

Critique of Region Four's Predecisional Conference on 03-07-01

I am submitting this critique to the Office of Enforcement, hopefully, to encourage other individual(s) to participate in these types of conferences. This critique includes feedback from both my wife and myself. My wife and I both feel that if someone was truly wronged, participation in this process is extremely rewarding. It should also be noted that at the time of this critique the results of the conference are unknown.

The past has shown throughout the ages that history is written by the victor. We, however, were determined that the other side of the story would be represented in this matter. One must understand that even though we decided to participate we were very skeptical and suspected that this would be nothing more than another whitewash. This is the feeling we came away with, based upon another federal agency's handling of the matter. The other agency, in our opinion, based their findings upon the investigation conducted by the contractor/utility. As the proceedings of this very long day developed, it was quite apparent that this was NOT whitewash. As the rhetoric from the utility/contractor continued to repeat itself, it was extremely gratifying to see firsthand the professionalism, expertise and dedication exhibited by the entire enforcement staff. I feel that the public was served very well during this meeting. There were many times during the presentations where my wife and I smiled and commented on the knowledge and commitment that they demonstrated time and time again. Both of us had dealt with two of the attorneys during depositions we had given the previous year. We were very pleased to see that the staff, and in particular the Assistant General Counsel for Materials and Enforcement, were very much a match for the utility/contractor attorneys.

This type of conference can be extremely intimidating, especially in our situation where I am still employed by the utility's contractor. Fear of reprisal is very real, especially given the "chilled environment" that I have been working in since my wife's termination and the disciplinary actions taken against me 14 months ago. The following are some things I think might help to improve the process from our perspective and encourage others to participate:

1. Indoctrination

- Mr. Vasquez's role in informing me of the process was critical in our decision to attend the conference, especially since we attended at our own expense.
- He gave me some idea of what we could expect to hear from the utility/contractor in regards to us personally. This was extremely important considering that there were, in our opinion, many false statements made by the utility and contractor.
- We recommend that this "indoctrination process" be continued in the future.
- This "indoctrination process" should be as detailed as possible regarding the conference without compromising the integrity of the meeting.

2. Inadequate notification and preparation time

- We thought the issue was closed and therefore it came as a great surprise to us that it was not.
- We would recommend that notification be given to the individual party (such as us) as soon as possible so that adequate preparations can be made.
- Preferably, this notification would be at the same time as the utility/contractor.
- It was very apparent that the utility/contractor had considerable more resources and time allocated to this than we did.
- The utility/contractor became aware of the conference on 01-19-01.
- I became aware of it 3 weeks later on 02-08-01 via a "plant bulletin" and was contacted by Mr. Vasquez the following week.
- If the individual is considered an important part of this process, then they should receive equal treatment in terms of notification. The "company" has far greater resources than the individual, as was exhibited at the conference.

3. There was inadequate time distribution

- We understand that the utility/contractor had and has a great deal at stake here. As a result they should be allowed adequate time to make their presentations.
- Because of the length of the utility/contractor's presentation WE were not afforded adequate time to collect our thoughts, review our notes and compile some type of presentation that made sense. We did not enjoy the luxury of counsel, as that would have been cost prohibitive.
- We felt that we were jumping around in presenting our comments.
- We would recommend that future conferences start earlier than 1000 hours.
- We would recommend that more time be allocated to the individuals who appear at their own expense.
- We would recommend that you conduct a review of the utility/contractor's presentation prior to the conference if you hadn't already done so. A lot of what was presented was redundant and maybe this would afford some streamlining of the presentations.

4. Content of Presentations

- I had a presentation prepared, but based upon my discussion with Mr. Vasquez and Mr. Sanborn, I limited my presentation to 2 factual pages of typed text versus 7 pages that painted the "big picture".
- I focused on just the facts dealing specifically with the event, even though feelings played a major part in this incident.
- The contractor specifically kept referring to feelings not facts as the basis for their findings.

5. Sharing of Presentation Material

- We were not provided with a copy of the presentation that the utility/contractor was going to make.
- We felt that this oversight was intentional on the part of the utility/contractor as every attendee at the "main table" had a copy of it.
- The utility/contractor knew we would be in attendance as I informed the contractor's Project Manager of that fact prior to the conference. He was also in attendance at the conference.

6. Future Conferences

- We would be willing to offer any encouragement to any other individuals who were invited to such a conference in the future.
- We would be willing to share my experience with any other individuals who might be considering attending such a conference.
- We would share with these individuals the pros and cons that we experienced. The rewards were very great for us.
- And finally we would recommend that anyone who does attend such a conference be asked to provide critique and become a reference for any future attendees.
- We would like to receive feedback from the enforcement staff on the feedback we have submitted.
- Hopefully this will encourage greater participation from the individuals who might otherwise go unheard from. As Thomas Jefferson said – "Who so softly can bind up the wounds of another as one who has felt those same wounds themselves".

In closing I would ask that anyone, who might read this critique, to remember this critique has been provided without knowledge of the outcome. The comments would remain unchanged regardless of the findings by the enforcement staff. It is honest and a summary of our feelings of the conference that we attended on 03-07-01.