



**NPG Standard
Programs and
Processes**

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

**NPG-SPP-01.7.4
Rev. 0000
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1.0 PURPOSE

NOTES	
1)	Throughout this document, the term “adverse action” is synonymous with the term “adverse employment action”.
2)	Throughout this document, the term “TVA Nuclear employees and contractors” refers to employees and contractors that work at TVA Nuclear sites, to include TVA Nuclear employees and contractors working at the TVA corporate office. It also includes those non-nuclear employees and contractors that are working in support of TVA Nuclear and stationed at a TVA Nuclear operating site, such as Supply Chain, Transmission, Power Service Shop, Environmental, Facilities and Information Technology.
3)	Throughout this document, the term “significant adverse action” is synonymous with the term “significant adverse employment action”.

- A. The purpose of this procedure is to provide the guidance for managers to perform the following:
 - 1. Executive Review Board (ERB) Process [C.1]
 - 2. Determine if the proposed adverse employment action is consistent with recent disciplinary actions taken in similar circumstances in accordance with discipline policy. [C.1]
 - 3. Evaluate whether proposed or taken adverse employment actions, despite their legitimacy, could negatively impact the Safety Conscious Work Environment (SCWE). [C.1] [C.2] [R.3] [R.7] [R.8]
 - 4. Develop SCWE Mitigation Plans to mitigate a potential negative SCWE impact if the employment action, despite its legitimacy, could be perceived as retaliatory by the workforce. [C.1] [C.2] [R.3] [R.7] [R.8]
- B. Included in this procedure are the tools to perform SCWE Mitigation Plan Screenings and SCWE Mitigation Plan templates.

2.0 SCOPE

The process described in this procedure applies to employees and contractors at work at TVA Nuclear sites, to include TVA Nuclear employees and contractors working at the TVA corporate office. This procedure also applies to those non-nuclear employees and contractors that are working in support of TVA Nuclear and stationed at a TVA Nuclear operating site, such as Supply Chain, Transmission, Power Service Shop, Environmental, Facilities, and Information Technology.

2.0 SCOPE (continued)

The adverse employment actions, impacting TVA Nuclear employees, that require ERB review and SCWE mitigation evaluation are termed “Disciplinary Adverse Actions”. [R.3]

Disciplinary Adverse Actions (TVA Employees Only)	
Suspensions (one or more days off without pay)	Terminations For Cause
Involuntary Reduction In Force	No-fault Terminations of Employment

Non-Disciplinary Adverse Actions	
Demotion	Denial of Promotion
Unfavorable Performance Appraisal	Transfer to a Less Desirable Job
Denial of Access	Other Performance Management Actions

Non-Disciplinary Adverse actions do NOT require Executive Review Board (ERB) review. However, management may elect to have other employee actions reviewed by ERB, as they deem necessary. SCWE screening and mitigation plans can be utilized by the manager for personnel actions not required to be reviewed by the ERB, that may negatively impact the SCWE of the workforce.

Significant Adverse Actions (Contractor Only)	
Suspensions (one or more days off without pay)	Terminations For Cause

The adverse employment actions, impacting TVA Nuclear contractors, that require ERB review and SCWE mitigation evaluation are termed “Significant Adverse Actions”. [R.2] [R.3] [R.8]

Review Cadence: This procedure is reviewed at least once every four years (+3 months), with the review documented in the Revision Log.

3.0 PROCESS

3.1 Roles and Responsibilities

3.1.1 Executive Review Board

- A. Determine if the proposed adverse employee action, i.e., the discipline, is consistent with recent disciplinary actions taken in similar circumstances in accordance with the appropriate discipline policy. [C.1]
- B. Ensure that the discipline is not taken because an employee engaged in activities protected by the employee protection regulations of 10 CFR 50.7. [C.1]
- C. Determines whether follow-up actions such as, Pulsing Surveys are necessary. [R.6]
- D. Approves SCWE mitigation plans.

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3.1.1 Executive Review Board (continued)

- E. Review proposed adverse actions before the actions are taken to determine whether the proposed actions are consistent with employee protection regulations. [C.1] [R.2] [R.7] [R.8]
 - 1. 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.
 - 2. The Line Manager (for TVA employees) or CTS' Manager (for TVA Contractors) and site NSC Peer Team Member will sign the SCWE assessment form.
 - 3. 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.
- F. 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.

3.1.2 Plant Support Director (Site) or Nuclear Safety Culture Monitoring Panel (NSCMP) Chairperson (Corporate)

- A. Maintains oversight for execution of this procedure and process for station implementation.
- B. If participation is required by the ERB for contract personnel review, ensure the applicable Contractor or Vendor management or delegate is notified and involved in discussions, with expectation to attend ERB.
- C. Responsible to review all documentation for thoroughness and accuracy prior to the ERB.
- D. Responsible to facilitate review during the ERB, to include ERB participant readiness prior to holding the ERB.
- E. Approves SCWE mitigation plans deemed necessary by the line manager for non-disciplinary adverse actions.
- F. Determines whether follow-up actions such as, Pulsing Surveys are necessary are necessary for non-disciplinary adverse actions.

