

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 2 of 25
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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.

Table of Contents

1.0	PURPOSE	5
2.0	SCOPE	5
3.0	PROCESS	5
3.1	Roles and Responsibilities	5
3.1.1	Line Manager (TVA Employee Personnel Actions in the CNO & NGDC in the CNO & NGDC Organization).....	5
3.1.2	Employee Relations (ER) Staff (TVA Employee Personnel Actions).....	5
3.1.3	TVA Technical Contract Manager and Contractor Representative (Proposed Contractor Personnel Actions)	5
3.1.4	Legal Counsel:.....	6
3.2	Scope of Proposed Personnel Actions Requiring Review	6
3.2.1	TVA Employees	6
3.2.2	Supplemental Employees	6
3.2.3	Exclusions	6
4.0	INSTRUCTIONS	7
4.1	Proposed TVA Employee Personnel Action Process	7
4.2	Proposed Contractor Personnel Action Process.....	7
4.3	Scope of Vice President (or designee) Reviews.....	8
5.0	RECORDS	11
5.1	QA Records	11
5.2	Non-QA Records.....	11
6.0	DEFINITIONS	12
7.0	REFERENCES	13
7.1	Source Documents	13
7.1.1	Business Requirements.....	13
7.1.2	Requirements Documents	13
7.2	Developmental References.....	13
Attachment 1:	NPG-SPP-11.10-1 - Proposed Action Request Form 1.....	14
Attachment 2:	NPG-SPP-11.10-2 - Proposed Action Request Form 2.....	16
Attachment 3:	NPG-SPP-11.10-3 - Consensus Call Fact Finding Summary.....	18
Attachment 4:	NPG-SPP-11.10-4 - Proposed Action Screening Form	20

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 4 of 25
--	----------------------------------	---

Table of Contents (continued)

Attachment 5: NPG-SPP-11.10-5 - Vice President (or Designee) Record of Action 22

Attachment 6: NPG-SPP-11.10-6 - Chilling Effect Mitigation Plan..... 23

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 5 of 25
--	----------------------------------	---

1.0 PURPOSE

The purpose of this procedure is to implement a process to review proposed adverse employment actions concerning TVA employees and/or contractors before the actions are taken to determine whether the proposed actions comport 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). Accordingly, Nuclear Power Group (NPG) and New Generation Development and Construction (NGDC) shall implement this SPP at each operating and active construction nuclear plant site and at each organization’s corporate office.

2.0 SCOPE

The process defined in this procedure applies to the Nuclear Power Group Organization under the Chief Nuclear Officer (CNO) and the New Generation Development and Construction (NGDC) organization.

This procedure is applicable to all TVA employees and contractors working at each operating and active construction nuclear plant site, as well as TVA employees working at the NPG and NGDC corporate offices with the exceptions listed below.

This procedure does not apply to those operating and active construction nuclear plant site small contractors which work for one week or less per year at any such site and which employ 25 workers or less.

3.0 PROCESS

3.1 Roles and Responsibilities

3.1.1 Line Manager (TVA Employee Personnel Actions in the CNO & NGDC in the CNO & NGDC Organization)

Perform duties as described in this SPP.

3.1.2 Employee Relations (ER) Staff (TVA Employee Personnel Actions)

ER Staff is responsible for maintaining and processing documentation on all issues associated with this SPP. This includes the forms that the managers complete in addition to the form the ER Professional completes. Additionally, the ER Staff ensures consistency in disciplinary action based on similar offenses, and provides guidance and consultation regarding the discipline proposed, in accordance with SPP 11.3.16, Employee Discipline. Also, the ER staff is responsible for fulfilling other duties as is specified in this SPP.

3.1.3 TVA Technical Contract Manager and Contractor Representative (Proposed Contractor Personnel Actions)

Perform duties as described in this SPP.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 6 of 25
--	----------------------------------	---

3.1.4 Legal Counsel:

Responsible for attending discussion meetings as deemed appropriate by the Vice President (or designee) and/or Employee Relations Manager either by phone or in person, for purpose of providing privileged and confidential legal advice and for consulting with ER Representative on whether proposed actions are appropriate as described in this procedure.

