

February 29, 1984  
3426 Valley Ridge Terrace SW  
Atlanta, Georgia 30331

Director of Rules and Record  
Freedom of Information and Privacy Acts Branch  
Nuclear Regulatory Commission  
Washington, D.C. 20555

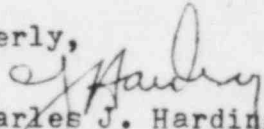
FREEDOM OF INFORMATION  
ACT REQUEST  
FOIA-84-153  
Rec'd 3-5-84

Dear Sir:

Under the freedom of information act I request all correspondence between Cincinnati Gas and Electric Company, Henry J. Kaiser, and the Nuclear Regulatory Commission that has been referenced to in the enclosed copy of the Ohio Civil Rights Commission Letter. This is in reference to the construction of the Zimmer Nuclear Plant at Moscow, Ohio.

I call specific attention to the paragraph (circled) that states "the layoffs were precipitated by their client, Cincinnati Gas and Electric Company, who was responding to directions from the Federal Nuclear Regulatory Commission". Also the correspondence that references "Respondent client Cincinnati Gas and Electric informed, their company in November 1983 that a new company was being assigned to complete the work project at Zimmer Nuclear Plant which his company had originally been assigned.

Sincerely,

  
Charles J. Harding

CC: Ohio Civil Rights Commission



# OHIO CIVIL RIGHTS COMMISSION

CENTRAL OFFICE  
220 Parsons Avenue  
Columbus, Ohio 43215  
1-614-456-2735

27 FEB 1984

SOUTHWEST REGIONAL OFFICE  
Masonry Office Building - 2nd Floor  
707 Race Street  
Cincinnati, Ohio 45202  
1-513-852-3344

Charles Harding  
3426 Valley Ridge Terrace SW  
Atlanta, Georgia 30331

Henry J. Kaiser Company dba  
Raymond Kaiser Engineers  
Box 200  
Moscow, Ohio 45153  
Clermont County

(07)2110683(12926)1183, 057840301

The Ohio Civil Rights Commission makes the following determination concerning subject case.

Respondent is an employer within the meaning of Section 4112.01(A)(2) of the Ohio Revised Code, 701(B) of the Civil Rights Act of 1964, as amended and by Section 11(B) of the Age Discrimination in Employment Act of 1967, as amended. Timeliness and all other jurisdictional requirements of the charge have been met.

The Charging Party, a Black male, was at the time of filing, a person fifty six (56) years of age who was born on July 30, 1927 and has standing to file a charge of discrimination under the Ohio Revised Code, Sections 4112.01(A)(14), 4112.02 and 4112.05(B). The Charging Party has not commenced a civil action as required by Section 4112.02(N) of the Ohio Revised Code.

The Charging Party filed an affidavit with the Ohio Civil Rights Commission on November 7, 1983, alleging that the Respondent had engaged in unlawful discriminatory employment practices because of his race, age and retaliation on November 6, 1983.

The Charging Party alleges that he was terminated on November 6, 1983 due to a reduction of work force. He alleges that others in the protected age class have been laid off, while younger and Caucasian employees have been retained. He alleges that he received from his Caucasian supervisor, Dane Damewood, the highest efficiency rating and production in the Records Management Department. He alleges his termination was the result of his race, age, and having filed a previous charge of alleged race discrimination filed with the Equal Employment Opportunity Commission on August 5, 1983.

The Respondent denies any unlawful discriminatory act against Charging Party. Respondent's Representative, Bruce E. Allen, Director of Labor Relations and Safety, asserts that Charging Party was laid off from his position of Assistant Quality Assurance Analyst on November 4, 1983 as a result of a general lay-off due to a work reduction. The lay-offs were precipitated by their client,

Cincinnati Gas and Electric Company, who was responding to directions from the Federal Nuclear Regulatory Commission. He asserts that Charging Party's lay-off was in no way motivated by his race, age, and/or retaliation. Further, younger and caucasian employees were also laid off and blacks were also retained within the same department.

Investigation by the Ohio Civil Rights Commission substantiates the following:

Respondent's client, Cincinnati Gas and Electric Company (CG&E), informed their company in November, 1983 that a new company was being assigned to complete the work project at Zimmer Nuclear Plant which his company had originally been assigned.

CG&E also made the decision that in January, 1984, due to two (2) other nuclear plants nearby shutting down, they were closing down the plant as a nuclear power facility and would convert the plant to a coalburning facility. As a result of their work project being reassigned, Respondent had a lay-off on November 4, 1983 and on January 20, 1984, to reduce staffing. Respondent, within a few months will no longer be present at the Zimmer facility.

As a result of Respondent losing their assignment, they laid off eighty-one (81) employees from the Quality Assurance Department on November 4, 1983. Included in the lay offs were three (3) blacks and fifty four (54) caucasians. Twelve (12) of the employees were within the protected age group, forty (40) to seventy (70) years of age, and forty five (45) employees were laid off who were under forty (40) years of age. Twenty four (24) employees were temporaries for which there was no documentation regarding age and race.

In addition to the aforementioned lay-offs, Respondent retained in the Quality Assurance Department, three (3) blacks, and twenty (20) employees in the protected age class, and seven (7) of whom were in Charging Party's age range; fifty two (52) to sixty two (62) years of age.

Respondent states that Charging Party's termination was based on the need to reduce staffing. The supervisor who made the decision was not aware that Charging Party had filed earlier charges of alleged discrimination. The supervisor placed the employees on a lay off list in an ascending order of retainability based on their uncompleted work, work skills and capabilities, and future remaining work. Charging Party was laid off on November 4, 1983, based on the aforementioned criteria.

On January 20, 1984, Respondent laid off an additional one hundred and seventeen (117) employees from the Quality Assurance Department. Out of this total, twenty (20) persons were in the protected age class, all caucasians, one (1) black, and ninety-six (96) caucasians not in the protected age class.

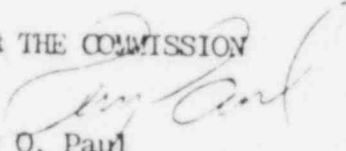
Respondent currently has employed in the Quality Assurance Department a total of fourteen (14) employees; one (1) black and thirteen (13) caucasians. Included in the total are three (3) employees within the protected age group.

Therefore, based on the aforementioned, Charging Party's lay-off on November 4, 1983 could not be substantiated based on any factors related to race, age, and/or retaliation.

As a result of the foregoing, the Ohio Civil Rights Commission has determined that it is not probable unlawful discriminatory employment practices have been or are being engaged in by Respondent in violation of Section 4112, Ohio Revised Code, and hereby dismisses subject charge.

The parties to this charge are advised of their right to request reconsideration of the Commission's determination pursuant to Section 4112-03-04 of the Rules and Regulations. Request must be in writing, state specifically the grounds upon which based, and be filed in duplicate with the Commission at its office in Columbus within ten (10) days from the date of mailing of this notice.

FOR THE COMMISSION

  
Ray O. Paul  
Southwest Regional Director

Respondent's Representative:

Bruce E. Allen  
Director, Labor Relations and Safety  
Henry J. Kaiser Company  
One Kaiser Plaza, Suite 601  
Oakland, California 94612