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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
+ + + + +
OFFICE OF INVESTIGATIONS
INTERVIEW

-----X

IN THE MATTER OF :

INTERVIEW OF : Docket No.

ELLEN K. TAYLOR : 2-93-004

-----X

Thursday, July 20, 1995

Room 1600

First Virginia Bank Tower

Norfolk, Virginia 23514

The above-entitled interview was conducted at

1:30 p.m.

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

BEFORE:

JAMES D. DOCKERY

EXHIBIT 20

PAGE 1 OF 73 PAGE(S)

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APPEARANCES:

On Behalf of the NRC:

JAMES D. DOCKERY, Investigator

of: U.S. Nuclear Regulatory Commission

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WITNESS:

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

1:28 P.M.

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INVESTIGATOR DOCKERY: For the record, it is now approximately 1:25 p.m. on July the 20th, 1995. This is an interview of Ms. Ellen Taylor regarding her knowledge of the events and circumstances surrounding allegations and DOL complaints made by Mr. Thomas J. Saporito beginning in 1992.

Those allegations and complaints are the subject of this investigation of the NRC Office of Investigations, Case No. 2-93-004. This interview is being conducted James D. Dockery, Senior Investigator, NRC, Office of Investigations. And we are at the Law Offices of Stackhouse, Smith & Nexsen in Norfolk, Virginia.

Also present at this interview is Mr. William Nexsen. And I'd ask you, Mr. Nexsen, to identify yourself and your involvement in this proceeding.

MR. NEXSEN: My name is William W. Nexsen. I'm an attorney with the Law Office of Stackhouse, Smith & Nexsen. I am General Counsel to the Atlantic Group, and have been asked by Ms. Taylor to be her representative here today.

INVESTIGATOR DOCKERY: And this interview is being recorded for later transcription. Ms. Taylor, would

1 you raise your right hand, please?

2 WHEREUPON,

3 ELLEN K. TAYLOR

4 WAS CALLED AS A WITNESS BY THE NUCLEAR REGULATORY
5 COMMISSION, AND HAVING BEEN DULY SWORN, WAS EXAMINED AND
6 TESTIFIED AS FOLLOWS:

7 THE WITNESS: I do.

8 INVESTIGATOR DOCKERY: Thank you. Would you
9 state your full name, please?

10 THE WITNESS: Ellen K. Taylor.

11 INVESTIGATOR DOCKERY: And your social
12 security number, please?

13 THE WITNESS: (REDACTED)

70

14 INVESTIGATOR DOCKERY: And Ms. Taylor, what is
15 your current position and employer?

16 THE WITNESS: Right now, I am a consultant
17 part-time for the Atlantic Group.

18 INVESTIGATOR DOCKERY: And during the time
19 period of, say, mid-1991 into 1992, what was your
20 position?

21 THE WITNESS: I was the Personnel Manager for
22 the Atlantic Group.

23 INVESTIGATOR DOCKERY: And you were located
24 where?

25 THE WITNESS: In the Norfolk Office, Robin

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Handwritten signature

1 Hood Road.

2 INVESTIGATOR DOCKERY: How long did you hold
3 that position as Personnel Manager?

4 THE WITNESS: Until 1983 until April 1995.

5 INVESTIGATOR DOCKERY: And so --

6 THE WITNESS: Twelve years.

7 INVESTIGATOR DOCKERY: -- you've just recently

8 --

9 THE WITNESS: Just left this spring.

10 INVESTIGATOR DOCKERY: As I mentioned earlier,
11 we're here today to discuss Mr. Thomas J. Saporito and his
12 complaints and certain allegations against the Atlantic
13 Group or TAG as we'll refer to it here. Are you familiar
14 with Mr. Saporito's name?

15 THE WITNESS: Yes, I am.

16 INVESTIGATOR DOCKERY: Okay. Basically, Ms.
17 Taylor, Mr. Saporito has made four allegations in all his
18 complaints. I've gone through and tried to distill what
19 his allegations and complaints against TAG were.

20 And the first is basically that TAG somehow
21 illegally or wrongfully influenced the Arizona Power
22 Service Company, APS, or wrongfully caused Mr. Saporito
23 not to be selected or rehired or however you want to put
24 it, for a 1992 Unit One outage at Palo Verde Nuclear
25 Generating Station.

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1 At the time, he had been a -- previous to
2 that, from I believe October to December, he had been an
3 Instrumentation and Control Technician during an outage at
4 Unit Two of Palo Verde. Is that correct?

5 THE WITNESS: That's correct.

6 INVESTIGATOR DOCKERY: Okay. His second
7 allegation is that TAG discriminated against Mr. Saporito
8 by not responding to him or causing him to be rehired for
9 other positions as an I and C technician subsequent to
10 we'll say December 1991. It actually continued on into
11 1994, I believe was the date of his last formal DOL
12 complaint.

13 Mr. Saporito's third allegation is that
14 because the Atlantic Group did not rehire him, did not
15 respond to his requests for employment, he was subjected
16 to illegal black-listing, if we may call it that, by the
17 Atlantic Group. And furthermore, that the Atlantic Group
18 conspired either within its own organization, or with
19 outside entities, to black-list him and prevent from being
20 hired for any job for which he claimed to be qualified.

21 The final allegation that I'm looking at here
22 is that a rather general allegation by Mr. Saporito to the
23 NRC that during the course of the DOL proceedings that he
24 instituted, certain employees, really non-specified
25 employees, may have been less than truthful or even

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1 committed perjury during the course of those proceedings.

2 That's what I'm here to talk to you about
3 today, and that's all unless you have something that you
4 wish to add to that.

5 THE WITNESS: Okay.

6 INVESTIGATOR DOCKERY: I'd kind of like to
7 take those in order starting with the -- going back to
8 1991, December of 1991, early 1992 when he claims that
9 somehow TAG was responsible for his not being hired as a -
10 - for the Unit One outage.

11 THE WITNESS: Okay.

12 INVESTIGATOR DOCKERY: By way of background,
13 were you involved in the initial selection of Mr. Saporito
14 or the processing of his resume for the Unit Two outage?

15 THE WITNESS: Yes.

16 INVESTIGATOR DOCKERY: In what capacity?

17 THE WITNESS: As the Personnel Manager, I was
18 responsible overall for all of the recruiting needs to be
19 met by the Atlantic Group, coordinating in between the
20 various offices that we had. When we began that Palo
21 Verde job, that was the start of a very large contract.

22 We were recruiting in two places at the same
23 time. We were recruiting from our Phoenix office, at the
24 same time that we were recruiting from our Norfolk office,
25 just because of the sheer volume of people that we needed

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1 and the short amount of time that we had to fill the
2 openings.

3 I don't remember the conversation, but from my
4 notes I can tell that I was the first person that spoke
5 with Mr. Saporito when he initially called in and asked
6 about the job. We ran advertisements, and I'm sure he saw
7 one, called and inquired.

8 I gave him some general information about the
9 job, suggested that he send us his resume. I believe that
10 further conversations took place between one of my
11 subordinates and Mr. Saporito.

12 INVESTIGATOR DOCKERY: And that subordinate
13 would be who?

14 THE WITNESS: Ellen Simmons.

15 INVESTIGATOR DOCKERY: At the time you spoke
16 to Mr .Saporito, had these initial conversations with him,
17 (a) were you familiar with him, and (b) had you ever
18 spoken to him before?

19 THE WITNESS: No, to both of those questions.

20 INVESTIGATOR DOCKERY: Okay. When did you
21 first become familiar with Mr. Saporito in the sense that
22 you knew who he was, other than -- I didn't put that well.
23 We'll strike that. We'll get to that later.

24 Did you have any discussion with anybody from
25 Palo Verde or Arizona Power Service Company prior to Mr.

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1 Saporito's hiring about Mr. Saporito?

2 THE WITNESS: No.

3 INVESTIGATOR DOCKERY: Were you responsible
4 for providing Mr. Saporito's resume, the initial resume,
5 to APS or was that done through somebody else?

6 THE WITNESS: I was not personally responsible
7 for it. I'm sure we sent his resume out to either the
8 Phoenix office or the Palo Verde site to an Atlantic Group
9 employee there. And they would have forwarded the resume
10 on for selection for Unit Two.

11 INVESTIGATOR DOCKERY: Still, you mentioned
12 that there was a rather large volume of -- was it just I
13 and C techs?

14 THE WITNESS: No, it was not. We had just
15 assumed responsibility for a staff augmentation contract
16 out there. So the I and C techs numbered maybe 20 people
17 of a total of approximately 180 to 200 people.

18 We rolled over a number of people from the
19 prior contractor, and had to hire on a number of new
20 people.

21 INVESTIGATOR DOCKERY: Okay, as I understand
22 it then, Mr. Saporito was selected by APS for the Unit Two
23 outage, which lasted roughly from the end of September
24 through the end of December of 1991. Is that correct?

25 THE WITNESS: That's correct.

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1 INVESTIGATOR DOCKERY: Adn Mr. Saporito then I
2 think indicated some interest in being selected or being
3 nominated, proposed shall we say, for the Unit Two outage
4 --

5 THE WITNESS: Unit One.

6 INVESTIGATOR DOCKERY: -- which followed --
7 Unit One, I'm sorry, which followed that outage, which I
8 think was scheduled to begin in January of '92?

9 THE WITNESS: Yes. Yes, it was scheduled for
10 January '92. I don't know about -- I didn't have any
11 direct contact with him about wanting to be selected.

12 INVESTIGATOR DOCKERY: And that's my question,
13 whether you had any involvement at all --

14 THE WITNESS: No. I only know now after the
15 fact that he did express interest to one of our people out
16 at that site. But at that point, the Norfolk office did
17 not have any more involvement with the selection of people
18 at all. Phoenix had pretty well taken it over.

19 INVESTIGATOR DOCKERY: Is it fair to say that
20 neither you nor this office had any input into whether or
21 not Mr. Saporito would be selected by APS for the --

22 THE WITNESS: For Unit One?

23 INVESTIGATOR DOCKERY: -- Unit One?

24 THE WITNESS: Absolutely. There wasn't any
25 communication about it.

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1 INVESTIGATOR DOCKERY: You had no discussion
2 personally with anybody from APS regarding Mr. Saporito in
3 relation to that selection?

