



**NPG Standard
Programs and
Processes**

Adverse Employment Action

**NPG-SPP-11.10
Rev. 0003
Page 1 of 22**

Quality Related Yes No

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Validated By Katie Young

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Responsible Peer Team/Working Group: Human Resources

Approved by: Sarah Walker 12-17-2013
 Corporate Functional Area Manager Date

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 2 of 22
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Revision Log

Revision or Change Number	Effective Date	Affected Page Numbers	Description of Revision/Change
0	08/13/10	ALL	Initial issue replaces BP-135.
1	07/14/11	ALL	Implement comments from NRC personnel.
2	04/24/2012	7, 11, 13, 18, 20	<p>Attachment 3 (Form 41177), question 3 and Attachment 4 (Form 41178), question 2 were revised to include the following: <i>Ensure that statements or interview records are retained for event evaluation or other required reference.</i></p> <p>Changed Subsection Headings under Section 3.0 and 4.0, and added Source Notes page in accordance with NPG-SPP-01.1 requirements of a minor editorial revision.</p> <p>Revision bars were not used.</p>
3	12-19-2013	ALL 6-7	<p>Revised and restructured to improve readability and use. Consolidated forms. Addressed PER 768180.</p> <p>Revised applicable proposed personnel actions.</p>

Table of Contents

1.0	PURPOSE	4
2.0	SCOPE	4
3.0	PROCESS	4
3.1	Roles and Responsibilities.....	4
3.1.1	Senior Manager, Nuclear Employee Relations.....	4
3.1.2	TVA Line Manager.....	4
3.1.3	Employee Relations (ER) Staff.....	4
3.1.4	TVA Contract Technical Steward (CTS) and Contractor Representative (vendor supervisor or project manager)	5
3.1.5	TVA Vice President	5
3.1.6	Office of General Counsel	5
3.2	Instructions.....	6
3.2.1	Applicable Proposed Personnel Actions.....	6
3.2.2	Review Process - Personnel Actions Impacting TVA Employees	7
3.2.3	Review Process - Personnel Actions Impacting Contractors.....	9
4.0	RECORDS	11
4.1	QA Records	11
4.2	Non-QA Records.....	11
5.0	DEFINITIONS	11
Attachment 1:	TVA 20374 Fact Finding Notes for Disciplinary Action	13
Attachment 2:	TVA 41175 Adverse Employment Action Review	15
	Source Notes	22

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 4 of 22
--	----------------------------------	---

1.0 PURPOSE

The purpose of this procedure is to implement a process to review certain proposed adverse employment actions concerning TVA employees and/or contractors before the actions are taken to determine whether the proposed actions are consistent with employee protection regulations and whether the proposed action could negatively impact the Safety Conscious Work Environment (SCWE).

This procedure is being established to help ensure compliance with NRC Employee Protection requirements (10CFR50.7). [C.1, C.2, C.3]

2.0 SCOPE

This procedure is applicable to all TVA employees and contractors stationed at each operating or active construction nuclear plant site, as well as Nuclear Power Group (NPG) employees working at the TVA corporate office.

This SPP applies not only to NPG employees/contractors (staff augmented and managed task contractors), but to any employee/contractor that is stationed at an active nuclear or nuclear construction site (e.g. Supply Chain, Transmission, Power Service Shop, Environmental, Facilities, Information Technology, etc.)

See section 3.2.3 for Exclusions.

3.0 PROCESS

3.1 Roles and Responsibilities

3.1.1 Senior Manager, Nuclear Employee Relations

Serves as SPP Owner for this SPP.

3.1.2 TVA Line Manager

The line manager is responsible for initiating this process for both TVA employees and staff augmented contractors, including investigation of incidents, providing documentation and completing appropriate forms.

