

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT

Complaint of Discrimination Because of Race, Color, Religion,
Sex, National Origin, Age, Handicap/Disability, or Reprisal

3051

RAS 5955

50-390-CIVP, et. al. Licensee Exhibit 100-Rec'd 5/7/02

Mr. Ronald O.
 Last Name First Name Initial
 [Redacted]
 Home Address
 [Redacted]
 City State Zip Code
 [Redacted]
 Area Code Home Telephone Number Social Security Number

This Block for TVA Use Only
 Equal Opportunity Compliance
 Date Received: 5/7/02
 Case Contact Number:
2000183
 Other Information:
1204-2001019

Name below the division, branch, section, or unit of TVA in which you believe the discrimination against you occurred.

Group	Operation	Division
COO/Chief Nuclear Power	Engineering & Technical Services	
Are you a TVA employee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, answer below:	
<u>Present Title and Grade</u> Manager, PG-SR	<u>Group</u> COO/CNP	<u>Operation</u> Eng. & Tech. Services
<u>TVA Address</u> LP 4T-C	<u>Telephone Number or Extension</u> 423/751-4054	

Check the basis(es) on which you believe you were discriminated against and which was discussed with your counselor:

Race or Color? If so, state your race or color: Black

Religion? If so, state your religion: _____

National Origin? If so, state your national origin: _____

Sex? If so, state your sex: _____

Age? If so, state your age: _____

Handicap/Disability? List: _____

Reprisal? If so, state prior involvement in the discrimination complaint process: _____

Date most recent alleged discrimination took place: August 1996 and continuing to the present

Name of EOC Counselor with whom you discussed your complaint: Willie J. Harvey

First contact date with EOC Counselor or EOC Staff: August 23, 2000

Date EEO counseling concluded: November 27, 2000

Do you have a representative/attorney? Yes Name: CHARLES P. DUPREE (423) 756-1841

Address: 101 ROBINSON BUILDING, 622 GEORGIA AVE, CHATTANOOGA, TN 37402

PLEASE READ AND SIGN PAGE 2 - YOU MAY ATTACH ADDITIONAL SHEETS WHEN YOU SUBMIT THIS COMPLAINT FORM

GB001560

TVA Exh. 100

Template = SECY-028

SECY-02

CLEAR REGULATORY COMMISSION

License No. 50-390 CIVP Official Exh. No. TVA 100

In the matter of TVA

Staff	_____	IDENTIFIED	<input checked="" type="checkbox"/>
Applicant	<input checked="" type="checkbox"/>	RECEIVED	<input checked="" type="checkbox"/>
Intervenor	_____	REJECTED	_____
Other	_____	WITHDRAWN	_____
Date	<u>5/7/02</u>	Witness	_____
Clerk	<u>BHM</u>		

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USNRC



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OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF



Explain very specifically how you were either (1) treated differently from other employees or applicants because of your race, color, religion, sex, national origin, age, handicap/disability; (2) denied accommodations; (3) harassed; (4) retaliated against. You may reference your discussions with your EOC Counselor as documented in Section 5 of the Precomplaint Filing Report.

1) SEE SECTION 5 OF PRECOMPLAINT REPORT AND OTHER DOCUMENTATION PROVIDED TO MR. WILLIAM J. HAWKEY, EQUAL OPPORTUNITY COMPLIANCE SENIOR SPECIALIST, IN CHATTANOOGA, TN.

I certify that all statements included in this complaint are true to the best of my knowledge and belief.

12/3/00
Date Signed

[Handwritten Signature]
Complainant's Signature

IMPORTANT: A copy of your rights as a complainant is attached to this complaint form. Please read carefully and keep the copy for your records.

This form should be mailed to Equal Opportunity Compliance, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 2D, Knoxville, Tennessee 37902, and will be considered timely if so addressed and postmarked or hand delivered by midnight on the 15th day after receipt of the NOTICE OF FINAL INTERVIEW AND RIGHT TO FILE A DISCRIMINATION COMPLAINT.

