provided me
4 today?

5 A It might be, but I know that David Colapinto has
6 copies of all --

7 Q What we'll do is --

8 A Here's one, December 1st, 1992. It says FEC
9 triple zero 605.

10 Q Okay, which exhibit is that?

11 A Exhibit 28 at page 000605.

12 Q Okay, so I want to kind of go chronologically what
13 your contact was with TAG after your non hire in the Unit 1
14 outage.

15 A Okay. Well, there's several letters in here then
16 for that and they're all different dates.

17 Here's the one here, it's Exhibit 28, page 000602
18 and it's dated October 26th, 1992 and it was sent to Ellen
19 Taylor, requesting employment for the Palo Verde outage that
20 was coming up there.

21 MS. SELEWSKI: I want to make it clear for the
22 record, that's Ellen, female, E-l-l-e-n.

23 BY MS. SELEWSKI:

24 Q Okay. That was October 26th, '92 you sent a
25 letter to TAG requesting employment --

1 A Employment.

2 Q -- or requesting submission of your resume?

3 A And then the one after that is December 1st, 1992.

4 And here's one here for July 2nd, 1992, so these aren't in
5 exactly order here.

6 Q And you found out about these openings that were
7 these I&C tech positions you were concerned about, and you
8 found out through News Weekly or different nuclear
9 magazines?

10 A Yeah, they have Sea Weekly, they advertise in, Job
11 Shoppers, that type of stuff, but I knew Unit 3 was coming
12 up for an outage, and that one specific one I wanted to get
13 hired out because I was still qualified. Your qualification
14 was good for like a year out there.

15 Q Okay, so we've got several, several letters that
16 you've written to TAG. Did you get any responses from TAG
17 on your letters?

18 A No, I didn't get any responses at all and that's
19 pretty unusual, in my opinion. Usually, they send you a
20 letter or they call you and say well, you know, we have
21 outages here, we have outages here.

22 Q Yeah, usually they asked your permission before
23 they submit your resume because they --

24 A Right. They've always done it, they've always
25 done, other companies.

1 Q Other job shops. So you didn't get any response
2 on any of these that you sent to TAG?

3 A None.

4 Q Did you make any telephone calls to follow up on
5 these letters to TAG?

6 A Yes, I did. In fact, I called Vance Pettus at
7 Phoenix office regarding, I believe it was the Unit 3 outage
8 in '92, if I'm not mistaken. I said hey, did you guys get
9 my resume because I think I sent him a copy and Headquarters
10 a copy, their Headquarters in Norfolk.

11 And now, I said I want my job out there. He goes
12 I'm not allowed to talk to you about work in Palo Verde. I
13 said what do you mean? Did you get resume? Yeah, we got
14 your resume.

15 Well, are you going to hire me out there? He goes
16 well, our attorney says we're not allowed to talk to you,
17 you have to go through -- talk to our attorney and stuff
18 like that.

19 Q Well, why was he saying that?

20 A Because of the lawsuit I had engaged them in and
21 --

22 MR. DOCKERY: Is that not a reasonable response?

23 THE INTERVIEWEE: No, that's not a reasonable
24 response.

25 MR. DOCKERY: You have engaged -- you have sued

1 them. I want to make sure I understand the scenario here.
2 You had at that point instituted some sort of civil suit
3 against them?

4 THE INTERVIEWEE: Department of Labor ERA
5 complaint.

6 MR. DOCKERY: Okay, well that would qualify. And
7 he responded that he was not allowed to speak to you direct,
8 that --

9 THE INTERVIEWEE: His attorney told me he wasn't
10 allowed.

11 MR. DOCKERY: What do you take exception to there?

12 THE INTERVIEWEE: It's discrimination. I'm
13 allowed to file suit against any company that I feel is
14 retaliating against me because I raised safety concerns and
15 they're not allowed to discriminate against me because I
16 exercise my right under the Act.

17 MR. DOCKERY: But it's very common, when two
18 parties are in litigation against each other, that
19 communications between them be done through their attorneys.

20 THE INTERVIEWEE: Well, I had subsequent -- there
21 was a subsequent communication from an independent company
22 that verifies employment and they gave them the same line,
23 talk to our attorneys, and this type of response.

24 And you know, that's treating me different than if
25 you were calling for a job and you say oh, I'm John Brown,

1 I'd like an I&C job. They wouldn't say well, you know,
2 we're going to have to refer you to our attorneys. That's
3 treating me different.

4 That goes 180 degrees against their own corporate
5 policies. Their policies say that when someone asks you
6 about employment, you don't comment adversely about them
7 like that or refer them to your attorneys.

8 You would say call and talk to our Human Resources
9 Department, we're not allowed to give that information out.
10 They have explicit procedures and company policies on those
11 things.

12 MR. DOCKERY: But does that pertain to individuals
13 who they're in engaged in litigation against? See, I'm not
14 being argumentative.

15 THE INTERVIEWEE: I understand.

16 MR. DOCKERY: I'm trying to make a distinction
17 here.

18 THE INTERVIEWEE: Sure. It doesn't -- their
19 corporate policies doesn't say well, if an employee sues us
20 under an ERA, we treat them this way, but if he doesn't sue
21 us, we treat him this way. No, it says we treat everybody
22 like this, except they're treating me different.

23 MR. DOCKERY: But you acknowledge the fact that
24 while they're treating you different, you are engaged in
25 litigation against them.

1 THE INTERVIEWEE: That's true.

2 MR. DOCKERY: I just want to make sure that that's
3 clear for the record.

4 BY MS. SELEWSKI:

5 Q Now, do you feel that you should have been hired
6 and working at Arizona Public Service or any TAG facility,
7 despite your -- any Court proceedings or DOL hearings that
8 were going on at that time?

9 A Absolutely, and just to continue on Mr. Dockery's
10 line of thought there, you know, I was applying to other
11 companies besides TAG and, you know, if these companies are
12 calling TAG, because you've got to list them as a job
13 reference, and they're telling them well, we can't talk
14 about Saporito, you've got to talk to our attorney, I mean
15 that sends a red flag up to anybody, in my opinion.

16 MR. DOCKERY: Mr. Saporito, do you know if that
17 happened?

18 THE INTERVIEWEE: Oh, I don't know. That
19 happened, I have it documented that that happened, yeah, I
20 mean that's in --

21 MR. DOCKERY: That's what I'm asking you. That's
22 not speculation on your part?

23 THE INTERVIEWEE: No, that actually happened. I
24 have that document.

25 BY MS. SELEWSKI:

1 Q Which exhibit is that in?

2 [Discussion off the record.]

3 [Whereupon, at 12:10 p.m., the interview was
4 recessed for lunch, to reconvene at 1:00 p.m., this same
5 day.]

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AFTERNOON SESSION

[1:04 p.m.]

MS. SELEWSKI: Back on the record.

We took a lunch break at 12:10 and it is now 1:04.

MR. DOCKERY: And for the record, Mr. Saporito, you understand you continue to be under oath in this proceeding?