3.1.3 TVA Nuclear Line Manager

- A. The applicable line manager is responsible for initiating this process for both TVA Nuclear employees and staff augmented contract personnel, including fact finding investigation of incidents.
- B. Consults with subject matter experts such as TVA HR, Employee Concerns, TVA Performance Improvement (PI) group or Corrective Action personnel, or Contractor / Vendor management to help identify protected activity, nuclear safety, regulatory, or legal issues.

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3.1.3 TVA Nuclear Line Manager (continued)

- C. Coordinates scheduling ERB time and date with ERB Chairperson.
- D. Provides information as required by the ERB.

3.1.4 TVA Nuclear Human Resources (HR) Partnership Personnel

- A. TVA Nuclear HR is responsible to maintain documentation associated with this procedure to ensure confidentiality, including forms, interviews, and investigation notes.
- B. TVA HR will monitor consistency in disciplinary actions based on similar offenses, and provide guidance and consultation regarding the discipline proposed for TVA Nuclear employees, in accordance with TVA-SPP-11.316, Employee Discipline. Further, HR will provide similar guidance and consultation regarding TVA-SPP-11.210, Reduction in Force, and labor agreements.
- C. For covered Non-Nuclear employees assigned to or working for Nuclear will coordinate with the appropriate Business Unit HR Partnership.
- D. TVA HR maintains oversight over the TVA Discipline Review Process.
- E. TVA Nuclear HR is responsible for identifying and informing the ERB of any Protected Activity of which they are aware.
- F. Generates quarterly reports indicating the number of ERBs held by location, any trends in a particular type and provides the report to the Nuclear Safety Culture Monitoring Panel (NSCMP) Chairperson.
- G. Maintains and processes all ERB documentation, in accordance with this procedure. Reference the section of ERB Recordkeeping.
- H. Responsible to ensure Contractor / Vendor HR representatives are aware of and understand their roles pertaining to this procedure and process.

3.1.5 Contractor or Vendor Human Resources

- A. For covered Contractor / Vendor employees outside of TVA Nuclear, Contractor / Vendor HR will work jointly with TVA Nuclear HR to ensure adherence to the Adverse Employment Action process defined in this procedure.
- B. Contractor / Vendor HR will monitor consistency of disciplinary actions based on similar offenses, and provide guidance and consultation regarding the discipline proposed for contractor or vendor personnel, in accordance with their applicable procedures.
- C. The Contractor / Vendor HR representative is responsible for identifying and informing the TVA Nuclear HR and the ERB of any Protected Activity of which they are aware.
- D. Responsible to review all documentation for thoroughness and accuracy prior to the ERB.

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3.1.5 Contractor or Vendor Human Resources (continued)

- E. Responsible to prepare documentation for ERB review of potential work environment implications of Contractor / Vendor personnel action.

3.1.6 TVA Contract Technical Steward (CTS) or CTS Supervisor and Contractor Representative (Vendor or Project Manager)

- A. Responsible for review of contractor actions to ensure compliance with procedural requirements.
- B. Responsible for contract personnel, including investigation of incidents, providing documentation and completing appropriate forms.
- C. Responsible to identify and inform the ERB of any Protected Activity of which he or she is aware.
- D. Responsible for providing information as required by the ERB, for Contractor / Vendor personnel.
- E. Consults with subject matter experts such as TVA HR, Employee Concerns, TVA Performance Improvement (PI) group or Corrective Action personnel, or Contractor / Vendor management to help identify protected activity, nuclear safety, regulatory, or legal issues.

3.1.7 Office of General Counsel

- A. Responsible for participating in discussion meetings regarding proposed actions by the Site Vice President (or designee) or HR representative, providing privileged and confidential legal advice, as requested.
- B. Provides privileged and confidential legal advice to the ERB, whether proposed actions comply with legal and regulatory requirements.
- C. Attends ERB meetings as requested or available; either by phone or in person.

3.1.8 Employee Concerns Program (ECP) Professionals

- A. Responsible to provide perspectives on Safety Conscious Work Environment (SCWE) or Harassment, Intimidation, Retaliation, Discrimination (HIRD) aspects, as applicable to ERB dialogue.
- B. Responsible for identifying and informing the ERB of any Protected Activity of which they are aware.
- C. Conduct SCWE Mitigation Plan follow-up actions, as needed.

3.1.9 Nuclear Communications

- A. Responsible to assist TVA Line Managers in the ERB process with respect to communication of SCWE Mitigation Plan actions.

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3.1.9 Nuclear Communications (continued)

- B. Consideration for the potential of employees to interpret the adverse action as HIRD must be given when considering communications.

3.2 Program Elements

NOTES

- 1) 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.
- 2) Legal Counsel should attend ERB meetings upon request of the ERB Chairperson, either in person or by phone, for the purpose of providing privileged and confidential legal advice to the ERB.
- 3) ERB Members will: 1) Deliberate on the proposed action as presented; 2) Maintain confidentiality of information reviewed or discussed with regards to ERB matters.