3.2 Scope of Proposed Personnel Actions Requiring Review

3.2.1 TVA Employees

In accordance with this SPP, the line manager will review the following proposed personnel actions to determine whether the person has participated in protected activity:

- A. Disciplinary actions consistent with SPP 11.3.16, Employee Discipline
- B. Involuntary Reduction in Force (RIF)
- C. Involuntary Permanent Reassignments/Transfers
- D. Denial or removal of Protected Area of Site access unless upon a Fitness for Duty determination

3.2.2 Supplemental Employees

In accordance with this SPP, the Technical Contract Manager and Contractor Representative will review the following proposed personnel actions to determine whether the person has participated in protected activity:

- A. Terminations
- B. Suspensions
- C. Unplanned, premature or “for cause” termination of contract

3.2.3 Exclusions

- A. 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, such actions will be reviewed by the Vice President (or designee) within five (5) working days from the date such action is taken in accordance with the provisions herein.
- B. Temporary removals from duties 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 Vice President (or designee) review in accordance with the provisions herein.
- C. 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. 0001 Page 7 of 25
--	----------------------------------	---

4.0 INSTRUCTIONS

4.1 Proposed TVA Employee Personnel Action Process

- A. The Line Manager is responsible for completing the Proposed Action Request Form (PARF), Form 1 and Consensus Call Fact Finding Summary, Form 3. After these forms have been completed, the Line Manager must review the forms with the Employee Relations Professional. These two forms must be completed prior to items going to the fleet consensus call.
- B. If the PARF, Form 1 reveals that the employee has participated in a Protected Activity, then the PARF, Form 1 must be reviewed by the Vice President (or designee) before disciplinary action is taken. If the PARF, Form 1 reveals that the responsible line manager has no knowledge that the employee has participated in a Protected Activity, then it should not be reviewed with the Vice President (or designee), as long as the ER Professional's independent verification of no PERs or no Employee Concern issues raised aligns with the supervisor's PARF, Form 1. If the two forms differ (PARF Form 1 and Proposed Action Screening, Form 4), the ER professional and the responsible manager should resolve the conflicting information before proceeding. However, in NPG, the responsible manager is still obligated to review proposed adverse actions with the Vice President (or designee) prior to items being taken to the consensus call for alignment in accordance with standard practice at the applicable location.
- C. The ER Representative processes and maintains documentation on all Vice President (or designee) decisions and ensures consistency in disciplinary action based on similar offenses and ensures the discipline proposed is in accordance with SPP 11.3.16, Employee Discipline. Additionally, the ER Representative completes the Proposed Action Screening Form, Form 4. As part of completing the Proposed Action Screening Form 4, the ER Professional will do an independent verification of the employee's activity regarding Employee Concerns and PERs. The ER Professional should contact the Corporate Manager of NPG Employee Concerns regarding Employee Concern issues for NPG employees. For NGDC employees, the ER Professional should contact the Manager of NGDC Employee Concerns. The applicable ER Professional should contact the Site Performance Improvement Manger for employees located at the site to identify if PERs have been generated by NPG employees. For corporate nuclear employees, the ER professional should contact the Corporate Performance Improvement Manager to obtain this information. For NGDC employees, the ER Professional should contact the Performance Improvement Manager.
- D. For proposed actions brought for review to the Vice President (or designee), the Vice President will complete the Vice President (or designee) Record of Action Form (Form 5).

4.2 Proposed Contractor Personnel Action Process

- A. The TVA Technical Contractor Manager coordinates with the Contractor Representative in completing a PARF (Form 2) for the applicable contractor employee. After this form has been completed, the TVA Technical Contract Manager reviews the form with the TVA ER Representative. Subsequently, the ER Representative ensures a Vice President (or designee) review before action is taken.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 8 of 25
--	----------------------------------	---