3.1.3 Employee Relations (ER) Staff

- A. Nuclear ER will maintain all documentation associated with this SPP; including forms, interview and investigation notes.
- B. All ER groups will monitor consistency in disciplinary action based on similar offenses, and provide guidance and consultation regarding the discipline proposed for TVA employees, in accordance with SPP 11.316, Employee Discipline. Further, all ER groups will provide similar guidance and consultation regarding SPP 11.210, Reduction in Force and labor agreements.
- C. For covered employees outside of Nuclear Power Group, non-NPG Employee Relations will work jointly with NPG ER to ensure adherence to the process.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 5 of 22
--	----------------------------------	---

3.1.3 Employee Relations (ER) Staff (continued)

- D. ER will also perform other duties as described in this SPP and has governance over the NPG Fleet consensus call/discipline review process.

3.1.4 TVA Contract Technical Steward (CTS) and Contractor Representative (vendor supervisor or project manager)

The CTS and Contractor Representative are jointly responsible for initiating this process for managed task contractors, including investigation of incidents, providing documentation and completing appropriate forms.

3.1.5 TVA Vice President

- A. At nuclear sites, the Site Vice President (or designee) will review certain proposed actions as described in this SPP to determine if those actions may be viewed as harassment, intimidation, retaliation or discrimination (HIRD) or will likely create a chilling effect in the affected organization, or in other organizations.
- B. In Corporate NPG, the applicable CNO Direct (or designee) will review certain proposed actions as described in this SPP to determine if those actions may be viewed as harassment, intimidation, retaliation or discrimination (HIRD) or will likely create a chilling effect in the affected organization.
- C. For proposed actions regarding covered employees outside of NPG (e.g. Supply Chain, Transmission, Power Service Shop, Environmental, Facilities, Information Technology, etc.), both the group Vice President and the Site Vice President must approve the action as described in this SPP.

3.1.6 Office of General Counsel

Responsible for participating in discussion meetings regarding proposed actions, as deemed appropriate by the Vice President (or designee) and/or Employee Relations representative, for the purpose of providing privileged and confidential legal advice regarding whether proposed actions comply with legal and regulatory requirements.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 6 of 22
--	----------------------------------	---

3.2 Instructions

3.2.1 Applicable Proposed Personnel Actions

A. TVA Employees

In accordance with this SPP, the appropriate TVA manager will review the following proposed personnel actions:

1. Suspensions and Terminations. (These proposed NPG TVA employee actions **MUST** go through the fleet consensus call/discipline review process.)
2. Involuntary Reduction in Force (IRIF)
3. Involuntary Permanent Reassignments or Directed Transfers
4. Denial or suspension of Protected Area Site access unless a Fitness for Duty determination is made revoking such access (see 3.2.1.C.3)

B. Contractors

In accordance with this SPP, the responsible party (see below) will review the following proposed personnel actions. Contractor actions DO NOT go through the fleet consensus call/discipline review process.

1. Suspensions
2. Terminations/Layoffs/Reductions/Furloughs

In case of any of these actions, if management has ANY discretion in determining who will be terminated, this SPP must be followed. In the event contracted work is completed early and all contractors in a group, department or contract are released early - the requirements for review of those terminations, as specified in this procedure, DO NOT apply.

3. Unplanned, premature or "for cause" termination of contract

C. Exclusions

1. If the ability of the affected individual to execute their duties safely, with integrity, or competency is brought into question, management may take immediate action to ensure the safety of the worker, employees, plant and/or public. However, the process outlined in this SPP should be followed within five (5) working days from the date such action is taken.
2. Temporary suspension from duty with pay, administrative suspensions with pay, or other temporary precautionary actions to allow management to conduct fact finding are acceptable. However, any subsequent adverse action taken at the conclusion of the fact finding period will be subject to the provisions of this SPP.
3. Fitness For Duty actions based on confirmed positive drug or alcohol test results or matters of regulatory granting/revocation of access determinations.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 7 of 22
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3.2.1 Applicable Proposed Personnel Actions (continued)

4. Supplemental Employee (Staff Augmented and Managed Task contractors) that work for one week or less per year and are employed by a firm with 25 workers or less at any such site.
5. In the case of Supplemental employees (Staff Augmented and Managed Task contractors), if management has ZERO discretion in determining who will be terminated, this SPP does not apply. Additionally, in the event contracted work is completed early and all contractors in a group, department or contract are released early - this SPP does not apply.