3.2.1 Site Executive Review Board (ERB) Membership

NOTE

For proposed actions regarding covered employees outside of TVA Nuclear, such as Supply Chain, Transmission, Power Service Shop, Environmental, Facilities, Information Technology, both the group Vice President and the Site Vice President must participate in the ERB process as described in the procedure.

- A. Site ERB is composed of following members:
1. Chairperson - Site Vice President
 2. Site Plant Support Director
 3. Site ECP Manager or Senior Manager ECP
 4. Site designated HR Manager, or delegate
 5. Contractor or Vendor HR, as applicable
 6. Additional Site alternate or ad-hoc members as authorized by the Site ERB Chairperson
 - a. Site Plant Manager
 - b. Site Director Engineering
 - c. TVA Corporate HR Manager

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3.2.1 Site Executive Review Board (ERB) Membership (continued)

- d. Office of General Counsel

3.2.2 Corporate Executive Review Board (ERB) Membership

A. Corporate ERB is composed of following members:

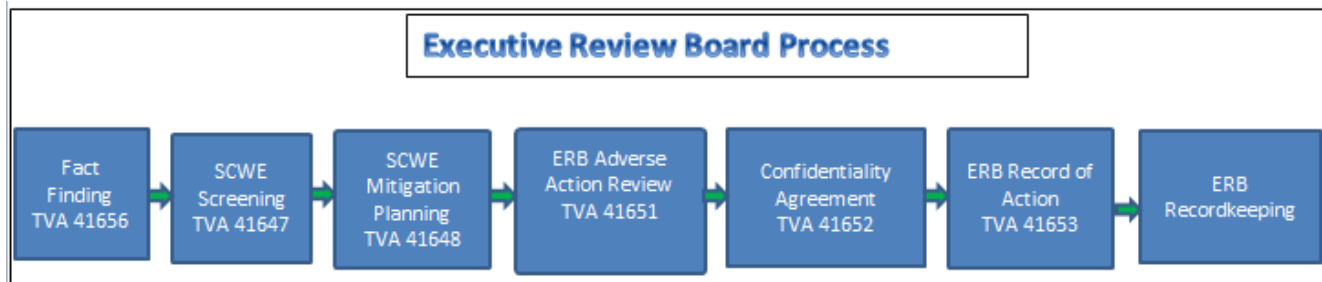
1. Chairperson - Senior Vice President Engineering and Operations Support or Senior Vice President Nuclear Operations or delegate
2. Vice President Nuclear Regulatory Affairs and Support Services
3. Corporate Manager Employee Concerns
4. Corporate Manager HR,
5. Contractor or Vendor HR, as applicable
6. Additional Corporate alternate or ad-hoc members as authorized by the Corporate ERB Chairperson
 - a. Vice President Operations Support
 - b. Vice President Nuclear Oversight
 - c. Office of General Counsel
 - d. Nuclear Safety Culture Monitoring Panel Chairperson

3.2.3 ERB Process Instructions

This section provides instructions for generating and preparing Executive Review Board (ERB) documentation for the forms below.

- TVA 41656 - Fact Finding
- TVA 41647 - SCWE Mitigation Screening
- TVA 41648 - SCWE Mitigation Plan
- TVA 41651 - ERB Adverse Action Review
- TVA 41652 - Confidentially Agreement
- TVA 41653 - ERB Record of Action

3.2.4 ERB Process Diagram



NOTES

- 1) 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.
- 2) When preparing and completing the forms, contact the NSCMP Chairperson or the Plant Support Director for assistance and if questions arise regarding this process.
- 3) Initiating Personnel Action requiring ERB Review (Disciplinary Adverse Actions) require ERB review prior to the action being taken.

3.2.5 TVA 41656 Fact Finding

- A. The TVA Line Manager or CTS starts the ERB Process by initiating TVA Form 41656 Fact Finding.
- B. The TVA Line Manager or CTS will consult with necessary personnel such as Human Resources, Employee Concerns Program staff, Site Licensing Manager, Director of Plant Support, other Senior Management, Office of General Counsel, Performance Improvement manager and others, as necessary to accurately complete the form while maintaining subject employee or contractor privacy rights.

3.2.6 TVA 41647 SCWE Mitigation Screening

- A. The TVA Line Manager or CTS performs TVA 41647 SCWE Mitigation Screening. The SCWE Screening should be performed from the vantage place of the workforce and should consider perceptions of the workforce. Perception is reality! When evaluating the potential for negative impacts to the SCWE of the workforce.
- B. NSCMP Chairperson (corporate) or Director of Plant Support (site) will review the completed form and provide comments as warranted to the TVA Line Manager or CTS.

3.2.7 TVA 41648 SCWE Mitigation Plan (if applicable)

- A. The TVA Line Manager or CTS performs TVA 41648 SCWE Mitigation Plan, if applicable. Applicability is based on the results of TVA 41647 SCWE Mitigation Screening.

