



**NPG Standard Programs and Processes**

**Adverse Employment Action and the Executive Review Board**

**NPG-SPP-01.7.4  
Rev. 0009**

Quality Related       Yes       No

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**Revision Log**

<b>Revision or Change Number</b>	<b>Effective Date</b>	<b>Affected Page Numbers</b>	<b>Description of Revision/Change</b>
<p align="center">7</p>	<p align="center">09/25/2020</p>	<p>6, 9-10, 15, 21, 24, 27, 29-36</p>	<p>Added Non-FFD to denial of access in Non-ERB for consistency to ERB form.</p> <p>Added definition for temporary suspension with pay, and included on forms.</p> <p>Modified forms TVA 41647, 41651, 41753 due to ERB inputs - to human factor and eliminate confusion on some questions and for signature requirements. No changes to wording intent.</p>
<p align="center">8</p>	<p align="center">08/26/2021</p>	<p>5-39, 44</p>	<p>Revised throughout to explain the role and authority of the ERB, which is limited to 50.7 and SCWE considerations, and to reinforce that the responsible manager is making the decision on the action.</p> <p>Removed 'proposed' from AEAs to prevent misinterpretation of ERB approval.</p> <p>Added ECP review of Non-ERB AEA forms.</p> <p>Revised language regarding 'responsible manager,' 'CTS,' and Contractor HR' to reflect responsibilities.</p> <p>Modified language to clarify that the facilitation of the ERB meeting can be delegated to the Plant Support Director or COC NSCMP Chairperson.</p> <p>Revised language for timely execution of ERB to allow for exceptions where there is a valid reason</p> <p>Added SCWE screening considerations &amp; requirement for SCWE mitigation plans for suspensions and terminations, with rare exceptions.</p> <p>Added section 3.2.7 for SCWE Mitigation Actions.</p> <p>Revised definition of pulsing surveys to ensure performer is not cause of issue being pulsed.</p> <p>Modified forms TVA 41647, 41651, 41753 to incorporate above changes, added NA blocks.</p> <p>Deleted "Commitment 118252450" from the Source Document section of Source Note C.1, as it was closed without documentation as not a true regulatory commitment.</p> <p>Other administrative corrections and enhancements were made that did not change intent.</p>

**Revision Log**

<b>Revision or Change Number</b>	<b>Effective Date</b>	<b>Affected Page Numbers</b>	<b>Description of Revision/Change</b>
<p align="center">9</p>	<p align="center">01/11/2023</p>	<p>6-9, 11-19, 21-30, 32-40, 42</p>	<p>Removed 'proposed' and corrected 'employment' in the term adverse employment action throughout the procedure for consistency with prior revision.</p> <p>Clarified scope language and purpose of ERB to reflect limitation of scope of ERB review.</p> <p>Added bullet clarifying that the ERB relies on information provided or requested and cannot conduct an independent investigation, with a reference to new procedure TVA-SPP-25.011, Enterprise Investigations.</p> <p>Removed ambiguity referring to contractors 'outside of TVA Nuclear.'</p> <p>Removed 'Discipline Review Process' definition as this phrase does not appear in the document.</p> <p>Added 'No-fault Terminations of Employment are also known as No Fault Separation Agreements.'</p> <p>Added explanation of use of 'Veteran' checkbox for compliance with TVA's federal veterans' preference requirements.</p> <p>Other administrative corrections and enhancements were made that did not change intent.</p> <p>Modified forms TVA 41647, 41651, 41753 to incorporate above changes.</p>

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**1.0 PURPOSE**

The purpose of this procedure is to provide guidance for managers to perform the following:

- A. Execute the Executive Review Board (ERB) Process for adverse employment actions (AEAs) requiring an ERB before the action is taken. [R.2] [R.7] [R.8]
- B. Execute the non-ERB review for AEAs that require non-ERB review before the action is taken. [R.2] [R.7] [R.8]
- C. The purpose of the ERB or non-ERB review is to independently review:
  - 1. Whether, based on the information presented, the responsible manager has a valid, non-retaliatory business reason for the AEA
  - 2. the responsible manager’s determination of whether there are potential negative Safety Conscious Work Environment (SCWE) impacts, if the AEA could be perceived as retaliatory by the workforce, despite its legitimacy, or have other individual or organizational impacts on SCWE, and [C.1] [R.3] [R.7] [R.8]
  - 3. the SCWE Mitigation Plan developed to mitigate the potential impact. [C.1] [R.3] [R.7] [R.8]
- D. The ERB or non-ERB review does not have authority to change or modify the AEA or review it for compliance with other procedures or regulations besides 10 CFR § 50.7, “Employee Protection,” and related SCWE impacts. The responsible manager shall consult the applicable procedures and appropriate personnel (such as HR or OGC) and decide on the adverse employment action prior to completing forms required for an ERB or non-ERB Review. For TVA employees, this may include, but is not limited to, the following: the TVA Code of Conduct; the TVA Employee Handbook; TVA-SPP-11.316, Employee Discipline; TVA-SPP-11.209, Veteran and Military Reservist; TVA-SPP-11.210, Reduction-In-Force; or TVA-SPP-11.705, Disability Programs. [R.3] [R.7] [R.8]
- E. The ERB or non-ERB review can only make the following determinations:
  - 1. the SCWE screen and mitigation plan (if applicable) is sufficient for the responsible manager to proceed with the action; or
  - 2. the SCWE screen and mitigation plan (if applicable) requires additional information or needs modification before the responsible manager can proceed with the action; or
  - 3. in exceptional situations where the ERB identifies an issue outside its scope of review, the matter will be referred back to the responsible manager for additional consideration outside the ERB process, for example, under TVA-SPP-25.011, TVA Enterprise Investigations or other procedures, as appropriate.

**2.0 SCOPE**

- A. Applies to TVA Nuclear and non-nuclear employees assigned to support the TVA Nuclear sites specified by license number in Confirmatory Order, EA-17-022 and with job duties subject to NRC jurisdiction.
- B. Applies to TVA Nuclear contractors working at TVA Nuclear sites or TVA corporate offices, and to non-nuclear contractors working in support of TVA that are stationed at a TVA Nuclear site.
- C. Provides guidance for mitigation strategies for the negative impacts of the SCWE to the workforce, resulting from personnel action.
- D. Provides guidance for a generic one-time ERB, for health type issues such as COVID-19, that allows for repetitive documentation while ensuring review of adverse employment action requirements are met.

**Review Cadence:** This procedure is reviewed at least once every four years, (+3 months), with the review documented in the Validation Date and Validated By fields on the SPP cover sheet.

**3.0 PROCESS**

**3.1 Roles and Responsibilities**

**3.1.1 TVA Employees**

- A. AEAs impacting TVA Nuclear employees that require ERB review prior to taking the personnel action are termed ERB - adverse employment action. Reference Definitions for terms. [R.3]

<b>ERB Adverse Employment Actions (TVA Employees Only)</b>	
Suspensions (one or more days off without pay)	Terminations For Cause
Involuntary Reduction in Force	No-fault Terminations of Employment
Involuntary Demotion	

- B. AEAs impacting TVA Nuclear employees that require management review documented in TVA forms 41753 and 41647, but do not require an ERB are termed non-ERB adverse employment action. Management may elect to have these and other employee actions reviewed by ERB, as they deem necessary. If an ERB is held for a non-ERB adverse employment action, the documentation requirements will be the same as those for ERB adverse employment actions. Reference Definitions for terms.

<b>Non-ERB Adverse Employment Actions (TVA Employees Only)</b>	
Voluntary Demotion	Denial of Promotion
Unfavorable Performance Appraisal	Transfer to a Less Desirable Job
Denial of Access (non-FFD related)	Other Performance Management Actions
Temporary Suspension from Duty with Pay Pending Investigation	

**3.1.2 TVA Contractors**

- A. AEs impacting TVA Nuclear contractors that require ERB review prior to taking the personnel action are termed significant adverse employment action. Reference Definitions for terms. [R.3] [R.8]

<b>Significant Adverse Employment Actions (Contractors Only)</b>	
Suspensions (one or more days off without pay)	Terminations For Cause

- B. AEs impacting TVA Nuclear contractors that require management review documented in TVA forms 41753 and 41647, but do not require an ERB are termed non-ERB Significant adverse employment actions. Reference definition for terms.

<b>Non-ERB Significant Adverse Employment Actions (Contractors Only)</b>	
Denial of Access (non-FFD related)	

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**3.1.3 Executive Review Board (ERB)**

Unless specified, the ERB process applies to both TVA employees and Contractors as described in § 2 of this procedure, “Scope,” on page 7.

- A. Evaluates whether, based on the information available, the responsible manager has a valid, non-retaliatory business reason for the AEA.. [C.1]
- B. Approves SCWE mitigation plans, including follow-up actions, as necessary.
- C. Determines whether follow-up actions, such as Pulsing Surveys, are necessary. [R.6]
- D. Reviews the responsible manager’s description of the AEA, before it is taken, to:
  - 1. assess the responsible manager’s determination of whether the AEA could be perceived as negatively impacting any individual or organizational aspects of SCWE; could cause a potential chilling effect; or could be perceived as retaliatory, independent of the legitimacy of the action;
  - 2. confirm that the responsible manager has described in the ERB forms the non-privacy related facts underlying the violation and stated which policy or procedure was the basis for the action;
  - 3. evaluate the risk of perceptions of retaliation or other chilling effects, despite the legitimacy of the action, when compared to recent actions that may be incorrectly perceived as happening under similar circumstances; and
  - 4. confirm that the responsible manager, in consultation with HR, has evaluated whether the AEA is consistent with recent disciplinary actions taken in similar circumstances in accordance with TVA discipline policy. [C.1] [R.2] [R.7] [R.8]
- E. Deliberates on the AEA as presented and maintains confidentiality of information.
- F. Relies on the information available during the ERB process and does not have authority to conduct an independent investigation, but can refer the matter for additional investigation under TVA-SPP-25.011, TVA Enterprise Investigations, or other applicable procedures, or request that the manager provide additional information.
- G. ERB Chairperson is responsible for
  - 1. The execution of the ERB process as described in this procedure.
  - 2. Ensuring the ERB is chaired by a TVA Vice President or above. The chairperson may delegate the conduct of an ERB meeting to the Plant Support Director or the COC NSCMP Chairperson. [R.2]
  - 3. Determining whether additional attendees may attend and which portions of the ERB they may attend.

