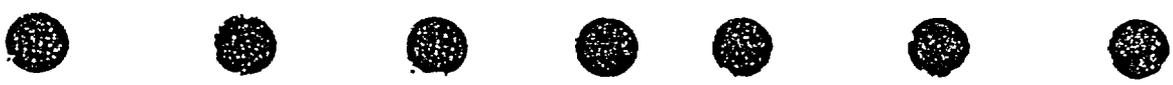


# SUPERVISOR'S HANDBOOK

Tennessee  
Valley  
Authority

October 1, 1990



TVA Exh. 125

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Template = SECY-028

SECY-02

CLEAR REGULATORY COMMISSION

Case No. 01-791-01 Official Est. No. TVA 125

In the matter of TVA

Staff \_\_\_\_\_ IDENTIFIED

Applicant \_\_\_\_\_ RECEIVED

Intervenor \_\_\_\_\_ REJECTED \_\_\_\_\_

Other \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

DATE 3-11-03 Witness Fogleman

Clerk R. Davis

DOCKETED  
USNRC



2003 MAR 11 AM 9:00

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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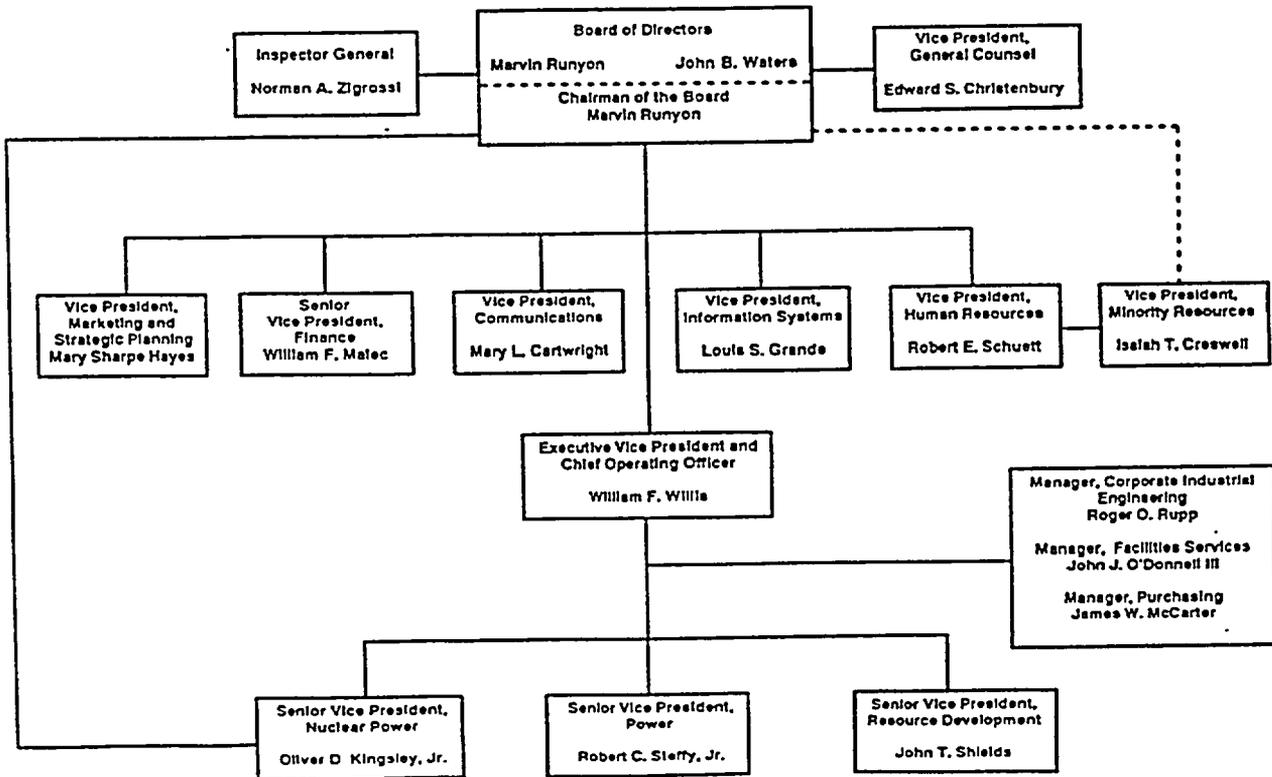
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ORGANIZATION OF THE TENNESSEE VALLEY AUTHORITY