THE INTERVIEWEE: Yes.

BY MS. SELEWSKI:

Q Okay, we'll go back to the issue of TAG and different letters that you had submitted to them.

A Well, we were working on this reference check before we broke for lunch. Do you want to go back with that? We were talking about them referring to attorneys, client requests and stuff.

Q What was the issue with that, I don't recall?

A That that's an adverse action because --

Q Oh, when you call and they say you need to talk to our attorneys. You feel like that's discrimination, adverse action?

A Yes. It's Exhibit 23, page FEC 000398 to 399. This is a Document Reference Check Company and they contacted the Atlantic Group in Phoenix and on those dates that are specified there, several dates. And there was a conversation between Document Reference Check personnel and

1 Vance Pettus, who was the principal for Atlantic Group.

2 And I won't read this on the record because it's
3 an exhibit, but there's discussion in there about speaking
4 to Bill Nexxen, who's their lawyer and when they're talking
5 about me.

6 And I feel that that's treating me different than
7 they would treat any other employee who they would just say
8 well, you have to call -- their policy says they should call
9 -- that you refer them to the Human Resources people and
10 that's not what they're doing with me.

11 Q Where did this document come from, this is from
12 TAG?

13 A This company is located in California and they
14 called TAG looking for a reference on me, on my behalf, and
15 this was information that was supplied to them.

16 MR. DOCKERY: Did you request this company to call
17 TAG?

18 THE INTERVIEWEE: Yes.

19 MR. DOCKERY: For what purpose?

20 THE INTERVIEWEE: To do an employment check for a
21 reference.

22 MR. DOCKERY: And normally they -- the document
23 we're referring is page number FEC 000398, and correct me if
24 I'm wrong, but this appears to be --

25 THE INTERVIEWEE: And 399.

1 MR. DOCKERY: Yes, it begins with 398 and
2 continues to 399. In looking at this, I assume this is a
3 verbatim telephone conversation transcript.

4 THE INTERVIEWEE: That's correct. And it's
5 certified on the next page.

6 BY MS. SELEWSKI:

7 Q Okay, what company is it that called in and made
8 the reference check?

9 A It's called Document Reference -- Documented
10 Reference Checks, in the top left hand corner.

11 Q Okay.

12 A The name and address.

13 Q Okay. I'm a little confused as to how that came
14 about. A job shop had Document Reference Check do this?

15 A No, Document Reference Check is a company whose
16 function is, you have to submit a formal application and put
17 the name of the Employer you want them to contact and their
18 people contact, in this case, Atlantic Group and
19 specifically ask them employment questions about you and see
20 what kind of response they get.

21 MR. DOCKERY: And this is a service that you
22 contracted for?

23 THE INTERVIEWEE: That's correct.

24 Q Oh, I see.

25 A And this has already been accepted -- a similar

1 contact with other -- another individual has been accepted
2 in that DOL proceeding as a -- and relied upon.

3 MR. DOCKERY: Who maintained the tape recording of
4 this conversation?

5 THE INTERVIEWEE: They do. They don't turn over
6 the tapes.

7 BY MS. SELEWSKI:

8 Q And do you have a document like that for any other
9 job shops or I mean any other -- this is going from
10 February, '94 to March '94.

11 A Yeah, I have one for Florida Power & Light, but I
12 don't have it with these files here.

13 Q But no more relayed attack other than this?

14 A Just this, but they did make several contacts
15 there, one, two, at least a dozen contacts there.

16 Q I'll need to take a moment and review that too.

17 MS. SELEWSKI: We'll go off the record.

18 [Discussion off the record.]

19 MS. SELEWSKI: Okay, we'll go back on the record.

20 BY MS. SELEWSKI:

21 Q We've just been reviewing that document that Mr.
22 Dockery previously referred to regarding a reference check
23 report, and what did you want to say about this document;
24 you thought that is discrimination or adverse action?

25 Go ahead and make your statement relating to this

1 document so we can get that on the record.

2 A Okay. We're referring to Exhibit Number 23 at the
3 page identified as FEC 000398 and there's a comment in there
4 on a conversation with Vance Pettus and the representative
5 of Document Reference check company.

6 And she says hello, Mr. Pettus, and identifies
7 herself. She says that she has a resume from myself and she
8 would like to understand how to work with him here. She
9 asked for a better understanding of what I did there at Palo
10 Verde with Atlantic Group.

11 And Pettus' response is well, I'll tell you what,
12 based on what's been going on, you will need to speak with
13 Bill Nexxen, who is the lawyer for the Atlantic Group, and
14 that just right away sends a red flag, in my opinion,
15 because Ms. De La Torres says what do you mean what's been
16 going on?

17 And Pettus said well, that's all I'm going to say
18 and he gives her the number for the attorney. And --

19 MR. DOCKERY: And that attorney would be?

20 THE INTERVIEWEE: Bill Nexxen.

21 MR. DOCKERY: The attorney for the Atlantic Group?

22 THE INTERVIEWEE: The Atlantic Group. Their labor
23 attorney.

24 MR. DOCKERY: Okay. Let me ask you a question.
25 how long have you been involved in litigation as a whistle

1 blower?

2 THE INTERVIEWEE: Since December of 88.

3 MR. DOCKERY: So approximately five and a half
4 years. Have you been represented by legal counsel during
5 most or some of that time?

6 THE INTERVIEWEE: Well, yeah, on and off.

7 MR. DOCKERY: At any time did your legal counsel
8 instruct you to have you refer a caller or an individual to
9 them to respond to certain questions?

10 THE INTERVIEWEE: You mean through --

11 MR. DOCKERY: Yeah, have you ever had occasion --
12 I'll make it simple. Have you ever had occasion to tell
13 somebody that well, I really -- I can't answer that, you'll
14 have to speak to my attorneys?

15 THE INTERVIEWEE: You mean an employer?

16 MR. DOCKERY: Anybody. Anybody who's a party to
17 litigation. Have you ever referred anybody to your
18 attorneys?

19 THE INTERVIEWEE: Well, I was representing myself
20 and then I hired an attorney and at that point, I'd refer
21 them to my attorney because I wasn't -- they weren't legally
22 allowed to talk to me. I guess that would be responsive to
23 your question.

24 MR. DOCKERY: They weren't legally allowed to talk
25 to you?

1 THE INTERVIEWEE: Yes. The Houston attorneys, I
2 remember when I hired Colapinto, I said well the minute you
3 hire this -- and Nexxen made that same statement -- the
4 minute you hire an attorney, he said oh, we can't talk to
5 you, we'll talk to your counsel. It's a lawyer thing there,
6 they can't talk to you.

7 MR. DOCKERY: So there have been occasions where
8 individuals have had to be referred to your attorney?

9 THE INTERVIEWEE: Other attorneys, litigation
10 lawyers.

11 MR. DOCKERY: Did you ever receive instruction
12 from any of your attorneys what to do if somebody you were
13 involved in litigation against called you?