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**3.1.3 Executive Review Board (ERB) (continued)**

H. Site ERB

Composed of the following members (\* represents quorum required):

1. \*Chairperson - Site Vice President, or delegate that is VP or higher
2. \* Plant Support Director, or delegate
3. \* Employee Concerns Representative (Not a voting member)
4. \* HR Manager, or delegate
5. \* Contractor or Vendor Representative, for contractors only (Not a voting member)
6. \* Office of General Counsel
7. Additional members, as authorized by the Site ERB Chairperson

I. Corporate ERB

Composed of the following members (\* represents quorum required):

1. \* Chairperson - Senior Vice President Engineering and Operations Support or Senior Vice President Nuclear Operations, or delegate that is VP or higher
2. \* Nuclear Safety Culture Monitoring Panel Chairperson, or delegate
3. \* Corporate Manager HR, or delegate
4. \* Contractor or Vendor Representative, for contractors only
5. \* Senior Manager Employee Concerns, or delegate (not a voting member)
6. \* Office of General Counsel
7. Additional members, as authorized by the Corporate ERB Chairperson

**3.1.4 Plant Support Director (Site) / Nuclear Safety Culture Monitoring Panel (NSCMP) Chairperson (Corporate)**

Plant Support Director (Site) roles and responsibilities can be delegated, as approved by the Site Vice President.

NSCMP Chairperson (Corporate) roles and responsibilities can be delegated, as approved by the Senior Vice President Engineering and Operations Support.

- A. Maintains oversight for execution of this procedure and process.
- B. Ensures the applicable Contractor or Vendor management representative is notified and involved in discussions, when their ERB participation is required.

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**3.1.4 Plant Support Director (Site) / Nuclear Safety Culture Monitoring Panel (NSCMP) Chairperson (Corporate) (continued)**

- C. Reviews all documentation for thoroughness and accuracy prior to the ERB.
- D. Coordinates scheduling ERB date and time with ERB Chairperson and quorum members.
- E. Facilitates review during the ERB, including ERB participant readiness prior to holding the ERB.
- F. Reviews Non-ERB adverse employment actions to assess the responsible manager's determination of whether the AEA could be perceived as negatively impacting any individual or organizational aspects of SCWE; could cause a potential chilling effect; or could be perceived as retaliatory, independent of the legitimacy of the action.
- G. Approves SCWE mitigation screens/plans for non-ERB adverse employment actions.
- H. Determines whether follow-up actions are necessary for SCWE mitigation plans deemed necessary by the line manager or CTS for non-ERB adverse employment actions.
- I. Ensures completion of the SCWE Mitigation Plan before the ERB package is submitted for recordkeeping.
- J. Reviews completed ERB documentation for completeness and accuracy, with required approvals, prior to submitting to Human Resources for recordkeeping.

**3.1.5 TVA Nuclear Line Manager (TVA Employees Only)**

- A. Responsible for initiating this process for TVA employees including fact finding investigation of the incident (TVA form 41656). Line manager may utilize an independent investigation to support the fact-finding effort.
- B. Consults with subject matter experts such as the TVA Corporate Performance Improvement (PI) group and other TVA managers to help identify protected activity.
- C. Determine whether an employee is eligible for veterans' preference in consultation between TVA management, HR, and OGC, as appropriate. Reference TVA-SPP-11.209, Veteran and Military Reservist, § 3.2.6.
- D. Consults with the Plant Support Director / NSCMP Chairperson, or delegate, prior to scheduling the ERB.
- E. Provides information as requested by the ERB members, to include preparation of documentation for ERB and non-ERB adverse employment actions as applicable.
- F. Tracks SCWE Mitigation and other actions, as required.
- G. Upon completion of SCWE mitigation plan, notify Plant Support Director (site) or NSCMP chairperson (corporate) that all SCWE mitigation actions have been completed, all follow up actions have been completed, and whether any additional follow up actions are or are not required.

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### 3.1.6 TVA Nuclear Human Resources (HR)

- A. Maintains documentation associated with this procedure to ensure confidentiality, including forms, interviews, and investigation notes.
- B. Monitors for consistency in disciplinary actions based on similar offenses and provides guidance and consultation regarding the responsible manager's discipline decision for TVA Nuclear employees, in accordance with TVA-SPP-11.316, Employee Discipline. HR will provide similar guidance and consultation regarding TVA-SPP-11.210, Reduction in Force, and labor agreements.
- C. Coordinates with the appropriate Business Unit HR Partnership for non-nuclear employees covered by this process.
- D. Identifies and informs the ERB of any protected activity of which they are aware.
- E. Determine whether an employee is eligible for veterans' preference in consultation between TVA management, HR, and OGC, as appropriate. Reference TVA-SPP-11.209, Veteran and Military Reservist, § 3.2.6.
- F. Generates quarterly reports indicating the number of ERBs held by location, any trends in a particular type of adverse employment action and disciplinary action, and the number of SCWE Mitigation Plans implemented and any trends identified, and provides the report to the NSCMP Chairperson and Nuclear Safety Culture Peer Team (NSCPT) Chairperson, as described in NPG-SPP-01.7.2, Nuclear Safety Culture Monitoring. [R.4] [R.5]
- G. Maintains and processes all ERB documentation, in accordance with this procedure. Reference the section of ERB Recordkeeping.
- H. Ensures the Contractor / Vendor HR Representatives are aware of and understand their roles pertaining to this procedure and process.

### 3.1.7 Contractor or Vendor Human Resources (TVA Contractors Only)

- A. For Contractor or Vendor employees Contractor / Vendor HR will work jointly with TVA Nuclear HR to ensure adherence to the requirements of this procedure.
- B. Assists the responsible contractor manager in maintaining compliance with other applicable contractor requirements outside the ERB or non-ERB SCWE review and provides information on previous AEAs in circumstances which may be perceived to be similar by the workforce.
- C. Identifying and informing the TVA Nuclear HR and the ERB of any protected activity of which they are aware.
- D. Prepare documentation for ERB and non-ERB review of potential work environment implications of Contractor / Vendor personnel action.
- E. Review all documentation for thoroughness and accuracy prior to the ERB.
- F. Follows up on actions from SCWE Mitigation Screen/Plan, as required.

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**3.1.8 TVA Contract Technical Steward (CTS) / CTS Supervisor and Contractor Representative (Vendor or Project Manager) - TVA Contractors Only**

CTS and CTS Supervisor are used interchangeably and should be determined for each situation based on the knowledge of the subject individuals relevant work activities.

- A. Reviews Contractor or Vendor actions to ensure compliance with procedural requirements.
- B. Initiates investigations of incidents involving contract personnel, including fact finding and initiation of the appropriate forms.
- C. Consults with subject matter experts such as TVA Corporate PI group, Contractor or Vendor management, and other TVA managers to help identify protected activity.
- D. Identifies and informs the ERB of any protected activity they are aware.
- E. Follows up on actions from SCWE Mitigation Screen / Plan as required.

**3.1.9 Office of General Counsel**

- A. Provides privileged and confidential legal advice to the ERB on interpretation of and compliance with legal and regulatory requirements.
- B. Identifies and informs the ERB of any protected activity that OGC is aware of.

**3.1.10 Employee Concerns Program (ECP) Representatives**

ECP is not a voting member of the ERB.

- A. Reviews non-ERB adverse employment actions to assess the responsible manager's determination of whether the AEA could be perceived as negatively impacting any individual or organizational aspects of SCWE; could cause a potential chilling effect; or could be perceived as retaliatory, independent of the legitimacy of the action.
- B. Provides perspectives on SCWE, or Harassment, Intimidation, Retaliation, Discrimination (HIRD) aspects, as applicable to ERB dialogue.
- C. Identifies and informs the ERB of any protected activity that ECP is aware.
- D. Provides feedback on the SCWE Mitigation Plan.
- E. Conducts SCWE Mitigation Plan follow-up actions, as needed.

**3.1.11 Nuclear Communications**

Assist managers in the ERB process with respect to communication of SCWE Mitigation Screen/Plan actions.

Provides consideration for the potential of employee's interpretation related to communications for adverse employment actions and HIRD issues.

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**3.1.12 Nuclear Safety Culture Peer Team**

The Nuclear Safety Culture peer team (NSCPT) periodically reviews fleet wide safety culture performance and safety conscious work environment at all TVA nuclear locations. [R.5]

The peer team will periodically assess the following:

- A. At least twice a year, the nuclear safety culture trends in process inputs that could be early indications of a nuclear safety culture weakness.
- B. The Nuclear Safety Culture (NSC) fleet governance as compared to guidance in NEI 09-07, Fostering a Healthy Nuclear Safety Culture.

**3.2 Instructions**

**3.2.1 AEA / ERB Process Instructions**

- A. The responsible TVA Line Manager, CTS, or delegate, as applicable, initiates the AEA process when the responsible manager decides on an adverse employment action. The flowchart in Attachment 5 can be used to help determine required reviews.
- B. For an adverse employment action that requires an ERB as referenced in Sections 3.1.1A or 3.1.2A, the following forms are required to be completed prior to the ERB:
  - 1. TVA 41651 - ERB Adverse Employment Action Review, Section I and II only.
  - 2. TVA 41647 - SCWE Mitigation Screening/Plan, Section I and II.
- C. For a non-ERB adverse employment action as referenced in Sections 3.1.1B or 3.1.2B, the following forms are required to be completed prior to taking the adverse employment action:
  - 1. TVA 41753 - Non-ERB Adverse Employment Action Review
  - 2. TVA 41647 - SCWE Mitigation Screening/Plan

Instructions for generating and preparing AEA / ERB documentation for the forms are provided in Sections 3.2.2, 3.2.4, and 3.2.5

- D. Timely feedback to employees helps promote employee confidence in management's decision making with respect to personnel actions.
  - 1. As circumstances reasonably allow, the responsible employee should complete the applicable ERB forms and submit them for ERB member review within seven (7) business days of the decision to take an adverse employment action where an ERB will be convened.
  - 2. As circumstances reasonably allow, the ERB should review all documentation and promptly convene an in-person meeting or teleconference within three (3) business days after the ERB documentation is submitted by the responsible employee.