4.2 Proposed Contractor Personnel Action Process (continued)

- B. If the PARF, Form 2 reveals that the employee has participated in a Protected Activity, then the PARF, Form 2 must be reviewed by the Vice President (or designee) before disciplinary action is taken. Additionally, if the PARF, Form 2 reveals that the Contractor Representative has no knowledge that the employee has participated in a Protected Activity, the appropriate VP (or designee) would still review the PARF Form 2 in order to ensure that the Contractor has adequately considered and addressed any potential chilling effect associated with a proposed personnel action under this procedure (see Form 6, Chilling Effect Mitigation Plan). If this is the case and there are not any concerns of potential chilling effects, the contractor representative has fulfilled the obligations of this procedure and is free to proceed with actions they deem appropriate.
- C. As with TVA employees, the ER Representative will do a independent verification of PERs and Employee Concerns from the person. The ER Professional should contact the Corporate Manager of NPG Employee Concerns regarding Employee Concern issues for NPG contract employees. For NGDC contract employees, the ER Professional should contact the Manager of NGDC Employee Concerns. The applicable ER Professional should contact the Site Performance Improvement Manger for contract employees located at the site to identify if PERs have been generated by NPG contract employees. For corporate nuclear contract employees, the ER professional should contact the Corporate Performance Improvement Manager to obtain this information. For NGDC contract employees, the ER Professional should contact the Performance Improvement Manager. Additionally, the ER Professional completes Form 4.
- D. As stated in Item B above, the Vice President must review actions before they are taken. As a result, the Vice President Record of Action Form should be completed. As with TVA Employees, the ER Professional should maintain copies of the decision of the Vice President and of all other information in relation to the action taken as with a TVA employee.

4.3 Scope of Vice President (or designee) Reviews

- A. TVA Employees
 - 1. In accordance with this SPP, the Vice President (or designee) will review the following proposed personnel actions if the person has participated in a Protected Activity:
 - a. Disciplinary actions consistent with SPP 11.3.16, Employee Discipline
 - b. Involuntary Reductions-in-Force (RIF)
 - c. Involuntary Permanent Reassignments/Transfers
 - d. Denial or removal of Protected Area or Site access unless based upon a Fitness For Duty determination

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 9 of 25
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4.3 Scope of Vice President (or designee) Reviews (continued)

B. Supplemental Employees

1. In accordance with this SPP, the Vice President (or designee) will review the following proposed personnel actions if the person has participated in a Protected Activity:
 - a. Terminations
 - b. Suspensions
 - c. 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, such actions will be reviewed by the Vice President (or designee) within five (5) working days from the date such action is taken in accordance with the provisions herein.
2. Temporary removals from duties with pay, administrative suspensions with pay and benefits, 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 Vice President (or designee) review in accordance with the provisions herein.
3. Fitness For Duty actions based on confirmed positive drug or alcohol test results or matters of regulatory granting/revocation of access determinations.

D. Vice President (or designee) Action

1. The process consists of the following steps:
 - a. Preparation - The Line Manager must complete PARF (Form 1) and the Consensus Call Fact Finding Summary (Form 3) (for NPG Line Managers) for TVA employees. The Technical Contract Manager must complete PARF (Form 2) for contractor employees.
 - b. Screening prior to review with Vice President (or designee) - The documents described in this process will be provided to the ER Representative by the applicable responsible person to ensure a thorough/correct review prior to being reviewed by the Vice President or (designee).

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 10 of 25
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4.3 Scope of Vice President (or designee) Reviews (continued)

- c. The Employee Relations 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 Company policies, procedures, and practices. The applicable Employee Relations Representative will complete a Proposed Action Screening Form (Form 4).
- d. Vice President (or designee) Case Review
 - (1) All required documents will be provided to the Vice President (or designee).
 - (2) The Vice President (or designee) will consider all relevant information including any extenuating or mitigating information.
 - (3) The Vice President (or designee) may:
 - Render a determination that he/she has no objection to the proposed action;
 - Render a determination that he/she objects to the proposed action; or
 - Inform the Line Manager or Technical Contract Manager that he/she has comments and/or questions on the proposed action, which preclude the issuance of any determination.
- e. In NPG, the Line Manager proposing a personnel action under review may not take such action to the Fleet Consensus Call unless the Vice President (or designee) has rendered a determination that it has “no objection.”
- f. If the Vice President (or designee) determines that the proposed personnel action may be viewed as harassment, intimidation, retaliation, or discrimination (HIRD) or likely to create a chilling effect in the affected organization, or in other organizations, the Vice President (or designee) will direct the Line Manager or the Technical Contract Manager (in coordination with the Contractor Representative) to prepare an alternative action proposal and/or a chilling effect mitigation plan (as applicable) for Vice President (or designee) review and determination before taking any personnel action. A suggested outline of a chilling effect mitigation plan appears as Form 6.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 11 of 25
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4.3 Scope of Vice President (or designee) Reviews (continued)

