

# Workers at Rocky Flats sue Kaiser-Hill

## Six people say pointing out safety concerns led to transfers

By Katy Human  
Camera Staff Writer

Six Rocky Flats workers claim they were unfairly reassigned to "broom-pushing" jobs after they pointed out serious safety concerns during cleanup of the former nuclear weapons plant.

The workers allege that after they complained about safety hazards, they were transferred out of challenging jobs in a contaminated building where they were eligible for overtime pay.

Kaiser-Hill officials said the transfers were simply part of ongoing work reorganization at the cleanup site. They declined to discuss the case in detail, but they said they expect the judge to uphold the findings of an initial investigation, which did not support the workers' allegations.

A federal administrative law judge with the Department of Labor will hear the case in a Denver courtroom Monday. The hearing is scheduled to

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last two weeks, after which judge Jeffrey Tureck will recommend a decision to the Labor secretary.

Betty Devers, David Martin, Joey Miller, Tracey Kittenbach, Dallas Sherman and Shirley Voorhies have almost 75 combined years of experience at Rocky Flats. All were specialists in decontamination and demolition work, and all were working in Building 771 until early last year. Kittenbach and Miller are the only two with less than a decade of experience at the federal site.

In 2001, the six were suddenly transferred to new, less challenging jobs, Kittenbach said. For nearly a full year, Kittenbach said, he was "pushing brooms and sorting files," despite his certification for specialized decontamination work.

The others were also reassigned to jobs in which they were ineligible for overtime, worth as much as \$2,000 per month, according to documents filed by their lawyer, Todd McNamara of Denver.

"We were not close ... the six of us, until this," Sherman said. "Then we found out we all seemed to have something in common, and the common thread was that we all complained a lot about safety."

Sherman, 56, has worked at Rocky Flats for nearly 20 years. He said he worried that Kaiser-Hill managers were more interested in earning bonuses for finishing jobs ahead of time than keeping workers safe.

"Through incentives, they drive this thing to the point where they're taking unnecessary chances with their employees," he said. "They don't want to do anything that's going to slow down a performance measure."

During the summer of 2000, Sherman and two other workers were in a highly contaminated area, cutting into an old "back trap," a safety system that had been contaminated with plutonium and other contaminants.

The material sparked, a condition that could indicate an ex-

remely serious release of radioactivity.

"We were concerned that we were getting zapped," Sherman said, but he was told to stay in the area and finish the job.

Devers complained that exposed pipes in the ceilings of several rooms were improperly sealed, according to the claim documents. The overhead pipes were contaminated and could easily expose workers, Devers told Kaiser-Hill managers.

Miller said he worried about a portable air conditioner, installed in a dangerous configuration near the door of a highly radioactive room.

"Alarms were going off in there two to three times a day," Miller said. "We didn't know if the air conditioner was contaminated itself, or just messed up the airflow. But we brought it to their attention."

He was ignored, he said. Eleven workers in the area later discovered they'd received internal doses of radioactivity.

At times, the workers said they had to fight to get access to protective respirators and clothing. They said they thought their bosses consistently ignored worker concerns as well as standard safety procedures.

"They educate us on these procedures, they tell us they'll fire us if we don't follow them ... then they bypass them," Kittenbach said.

Managers told the workers they had been moved because their expertise was needed elsewhere and the number of workers in 771 was being reduced.

"But they had seven new hires within a month, none of them with as much (decontamination and decommissioning) experience as us," Miller said. One of the new workers soon cut himself accidentally, receiving an internal dose of radiation.

"That was one of the 'highly qualified' people they brought in to replace us," Miller said.

He and his colleagues seek lost overtime wages and reimbursement of their legal costs.

John Corsi, spokesman for Kaiser-Hill, said he doesn't think the workers will prevail.

"This case was brought before the U.S. Department of Labor, and they thoroughly investigated it last year," Corsi said. "There was no evidence they were illegally transferred. ... Now, the workers have the right to appeal that decision, and we're confident that the result will be the same."

A spokeswoman for the Labor Department said it's not appropriate to call the lawsuit an appeal. Before any lawsuit can be filed, the department must launch an initial investigation, Sue Hensley said.

It's not unusual for judges to overturn the findings of investigations, she said, though that happens less than 50 percent of the time. After the administrative judge's finding, either party can appeal to the U.S. Circuit Court of Appeals.

Kaiser-Hill will initially pay legal costs out of its own pocket, Corsi said. "But if the case holds up as we think, then it's reimbursable because the case had no merit. If it did prove we were in the wrong, we have to pay for it."

Contact Katy Human at (303) 473-1364 or [human\\_k@thedailycamera.com](mailto:human_k@thedailycamera.com).