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3.2.7 TVA 41648 SCWE Mitigation Plan (if applicable) (continued)

- B. Mitigation Plans should communicate the non-privacy related facts underlying the violation and state which TVA value, policy, or disciplinary guideline was the basis for the violation. Additionally, the Mitigation Plan should reiterate the TVA and Contractor (as applicable) SCWE policy. The intent of including the SCWE policy is to reinforce management's expectation and the employees responsibility to raise nuclear safety concerns through any of the available means. Additionally, management should make it clear that employees can raise concerns to management without fear of retaliation. Reference NPG-SPP-01.7 Nuclear Safety Culture and the Nuclear Operating Model.
- C. The Director of Plant Support (site) or NSCMP Chairperson (corporate) approves SCWE mitigation plans deemed necessary by the line manager for non-disciplinary adverse actions and determines whether follow-up actions such as, Pulsing Surveys are necessary for non-disciplinary adverse actions.

3.2.8 Executive Review Board Package

- A. The Line Manager or CTS compiles all supporting documentation, including the following documentation:
 1. TVA 41656 - Fact Finding Notes for Disciplinary Action
 2. TVA 41647 - SCWE Mitigation Screening
 3. TVA 41648 - SCWE Mitigation Plan
 4. TVA 41651 - ERB Adverse Action Review

3.2.9 TVA 41651 Adverse Action Review

- A. 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?

Specifically, has EMPLOYEE NAME

(In email to management) raised any safety or quality issues to their immediate supervisor or manager or participated in an investigation by providing a written or signed statement?

Contacted the TVA Office of General Counsel or participated in an investigation by providing a written or signed statement?

Contacted an external regulatory agency?

Contacted the Employee Concerns Program?
- B. Determines whether the affected individual submitted a Condition Report by querying the CAP database.

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3.3 Discussion and Determination

- A. ERB shall review all documentation and convene an in person meeting or teleconference no later than 48 hours after submittal of the documentation.
- B. Prior to the ERB meeting the Site/Corporate HR Manager will ensure that all ERB Members present have signed a Confidentiality Agreement.
 - 1. TVA FORM 41652 Confidentiality Agreements may be considered current for 1 year following the date of signature.
 - 2. Other participants in the ERB, such as presenters, sign Confidentiality Agreements at the meeting.
- C. As part of its analysis, the ERB should evaluate and consider the following factors:
 - 1. Whether applicable policies and procedures have been followed.
 - 2. Whether the Personnel Action at issue is consistent with company past practices.
 - 3. The relationship, if any, between any protected activity and the proposed personnel action.
 - 4. Any other extenuating, mitigating or relevant factor or circumstance.
- D. The ERB renders a determination by conducting a vote of ERB members present. The outcome of the ERB vote, a listing of the ERB voting members present, and any proposed employment action will be recorded on the "Record of Action" TVA FORM 41651.
- E. All ERB determinations are final. No changes to the ERB's determination shall be made without reconvening the ERB. This includes failing to execute the proposed action to which the ERB had "no objection." This does not mean that the ERB shall be convened to hear an employee's appeal of the decision, for example, an employee who has been terminated seeking reconsideration of the termination. Such appeals/grievances are outside of the ERB's scope and should be addressed through the appropriate HR and legal processes.

3.4 TVA 41653 Record of Action and Proposed Action Execution

- A. The Line Manager proposing the action under review may not take the proposed action unless the ERB has rendered a determination that it has "no objection" to the proposed action.
- B. Following the ERB Chairperson's approval on the "Record of Action" for TVA Employees the TVA Line Manager or CTS is responsible for executing any proposed action that received an ERB determination of "no objection." For Staff Augmented Contractors the CTS is responsible for executing any proposed action that received an ERB determination of "no objection."
- C. Following the ERB Chairperson's approval on the "Record of Action" for Managed Task Contractors the contractor representative (Vendor or Project Manager) is responsible for executing any proposed action that received an ERB determination of "no objection."

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3.4 TVA 41653 Record of Action and Proposed Action Execution (continued)

- D. Summary data on all ERB decisions will be provided to the Nuclear Safety Culture Monitoring Panel (NSCMP) Chairperson and the Nuclear Safety Culture Peer Team member for the appropriate site location,
- E. Once approved by the ERB Chairperson the personnel action may proceed. However, the form will remain in a working status if the ERB Chairperson deemed follow-up actions were necessary following implementation of the SCWE mitigation plan. The ERB Chairperson will determine the individual responsible for tracking these follow-up actions. ERB documentation should be handled as described in ERB Recordkeeping in the interim between ERB review and the time follow-up actions are completed and reviewed.
- F. The Director of Plant Support (site) or NSCMP Chairperson (corporate) should review ERB documentation and ensure all forms are complete and accurate with the required approvals
- G. The HR Manager is responsible for maintaining documentation on all ERB decisions. All ERB documentation, including the ERB member Confidentiality Agreements (TVA Form 41652, Attachment 4), shall be stored in a secured location, either electronically or hardcopy, with access limited to ERB members only.