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**3.2.1 AEA / ERB Process Instructions (continued)**

- 3. Non-ERB AEA forms are required to be completed and approved prior to taking the adverse employment actions. Depending on the basis for the action, such as denial of access, the required reviews may occur after the management action.
- E. Reference Attachment 4, Repetitive Adverse Employment Action Review, for instances such as COVID-19, where a generic ERB may be conducted for employees being removed from the site for health implications and no adverse employment actions are being taken.
- F. When preparing the forms, contact the NSCMP Chairperson or the Plant Support Director for assistance, if needed.

**3.2.2 ERB Adverse Employment Action Review - Form 41651 (Attachment 1)**

The TVA Line Manager, CTS, or delegate as applicable will consult with necessary personnel such as Human Resources, Site Licensing, Plant Support Director, Senior Management, PI group and others, as necessary to accurately complete the form while maintaining the subject employee’s privacy rights.

**A. Section I - Background**

- 1. The TVA Line Manager, or delegate, starts the ERB process for TVA personnel by initiating this form and coordinating associated information.
- 2. The CTS, or delegate, starts the ERB process for contractors or vendors by initiating this form and coordinating associated information.
- 3. TVA Line Manager, CTS, or delegate completes the information listed and marks the appropriate Adverse Employment Action(s) or Significant Adverse Employment Action.

**B. Section II – Overview**

- 1. TVA Line Manager, CTS, or delegate performs the following:
  - a. Completes the ERB Adverse Employment Action Review questions, related to their knowledge of the individual’s engagement in any potential protected activity within the past 12 months.
  - b. Contacts the appropriate supervisor(s), manager(s), and the Corporate PI group to determine if the affected employee has, to their knowledge, initiated a condition report or raised any safety or quality issue in the previous 12 months.
  - c. If email is used for protected activity inquires, utilize the following email format:

I am preparing information for an Executive Review Board (ERB). To your knowledge, has EMPLOYEE NAME engaged in any protected activity?

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**3.2.2 ERB Adverse Employment Action Review - Form 41651 (Attachment 1)  
(continued)**

Specifically, has EMPLOYEE NAME raised any safety or quality issues to their immediate supervisor or manager or participated in an investigation by providing a written or signed statement?

- C. Section III - SCWE Impact Review (reference SCWE Mitigation Screening/Plan section of this procedure)
- D. ERB Package Development
  - 1. The Line Manager, CTS, or delegate compiles the following supporting documentation:
  - 2. TVA 41651 - ERB Adverse Employment Action Review, Section I and II.
  - 3. TVA 41647 - SCWE Mitigation Screening/Plan, Section I and II.
  - 4. The Line Manager, CTS, or delegate will provide forms and related documents (including applicable policy and procedure excerpts/rules, personnel and witness statements, fact-finding forms, Douglas Factor forms, investigative notes, photos, and proposed action letters) to the Plant Support Director (site) or NSCMP Chairperson (corporate) for distribution to the ERB members.

**3.2.3 Non-ERB Adverse Employment Action Review – Form 41753  
(Attachment 3)**

The TVA Line Manager, CTS, or delegate as applicable will consult with necessary personnel such as Human Resources, Site Licensing, Plant Support Director, Senior Management, PI group and others, as necessary to accurately complete the form and provide timely feedback to employees while maintaining the subject employee’s privacy rights.

- A. Section I – Background
  - 1. The TVA Line Manager or delegate starts the non-ERB process for TVA personnel by initiating this form and coordinating associated information.
  - 2. The Contractor Manager, CTS, or delegate starts the non-ERB process for contractors or vendors by initiating this form and coordinating associated information.
  - 3. TVA Line Manager, Contractor Manager or delegate marks the appropriate Non-ERB Adverse Employment Action.
- B. Section II - Overview
  - 1. TVA Line Manager, Contractor Manager or delegate performs the following:
    - a. Completes the Non-ERB Adverse Employment Action Review questions, related to their knowledge of the individual’s engagement in any potential protected activity within the past 12 months.

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**3.2.3 Non-ERB Adverse Employment Action Review – Form 41753 (Attachment 3) (continued)**

- b. Considers the perspective of the individual, of themselves filling out the form, and of others.
- C. Section III - SCWE Impact Review (reference SCWE Mitigation Screening/Plan section of this procedure)
- D. Non-ERB Package Review

  - 1. Applicable Department Director performs review of Non-ERB Adverse Employment Action Review for concurrence.
  - 2. ECP Representative performs review of Non-ERB Adverse Employment Action Review and SCWE Mitigation Screening/Plan.
  - 3. Plant Support Director (sites) or NSCMP Chairperson (corporate) performs review of Non-ERB Adverse Employment Action Review and SCWE Mitigation Screening/Plan.

**3.2.4 SCWE Mitigation Screening/Plan - Form 41647 (Attachment 2)**

- A. Section I - SCWE Mitigation Screening

  - 1. The TVA Line Manager, or the Contract Manager, with support from the CTS as needed (Contractor, Vendor or Project Manager), performs TVA 41647, SCWE Mitigation Screening for adverse employment action requiring ERB or non-ERB.

    - a. Contractor Representative (Contractor, Vendor or Project Manager) should be involved in this process, as appropriate, to ensure impacts to the supplemental workforce SCWE, are also considered.
  - 2. The SCWE Screening should be performed from the vantage point of the workforce and should consider associated perceptions. When evaluating the potential for negative impacts to the SCWE, perception is reality for the workforce.
  - 3. The SCWE Screening should consider the potential for speculation in the absence of factual information, potentially due to biased opinions or social media posts.
  - 4. SCWE Mitigation Plans are required for terminations and suspensions, except when justification can be documented as to why the consequences of communicating the personnel action are greater than benefits. Examples include, but are not limited to, ongoing litigation, employee has already been offsite for extended period due to personal medical or legal issues.
  - 5. NSCMP Chairperson (corporate) or Plant Support Director (site) will review the completed form, providing comments as warranted to the TVA Line Manager, or Contractor Manager, as appropriate.
- B. Section II - SCWE Mitigation Plan

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**3.2.4 SCWE Mitigation Screening/Plan - Form 41647 (Attachment 2)  
(continued)**

1. The TVA Line Manager, or CTS, develops the SCWE Mitigation Plan as applicable, based on the results of SCWE Mitigation Screening performed in Section I.
2. Mitigation Plans communicate the non-privacy related facts underlying the personnel action and state which TVA value, policy, or disciplinary guideline was the basis for the violation.
3. Mitigation Plans promote a culture of support for individuals who raise concerns:
  - a. Reiterate the TVA or Contractor SCWE policy, as applicable.
  - b. Reinforce management's expectation and the employee's responsibility to raise nuclear safety concerns through any of the available means. This includes management emphasizing that employees can raise concerns to management without fear of retaliation.
  - c. Reference NPG-SPP-01.7, Nuclear Safety Culture, and the Nuclear Operating Model. [R.1]
4. Follow-up actions are used to assess if additional mitigation actions are needed. These are finalized during the ERB and can include:
  - a. Pulsing surveys of the affected organization (explain why if pulsing surveys are not performed), [R.6]
  - b. Pulsing surveys for other groups,
  - c. Informal ECP check-ins,
  - d. Focus Group discussions,
  - e. Use of other survey type tools (Survey Monkey)
5. The ERB Chairperson approves SCWE mitigation plans and follow-up actions for ERB adverse employment actions. [R.6]
6. The Plant Support Director (site) or NSCMP Chairperson (corporate) approves SCWE mitigation plans and follow-up actions for non-ERB adverse employment actions.

**3.2.5 Repetitive Adverse Employment Action Review (Attachment 4)**

The responsible TVA Line Manager, CTS, or delegate, as applicable, coordinates with NSCMP Chairperson or the Plant Support Director, for appropriate use of Attachment 4, Repetitive Adverse Employment Action Review. This will ensure that the ERB conducted a generic one-time ERB, for health type issues such as COVID-19, that allows for repetitive documentation while ensuring review of adverse employment action requirements are met.

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**3.2.5 Repetitive Adverse Employment Action Review (Attachment 4)  
(continued)**

Referencing Attachment 4, if any question 10, question 11, question 12, or protected activity questions are answered yes, a separate ERB will be conducted to evaluate these questions thoroughly.

- A. TVA Line Manager, CTS, or delegate, as applicable, coordinates with NSCMP Chairperson or the Plant Support Director, as follows:
  - 1. Document Tracking Number as the generic ERB that was previously conducted and the associated Date.
  - 2. Document the Employee Name and Department
  
- B. TVA Line Manager, CTS, or delegate, as applicable, provides review of questions and reports to NSCMP Chairperson or the Plant Support Director and determines if there are any Condition Reports (CRs) submitted related to Nuclear Safety or Quality in past 12 months, or if any issues have been raised to management in recent 12 months that have potential to negatively impact SCWE. These questions are similar to Section II question 10, TVA 41651 - ERB Adverse Employment Action Review.
  - 1. If No is answered to all of the following for engagement in a protected activity in the past 12 months, this process may proceed.
    - a. Raised any safety or quality issue to their management?
    - b. Submitted a CR?
    - c. Contacted HR regarding workplace environment or safety concerns?
    - d. Contacted the Legal Department?
    - e. Contacted the NRC, Department of Labor (DOL), or other external regulatory agency?
    - f. Contacted ECP?
    - g. Participated in an investigation, other than this issue, by providing a written / signed statement?
  - 2. CRs may have been submitted that are not related to Nuclear Safety or Quality in the scope of job performance, having no potential to negatively impact SCWE, and may proceed per this process.
  - 3. Knowledge may exist of issues having been raised to management in the scope of job performance, having No potential to negatively impact SCWE, in the past 12 months, and may proceed per this process.
  - 4. If knowledge exists of a protected activity, by any of the aforementioned answering yes, or having potential to negatively impact SCWE for questions 3.2.5B.1.a -g, a separate ERB must be conducted in accordance with this procedure.

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**3.2.5 Repetitive Adverse Employment Action Review (Attachment 4)  
(continued)**

- C. NSCMP Chairperson or the Plant Support Director determines if there is any knowledge of a protected activity, considering the employee or contractor. These questions are similar to Section IV question 1, TVA 41651 - ERB Adverse Employment Action Review. Each of the following are contacted:
  - 1. Management representative
  - 2. Employee Concerns Program representative
  - 3. Office of General Counsel representative
  - 4. Human Resources
  - 5. If each of the aforementioned groups answer no for any knowledge of a protected activity, this process may proceed.
  - 6. If knowledge exists of a protected activity, by any of the aforementioned answering yes, a separate ERB must be conducted in accordance with this procedure.
  