14 THE INTERVIEWEE: No.

15 MR. DOCKERY: Go on.

16 BY MS. SELEWSKI:

17 Q Okay. So did Ms. -- this Eileen call the attorney
18 and get more information as she was asked to do?

19 A I don't -- I mean this is all I was sent, so I
20 don't know what happened after this was finished.

21 Q Okay. Is there a reason that you didn't get the
22 original documentation as to what happened after that, as
23 far as phone calls or --

24 A It's just my understanding that there was no
25 further contact because they would have sent it to me, I

1 believe.

2 Q Okay.

3 A That's what their service is for, so I mean I'm
4 just presuming that she didn't call, because there's no more
5 documentation that was given to me.

6 MF. DOCKERY: Did you contact or, excuse me,
7 contract for this service or did your attorneys contract for
8 it?

9 THE INTERVIEWEE: No, I did, I just gave them a
10 check in advance.

11 BY MS. SELEWSKI:

12 Q Okay. And what exactly was the purpose of that
13 contracting for that service, was it you checking to see
14 what they're telling people when they call for a reference?

15 A Right to see if there any particular adverse
16 comments about me.

17 Q Okay. Do you know of any other job shops that
18 called in and got the same response? Let's say another job
19 shop, you know, that you had been trying to get a job
20 through called Atlantic Group to get references and maybe
21 you've gotten a similar response?

22 A Not that I'm personally aware of and I'm not aware
23 of all of the discovery Mr. Colapinto has. I'm not privy to
24 that.

25 Q Okay. So what you're saying is you consider this

1 adverse action on the part of the Atlantic Group.

2 A Yes.

3 Q And you feel like that you should -- that they
4 should -- that this is keeping you -- this could keep you
5 from getting jobs through other job shops or with the other
6 utilities, if they're telling other people this?

7 A Absolutely. I feel Mr. Pettus should have
8 responded like Ms. Gilard did on the phone and refer them to
9 their Human Resources people. That's their policy and he
10 didn't follow it

11 MR. DOCKERY: That brings up a point then. The
12 second page which documents a similar telephone conversation
13 with Jan Gilard and Eileen De La Torres, you feel that
14 discussion was handled correctly?

15 THE INTERVIEWEE: Well, I don't know if it was
16 handled correctly, but I believe that's consistent with
17 their procedures, as I understand them at this point. I
18 mean I'd have to review their documents again, but I don't
19 -- as far as I recall, her referring them to the Human
20 Resources people is what they're supposed to do.

21 MR. DOCKERY: So you don't -- to simplify, you
22 don't take exception to that conversation, the content of
23 that conversation?

24 THE INTERVIEWEE: No, I think that's a normal
25 employer response, you have to talk to our Human Resources

1 people. I don't see anything adverse about saying that, but
2 he said well, with all the stuff going on out here, you've
3 got to talk to our attorney, that's adverse.

4 BY MS. SELEWSKI:

5 Q But you don't know for a fact of any other job
6 shops or utilities calling and getting this same response?

7 A Not that I'm personally aware of at this time.

8 Q Did you want to say anything else about this
9 particular document and adverse action or discriminatory
10 conduct related to that, to sum that up?

11 A I think it's relevant that if Mr. Pettus makes any
12 statements because it is Mr. Pettus, you know, who had
13 knowledge of my resume, who made employment decisions in
14 selecting my resume with the others to be submitted to APS,
15 so I think it's pretty relevant. He has been a player in
16 this employment action all along.

17 Q And I don't suppose the Document Reference Check
18 Services informed Atlantic Group why they were making this
19 contact, that you had hired them or contracted their
20 services?

21 A I don't know any more than what's on here.

22 Q But it just appears TAG is assuming that they're
23 calling for a job reference.

24 A Right.

25 Q What initiated your -- when did you actually

1 contact Document Reference Check Company to tell them to
2 start this action?

3 A Well, the application would most likely be in
4 here. If you want to go off the record, I'll look. This
5 might be in another file.

6 MR. DOCKERY: We'll go off the record.

7 [Discussion off the record.]

8 MS. SELEWSKI: Go back on the record.

9 BY MS. SELEWSKI:

10 Q It appears from an application for a reference
11 check that Mr Saporito has filled out dated January 25th,
12 1994, in which he asked this company to call the Atlantic
13 Group and Florida Power & Light for references, am I correct
14 on that?

15 A That's correct.

16 Q I would like a copy of that.

17 A Okay.

18 Q At some point before we leave, we'll get that.

19 So it was January of '94. So basically when you
20 started making application again to TAG for job -- or to be
21 hired at different utilities, that's when you asked for that
22 Document Reference Check?

23 A That's right. I wasn't offered any employment
24 from any contact at all from the Atlantic Group since my
25 termination in December of '91, and I wanted to know what

1 kind of comments they were making about me to employers
2 because I wasn't getting any other offers from anybody else
3 either, and then I find out that this is the stuff they're
4 telling people and that's most likely why I'm not getting
5 any work.

6 Q You're assuming that that's what they're telling
7 people?

8 A Right, and this is one way to find out.

9 Q Okay, and that was your motivation for hiring the
10 services of the Document Reference Check Company?

11 A Yes.

12 Q We'll get back to the -- we'll get to the Florida
13 Power & Light reference check a little bit later in the
14 interview.

15 A Okay.

16 MS. SELEWSKI: Did you have anything else on this
17 in this issue?

18 MR. DOCKERY: No, I don't.

19 BY MS. SELEWSKI:

20 Q So do you feel like that if this kind of reference
21 was not given -- let's assume that this was given to other
22 people that are calling to check, to get a reference on you.

23 If the Atlantic Group was not telling them what
24 they said here in this document, you know, you need to talk
25 to our attorney and that's all I'm going to say, the number

1 is, that you thought that if they had not handled it that
 2 way or were not making those kinds of comments, that you
 3 would be hired by other job shops or utilities?

4 A Normally I would answer yes to that, but I have to
 5 answer no with Atlantic Group because they're an exception
 6 to the rule here.

7 What happened here is like you see the second
 8 sheet of that document, the Document Reference Check, the
 9 sheet FEC 000399? And as Mr. Dockery, as Agent Dockery had
 10 talked about, when we went to the Jan Gilard response, she
 11 said well, I guess call Human Resources and gives a number?

12 Well, in essence, that's what I would expect them
 13 to say, but except with Atlantic Group, they have such an
 14 animus for me because I took them in front of the DOL, that
 15 Ellen K. Taylor is their Human Resources person and she's of
 16 the opinion, she's testified in open Court under oath and in
 17 depositions also that with the exception of Saporito, they
 18 would normally not give that information out.

19 But with me, that's the information they give out.
 20 And that's coming from her, so it doesn't matter if they
 21 call Vance Pettus or if Vance Pettus would have referred
 22 them to her, they would still tell them about the attorneys
 23 and the law and all this stuff, so I would still get the
 24 adverse reference from Atlantic Group.