PRIVACY ACT STATEMENT

1. TITLE/DATE. Equal Employment Opportunity Complaint, October 1997.
2. AUTHORITY. TVA Act of 1933, 16 U.S.C. Section 831-831dd, Executive Order 11478, 42 U.S.C. Section 2000e-16, 29 U.S.C. Section 633(a).
3. PRINCIPLE PURPOSES. The primary uses of this information are to determine whether the complaint was timely filed and/or whether the allegations in the complaint are within the purview of 29 C.F.R. Part 1614, and to investigate and issue a decision on the complaint.
4. ROUTINE USES. Other uses may include: As a data source for statistical and analytical studies; to respond to Freedom of Information Act requests for statistical information; to refer information to Federal, State, and local law enforcement agencies if the agency becomes aware of a violation or possible violation of a law or regulation; to supply information to the Equal Employment Opportunity Commission (EEOC) in the event an appeal is filed; to supply information to TVA consultants or contractors providing support services to the complaint process; to refer information to Federal, State, or local agencies with oversight review or law enforcement responsibilities; to disclose information to the parties or complainants in a grievance, EEOC, or Merit Systems Protection Board proceeding; to provide information to a congressional office; and to disclose information in response to a subpoena or to a court or another Federal agency when the Government is a party to a suit before the court.
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND AFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Furnishing the information requested on this form is voluntary, but failure to identify the parties, the action or policy complained of or to sign the complaint may result in rejection and dismissal of the complaint.

PRECOMPLAINT COUNSELING REPORT
Equal Opportunity Compliance

0059

ON 1

Name: Grover, Ronald O. Contact No. 2000183 - WJH
Last First Middle
Home Address: [REDACTED]
TVA Address: LP 4T-C
Chattanooga, Tennessee
Organization(s): COO/Chief Nuclear Power
Phone: (Home) [REDACTED] (Work) 423/751-4054
Sex: Male Race: Black Veteran: Yes No Social Security No.: [REDACTED]
Job Title, Schedule, Grade: Manager, PG-SR
Type of Appointment: Salary Policy: Hourly Annual XX
Trades and Labor: Hourly Annual
Former Employee: Yes No Applicant: Yes No
Contractor: Yes No Contracting Co.

3517-23
Equal Opportunity Compliance
DEC 0 1 2000

ON 2

Responsible Management Organization Code: C620000000
Group: COO/Chief Nuclear Power Operation: Engineering & Technical Services
Division: Location: Chattanooga, Tennessee
Human Resource Officer: James E. Boyles

SECTION 3

Date of Initial Contact: August 23, 2000
If greater than 45 days, explanation:
Date of Final Interview: November 27, 2000 - Unresolved
Date Final Notice Sent: November 27, 2000
Participated in agency mediation process: Yes No X (if yes, issues resolved, Yes No)

SECTION 4

Type of Disputed Action(s): (1) Not Allowed Interview for Position (2) Refusal to Implement Career Development Plans
 Personnel Action - Effective Date(s):
 Other Action - Effective Date(s): (1) June 1996 (2) August 1996 and continuing

SECTION 5

Grover, Ronald O.

Describe specifically the action, event, or matter complained of which Counselee believes to be discriminatory:
 Counselee alleges he was discriminated against because of his race (Black) when he was not granted an interview for the Radiological and Chemistry Control manager's position in the Nuclear Power organization in June 1996. Counselee also alleges he was discriminated against because of his race when Nuclear Power management refused to implement two (2) separate career development plans beginning in August 1996 and continuing to the present.

SECTION 6

Corrective Action Requested by Counselee: Compensation for monetary and emotional damages and attorney fees.

SECTION 7

What factor(s) does Counselee believe was the basis for the discrimination experienced?

Code	Basis	Specify
01	Race	Black

SECTION 8

The following issue(s) was discussed with both the Counselee and Agency Officials:

Code	Issue
38	Not granted interview for employment position in June 1996
38	Refusal to implement career development plans beginning in August 1996

SECTION 9

me: Grover, Ronald O.

Summary of counselor's actions; advice given to Agency official(s) and aggrieved person concerning issues; and statement of counselor's attempts to resolve the matter (include all/any names of contact persons or witnesses, dates, titles, organization, meetings held, etc.):

INITIAL CONTACT AND COUNSELING INTERVIEW

On August 23, 2000, the Counselee contacted me and requested EEO counseling to address the issues outlined in this report. I held the initial counseling interview with him at the Chestnut Street Tower in Chattanooga on August 28, 2000. Following a review of his rights and responsibilities, and a review of documents related to his concerns, Counselee stated that he did not want to remain anonymous during the counseling phase and I could proceed to conduct an inquiry and attempt to resolve the issues listed on the *Rights and Responsibilities in the Equal Opportunity Complaint Process* form.