4 THE WITNESS: No, I did not.

5 INVESTIGATOR DOCKERY: I'm going to ask you a
6 general question, Ms. Taylor. Is there anything you can
7 tell me about -- that you have first-hand knowledge of
8 regarding the fact that Mr. Saporito was not selected by
9 APS for the Unit One outage?

10 Now I realize you had quite a bit of knowledge
11 now since the litigation.

12 THE WITNESS: At the time?

13 INVESTIGATOR DOCKERY: At the time.

14 THE WITNESS: If I could isolate that time
15 period?

16 INVESTIGATOR DOCKERY: Yes ma'am.

17 THE WITNESS: Not -- I didn't know anything
18 about Saporito or any of the other employees. There was
19 no communication between the Norfolk office and Palo Verde
20 or Phoenix, I use them synonymously right now, as to who
21 was being selected or not being selected. That was their
22 own responsibility.

23 We had our own openings that we were filling
24 at the time.

25 INVESTIGATOR DOCKERY: Okay. As far as I'm

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1 concerned, I don't know what else -- that pretty much
2 covers what I need to ask you about the fact that he --
3 your knowledge about the fact that he was not selected for
4 the Unit One outage.

5 THE WITNESS: I had none.

6 INVESTIGATOR DOCKERY: Okay. Going to his
7 second allegation that he was discriminated against by TAG
8 subsequent to that time. Mr. Saporito that he has filed a
9 number or sent in a number of resumes and made a number of
10 telephone calls, I think to to Norfolk requesting further
11 employment.

12 His contention was that (a) he received no
13 response, and (b) that TAG failed to seek employment for
14 him. What responsibility does the Atlantic Group have to
15 go forward with anybody's application or resume for
16 employment?

17 THE WITNESS: Can I tell you about the process

18 --

19 INVESTIGATOR DOCKERY: Sure.

20 THE WITNESS: -- the way that we operate?

21 INVESTIGATOR DOCKERY: That would be fine.

22 THE WITNESS: Stop me if I ramble. Norfolk is
23 the headquarters of the Atlantic Group. I am responsible,
24 or was responsible at that time, for the database of
25 resumes that the Atlantic Group had.

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1 Our business is to fill the openings of our
2 customers. So we're not an employment agency where our
3 business is to put someone to work. It's more to respond
4 to the customer utility needs in almost every case in
5 terms of filling their openings.

6 We build up a database of employees that may
7 be qualified to fill those openings. We advertise, we use
8 word of mouth, contact people throughout the year, and
9 probably have a resume database, I would say incoming
10 resumes of maybe 2,000 to 3,000 per year.

11 It's too many to respond to. One time way
12 back in the early 80's we attempted to respond to every
13 resume as a courtesy. We felt that that was a more polite
14 thing to do, and we couldn't keep up with it. There were
15 just too many coming in. We couldn't get enough cards and
16 letters back out.

17 So we ceased that after probably about two
18 months of a trial experimentation. So we do not make any
19 acknowledgement to any of those resumes that come in.

20 If an individual calls us, we will tell him,
21 to the best of our ability, what openings we have at that
22 time, what we may have that we expect long-term, and just
23 answer whatever questions -- yes sir?

24 INVESTIGATOR DOCKERY: Let me stop you to get
25 clarification here point by point. Did I understand you

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1 then Mr. Saporito had no reasonable expectation that he
2 would get a response to each and every resume?

3 THE WITNESS: Correct. That must not be the
4 way other companies do business, because it seems all
5 along through this that he did expect that we should have
6 been responding to him.

7 And quite honestly, we weren't responding to
8 anybody.

9 INVESTIGATOR DOCKERY: Is there anything that
10 you're aware of that would obligate you to respond to --

11 THE WITNESS: You mean like a contract or a
12 promise or something?

13 INVESTIGATOR DOCKERY: Yes.

14 THE WITNESS: No.

15 INVESTIGATOR DOCKERY: Is there anything
16 contractually that --

17 THE WITNESS: No, absolutely not.

18 INVESTIGATOR DOCKERY: Then make a distinction
19 here between -- some of his resumes were -- I would think
20 were unsolicited by the Atlantic Group.

21 THE WITNESS: Yes, that's correct.

22 INVESTIGATOR DOCKERY: Is that --

23 THE WITNESS: And that's not uncommon. We
24 tell our people to send in resumes just every several
25 months just to keep them updated. He sent them in quite

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1 frequently. I'm sure he was pursuing work, and I suppose
2 in hindsight now, he was probably trying to see what we
3 were going to do.

4 We treated him just like we treat everybody
5 else, just with a non-response. We've got maybe a
6 database of several hundred I and C technicians. And I'm
7 sure there are a lot of them sitting at home right now
8 saying, "Why hasn't the Atlantic Group put me to work?"
9 We just frankly don't have enough openings for all of
10 them. That's a fairly small part of our business.

11 INVESTIGATOR DOCKERY: I asked you to remember
12 back to early 1992. And reading through the transcripts
13 and depositions and various other information that I've
14 gone through, around January of 1992, a resume of Mr.
15 Saporito's was submitted to a company by TAG as part of a
16 sample bid. Is that correct?

17 THE WITNESS: Yes.

18 INVESTIGATOR DOCKERY: Would you give me the
19 details of that, please?

20 THE WITNESS: Sure. Frequently, we get calls
21 from utilities or Requests for Proposal. Sometimes they
22 ask for the specific individuals that we will use on that
23 contract. More often, they ask for sample resumes, is
24 what we call it.

25 They want to see the types of people, the

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1 average level of qualifications that we would provide for
2 "X" bill rate.

3 In December of '91, we were completing a
4 proposal to send into the Entergy System for I and C
5 technicians. And we formatted, I believe, about five or
6 six resumes to submit as sample resumes with that
7 proposal. I think the date of that proposal was December
8 30th of '91.

9 Unfortunately, we did not secure that work, so
10 there wasn't -- we couldn't go further with it. That was
11 the end of it.

12 INVESTIGATOR DOCKERY: Was Mr. Saporito's
13 resume among those that were submitted?

14 THE WITNESS: Yes. I think what we did was
15 select five or six people out of our Palo Verde group.
16 they were all good employees. And we probably -- I don't
17 remember this, but we did it in my office.

18 We probably looked through the resumes, picked
19 out some that looked like they were well-qualified,
20 reformatted them into a consistent standard format so that
21 it would look professional to Entergy and submitted them.

22 We did not contact the employees in advance.
23 It was not for specific work.

24 INVESTIGATOR DOCKERY: Would the fact that Mr.
25 Saporito was selected, or his resume was selected, would

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1 that indicate that he was considered an employee in good
2 standing?

3 THE WITNESS: Well, if we had known anything
4 negative about him, we sure wouldn't have submitted him to
5 Entergy. He was of any standing as anybody else. There
6 was really no distinction between Mr. Saporito and our
7 other 20 employees that we had out there.

8 INVESTIGATOR DOCKERY: Okay. At some point, I
9 assume you became aware that Mr. Saporito made the claim
10 that TAG and APS had illegally discriminated against him
11 because he raised what's referred to as "protective
12 concerns" or engaged in "protected activities," and that
13 this discrimination was in retaliation for those protected
14 activities.

15 He made that claim to the Department of Labor.
16 At what point did you become aware that Mr. Thomas
17 Saporito had made a complaint against your organization?

18 THE WITNESS: Against the Atlantic Group, it
19 would have been I believe April tenth, because I've got
20 the original complaint of the letter from the DOL, which
21 is dated April eighth. I did not receive a receipt date
22 on the at letter, but I assume I received it either
23 regular mail or certified mail a couple of days later.

24 INVESTIGATOR DOCKERY: And that was a letter -
25 - notification from the Department of Labor? You mean the

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1 Wage and Hour Division?

2 THE WITNESS: Yes.

3 INVESTIGATOR DOCKERY: What action did you
4 take then?

5 THE WITNESS: Faxed it to my lawyer.

6 INVESTIGATOR DOCKERY: And that would be?

7 THE WITNESS: That was with Bill Nexsen at the
8 time. It came as a surprise to us, however not a complete
9 shock because we did know that he had filed a complaint
10 against Arizona Power Service.

11 INVESTIGATOR DOCKERY: Which did not include -
12 -

13 THE WITNESS: Atlantic Group.

14 INVESTIGATOR DOCKERY: -- Atlantic Group as a
15 respondent.

16 THE WITNESS: That's correct. That's correct.
17 We started getting questioned about him in March by the
18 Department of Labor and also by some of APS's people,
19 their Employee Concerns Representative, their attorney,
20 etc.

21 But we had no involvement. We answered the
22 questions. They basically wanted to know about the
23 recruiting process and the process by which we submitted
24 his resume.

25 Then came the surprise on April tenth that we

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1 were now going to be included in this.

2 INVESTIGATOR DOCKERY: Ms. Taylor, within the
3 TAG hierarchy at that time, who did you answer to?

4 THE WITNESS: Dennis McLaughlin.

5 INVESTIGATOR DOCKERY: And he is?

6 THE WITNESS: He's the President.

7 INVESTIGATOR DOCKERY: Is he still the
8 President?

9 THE WITNESS: Yes, he is.

10 INVESTIGATOR DOCKERY: When you received
11 notification or came to know that Mr. Saporito had
12 included you in his DOL action claiming discrimination,
13 did you -- what corporate policy were you instructed to
14 follow or what was TAG's stance or posture towards Mr.
15 Saporito?

16 THE WITNESS: Well, I can't really say that we
17 had a stance about Mr. Saporito. When I receive a
18 complaint by the Wage and Hour Division, I start by
19 contacting Bill Nexsen and investigate the complaint.

20 Naively now, I didn't -- I won't say that I
21 didn't take it seriously, but it didn't worry me that much
22 at the time because I knew that we had no involvement
23 whatsoever. I figured he added us to it, and it was going
24 to go away, not realizing that four years later we were
25 still going to be talking about Mr. Saporito.