25 Q When -- I was going to ask you a question about

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1 your DOL complaint or in some document that I looked at,
2 that you said that TAG has not submitted any of your -- any
3 resumes to any companies that you know of.

4 A Right.

5 Q How do you know that they have not submitted any
6 resumes, and do you know that for a fact?

7 A Well, I don't know it for a fact, but the normal
8 practice of these labor contractors is they call you up and
9 say well, we have these openings at these plants. This is
10 the wages, this is the per diem, this is the length of the
11 job, are you interested?

12 If you're not interested, they're not going to
13 take -- spend their resources to submit your resume and go
14 through the whole process for nothing. So that's never been
15 done since this Palo Verde job, not once.

16 Q But you had mentioned Ellen, in maybe a Department
17 of Labor testimony, said yeah, well, we did submit
18 Saporito's resume even if it had not been requested, am I
19 clear on that?

20 A Yeah, in Case 92-ERA 30, she testified that they
21 submitted my resume along with four others to some company
22 I'm not even familiar with, on their own volition. Didn't
23 tell us they were doing it, didn't ask us if they wanted us
24 to do it, she said we just did it.

25 Q Did she name the companies?

1 A Yes, and there's a letter that she claims that
2 they responded back saying that they didn't want Atlantic
3 Group services or something to that effect.

4 MR. DOCKERY: Do you recall, and you don't need to
5 hunt it down, but if you recall, when that letter was
6 submitted?

7 THE INTERVIEWEE: Okay, I believe she said it was
8 in January, December of '91 or January of '92, in that time
9 frame.

10 MR. DOCKERY: And you have seen that letter?

11 THE INTERVIEWEE: Yes.

12 BY MS. SELEWSKI:

13 Q We were talking earlier about letters that you've
14 been sending to TAG over the past couple or three years and
15 we've got those in the exhibit here that we mentioned before
16 and you didn't get any response from them and you did make
17 follow up phone calls to some of these letters? Do you have
18 those documented, what you said, when?

19 A I have some notes regarding the Vance Pettus
20 conversation and Colapinto would have that stuff. I don't
21 have that here, but I did document that conversation when it
22 happened.

23 Q Which conversation was that with Vance Pettus?

24 A With Vance Pettus and Phoenix, a call from
25 somewhere in Florida out there. I can't --

1 Q What time frame was that?

2 A That was like right before the Unit 3 outage,
3 because I believe that's the reason I was calling for that
4 outage.

5 Q So that would have been in January of '92?

6 A That would have been in the fall of '92, somewhere
7 like August. It was like in the summer, July or August of
8 '92 because I think the outage started in September.

9 Q And you think those may -- you may have made a few
10 notes and Colapinto would have those?

11 A Yes.

12 Q Did you make any other telephone documentation on
13 any contacts you had in fact?

14 A No, other than the cover letters. I say I have
15 changed my address, please update my resume and submit me,
16 that type of communication.

17 Q But you did make phone calls, follow up phone
18 calls, or you did not make follow up phone calls?

19 A I think for the most part I just put it in
20 writing. They have like an 800 number you call and you get
21 a recording and they tell you what jobs are open, you know,
22 what positions and stuff. I can call them right now if you
23 want.

24 Q Let's go on to some other issues with TAG. I'm
25 going to go ahead and quote and just get a little

1 clarification on this and get some specific examples, if I
2 can, on your Department of Labor complaint dated January
3 2nd, 94, on page 3 of that complaint.

4 You mentioned and this is in quotes, "Despite
5 TAG's employment practices, the company rehire policy and
6 most notably despite TAG's rehire comments on TAG's employee
7 change of status form," which we'd already discussed, "on
8 complainant, which clearly indicates that TAG considers
9 complainant eligible for rehire."

10 What you're saying before that is, of course, that
11 you feel like that you had to request employment with TAG
12 and despite these requests, you're not getting hired in the
13 company rehire policy and employment practices.

14 Is there anything specific despite TAG's
15 employment practices and the company rehire policy that
16 you're referring to? We've already talked about the form
17 and I don't want to get back into that.

18 A That their personnel policy and procedures, the
19 employee handbook they give, it says right in there that,
20 you know, it's performance, it's attendance, it's your
21 attitude.

22 Now, those are the exact parameters on that change
23 of status form that they go by to submit you to rehire.

24 Q I just wanted to be sure. I was unclear as to
25 what that meant.

1 Let's go off the record for a moment so I can
2 review a few more documents.

3 [Discussion off the record.]

4 MS. SELEWSKI: We'll go back on the record.

5 BY MS. SELEWSKI:

6 Q I want to refer to a document written by Thomas
7 Saporito to the ADO of NRC dated February 26, 1994 and you
8 can review this if you'd like or if you have a copy handy,
9 whatever. I want to ask a couple of quick questions.

10 MR. DOCKERY: Do you recall it now?

11 THE INTERVIEWEE: Well, not exactly.

12 BY MS. SELEWSKI:

13 Q That's the 2.206 petition.

14 A Oh, regarding the complaint?

15 Q Where you're discussing the chilling effect at
16 tag. I just wanted you to make a statement of what you mean
17 when you refer to chilling effect and just kind of address
18 that briefly, since you did address it here in this letter
19 to the EEO dated February, '94.

20 A The chilling effect, as I understand it, would be
21 on co-workers and other employees, whether it be Atlantic
Group employees or a licensee's employees that the
contractor is working at.

24 The reluctance to come forward with safety
25 concerns because they see retaliation taken against someone

1 who has raised safety concerns, whether it be that guy
2 doesn't get another job or he gets demoted or he gets harsh
3 working environment assignments.

4 And the Atlantic Group, to my knowledge, to this
5 date doesn't even have an employee concerns program, doesn't
6 post NRC Form 3s anywhere at their facilities that I was
7 ever aware of, has no training whatsoever on how to address
8 safety concerns, what are safety concerns. There's no
9 definition of a safety concern.

10 And, you know, had other Atlantic Group
11 contractors and one that stand out in my mind at this phase
12 is Billy Reeves who made comments, why are you raising all
13 these concerns out here? Let the place melt down and let's
14 go to the next place.

15 You're going to make \$24 an hour. And that really
16 concerns me because that's the attitude out there. It's
17 just no one's going to open their mouth and raise concerns
18 because they don't want to lose their job.

19 Q Okay. With TAG, are you aware that the employees
20 or certain recruiters or anyone involved in hiring employees
21 for nuclear plants, that they have had any kind of 211
22 training, 50.7 training?

23 A None that I'm aware of. I don't even believe
24 there's any reference that I remember or recall any of their
25 handbooks they give us or anything.

1 Q And how do you -- how do you feel -- how is there
2 a chilling effect at TAG?

3 A There's a chilling effect at TAG, in my opinion,
4 because, number one, they keep their employees in the dark
5 about what a safety concern is.

