Firm to Appeal Nuclear Plant Whistleblower Case

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WICHITA, Kan. (AP) — An engineering firm accused of firing a whistleblower for reporting unsafe conditions at an eastern Kansas nuclear power plant plans to appeal the ruling by federal regulators, the firm said Monday.

The Labor Department's Occupational Safety and Health Administration found Enercon Services violated whistleblower protections when it retaliated against an engineer for raising concerns during construction work at the Wolf Creek nuclear power plant in Burlington.

The company was ordered to pay $261,152 in back wages, damages and interest, plus attorney's fees. OSHA found it violated the whistleblower protections of the Energy Reorganization Act (ERA), OSHA said Monday.

"Professionals who work in the nuclear power industry have a right and responsibility to express their professional opinion and report safety-related concerns," OSHA acting regional administrator Marcia Drumm said in a news release. "The department's responsibility is to protect all employees from retaliation for exercising basic worker rights. The ERA protects the workers, who, in turn, protect the public."

OSHA said any appeal would go to the department's Office of Administrative Law Judges.

Enercon said in an email Monday that the employee-owned company promotes a safety-conscious work environment. It said its policy and practice is to encourage and protect employees who report safety concerns. The firm said it welcomes the opportunity for a full hearing to establish the firing was for legitimate reasons and not for reporting safety concerns.

The Kennesaw, Ga.,-based company provides engineering support services to nuclear plants nationwide.

OSHA's investigation concluded the engineer was fired in January 2012 for reporting breaches of minimum soil coverage caused by a trench dug during construction work and for refusing to provide an engineering justification for the use of concrete as backfill. He was fired a few days later.

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