- D. NSCMP Chairperson or the Plant Support Director determines if the generic ERB for health type issues such as COVID-19, that allows for repetitive documentation while ensuring review of adverse employment action requirements is met. If not a separate ERB will be conducted in accordance with this procedure.
  
- E. NSCMP Chairperson or the Plant Support Director signs Attachment 4, Repetitive Adverse Employment Action Review.
  - 1. ERB Chairperson signs Attachment 4, Repetitive Adverse Employment Action Review.
  - 2. Attachment 4 will be provided to HR for retention, at completion of health type issues such as COVID-19, where a generic ERB was utilized.
  
- F. Timely feedback to employees helps promote employee confidence in management's decision making with respect to personnel actions.
  - 1. Complete the applicable Attachment / ERB forms within seven (7) business days.
  - 2. Health type issues such as COVID-19, that allows for repetitive documentation while ensuring review of adverse employment action requirements, represents an example where actions are taken for health and public safety reasons.

**3.2.6 Conducting ERB**

Plant Support Director (Site) / Nuclear Safety Culture Monitoring Panel (NSCMP) Chairperson (Corporate), or delegate, facilitates review by ERB for the associated sections and questions based on their knowledge at that time. Reference Form 41651 ERB Adverse Employment Action Review (Sections IV and V).

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**3.2.6 Conducting ERB (continued)**

Sections IV and V will be discussed during the ERB after the TVA Line Manager, CTS, or other individual presenting the adverse employment action and background information has been excused, to prevent inadvertent disclosure of sensitive information.

**A. ERB Key Aspects**

1. ERB should occur at the location where the personnel action originated, such as for employees or contractors who report to TVA Nuclear Corporate locations but are stationed at a site. In these instances, the affected site ERB Chairperson should be kept informed of the ERB action. Similarly, consider the impact of any ERB action to the other applicable site/corporate organization(s).
2. Determines if the adverse employment action is consistent with recent disciplinary actions taken in similar circumstances in accordance with TVA discipline policy. [C.1]
3. Ensures that the action is not taken because an employee engaged in activities protected by the employee protection regulations of 10 CFR 50.7 and TVA-SPP-11.804, Expressing Concerns and Differing Views. [C.1]
4. Determines if the action could be perceived as negatively impacting any individual or organizational aspects of SCWE; cause a potential chilling effect; or be perceived as retaliatory, independent of the legitimacy of the action. [C.1]
5. In any case where there appears to be an actual or perceived conflict of interest involving an ERB member, that individual will be excused from the review and an appropriate alternate member designated.
6. If OGC, ECP, or other individual provides privileged or confidential information to the ERB, the ERB Chairperson may excuse the non-quorum ERB members from the meeting.

**B. Section IV - Protected Activity Summary (Form 41651 ERB Adverse Employment Action Review)**

1. Plant Support Director (Site) / Nuclear Safety Culture Monitoring Panel (NSCMP) Chairperson (Corporate), or delegate, facilitates review by ERB for the questions based on their knowledge at that time. They will also make changes to other documents, including the SCWE Mitigation Plan/Screening, as necessary.
2. OGC, HR, and ECP provide their knowledge and input directly to the ERB for potential protected activities, such as but not limited to raising a safety concern or other type of concern, filing a claim, participating in an investigation:
  - a. Is OGC aware of any protected activity?
  - b. Is anyone aware of the individual contacting an external regulatory agency?
  - c. Is ECP aware of any protected activity?

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**3.2.6 Conducting ERB (continued)**

- 3. If the Line Manager, ECP, OGC, or HR are aware of potential engagement in protected activities, then subsequent questions (2 - 4) are reviewed by ERB.
  - 4. The TVA Line Manager, CTS, or other individual determining the adverse employment action should NOT be provided confidential information that led to conclusions by ERB, as documented on the completed form.
- C. Section V - ERB Record of Action (Form 41651 ERB Adverse Employment Action Review)
- 1. The ERB reviews conclusions and renders a determination, by soliciting input from voting ERB members present.
    - a. The outcome of the ERB will be recorded in the ERB Decision Block.
    - b. ERB members will be listed for the ERB Decision, and the ERB Chair will document by signature that the ERB review of the adverse employment action has fulfilled the requirements as described in Form 41651.
  - 2. No changes to the ERB's determination shall be made without reconvening the ERB.
  - 3. Appeals/grievances are outside of the ERB's scope as defined in this procedure and should be addressed through the appropriate HR and legal processes. For example, an employee who has been terminated seeking reconsideration of the termination.
  - 4. The TVA Line Manager responsible for the TVA employee adverse employment action may proceed with the AEA and SCWE mitigation plan after the following:
    - a. ERB review determines that the SCWE mitigation screening, and plan if applicable, is sufficient, and
    - b. HR has provided the notification to proceed with the adverse employment action.
  - 5. The Contractor Manager responsible for the Contractor adverse employment action may proceed with the AEA and SCWE mitigation plan after the ERB review determines that the SCWE mitigation screening, and plan if applicable, is sufficient.
  - 6. ERB documentation should be kept as described in ERB Recordkeeping section of this procedure.

**3.2.7 SCWE Mitigation Actions**

- A. Upon completion of SCWE mitigation plan and follow up actions, the TVA Line Manager or Contractor Manager will notify Plant Support Director (site) or NSCMP chairperson (corporate) that all SCWE mitigation actions have been completed, all follow up actions have been completed, and whether additional follow up actions are or are not required.

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**3.2.7 SCWE Mitigation Actions (continued)**

- B. Plant Support Director (site) or NSCMP Chairperson (corporate) will ensure completion of SCWE mitigation actions and follow-up actions, will review the results of follow-up actions to determine if additional mitigation actions are necessary. and will document completion on ERB form, as applicable, before the ERB package is submitted for recordkeeping.

**3.2.8 ERB Recordkeeping**

- A. All ERB documentation shall be stored in a secured location, either electronically or hardcopy, with access limited to ensure confidentiality.
- B. The Plant Support Director (site) or NSCMP Chairperson (corporate) will maintain the ERB documentation from the ERB review until the follow-up actions are completed and reviewed.
- C. The Plant Support Director (site) or NSCMP Chairperson (corporate) shall review ERB documentation and ensure forms are complete and accurate including the required approvals prior to submitting to HR for recordkeeping.
- D. The Nuclear HR Senior Manager will be responsible for maintaining documentation on all ERB decisions in accordance with the TVA Document Control and Records Management procedures, but in no event for less than five (5) years. HR will verify the ERB records are complete prior to filing for recordkeeping.
- E. ERB documents shall be kept separate from an employee's personnel file.
- F. ERB records should not be released to any person or entity outside of TVA, without consulting with OGC.
  - 1. ERB records, including the procedure and associated forms, shall be made available to the NRC upon request.
- G. Human Resources will generate quarterly reports as described in this procedure.

**3.2.9 Non-ERB Recordkeeping**

- A. All Non-ERB documentation shall be stored in a secured location, either electronically or hardcopy, with access limited to ensure confidentiality.
- B. The Plant Support Director (site) or NSCMP Chairperson (corporate) will maintain the non-ERB documentation until the follow-up actions are completed and reviewed.
- C. The Nuclear HR Senior Manager will be responsible for maintaining documentation on all non-ERB records in accordance with the TVA Document Control and Records Management procedures, but in no event for less than five (5) years. HR will verify the ERB records are complete prior to filing for recordkeeping.
- D. Non-ERB documents shall be kept separate from an employee's personnel file.
- E. Non-ERB records should not be released to any person or entity outside of TVA, without consulting with OGC.

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**3.2.9 Non-ERB Recordkeeping (continued)**

- 1. Non-ERB records, including the procedure and associated forms, shall be made available to the NRC upon request.

F. Human Resources will generate quarterly reports as described in this procedure.

**4.0 RECORDS**

**4.1 QA Records**

None

**4.2 Non-QA Records**

- A. ERB Adverse Employment Action Review - TVA 41651
- B. SCWE Mitigation Screening/Plan - TVA 41647
- C. Non-ERB Adverse Employment Action Review - TVA 41753
- D. ERB Documentation (Maintained by HR department, for each respective location for a minimum of five (5) years.)
- E. Non-ERB Documentation (Maintained by HR department, for each respective location for a minimum of five (5) years.)
- F. Audit results - Audits include, but are not limited to, reviews for effectiveness, data management, and periodic reviews for form completion and accuracy

**5.0 DEFINITIONS**

**10 CFR 50.7** - federal regulation prohibiting retaliation by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission license or applicant against an employee for engaging in certain protected activities. Retaliation includes discharge and other actions that adversely affect compensation, terms, conditions, or privileges of employment.

**Adverse Employment Action (AEA)** - An employer-initiated action that detrimentally affects an employee's compensation terms, conditions, or privileges of employment. Such actions include but are not limited to termination, demotion, denial of a promotion, an unfavorable performance appraisal, transfer to a less desirable job, and denial of access.  
[R.1]

**Contract Technical Steward (CTS)** - Serve as the primary point of contact for providing appropriate technical directions and oversight for work performed by contractors to ensure that industry and station standards are met and that contract requirements are achieved.

**Corrective Action Program (CAP)** - A formal system for handling issues raised by employees. Issues may require remedial action. Issues are tracked from their identification through evaluation and resolution. The issues are usually prioritized according to relative safety significance.

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**5.0 DEFINITIONS (continued)**

**Demotions** - Includes voluntary & involuntary demotions:

Involuntary demotions - Job Reclassification downward. This requires an ERB review prior taking the personnel action.

Voluntary demotions - Job Reclassification downward or Selection to Lower Grade Position. This requires a management review documented in TVA forms 41753 and 41647 prior to completing the personnel action.

**Denial of Access** - Management action to temporarily deny/terminate/suspend existing site access after the individual has been working at a TVA nuclear location. Requirements for AEA review depend on the reason for access denial (see below). If this action results in a suspension without pay or termination for either TVA employees or contractors, ERB requirements apply.