3.2.2 Review Process - Personnel Actions Impacting TVA Employees

Before any step in the process is complete, a thorough investigation must be completed and documented by Management, Employee Concerns, Employee Relations (ER) and/or Office of Inspector General and jointly reviewed by ER and management. For employees within NPG, management may not take discipline items described in this SPP (suspensions & terminations) to consensus call/discipline review process until all applicable steps of this SPP are complete. For employees outside of NPG, there is no requirement that proposed actions go through a discipline review process.

- A. The Line Manager is responsible for initiating Form 41175, Adverse Employment Action Review, and completing Section 1: Management Proposed Action Request; and TVA Form 20734, Fact Finding Notes for Disciplinary Action. These forms should be initially completed independent of ER or Employee Concern Programs. After these forms have been completed, the Line Manager must review the forms with the TVA Employee Relations Representative.

(As described below, management may be additionally required to complete Section 4: Chilling Effect Mitigation Plan.)

- B. The ER Representative is responsible for completing Section 2: Employee Relations Review of Form 41175. The ER Representative, along with Legal Counsel (as necessary), will review the information related to the proposed action in order to determine whether it involves protected activity, or whether it could be viewed as Harassment, Intimidation, Retaliation or Discrimination (HIRD), or create a chilling effect. Additionally, the review will evaluate whether the proposed action is consistent with TVA policies, procedures, and practices.

As part of completing the Employee Relations Review, the ER Representative will do an independent verification of the employee's activity regarding Employee Concerns and Problem Evaluation Reports (PERs). The ER Representative shall contact the Employee Concerns Program regarding Employee Concern issues to verify if ECP contact has been made within the last twelve months. The applicable ER Representative shall contact the Performance Improvement group, or validate through Maximo, to identify if PERs have been generated within the last twelve months.

- C. If both the manager and employee relations sections do not reveal that the employee engaged in protected activity or expression of a concern or differing view, there is no need for the VP or designee to review the action. The proposed action may then be reviewed by the consensus call/discipline review process

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 8 of 22
--	----------------------------------	---

3.2.2 Review Process - Personnel Actions Impacting TVA Employees (continued)

- D. If either section reveals protected activity or the expression of a concern or differing view, the VP or designee must perform the appropriate review. Additionally, if there are conflicts between the ER and manager sections related to protected activity and the possibility of a chilling effect, management should reconsider whether a chilling effect mitigation plan is warranted. The ER Representative shall then submit the Adverse Employment Action Review package (all sections) and Fact Finding Notes for Disciplinary Action form (if required), along with all supporting documentation to the appropriate Vice President(s) (or designee) for review and determination before disciplinary action is taken.
- E. For proposed actions brought for review to the Vice President (or designee), the Vice President will complete section 3, Vice President Record of Action of form 41175. The Vice President (or designee) will consider all relevant information including any extenuating or mitigating information. The Vice President (or designee) may:
 1. Render a determination that he/she has no objection to the proposed action;
 2. Render a determination that he/she objects to the proposed action; or
 3. Inform the Line Manager that he/she has comments and/or questions on the proposed action, which preclude the issuance of any determination until resolved.
- F. If the Vice President (or designee) determines that the proposed personnel action may be viewed as HIRD or will likely create a chilling effect in the affected organization, or in other organizations, the Vice President (or designee) will direct the Line Manager to prepare a Chilling Effect Mitigation Plan (section 4 of form 41175) for Vice President (or designee) review and determination before taking any proposed personnel action.
- G. For NPG employees, if documentation indicates protected activity or the expression of a concern or differing view, the Line Manager proposing a personnel action under review may not take such action to the Fleet Consensus Call/discipline review unless the Vice President (or designee) has rendered a determination of "no objection."
- H. For employees outside of NPG, no proposed action may be initiated until the Vice President (or designee) has rendered a determination of "no objection."
- I. As a guideline, the process from completion of screening to VP approval, should be completed within five working days and be completed prior to any proposed action being taken to the Fleet Consensus Call / Discipline Review Process.

