Ogilvie, Janice E

From: [redacted]
Sent: Thursday, February 18, 2010 7:31 AM
To: Siciliano, Mark David
Cc: [redacted]

Subject: Re: BEA REPRESENTATIVE AT MEDIATION (OUO-CUI)

[redacted], I value [redacted] experience, too -- that is why I recommended her as one of the choices to act as the mediator. But, the fact is the language you highlighted is standard language she includes in all such letters she sends out to parties who engage her as a mediator; it was NOT a judgment/reflection of her thoughts on [redacted]

By the way, in talking with [redacted] yesterday morning, she indicated that you hadn't acknowledged receipt of her e:mail of 2/10/2010 (in which she identifies a series of questions that she wants you and BEA to respond to SEPARATELY to her). We will have our answers prepared and transmitted to her by Friday. Hopefully, you'll be able to prepare and transmit to her (and JUST to her) your answers to the questions she has for you. These are confidential statements directly to the mediator and are not shared between the parties.

I'll also point out that in your response, you copied Jan Ogilivie (who I've copied, too). However, the mediation is occurring under the ADR process contained in our Employee Handbook; it is completely separate from the 708 case. [redacted] can speak to this as well, but the proceedings of the mediation should NOT be brought into the 708 case -- assuming the mediation does not resolve all issues. That is the purpose of the confidentiality provision. If you have any questions about the reach of the confidentiality provision, I strongly encourage you to confer with [redacted]

[redacted]

Mark D Siciliano/SICIMD/CC01/INEEL/US

Mark D Siciliano/SICIMD/CC01/INEEL/US

02/17/2010 01:27 PM

[redacted]

"Janice E Ogilvie" <OGILVIJE@ID.DOE.GOV>, Mark Siciliano/SICIMD/CC01/INEEL/US
SubjectRe: BEA REPRESENTATIVE AT MEDIATION (OUO-CUI)

(OUO-Contains CUI)

Dear [redacted]

I sent this to you because it's [redacted] **independent assessment** without any input from me and she came up with the same conclusion that I did. I believe I am on the record as indicating this was a concern; I didn't realize I needed to officially rebut. [redacted] is named in my complaint and I value [redacted] sage advice. If you don't want to take the advice of your own highly professional mediator, that's completely up to you. If you wish to proceed with [redacted] that's up to you as well. I was simply pointing out that this isn't just my concern.

I am sorry that you apparently have taken offense to me raising the issue, however it does appear that [redacted] has the same reservation that I do.

As far as mediation, I am going out of great respect for [redacted] and trying not to tarnish the INL's reputation. If you want to cancel it, that's completely up to you. I agreed to this in good faith and I intend to continue to show good faith. I am in agreement with [redacted]; you apparently are not. Perhaps you should have the discussion with her, not me. Whether I agree with who you choose is mote. My position is duly noted.

Kind Regards,

[redacted]

(OUO-Contains CUI)

Idaho National Laboratory

Mark Siciliano, Department Manager, Special Programs
National & Homeland Security Directorate
Idaho National Laboratory
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(Please call/email if a time critical msg sent to SIPRNET)

[redacted]

[redacted]/INEEL/US

02/17/2010 09:10 AM

ToMark D Siciliano/SICIMD/CC01/INEEL/US@INEL
[redacted]

SubjectRe: BEA REPRESENTATIVE AT MEDIATION (OUO-CUI)

[redacted]

You've had this discussion (objecting to [redacted] being BEA's representative at the mediation) with myself, [redacted], and [redacted]; and all three of us have given you valid reasons for [redacted] being BEA's representative, which you haven't rebutted. Yet, you won't let the issue go (I might add that you, yourself, are covered by the language from [redacted] letter that you've quoted below). There are MUCH bigger issues to resolve at the mediation; and if we can't get over the much simpler issue of who BEA's representative is going to be, I question the utility of going forward with the mediation, particularly given the expense associated with this mediation.

I have met personally with [redacted] and I am satisfied that he can bring to the mediation the requisite level of objectivity and creativity necessary to reach a reasonable solution; and, since BEA is paying 100% of the costs of the mediation, I don't take lightly the decision of who our representative is going to be because, as we talked the very first time, I'm VERY much interested in resolving your issues in this mediation.

I've copied [redacted] on this e:mail; and if you desire to talk with her about this issue, you're welcome to call her (Cell: 202[redacted]).

How would you like to proceed?

[redacted]

Mark D Siciliano/SICIMD/CC01/INEEL/US

Mark D Siciliano/SICIMD/CC01/INEEL/US

02/16/2010 03:48 PM

[redacted]
ccMark D Siciliano/SICIMD/CC01/INEEL/US
SubjectBEA REPRESENTATIVE AT MEDIATION (OUO-CUI)

OUO-- Contains CUI

Dear [redacted] and [redacted]

Please take note from [redacted]

"3) Identify the representative(s) who will be participating in the mediation:

For BEA please identify the company representative who will be attending the mediation process, and whether that individual will have full authority to resolve the claim. (Please do not bring someone who is personally involved in the substance of the disputes, as it makes it virtually impossible to resolve.)

Note: If the representative does not have full authority to resolve the claim, identify the process that has to occur to obtain authorization for final resolution. (Phone calls to someone with authority invariably delay resolution, and undermine the point of the mediation as that person is not aware of the discussions or issues being addressed.) "

*** As previously pointed out, this is a concern and I recommend as does [redacted] that no one involved in my complaint should be representing BEA. This would include [redacted] and all the Directors since they are involved. Again, I suggest someone senior to [redacted] who has the authority to make decisions.

Thanks!

Kind Regards,

[redacted]

OUO-- Contains CUI

Idaho National Laboratory

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