3.5 ERB Recordkeeping

- A. Nuclear HR is responsible for providing the summary documentation of ERB and SCWE Mitigation Plans to the Nuclear Safety Culture Site Leadership Team (SLT) and Nuclear Safety Culture Peer Team Chairperson as described in NPG-SPP-01.7.2 Nuclear Safety Culture Monitoring. [R.4] [R.5]
- B. 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.
- C. All ERB documentation, including the ERB member Confidentiality Agreements (TVA Form 41652, Attachment 4), shall be stored in a secured location, either electronically or hardcopy, with access limited.
- D. ERB documents shall be kept separate from an employee's personnel file.
- E. All ERB records, including the procedure and associated forms, shall be made available to the NRC upon request. OGC should be consulted prior to producing any documents to the NRC.
- F. ERB records should NOT be released to anyone or any entity outside of TVA without consulting with OGC.
- G. Case logs shall be maintained by the HR department and shall include, but not be limited to, the case number, employee name, proposed action, final action taken, and date(s) ERB held.

3.5 ERB Recordkeeping (continued)

H. Human Resources for each site generates quarterly reports indicating the number of ERBs held by location, any trends in a particular type of adverse action and disciplinary action.

4.0 RECORDS

4.1 QA Records

None

4.2 Non-QA Records

- A. Fact Finding- TVA 41656 (TVA Nuclear HR retains these completed forms for 3 years).
- B. SCWE Mitigation Plan Screening - TVA 41647
- C. SCWE Mitigation Plan - TVA 41648
- D. Confidentiality Agreement - TVA 41652
- E. ERB Adverse Action Review - TVA 41651
- F. ERB Record of Action - TVA 41653
- G. Case Logs - (Maintained by HR department, for each respective location for a minimum of five (5) years.)
- H. 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

10CFR50.7 - 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 Action (Adverse Employment Action) - 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]

Disciplinary Adverse Actions (TVA Employees Only)	
Suspensions (one or more days off without pay)	Terminations For Cause
Involuntary Reduction In Force	No-fault Terminations of Employment

5.0 DEFINITIONS (continued)

Non-Disciplinary Adverse Actions	
Demotion	Denial of Promotion
Unfavorable Performance Appraisal	Transfer to a Less Desirable Job
Denial of Access	Other Performance Management Actions

Non-Disciplinary Adverse actions do **NOT** require Executive Review Board review. However, management may elect to have other employee actions reviewed by ERB, as they deem necessary.

Significant Adverse Actions (Contractors Only)	
Suspensions (one or more days off without pay)	Terminations For Cause

The adverse employment actions, impacting TVA Nuclear contractors, that require ERB review and SCWE mitigation evaluation are termed “Significant Adverse Actions”. [R.7, R.8]

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.

Discipline Review Process - TVA Nuclear related activity to ensure proposed actions are challenged prior to those actions being taken.

Employee Concerns Program (ECP) - An alternative process to line management and the corrective action program for employees to seek an impartial review of safety concerns. Many ECPs handle a variety of concerns and help resolve concerns on behalf of employees

Executive Review Board (ERB) - Consists of Senior level TVA Nuclear management responsible for review of proposed personnel actions to ensure that actions do not constitute retaliation based on an employees participation in protected activities. [R.3] [R.7] [R.8]

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.

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.

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5.0 DEFINITIONS (continued)

Proposed Action Execution - Proposed actions can be executed only upon an ERB determination of “no objection” (to propose or to proposed alternative employment action as applicable).

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 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.
- H. Commences or participates in a proceeding under Section 211 of the Energy Reorganization Act.
- I. Notifies his/her employer, supervisor, the ECP Program 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 the management can leverage to gain insights on site safety culture, whether proactively to identify potential issues or to assess effectiveness of actions.

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5.0 DEFINITIONS (continued)

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 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 - A documented plan of action to address any potential negative impact to the Safety Conscious Work Environment (SCWE) resulting from certain personnel actions. (Form TVA 41648)

Significant Adverse Employment Actions- Proposed employment actions of one or more days off without pay up to an including termination for cause, but excluding reductions-in-force and other ordinary layoffs. [R.8]

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, NPG CTS Role and Oversight of Supplemental Personnel for applicable definitions and guidance.

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]

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6.1 Requirement Documents (continued)

- 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. NUREG-2165, Safety Culture Common Language
- F. TVA-SPP-11.8.4, Expressing Concerns and Differing Views
- G. TVA-SPP-11.316, Employee Discipline
- H. TVA-SPP-11.20, Performance Management

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

Fact Finding Notes for Disciplinary Action - TVA 41656

Fact Finding Notes for Disciplinary Action

Employee Information			
Name:	Manager:	Hire Date:	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Department:	Job Entry Date:	Job Title:	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Location:	Veteran:		
<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No		
Employee History			
Previous Disciplinary Action: <input type="radio"/> Yes <input type="radio"/> No Previous Discipline Actions			
Any Non-disciplinary Actions: <input type="radio"/> Yes <input type="radio"/> No Actions Documented			
Prior Service Review Information (3 Previous Years):			
Year	Year	Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Offenses and Disciplinary Guideline Information (in accordance with TVA-SPP-11.316)			
Offense Under Investigation:			
<input type="text"/>			
Disciplinary Guideline: <input type="checkbox"/> Verbal Warning <input type="checkbox"/> Written Warning <input type="checkbox"/> Suspension <input type="checkbox"/> Discharge			
Summary of Situation In Question (include all relevant information):			Incident Date:
<input type="text"/>			<input type="text"/>
<input type="button" value="Add Another Offense"/>			
Recommended Level of Disciplinary Action			
<input type="checkbox"/> Coaching <input type="checkbox"/> Verbal Warning <input type="checkbox"/> Written Warning <input type="checkbox"/> Suspension - Days ____ <input type="checkbox"/> Discharge			
Comments:			
<input type="text"/>			
Similar Offenses & Disciplinary Action Taken			
<input type="button" value="Add Row to Table"/>			
<input type="button" value="Delete Row from Table"/>			
Date of Discipline Action	Disciplinary Action Taken	Location	Summary of Incident
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Supporting Information			
What immediate actions were already taken? <input type="text"/>			
What was the employee's rationale for the issue? <input type="text"/>			