## HEALTH AND SAFETY

## I. TVA Objectives

TVA has an obligation to protect the life and health of employees. This chapter discusses how TVA meets this obligation by: providing employees a safe and healthful workplace; maintaining occupational radiation exposure as low as is reasonably achievable; providing medical services; and providing and further improve employees' physical and mental health; and providing treatment, compensation, and rehabilitation services for employees who sustain injuries or illnesses in the performance of their official duties.

The TVA *General Releases* manual includes the following three TVA codes that can be helpful.

- TVA Code VIII OCCUPATIONAL HEALTH AND SAFETY is TVA's primary policy document for this program and explains program responsibility and accountability.
- TVA Instruction VIII STOPWORK AUTHORITY FOR IMMEDIATE DANGER CONDITIONS specifies, among other things, that you, the one responsible for an operation, have the authority to stop the work when you determine that an imminent danger situation exists.
- TVA Code II EXPRESSION OF STAFF VIEWS encourages and protects employees in expressing differing views on policy and execution of policy without fear of reprisal.

A number of additional documents are listed in appendix I of this chapter. They can help you fulfill the full range of your health and safety responsibilities.

## II. Occupational Health and Safety

## A. Policy

TVA is committed to providing a safe and healthful workplace for each of its employees and to protecting the public from accidents related to TVA's operations. Occupational health and safety considerations are to be built into every TVA operation to protect the life and health of employees and the public; to prevent damage to property, materials, and equipment; and to avoid work interruptions caused by accidents. Occupational health and safety is serious business, and all TVA and applicable federal regulations and laws on occupational health and safety must be followed.

TVA encourages the active participation of each employee and employee organization in its occupational health and safety program. It is also committed to promoting employee safety off the job.

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B. Operating philosophy for TVA's occupational health and safety program

1. All injuries and illnesses are preventable.
2. Management is ultimately responsible and accountable for preventing injuries and illnesses to TVA employees.
3. All operating exposures that may result in injuries can be controlled.
4. Safety is a condition of employment.
5. Workplace hazards are identified and promptly corrected.
6. Accidents cost money.
7. Most accidents are the result of actions by people.
8. Good safety performance is a continuing requirement.

C. Occupational Health and Safety, Human Resources, provides agency-wide assistance to all organizations as needed and serves as TVA's corporate level staff in areas of policy formulation and interpretation. Support includes the following:

1. Industrial hygiene monitoring and assessment of occupational health hazards.
2. Radiological hygiene monitoring and surveillance of nonnuclear radiation hazards.
3. Development, consultation, and coordination in the delivery of structured training courses in various health and safety areas.
4. Health and safety program evaluations to provide management an unbiased assessment of the effectiveness of their health and safety program activities.
5. Health and safety information including accident, injury, and illness statistics; personal exposure data; hazardous and toxic materials data; product safety data, etc.

D. Other support services outside Occupational Health and Safety

1. Public Safety Service and Land Between the Lakes (LBL) patrol investigate vehicular accidents, injuries to the public on TVA property, and fires involving TVA property. They also provide first aid, CPR, and defensive driving training.
2. Workplace health and safety committees.

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E. Supervisor's role

1. Plan the job.
2. Provide training.
3. Instruct employees in their rights and responsibilities.
4. Identify and correct hazards.
5. Promote health and safety.
6. Listen to employees.
7. Do not coerce.
8. Use the health and safety committee.
9. Be an example.
10. Enforce health and safety.
11. Investigate and report accidents.

III. Occupational Radiation Protection

A. Policy

TVA protects its workers from hazards due to ionizing and nonionizing radiation such as from x-rays and radioactive materials. We strictly adhere to radiation exposure limits established by federal regulations. TVA endorses the policy of the Nuclear Regulatory Commission to maintain occupational radiation exposures "as low as is reasonably achievable," or "ALARA." TVA Code VIII OCCUPATIONAL RADIATION PROTECTION; TVA Instruction VIII RADIATION PROTECTION, Small-Scale Operations; and the TVA *Occupational Health and Safety Manual* give additional information on protecting employees from radiation hazards.