6 Their employees have either contractors
7 responsible to report safety concerns -- who do you report
8 them to, how do you contact the NRC to report a safety
9 concern, what the protection provisions are through the ERA
10 and how to file a complaint, where you file a complaint,
11 there's no postings, there's no Form 3s, there's no DOL
12 regulations posted at any of their facilities that I worked
13 out of, any of their trailers or anything.

14 So there's no training provided on that, there's
15 no question and answer, employees knowledge of how to raise
16 a concern, or how to file a complaint or anything like that.

17 The only perception that the employees get out
18 there is the perception that well, you know, I know there's
19 the NRC out there, but I don't know how to contact them and
20 look what happened to this guy when he raised safety
21 concerns. He can't get another job. I'm not going to raise
22 any concerns. I mean that's what's instilled in these
23 people.

24 MR. DOCKERY: So you take exception with their
25 personnel practices as regards the NRC regulations, the

1 employee protections, is that a fair --

2 THE INTERVIEWEE: You mean --

3 MR. DOCKERY: What I'm hearing here is that you
4 take exception to TAG's personnel practices as they relate
5 to raising concerns.

6 THE INTERVIEWEE: They don't have any in my --

7 MR. DOCKERY: And you take exception to that?

8 THE INTERVIEWEE: Right. I think they need to
9 have some.

10 BY MS. SELEWSKI:

11 Q Do you feel like that is the job shop or TAG's
12 fault or the utility that's contracting the services for the
13 jobs?

14 A No --

15 Q Who do you think should be held accountable for
16 that lack of education or knowledge on TAG's part?

17 A Both TAG and the utility, the licensee 'they're
18 contracting with because the contract employee is working at
19 the licensee's facility, so the licensee has to make him
20 aware of it.

21 And in the case of Arizona Public Service Company,
22 you were provided that knowledge that you can raise concerns
23 to the NRC, you can raise them to your supervisor, or the
24 employee concerns program.

25 MR. DOCKERY: Okay, this is a question that can't

1 be answered here really. It's a question that I believe can
2 only be answered by the NRC.

3 Do entities such as TAG as contractors or vendors,
4 what responsibility do they have to see that employees are
5 so advised? Since we can't answer it here, I suggest we
6 move on to something else.

7 THE INTERVIEWEE: Well, I thought she was asking
8 my opinion on it

9 MS. SELEWSKI: Yeah, I wanted to get a general
10 feeling --

11 [Interruption.]

12 MR. DOCKERY: We'll go off the record.

13 [Discussion off the record.]

14 MS. SELEWSKI: We'll go back on the record.

15 THE INTERVIEWEE: I just wanted to -- regarding
16 the contractor's responsibility, in my opinion, to advise
17 its employees.

18 I think they are just as comparable and
19 responsible to NRC requirements as the licensees, separate
20 and apart from the licensees, because that should be part of
21 the employee training program for TAG or NSS, whoever the
22 contractor is and so I feel that the Commission should --

23 BY MS. SELEWSKI:

24 Q Let me just ask one more specific question about
25 the chilling effect and it's very -- the chilling effect is

1 so broad and the job shop is a little bit different when you
2 make an allegation of the chilling effect.

3 Have any employees, to your knowledge, said to you
4 there's a chilling effect at TAG, I'm afraid to voice safety
5 concerns to TAG because I'll be fired or because it's unsafe
6 or, you know, some adverse action will be taken against me.
7 Has anyone said that to you?

8 A Well, the comments from Billy Reeves, I've already
9 explained, was not going to raise a concern. He worked with
10 me at the Atlantic Group and what's real important here is,
11 and it's significant on that line first, that at one point
12 in time it was June, July of 1992, I think, in employment at
13 the Crystal River Plant and I knew about Wazak over there
14 and the environment over there was real thick and it was
15 very sensitive over there.

16 And they knew who I was and any former Atlantic
17 employee like Bob, he wasn't going to raise any concerns.
18 He was just one of these guys, you know, go with the flow,
19 make your bucks and leave and that's the attitude of all the
20 contractors, no one's going to say nothing.

21 MS. SELEWSKI: Let me take a moment to go off the
22 record again and review some documents.

23 [Discussion off the record.]

24 MS. SELEWSKI: We'll go back on the record.

25 BY MS. SELEWSKI:

1 Q I want to make reference to a document, Mr.
2 Saporito, that you submitted to the Department of Labor. I
3 suppose this is your complaint to them dated January 22nd,
4 1993 and it's got a factual background section and does that
5 look familiar to you?

6 [Handing document to the Interviewee.]

7 A Yes, yes, I recognize that.

8 Q On page 3 and 4 of this document, you said, and
9 this is in quotes:

10 "Moreover TAG failed to submit complainant's
11 resume to any of their clients for an employment
12 opportunity, even though TAG has readily advertised for such
13 employment for I&C technicians."

14 My question is, how do you know they were
15 advertisements? Is that what you referred to before in the
16 News Weekly and in the different nuclear news magazines?

17 A Yes.

18 Q They advertised for specific I&C positions?

19 A Yes.

20 Q Okay, I just wanted to clarify that. Okay, I'm
21 going to refer to page 4 of the same document in which you
22 are discussing a telephone conversation with a TAG manager,
23 Mr. Allen James, in the Phoenix office, where you had
24 contacted him on December 11th, 1992 and you had asked about
25 the hiring at Unit 2 and if your resume had been submitted

1 for the positions at that outage.

2 A That must have been that conversation I referred
3 to before. I thought it was Vance Pettus, but obviously it
4 must be Allen James.

5 Q Okay, so this is the conversation with Mr. James.
6 He says no, I haven't submitted your resume. You said why,
7 why didn't you, and then Mr. James says, our attorney
8 advised us not to discuss employment with you. And then he
9 hung up on you.

10 A Right.

11 Q I just want to get any other details on that
12 conversation that you can recall that happened, other than
13 what you've written here in this document.

14 A Yeah, and that is -- what I told you before, I
15 thought it was Vance Pettus, but it's Allen James.

16 Q Okay, the same thing as what you were really
17 referring to Allen James in that Vance Pettus referral
18 earlier?

19 A That's correct.

20 Q I just want to briefly discuss the contractual
21 relationship, we've touched on that, but I want to get it on
22 the record, that's one thing that we're looking at in OI, is
23 the relationship between TAG and Arizona Public Service or
24 any other public utility.

25 Basically, TAG, if you're hired with TAG, they pay

1 you, you're on their payroll, right?

2 A Correct.

3 Q Their health benefits or whatever is included in
4 that?

5 A Correct.

6 Q So you are an employee of TAG?

7 A That's correct.

8 Q You're supervised by someone at TAG and the
9 utility that you're working for or does that differ,
10 depending on where you work?

11 A For the time period I worked with TAG at Palo
12 Verde, as I understood, I was supervised by APS supervision,
13 but I also reported to TAG supervision. They supervised me
14 for specific jobs, but I was still responsible to Atlantic
15 Group management by Bill Engleking.

16 Q Okay. And was there an evaluation form, other
17 than that one form that we mentioned before, the status
18 form, did anyone evaluate your performance at APS?