3.2.3 Review Process - Personnel Actions Impacting Contractors

NOTE	
<u>Responsible Party</u>	
Staff Augmented:	TVA Line Manager
Managed Task:	Technical Contract Steward along with the Contractor Manager/Representative

- A. The Responsible Individual(s) (see above) is responsible for initiating Form 41175 (Adverse Employment Action Review) and completing Section 1: Management Proposed Action Request. In the case of managed task contractor, line management should work with the vendor’s internal HR group to ensure the proposed action is consistent with vendor policy and past practice. After this form has been completed, the TVA Contract Technical Steward provides all forms, investigation and interview notes to TVA ER and jointly reviews the package.

(As described below, management may be additionally required to complete Section 4: Chilling Effect Mitigation Plan.)
- B. As with TVA employees, the TVA ER Representative shall perform an independent verification of the employee’s engagement in protected activity or the expression of concerns or differing views through the Employee Concerns Program and Problem Evaluation Reports (PERs). The ER Representative shall contact the NPG Employee Concerns Program regarding employee concern issues. The applicable ER Representative shall contact the Performance Improvement group, or validate through Maximo, to identify if PERs related to protected activity have been generated. The verification described above is to be documented by the ER Representative in Section 2, Employee Relations Review of form 41175.
- C. The TVA ER Representative ensures that the Vice President (or designee) reviews the package before action is taken and that Vice President Record of Action is completed. The Vice President (or designee) must review **all** proposed actions affecting Staff Augmented or Task Managed Contractors.
- D. For proposed actions brought for review to the Vice President (or designee), the Vice President will complete section 3: Vice President Record of Action. The Vice President (or designee) will consider all relevant information including any extenuating or mitigating information.

The Vice President (or designee) may:

- 1. Render a determination that he/she has no objection to the proposed action;
- 2. Render a determination that he/she objects to the proposed action; or
- 3. Inform the Line Manager that he/she has comments and/or questions on the proposed action, which preclude the issuance of any determination until resolved.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 10 of 22
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3.2.3 Review Process - Personnel Actions Impacting Contractors (continued)

- E. When the Vice President (or designee) reviews a proposed disciplinary action for a managed task contractor and determines that the proposed personnel action may be viewed as HIRD or will likely create a chilling effect in the affected organization, that Vice President (or designee) determination shall not be considered a direction by TVA to the employer of the task managed supplemental employee to take any specific personnel action, or to refrain from taking any specific personnel action, against the supplemental employee. Rather, the employer of the task managed contractor remains solely responsible for making final personnel decisions and taking lawful personnel actions affecting that employee. Under these circumstances, the Vice President (or designee) determination provides the employer with TVA's views about the proposed personnel action.
1. Nevertheless, if the employer of the managed task contractor disagrees with the determination of the Vice President (or designee), and intends to take the proposed action, TVA may take whatever actions permitted by law and contract to ensure compliance with NRC Employee Protection regulations (10 CFR 50.7), and procedure TVA-SPP 11.8.4, Expressing Concerns and Differing Views, to ensure the maintenance of a SCWE.
 2. If section 1, Management Proposed Action Request, reveals that the affected contractor has participated in Protected Activity or the expression of concerns or differing views, the Vice President review must specifically ensure that the Contractor has adequately considered and addressed any potential chilling effect associated with the proposed personnel action as specified in the Chilling Effect Mitigation Plan. If this review confirms that there are not any concerns of potential chilling effects, the Contractor has fulfilled the obligations of this procedure and is free to proceed with actions they deem appropriate.

NOTE

Nothing in this review process shall be construed or interpreted to mean that TVA is a co-employer, joint employer, or single employer of any task managed supplemental employee.