B. Supervisors are responsible for supporting TVA's policy on radiation protection by:

1. Maintaining continual oversight.
2. Evaluating means by which radiation exposures to your employees can be minimized.
3. Exercising sound judgment in weighing factors competing with ALARA.
4. Instituting planned programs for radiation exposure control.
5. Encouraging responsible employee participation in ALARA programs. In particular, you should encourage employees to be aware of potential radiation hazards and to promptly bring these to your attention for appropriate correction.

- C. If you need help in carrying out your responsibilities, you should work with the radiation control supervisor in your organization if it uses radiation in its operations. You may also contact Radiation Safety and Control within OC H&S. Within Nuclear Power, contact Radiological Control.

#### IV. Occupational Medical and Related Health Services

- A. Major area medical offices are located in Chattanooga, Knoxville, and Muscle Shoals. Site facilities are also at Watts Bar, Sequoyah, Browns Ferry and Bellefonte nuclear plant sites, and fossil power production facilities.
- B. Medical examinations can be requested by human resources officials or supervisors using form TVA 1444, Request for Medical Examination, for employees or contractor/vendor employees. Examination for TVA job applicants are requested by form TVA 9880A, Employment Affidavit and Conditions of Employment. Any medical constraints or limitations are indicated on these forms by the examining physician. Management determines if the individual can be accommodated to perform the job. It is important to remember equal opportunity commitments regarding employment of handicapped employees.
1. Preemployment Examination - Establishes baseline record of each employee's health status.
  2. Reemployment Examination - Hourly trades and labor candidates who have worked for TVA within the past 5 years may be exempt from additional examination under TVA Medical Services procedures. Annual employees who have worked for TVA within the preceding two years may be exempt from additional examination under TVA Medical Services procedures.
  3. Return-to-work Examination - Required for employees who have sustained a work-related illness or injury and employees who have been on leave without pay for more than 30 days. Employees who have been absent for five consecutive workdays due to a non-work related injury or illness should obtain Medical Services approval before resuming duties if medical facilities are within reasonable distance.
  4. Transfer Examination - Required for employees transferring to or from assignments involving (1) potential exposure to ionizing radiation, (2) unescorted access to nuclear plants, (3) assignments in Nuclear Power and (4) public safety officers transferring to nuclear facilities. For all other employees, they should clear through medical facilities at old station and new station if reasonably available.
  5. Required Reexaminations - Required for employees whose job duties require examinations by federal regulation (NRC, OSHA, etc.), other rule, or applicable standard. Frequency depends on the individual's specific job assignment. Contact local medical office for assistance.

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6. Medical Surveillance and Biological Monitoring Examinations - Required by OSHA for employees whose job duties require exposure to asbestos, lead and certain other toxic chemical substances, physical and biological agents. Contact local medical office for assistance.
7. Termination or Retirement Examination - Recommended for all employees. Required for employees with a history of injury or excessive exposure to any hazardous agent in the work environment or those who are terminating from nuclear power sites or other jobs involving exposure to ionizing radiation.
8. Performance Problem Examinations - If a supervisor suspects that a health condition is contributing to employee's performance problems or inhibiting job safety, the supervisor should recommend that the employee report to Medical Services for evaluation. Evaluation may be required in some circumstances by supervisor as condition of continued fitness for duty.
9. Reevaluation of Medical Clearance for Unescorted Access and Other Special Medical Clearance - This examination is requested by supervisors using form TVA 1444 sent to Medical Services in a sealed envelope marked "Administratively Confidential." Accompanying it should be a "Administratively Confidential" memorandum describing the supervisor's observations and concerns. Details concerning this examination and procedures for requesting are outlined in TVA Instruction VIII HEALTH SERVICES, Radiation Workers.
10. Alcohol and Drug Screening - Alcohol and drug tests are required for all TVA job applicants who are applying for positions in Nuclear Power. Nuclear Power's Fitness for Duty program includes random drug and alcohol screening for all employees stationed at nuclear sites, those with unescorted access, and all Management and SC-schedule employees. Drug and alcohol screening are also available to all supervisors anytime there is cause to suspect that an employee is in violation of TVA's stated policies regarding drugs or alcohol.