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1 I don't remember exactly. I probably advised
2 Mr. McLaughlin that we had received a complaint, said I'll
3 be talking with Bill Nexsen about it, you know, let you
4 know if you need to know anything.

5 But normally, I handle those at my level, and
6 I don't have to involve him to any great extent other than
7 briefing him occasionally, letting him know that
8 everything is going all right.

9 As it picked up steam and we got into heavy
10 discovery, I'm sure I let him know that yes, this was
11 looking like it was getting to be fairly serious. But
12 there wasn't any -- there was certainly no policy that was
13 dictated to me about whether to hire him or not hire him
14 or talk to him or not talk to him or anything like that.

15 MR. NEXSEN: Can I ask a question?

16 INVESTIGATOR DOCKERY: Yes.

17 MR. NEXSEN: Had you ever had a complaint with
18 the Department of Labor or what is known as a whistle-
19 blower claim prior to Mr. Saporito in '92?

20 THE WITNESS: No, not regarding the whistle-
21 blower. What I was referring to would be if there was a
22 violation of a -- an alleged violation of a wage an hour
23 or something else.

24 MR. NEXSEN: But this was your first --

25 THE WITNESS: Yes.

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1 MR. NEXSEN: -- Department of Labor whistle-
2 blower case?

3 THE WITNESS: Yes.

4 MR. NEXSEN: So you weren't aware of what
5 could happen?

6 THE WITNESS: That's true. I should have gone
7 part-time then.

8 INVESTIGATOR DOCKERY: Okay. I'm going to ask
9 you something here, and i'm going to try and phrase it in
10 such a way that -- and Mr. Nexsen and I have been through
11 this before. This -- it could be privileged information,
12 and he will stop you if it is, and we will find a way to
13 seek the answer.

14 Is it fair to say that you had relied on Mr.
15 Nexsen prior to Mr. Saporito for advice in how to deal
16 with --

17 THE WITNESS: How to respond --

18 INVESTIGATOR DOCKERY: -- labor --

19 THE WITNESS: How to respond to the
20 complaints?

21 INVESTIGATOR DOCKERY: Yes.

22 THE WITNESS: Yes.

23 INVESTIGATOR DOCKERY: And what was --
24 typically how would you respond to inquiries about such
25 complaints?

1 THE WITNESS: As he clarified, they weren't
2 whistle-blower complaints, so I can talk from the grounds
3 of maybe an EEO complaint or a DOL complaint that was not
4 quite of this nature.

5 Normally, he would advise me on how to answer
6 the response myself. Or if it looked like it was a little
7 more serious, he would actually make the response to
8 whatever that agency was.

9 INVESTIGATOR DOCKERY: But Mr. Saporito
10 contends in some of his complaints that the evidence that
11 he was being discriminated against was that when he would
12 contact the Atlantic Group or employees of the Atlantic
13 Group, he was told that they could not -- they had
14 instructions not to respond to him but that they were to
15 refer him to legal counsel, their legal counsel.

16 Is that -- is that correct?

17 THE WITNESS: That would have been true as of
18 the fall of '92 because after we went through court with
19 him, we were very sensitive to somebody that may call in
20 and try to get a reference or him just checking up on what
21 we were saying. By the end of that lawsuit, I had no
22 trust in him whatsoever, and wanted to protect the
23 Atlantic Group.

24 So at that point, we decided we had better
25 control all conversation so we knew what was being said

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1 about him, so he couldn't come back later and say "Oh, but
2 she promised me this" or "He said this." Because at that
3 point, we felt that he was a liar, quite frankly.

4 And we just wanted to control those
5 conversations.

6 INVESTIGATOR DOCKERY: Okay. You just
7 mentioned the fall of 1992. Was that when the DOL hearing
8 concluded?

9 THE WITNESS: Yes.

10 INVESTIGATOR DOCKERY: Do you recall any
11 inquiries or are you aware of any, perhaps not to you but
12 to anybody within TAG, either regarding Mr. Saporito or by
13 Mr. Saporito --

14 THE WITNESS: I know that he --

15 INVESTIGATOR DOCKERY: -- between the time you
16 first became aware of the suit, the DOL suit, and the end
17 of the DOL hearings?

18 THE WITNESS: I know that he called in
19 inquiring about work during those time periods. All
20 throughout the spring, he called in. I believe he talked
21 to Ellen Simmons probably two, three or four different
22 occasions about work.

23 We had no work at the time, so there wasn't
24 anything that she could tell him about upcoming openings.

25 I'm quite certain that she didn't say, "You

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1 have to talk to my lawyer" at that point because there
2 really wasn't anything -- there was no negative
3 connotation to Mr. Saporito at that point. If we had some
4 openings, we would have considered him for it.

5 But we didn't have any more work until
6 September of '92. We just didn't have the openings.

7 INVESTIGATOR DOCKERY: Mr. Taylor, there was a
8 Unit Three outage at Palo Verde subsequent to the Unit One
9 outage.

10 THE WITNESS: September '92?

11 INVESTIGATOR DOCKERY: That's my question.

12 THE WITNESS: September '92. I think that's
13 what my chart shows, yes.

14 INVESTIGATOR DOCKERY: So it was late --

15 THE WITNESS: It started up right at the first
16 of September.

17 INVESTIGATOR DOCKERY: Okay. Mr. Saporito
18 claims that just prior to that outage, he spoke to Mr.
19 Vance Pettus, who was the Site Administrator at Palo Verde
20 to TAG, or he might have had another title. I'm not sure.

21 But Saporito himself claims that he called Mr.
22 Pettus to ask him if he'd, Mr. Pettus, had received his
23 resume and to request employment during that Unit Three
24 outage.

25 According to Saporito, Mr. Pettus told him

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1 that, "Our attorney says that we're not allowed to talk to
2 you. You have to go through -- you have to talk to our
3 attorney." Did Mr. Pettus -- do you recall Mr. Pettus
4 relating this conversation to you?

5 THE WITNESS: No, I really don't. At that
6 point, we were into depositions and really into the full
7 discovery and about to start the trial. He might have
8 said that.

9 As far as the receipt of the resume, it's my
10 recollection that Mr. Saporito was sending the resumes to
11 the Norfolk office. If I can talk for a minute about how
12 we handle those resumes --

13 INVESTIGATOR DOCKERY: Sure.

14 THE WITNESS: We keep those in the Norfolk
15 office and scan them into a computer, which works by
16 optical, character recognition, so that it stores it in as
17 a Word Perfect document and makes it accessible to the
18 other offices. So we do not make copies of all the
19 resumes, 2,000 to 3,000 resumes and send them to our
20 various offices.

21 We put them on the computer so that they're
22 on-line and available for searching and for reading off of
23 each office. So we wouldn't have sent any resumes out to
24 Mr. Pettus. And I guess that's maybe what Mr. Saporito
25 was expecting us to do.

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1 INVESTIGATOR DOCKERY: I don't know. I gathered
2 it was. He apparently had some reason to believe that Mr.
3 Pettus --

4 THE WITNESS: He thought we were holding back
5 or something.

6 INVESTIGATOR DOCKERY: -- that Mr. Pettus knew
7 that he was seeking employment during the Unit Three
8 outage.

9 THE WITNESS: I'm sure Mr. Pettus knew that he
10 was seeking work, and I'm sure Mr. Pettus also knew that
11 Mr. Saporito wasn't available for work because he was in
12 Norfolk as of August 31st deposing me and several other
13 people. He had about, I don't know, a week to ten days of
14 scheduled depositions in September out at Arizona Power
15 Service Company, and then a hearing that was scheduled to
16 last two weeks in October.

17 So there's no way Mr. Saporito could have
18 worked that outage.

19 INVESTIGATOR DOCKERY: Was that ever -- during
20 any of the proceedings, was that ever pointed out to Mr.
21 Saporito? Was it ever -- was he ever asked how can you
22 expect to be selected?

23 THE WITNESS: How can you do this? I think it
24 was asked of him one time and he said he could have
25 continued everything.

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1 MR. NEXSEN: Could have continued the case --

2 INVESTIGATOR DOCKERY: The case.

3 THE WITNESS: The case, right.

4 MR. NEXSEN: -- so that he could work the
5 outage.

6 THE WITNESS: But we were afraid it was going
7 to take up the first six weeks. And you know how the
8 outages run. They're two or three months. So if you miss
9 the first half of it, there's no way.

10 MR. NEXSEN: Are you sure he says Vance Pettus
11 and not Allen James?

12 INVESTIGATOR DOCKERY: No, it's Vance.

13 MR. NEXSEN: Vance Pettus? Okay.

14 THE WITNESS: I think I've got that in notes
15 someplace. The Allen James conversation was in December
16 after the hearing was over.

17 MR. NEXSEN: That's what it says. Okay.

18 INVESTIGATOR DOCKERY: What was the name you
19 were using?

20 THE WITNESS: Allen James is the Vice
21 President of the Phoenix office, and I know he had phone
22 conversation with Mr. Saporito.

23 INVESTIGATOR DOCKERY: Oh, the TAG Phoenix
24 office?

25 THE WITNESS: Yes, yes.

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1 INVESTIGATOR DOCKERY: As another element of
2 the evidence that Mr. Saporito claims of black-listing or
3 discrimination, he cites a telephone call during 1994 by a
4 company he refers to as Document Reference Check Services.

5
6 THE WITNESS: This ought to be good.

7 INVESTIGATOR DOCKERY: Actually, I'd like to
8 find out if you're familiar with this or not. Wherein, he
9 contracted with this company to place a telephone call,
10 and I believe one call was made to Mr. Pettus again.

11 And this third party service requested some
12 sort of reference information about Mr. Saporito from Mr.
13 Pettus. And Mr. Pettus referred -- according to Saporito,
14 referred the individual to legal counsel.

15 THE WITNESS: That is fascinating.

16 INVESTIGATOR DOCKERY: You were not aware of
17 that?

18 THE WITNESS: Well, it's a little bit
19 different from what I was aware of.

20 INVESTIGATOR DOCKERY: Tell me what your
21 understanding is.

22 THE WITNESS: After the hearing was over, we
23 changed our policy regarding reference checks, and Mr.
24 Saporito specifically, because of the reasons I just told
25 you. We really wanted to control exactly what was said.