2. Vice President (or designee) Determinations Affecting Supplemental Employee
 - a. When the Vice President (or designee) reviews a proposed disciplinary action for a supplemental employee resulting in a suspension or termination, and it renders a determination as provided in the paragraph immediately above, that Vice President (or designee) determination shall not be considered a direction by TVA Nuclear Power Group, to the employer of the 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 supplemental employee remains solely responsible for making final personnel decision and taking lawful personnel action 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 supplemental employee 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 (10CFR50.7), and procedure TVA-SPP 11.8.4, Expressing Concerns and Differing Views and to ensure the maintenance of a SCWE.
 - (2) Nothing in this Vice President (or designee) review process shall be construed or interpreted to mean that TVA Nuclear Power Group is a co-employer, joint employer, or single employer of any supplemental employee.
3. Vice President (or designee) determinations will be documented on the Vice President (or designee) Record of Action Form (Form 5).
4. As a guideline, the process from completion of screening to determination should be completed within five (5) working days and be completed prior to any proposed action being taken to the Fleet Consensus Call.

5.0 RECORDS

5.1 QA Records

None

5.2 Non-QA Records

- A. Proposed Action Request Form, Form 1 (TVA Employee) (NPG-SPP-11.10-1)
- B. Proposed Action Request Form, Form 2 (Supplemental Employee or Contractor) (NPG-SPP-11.10-2)
- C. TVA NPG Consensus Call Fact Finding Summary, Form 3 (NPG-SPP-11.10-3)

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 12 of 25
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5.2 Non-QA Records (continued)

- D. Proposed Action Screening Form, Form 4 (NPG-SPP-11.10-4)
- E. Vice President (or Designee) Record of Action, Form 5 (NPG-SPP-11.10-5)
- F. Chilling Effect Mitigation Plan, Form 6 (NPG-SPP-11.10-6)

6.0 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.

NRC Employee Protection Requirements (10CFR50.7) - Can be summarized as prohibiting discrimination by an NRC licensee, an applicant for an NRC license, or a contractor or subcontractor of an NRC licensee or applicant against an employee for engaging in certain protected activities.

Protected Activity - The engaging in or exercising of a right that is protected by law. 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 representative, and refusing to violate a safety-related procedure or technical specification. Likewise, TVA-SPP 11.8.4, Expressing Concerns and Differing Views encourages the voluntary expression of concerns and differing views (not limited to nuclear safety or quality issues) and protects TVA and contractor employees from any form of reprisal because the employee expressed a concern or differing view.

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.

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

Retaliation - The act of taking revenge.

Discrimination - Treatment of consideration based on class or category rather than individual merit; partially or prejudice.

Chilling effect - Describes a situation where speech or conduct is suppressed by fear of penalization at the interests of an individual or group.

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

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 13 of 25
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7.0 REFERENCES

7.1 Source Documents

7.1.1 Business Requirements

10 CFR 50.7, Employee Protection

Commitment Number 110991698

Commitment Number 110996203

7.1.2 Requirements Documents

None

7.2 Developmental References

TVA-SPP 11.8.4, Expressing Concerns and Differing Views

SPP 11.3.16, Employee Discipline

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 14 of 25
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**Attachment 1
(Page 1 of 2)**

NPG-SPP-11.10-1 - Proposed Action Request Form 1

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

PROPOSED ACTION REQUEST FORM (PARF)(FORM1)

Proposed Action

TVA Employee

- Disciplinary Action - Termination, Suspension, Written Warning, Oral Warning (Circle Appropriate)
- Involuntary Reduction-in-Force
- Involuntary Permanent Reassignment
- Involuntary Permanent Transfer
- Denial or removal of Protected Area or Site Access
- Other Adverse Actions which may be deemed by the Vice President or Designee in its sole discretion warranting a review.
Specify _____.