- F. If the Vice President (or designee) determines that the proposed personnel action may be viewed as HIRD or will likely create a chilling effect in the affected organization, or in other organizations, the Vice President (or designee) will direct the Line Manager or the Contract Technical Steward (in coordination with the Contractor) to prepare a Chilling Effect Mitigation Plan -section 4 of form 41175, (as applicable) for Vice President (or designee) review and determination before taking any personnel action.
- G. As a guideline, the process from completion of screening to VP approval (if required) should be completed within five working days.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 11 of 22
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4.0 RECORDS

4.1 QA Records

None

4.2 Non-QA Records

- A. Adverse Employment Action Review, (NPG-SPP-11.10-1)
- B. TVA NPG Disciplinary Action Consensus Call Fact Finding Summary, (NPG-SPP-11.10-2)
- C. Nuclear Employee Relations retains these completed forms.

5.0 DEFINITIONS

Adverse employment action - An act or action taken by an employer against an employee that works to the employee's detriment in some aspect of his or her employment. This could include a discharge, involuntary reduction in force, suspension and other actions that relate to compensation, terms, conditions, or privileges of employment.

Chilling effect - An environment where speech or conduct is suppressed by fear of penalization from an individual or group.

Discrimination - Treatment based on class or category rather than individual merit; partiality or prejudice.

Fleet Consensus Call/Discipline Review Process - NPG related activity to ensure proposed actions are challenged prior to those actions being taken.

Harassment - The act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands.

Intimidation - To make timid or fill with fear; to coerce or inhibit by threats

Line Manager - immediate supervisor

Managed Task Contractor - Contractors who are managed by a supplier providing services to TVA as defined by TVA.

NRC Employee Protection Requirements - Regulations (10 CFR 50.7) requiring NRC licensees to ensure that no employee is harassed, intimidated, retaliated or discriminated against for engaging in certain protected activities.

Protected Activity - Identifying an issue or expressing a concern about any aspect of nuclear plant construction or operation-related activities regulated by the NRC. The issue or concern can be communicated to co-workers, managers or supervisors, the Corrective Action Program (CAP), Quality Assurance (QA), the Employee Concerns Program, or the NRC. Examples of protected activities include raising nuclear safety or quality concerns to NRC or to TVA management at any level, raising the same to an Employee Concerns , and refusing to violate a safety-related procedure or technical specification.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 12 of 22
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5.0 DEFINITIONS (continued)

Retaliation - The act of taking revenge.

Safety Conscious Work Environment (SCWE) - An environment in which employees are encouraged to raise safety concerns both to their own management and to the NRC without fear of retaliation.

Staff Augmentation Contractor - Contractors who supplement the TVA workforce and are under the supervision of a TVA employee.

**Attachment 1
(Page 1 of 2)**

TVA 20374 Fact Finding Notes for Disciplinary Action

Fact Finding Notes for Disciplinary Action

Employee Information

Name (use Alias): Manager: Hire Date:

Department: Job Entry Date: Job Title:

ERC: Location: COC SQN WBN BFN Veteran: Yes No

Employee History

Previous Disciplinary Action: Yes No Previous Discipline Actions

Any Non-disciplinary Actions Yes No Actions Documented

Prior Service Review Information (3 Previous Years):

Year Year Year

Offenses and Disciplinary Guideline Information (in accordance with TVA-SPP-11.316)

Offense:

Disciplinary Guideline: Coaching Oral Warning Written Warning Suspension Termination

Summary of Situation (include all relevant information): Incident Date:

Recommended Level of Disciplinary Action

Coaching Oral Warning Written Warning

Suspension - Days _____ Termination

Comments:

History Of Similar Instances within NPG

<input type="button" value="Add Row to Table"/>			
<input type="button" value="Delete Row from Table"/>			
Date of Discipline Action	Disciplinary Action Taken	Location	Summary of Incident
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Supporting Information

What immediate actions were already taken?

What was the employee's rationale for the issue?

