



P. O. BOX 1190, CORDOVA, ALASKA 99574

1 - 800 - 478 - 3978

Commissioner John Shively  
Dept. of Natural Resources  
400 Willoughby Ave.  
Juneau, AK 99801--1724

April 20, 1995

Re: Summary of DOL "Whistleblower Cases"

Dear Commissioner Shively;

At our February meeting, AFER promised to send you a summary of the status of Alyeska whistleblower cases pending before the Department of Labor (DOL). They are as follows.

**On-Going Cases**

- 1) G. Plumlee et al. v. Alyeska and ASIS  
Glen Plumlee (unemployed as of 4/14/95)  
Jim Schooley (unemployed as of 4/14/95)  
Bob Plumlee (unemployed since 2/92)  
Richard Green (unemployed since 12/92)

These cases are based on 1) blacklisting, 2) failure to hire, and 3) hostile atmosphere of harassment and intimidation. All four of these individuals won their initial DOL investigations. Alyeska and Arctic Slope Inspection Services (ASIS) have rejected settlement discussions. These cases are in the discovery stage for an administrative hearing scheduled for August 7 through Labor Day.

- 2) Paul Lott v. Alyeska and ASIS  
(unemployed since fall of 1994)

This case is based on Alyeska's refusal to implement the QA/QC contract with ASIS and terminating Lott's employment because of his insistence that this be done. Lott lost his initial DOL investigations.

- 3) Chuck Biddy v. Alyeska  
(still employed)

This case is based on a hostile work environment. Biddy lost his initial DOL investigation. The case is in discovery stage and will probably be tried before a DOL Administrative Law Judge in late 1995. Biddy is a QC supervisor who testified before Congress in July 1993.

- 4) Mike Kelly v. Alyeska  
(unemployed)

Kelly reported the "file stuffing incident" to Owen Thero/OTC during the QTC audit of TAPS mandated by BLM in 1993. Kelly won his initial DOL investigation. Dean Krebbs, BLM, investigated the file stuffing incident and wrote a voluminous report that is at the U.S. Attorney's office awaiting a decision whether to prosecute.

5a) Richard Accord v. Alyeska and ASIS

Accord was a QA/QC inspector. He was harassed, intimidated, and ultimately fired because of various quality and safety issues and violations he raised to supervisors. Accord won his initial DOL investigation. This case is being prepared for a hearing before a DOL Administrative Law Judge.

5b) Richard Accord v. ARCO and VECO

Accord was a QC inspector first for Houston Construction and then for VECO, both under contract with ARCO. The issue in this case is discharge because of the quality and safety issues and violations raised by Accord with his supervisors. This case is being prepared for a hearing before a DOL Administrative Law Judge.

**Cases in Initial DOL Investigation Stage**1) Richard Sipes v. ASIS

Sipes was an inspector with ASIS. His case is based on wrongful termination because he was raising quality issues. (Sipes is not represented by Billie Garde.)

2) XXXXX v. ASIS

This case is not yet public knowledge--it is in preliminary development stage by counsel.

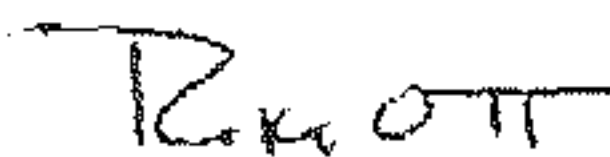
As we discussed during the February meeting, any pressure you could bring to Alyeska and the owner companies to settle the on-going cases would help drive home the message to Alyeska that its current attitude of contempt for whistleblowers (and whistleblower protection laws) is unacceptable. Prompt settlement of these cases would send a clear message to Alyeska employees and the public that Alyeska is truly changing its way of doing business.

Although AFER's first and foremost concern is settling the on-going whistleblower cases, we also repeat our earlier requests that you join us in asking Alyeska and owner companies to:

- hire independent, properly trained, experienced investigators to investigate concerns brought to Alyeska's employee concerns program (to support Clyde Stewart's work);
- institute a credible employee concerns program (see our "Essential Elements" sent to Owners/Alyeska et al. in January 1995 and lessons learned from the recent conference); and
- provide staff and management training on harassment and intimidation.

Thank you for your concern in these matters. If you have any questions, please call.

Sincerely,



Riki Ott  
Interim Director