Note: This is a confidential document and must be handled accordingly.

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 the 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

1. This proposed action affects the following individual(s):

2. Describe the proposed action and the basis for this action:

3. To your knowledge has the affected individual(s) engaged in protected activity? (e.g., identified a nuclear safety or quality concern?)
 yes no?

Note: Check the line if the individual has (to your knowledge)

- a. Raised issues to management (at any level) _____
- b. Written a concern using the PER process in the past 6 months _____
- c. Contacted the TVA Ombudsman _____
- d. Contacted external agencies _____
- e. Contacted the legal department _____
- f. Contacted OIG _____
- g. Contacted Employee Concerns _____
- h. Other explain _____

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 15 of 25
--	----------------------------------	--

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

NPG-SPP-11.10-1 - Proposed Action Request Form 1

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

PROPOSED ACTION REQUEST FORM (PARF)(FORM1)

4. 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.

4. Have you considered the potential effects of the proposed action on the safety conscious work environment (willingness of employees to raise safety concerns)?

5. If not, why not?

6. Describe any actions taken to address the potential chilling effect that may result from the proposed action.

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

8. 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

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 16 of 25
--	----------------------------------	--

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

NPG-SPP-11.10-2 - Proposed Action Request Form 2

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

PROPOSED ACTION REQUEST FORM (PARF)(FORM 2)

Proposed Action

Supplemental Employee or Contractor

- Termination
- Suspension
- Unplanned or Premature Termination of Contract
- For Cause Termination of Contract
- VP in his/her sole discretion warranting a review
- Specify _____

Note: This is a confidential document and must be handled accordingly.

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 the 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

1. This proposed action affects the following individual(s) or contractor:
2. Describe the proposed action and the basis for the action:
3. To your knowledge has the affected individual(s) engaged in protected activity? (e.g., identified a nuclear safety or quality concern?)
 yes no?

- Note: Check the line if the individual has (to your knowledge)
- a. Raised issues to management (at any level) _____
 - b. Written a concern using the PER process in the past 6 months _____
 - c. Contacted the TVA Ombudsman _____
 - d. Contacted external agencies _____
 - e. Contacted the legal department _____
 - f. Contacted TVA OIG _____
 - g. Contacted Employee Concerns _____
 - h. Other explain _____

4. 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

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 17 of 25
--	----------------------------------	--

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

NPG-SPP-11.10-2 - Proposed Action Request Form 2

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

PROPOSED ACTION REQUEST FORM (PARF)(FORM 2)

5. Have you considered the potential effects of the proposed action on the safety conscious work environment (willingness of employees to raise safety concerns)?

6. If not, why not?

7. Describe any actions taken to address the potential chilling effect that may result from the proposed action.

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

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

Certification: The above requested proposed action involving the individual(s) (or contractor) listed on this Form 2 (or as part of any associated attachment) is not related to any protected activity that the individual(s) (or contractor) may have engaged in, to the best of my knowledge and belief.

Contractor Representative Signature

Date

Contractor Representative Printed Name

Title

**Attachment 3
(Page 1 of 2)**

NPG-SPP-11.10-3 - Consensus Call Fact Finding Summary

**Attachment 3
(Page 1 of 2)
Consensus Call Fact Finding Summary (Form 3)**

Date: _____

Employee Name:	
Supervisor Name:	
Manager/Director Name:	
ER Consultant Name:	
Department:	
Job Title:	
Location:	
Hire Date:	
Job Date:	
Veteran?	
PER #:	
Issue Type:	

1. What is the issue? How was it identified? What is the nature and seriousness of the offense?
2. What immediate actions have been taken prior to this investigation?
3. What is the relevant chronological sequence of events concerning the issue:
4. Have all witnesses and relevant parties (including the employee in question) been interviewed and statements taken? (Y/N) If yes, then list below:

