

Title: SUSQUEHANNA STEAM AND ELECTRIC STATION:
POTENTIAL HARASSMENT AND INTIMIDATION

Licensee:

Pennsylvania Power & Light Company
Susquehanna Steam and Electric Station
P.O. Box 467, Route 11
Berwick, Pennsylvania 18603

Docket Nos.: 50-387/388

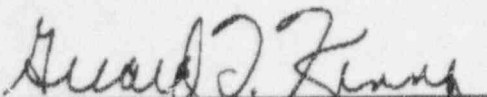
Case Number: 1-93-072

Report Date: November 10, 1994

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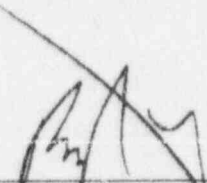
Status: CLOSED

Reported by:



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Reviewed and Approved by:



Barry R. Letts, Director
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WARNING

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SYNOPSIS

This investigation was initiated on December 28, 1993, to determine the veracity of an allegation that a Susquehanna Steam and Electric Station (SSES) Security Shift Supervisor (SSS) harassed and intimidated a member of his shift after that employee brought allegations of wrongdoing by the SSS to the NRC.

After a preliminary review of this matter, and coordination with the Regional Administrator and the technical staff, it has been determined that this matter is a normal priority. Due to OI:RI pursuing investigations with higher priorities, this matter is being administratively closed.

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ACCOUNTABILITY

The following portions of this Report of Investigation (Case No. 1-93-072) will not be included in the material placed in the PDR. They consist of pages 3 through 11.

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APPLICABLE REGULATIONS

Allegation: As to Whether a Security Shift Supervisor (SSS) Harassed and Intimidated a Member of His Shift after that Employee Brought Allegations of Wrongdoing by the SSS to the NRC

10 CFR 50.5: Deliberate Misconduct (1992 and 1993 Editions)

10 CFR 50.7: Employee Protection (1992 and 1993 Editions)

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DETAILS OF THE INVESTIGATION

Purpose of Investigation

This investigation was initiated by the Office of Investigations on December 28, 1993, to determine the veracity of allegations made by Charles BOYTIN, a Pennsylvania Power & Light (PP&L), Susquehanna Steam and Electric Station (SSES), Senior Security Officer/Controller (SSOC), against Darryl ZDANAVAGE, BOYTIN's Security Shift Supervisor (SSS) (Exhibit 1). Specifically, this investigation concerned whether ZDANAVAGE intentionally and improperly harassed and intimidated BOYTIN after BOYTIN brought allegations of wrongdoing by ZDANAVAGE to the NRC.

Background

In September 1992, BOYTIN submitted a letter to the NRC outlining allegations against his supervisor. The case was investigated by NRC:OI under file No. 1-92-052R. BOYTIN claimed that after complaining to the NRC, ZDANAVAGE harassed and intimidated him by lowering his performance evaluations. BOYTIN referred his concerns to the United States Department of Labor (DOL), Wage & Hour Division. The DOL found in BOYTIN's favor (Exhibit 2, pp. 1-3). Subsequently, on July 19, 1994, the utility appealed the DOL finding (Exhibit 3, pp. 1 and 2). A hearing before an Administrative Law Judge has been scheduled for October 27 and 28, 1994. An OI review of DOL documents was conducted, which included the narrative of the investigation (Exhibit 4, pp. 1-6).

Interview of Allegor

On June 9, 1994, BOYTIN was interviewed by OI. BOYTIN said from January 1992 until March 1994 his supervisor was Darryl ZDANAVAGE. He said he did not get along with ZDANAVAGE when ZDANAVAGE supervised him, because he considered ZDANAVAGE less than professional in the shortcuts that were taken within the security department. BOYTIN submitted a letter to the NRC outlining eight allegations against ZDANAVAGE. The allegations were investigated under OI file No. 1-92-052R (Exhibit 5, p. 1).

After he complained to the NRC, his performance evaluations for the years 1992 and 1993, which were prepared by ZDANAVAGE, dropped from a level two to a level three rating. In 1989, 1990, and 1991 he was considered a level three employee, but performing at a level two rating. Since he was considered a level three employee, he received a performance merit increase anywhere from 96% to 104% of the midpoint of his salary range (Exhibit 5, p. 1).

BOYTIN stated that, according to the PP&L manual, an employee that performs four to six years in a row at a level two automatically will get a level two increase of 104% to 110% of the merit pool increase. BOYTIN stated that he performed at a level two rating for three straight years (89 thru 91) and needed at least one more year to qualify for the higher increase. By ZDANAVAGE dropping his performance appraisal, ZDANAVAGE eliminated the possibility of him moving into the level two performance merit pool category

(Exhibit 5, pp. 1 and 2).

He said he complained about his 1992 evaluation by writing a response to the evaluation and he filed a complaint with upper management. He said he received a written response from Richard STOTLER, Director of Security at SSES, which is appended to his 92/93 performance review. According to BOYTIN, STOTLER supported the performance appraisal prepared by ZDANAVAGE. BOYTIN said that he also made a complaint to Robert GOMBAS (phonetic), the Vice President of Human Resources for PP&L. According to BOYTIN, GOMBAS basically stated the lower evaluation scores had nothing to do with his contacts with the NRC, but were due to a change in management supervision (Exhibit 5, p. 2).

BOYTIN stated that he does not know what other personnel at SSES receive, because that information is considered private between the supervisor and the employee. When questioned further, BOYTIN could not pinpoint a specific instance of discrimination in salary, because he doesn't know what other personnel receive in salary or raises. Salary and raises are never talked about at the company, because it is the policy of PP&L that compensation is only discussed with the supervisor (Exhibit 5, p. 2).

BOYTIN stated that he did receive merit pay increases when ZDANAVAGE was his supervisor, but he still feels that he is being discriminated against for raising health and safety concerns. He also advised that he had filed a complaint with the U.S. Department of Labor (DOL) (Exhibit 5, p. 3).

Coordination with the NRC Staff

During the course of this investigation, a coordinated effort was made with the NRC staff relative to the allegations. NRC inspection staff was advised of the contents of the investigation and the DOL findings.

Closure Information

In October 1994, the Field Office Director, OI:RI, met with the Regional Administrator, NRC:RI, to discuss the open OI:RI inventory. During a discussion of this investigation, the Regional Administrator indicated that this investigation should have a normal priority. Based on a determination that this investigation is of normal priority, higher priority cases take precedence and this case is being closed. If, at a future date, information is developed which raises the priority of this case, OI:RI will re-evaluate the matter.

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigative Status Report (ISR), dated December 28, 1993.
2	DOL Letter to PP&L, dated July 13, 1994.
3	PP&L Appeal of the Area Director's Findings, dated July 25, 1994.
4	DOL Narrative, undated.
5	Report of Interview with BOYTIN, dated June 9, 1994, with attachments.