**Attachment 1
(Page 2 of 2)**

TVA 20374 Fact Finding Notes for Disciplinary Action

Name (use Alias):

If you answer "No" to any of the questions below, please provide an explanation:

- Was the employee on clear notice of any rules that were violated and/or was the employee warned in advance that such conduct would be subject to disciplinary action? Yes No
- Did the employee receive appropriate training on all aspects of the job? Yes No
- Were there witnesses and relevant parties interviewed about the event? Yes No

If you answer "Yes" to any of the questions below, please provide an explanation:

- Was Labor Relations and/or Legal contacted related to this incident? Yes No
- Was the action intentional/deliberate? Yes No
- Are there any mitigating circumstances (e.g., personal problems, emotional distress, unusual job tensions, etc.) that should be considered? Yes No
- Does the offense create notoriety upon or negatively impact the agency's reputation? Yes No
- Was a PER written to document this offense? (If yes, provide PER #.) Yes No



Prepared By:

Supervisor Name:	Supervisor Signature	Date:
<input type="text"/>	<input type="text"/>	<input type="text"/>

<u>Affirmed Disciplinary Action</u>	<u>Consensus Call Date:</u> _____
<input type="checkbox"/> Coaching <input type="checkbox"/> Oral Warning <input type="checkbox"/> Written Warning <input type="checkbox"/> Suspension - Days _____ <input type="checkbox"/> Termination	

For proposed suspensions and terminations, NPG-SPP-11.10, Adverse Employment Action, must be followed.

**Attachment 2
(Page 1 of 7)**

TVA 41175 Adverse Employment Action Review

TVA CONFIDENTIAL INFORMATION
ADVERSE EMPLOYEMENT ACTION REVIEW

SECTION 1: MANAGEMENT PROPOSED ACTION REQUEST FORM

Employee/Contractor Name:

SBU:

Location:

Department:

<input type="checkbox"/> <u>TVA Employee</u> <input type="checkbox"/> Termination <input type="checkbox"/> Suspension <input type="checkbox"/> Involuntary Reduction-In-Force <input type="checkbox"/> Involuntary Permanent Reassignment <input type="checkbox"/> Involuntary Directed Transfer <input type="checkbox"/> Denial or removal of Protected Area or Site Access	<input type="checkbox"/> <u>Staff Augmented or Managed Task Contractor</u> <input type="checkbox"/> Termination <input type="checkbox"/> Suspension <input type="checkbox"/> Unplanned or Premature Termination of Contract <input type="checkbox"/> For Cause Termination of Contract
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The purpose of the review is to ensure that proposed actions (1) are warranted; (2) do not occur because an individual has engaged in a protected activity; and, (3) do not create the perception that persons were retaliated against because they engaged in a protected activity. This does not mean that an individual who has engaged in a protected activity cannot be subject to potentially adverse actions for reasons not related to the employee's participation in such protected activity. It does mean that an individual cannot under any circumstances be retaliated against because that person engaged in such protected activity.

Screening questions

- Describe the proposed action and the basis for this action.
- To your knowledge has the affected Individual(s) engaged in protected activity? (e.g. identified a nuclear safety or quality concern?)

yes no

If yes, to you knowlege, has the individual performed any of the following:

- Raised issues to management (at any level)
- Written a concern using the PER process in the past 12 months
- Contacted the TVA Ombudsman
- Contacted external agencies
- Contacted the legal department
- Contacted OIG
- Contacted Employee Concerns
- Other explain:

- During the course of the affected individual(s) executing their duties and/or interfacing with peers, subordinates, or superiors, have they raised issues or concerns regarding nuclear safety, industrial safety, or environmental safety/compliance or workplace conditions (e.g. discrimination, hostile work environment, etc.)?

yes no do not know

If yes, please explain:

**Attachment 2
(Page 2 of 7)**

TVA 41175 Adverse Employment Action Review

TVA CONFIDENTIAL INFORMATION

ADVERSE EMPLOYEMENT ACTION REVIEW

SECTION 1: MANAGEMENT PROPOSED ACTION REQUEST FORM

4. What are the potential effects of the proposed action on the safety conscious work environment (willingness of employees to raise safety concerns)?
 yes no (N/A is not an acceptable response)
 If not, why not?

