

The Paducah Sun



Whistle-blower: DOE after his job

Written by Joe Walker

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Vander Boegh alleges that the Department of Energy is cutting jobs and benefits as a new contractor takes over at the Paducah Gaseous Diffusion Plant.

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Longtime whistle-blower Gary Vander Boegh has filed a complaint with the U.S. Department of Labor alleging the Department of Energy and its cleanup firms are trying to force him out of his landfill manager's job in retaliation for his complaints about potential radiation problems at the landfill.

He said that in gathering information for the complaint, he learned DOE is cutting jobs and benefits because new cleanup contractor Paducah Remediation Services underbid by more than \$100 million. PRS will take over for Bechtel Jacobs at midnight Sunday.

"That's what most of the employees are being told," he said, noting that a woman in his department applied for 20 jobs and was allowed to interview for only two. "They're interviewing people off the street rather than giving her a chance for a job. She's going to be unemployed by Friday night."

About 560 people work for Bechtel Jacobs and its various subcontractors. Bechtel Jacobs and WESKEM have notified the Hopkinsville-based West Kentucky Workforce Investment Board that as many as 346 workers could be laid off with the ending of their contracts. Officials of the board, which handles unemployment benefits, are awaiting word as to the actual number of cuts.

Filed late Friday, Vander Boegh's complaint names DOE, PRS, Bechtel Jacobs, Dura Tec and WESKEM, his current employer. He claims the defendants denied him the right to bid for the work as a grandfathered employee and ignored his qualifications and experience. He has been landfill manager at the Paducah Gaseous Diffusion Plant for 14 years.

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DOE has a "robust and extensive" bidding process, and the new PRS contract gives preference in hiring incumbent workers, said Megan Barnett, spokeswoman for DOE headquarters in Washington, D.C. She said the contract "goes to great lengths" to protect benefit transfer.

"We're dedicated to the safe cleanup of the site and taking appropriate action for the environment and the taxpayers," she said.

The complaint's allegations include:
Vander Boegh led development of a 25-acre solid waste landfill that opened in 1996. In late 2001, he filed a complaint with DOE regarding the potential overflowing of leachate storage tanks, and he subsequently claimed WESKEM and Bechtel Jacobs retaliated by trying to demote and fire him. DOE's Office of Hearings and Appeals ordered that his job be protected for a year, but the firms appealed that decision. The case remains on appeal.

In May 2004, DOE began accepting radiologically contaminated waste into the landfill on a "health risk basis." Rain infiltrates the landfill cover and contacts the waste, resulting in "radiologically contaminated" leachate.

Vander Boegh told PRS officials last Feb. 14 that the leachate facility would only treat organic contaminants and not radionuclides or heavy metals. A week later, he filed an amended complaint against DOE, PRS and Bechtel Jacobs alleging retaliatory actions against him and other key workers if they did not accept the unauthorized waste. The complaint cited a "hostile work environment" for the employees and said they were entitled to a smooth transition to PRS.

When Vander Boegh was interviewed April 12 for continuing work, he was told it would exclude his being landfill manager. He learned later that PRS/Dura Tek officials "were informing job applicants" that all overtime pay would cease, and pay, benefits and vacation would be reduced, including the elimination of two paid holidays.

In an interview, Vander Boegh said he confirmed through several DOE Paducah employees that jobs and benefits were being cut because of PRS' underbidding the contract. He said DOE has refused to pay PRS the \$300 million the firm now says it needs to do the work. A contract worth about \$192 million was awarded in December and runs through Sept. 30, 2009.

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Vander Boegh said his alleged mistreatment ironically comes amid renewed emphasis by DOE to take employee concerns seriously. He provided a copy of an April 11 memorandum by Energy Secretary Samuel Bodman saying all DOE and contractor personnel "have the right -- and the responsibility -- to identify and report concerns associated with safety, quality, environment, health, security, or management of operations without fear of reprisal."

Based on Vander Boegh's concerns, the Kentucky Division of Waste Management has asked DOE for more information about the landfill, including how much leachate is being generated and how it is being managed, division spokesman Chuck Wolfe said.