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1 We didn't want any misunderstandings later about what was
2 said because at that point, he had proven, at least to us,
3 that he was a liar. We couldn't trust him and didn't want
4 to be in future lawsuits with him.

5 So I communicated to all of the people that
6 might possibly have gotten a reference check, that if they
7 were to get a call regarding Mr. Saporito, do not answer
8 the questions. Refer them to our attorney.

9 INVESTIGATOR DOCKERY: Okay.

10 THE WITNESS: And --

11 INVESTIGATOR DOCKERY: Do you have any way of
12 pinpointing the date that you gave that instruction?

13 THE WITNESS: Only my own memory, and I think
14 that was probably --

15 INVESTIGATOR DOCKERY: That's good enough.

16 THE WITNESS: It would have been probably
17 around December of '92. It was not too long after. What
18 you're talking about, it's interesting to me because I got
19 a phone call from our Administrative Assistant at the Palo
20 Verde office I'll bet in 1994 sometime, where she said, "I
21 just got the first phone call."

22 She said, "I got a phone call" and I knew it
23 was the first one. And she had written down the woman's
24 name, Eileen DeLaTorre. She said, "From some company with
25 initials. I'm not sure what they are." And I told them -

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1 - and I think she said I told them that I thought it was
2 Jan that got the phone call, that they'd have to talk to
3 our attorney.

4 And at that point, she made me aware of it. I
5 made Bill aware of it in case he got a phone call, he'd
6 have a heads-up and also the people within my own
7 department, who frequently are the ones who get the
8 reference checks. I said, "If anyone hears from Eileen
9 DeLaTorre, don't forget, you're not to answer the call.
10 You're to refer it on to Bill Nexsen and let him handle
11 it."

12 A call never came in. I kept a note on my
13 desk with her name for a long, long time. Our next
14 experience with Document Reference Check regarded our
15 second whistle-blowing case. They are a third-party
16 organization and we felt that they set up Mr. Pettus
17 regarding a second individual.

18 INVESTIGATOR DOCKERY: So your recollection is
19 then that Ms. DeLaTorre never placed a second call to --

20 THE WITNESS: I don't know how she could have
21 and I would not have been made aware of it because I had
22 word out everywhere if she were to call, what to do. And
23 I frequently went back afterwards and said, "Has anybody
24 heard from this woman?" Because I knew Mr. Saporito and I
25 knew how thorough he was.

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1 And I felt that he would stay on her until
2 something was told to her. And months later, I finally
3 decided well, that must have been what he was looking for.
4 He just wanted to see what the on the record response was
5 going to be from the Atlantic Group.

6 INVESTIGATOR DOCKERY: Ms. Taylor, at some
7 point in the proceedings regarding Mr. Saporito, I'm sure
8 you became familiar with the term "whistle-blower." Prior
9 to finding out that he had named TAG as a respondent in a
10 DOL complaint, had you ever heard the term "whistle-
11 blower" applied to Mr. Saporito?

12 THE WITNESS: No.

13 INVESTIGATOR DOCKERY: Mr. Saporito made the
14 assertion that during his tenure at Palo Verde Unit Two as
15 an I and C technician, he was well known to everybody
16 there as a whistle-blower, both from his prior activities
17 in Florida, with a licensee in Florida, and while he was
18 at Palo Verde. Was any of that --

19 THE WITNESS: I know that he made that
20 assertion in the Norfolk office. I certainly didn't know
21 about it. I know that Bill Engelking at least says that
22 he didn't know about it. I don't think it was as
23 widespread as Mr. Saporito thought.

24 Or if it was, it may have been just among the
25 ranks, the crews. And as administrative people, we don't

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1 have that direct contact.

2 INVESTIGATOR DOCKERY: Okay, when I use the
3 term "whistle-blower" it's a very imprecise term
4 obviously. But i'm only referring to it in the context of
5 somebody who raises concerns that are germane to the
6 Nuclear Regulatory Commission, and such concerns would be
7 health safety, nuclear health and safety concerns.

8 Mr. Saporito claims that he was well known for
9 raising such concerns. When did you first find that out,
10 or first find out that he made that claim? Was it during
11 the litigation?

12 THE WITNESS: Yes, absolutely.

13 INVESTIGATOR DOCKERY: Does the Atlantic Group
14 or any similar contract employee service have any
15 obligation that you're aware of to hire somebody just
16 because they are the whistle-blower or claim to be a
17 whistle-blower?

18 THE WITNESS: My understanding is that our
19 obligation is to treat them just like we would treat
20 anybody else, and to certainly not retaliate or
21 discriminate against them because they have raised safety
22 concerns, but not to necessary seek out employment for
23 them.

24 INVESTIGATOR DOCKERY: Would it be fair to say
25 that at some point, Mr. Saporito's relationship to the

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1 Atlantic Group changed?

2 THE WITNESS: Certainly.

3 INVESTIGATOR DOCKERY: Okay. And at what
4 point would you consider that to have happened?

5 THE WITNESS: It would have -- it really was a
6 culmination of events, but it certainly would have
7 concluded by sitting in a courtroom with him. I guess the
8 best way to answer that is to point out several events or
9 things that started coloring my, or forming my opinion of
10 him, the first of which was not complaint from the DOL,
11 but the affidavit in May, I believe.

12 There was a hearing that was conducted with
13 Judge Lesniak over the telephone in which he was trying to
14 add the Atlantic Group and explain why he should be able
15 to add the Atlantic Group.

16 And Judge Lesniak pointed him to another court
17 case which basically showed him the way in which to add
18 himself. He had to prove intimidation, etc., etc. And
19 the next day, or that day, or the next week, we get this
20 affidavit saying now Mr. Engelking has threatened and
21 intimidated him.

22 INVESTIGATOR DOCKERY: Okay. The date of that
23 affidavit -- I have a copy of it here --

24 THE WITNESS: May seventh.

25 INVESTIGATOR DOCKERY: -- is May seventh,

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1 1992.

2 THE WITNESS: 1992, correct. That was the
3 first demonstration in my mind of anything negative of Mr.
4 Saporito. Up until then, he was just like everybody else.

5
6 But that complaint just sounded so wrong from
7 what I knew of Mr. Engelking. It just didn't ring true.
8 Then as we got into discovery, I learned that he had made
9 allegations that either I or Ellen Simmons, he wasn't sure
10 who, had lied to him about promising him the second outage
11 after working the first outage, and also about his travel
12 pay.

13 And I know for a fact that that did not
14 happen. So now we've got two things testing his
15 credibility. In a courtroom, he claims that we lied under
16 oath. I claim that he lied under oath.

17 INVESTIGATOR DOCKERY: Okay, I want to get to
18 that. That's the perjury issue, and please we want to
19 come back to that.

20 THE WITNESS: Okay, well --

21 INVESTIGATOR DOCKERY: Not that you can't talk
22 about it right now, but --

23 THE WITNESS: That's okay. In the courtroom,
24 and it's not on the record unfortunately, but I know that
25 he accused me of perjuring myself because I remember the

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1 judge saying, "Are you accusing her of perjuring
2 yourself?" So he's calling me a liar.

3 He's put us through -- upon conclusion of the
4 hearing, the Judge dismisses or directed verdict is what
5 it's called. But basically, we're now out of the case,
6 never should have been in the case because he never put
7 forth the evidence. It's cost us \$45,000 for something we
8 had nothing to do with.

9 He has lied several times, accused us of
10 lying. He's falsified his resume. He has failed to show
11 on security paperwork that he had unescorted access either
12 revoked or suspended, which I feel is a very serious
13 offense.

14 All of those things together certainly change
15 my opinion of him. And at that point, I made the decision
16 we weren't going to hire this guy.

17 INVESTIGATOR DOCKERY: And you say "at this
18 point" -- scratch that. When you became aware of the
19 existence in content of him May seventh affidavit, after
20 that point, would you still have considered hiring him for
21 -- let's say within the next two weeks?

22 THE WITNESS: If that was the only thing at
23 that time that I knew about him, I would have considered.
24 I can't say I would have hired him, but I would have
25 considered him for a future position. There may have been

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1 a miscommunication between him and Bill Engelking.

2 I wouldn't have wanted to hold it against him
3 and said, "That's it. You're not coming back to us" just
4 based on that affidavit. It was just the first negative
5 thing in my mind about him.

6 INVESTIGATOR DOCKERY: Okay. As an
7 administrator or a manager or TAG affairs, you say you did
8 reach some point where you felt he was no longer
9 employable by TAG. What was your basis for making that
10 decision?

11 THE WITNESS: All those things that I just
12 told you. I think I actually made the decision at the end
13 of the court case when the judge said basically "You guys
14 didn't even have to be here. There's been no evidence
15 that you've done anything wrong" and I had learned all
16 these things about Mr. Saporito.

17 At that point, that's when I said, "Okay,
18 that's enough. He's a liar. I can't trust him."

19 INVESTIGATOR DOCKERY: Did it then become a
20 fitness for duty concern.

21 THE WITNESS: Well, I feel that one of the
22 issues was a fitness for duty concern, and that was the
23 issue of credibility, especially relating to the way he
24 answered his paperwork on the revocation or suspension of
25 unescorted access.

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1 I mean, the NRC tells us that we need to be
2 cognizant and observant of fitness for duty regulations,
3 and didn't put anybody into a nuclear setting that is not
4 honest, reliable and trustworthy. And here I have
5 somebody that I personally feel very adamantly that he is
6 not. There's a conflict.

7 INVESTIGATOR DOCKERY: Okay. We've
8 established at some point you felt it was no longer
9 prudent to consider Mr. Saporito for employment by the TAG
10 Group.

11 Let's put that aside for a second, and this
12 may be hard to get back to, but if you had not been so
13 inclined to hire -- disinclined to hire him, if you had
14 been disinclined, were there any positions that during the
15 period from, let's say, May of 1992 until the conclusion
16 of the DOL hearing process, were there any I and C
17 position that --

18 THE WITNESS: There were two outages that the
19 Atlantic Group was asked to support. One was the Palo
20 Verde Unit Three, which you know about, and the other was
21 a Firmi. We were asked to provide I think 18
22 instrumentation and control technicians.