## V. Workers' Compensation

Employees are entitled to benefits under the Federal Employees' Compensation Act (FECA) if they suffer job-related injuries or illnesses. The policy and procedures are outlined in detail in TVA Instruction VIII INJURY, Employee. TVA medical facilities provide treatment and examinations for job-related injuries or illnesses in accordance with rules and regulations established by the U.S. Department of Labor's Office of Workers' Compensation Programs (OWCP).

For information or assistance from the Workers' Compensation and Rehabilitation Department Staff (WCRD), call extension 2820-C, briefly describe the problem or situation, and WCRD will see that appropriate assistance is provided. A Claims Officer, Rehabilitation Counselor, or the Clinical Coordinator in WCRD will assist the worksite manager as needed and also contact other individuals or organizations as indicated including TVA physicians, private physicians, treatment facilities, the claimant, and the OWCP.

- A. Employee's responsibility - In the case of traumatic injury (not illness) the employee may elect to take sick, annual or other leave in accordance with regular leave regulations or have regular TVA pay continue for a period of 45 calendar days.
1. Employee must provide written notice of the injury, using either form CA-1 (for injury) or CA-2 (for illness), immediately after the injury.
  2. If disability continues beyond initial 45 days, employee and supervisor must submit form CA-7, within 5 days after 45 day period ends.
  3. If the employee experiences an occupational illness, employee and supervisor must submit CA-6.
  4. Every two weeks, employee and supervisor must submit form CA-8.
- B. Supervisor's responsibilities - The WCRB in Medical Services is available to answer additional questions about the responsibilities outlined below.
1. Assist the injured employee in obtaining needed initial medical treatment and submitting the appropriate workers' compensation claim forms and related documentation. The employee should complete a Form CA-1 to report a traumatic injury (work incident occurring within 1 day/shift) or a CA-2 if the employee suffered an injury or illness due to exposure to employment factors over a period of more than 1 day/shift. The Basic Workers' Compensation Manual explains appropriate procedures for paying continuation-of-pay (COP) and for assisting the injured worker with any necessary documentation. Copies of the manual may be obtained from WCRD (ext. 2821, Chattanooga).

2. Notify the physician when the injured employee goes to an outside physician for treatment that light duty will usually be provided whenever necessary and let the physician know that TVA will work with him/her to provide safe productive employment during recovery. Solicit assistance from Medical Services' medical facility staff or WCRD when a conflict arises with private physicians concerning whether an employee should be returned to work.
3. Stay in touch with the employee away from work due to a job-related injury.
4. Inform the injured employee that the purpose of TVA's return-to-work efforts is to promote recovery, protect the employee from unnecessary risks to health and safety, and prevent unnecessary time away from work.
5. Return injured employees to work as soon as feasible, consistent with any residual medical limitations and contingent upon medical approval for the employee to work in an available job. Notify the Rehabilitation staff whenever an employee does not report to work promptly after being approved or directed to do so. TVA's Rehabilitation staff provides vocational rehabilitation assistance for employees who are not able to return to regular or modified duty upon reaching maximum medical recovery. The WCRD staff monitors the medical recovery process, coordinating with the responsible line manager, TVA medical, and the attending physician.
6. Conduct an administrative review of all workers' compensation claims, at the time of injury or as soon after as possible. There should be a written record of management's findings of objective fact about: a) what happened; b) how it happened; c) when it happened; d) where it happened; e) the body part affected; and (f) the apparent nature and extent of injury, based on the best available information. For traumatic injuries involving lost-time, attach a report of management's findings to the claim form CA-1 and place a copy of both in an administrative file. Refer suspected fraud to TVA's Inspector General's office. The Workers' Compensation staff of WCRD provides information and assistance for processing occupational illness claims (Form CA-2).
7. Contest all questionable claims and controvert other claims as specified by COP eligibility requirements. The investigation and written report of findings as presented in Item 6 above are especially important when the claim is controverted/contested. Also include a brief narrative statement, supported by objective facts, of why the claim is controverted/contested.
8. Consult Medical Services as necessary concerning medical constraints and subsequent reevaluation of the constraints to see if they are still needed. Medical Services consults with the attending physician as necessary to clarify or update medical constraints.