FFD-related - When denial of access is based on Fitness for Duty requirements (such as failed drug or alcohol test), a review is not required unless it results in additional adverse employment action beyond the required 14-day access denial (such as suspension without pay or termination for both TVA employees and contractors).

Non-FFD - When denial of access is non-FFD (such as pending DUI or other charges) this requires a non-ERB review documented in TVA forms 41753 and 41647 prior to taking the personnel action. Depending on the basis for the action, the required reviews may occur after the management action. If formal denial/termination/suspension of Protected Area Access is determined to be warranted by Access Control for trustworthiness or reliability, ERB requirements related to the personnel action apply.

**Denial of Promotion** - Anyone that is not able to progress through normal progression / promotion paths as set forth in the applicable Collective Bargaining Agreements (CBAs). Applicable progressions and requirements would be defined with HR and the Transactions Team, and a process would be put in place for notification to HR before time requirements or appropriate triggers are met in CBAs for progression/promotion. This requires a management review documented in TVA forms 41753 and 41647 prior to taking the personnel action to not progress/promote someone per applicable CBA requirements within the HR evaluation process.

**Discharge Contractor**- The unfavorable discharge of a contract individual due to fault of the contractor that results in denial of access to TVA Nuclear facilities. The denial of plant access restriction period for contractors terminated under this code will be based on individual circumstances. Reference TVA-SPP-11.106, Contingent Labor Onboarding and Offboarding and NPG-SPP-14.5, Access Authorization.

**Employee Concerns Program (ECP)** - A confidential, alternative process for raising safety and other concerns. Reference NPG-SPP-01.7.1, Employee Concerns Program.

**Executive Review Board (ERB)** - Consists of senior level TVA Nuclear management, responsible for review of adverse employment actions to ensure that responsible managers have valid business reasons for AEAs consistent with 10 CFR 50.7 Employee Protections, whether potential negative SCWE impacts could result from the actions, and SCWE mitigation plans are developed to mitigate potential impacts. [R.3] [R.7] [R.8]

**5.0 DEFINITIONS (continued)**

**ERB Adverse Employment Actions** - AEs impacting TVA nuclear employees or contractors that require ERB review prior to taking the personnel action.

The AEs, impacting TVA Nuclear employees, that require ERB review documented in TVA forms 41651 and 41647 are termed ERB adverse employment actions.” [R.3] [R.8] “No-fault Terminations of Employment” are also known as “No Fault Separation Agreements.”

<b>ERB Adverse Employment Actions (TVA Employees Only)</b>	
Suspensions (one or more days off without pay)	Terminations For Cause
Involuntary Reduction in Force	No-fault Terminations of Employment
Involuntary Demotion	

AEs impacting TVA Nuclear contractors that require ERB review are termed significant adverse employment actions. Reference Definitions for terms. [R.3] [R.8]

<b>Significant Adverse Employment Actions (Contractors Only)</b>	
Suspensions (one or more days off without pay)	Terminations For Cause

Termination of a contractor due to services no longer being needed because the assignment is complete, or the contractor’s company terminates one of their employees without input from or unrelated to their work at TVA, is not a significant adverse employment action and does not require ERB review.

**Hostile Work Environment** - A discriminatory work environment that is either pervasive and regular, or acute but severe, detrimentally affects the employee, and is created because the employee engaged in protected activity.

**Line Manager** - A manager or superintendent, or delegate, with decision making responsibilities for a department. As example, Operations Shift Manager or above, or Electrical Maintenance Superintendent or above.

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

**Non-ERB Adverse Employment Actions** - AEs that require management review documented in TVA forms 41753 and 41647 prior to taking the personnel action, but do not require an ERB.

AEs impacting TVA Nuclear employees that do not require ERB review are termed non-ERB adverse employment actions. However, management may elect to have other employee actions reviewed by ERB, as they deem necessary.

<b>Non-ERB Adverse Employment Actions (TVA Employees Only)</b>	
Voluntary Demotion	Denial of Promotion
Unfavorable Performance Appraisal	Transfer to a Less Desirable Job
Denial of Access (non-FFD related)	Other Performance Management Actions
Temporary Suspension from Duty with Pay Pending Investigation	

**5.0 DEFINITIONS (continued)**

**Non-ERB Significant Adverse Employment Actions** - The AEAs impacting TVA Nuclear contractors that do not require ERB review are termed “non-ERB Significant adverse employment action”. [R.8]

<b>Non-ERB Significant Adverse Employment Actions (Contractors Only)</b>	
Denial of Access (non-FFD related)	

**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.

**Other Performance Management Actions** – This describes any other actions management may take that have not been defined in this procedure where the line manager, after considering the action, the individual, or the workgroup, believes the action being taken could benefit from having a management review of the action and SCWE screen. If deemed necessary by the line manager, this requires a management review documented in TVA forms 41753 and 41647 prior to taking the personnel action.

**Protected Activity** - An activity for which the NRC provides protection against retaliation to those employees who engage in such activities. Other Federal agencies, such as DOL and Occupational Safety and Health Administration (OSHA), also provide whistleblower protection in their regulations. 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), ECP, or the NRC. However, for the sake of consistency, the term “Protected Activity” is commonly understood to refer to the NRC’s definitions of protected activities. NRC protected activities include, but are not limited to, activities in which an employee:

- A. Notifies his/her employer (including Employee Concerns) of an alleged violation of NRC requirements.
- B. Raises any concern to the Company or any local, state, or federal agency related to nuclear safety, quality, security, or the environment.
- C. Refuses to engage in any practice that is unlawful pursuant to the Energy Reorganization Act of 1974, or the Atomic Energy Act of 1954, or that would impose a risk to public or worker health and safety.
- D. Provides information to, or testifies before Congress, or at any Federal or State proceeding, regarding any provision of the Energy Reorganization Act of 1974, or the Atomic Energy Act of 1954.
- E. Provides the NRC with information about possible violations of Company procedures or NRC requirements.
- F. Requests NRC action.
- G. Testifies in any NRC or Department of Labor (DOL) proceeding.

**5.0 DEFINITIONS (continued)**

- H. Commences or participates in a proceeding under Section 211 of the Energy Reorganization Act.
- I. Notifies his/her employer, supervisor, the ECP Representative or the NRC of an alleged nuclear safety, security, environment, or quality concern.
- J. Identifies and communicates a concern to management, the NRC, or a state or federal agency about a discrepancy or issue over which the NRC exercises regulatory authority.

**Pulse Survey** - Periodic survey used as a tool that management can leverage to gain insights on site safety culture, whether proactively to identify potential issues or to assess effectiveness of actions. Survey owner should be independent of the cause of the issue, have a stake in the results to effectively assess the issue, and have the authority to take action to address the issue.

**Reorganization** - Any restructuring within departments, sites or legal entities that involves more than the mere change in titles. Reorganization includes a material realignment of duties and responsibilities among employees, (b) a material and deliberate reduction in force or downsizing, (c) a permanent relocation of a work site to a location more than fifty (50) miles from its prior location, or (d) other formal organizational change that materially affects reporting relationships, daily duties, responsibilities, and scope of work.

**Retaliation** - The act of taking an adverse employment action against an individual, at least in part, because they engaged in a protected activity.

**Safety Conscious Work Environment (SCWE)** - An environment in which employees are encouraged to raise safety concerns, are free to raise concerns both to their own management and to the NRC without fear of retaliation, where concerns are promptly reviewed, given the proper priority, and appropriately resolved, and timely feedback is provided to those raising concerns.

**Safety Culture** - Is defined by the International Nuclear Safety Advisory Group (INSAG) as, "That assembly of characteristics and attitudes in organizations and individuals which establishes that, as an overriding priority, nuclear plant safety issues receive the attention warranted by their significance."

**SCWE Mitigation Plan (Chilling Effect Mitigation Plan)** - A documented plan of action to address any potential negative impact to the SCWE resulting from certain personnel actions. (Form TVA 41647)

**Significant Adverse Employment Actions-** The AEAs, impacting TVA Nuclear contractors, that require ERB review documented in TVA forms 41651 and 41647 are termed "significant adverse employment actions." [R.8]

<b>Significant Adverse Employment Actions (Contractors Only)</b>	
Suspensions (one or more days off without pay)	Terminations For Cause

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**5.0 DEFINITIONS (continued)**

Guidance on contractor layoff, suspension, and discharge process can be found in TVA-SPP-11.106, Contingent Labor Onboarding and Offboarding, and NPG-SPP-14.5, Access Authorization.

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

**Supplemental Workers** - Reference NPG-SPP-07.7, TVA Nuclear CTS Role and Oversight of Supplemental Personnel for applicable definitions and guidance.

**Suspensions (Contractors)** - one or more days off without pay and may be accompanied by one or both of the following TVA actions:

1. Restriction of TVA site access using the Contractor Check-out form (TVA 40157) under TVA-SPP-11.106 with a restriction code of any of the following:
  - a. R60 - cannot work at TVA for 60 days when contractor quits with no notice
  - b. R90 - cannot work at TVA for 90 days due to misconduct or no call/no show offenses
  - c. R120 - cannot work at TVA for 120 days due to a safety violation

2. Suspension of TVA nuclear site access for one or more days.

In situations where immediate suspension of access is required, as described in NPG SPP-14.5, Access Authorization, it may not be possible to complete the fact finding and hold an ERB prior to taking the action to suspend site access. During the fact finding, the decision to continue to pay the individual contractor, their employee, rightfully belongs with his or her employer, the Contractor or Vendor management. In such cases, the fact finding should be completed expeditiously. The time allowed for evaluating the suspension begins when the event investigation is complete. If as a result of the investigation, any additional suspension of access is warranted, an ERB is completed within three (3) business days.

**Temporary Suspension from Duty with Pay** - administrative suspensions with pay and / or other temporary precautionary actions to allow management to conduct fact finding. This would include access suspension/denials with pay and/or placement of a TVA employee in non-work pay status pending completion of a TVA investigation.

**Termination for Cause (Contractor)** - unfavorable discharge, “for cause” termination/fault of the contractor. Restriction period for contractors terminated under this code will be based on individual circumstances. For the purposes of this procedure, it is the termination of TVA nuclear site access utilizing the termination code “Discharge Contractor” on the contractor check-out form (TVA 40157), referencing TVA-SPP-11.106, Contingent Labor Onboarding and Offboarding.