23 But the same reason applies. It started
24 August 31st of 1992. So he would not have been available.
25 He would have missed again his first six -- it was exactly

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1 the same time as Palo Verde Three. He would have missed
2 the first six weeks because of the hearing.

3 Had there been no hearing, had there been
4 nothing else going on in there, he would have been
5 considered for those openings. I can't say he would have
6 been hired because we had hundreds of people wanting 18
7 openings, or however many openings.

8 And I don't know whether we got anybody else
9 out of Palo Verde off of that Unit Two crew to go to
10 Fermi. But he would have been considered for it.

11 INVESTIGATOR DOCKERY: Well, let me explore
12 that with you. Based on my interview of Mr. Engelking
13 this morning, it's sort of my impression that TAG doesn't
14 determine who is hired. TAG -- the only control TAG has
15 is in seeing whose resumes are provided --

16 THE WITNESS: That's true.

17 INVESTIGATOR DOCKERY: -- or suggested to the
18 licensee.

19 THE WITNESS: I guess what I was saying to you
20 was even consideration for submittal of resume. Had he
21 been available for work during that August time frame, had
22 there been no court case going on at that time, we may
23 have reviewed his resume and determined whether or not to
24 submit it to Fermi, for example, or Palo Verde, although
25 at that point, Palo Verde was not doing selection either.

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1 They were asking us to do our own selection.

2 But Firmi was approving resumes. Palo Verde
3 needed so few people on that Unit Three outage, five or
4 six people, they said "You pick them."

5 INVESTIGATOR DOCKERY: Oh, so there could be a
6 time when TAG could be the selecting --

7 THE WITNESS: It varies depending on the
8 utility.

9 INVESTIGATOR DOCKERY: Go off the record.
10 (Whereupon, the proceedings went off the
11 record at 2:12 p.m. and resumed at 2:22 p.m.)

12 INVESTIGATOR DOCKERY: And Ms. Taylor, I'd
13 remind you that you continue to be under oath. If you'd
14 acknowledge that verbally, please?

15 THE WITNESS: Yes, I understand.

16 INVESTIGATOR DOCKERY: Okay. We, both before
17 this break and during the break, discussed the fact that
18 the Atlantic Group did consider resumes for I and C
19 technicians for two outages, one being at Firmi in
20 Michigan and the other at Palo Verde.

21 And could you go through your reasoning as to
22 why it was not possible for TAG to consider Mr. Saporito
23 for employment during those two outages?

24 THE WITNESS: Yes. I'll talk about them both
25 separately.

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1 INVESTIGATOR DOCKERY: Fine.

2 THE WITNESS: Firmi was, I believe, our first
3 outage with Firmi. I suppose we found out about the order
4 sometime late spring, June time frame. It was too early
5 at that point to recruit for individuals because they
6 can't commit two or three months ahead of time.

7 We probably started running advertisements for
8 I and C technicians in July to start building up our
9 database. Late July is when we would have started
10 contacting them, preparing their resumes.

11 And right around the end of July, first of
12 August, submitting them to the customer for approval. And
13 that would continue through the month of August until we
14 had the openings filled.

15 Palo Verde, we got orders for five or six,
16 five I believe, I and C technicians that would start up
17 right about August 31st or the first of September. We got
18 that order I think maybe two weeks prior. It was about
19 the middle to the end part of August.

20 It was a quick turn-around time. We knew four
21 people were almost automatic because they had just
22 finished working out there, and we only had to find one
23 more to fill up that fifth opening.

24 The reason that we could not consider Mr.
25 Saporito for any of those openings is because as of, I

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1 believe early to mid-July, we had the hearing already
2 scheduled with Judge Lesniak in Phoenix for October, and
3 knew that depositions would be taking place during the
4 month of September over the course of several weeks,
5 because of the number of people he wanted to depose.

6 So there was no consideration of Mr. Saporito
7 because he was going to be involved in litigation with us
8 from at least August 31st when he deposed me and some
9 others, through the middle of October.

10 INVESTIGATOR DOCKERY: Was the taking of
11 depositions, was that somehow formally scheduled at that
12 time?

13 THE WITNESS: He -- yes, he scheduled actual
14 dates, gave a list of people. I think he then expanded
15 the list of people to include, I don't know, 40 people or
16 something.

17 MR. NEXSEN: No, we start back in early August
18 he noticed Ms. Taylor's deposition, Bill Engelking's
19 deposition. I noticed Ellen Simmon's deposition when Mr.
20 Saporito was going to be in my office so that I could take
21 a deposition of her testimony to Phoenix because I could
22 not afford to fly everybody from Norfolk to Phoenix.

23 I guess that's all that -- Bill Engelking,
24 Ellen Taylor, Ellen Simmons --

25 THE WITNESS: Jan Gillard.

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1 MR. NEXSEN: -- and Jan Gillard. He wanted to
2 take the deposition of Jan Gillard prior to the hearing
3 and therefore, Jan Gillard and Bill Engelking were living
4 in Phoenix and we flew them the Saturday before this
5 August 31st. And these depositions were noticed some two
6 weeks prior to having them because we had to get Mr.
7 Saporito from Florida to Norfolk and get APS's lawyer or
8 two lawyers from Phoenix to my office on the 31st.

9 THE WITNESS: And then he had to have time to
10 drive across country to get to his depositions in Phoenix.

11 MR. NEXSEN: And he had argued with -- we had
12 had a hearing with Judge Lesniak, and he had convinced the
13 judge that it took him three days to go from Norfolk to
14 Phoenix by car. And he had scheduled interviews and
15 depositions and had noticed depositions beginning on the
16 eighth of September, I believe is the date.

17 THE WITNESS: The eighth through 18th, I
18 think.

19 MR. NEXSEN: Eighth through 18th. He got
20 special permission from the judge to do these depositions
21 for that ten days over the objection of APS, who wanted to
22 be able to prepare a trial in that period of time.

23 So everyone knew what the preparation schedule
24 for this hearing was. And the hearing was scheduled to
25 start on September 28th.

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1 So the entire month of September was booked
2 for the lawyers and the witnesses.

3 THE WITNESS: And Judge Lesniak set aside two
4 weeks for the case

5 MR. NEXSEN: And there were two weeks set
6 aside --

7 THE WITNESS: So that would have taken him
8 into mid-October.

9 INVESTIGATOR DOCKERY: But this time period of
10 the depositions, that was more or less sanctioned by Judge
11 Lesniak?

12 MR. NEXSEN: It was -- yes, it was improved by
13 Judge Lesniak. We wanted to make Mr. Saporito come to
14 Norfolk much earlier than the 31st of August so that we
15 would be able to go to Phoenix. And the judge said "No,
16 Mr. Saporito wants to drive to Norfolk and then out to
17 Phoenix. It makes more sense for Mr. Saporito to drive to
18 Norfolk and not have to go back to Phoenix.

19 So basically, the judge ordered us to have the
20 depositions in my office on the 31st. The argument
21 actually was Mr. Saporito wanted to have all of those
22 depositions in Phoenix when he got there.

23 I said, "Judge, I want to have them in Norfolk
24 because that's where all my people are. And it's actually
25 cheaper to bring your people to the lawyer than your

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1 lawyer to the people unfortunately in this age."

2 So the judge allowed the depositions to be in
3 Norfolk, but made us have them on the 31st of August,
4 which was the last date the Judge had scheduled for
5 discovery.

6 Mr. Saporito was able to convince the judge,
7 "Well Judge, I need to take discovery outside of that
8 period and I want to take discovery in Phoenix starting
9 the eighth of September until at least the 18th of
10 September." And the judge agreed. He was booked.

11 And we did this --

12 THE WITNESS: All of this was pre-set before
13 all the recruiting was done for those two outages.

14 INVESTIGATOR DOCKERY: When you recruit
15 somebody as say an I and C technician, is your main
16 obligation to the individual you are recruiting or to the
17 entity you're recruiting him to work for?

18 THE WITNESS: Our main obligation is to the
19 utility for which we are filling the opening. But as a
20 Personnel Manager, when our people are our product, we
21 also have a dual obligation to the employees if we ever
22 want to have them work for us again.

23 So I really see it as a dual obligation. My
24 boss would see it as an utility obligation.

25 INVESTIGATOR DOCKERY: During this same time

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1 period we've been talking about when Mr. Saporito knows
2 that he's involved in litigation and depositions and
3 discovery, also that there are -- there's the possibility
4 at least of work at two different outages, did he ever
5 make any request that the litigation process be set aside
6 so that he could work at either of those two outages?

7 THE WITNESS: No, I don't remember him doing
8 that.

9 INVESTIGATOR DOCKERY: Mr. Nexsen, do you
10 recall as a legal matter, did he ever raise that question?

11 MR. NEXSEN: Absolutely, not either as a legal
12 matter or in any of the many discussions we had. He was -
13 - I believe APS at one point even wanted to continue the
14 hearing based on the fact that Mr. Saporito wanted to jam
15 all of these interviews and discovery depositions into
16 September. And Mr. Saporito didn't want to do that.

17 So Mr. Saporito went the opposite and he was
18 doing what he could as to hold this trial date.

19 INVESTIGATOR DOCKERY: Ms. Taylor, I think
20 you've already answered this, but let me ask it again to
21 make sure. I believe you testified there did come a point
22 in time where Mr. Saporito was, in fact, treated
23 differently from other -- or considered to be in a
24 different class, so to speak, from other previous TAG
25 employees or potential employees.

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1 If I recall your testimony, it was at that
2 point where Judge Lesniak dismissed the charges, so to
3 speak.

4 THE WITNESS: I didn't make any decisions
5 until that was over, because I don't know what he would
6 have ended up finding. So really, I kind of held my
7 decision off. Once he gave us a directed verdict, it was
8 at that point I had to decided okay, now where do we go on
9 the future?