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

Fact Finding Notes for Disciplinary Action - TVA 41656

Name:

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

- Was the employee on clear notice of any rules and/or expectations that were violated prior to this event? Yes No
- Did the employee receive appropriate training on all aspects of the job? Yes No
- Were there witnesses and relevant parties interviewed about the event? Yes No
- Were the appropriate key stakeholders contacted related to this incident? Yes No

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

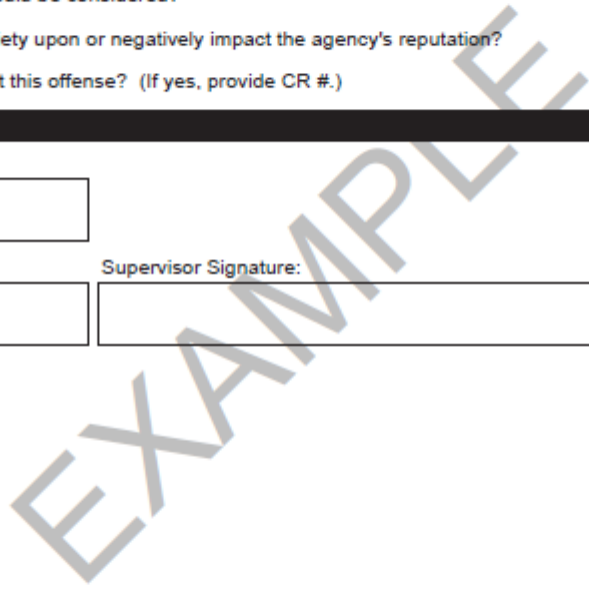
- Was the action confirmed to be willful misconduct (intentional/deliberate)? Yes No
- Are there any mitigating circumstances (personal problems, emotional distress, unusual job tensions, as example) that should be considered? Yes No
- Does the offense create notoriety upon or negatively impact the agency's reputation? Yes No
- Was a CR written to document this offense? (If yes, provide CR #.) Yes No

Prepared By:

Supervisor Name:

Supervisor Signature:

Date:



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

Safety Conscious Work Environment (SCWE) Mitigation Plan

Safety Conscious Work Environment (SWCE) Mitigation Plan

Planned Mitigating Actions

After completing Attachment 2 SCWE Mitigation Plan Screening, consult with the designated Human Resources representative (and the Employee Concerns Program and 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 personnel action. In this communication, at a minimum, address the following topics:
 - (a) The action taken, with appropriate consideration of privacy rights.
 - (b) Management's legitimate reasons for taking the proposed action (in other words, tell the workforce the truth about management's reasons -- the antidote to a chilling effect is the truth);
 - (c) Management's support for employees who raise concerns;
 - (d) Your availability to employees who have concerns and the availability of the other avenues for the raising of concerns; and
 - (e) The individual's protected activity did not contribute to management's decision to take personnel action.
2. If appropriate under the circumstances, consider discussing the following:
 - (a) The relevant standards and expectations to prevent a recurrence of the circumstances that led to the personnel action against the individual;
 - (b) The deliberate process that led up to the decision to take the personnel action;
 - (c) The nature of the review(s) that preceded the decision to take the personnel action; and
 - (d) The status of the individual's safety or other concern and management's commitment to investigate and resolve the concern.

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

Safety Conscious Work Environment (SCWE) Mitigation Plan

Safety Conscious Work Environment (SWCE) Mitigation Plan

3. Describe the nature, timing, and content of any communications with persons beyond the individual's immediate work group, if warranted. Ensure this communication is consistent with the information provided to the immediate work group and that this communication address items 1(a)-(e), above. If no such communications are planned, describe the reasons why they are not necessary.

4. Describe the actions that you intend to take to determine if the workforce understood and accepted your initial communications. Describe the timing associated with these efforts and other follow-up actions. Preliminarily identify steps that may be required to reinforce your original message or to correct any misunderstandings.

Prepared By: _____ / _____
Line Manager or CTS Supervisor Date

Approved By: _____ / _____
ERB Chairperson or Plant Support Director/NSCMP Chairperson⁽¹⁾ Date

Follow-up Actions

After conducting a SCWE Mitigation Plan, consider follow-up measures needed to assess whether additional mitigation actions are necessary. Follow-up measure may include actions such as the following:

- Pulsing Surveys⁽²⁾
- Focus Groups
- 2Cs
- Survey Monkey
- Other

Follow-up Actions are warranted:
 Yes No

If Yes, describe the specific follow-up actions to be taken to include items such as owner, specific questions to be asked or discussed, impacted work groups and population to include, and due date. If Pulse Surveys are not utilized explain why.

