Ogilvie, Janice E

From: [redacted]
Sent: Tuesday, January 05, 2010 2:26 PM
To: Ogilvie, Janice E; [redacted]
Cc: Siciliano, Mark David
Subject: Fw: Pursuit of ADR Process
Attachments: SCAN5665_000.pdf

Jan/[redacted]

I'm resending this due to the error message (with regard to you two) that I received the first time I sent it.

[redacted]

----- Forwarded by [redacted]/INEEL/US on 01/05/2010 02:25 PM -----

[redacted]

01/05/2010 02:24 PM

To Mark D Siciliano/SICIMD/CC01/INEEL/US
cc Janice E Ogilvie" <OGILVIJE@ID.DOE.GOV/O=, [redacted]
Subject Re: Pursuit of ADR Process

Great, thanks, [redacted]. I expect to have to you tomorrow the names of at least 2 and probably 2 people who I believe could do a very good job as the mediator in this case.

Jan, since [redacted] has agreed to put the 708 case on hold for now while we pursue attempts to resolve this through our ADR process under our Employment Handbook, I assume you will agree that our time to respond to [redacted] complaint is also on hold. Would you agree?

[redacted]

Mark D Siciliano/SICIMD/CC01/INEEL/US

[redacted]

01/05/2010 11:18 AM

[redacted]
"Janice E Ogilvie" <OGILVIJE@ID.DOE.GOV>
cc Mark D Siciliano/SICIMD/CC01/INEEL/US
Subject Re: Pursuit of ADR Process

Dear [redacted]

I agree to use this process for a limited amount of time and not to interfere in any way with my ability to pursue my 10CFR708 complaint. I am entering this process in good faith and look forward to a positive and speedy result.

Aside from the 10CFR708, I am still concerned about [redacted] suitability to hold a TS/SCI clearance while in a position of national trust. A fundamental tenant of holding such a high level clearance is based on honesty, integrity and trust. As you have seen in my complaint, it concerns me that

[redacted] appears to be lacking in these areas. It is not my position to judge his suitability, but it does concern me and I believe I have an obligation to report. This is nothing personnel against [redacted] and hopefully whoever investigates this will be able to assuage my concern.

To that end, where do I find the 10CFR710 information required to raise this concern to the appropriate federal authority? Thank you both for your assistance. I truly appreciate it.

V/R

[redacted]

Mark Siciliano, Department Manager, Special Programs
National & Homeland Security Directorate
Idaho National Laboratory
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Email: Mark.Siciliano@inl.gov
SIPR: sicilimd@idaho.doe.sgov.gov, IC: idsiemd@doe.ic.gov
(Please call/email if a time critical msg sent to SIPRNET)

[redacted]

[redacted]

01/05/2010 10:29 AM

[redacted] Siciliano/SICIMD/CC01/INEEL/US@INEL
cc"Janice E Ogilvie"
<OGILVIJE@ID.DOE.GOV>
SubjectPursuit of ADR Process

[redacted]

I'm writing to document our conversation (largely for the benefit of Jan) of earlier this morning regarding the option and, arguably, requirement (note the mandatory language on p. 55 of the enclosed description of BEA's ADR program found in our Employee Handbook; as I indicated on the telephone, however, while one local judge, in an employment case filed several years agreed that the ADR process is a mandatory prerequisite to pursuing the employee's state law employment claim against the company, the Office of Hearings and Appeals concluded that BEA's ADR procedure for a non-bargaining unit employee does not require dismissal of a 708 case pending exhaustion of this mediation requirement. I believe that decision is flawed; but we did not appeal) of attempting to resolve your issues through mediation.

As I indicated on the telephone, mediation is a means of resolving a matter if **both** sides agree with the proposed resolution; in other words, if either party does not agree with what the mediator recommends or what the other party offers during the mediation, that party can reject those solutions; and you may still pursue your Part 708 complaint. Also, the costs associated with pursuing mediation through the ADR process are borne by BEA -- i.e. the cost of the mediator is paid by BEA and your time spent in the ADR process is chargeable to BEA.

Since this ADR process is OUTSIDE the 708 process, if you still agree that it is worth pursuing the ADR process, you will need to contact Jan Ogilvie (by separate e:mail or simply replying to this e:mail), indicating that you would like to put the Part 708 case on hold while we pursue the ADR process. Since there are a number of deadlines associated with a 708 complaint (the first deadline being BEA's

obligation to respond to your complaint within 10 days), if you still agree with attempting to resolve your concerns through the ADR process, please advise Jan Ogilvie and myself as soon as possible that you would like to put the 708 case on hold so that we can focus on jointly agreeing on a mediator and then scheduling that mediator to come to Idaho Falls to conduct the mediation.

Please contact me if you have any questions. Also, [redacted] in HR manages the ADR process; and if after reading the attached, you still have any questions, you're welcome to call her, too.

(See attached file: SCAN5665_000.pdf)

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[redacted]

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