**Transfer to a Less Desirable Job** - involuntary transfer based on job reclassification, resulting in a down grade or involuntary directed transfer in change of official station. This requires a management review documented in TVA forms 41753 and 41647 prior to taking the personnel action.

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## 5.0 DEFINITIONS (continued)

**Unfavorable Performance Appraisal** - anyone receiving an overall year end performance evaluation rating of "less than fully adequate or less than solid". This requires a management review documented in TVA forms 41753 and 41647 prior to taking the personnel action.

## 6.0 REFERENCES

### 6.1 Requirement Documents

- A. 10 CFR 50.7, Employee Protection
- B. EA-17-022 Confirmatory Order (Nuclear Regulatory Commission Inspection Report 05000390/2016013, 05000391/2016013)
- C. INPO 12-012, Traits of a Healthy Nuclear Safety Culture - Addendum I: Behaviors and Actions That Support a Healthy Nuclear Safety Culture
- D. Industry's common language initiative (INPO 12- 012, Revision 1, April 2013). [R.1]
- E. NEI 09-07 Rev. 1, Fostering a Healthy Nuclear Safety Culture [R.1]
- F. NRC's May 1996 Safety Conscious Work Environment Policy Statement [R.1]
- G. NRC's March 2011 Safety Culture Policy Statement and associated traits [R.1]
- H. RIS 2005-18, Guidance for Establishing and Maintaining a Safety Conscious Work Environment [R.1]
- I. WBN CWEL and associated Business Plan (CR 1155393)

### 6.2 Developmental References

- A. INPO 15-005, Leadership and Team Effectiveness Attributes
- B. NPG-SPP-01.7, Nuclear Safety Culture
- C. NPG-SPP-01.7.1, Employee Concerns Program
- D. NPG-SPP-01.7.2, Nuclear Safety Culture Monitoring
- E. NPG-SPP-04.001, Procurement of Material, Labor and Services
- F. NPG-SPP-07.7, NPG CTS Role and Oversight of Supplemental Personnel
- G. NPG-SPP-14.5, Access Authorization
- H. NUREG-2165, Safety Culture Common Language
- I. TVA-SPP-11.804, Expressing Concerns and Differing Views

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**6.2 Developmental References (continued)**

J. TVA-SPP-11.106, Contingent Labor Onboarding and Offboarding

K. TVA-SPP-11.316, Employee Discipline

**Attachment 1  
(Page 1 of 5)**

**Executive Review Board Adverse Employment Action Review (TVA 41651)**

**Executive Review Board  
Adverse Employment Action Review**

The Executive Review Board (ERB) reviews:

1. whether the responsible manager has a valid business reason for the adverse employment action that is consistent with employee protection regulations of 10 C.F.R § 50.7; and
2. the responsible manager's determination of whether there are potential negative Safety Conscious Work Environment (SCWE) impacts if the adverse employment action could be perceived as retaliatory by the workforce, despite its legitimacy, or have other individual or organizational impacts on SCWE, and
3. the SCWE Mitigation Plan developed to mitigate the potential impact.

The ERB review does not have authority to change or modify the action. The responsible manager shall consult other applicable procedures and appropriate personnel and decide on the adverse employment action prior to completing forms required for an ERB. For TVA employees, this may include, but is not limited to, the following: the TVA Code of Conduct; the TVA Employee Handbook; TVA-SPP-11.316, Employee Discipline; TVA-SPP-11.209, Veterans and Military Reservists; TVA-SPP-11.210, Reduction in Force; or TVA-SPP-11.705, Disability Programs.

The ERB can only make the following determinations:

1. the SCWE screen and mitigation plan (if applicable) is sufficient for the responsible manager to proceed with the action;
2. the SCWE screen and mitigation plan (if applicable) requires additional information or needs modification before the responsible manager can proceed with the action; or
3. in exceptional situations where the ERB identifies an issue outside its scope of review, the matter will be referred back to the responsible manager for additional consideration outside the ERB process.

**Individuals cannot, under any circumstance, be retaliated against for engaging in a protected activity.**

For purposes of this form the term "Employee" is defined as TVA employees, contractors and vendor workforce personnel.

Information contained in this document is **CONFIDENTIAL** and must only be shared and maintained with appointed ERB members/designees, appropriate TVA Human Resources (HR) representatives/designees, and impacted TVA Nuclear site managers/designees. All other requests for copies of this documentation must be approved by the OGC.

Please attach any additional relevant document(s) or information as needed, such as fact-finding forms, Douglas Factor forms, proposed action letters, and personnel statements.

ERB Case No. \_\_\_\_\_ Date ERB Convened: \_\_\_\_\_

**Section I. Background**

Name: \_\_\_\_\_ Employee (Contractor/Vendor) No. \_\_\_\_\_  
 Hire Date: \_\_\_\_\_ Employee (Contractor/Vendor) Title: \_\_\_\_\_  
 TVA Manager (or Employer) \_\_\_\_\_ Department \_\_\_\_\_  
 Location: \_\_\_\_\_

Veteran Status (TVA Employee only)			
Veteran	<input type="checkbox"/> Yes	<input type="checkbox"/> No	For Administrative Coordination with TVA-SPP-11.209, Veteran and Military Reservist

**Attachment 1  
(Page 2 of 5)**

**Executive Review Board Adverse Employment Action Review (TVA 41651)**

**Executive Review Board  
Adverse Employment Action Review**

**Adverse Employment Action** (check all that apply):

ERB Adverse Employment Actions (TVA Employee)	
<input type="checkbox"/> Suspensions (one or more days off without pay)	<input type="checkbox"/> Terminations For Cause
<input type="checkbox"/> Involuntary Reduction In Force	<input type="checkbox"/> No-fault Terminations of Employment
<input type="checkbox"/> Involuntary Demotion	

OTHER  
If other, specify: \_\_\_\_\_

Significant Adverse Employment Actions (Contractors Only)	
<input type="checkbox"/> Suspensions (one or more days off without pay)	<input type="checkbox"/> Terminations For Cause

OTHER  
If other, specify: \_\_\_\_\_

**Section II. Overview**

1. Provide a detailed justification for the adverse employment action.  
*Include a chronological sequence of events leading to the decision to take action, previous discipline history with individual, impact on safety/production/co-workers/client/plant/community and other facts related to the case.*
  
2. Identify specific rules and/or policies (TVA and Contractor or vendors) violated, as applicable.
  
3. Identify the specific Employee Policy covering the adverse employment action, disciplinary or non-disciplinary.
  
4. Have all witnesses and relevant parties, including the individual in question, been interviewed and are their statements documented in the ERB package?  
 Yes    No  
If "No", explain:
5. What was the individual's explanation of the policy violation or issue?
  
6. Did the individual receive appropriate training and have all the time, tools and equipment to perform the job/task, in accordance with TVA Nuclear processes and procedures?  
 Yes    No  
If "No", explain:
7. What is the individual's prior performance history? What actions have been taken up to this point? Has the employee been disciplined for related infractions? Attach any existing performance / disciplinary documentation.
  
8. Is the adverse employment action consistent with applicable TVA/Contractor policies, procedures or past practices?  
 Yes    No  
If "No", explain:
9. Is the adverse employment action consistent with actions taken with other individuals who have committed similar offenses?  
 Yes    No

**Attachment 1  
(Page 3 of 5)**

**Executive Review Board Adverse Employment Action Review (TVA 41651)**

**Executive Review Board  
Adverse Employment Action Review**

If "No", explain:

10. To your knowledge, has the individual engaged in any potentially protected activity within the past 12 months?
- Raised any safety or quality issue(s) to their Management  Yes  No
- Submitted a Condition Report  Yes  No
- Contacted Human Resources regarding workplace environment or safety concerns  Yes  No
- Contacted the Legal department  Yes  No
- Contacted NRC, DOL, or other external regulatory agency  Yes  No
- Contacted the Employee Concerns Program  Yes  No
- Participated in an investigation (other than the one currently at issue) by providing a written or signed statement  Yes  No

If "Yes", specify (*what, when*):

11. Has the individual raised issues or concerns regarding nuclear safety or quality, industrial safety, environmental safety, compliance or substandard work conditions?  Yes  No

If "Yes", specify (*what, when*):

12. Has the individual raised issues or concerns regarding harassment, intimidation, discrimination, retaliation or a hostile work environment?  Yes  No

If "Yes", specify (*what, when*):

13. Specify individual(s) affected by the adverse employment action, such as required coverage, if applicable:

_____	_____	_____
Prepared By:	Title	Date
_____	_____	_____
Manager Name (For TVA Employee)	Manager Signature	Date
_____	_____	_____
Contractor or Vendor Mgt. Name (For TVA Contractor)	Contractor or Vendor Mgt. Signature	Date

**Section III. Safety Conscious Work Environment Impact Review (See TVA Form 41647)**

**Attachment 1  
(Page 4 of 5)**

**Executive Review Board Adverse Employment Action Review (TVA 41651)**

**Executive Review Board  
Adverse Employment Action Review**

**Section IV. Protected Activity Summary (Completed by the ERB)**

1. Based on input provided by ECP, OGC, and HR, has the individual, to your knowledge, engaged in any potential protected activity within the past 12 months, such as but not limited to raising a safety concern or other type of concern, filing a claim, participating in an investigation?
  - a. Is OGC aware of any protected activity?  Yes  No
  - b. Is anyone aware of the individual contacting an external regulatory agency?  Yes  No
  - c. Is ECP aware of any protected activity?  Yes  No

Complete Question 2, 3, and 4 only if a response in Section II Question 10, 11, 12 or Section IV Question 1 was marked "Yes".