Approved By: _____ / _____
ERB Chairperson or Plant Support Director/NSCMP Chairperson⁽¹⁾ Date

Acknowledged By: _____ / _____
Manager* Date

* Will be signed by the Manager responsible for performing follow-up action⁽¹⁾.

⁽¹⁾ SCWE Mitigation Plans are approved by ERB Chairperson if initiated for employee actions that are reviewed by the ERB or other SCWE mitigation plans should be approved by the Plant Support Director (site) or NSCMP Chairperson (corporate).
⁽²⁾ Pulsing Survey shall be conducted as appropriate shortly after a SCWE mitigation plan has been implemented to assess whether additional actions are necessary. [R.6]

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

Safety Conscious Work Environment (SCWE) Mitigation Plan

Safety Conscious Work Environment (SWCE) Mitigation Plan

Follow-up actions have been completed and results have been provided to the approving manager of the actions (ERB Chairperson or Director, Plant Support).

Manager responsible for follow-up line for signature and date for follow-up action complete.

Based on the outcome of the follow-up actions, are additional mitigation actions required?

Yes No

Explain why.

If yes, please repeat this form.

Approved By: _____ / _____
 ERB Chairperson or Plant Support Director/NSCMP Chairperson⁽¹⁾ Date

EXAMPLE

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**Attachment 4
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Confidentiality Agreement (TVA 41652)

Executive Review Board

Confidentiality Agreement Form

As an employee, I understand that in the course of my role and participation on TVA Nuclear Executive Review Board (ERB), I may have access to confidential, proprietary or personal information (Confidential Information) regarding other employees, contractors, subcontractors, suppliers, or TVA. Such confidential information may be verbal, on paper, contained in software, visible on screen displays, in computer readable form, or otherwise, and may include, but is not limited to, employment, contractual, or institutional data.

I hereby affirm that:

I will hold the Confidential Information received in strict confidence and shall exercise a reasonable degree of care to prevent disclosure to others.

I will not disclose or divulge either directly or indirectly the Confidential Information to others unless first expressly authorized to do so by the ERB Chairperson or TVA Legal Counsel.

I will not reproduce the Confidential Information nor use this Confidential Information for any purpose other than the performance of my duties for TVA's ERB.

I understand that I will be held responsible for my misuse or unauthorized disclosure of Confidential Information, including the failure to safeguard my information. My obligations under this Confidentiality Agreement are effective as of this day and will continue after my affiliation with TVA concludes.

TVA reserves the right to take disciplinary action, up to and including termination, for violations of this Agreement.

Signing below signifies that you agree to the terms and conditions of the Agreement stated above.

Employee Name <i>(please print)</i> : _____
Employee Title <i>(please print)</i> : _____
Employee Signature: _____ Date: _____

Completed forms shall be maintained in accordance with Executive Review Board Procedure, NPG-01.7.4 Adverse Employment Action and Executive Review Board.

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

ERB Record of Action (TVA 41653)

Executive Review Board

Record of Action

ERB Case Number:	Case Type:
Employee Name:	<i>(check one)</i> <input type="checkbox"/> TVA employee <input type="checkbox"/> Contractor
Employee No.:	
Employee Job Title:	Employee Functional Group:
Date ERB Convened:	Time ERB Convened:
Business Line:	Time ERB Concluded:

Case Summary:

Proposed Action:

Justification for proposed action:

Review Summary:

1. The proposed action is based on legitimate, non-retaliatory reasons. Yes No
 2. The proposed action is compliant with TVA policies, procedures and/or past practices. Yes No
 3. The proposed action has potential to create a negative impact on workforce SCWE? Yes No
- If "Yes," has a SCWE Mitigation Plan been prepared and approved? Yes No
- If "Yes," ensure planned mitigating actions are listed on Attachment 3.

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).

**Attachment 5
(Page 2 of 2)
ERB Record of Action (TVA 41653)**

**Executive Review Board
Record of Action**

ERB Decision

List of all voting ERB members present: (indicate name of person in role or N/A if no voting member in that role)

Chair: _____

Director of Plant Support: _____

HR: _____

Legal Counsel: _____

Other Witnesses attending ERB: _____

The ERB does not object to the proposed employment action

The ERB objects to the proposed employment action

Alternative employment action proposed and accepted

Alternative employment action proposed but rejected

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): _____

Prepared by (print name): _____ Title: _____

ERB Chair Signature: _____ Date: _____

**Attachment 6
(Page 1 of 5)**

ERB Adverse Action Review (TVA 41651)

Executive Review Board

Proposed Adverse Action Review Form (TVA 41651)

The Executive Review Board (ERB) reviews, as a minimum, disciplinary and significant adverse employee actions. ERB discusses whether each case:

- 1) Determine if the proposed adverse employee action, i.e., the discipline, is consistent with recent disciplinary actions taken in similar circumstances in accordance with TVA discipline policy.
- 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-11.8.4.
- 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.