19 A Yes, Steve Grove did.

20 Q Okay.

21 A And Isidore Chavez personally told me he was very
22 pleased with my work performance and he would personally
23 bring me back for that Unit 2 outage, which I had contact
24 with that Allen James about. He even gave me his business
25 card at the time.

1 Q We may have talked about this, but I want to ask
2 again if we did and be sure I'm clear on it.

3 When you were let go back at your first outage
4 work at Palo Verde, and I guess your only outage work at
5 that time, you will be given a document from TAG saying this
6 why, you know, we're laying you off, because the work has
7 finished. Was there any document saying here, here's your
8 lay off papers?

9 A No.

10 Q But you understood it to be just a work stoppage
11 for the unit with that outage?

12 A I understood I was supposed to be rolled over. I
13 mean that's the only reason I accepted that job from
14 Florida, going way out there.

15 Q Okay.

16 MR. DOCKERY: Did you have anything to that effect
17 in writing?

18 THE INTERVIEWEE: Yeah, we have the contract that
19 we signed with the Atlantic Group, and they had a start date
20 on it for the 29th of September, I believe, that's my report
21 date, with no finish date because it was understood you're
22 going to roll over so it's an open ended contract.

23 MR. DOCKERY: Was there any nomenclature wording,
24 wording to that effect within the contract, that said you
25 will be rolled over into the next outage?

1 THE INTERVIEWEE: No, but there is an APS purchase
2 order, if you will, or whatever, labor contract number
3 identified on that document, which is identical to the one
4 they used at Unit 1.

5 So they purchased the labor contract from TAG, the
6 same purchase agreement, and they have contract labor
7 requests on the CLRs and this criteria set out on that is
8 what they have to hire by.

9 And if you examine those, and Colapinto has all of
10 them, because I pulled them through discovery, you will see
11 that I met that criteria, I exceeded that criteria, but they
12 accepted people who did not exceed that criteria in those
13 positions.

14 MR. DOCKERY: But there's nothing that exists, to
15 your knowledge, that addresses you by name as being planned
16 to be rolled over into the second outage?

17 THE INTERVIEWEE: No, just the conversations I had
18 with Simko, plus that was a condition to get that job. They
19 wanted you to be independently qualified, you know, you get
20 the dollar raise, but that was an incentive to get hired at
21 Unit 1.

22 MR. DOCKERY: Which would be the second outage?

23 THE INTERVIEWEE: Yeah, the second outage. I mean
24 they had meetings and there was testimony in open Court by
25 this Dreyfus or -- what is the name -- Doug Doty about the

1 dollar, and so they had specific meetings and this dollar
2 incentive was to get people to get independently qualified.

3 And it says right on there, contract labor
4 request, we want independent qualified people. Engleking,
5 who is Atlantic Group's attorney, dislikes me so bad that he
6 wrote in his brief to Judge Lesniak, he asked the Judge to
7 sanction me financially for filing a complaint against TAG.

8 In other words, he's trying to impose financial
9 sanctions because he says and he's a partner in that law
10 firm, a skilled attorney and he knows he's not entitled to
11 get damages off of a complaint in these cases and yet, he
12 puts that argument to this Judge.

13 I mean, that shows animus in and of itself, how
14 bad that company dislikes me to do something like that,
15 because he knows better, he's a partner in the law firm.

16 MR. DOCKERY: Well, he's an attorney. You don't
17 know the state of his knowledge. You can't sit here and say
18 that he knows better.

19 THE INTERVIEWEE: He went in and dug into civil
20 rules of procedure, Rule 11.

21 MR. DOCKERY: Were you there when he did that?

22 THE INTERVIEWEE: I have a copy of the brief. I
23 was a party in the proceeding and that's totally non right
24 to collect sanctions from me. It has nothing to do with
25 that. It's dilatory conduct for an attorney.

1 The guy just did it out of spite and it sends a
2 message to other -- talk about chilling, well, that sends a
3 message to other people that gee, if you get involved in a
4 law suit with this company, you might have to pay -- you get
5 sanctioned financially, you know, because that's a public
6 document.

7 So, think about that, that these attorneys go
8 after you tooth and nail and Bramnick lost over there. The
9 stuff he wrote, he's asking the Commission to -- well, we'll
10 get into FPL later.

11 BY MS. SELEWSKI:

12 Q Let me go back to APS and TAG here and ask a quick
13 question about -- just get a response from you.

14 There was somebody from TAG or Arizona Public
15 Service and I've read it somewhere and I'm sorry I don't
16 have a document to refer to, but it did say someone was
17 saying you were filing, claiming blacklist in your
18 discrimination during this unit, the second outage, which
19 was Unit 1 outage, before they'd even started placing
20 people.

21 And that because they hadn't even started placing
22 people for that outage, that it was not blacklisting.
23 What's your response to that and have you heard that
24 argument from anyone?

25 A Say that again?

1 Q Okay. That you had started complaining about
2 blacklisting and discrimination against APS and TAG both,
3 one of them, before they'd even started placing people in
4 the I&C positions for that Unit 1 outage, so because of
5 that, because they had not even placed anyone, that that was
6 not considered blacklisting.

7 A Well, you're not being very specific on your
8 dates, but I had conversations with Steve Grove, Bill Simko
9 in Grove's office when I had raised concerns about their
10 convertible -- their drive system and I said I want my job
11 at Unit 1.

12 And I said, you know, and just because I'm raising
13 these concerns, that shouldn't affect my getting a job at
14 all at Unit 1. Well, no, we won't discriminate against you.
15 We want people to raise concerns. They gave me this whole
16 line.

17 But as I understand it, and it's on the record
18 there, when this hiring decision was made and I think it was
19 made like December 17th or something and in my conversations
20 with Simko and Grove were like at the very end of December,
21 like the 30th or something, so I don't see how that could be
22 an accurate statement on their -- whoever made that
23 statement.

24 Q Yeah, if I can find that out, we can maybe get
25 back to that. I was just wondering if you had heard that

1 argument or how you wanted to respond to that.

2 A No, I haven't.

3 Q At this point, I can't think of any other
4 questions related to TAG. Do you have any specific
5 comments, Mr. Saporito, you want to make to add to your
6 concerns that maybe we missed that needs to be addressed?

7 A Yes, I have some items. It will just take me a
8 second to get these documents.

9 Q I don't have a lot of these documents and haven't
10 reviewed them, so if you have something that's specific, we
11 can look at that.

12 MR. DOCKERY: Why don't we go off the record while
13 he searches for documents.

14 [Discussion off the record.]

15 MR. DOCKERY: Back on the record.

16 A Okay, I'm looking at a document here identified as
17 Exhibit 29 at page beginning with FEC 000644, the deposition
18 of William Engleking, and at the very bottom the question is
19 asked of him, are you aware or become aware that Saporito
20 was previously employed at the Florida Power & Light
21 Company? And the answer is yes, it's in his application.