2. Does it appear the individual's involvement in a protected activity contributed in any way to the adverse employment action recommendation?  N/A  Yes  No

If "Yes", explain:

3. Is there any reason the individual might believe the adverse employment action is a result of his/her engagement in a protected activity?  N/A  Yes  No

If "Yes", explain:

4. Is there any reason to believe others at the site might believe the adverse employment action is a result of the individual engaging in a protected activity?  N/A  Yes  No

If "Yes", explain:

**Complete Question 5 Below:**

5. Given the information presented to the ERB for review, does the SCWE Mitigation Screen/Plan adequately address the potential negative impact to SCWE of the workforce if the adverse employment action is taken?  Yes  No

If "No", explain:

**Section V. ERB Record of Action (Completed by ERB)**

**ERB Review Conclusions:**

1. The adverse employment action is based on legitimate, non-retaliatory reasons.  Yes  No
2. The adverse employment action is compliant with TVA (or Contractor/Vendor) policies, procedures and/or past practices.  Yes  No
3. The adverse employment action has the potential to create a negative impact on workforce SCWE?  Yes  No  
 If "Yes," has a SCWE Mitigation Plan been prepared and approved?  N/A  Yes  No
4. Did any ERB members have a dissenting view with the conclusions or actions of the ERB?  Yes  No  
 If Yes, provide a brief summary of the reasons for the dissenting view(s).  N/A

**Attachment 1  
(Page 5 of 5)**

**Executive Review Board Adverse Employment Action Review (TVA 41651)**

**Executive Review Board  
Adverse Employment Action Review**

<p><b>ERB Decision</b></p> <p><input type="checkbox"/> The ERB does not object to the action</p> <p><input type="checkbox"/> The ERB objects to the action</p> <p style="padding-left: 20px;"><input type="checkbox"/> Alternative action proposed and accepted</p> <p style="padding-left: 20px;"><input type="checkbox"/> Alternative action proposed but rejected</p> <p><input type="checkbox"/> The ERB cannot render a decision until additional information is provided and/or questions are answered. (Attach questions and/or directives to obtain additional information) A second ERB meeting for this case is set for (date/time):</p> <p>Names of all quorum ERB Members present: Chair: Director of Plant Support/NSCMP Chair: HR: Legal Counsel: ECP (required for quorum, but not a voting member): Others:</p>
---

ERB Chair or Delegate Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 ERB Chair or Delegate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Resultant ERB records are complete/accurate with required approvals prior to submitting for recordkeeping.  
 Plant Support Director/Corp NSCMP Chair, or Delegate: \_\_\_\_\_  
 PSD/Corp NSCMP Chair, or Delegate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Resultant ERB records are verified complete prior to filing for recordkeeping.  
 Human Resources Name: \_\_\_\_\_  
 Human Resources Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

**Safety Conscious Work Environment (SCWE) Mitigation Screening/Plan (TVA 41647)**

**Safety Conscious Work Environment (SCWE) Mitigation Screening/Plan**

**Section I. SCWE Screen**

**Case No.**

1. Identify the employee, contractor or vendor, and the adverse employment action that may have a negative impact on the SCWE of the worker or the workforce.
2. Has this person written a CR in the last 12 months, or openly discussed any concerns with management or the workforce?
3. Consider if the individual being evaluated is an outlier, either in a positive manner or negative manner, for the number of CRs/PCRs/Safety issues identified. If so, could the fact that there is an AEA being taken against them create a perceived chilling effect?
4. Identify the reasons why there may be a negative impact on the SCWE of the workforce, if this personnel action proceeds. In other words, what will the decision look like to the workforce? Consider the potential for speculation or rumors in the absence of factual information, potentially due to biased opinions or social media posts.
5. Could the adverse employment action cause other workers to be reluctant to raise nuclear safety or HIRD concerns? Consider how the action(s) of the individual that resulted in an adverse employment action could impact the SCWE of others in the group, or other groups.
6. If the adverse employment personnel action proceeds, will the potential negative SCWE impact be limited to the individual's immediate work group, or be more widely felt throughout the department organization, site, or corporation? (consider family members, peers at other TVA sites)
7. Is the adverse employment action a suspension or termination?
8. Is there justification as to why the consequences of communicating the personnel action are greater than benefits? If yes, document critical thinking:
9. Based on the responses above, is there a potential negative impact to the SCWE of the workforce that requires mitigation?

Yes  If Yes to questions #7 or #9, continue to Section II, SCWE Mitigation Plan. The Screening determined SCWE Mitigation Plan is necessary.

No  If No to question #7 & #9, Section II, SCWE Mitigation Plan is NOT required; however, at management's discretion, a plan to communicate directly with the immediate work group to address broader concerns other than SCWE may be used.

Prepared by: \_\_\_\_\_ / \_\_\_\_\_  
Line Manager or CTS Supervisor (Name & Signature) Date

Reviewed by: \_\_\_\_\_ / \_\_\_\_\_  
ERB: ERB Chair (Name & Signature) Date  
Non-ERB: Plant Support Director/NSCMP Chair (Name & Signature)

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

**Safety Conscious Work Environment (SCWE) Mitigation Screening/Plan (TVA 41647)**

**Safety Conscious Work Environment (SCWE) Mitigation Screening/Plan**

**Section II. SCWE Mitigation Plan**

1. A SCWE Mitigation Plan is a communication tool to ensure the organization is provided with information related to personnel actions so there is not an impact on the organization's SCWE. A communication plan related to a personnel action should include the following, as appropriate:
  - (a) A description of action taken, with appropriate consideration of privacy rights;
  - (b) Relevant standards or expectations that led to the personnel action against the individual, to prevent a recurrence of the circumstances;
  - (c) Management's reasons for the level of adverse employment action taken (tell the workforce the truth about management's reasons -- the antidote to a chilling effect is the truth);
  - (d) The deliberate process that led to the decision in taking the personnel action; and
  - (e) Review(s) that preceded the decision to take the personnel action.
  
2. The communication plan should also include the talking points on the following, as appropriate:
  - (a) How the individual's protected activity did not contribute to management's decision to take personnel action;
  - (b) Status of the individual's safety, or other concern, and management's commitment to investigate and resolve the concern;
  - (c) Management's support for employees who raise concerns; and
  - (d) Your availability to employees that have concerns, and the availability for other avenues to raise concerns.
  
3. Using the guidance in 1 & 2 above, provide the specific talking points that will be used to communicate to the organization. (Communication plan should be attached to this form.)
  
4. Who will be the audience(s) for the communication and when will it be communicated?
  
5. What follow up actions do you intend to take to determine if the organization understood the communications (such as pulsing surveys) and/or reinforce the original message?  
If pulsing surveys will NOT be used, explain why.
  
6. When will the follow up mitigating actions referenced in question #5 be completed?

Prepared By: \_\_\_\_\_ / \_\_\_\_\_  
 Line Manager or CTS Supervisor (Name & Signature) Date

Approved By: \_\_\_\_\_ / \_\_\_\_\_  
 ERB: ERB Chair (Name & Signature) Date  
 Non-ERB: Plant Support Director/NSCMP Chair (Name & Signature)

Completion of follow-up actions requires notification by the associated Line Manager to the Plant Support Director. Upon review by the Plant Support Director, note if additional mitigation actions are needed.

Actions complete: \_\_\_\_\_ / \_\_\_\_\_  
 Line Manager or CTS Supervisor (Name & Signature) Date

Verified complete: \_\_\_\_\_ / \_\_\_\_\_  
 Plant Support Director/NSCMP Chairperson (Name & Signature) Date

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

**Non-Executive Review Board Adverse Employment Action Review Form (TVA 41753)**

Non-Executive Review Board  
 Adverse Employment Action Review Form

This activity reviews:

- 1) whether the responsible manager has a valid business reason for the adverse employment action that is consistent with employee protection regulations of 10 C.F.R § 50.7;
- 2) the responsible manager's determination of whether there are potential negative Safety Conscious Work Environment (SCWE) impacts if the adverse employment action could be perceived as retaliatory by the workforce, despite its legitimacy, or have other individual or organizational impacts on SCWE, and
- 3) the SCWE Mitigation Plan developed to mitigate the potential impact, as applicable.

Individuals cannot, under any circumstance, be retaliated against for engaging in a protected activity. For purposes of this form the term "Employee" is defined as TVA employees, contractors and vendor workforce personnel. Information contained in this document is **CONFIDENTIAL** and must only be shared and maintained with appropriate TVA HR, ECP and/or OGC representatives/designees and impacted TVA Nuclear site managers/designees. Please attach any additional relevant document(s) or information as needed.

Non-ERB Case No. \_\_\_\_\_

**Section I. Background**

Name: \_\_\_\_\_ Employee (Contractor/Vendor) No.: \_\_\_\_\_  
 Manager: \_\_\_\_\_ Employee (Contractor/Vendor) Title: \_\_\_\_\_

Proposed Action (check all that apply):

Non-ERB Adverse Employment Actions (TVA Employee)	
<input type="checkbox"/> Voluntary Demotion	<input type="checkbox"/> Denial of Promotion
<input type="checkbox"/> Unfavorable Performance Appraisal	<input type="checkbox"/> Transfer to a Less Desirable Job
<input type="checkbox"/> Denial of Access (Non-FFD)	<input type="checkbox"/> Other Performance Management Actions
<input type="checkbox"/> Temporary Suspension From Duty With Pay	

Non-ERB Significant Adverse Employment Actions (Contractors Only)
<input type="checkbox"/> Denial of Access (Non-FFD)

OTHER

If other, specify: \_\_\_\_\_

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

**Non-Executive Review Board Adverse Employment Action Review Form (TVA 41753)**

**Non-Executive Review Board  
Adverse Employment Action Review Form**

**Section II. Overview**

1. Assume the individual has engaged in protected activity within the past 12 months.
2. Provide information to what the adverse employment action is AND a detailed justification for the adverse employment action to be taken.
3. Is the adverse employment action consistent with applicable TVA (or Contractor/vendor) policies, procedures, or past practices?
 

Yes     No

If "Yes", identify relevant policies/procedures, practices:  
If "No", explain:
4. Does it appear the individual's involvement in a protected activity contributed in any way to the adverse employment action recommendation.
 

From your perspective?  Yes     No

From the individual's perspective?  Yes     No

From other's perspective?  Yes     No

If "Yes", explain:
5. Given the information presented for review, does the SCWE Mitigation Screen/Plan adequately address the potential negative impact to SCWE of the workforce if the action is taken?
 

Yes     No

If "No", explain:

**Section III. Safety Conscious Work Environment Impact Review (See TVA Form 41647)**

Signatures document review of the adverse employment action and SCWE Mitigation screen/plan and has fulfilled the review requirements described on page 1 of this attachment.