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9. Refer to *Positive Case Management Handbook* for additional information on: how to manage job-related injuries; return-to-work procedures; workers' compensation claims administration; or vocational rehabilitation services. The handbook is prepared and distributed by the Workers' Compensation and Rehabilitation Department (extension 2820-C).

#### VI. Non-Service Related Health Problems

Employees are responsible for getting medical care for non-work-related health problems. In emergency situations at work, TVA Medical Services provides assistance and initial care. Employees are encouraged to utilize TVA's health awareness programs voluntarily. In some situations, a supervisor may refer an employee to medical services for evaluation when an employee's performance or attendance has deteriorated and health-related factors might be contributing to problems. Following the evaluation, Medical Services may refer the employee to one of the following programs.

- A. Employee Assistance Program (EAP) – Offers confidential assistance to TVA employees and family members who are experiencing substance abuse, financial, marital, or similar personal or emotional difficulties. EAP further provides 24-hour crisis assistance to both supervisors and employees through a central telephone number in Chattanooga (extension 2701-C).
- B. Psychological Services – Provides consultation for supervisors whose employees may be experiencing difficulties and behavioral problems that may impair productivity, attendance, and morale.
- C. Live Well Program – This is a preventive health program designed to involve employees in activities that will result in lifestyle changes conducive to good health, such as stress reduction, weight loss, and smoking cessation.

#### VII. Training

Medical services provides training for employees and for instructors in emergency care. Training courses include First Aid, Emergency Medical Care, Cardio Pulmonary Resuscitation (CPR), Emergency Medical Technician (EMT), Employee Assistance Program Supervisory Training, Psychological/Stress Management Training, and other specialized psychological programs. Additional information about individual courses is available through your human resources officer or Medical Services.

### Appendix I

#### OCCUPATIONAL HEALTH AND SAFETY RESOURCE DOCUMENTS

- A. TVA *Occupational Health and Safety Manual* includes the following.
  1. Federal occupational health and safety requirements which TVA's program incorporates. These are:
    - a. Occupational Safety and Health Act of 1970.
    - b. Executive Order 12196, Occupational Safety and Health Programs for Federal Employees.
    - c. Title 29, *Code of Federal Regulations*, Part 1960, "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters."
    - d. OSHA *General Industry Standards* (29 CFR Part 1910) that apply to all TVA operations and activities.
    - e. OSHA *Construction Standards* (29 CFR Part 1926) that apply only to TVA construction, renovation, and demolition activities.
  2. "TVA Occupational Health and Safety Program Plan."
  3. "TVA Occupational Health and Safety Standards."
  4. *TVA Criteria for Investigating, Classifying, and Recording Work-Related Accidents, Injuries, and Illnesses.*
  5. *Serious Accident Investigation Procedure.*
  6. *Implementation Criteria and Guidelines for Asbestos Operations.*
  7. *Criteria for the Safe Operation of TVA Cranes.*
  8. "Safety Recognition Awards."
  9. "Occupational Health and Safety Design Requirements."
  10. "Occupational Health and Safety Bulletins."
  11. *Guidelines for the Development of Health and Safety Performance Goals and Objectives.*
  12. *Guidelines for Effective Job Planning.*
  13. *Guidelines for Workplace Inspection and Abatement.*
  14. *Guidelines for Performance Assessment.*
  15. "Directives" are documents which address narrowly focused agency needs not adequately governed by OSHA or TVA standards.