5. Describe actions taken to address or mitigate the potential chilling effect that may result from the proposed action.

6. How will you measure any effects (anticipated or otherwise) that the proposed action may have on the safety conscious work environment?

7. Is a communication plan warranted? If not, why not? If so, please summarize.

Certification: The above requested proposed action involving the individual(s) listed on this Form 1 (or as part of any associated attachment) is not related to any protected activity that the individual(s) may have engaged in, to the best of my knowledge and belief.

Supervisor Signature

Date

Supervisor Printed Name

Title

**Attachment 2
(Page 3 of 7)**

TVA 41175 Adverse Employment Action Review

TVA CONFIDENTIAL INFORMATION
ADVERSE EMPLOYMENT ACTION REVIEW

SECTION 2: HUMAN RESOURCES REVIEW FORM

Employee/Contractor Name:

SBU:

Location:

Department:

The information contained in this document pertains to a proposed action for employees of the following organizations:

Vendor (if applicable): Specify: _____

Who are/is the affected individual(s)? (An attached list is permissible)

_____	_____	_____
_____	_____	_____
_____	_____	_____

- Is the proposed action consistent with applicable Company policy, procedure or past practice?
 yes no
 Identify applicable policy/procedure; demonstrate consistency with past practice.
- (If applicable) Has the incident in question undergone fact-finding? yes no.
 If 'yes', summarize fact-finding; attached Fact Finding Summary/notes are acceptable. Ensure that statements or interview records are included in the documentation package. 'No' should only apply to the exclusions in Section 3.2.3.
- Has the affected individual(s) engaged in protected activity?
 yes no
 Consider issues raised to management (at any level), employee concerns, legal action, external agency concerns etc.
 Check the yes block if the individual has:
 * TVA Employee Relations must verify employee's activities in these areas.
 - Raised issues to management (at any level)
 - Written a concern using the PER process in the past 12 months*
 - Contacted the TVA Ombudsman
 - Contacted external agencies
 - Contacted the legal department
 - Contacted OIG
 - Contacted Employee Concerns in the past 12 months*
 - Other explain:
- Does the protected activity of the individual appear to be a contributing factor, even in part, in the recommendation to take the proposed action (if applicable)?
 yes no n/a

**Attachment 2
(Page 4 of 7)**

TVA 41175 Adverse Employment Action Review

**TVA CONFIDENTIAL INFORMATION
ADVERSE EMPLOYEMENT ACTION REVIEW**

SECTION 2: HUMAN RESOURCES REVIEW FORM

5. Is there any reason to believe that the affected individuals(s) will believe that the proposed action is being taken because of his/her protected activity (if applicable)?

yes no

If so, provide the basis.

6. Is there any reason to believe that the proposed action will result in a perception by others that the person's protected activity contributed to the decision to take the recommended action? In other words, does the proposed action have the potential to create a chilling effect in the workplace.

yes no

If so, identify the basis for the assessment and the organization that could be subjected to a chilling effect as well as an outline for a recommended chilling effect mitigation strategy.

Comments:

ER Professional Signature

Date

ER Professional Printed Name

Title

**Attachment 2
(Page 5 of 7)**

TVA 41175 Adverse Employment Action Review

TVA CONFIDENTIAL INFORMATION
ADVERSE EMPLOYMENT ACTION REVIEW
SECTION 3: VICE PRESIDENT RECORD OF ACTION FORM

Employee or **Contractor Name:** **SBU:**

Location: **Department:**

Case Summary (*Proposed Action, Basis, Affected Individual(s):*)

Review Conclusions:	Yes	No
The proposed action(s) are based on legitimate, non retaliatory reasons	☐	☐
The proposed action(s) are compliant with TVA policy, procedures and have duly considered past practices.	☐	☐
The proposed action(s) have the potential for creating a chilling effect.	☐	☐
It yes what mitigating actions are being implemented to address this potential?	☐	☐

Vice President (or designee) Determination:

Does not object to the proposed action.
 Does object to the proposed action.
 Unable to render a determination at this time because it lacks sufficient information, has unanswered questions, or for the reasons set forth below.