22 And then he goes on to describe his knowledge of
23 my termination from there, et cetera, et cetera, so he knew
24 at the onset that I had raised safety concerns and engaged
25 in protected activity at Florida Power & Light, and I had

1 that protected status at the very beginning of my employment
2 there.

3 MR. DOCKERY: And he acknowledges that under oath
4 in the document that you just described?

5 THE INTERVIEWEE: Yes. And in that very same
6 Exhibit 29, at pages 000661 to 000663, that's where
7 Engleking deposes and states his contact with employees
8 regarding the Unit 1's hiring of I&C technicians.

9 And then in that same document, pages 664 to 666,
10 that's Engleking's contact with Frank Warner and Steve Grove
11 regarding TAG's I&C technicians to work at Unit 1, so that
12 shows they had a very definite connection between the three
13 of them and, in my opinion, a shared knowledge of my
14 protected activity there.

15 At the same document, pages 667 to 673, I believe
16 that's an example of disparate treatment, where I was
17 treated differently because I only received an average
18 rating on attendance by Engleking, even though I met his own
19 criteria under deposition, that I should have been entitled
20 to a higher rating.

21 MR. DOCKERY: Did he acknowledge that in the
22 record?

23 THE INTERVIEWEE: He sets the criteria for the
24 higher rating, but he didn't give me the higher rating.

25 MR. DOCKERY: Did he acknowledge in this record

1 that you qualified for the higher rating?

2 THE INTERVIEWEE: No, he didn't name me
3 personally. I mean I'd have to go back through and read it.

4 MR. DOCKERY: Well, we can do that.

5 THE INTERVIEWEE: Yeah.

6 MR. DOCKERY: But it is sworn testimony, so --

7 THE INTERVIEWEE: You know, I said what is the
8 criteria, you know, it's you have to be there with perfect
9 attendance and you have to work on your days off and
10 volunteer for work and I did that all that and he didn't
11 give me a higher rating.

12 And then on pages 701 to 702 is that Engleking
13 states that I was eligible for rehire, yet I was never
14 rehired nor was, in my opinion, my resume ever submitted for
15 rehire by them.

16 MR. DOCKERY: Well, we know for sure that it was
17 at least submitted for rehire for the second outage, Outage
18 Number 1.

19 THE INTERVIEWEE: Right. Well, they're claiming
20 it was submitted. Yeah, I mean if Steve Grove got all the
21 resumes from the Atlantic Group and Warner's over there
22 saying well, gee, Steve, what do you think about these guys?
23 And he said well, I mean, to me it's common sense. Well,
24 let me pull their resumes out; here's their resumes. Who do
25 you think you might want?

1 I mean that's normally how people work in power
2 plants. They don't go oh, we have to go to the Atlantic
3 Group and ask them for more resumes. I mean you've got 18
4 qualified people up here. He knew -- Grove said these
5 people are independently qualified, this is what their
6 performance -- it seems to me he handed them right to
7 Warner. I mean that's the way I see it.

8 MR. DOCKERY: So you're confident that your resume
9 was part of the package submitted for the second outage?

10 THE INTERVIEWEE: Right. I know for a fact it was
11 because Larson testified to that fact and I have the actual
12 resumes that was withheld from me by the attorneys.

13 MR. DOCKERY: So you're making no claim that with
14 respect to that outage, TAG withheld your resume?

15 THE INTERVIEWEE: No. In my opinion, they didn't
16 withhold it because APS had it. Now, whether they complied
17 with all the requirements to do that, I don't know. I
18 haven't gotten to that phase of discovery with them in these
19 other actions.

20 Of course, in that other action I can't go --
21 because of the settlement agreement, I can't go back and
22 inquire of them about the Palo Verde work, because I
23 released them from the Palo Verde. I just didn't release
24 them from other employment.

25 It's some kind of a legal -- I can't touch them in

1 Palo Verde.

2 BY MS. SELEWSKI:

3 Q Did you have anything else regarding TAG that you
4 want to point out in your exhibits that needs to be
5 addressed --

6 A Oh, yeah.

7 Q -- because I don't have everything with me.

8 A I'm going to give you a copy of this letter. I
9 just received this on the 27th. I think I received it on
10 the 28th, but it's dated the 27th of June of this year, from
11 my attorney, David Colapinto. It's just some of these
12 documents that I had wanted for this meeting that he shipped
13 me from Washington.

14 But any way, Mr. Colapinto is representing another
15 client and I'm not privy to the name of the client, but he
16 also is a contract worker with the Atlantic Group and he
17 worked at Palo Verde and he raised concerns and he was
18 retaliated against and he filed an ERA complaint and
19 Colapinto is representing him in Court.

20 Colapinto took the deposition of Ellen K. Taylor
21 and she names me by name in that. Apparently this guy went
22 to this Document Reference Check too. But any way, she said
23 only regarding Saporito, we refer them to our attorneys, you
24 know, but the normal policy is that they don't do that.

25 Then in open Court, she reiterated the same

1 comments. They treat me differently. Only Saporito, if
2 Saporito -- if they call about him though, we refer them to
3 our attorneys, but our normal procedures say we do it
4 through Human Resources, you know. And he's willing to go
5 on the record over the phone if you want to talk to him.

6 Q If we need to get that information later, I can
7 call him myself. I don't really know that that's important
8 at this point, but that's an issue that we have on record
9 and I may want to talk to him about that, as well as get
10 additional documents at some point. But I would like a copy
11 of that letter.

12 A Oh, okay. We'll get you a copy.

13 Q Is there anything else related to TAG that I may
14 have missed?

15 A No. We won't go into the -- there's a bunch of
16 proceedings that apparently there's a lot of confusion of
17 where they're at.

18 Q Yes. There are a lot of exhibits that you've --
19 quite a few exhibits you've given us today and at some
20 point, I will review those and may want to get back with you
21 to ask additional questions, probably by phone or something
22 like that.

23 A Sure.

24 Q So we may not have covered every single thing, but
25 we can get to it. What I want to do now --

1 MS. SELEWSKI: Did you have any other questions,
2 Jim?

3 MR. DOCKERY: Just one. When we opened the
4 interview today, you mentioned that in starting your
5 employment at Palo Verde through TAG, you described the
6 training that you went through.

7 Was that given by APS?

8 THE INTERVIEWEE: Yes.

9 MR. DOCKERY: Was that before you even started any
10 work within the plant?

11 THE INTERVIEWEE: Yes. We had two weeks of
12 training off site in their trailer, they have training
13 trailers set up there.

14 MR. DOCKERY: And was that the training, Mr.
15 Saporito, that if you successfully passed, you would make a
16 dollar more an hour?

17 THE INTERVIEWEE: Yes, sir.

18 MR. DOCKERY: That you characterized, and I'm
19 looking at the wall, I&C Independent Worker Qualification?

20 THE INTERVIEWEE: Right. And then there's one for
21 Technical Skills and Conduct of Maintenance.

22 MR. DOCKERY: Were those all three part of the
23 same --

24 THE INTERVIEWEE: Right, for the two weeks. It's
25 three separate testing areas, yeah, so you had to do

1 mechanical bends on the tubing and make connections and then
2 they tested your -- parts of the answers.

