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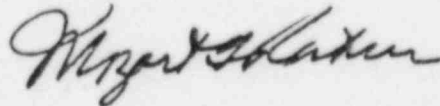
September 20, 1984

Mr. James Lieberman
Chief Counsel for Regional
Operations and Enforcement
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
NMBB 9604

Dear Mr. Lieberman:

I enclose a copy of the February 15, 1984 letter from General Electric to my client, Vera English. I would appreciate a staff opinion concerning the legality of this letter. The only General Plant Safety Rule published in the G.E. Employee Handbook, effective October, 1983, is "8. Report any unsafe acts or conditions to your supervisor," p. 41. The Handbook also provides that "disciplinary action up to and including discharge will be taken * * * for [w]illful insubordination or failure to follow specific instructions" (pp. 46-47).

Very truly yours,



Mozart G. Ratner

MGR/hej

Enclosures

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DIAL COMM. 8*292-5747

DATE. February 15, 1984

COPIES.

DEPT. WILMINGTON MANUFACTURING DEPARTMENT

ADDRESS. M/C J-02


SUBJECT. ALLEGATION OF VIOLATIONS TO COMPANY PRACTICES AND PROCEDURES

Vera English
Chemet Laboratory
M/C H-92

You recently indicated having knowledge and proof of co-workers and supervisory personnel violating established work practices and procedures within the Chemet Laboratory. On January 20, 1984 you stated you would be taking your information to authority other than General Electric. Moreover, you have specifically refused to share this information with me as the responsible management representative of the Company.

You, as an employee of the General Electric Company, have a responsibility to fully apprise management of any such problems of which you become aware. You are expected to comply with that obligation. Therefore, you are hereby directed to discuss with me, in full detail, your concerns relative to Laboratory and Company practices and procedures by 5:00 P.M., Friday, February 24, 1984. This meeting is to be held in my office and all evidence that you have supporting your allegations must be presented.

Failure to comply with this instruction will be considered insubordination and will result in severe disciplinary action, up to and including discharge.


E.A. Lees, Manager
Quality Assurance

EAL/HDC/brt

U.S. Department of Labor

P. O. Box 27486
Raleigh, NC 27611

Employment Standards Administration
Wage and Hour Division

(919) 755-4190



Oct 2, 1984

Reply to the Attention of:

Mr. E. A. Lees
General Plant Manager
Castle Hayne Road
P. O. Box 780
Wilmington, N. C. 28402

Re; Vera M. English
vs.
General Electric Co.

Dear Mr. Lees:

This letter is to notify you of the results of our compliance actions in the above case. As you know Ms. Vera M. English filed a complaint with the Secretary of Labor under the Energy Reorganization Act of 1974, as amended, on August 28, 1984. The complaint was filed with the United States Department of Labor, Wage and Hour Division, Washington, D. C. The complaint was received in my office, United States Department of Labor, Wage and Hour Division, Raleigh, N. C. on September 4, 1984. A copy of the complaint, a copy of Regulations 29CFR, and a copy of the pertinent section of the statute were furnished in a previous letter from this office.

Our initial efforts to conciliate the matter revealed that the parties would not at that time reach a mutually agreeable settlement. An investigation was then conducted. Based on our investigation, the weight of evidence to date indicates that Ms. Vera English was a protected employee engaging in a protected activity within the ambit of the Energy Reorganization Act, and that discrimination as defined and prohibited by the statute was a factor in the action which comprise her complaint. The following disclosures were persuasive in the determination:

1. General Electric Company is an employer subject to the Act.
2. The complaining employee was discharged or otherwise discriminated against with respect to her compensation, terms, conditions, or privilege of employment.
3. The discrimination arose because the employee participated in a Nuclear Regulatory Commission proceeding under the Energy Reorganization Act of 1974. The complainant experienced adverse personnel actions soon after presenting testimony during a Nuclear Regulatory Commission proceeding.

Mr. E. A. Lees
General Manager
P. O. Box 780
Wilmington, NC 28402

Oct 2, 1984

This letter will notify you that the following actions are required to abate the violation and provide appropriate relief:

1. Reinstate Ms. English to the position of Laboratory Assistant, Wet Laboratory Section, Chemet Laboratories, Wilmington Manufacturing Department, Wilmington, N. C. at the same grade and pay, and under the same terms and privileges of employment or assign her to a comparable position with comparable responsibilities at the same grade and pay.
2. Cease all discrimination against her in any manner with respect to her compensation, terms, conditions, or privileges of employment because of action by her to carry out the purpose of the Energy Reorganization Act of 1974, as amended, or because of her participation in NRC proceedings.
3. Pay to her any lost wages or other benefits she would have received had she continued employment.
4. Pay her a sum equal to the aggregate amount of all cost and expenses (including attorneys' fees) reasonably incurred as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which this order is issued,

This letter will also notify you that if you wish to appeal the above findings and remedy, you have a right to a formal hearing on the record. To exercise this right you must, within five (5) calendar days of receipt of this letter, file your request for a hearing by telegram to:

The Chief Administrative Law Judge
U. S. Department of Labor
Suite 700, Vanguard Building
1111 - 20th Street, N. W.
Washington, D. C. 20036

Unless a telegram request is received by the Chief Administrative Law Judge within the five day period, this notice of determination and remedial action will become the final order of the Secretary of Labor. By copy of this letter I am advising Ms Vera English of the determination and right to a hearing. A copy of this letter and the complaint have also been sent to the Chief Administrative Law Judge. If you decide to request a hearing it will be necessary to send copies of the telegram to me at U. S. Department of Labor, Wage and Hour Division, 310 New Bern Ave., Room 408, P. O. Box 27486, Raleigh, N. C., 28476, telephone (919) 755-4190. After I receive the copy of your request, appropriate preparations for the hearing can be made. If you have any questions do not hesitate to call me,

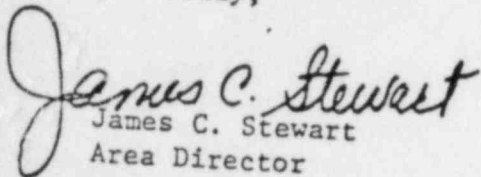
Mr. E. A. Lees
General Manager
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Oct 2, 1984

It should be made clear to all parties that the role of the Department of Labor is not to represent the parties in any hearing. The Department would be neutral in such a hearing which is simply part of the fact-development process, and only allows the parties an opportunity to present evidence for the record. If there is a hearing, an Order of the Secretary shall be based upon the record made at said hearing, and shall either provide appropriate relief or deny the complaint.

Sincerely,


James C. Stewart
Area Director

cc: Ms. Vera English
74 Holland Drive
Castle Hayne, NC. 28428

Mozart C. Ratner, Attorney at Law
1900 M Street, N. W., Suite 610 ✓
Washington, D C 20036