10 Are were going to hire him again or not? And
11 how do we handle the references if we get any calls on
12 him?

13 INVESTIGATOR DOCKERY: And what was your
14 decision with regard to those matters?

15 THE WITNESS: With respect to whether or not
16 to hire him, because of my opinions that had built over
17 that whole summer, I decided that it would not be prudent
18 to hire him back. So I really made it a policy decision
19 that he was going to be ineligible for company rehire.

20 With respect to --

21 INVESTIGATOR DOCKERY: Let me stop you there.
22 Was that decision concurred with by -- you stated that
23 your supervisor was the President of TAG. Did he concur
24 with that decision?

25 THE WITNESS: Yes. I told him that I felt it

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1 would not be wise to hire him back. That was going to be
2 my decision, and he agreed with that.

3 INVESTIGATOR DOCKERY: Okay. What about with
4 respect to inquiries by Mr. Saporito or by a third party?

5 THE WITNESS: It was at this point in a
6 discussion with Mr. Nexsen that I decided that we would
7 refer all calls to Mr. Nexsen because of the reasons I
8 stated before: just was afraid of what Mr. Saporito might
9 lead somebody into saying or might accuse somebody of
10 saying, falsely so later.

11 I don't think I ever advised Mr. McLaughlin
12 about that decision. That's really kind of a detail
13 thing.

14 INVESTIGATOR DOCKERY: Did you advise your
15 subordinates of your decision in that regard?

16 THE WITNESS: Yes, I did, as well as any other
17 recruiters that might receive such a phone call, such as
18 out of the Phoenix office.

19 INVESTIGATOR DOCKERY: Okay. Now Mr. Saporito
20 sees that as black-listing him. Are you familiar with the
21 term "black-listing"?

22 THE WITNESS: Yes.

23 INVESTIGATOR DOCKERY: Okay. Did Mr.
24 Saporito's name ever appear -- no, check that. Does TAG
25 maintain any kind of list of employees that it considers -

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1 - prior employees that it considers no longer employable?

2 THE WITNESS: No. We do record in their
3 personnel file if they are not eligible for rehire. But
4 there's no list.

5 INVESTIGATOR DOCKERY: Okay. If I were to
6 open up Mr. Saporito's personnel file -- first of all,
7 does one still exist with TAG?

8 THE WITNESS: JWell yes, it exists.

9 INVESTIGATOR DOCKERY: What would it indicate
10 with respect to whether or not he should be considering
11 for rehiring?

12 THE WITNESS: It should show that he is not
13 eligible for rehire. When we concluded the Unit Two
14 outage in 1991, he was deemed eligible for rehire, got
15 satisfactory ratings, etc. Everything was fine.

16 I believe it was in November or December after
17 the trial when I finally made this decision that I
18 personally went into the computer and changed "eligible
19 for rehire" to a "no."

20 INVESTIGATOR DOCKERY: Are there others --
21 other personnel files that contain a similar designation
22 for one way or another within TAG?

23 THE WITNESS: Oh sure. There are other people
24 who are not eligible for rehire for a variety of reasons.

25 INVESTIGATOR DOCKERY: You may have already

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1 answered this. Prior to Mr. Saporito, had there ever been
2 a DOL complaint against TAG for violation of the Energy
3 Reorganization Act?

4 THE WITNESS: Prior to Mr. Saporito?

5 INVESTIGATOR DOCKERY: Prior to Mr. Saporito.

6 THE WITNESS: No.

7 INVESTIGATOR DOCKERY: Is it kind of fair to
8 say that you were on unchartered ground on dealing with
9 this?

10 THE WITNESS: Oh absolutely. We didn't know
11 what we were getting into.

12 INVESTIGATOR DOCKERY: Mr. Saporito's
13 allegation of black-listing and conspiracy to black-list
14 by -- within TAG or by TAG with other -- specifically he
15 mentions APS. But he also implies that this is part of an
16 industry-wide, your industry, the industry of providing
17 contract temporary employees.

18 Have you or are you aware of anybody in your
19 organization ever contacting any other contract employee
20 provider regarding Mr. Saporito?

21 THE WITNESS: No, absolutely not. They can
22 have him. You're talking about our competition.

23 INVESTIGATOR DOCKERY: Yes, I am.

24 THE WITNESS: Go ahead. I'm sorry. Pass his
25 phone number along.

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1 INVESTIGATOR DOCKERY: Well, I do have to
2 address --

3 THE WITNESS: No, I did not.

4 INVESTIGATOR DOCKERY: They are rather
5 nebulous claims, but I want to --

6 THE WITNESS: And as well, we did not receive
7 any reference checks from any other companies that I know
8 of other than the DRC, Documented Reference, check.

9 INVESTIGATOR DOCKERY: Which you are aware Mr.
10 Saporito himself contracted for?

11 THE WITNESS: Oh, I assumed all along that he
12 did.

13 INVESTIGATOR DOCKERY: Yes. Did anybody
14 within your industry come to you --

15 THE WITNESS: No.

16 INVESTIGATOR DOCKERY: -- and ask you about --
17 have they since then?

18 THE WITNESS: No.

19 INVESTIGATOR DOCKERY: Ms. Taylor, if I were
20 to call, I being someone within the nuclear industry, a
21 licensee or whatever, were to call TAG -- that's not a
22 fair question. You're no longer with TAG.

23 Up until the time you left, which I think you
24 said was last April?

25 THE WITNESS: Yes.

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1 INVESTIGATOR DOCKERY: If I had --

2 MR. NEXSEN: This April.

3 THE WITNESS: April '95.

4 INVESTIGATOR DOCKERY: The April most recently
5 occurring.

6 MR. NEXSEN: Okay, thank you.

7 INVESTIGATOR DOCKERY: If somebody had called
8 up until that time making a reasonable inquiry about Mr.
9 Saporito, references, previous employment information or -
10 -

11 THE WITNESS: As if they were trying to get
12 employment reference checks?

13 INVESTIGATOR DOCKERY: Yes.

14 THE WITNESS: He was going to employment?

15 INVESTIGATOR DOCKERY: What would be the --
16 we'll go off the record.

17 (Whereupon, the proceedings went off the
18 record at 2:38 p.m. and resumed at 2:40 p.m.)

19 INVESTIGATOR DOCKERY: We're back on the
20 record, and I'd remind you again, Ms. Taylor, that you're
21 under oath here.

22 THE WITNESS: Yes. In answer to your question
23 --

24 INVESTIGATOR DOCKERY: Do you remember what it
25 was?

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1 THE WITNESS: Yes.

2 INVESTIGATOR DOCKERY: Fine, go ahead.

3 THE WITNESS: They would be told to contact
4 our attorney and given our attorney's name and phone
5 number. I'm still afraid of him.

6 INVESTIGATOR DOCKERY: Fine, fine. Ms.
7 Taylor, as I mentioned to you earlier, and we started to
8 get into it, Mr. Saporito's fourth general allegation is
9 that somewhat unspecified instances of perjury or material
10 false statements may have occurred during the DOL
11 proceedings.

12 Now that -- I think by that he also means the
13 discovery, basically the deposition up to and including
14 the trial testimony in that proceeding.

15 Now I will say that I don't think he has ever
16 indicated that you specifically were -- he didn't
17 indicate to me anybody specifically. It's just the
18 general -- to the NRC, his allegation to the NRC was that
19 somebody, unidentified employees of TAG may have engaged
20 in perjury, in giving perjured testimony, or have been
21 less than truthful.

22 My reading of the depositions, the documents
23 that exist in this case, I think very clearly there was a
24 conflict between his testimony via affidavit and complaint
25 and what Mr. Engelking, William Engelking, has testified

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1 to, both in hearing and affidavit.

2 First of all, with respect to Mr. Engelking's
3 testimony, do you have any feeling for that one way or the
4 other?

5 THE WITNESS: His affidavit?

6 INVESTIGATOR DOCKERY: Yes.

7 THE WITNESS: Or both, all of it?

8 INVESTIGATOR DOCKERY: Anything. There are
9 some direct conflicts I think you probably are aware of --

10 THE WITNESS: Yes.

11 INVESTIGATOR DOCKERY: -- between what Mr.
12 Saporito has claimed Mr. Engelking said and did and what
13 Mr. Engelking claims was said and done.

14 THE WITNESS: My first reaction when I saw Mr.
15 Saporito's -- what's it called -- second motion to amend
16 complaint --

17 INVESTIGATOR DOCKERY: Yes, that would have
18 been dated --

19 THE WITNESS: -- which is dated May seventh,
20 and the affidavit which was May seventh, my first reaction
21 was extreme surprise at the allegations he was making
22 against Bill Engelking.

23 Bill had been with us since the early to mid-
24 80's, supervising since I think 1985, trained in
25 supervisory skills, etc., etc. A very good employee, very

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1 honest, fair. I mean, he's really the model kind of a
2 supervisor.

3 He treated the employees well. I had never
4 had a complaint about him before. I have not had a
5 complaint about him since then.

6 The things that Mr. Saporito said that Bill
7 said, they just were so -- I think he went too far. Maybe
8 if he had toned it down a little bit, it would have been
9 more credible. It just went so far overboard.

10 Mr. Engelking is a firm believer in our
11 grievance procedure. And if Mr. Saporito on January 2,
12 1992, had said "I have this problem with the Atlantic
13 Group or with these employees," Bill would have known and
14 would have instructed him to check his grievance procedure
15 and file a grievance so that he could take care of it the
16 proper way.

17 I don't think it ever came up in conversation.

18 The threats that he allegedly made, I did call
19 Bill. I was kind of embarrassed to do so, but I felt I
20 needed to investigate, call Bill and ask him what in the
21 world was going on? And of course, he denied it, as I
22 felt bad about even having to call him and ask him about
23 it.

24 There were no other witnesses, so there wasn't
25 anybody to validate one word over another. I take Bill,

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1 who I've known since '85 against Mr. Saporito, who I don't
2 know anything about, negative or positive at that point,
3 and I've got to believe that what Bill said was so.

4 INVESTIGATOR DOCKEY: Okay. Now you
5 mentioned earlier in your testimony that Mr. Saporito had
6 either directly or indirectly stated the believe that you
7 may have perjured yourself. Is that correct?