3 MR. DOCKERY: And I think your testimony was that
4 as a result of that training, you had safety concerns?

5 THE INTERVIEWEE: Yes.

6 MR. DOCKERY: With -- characterize those concerns
7 for us.

8 THE INTERVIEWEE: Well, one of the instructors,
9 whose name is Doug Doty -- oh, that's another thing. Doug
10 Doty opened a class off and he made us all stand up one at a
11 time and give us the background, so when it came to me they
12 knew that I was from Turkey Point. I told them I worked
13 there a lot and then we got into some of the training.

14 And one of the significant safety concerns was
15 when I took -- they were giving us a testing on the Rosemont
16 transmitters and how do set up to do a test calibration and
17 he incorrectly gave us instructions on that.

18 And the test incorrectly tested you on that. It
19 was contrary to their in plant procedures. And I
20 challenged him on that right in class and three or four of
21 the techs supported my position on it because they had been
22 in this many years. One guy had been in it like 18 years.

23 Doty got real upset about it, he got into a little
24 heated debate with me about it and so he finally said well,
25 I'll go to the Unit and check it out tomorrow and get back

1 with you.

2 So the next day in training, instead of doing this
3 confrontation, I wanted to avoid another confrontation in
4 front of everybody else, so I caught him on the side and
5 said, well, did you check on this? He goes yeah, I guess
6 you were right about it.

7 I said well, are you going to give me my two
8 points that you owe me for it? He goes no, you passed,
9 that's all you should worry about, you don't need the two
10 points. But I wanted the credit. I was owed that credit
11 and he didn't give it to me.

12 MR. DOCKERY: So that concern is, I guess,
13 satisfied by his admission that you had been right.

14 THE INTERVIEWEE: Well, it was satisfied to me,
15 but you see he didn't go back out to these other technicians
16 and say hey, look, this test question is written wrong, the
17 training I gave you was incorrect. Here's the right way to
18 hook this up.

19 These people were still left with this impression
20 now of this incorrect training, so the safety concern never
21 got properly addressed, in my opinion.

22 MR. DOCKERY: To this date, has that remained
23 unresolved?

24 THE INTERVIEWEE: No, no, their internal
25 investigation proved that I was correct.

1 MR. DOCKERY: APS?

2 THE INTERVIEWEE: Correct.

3 MR. DOCKERY: What other safety concerns did you
4 come up with during the two week training period?

5 THE INTERVIEWEE: Oh, I can't recall off the top
6 of my head right now.

7 MR. DOCKERY: How about the most significant in
8 your mind, from a safety standpoint?

9 THE INTERVIEWEE: Well, that was pretty
10 significant

11 MR. DOCKERY: The one you just described?

12 THE INTERVIEWEE: Yeah, those were safety related
13 systems that they used the Rosemonts on, but they're very
14 sensitive.

15 MR. DOCKERY: Was there another issue that
16 approaches that significance in your mind?

17 THE INTERVIEWEE: You've got me on the spot here.
18 I just can't --

19 MR. DOCKERY: Were -- I realize it's been a long
20 time. Were those safety concerns resolved? You just
21 indicated that the Rosemont transmitter issue was ultimately
22 resolved.

23 Were your other concerns resolved by the licensee
24 or through their investigation?

25 THE INTERVIEWEE: No, no. I did talk with Dan

1 Roberts and there's another guy that works for their ECP
2 program. And in my opinion, they just made a best effort to
3 not substantiate the concerns.

4 One of the concerns and, in fact, probably in my
5 opinion the most significant safety concerns, and in fact,
6 they were retaliating against me in not rehiring me out
7 there, and that was a --

8 MR. DOCKERY: But that wasn't raised during -- I'm
9 only addressing that two week training period,

10 THE INTERVIEWEE: Oh.

11 MR. DOCKERY: That's all I'm interested in right
12 now, the two week training period.

13 THE INTERVIEWEE: Oh. okay. That's what I recall
14 off the top of my head.

15 MR. DOCKERY: That being the Rosemont transmitter
16 issue?

17 THE INTERVIEWEE: Yeah.

18 MR. DOCKERY: Okay, no further questions.

19 BY MS. SELEWSKI:

20 Q Okay, we're going to -- is there anything else on
21 TAG?

22 A No, that's all I can remember.

23 MR. DOCKERY: Before -- I do need to clarify that.

24 That issue, the issue of the training, there was
25 no involvement by TAG in that? Your finding safety

1 concerns, TAG was not involved? You have no gripe against
2 them during your two week training, is that correct?

3 THE INTERVIEWEE: I have no gripe against them,
4 but here again, and I think it goes right back to the point
5 is they have no policies or procedures in places or no
6 employee concerns program to deal with concerns of their own
7 people.

8 I was being paid by TAG, yet I didn't know -- I
9 didn't know who to contact in TAG to tell them about this.

10 MR. DOCKERY: But you were being trained by APS.]
11 I think you did the reasonable thing.

12 THE INTERVIEWEE: Well, I did, I agree, but they
13 were a contract company. I think it's a dual reporting
14 requirement there.

15 You were getting paid by this company and you're
16 working with a contract laborer for this company, so this
17 person has a license, but if this vendor has a license also,
18 it has to be approved by -- it's my opinion and I don't
19 know, maybe I'm wrong here, but I thought that a contractor
20 like TAG has to be approved by the NRC to do work for a
21 licensee and as far as, you know, operating a credible
22 company and having the financial resources and all this
23 stuff.

24 So I think TAG should have mechanisms in place so
25 that employees can go and raise concerns, separate and

1 apart, because you know an employee might be dissuaded from
2 raising a concern, in this case, to APS if they think that
3 -- if they know, as it existed there, that APS is the
4 people who are going to make the decision who gets hired for
5 the Unit 1 outage. For the next outage.

6 So gee, am I going to raise a concern with APS,
7 but wow, if I can raise my concern with Atlantic Group, you
8 know, maybe they can handle it confidentially, I can still
9 have my concerns and APS isn't going to get mad at me
10 because they don't know I've raised the concerns.

11 MR. DOCKERY: Regarding the Rosemont transmitter,
12 the discrepancy or your disagreement with the instructor
13 Doty on the Rosemont transmitter issue.

14 Did you, at the same time, go to anybody in TAG
15 and say this instructor for APS is instructing us wrong?

16 THE INTERVIEWEE: No.

17 MR. DOCKERY: That's all.

18 BY MS. SELEWSKI:

19 Q We're going to go on to the next issue, which is
20 involving Florida Power Corporation Crystal River and GEL
21 Technical Services, GTS.

22 We have been currently evaluating an allegation
23 made by you regarding Crystal River and GTS and what I
24 really want to focus on today is an additional letter or
25 concern of ongoing, what you consider ongoing conspiracy or