ALLEGATIONS OF DISCRIMINATION

During the initial interview and after a lengthy discussion of employment discrimination theories and guidelines, Counselee asserted that he wanted to pursue through the EEO process resolution of the following two (2) issues:

ISSUE #1 - Counselee alleges that because of his race (Black), TVA Nuclear management did not allow or grant him an interview for the newly established Radiological and Chemistry Control manager position that was filled in June 1996. Counselee said the position was created when his former position, Chemistry Manager, and the Radiological Control Manager position of his white male counterpart [who was selected to fill the new position] were combined. In a legal document, COMPLAINT AND AFIDAVIT OF RONALD GROVER, Counselee said,

"...I was qualified for consideration for that position, due to my education, past experience and work performance. The position was filled by a white male without the position ever being posted or put through the selection process as required by TVA human resources written policies. I met with the Human Relations General Manager and Manager regarding the action taken, and they finally admitted that the selection was not properly handled. Rather than filing an EEO complaint based on racial discrimination in employment and advancement, an agreement was made that I was to have a four year career plan established...The agreement was approved by senior management and was in compliance with the adoption of the Wes Motley Task Force and the written announcement of June 25, 1992...."

ISSUE #2 - Counselee further alleges that because of his race, beginning in August 1996 and continuing to the present, O. J. Zeringue, former Senior Vice President, Nuclear Operations, and Jack A. Bailey, current Vice President, Nuclear Engineering, has steadfastly refused to implement two (2) separate career development plans as agreed. In support of this allegation, Counselee said the nuclear power organization has and continues to implement individual development and/or succession plans for similarly situated white males. Counselee stated that not only is management refusing to implement the several agreements that he entered into with them in good faith, but it is now harassing him in an attempt to force him to resign. Regarding this latter point, Counselee wrote in the COMPLAINT AND AFIDAVIT OF RONALD GROVER:

"...I have no question that I am experiencing an articulated and designed harassment and retaliation designed to force me to resign my position with TVA because...I have refused to allow TVA to not comply with the written plan and agreement they made with me in settlement of any claim I had based on their discrimination against minorities and minority advancement in the TVA management ranks..."

[Additional sheet attached]

GE001564

SECTION 9

me: **Grover, Ronald O.**

Summary of counselor's actions; advice given to Agency official(s) and aggrieved person concerning issues; and statement of counselor's attempts to resolve the matter (include all/any names of contact persons or witnesses, dates, titles, organization, meetings held, etc.):

...Because of the actions of TVA in choosing to harass me to force my resignation rather than following their agreement to provide upward promotions and a career path, I have lost the value of both any settlement or agreement, including the opportunity to earn monetary benefits and the career advancement that was due and promised me."

COUNSELEE'S REQUESTED CORRECTIVE ACTION(S)

To resolve his EEO concern, Counselee requests compensation including, but not limited to, monetary and emotional damages and attorney fees.

MEDIATION ELECTION

When offered the option of traditional counseling or mediation, Counselee elected to participate in the agency's mediation process. He signed the *Mediation Election Form* which was forwarded on August 29, 2000, along with the *TVA/JCA Mediation Intake/Referral Form*, to Jerry D. Lewis, Manager, Mediation and Investigations. Mr. Lewis then contacted the respective agency official to make arrangements for the mediation session.

On November 21, 2000, when neither human resources nor management officials had responded to his notice that counselee offered to participate in the mediation process, Mr. Lewis advised me to close out the counseling process and re Counselee the notice of right to file a complaint.

CONCLUSION OF COUNSELING

On November 27, 2000, based on the information above and as instructed by Mr. Lewis, I concluded counseling in this case and sent Counselee the *Notice of Right to file a Formal Complaint*. Counselee indicated previously that he intended to file a formal complaint if his concerns were not resolved during the informal phase.

Report prepared by: Willie J. Harvey November 27, 2000
Equal Employment Opportunity Counselor Date

2000183rog