8 THE WITNESS: When we were in the courtroom,
9 we were discussing the Entergy resumes. And he was
10 questioning me in a way to -- it made it look as if he
11 didn't believe that we had actually submitted him for a
12 resume.

13 He went on and on about, "Well, why didn't you
14 contact me?" And it looked like he was discrediting my
15 testimony. I think the judge must have gone off the
16 record because when I went back through my own testimony
17 to find it, I couldn't have found it. But I remember the
18 judge saying something to the effect that "Are you
19 accusing her of perjuring yourself?"

20 The judge being surprised, I'm being shocked,
21 and I remember Dennis McLaughlin sitting in the back of
22 the courtroom with his mouth just hanging open. So I
23 guess he thought that I had doctored up the resumes or had
24 somehow slipped in Saporito's to make it look like we had
25 submitted him for something when of course, we hadn't.

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1 INVESTIGATOR DOCKERY: Well, I read your
2 testimony as I did everybody else's testimony from the
3 transcript. I don't recall that exchange taking place, so
4 I also feel that it must have been off the record.

5 I understand then you think it had to do with
6 the fact that he believed -- Saporito believed you may
7 have changed a resume or --

8 THE WITNESS: I don't think he believed that
9 we actually submitted his resume with the Entergy
10 proposal.

11 INVESTIGATOR DOCKERY: But that's fairly --
12 well, was there any way to show that that was the case?

13 THE WITNESS: We had a copy of -- we had our
14 copy of the Entergy proposal, which of course we keep in
15 our corporate files. And that, I believe, was introduced
16 into evidence. Or if not the whole proposal, the resumes
17 and a cover letter I believe was introduced into evidence.

18
19 And I think he was questioning the validity of
20 that evidence. We didn't go to the point and he didn't go
21 to the point of subpoenaing, if that's the right word,
22 from Entergy the actual response to their proposal.

23 INVESTIGATOR DOCKERY: Was there any other
24 instance of -- where he indicated somebody may have been
25 untruthful?

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1 THE WITNESS: During the discovery process,
2 and I don't think it ever got discussed in the actual
3 trial, he alleged that either Ellen Simmons or I, and he
4 couldn't remember which Ellen, but in the initial
5 conversations about Unit Two, he alleged that we promised
6 that he would be working for both outages.

7 And he went on about "Well, I wouldn't have
8 gone across the country for just one outage." And I know
9 very well that I certainly wouldn't have said that and I
10 train my people very carefully to never make any promises
11 or guarantees because of the nature of the industry.

12 And what everybody had been closely instructed
13 to say was, "Right now we're talking about this outage.
14 There is going to be -- an outage is scheduled for
15 January. There is a possibility we may need I and C
16 technicians for that outage. And if everything works out
17 right, we may be able to roll you over into that next
18 outage."

19 But we couldn't make any guarantee.

20 INVESTIGATOR DOCKERY: Was there anything in
21 writing that considered to be contractually implying that?

22 THE WITNESS: No, no. All we had sent him was
23 an employee agreement in which it had a start date and a
24 pay rate and that kind of information. No ending date.

25 The travel pay was also an issue. He claims

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1 that we told him he'd get paid 25 cents a mile each way.
2 Well, when he got the employee agreement and it said 25
3 cents one way, he never questioned it, never said "You
4 told me this." All these things came out afterwards.

5 INVESTIGATOR DOCKERY: In his complaint, his
6 most detailed complaint, which is dated June 29, 1992,
7 against TAG --

8 THE WITNESS: Is this to the NRC or the DOL?

9 INVESTIGATOR DOCKERY: This is the second
10 amended DOL complaint.

11 THE WITNESS: Okay. For the first case?

12 INVESTIGATOR DOCKERY: Yes.

13 THE WITNESS: In Unit One, okay.

14 INVESTIGATOR DOCKERY: Yes. I've got a copy
15 of it here if you'd like to look at it, but this is going
16 to be almost verbatim of one of the elements of his
17 complaint. He asserts that, "I contacted TAG again in
18 January 1992 by telephone seeking employment as an I and C
19 technician and was informed by Ms. Ellen Simmons that no
20 positions were available at that time."

21 Do you know anything about that telephone
22 call?

23 THE WITNESS: I certainly don't recall the
24 telephone call. I don't think she would either. But I'm
25 sure what she said was true because at that point, we had

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1 finished our hiring for the January openings.

2 INVESTIGATOR DOCKERY: That's what's really
3 significant to me. If he had a reasonable expectation
4 that he should have been hired at that time --

5 THE WITNESS: No, he did not.

6 INVESTIGATOR DOCKERY: He then states, "I
7 contacted TAG again in March of 1992 by telephone seeking
8 employment as an I and C technician and was informed by
9 Ms. Ellen Simmons that no positions were available at that
10 time."

11 THE WITNESS: And that's true.

12 MR. NEXSEN: What's true.

13 THE WITNESS: That's true that there were no
14 openings, not that she said it. I don't know whether or
15 not she said it.

16 INVESTIGATOR DOCKERY: Okay. He next asserts
17 that, "On April 27, 1992, I again sought employment as an
18 I and C technician with TAG by written letter to Ms. Ellen
19 Simmons sent by certified mail, but I have received no
20 employment offer from TAG to this date." And the date of
21 this assertion would have been June 29, 1992.

22 Between April the 27th, 1992, and June 29th,
23 1992, was --

24 THE WITNESS: We had no openings.

25 INVESTIGATOR DOCKERY: Okay.

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1 THE WITNESS: He seems to think that we have a
2 lot more openings for I and C technicians. I wish we had
3 all the openings he thinks we've got. We just don't do
4 that much of that work.

5 INVESTIGATOR DOCKERY: And in an interview
6 that I took part in of Mr. Saporito --

7 THE WITNESS: Oh, you've met this man?

8 INVESTIGATOR DOCKERY: Yes, I have.

9 THE WITNESS: He made the comment, "I'm
10 allowed to file suit against any company that I feel is
11 retaliating against me because I raised safety concerns.
12 And they're not allowed to discriminate against me because
13 I exercised my right under the Act."

14 MR. NEXSEN: That's a statement of law.

15 INVESTIGATOR DOCKERY: "Because that's going
16 on" -- he asserts, "Because that's treating me different
17 than if you were calling for a job and you say 'Oh, I'm
18 John Brown and I'd like an I and C job'" -- basically what
19 he's saying is he took exception to the fact that at a
20 certain point, any calls he made to TAG seeking
21 employment, he was referred to legal counsel.

22 He also made the point to me that he thought
23 that was highly unusual.

24 THE WITNESS: And he's right. He's the only
25 one of all of our employees that we are treating that way.

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1 And if that's black-listing, then we're doing that.

2 INVESTIGATOR DOCKERY: He also made the
3 assertion during my interview of him that with regard to
4 not receiving a response, any type of response from the
5 Atlantic Group -- I'm not clear exactly what he expected
6 in the way of a response, but he made the statement,
7 "That's pretty unusual," that it was unusual for him not
8 to receive some sort of response.

9 And I think you said today that you reached
10 the point where it was just not possible to respond.

11 THE WITNESS: Maybe he feels it's unusual in
12 the industry and he's comparing us to other contractors
13 because I do know other contractors that do send responses
14 and other contractors that don't. We do not.

15 So if he means it's unusual that he's not
16 getting it and our other candidates are, he's wrong. No
17 candidates are getting a response, or were at that time.

18 MR. NEXSEN: Are other like employer agencies
19 like you don't send responses that you know of?

20 INVESTIGATOR DOCKERY: I'd have to make that
21 assumption. I don't send resumes to them, so I don't
22 know.

23 INVESTIGATOR DOCKERY: Ms. Taylor, do you have
24 any feel for within your industry, the relevant volume of
25 referrals or resumes that TAG handles as compared to other

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1 contract services?

2 THE WITNESS: That's a real hard question.
3 Contractors really run the gambit from the little mom and
4 pop shop in some utility's backyard where they probably
5 have a fairly small database, all the way to the really
6 large technical firms.

7 I would put us in the middle somewhere. We
8 are not a large contractor, but we are also not a little
9 tiny mom and pop shop either. I know that in request for
10 proposals, utilities always want to know how many resumes
11 do you have in your database?

12 And we hear quoted back, "Oh, you know,
13 hundreds of thousands of resumes." And we take exception
14 to that. If we counted all the way back to the beginning
15 of our existence, it improbably numbers that. But I like
16 to keep a current count.

17 And in a year's time, we get in 2,000 to
18 3,000.

19 INVESTIGATOR DOCKERY: I'd like to ask you
20 something. I don't want to get into proprietary
21 information, but who would you include as TAG's closest
22 competitors in this industry?

23 THE WITNESS: Do you mean in terms of revenues
24 or do you mean in terms of business?

25 INVESTIGATOR DOCKERY: I guess whatever would

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1 be the most appropriate way to judge it.

2 THE WITNESS: That's a really hard --

3 INVESTIGATOR DOCKERY: How about just the
4 number of placements? I guess you wouldn't have any way
5 of knowing what other people are placing.

6 THE WITNESS: No, I really don't know. Let me
7 think for a minute. The problem is that companies all
8 specialize in different things, and I can pick the most
9 like competitor in several different areas of our
10 business, but not our total business because we have say
11 five or six different offerings.

12 INVESTIGATOR DOCKERY: How about if we just
13 say I and C technicians?

14 THE WITNESS: What is I told you how many
15 placements that we do on a year?

16 INVESTIGATOR DOCKERY: Okay, I have a document
17 --

18 THE WITNESS: We've got that number.

19 INVESTIGATOR DOCKERY: I have a document here
20 that Mr. Nexsen provided me with this morning, a couple of
21 documents that address that.

22 THE WITNESS: Yes, we pulled that off of the
23 computer recently.

24 MR. NEXSEN: Well, why don't we talk about I
25 and C techs?

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1 INVESTIGATOR DOCKERY: If you can, that's
2 fine.

3 THE WITNESS: Okay. If you're talking
4 specifically about I and C openings, we're very small. We
5 are almost a non-player. We are just starting to get our
6 foot in the door.