WITNESS	TITLE	ROLE

5. What was the employee's rationale for the issue?
6. Was the employee clearly on notice of any rules that were violated and/or had the employee been warned in advance that such conduct would be subject to disciplinary action?
7. Is there substantial evidence that the employee violated a policy or performed poorly? If so, please describe the evidence?
8. Did the employee receive appropriate training on all aspects of the job?
9. Provide a chronological summary of previous discipline/recognition that has been documented:
10. Is this performance consistent with previous performance reviews? Why or why not?

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 19 of 25
--	----------------------------------	--

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

NPG-SPP-11.10-3 - Consensus Call Fact Finding Summary

**Attachment 3
(Page 2 of 2)
Consensus Call Fact Finding Summary (Form 3)**

11. Is the corrective action being considered reasonably related to the seriousness of the offense and/or disciplinary action taken with other employees who have committed similar offenses?
12. Provide a review of employee's attendance record for sick and annual leave:
13. Has an Incident Decision Tree been reviewed and completed regarding this offense? (please attach a copy)
14. What section of the Employee Discipline Policy is applicable?
15. Are the recommended actions consistent with the [TVA EMPLOYMENT Policy Number 16 -Employee Discipline](#) regarding similar offenses?
16. Are there mitigating circumstances surrounding this offense?
17. What is the notoriety or its impact upon the agency's reputation?
18. Was a PER written to document this event? Was a root cause evaluation completed? If so, please identify the PER number and summarize the root cause.
19. Have Labor Relations (if applicable) and/or Legal been contacted related to this incident? If so, explain their counsel. If not, explain why not applicable to contact LR/OGC.
20. What actions are recommended?

Prepared by: _____ Date: _____

**Attachment 4
(Page 1 of 2)**

NPG-SPP-11.10-4 - Proposed Action Screening Form

**Attachment 4
(Page 1 of 2)**

PROPOSED ACTION SCREENING FORM 4

Employee Name: _____
Date: _____

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

___ [Insert name of site]
 ___ Supplemental Organization (if applicable): Specify _____

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

1. Is the proposed action consistent with applicable Company policy, procedure or past practice? ___yes ___no. Identify applicable policy/procedure; demonstrate consistency with past practice.

2. (If applicable) Has the incident in question undergone fact-finding? ___yes ___no. If yes, summarize fact-finding; attached Fact Finding Summary/notes are acceptable.

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. Note: Check the yes block if the individual has:

- a. Raised issues to management (at any level) _____
- b. Written a concern using the PER process in the past 6 months _____
- c. Contacted the TVA Ombudsman _____
- d. Contacted external agencies _____
- e. Contacted the legal department _____
- f. Contacted OIG _____
- g. Contacted Employee Concerns _____
- h. Other explain _____

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 22 of 25
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**Attachment 5
(Page 1 of 1)**

NPG-SPP-11.10-5 - Vice President (or Designee) Record of Action

Vice President (or Designee) Record of Action Form (Form 5)

Employee Name _____ **Date** _____

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

Review Conclusions:

The proposed action(s) are based on legitimate, non retaliatory reasons. ___yes___no

The proposed action(s) are compliant with TVA policy, procedures and have duly considered past practices. ___yes___no

The proposed action(s) have the potential for creating a chilling effect. ___yes___no

If 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

Printed Name

Job Title

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 23 of 25
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**Attachment 6
(Page 1 of 3)**

NPG-SPP-11.10-6 - Chilling Effect Mitigation Plan

Chilling Effect Mitigation Plan (Form 6)

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?

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 24 of 25
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**Attachment 6
(Page 2 of 3)**

NPG-SPP-11.10-6 - Chilling Effect Mitigation Plan

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.

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.

NPG Standard Programs and Processes	Adverse Employment Action	NPG-SPP-11.10 Rev. 0001 Page 25 of 25
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**Attachment 6
(Page 3 of 3)**

NPG-SPP-11.10-6 - Chilling Effect Mitigation Plan

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.