- B. "Occupational Health and Safety Information" is a poster that is required to be posted in every workplace. It includes the employee's major rights and responsibilities and brief summaries of other components of the TVA occupational health and safety program.
- C. *General Health and Safety Requirements for Salary Policy Employees* is an informational booklet (available from Office Supply Warehouse, Chattanooga) that is issued to every salary policy employee.
- D. *What You Need to Know About Operating a TVA Vehicle* is an instructional booklet (available from Transportation Services, Chattanooga) that is to be issued to every employee who is subject to driving any sedan or other light vehicle for TVA.
- E. *TVA Special Light and Heavy Motor Vehicle Operator's Handbook* (available from Office Supply Warehouse, Chattanooga) is to be issued to every employee who is assigned to operate a light vehicle hauling hazardous materials or a vehicle having a gross vehicle weight rating of more than 10,000 pounds.
- F. TVA Material Safety Data Sheets (available from Occupational Health and Safety) describe the hazardous properties of various chemicals used within TVA and the appropriate control measures and emergency procedures. This material must be readily available to every employee who is subject to coming in contact with a hazardous chemical.
- G. Other information available from Occupational Health and Safety, Human Resources.
1. *Audiovisual Catalog* identifies and briefly describes the wide variety of audiovisual information and training materials available.
  2. *Video Display Terminal: Health Issues and Work Station Design Guidelines* (available also as call number 999.363117 T29v in TVA Technical Libraries). Also available is the booklet "About Working With VDTs."
  3. *Workplace Hazard Assessment Booklet*.
  4. *Guidelines for Implementing the Training Requirements of the Hazard Communication Standard*.
  5. *General Information for Local Health and Safety Committees*.
  6. *TVA Health and Safety Training Curriculum*.

## EQUAL EMPLOYMENT OPPORTUNITY

- I. All TVA programs and activities—not just employment—are required by law to provide equal opportunity. Affirmative employment is an active and positive process through which an organization seeks to achieve its goal of equal employment opportunity by not only removing discriminatory barriers to employment but also actively seeking out applicants and employees from underrepresented groups. Managers and supervisors are responsible for developing affirmative employment programs. TVA, as an organization, is committed to providing a workplace free of prohibited discrimination and harassment.
- II. Supervisors should work closely with human resources officials in carrying out their equal opportunity responsibilities. The environment that you create and the approach that you adopt to manage diversity in the workplace is critical. Each supervisor should do the following things as part of his/her equal opportunity action plan:
  - A. Analyze the current work force and be aware of the representation and distribution of minorities, women, disabled veterans, and persons with disabilities by occupation and grade level.
  - B. Establish goals and timetables. Goals should be established by top management in each organization and communicated to supervisors for any position where employment or promotional opportunities are projected and where underrepresentation exists. Affirmative employment is considered a positive factor of "merit and efficiency" and is a valid consideration in making selections in these targeted positions.
  - C. Determine strategies to achieve your goals. For each barrier that may hinder goal achievement, you should establish a strategy to eliminate the barrier. Strategies can include, but are not limited to, such activities as:
    1. Intensifying recruitment efforts to attract members of underrepresented groups.
    2. Maintaining information about skills, abilities and interests of employees.
    3. Requesting that sufficient numbers of members of underrepresented groups are included on submission lists for vacancies.
    4. Planning reductions in force in such a way as to minimize the impact on groups which are already underrepresented or would become underrepresented as a result of the reduction.
    5. Regularly monitoring the effectiveness of affirmative employment efforts for your work group.

6. Providing reasonable accommodations for otherwise qualified handicapped persons to perform the duties of a position. Accommodations may include modifying work sites, adjusting work schedules, restructuring jobs, acquiring or modifying equipment, or providing interpreters or readers. The Manager, Handicapped Employment, Equal Opportunity staff, can assist you in this area.
7. Establishing and participating in affirmative action committees within your office or organization.

### III. Support Services Available from Corporate Equal Opportunity Staff and Line Organizations' Equal Opportunity Officials

- A. Preparation of guidelines and instructions for the development of affirmative employment programs.
- B. Presentation of briefings, training sessions and workshops on a variety of EO issues.
- C. Provision of resource material such as training aids, statistical workforce profile data, and other program-related materials.

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## ETHICS AND CONDUCT

- I. The standards of conduct and conflict of interest laws apply, to some extent, to all TVA employees as well as personal service contractors, experts, consultants, and advisory committee members. Supervisors are responsible for knowing these laws and regulations as well as the specific TVA policies and procedures. All employees share the responsibility for ensuring that high standards of ethical conduct are maintained within TVA. Employees are encouraged to seek guidance whenever they have questions about their own activities or those of a subordinate conforming with the conduct standards.