7 We are having trouble competing against I
8 think GTS is a pretty big company. Cadillac I think is a
9 large company. We've broken into the I and C business at
10 Fermi and Palo Verde by nature of our staff augmentation
11 contract. It's included.

12 And at Virginia Power, we have a staff aug
13 contract where we do I and C. Those are the only three
14 utilities where we supply outage-related, fairly sizable
15 numbers of I and C technicians.

16 INVESTIGATOR DOCKERY: I see.

17 MR. NEXSEN: What other type of employees do
18 you place? I wanted to throw that out to see if it makes
19 sense.

20 THE WITNESS: Our structure is that we've got
21 a division that specializes in condenser retubing and
22 repair. That's probably one of the leaders in the
23 industry. We have a division that specializes in valve
24 overhaul. I wouldn't say we were the leader. I would say
25 we're top ten maybe.

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1 We have two divisions that specialize in staff
2 augmentation. You're familiar with that term?

3 INVESTIGATOR DOCKERY: Yes.

4 THE WITNESS: One is west of the Mississippi,
5 one is east of the Mississippi. It's simply geographics.
6 And those are the two divisions under which the I and C
7 technicians would fall.

8 And then we have a very small division that
9 specializes in steam generator support, nozzle dam work,
10 that sort of thing.

11 INVESTIGATOR DOCKERY: Okay. I've got a
12 couple of documents here, one of which you have in front
13 of you there that Mr. Nexsen provided at my request.
14 Let's deal with the first one that the Atlantic Group
15 nuclear employees that is headed up year, number of
16 placements, number of employees.

17 THE WITNESS: Did you understand the
18 distinction between the number of placements and the
19 number of employees?

20 INVESTIGATOR DOCKERY: I think so.

21 THE WITNESS: We have a lot of employees that
22 work for us more than one time. It's preferable to
23 rehire. So to give you an adequate number, we also gave
24 you placements, but that 1,728 actually reflects 1,030
25 different names, okay?

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1 INVESTIGATOR DOCKERY: Gotcha, 1,728 potential
2 jobs --

3 THE WITNESS: Yes, exactly.

4 INVESTIGATOR DOCKERY: -- filled by 1,030
5 during the course of 1990.

6 THE WITNESS: Right. So a number of those
7 people worked more than one period.

8 INVESTIGATOR DOCKERY: Now this would include
9 I and C technicians and other --

10 THE WITNESS: All of our nuclear workers. I
11 pulled this by nuclear site off of a computer.

12 INVESTIGATOR DOCKERY: Okay. I have another
13 document here that is made up of --

14 THE WITNESS: These were our openings of I and
15 C technicians in that time frame, January of '92 until
16 April of '92.

17 MR. NEXSEN: Does it just go through April of
18 '92?

19 THE WITNESS: In actuality, it goes up until
20 August 31st, '92, because we didn't have any openings
21 between April and that first Firmi August 31 date.

22 MR. NEXSEN: To clarify, there is one list
23 that is not on there. Adn that would be the Unit One --

24 THE WITNESS: Palo Verde.

25 MR. NEXSEN: -- Palo Verde, which is the

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1 second. Don't mean to trip up my own client.

2 INVESTIGATOR DOCKERY: Well yes, but not to
3 make too fine of a distinction though, wouldn't the Unit
4 One selections were a fate accompli as of the middle --
5 roughly the last two weeks of December 1991.

6 THE WITNESS: December 23rd is when the list
7 was finalized, I think.

8 MR. NEXSEN: But so was these others. By
9 December of 1991 also Chalk Point would have been
10 determined. Monroe, I don't now --

11 INVESTIGATOR DOCKERY: Oh, I see what you're
12 getting at.

13 MR. NEXSEN: So would North Anna.

14 THE WITNESS: North Anna we had recruited
15 already as of December, and gave no consideration to
16 anybody at Palo Verde because we knew they were staffing
17 at the same time, and we didn't want to pull from their
18 database.

19 MR. NEXSEN: Explain that. I just saw a
20 question --

21 INVESTIGATOR DOCKERY: No.

22 MR. NEXSEN: Okay.

23 INVESTIGATOR DOCKERY: Let me ask it this way,
24 Ms. Taylor. Going back to the document reflecting Chalk
25 Point, Monroe and North Anna, when -- at one point had

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1 these positions been selected and were no longer open?

2 THE WITNESS: Okay, I can't give you actual
3 dates.

4 INVESTIGATOR DOCKERY: Okay.

5 THE WITNESS: North Anna, which is the largest
6 and really the only one he would have been actually
7 eligible for, we starting staffing that late November,
8 early December. It would have been staffed certainly
9 before the Christmas holidays because the first people are
10 starting as of January second.

11 We would not have even thought about the
12 people at Palo Verde. They were still working in
13 December, and we knew that they were under some sort of
14 selection process for Unit One. So that was pretty well
15 done by the Christmas holidays.

16 Monroe was staffed out of our Houston office.
17 They are refinery people, not nuclear people. It's really
18 a different business. To tell you the truth, I didn't
19 know until they had those openings until we went into
20 discovery and started pulling up, in answer to a question,
21 whether openings were there.

22 INVESTIGATOR DOCKERY: These do reflect I and
23 C tech positions?

24 THE WITNESS: Yes. And then Chalk Point,
25 those two people had worked at Chalk Point before and were

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1 requested by name.

2 INVESTIGATOR DOCKERY: So --

3 THE WITNESS: So the only thing he could
4 possible have been eligible for would have been Unit One
5 because of the timing for it.

6 INVESTIGATOR DOCKERY: That's the way I
7 interpret what you're telling me.

8 THE WITNESS: Right. We didn't even have an
9 opportunity to discriminate against him.

10 INVESTIGATOR DOCKERY: Do you know if -- did
11 Mr. Saporito ever make any distinction with regard to the
12 fact that he wanted to be considered for only nuclear work
13 or nuclear and non-nuclear?

14 THE WITNESS: Oh no. He made it clear that he
15 wanted to be considered for everything, and not just I and
16 C work. Everything.

17 INVESTIGATOR DOCKERY: Okay. Then I think
18 we've pretty much established that the Unit One I and C
19 staffing at Palo Verde which was decided by December 23rd
20 to your recollection --

21 THE WITNESS: That was the one he was not
22 selected for.

23 INVESTIGATOR DOCKERY: He was not. But to
24 your knowledge, did the Atlantic Group have any input in
25 whether or not he was selected for that outage?

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1 THE WITNESS: None.

2 INVESTIGATOR DOCKERY: That was -- if I
3 understand correctly, that was one where the licensee or
4 the utility wanted to make their own selection.

5 THE WITNESS: Yes, we contacted the people
6 that were on the Unit Two crew to find out who would like
7 to be submitted. All of those people that wanted to be
8 submitted, we pulled their resumes and gave them to the
9 Unit One supervisor for review, without any recommendation
10 or anything.

11 I think we submitted something like 16 or 18
12 resumes, and they narrowed it down and picked the ones
13 that they wanted.

14 There was no input from anyone at the Atlantic
15 Group.

16 INVESTIGATOR DOCKERY: Okay. Assuming that
17 the Atlantic Group had an obligation to provide Palo Verde
18 with Mr. Saporito's resume, did the Atlantic Group fulfill
19 that obligation?

20 THE WITNESS: We provided them with his
21 resume.

22 INVESTIGATOR DOCKERY: Do you know that first-
23 hand, on a first-hand --

24 THE WITNESS: No, I did not provide the
25 resume. Our administrative people out at Phoenix and Palo

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1 Verde supplied his resume among the others that were
2 submitted.

3 INVESTIGATOR DOCKERY: It's your belief then
4 that Palo Verde -- the selecting personnel at Palo Verde
5 for Arizona Power were afforded the opportunities to
6 select Mr. Saporito by the Atlantic Group?

7 THE WITNESS: What do you mean by the Atlantic
8 Group? APS were the ones that were selecting who they
9 wanted.

10 INVESTIGATOR DOCKERY: But they were given
11 that opportunity, as evidenced by the fact that they had a
12 copy of his resume to consider. Is that correct?

13 THE WITNESS: Yes.

14 INVESTIGATOR DOCKERY: Okay.

15 THE WITNESS: And it may important to add also
16 in that same time frame is when that proposal for Entergy
17 went out and his resume was submitted for that as well,
18 even though it didn't translate into actual job openings.

19 INVESTIGATOR DOCKERY: Did you put that
20 together or did somebody on your staff put it together?

21 THE WITNESS: I can't remember. It would have
22 been me or someone within my department.

23 INVESTIGATOR DOCKERY: Ms. Taylor, are -- is
24 there anything that you'd like to bring up that you feel I
25 haven't asked that perhaps I should have or that you'd

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1 like to clarify your response to one of my questions or
2 add something to it?

3 THE WITNESS: I don't think so. I think I
4 would just want to reiterate that it was my decision not
5 to hire Mr. Saporito. It was based on the fact that
6 finally, over the course of about four or five months,
7 determined that we could not trust him, that he had lied
8 under oath, and that it was just not wise for us to hire
9 him back and take the risk that he may sue us again in the
10 future.

11 MR. NEXSEN: Do you believe that Mr. Saporito
12 lied under oath?

13 THE WITNESS: Yes.

14 MR. NEXSEN: And why do you believe that?

15 THE WITNESS: Because I saw his affidavit
16 which is under oath and he made the accusations against
17 Bill Engelking which I do not believe to be true. That is
18 just one example.

19 INVESTIGATOR DOCKERY: Mr. Nexsen, is there
20 anything else you'd like to add to this record?

21 MR. NEXSEN: No, nothing. That's all there
22 is.

23 INVESTIGATOR DOCKERY: Ms. Taylor, have I or
24 anybody else from the NRC made any promises to you or
25 threats regarding your testimony here today?

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1 THE WITNESS: No.

2 INVESTIGATOR DOCKERY: Have you been afforded
3 an opportunity to bring out everything you wanted to bring
4 out regarding this matter?

5 THE WITNESS: Yes.

6 INVESTIGATOR DOCKERY: Thank you for coming
7 here today and with that, we'll conclude the record.

8 (Whereupon, the interview was concluded at
9 3:07 p.m.)

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