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

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 requests for copies of this documentation must be approved by the OGC.

Please attach any additional relevant document(s) or information as needed.

Employee Name _____ Employee No. _____

Employee Hire Date: _____ Employee Title: _____

Has the Employee Been Suspended Pending the ERB Determination? Yes No

If yes, date suspension began: _____

If yes, please check whether suspension was: With Pay Without Pay

Proposed Action (check all that apply):

Disciplinary Adverse 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

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

OTHER
If other, specify: _____

Name and Title of Person Proposing Action and Date _____

**Attachment 6
(Page 2 of 5)**

ERB Adverse Action Review (TVA 41651)

Executive Review Board

Proposed Adverse Action Review Form (TVA 41651)

Overview:

1. 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 immediate supervisor or manager Yes No
- Submitted a site Condition Report / Corrective Action 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*):

2. 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*):

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

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

4. Other individual(s) affected by the proposed action, if applicable:

5. Provide a detailed justification for the proposed action.
Include a chronological sequence of events leading to the decision to propose action, previous discipline history with individual, impact on safety/production/co-workers/client/plant/community and other facts related to the case.

**Attachment 6
(Page 3 of 5)**
ERB Adverse Action Review (TVA 41651)

Executive Review Board
Proposed Adverse Action Review Form (TVA 41651)

Investigation Summary

Witness	Title	Relevance to Issue

6. Identify specific rules and/or policies violated and attach copies of the relevant rules/policies.
7. Is this an issue covered by TVA-SPP-11.316 Employee Discipline? Yes No
 If yes, identify the rule in TVA-SPP-11.316 Employee Discipline
8. Have all witnesses and relevant parties, including the individual in question, been interviewed and are their statements documented and included in the ERB package? Yes No
 If "No", explain:
9. What was the individual's explanation of the policy violation or issue?
10. Did the individual receive appropriate training and have all the time, tools and equipment to perform the job/task? Yes No
 If "No", explain:
11. 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.

**Attachment 6
(Page 4 of 5)**

ERB Adverse Action Review (TVA 41651)

Executive Review Board

Proposed Adverse Action Review Form (TVA 41651)

12. Is the proposed action consistent with applicable company policies, procedures or past practices? Yes No

If "Yes", identify relevant policies/procedures, practices:

If "No", explain:

13. Is the proposed action reasonably related to the seriousness of the offense and disciplinary action taken with other individuals who have committed similar offenses? Yes No

If "No", explain:

Protected Activity Summary

Complete only if the response to Question 1 was "Yes"

14. Does it appear the individual's involvement in a protected activity contributed in any way to the proposed action recommendation? Yes No

If "Yes", explain:

15. Is there any reason the individual might believe the proposed action is a result of his/her engagement in a protected activity? Yes No

If "Yes", explain:

16. Is there any reason to believe others at the site believe the proposed action is a result of the individual engaging in a protected activity? Yes No

If "Yes", explain:

17. Based on Attachment 2 Screening is it likely that the proposed action will result in a negative impact of the workforce SCWE? Yes No

**Attachment 6
(Page 5 of 5)**

ERB Adverse Action Review (TVA 41651)

Executive Review Board

Proposed Adverse Action Review Form (TVA 41651)

Additional Notes:

Prepared by (print name):	_____	Title: _____	Date: _____
TVA Line Manager/CTS Supervisor	_____		Date _____
	name (print) and signature		
Human Resources	_____		Date _____
	name (print) and signature		
Employee Concerns	_____		Date _____
	name (print) and signature		
Director of Plant Support Signature/NSCMP Chairperson	_____		Date _____
	name (print) and signature		
Contractor Representative	_____		Date _____
	name (print) and signature		
ERB Chairperson	_____		Date _____
	name (print) and signature		

**Source Notes
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Requirements Statement	Source Document	Implementing Statement
<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>CR 1322419-005 EA-17-022 Requirement V.1.a.2</p>	<p>[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>CR 1322419-011 EA-17-022 Requirement V.1.c.1</p>	<p>[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>CR 1322419-012 EA-17-022 Requirement V.1.c.2</p>	<p>[R.3]</p>

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

Requirements Statement	Source Document	Implementing Statement
<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 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 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 EA-17-022 Requirement V.1.d.2</p>	<p align="center">[R.6]</p>

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

Requirements Statement	Source Document	Implementing Statement
<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>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>EA-09-009; EA-09-203 Requirement V.1</p>	<p>[R.8]</p>

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

Requirements Statement	Source Document	Implementing Statement
<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, i.e., 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-11.8.4.</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"> • 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. • 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. • 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. 	<p>1271309-012</p> <p>NRC Identified PI&R Inspection Report 50-390, 391/2016013-003</p> <p>CAPR-04</p> <p>Commitment 118252450</p>	<p>[C.1]</p>

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

Requirements Statement	Source Document	Implementing Statement
<p>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</p> <p>Maintaining a Safety Conscious Work Environment & other NRC guidance.</p>	<p>1271309-011</p> <p>NRC Identified PI&R Inspection Report 50-390, 391/2016013-003</p> <p>CAPR-03</p>	<p>[C.2]</p>