Manager or CTS Supervisor	Name (print) and Signature	Date
Department Director	Name (print) and Signature	Date
Employee Concerns Professional	Name (print) and Signature	Date
Plant Support Director/ NSCMP Chairperson/ or delegate	Name (print) and Signature	Date

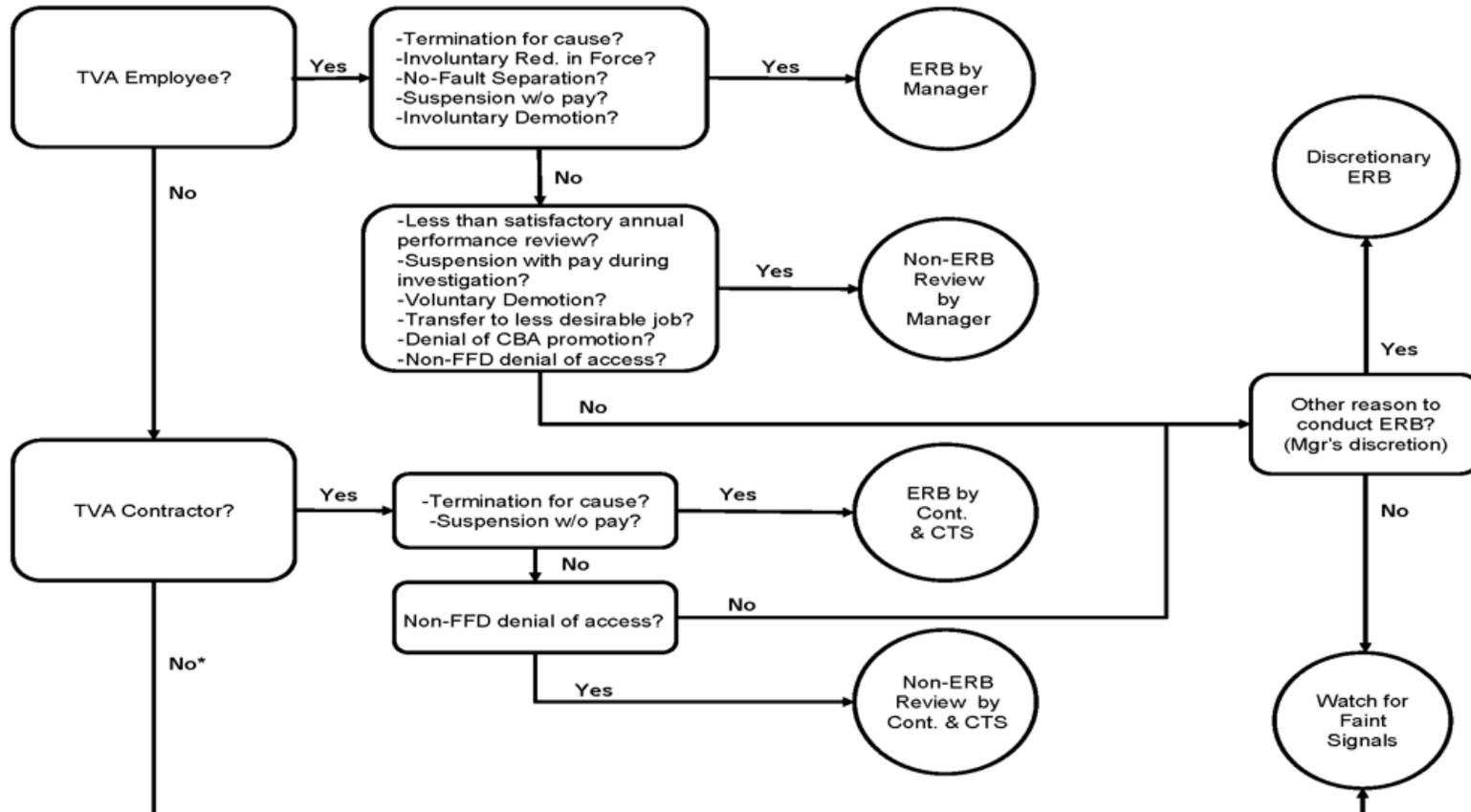
Non-ERB records are verified complete prior to filing for recordkeeping.

Human Resources	Name (print) and Signature	Date
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**Attachment 5  
(Page 1 of 1)**

**AEA / ERB Process Flowchart**



**Source Notes  
(Page 1 of 5)**

<b>Requirements Statement</b>	<b>Source Document</b>	<b>Implementing Statement</b>
<p>TVA shall ensure that its nuclear safety culture and safety conscious work environment policies and guidance (procedures), are in place, updated, and consistent with: 1) the NRC's March 2011 Safety Culture Policy Statement and associated traits, described within; and 2) the NRC's May 1996 Safety Conscious Work Environment Policy Statement; and are informed by: 1) the NRC's Regulatory Issue Summary 2005-18, "Guidance for Establishing and Maintaining a Safety Conscious Work Environment"; and 2) the industry's common language initiative (INPO 12- 012, Revision 1, April 2013).</p>	<p align="center">CR 1322419-005 Confirmatory Order EA-17-022 Requirement V.1.a.2</p>	<p align="center">[R.1]</p>
<p>TVA shall maintain a uniform process to ensure independent management review of all proposed adverse actions in accordance with the procedure. This process shall be executed by an ERB chaired by a TVA Vice President or above. The ERB shall, at a minimum, review proposed adverse employment actions to include suspensions (one or more days off without pay), terminations for cause, involuntary reduction in force, and no-fault terminations of employment.</p>	<p align="center">CR 1322419-011 Confirmatory Order EA-17-022 Requirement V.1.c.1</p>	<p align="center">[R.2]</p>
<p>TVA shall revise the Adverse Employment Action procedure to require all adverse employment actions, as described in EA-17-022 Requirement V.1.c.1, to be reviewed for potential effects on the safety conscious work environment, regardless of whether the employee engaged in a protected activity.</p>	<p align="center">CR 1322419-012 Confirmatory Order EA-17-022 Requirement V.1.c.2</p>	<p align="center">[R.3]</p>

**Source Notes  
(Page 2 of 5)**

<b>Requirements Statement</b>	<b>Source Document</b>	<b>Implementing Statement</b>
<p>TVA shall revise Nuclear Safety Culture Monitoring guidance to incorporate a requirement for the Senior Leadership Team to conduct a review of Adverse Employment Actions to identify potential trends that could impact an organization's nuclear safety culture.</p>	<p align="center">CR 1322419-017 Confirmatory Order EA-17-022 Requirement V.1.c.5</p>	<p align="center">[R.4]</p>
<p>TVA shall establish procedural guidance for a safety culture peer team outlining additional oversight specifically focused on fleet wide safety culture performance and safety conscious work environment as all TVA nuclear locations. a) The peer team will assess, at least twice a year, the nuclear safety culture trends in process inputs that could be early indications of a nuclear safety culture weakness. b) The peer team guidance shall be informed by guidance in NEI's 09-07, Revision 1, Fostering a Healthy Nuclear Safety Culture. c) The initial implementation of the peer team will be advised by an external consultant with extensive nuclear experience.</p>	<p align="center">CR 1322419-019 Confirmatory Order EA-17-022 Requirement V.1.c.7</p>	<p align="center">[R.5]</p>
<p>TVA shall modify its process for conducting pulsing surveys such that it is informed by the adverse action process. Pulsing surveys shall be conducted, as appropriate, shortly after a SCWE mitigation plan has been implemented to assess whether additional mitigation actions are necessary.</p>	<p align="center">CR 1322419-028 Confirmatory Order EA-17-022 Requirement V.1.d.2</p>	<p align="center">[R.6]</p>

**Source Notes  
(Page 3 of 5)**

<b>Requirements Statement</b>	<b>Source Document</b>	<b>Implementing Statement</b>
<p>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. Such a process should consider actions to mitigate a potential chilling effect if the employment action, despite its legitimacy, could be perceived as retaliatory by the workforce.</p>	<p>Confirmatory Order EA-09-009; EA-09-203 Requirement V.1</p>	<p>[R.7]</p>
<p>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. Such a process will likewise consider actions to mitigate a potential chilling effect if the employment action, despite its legitimacy, could be perceived as retaliatory by the workforce.</p>	<p>Confirmatory Order EA-09-009; EA-09-203 Requirement V.1</p>	<p>[R.8]</p>

**Source Notes  
(Page 4 of 5)**

<b>Requirements Statement</b>	<b>Source Document</b>	<b>Implementing Statement</b>
<p>Revise procedure NPG-SPP-11.10 to capture the 3 distinctive tasks and key aspects noted below:</p> <p>1) Determine if the proposed adverse employee action, namely, the discipline, is consistent with recent disciplinary actions taken in similar circumstances in accordance with TVA discipline policy.</p> <p>2) Ensure that the discipline is not taken because an employee engaged in activities protected by the employee protection regulations of 10 CFR 50.7 and TVA procedure TVA-SPP-11.804.</p> <p>3) Determine if the action could be perceived as negatively impacting any individual or organizational aspects of SCWE; cause a potential chilling effect; or be perceived as retaliatory, independent of discipline legitimacy. Key aspects to include in the procedure revision of NPG-SPP-11.10:</p> <ul style="list-style-type: none"> <li>• The Line Manager (for TVA employees) or CTS' Line Manager (for TVA Contractors) and site NSC Peer Team Member will sign the SCWE assessment form.</li> <li>• The proposed action will describe the non-privacy related facts underlying the violation and state which TVA value, policy, or disciplinary guideline was the basis for the violation.</li> <li>• The Mitigation Plan must communicate the non-privacy related facts underlying the violation and state which TVA value, policy, or disciplinary guideline was the basis for the violation.</li> </ul>	<p>1271309-012</p> <p>NRC Identified PI&amp;R Inspection Report 50-390, 391/2016013-003</p> <p>CAPR-04</p>	<p>[C.1]</p>

<b>NPG Standard Programs and Processes</b>	<b>Adverse Employment Action and the Executive Review Board</b>	<b>NPG-SPP-01.7.4 Rev. 0009 Page 47 of 47</b>
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**Source Notes  
(Page 5 of 5)**

<b>Requirements Statement</b>	<b>Source Document</b>	<b>Implementing Statement</b>
Establish procedural governance to capture the SCWE program based on INPO 12-012 Traits of a Healthy Nuclear Safety Culture, 10CFR50.7, Regulatory Issues Summary 2005-18, Guidance for Establishing and Maintaining a Safety Conscious Work Environment & other NRC guidance.	1271309-011 NRC Identified PI&R Inspection Report 50-390, 391/2016013-003 CAPR-03	[C.2]