VP or Designee Signature	Date
VP or Designee Printed Name	Title

TVA 41175 Page 5 of 7 NPG-SPP-11.10-1 [12-19-2013]

TVA CONFIDENTIAL INFORMATION

**Attachment 2
(Page 6 of 7)**

TVA 41175 Adverse Employment Action Review

TVA CONFIDENTIAL INFORMATION

ADVERSE EMPLOYEMENT ACTION REVIEW

SECTION 4: CHILLING EFFECT MITIGATION PLAN

Background Information

1. Identify the proposed personnel action that you believe may have a chilling effect on workers.
2. Put yourself into the shoes of the workforce and identify the reasons why you believe workers may be "chilled" if this action proceeds. In other words, what will the decision look like to the workforce? How will the proposed action cause workers to be reluctant to raise nuclear safety concerns or engage in any other form of activity protected by law?
3. To what extent is the workforce aware of the subject individual's protected activity? Has this person openly discussed his/her concerns with the workforce?
4. What is the perception of the workforce about the nature of Company's response to this person's protected activity? Does the workforce believe that the person's concerns have been adequately addressed, downplayed, or ignored?
5. If the proposed action proceeds, what organizations will be affected by the decision? In other words, will the potential chilling effect be limited to the individual's immediate work group, or will the effect be more widely felt throughout the department, organization, site, or corporation?

Planned Mitigating Actions

After preparing draft answers to the Background questions, consult with your Human Resources representative, Communications Consultant (and TVA legal counsel, if necessary) to provide assistance and guidance in answering the following questions.

1. Describe the nature, timing, and contents of your first intended communication to the immediate work group concerning this action. In this communication, at a minimum, address the following topics:
 - (a) The action taken;
 - (b) Management's legitimate reasons for taking the proposed action;
 - (c) Management's support for employees who raise concerns; and
 - (d) Your availability to employees who have concerns and the availability of the other avenues for the raising of concerns.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 21 of 22
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**Attachment 2
(Page 7 of 7)**

TVA 41175 Adverse Employment Action Review

TVA CONFIDENTIAL INFORMATION

ADVERSE EMPLOYEMENT ACTION REVIEW

SECTION 4: CHILLING EFFECT MITIGATION PLAN

If appropriate under the circumstances, consider discussing the following:

- (e) The relevant standards and expectations to prevent a recurrence of the circumstances that led to the proposed action against the individual;
 - (f) The deliberate process that led up to the decision to take the action;
 - (g) The nature of the review(s) that preceded the decision to take the action; and
 - (h) The status of the individual's safety concern.
2. Describe the nature, timing, and content of any communications with persons beyond the individual's immediate work group, if warranted. If no such communications are planned, describe the reasons why they are not necessary.
 3. Describe the actions that you intend to take to determine if the workforce understood and accepted your initial communications. Preliminarily identify steps that may be required to reinforce your original message or to correct any misunderstandings.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0003 Page 22 of 22
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**Source Notes
(Page 1 of 1)**

Requirements Statement	Source Document	Implementing Statement
Employee Protection	10 CFR 50.7	C.1
TVA shall implement a process to review proposed licensee adverse employment actions at TVA's nuclear plant sites before actions are taken to determine whether the proposed action comports with employee protection regulations, and whether the proposed actions could negatively impact the SCWE.	Commitment Number 110991698	C.2
TVA shall implement a process to review proposed significant adverse employment actions by contractors performing services at TVA's nuclear plant sites before the actions are taken to determine whether the proposed action comports with employee protection regulations, and whether the proposed action could negatively impact the SCWE.	Commitment Number 110996203	C.3