You should consult your human resource officer when you have questions about conduct. Detailed information about TVA's conduct standards and applicable regulations and procedures are contained in the following documents:

- TVA Code III CONDUCT
- TVA Code III FINANCIAL INTERESTS
- TVA Code III POLITICAL ACTIVITY
- TVA Instruction III CIVIC AND PROFESSIONAL ACTIVITIES
- TVA Instruction III CONDUCT, Political Activity (ERM Chapter 105)
- TVA Instruction III CONDUCT, Regulations
- TVA Instruction III ELIGIBILITY FOR EMPLOYMENT, Relatives
- TVA Instruction III PM 6 RELATIVES, Guide
- Form TVA 9873, Employee Conduct Standards and Responsibilities

### II. General Standards of Conduct

- A. Employees must be particularly careful that their personal interests and activities do not negatively impact or conflict with their TVA duties. An employee must avoid any action that might result in or create the appearance of:
  1. Using public office for private gain;
  2. Giving preferential treatment to anyone;
  3. Impeding TVA efficiency or economy;
  4. Losing complete independence or impartiality;
  5. Making TVA decisions outside official channels; or
  6. Eroding the public's confidence in TVA's integrity.
- B. Violations of the conduct regulations or the conflict of interest laws may subject the employee to disciplinary action. The type of action taken is determined in relation to the specific violation. In addition, violations of federal criminal statutes may subject the violator to criminal prosecution. Your human resource officer can provide more detailed information about specific disciplinary consequences by consulting TVA Instruction XIII EMPLOYEE DISCIPLINE, Misconduct

## C. Investigations

All employees are required to assist the Inspector General's office in investigations. This requirement includes giving statements or evidence to investigators or auditors of the Inspector General's office.

To report violations of the standards of conduct regulations, conflict of interest laws, or any misconduct or abuse of authority, contact your supervisor, your human resource officer, or the Inspector General's office.

The Inspector General's office can be contacted at

- 615-632-3550 (Knoxville);
- 1-800-423-3071 (in Tennessee); or
- 1-800-323-3835 (in AL, AR, GA, KY, MS, MO, NC, VA)

## III. Use of TVA Property and Information

A. An employee cannot directly or indirectly use or allow another to use TVA property for other than officially approved activities. This issue is addressed in greater detail in TVA Instruction III CONDUCT, Regulations, and Instruction VI OFFICE EQUIPMENT AND FURNITURE, Standards and Control, and III CIVIC AND PROFESSIONAL ACTIVITIES. Examples of prohibited activity include:

1. Using franked TVA envelopes to mail personal correspondence.
2. Using TVA photocopy equipment for personal matters.
3. Using a government-owned, leased, or rented vehicle for unofficial purposes.
4. Using TVA computers, typewriters, and word processors for personal matters.

B. An employee may not use information gained through his/her job at TVA and which has not been made available to the general public to further the employee's interests. You may not use information that has not been dispersed by the agency or is available to the public only by special request.

## IV. Political Activity

A. The Hatch Act is the federal law that provides that federal employees, including TVA employees, cannot take an active part in political management or political campaigns—even if they are willing to. The law is intended to insulate federal employees against the influence of political considerations that might affect their job tenure.

B. In addition to the Hatch Act, the TVA political activities policy provides further guidance on acceptable and prohibited political involvement for TVA employees.

- C. The Special Counsel of the Merit Systems Protection Board will enforce political activity restrictions in the Hatch Act. TVA investigates and decides the penalty for violation of its own political activity policies based on the Hatch Act. The most severe penalty for violation is termination, and the minimum penalty under the law is a 30-day suspension.
- D. Always check with your human resource officer before initiating any activity that may be a violation of the political activity policies. Ignorance of the law will not excuse violations.
- E. Under the Hatch Act employees may not use their official authority or influence to affect the result of an election and they may not take an active part in partisan political management or campaigns. Examples of prohibited activity under this law include:
  1. You may not become a candidate in a partisan election for nomination or election to public office.
  2. You may not campaign for or against a political party or candidate in an election for public office or political party office.
  3. You may not serve as an officer of a political party, a member of a national, state, or local committee of a political party, an officer or member of a committee of a partisan political club, or be a candidate for any of these positions.
  4. You may not solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for a partisan political purpose or in connection with a partisan election, or make a political contribution in a federal building or to or through a member of the Board of Directors, the Chief Operating Officer, or any other TVA employee who is directly above you in the chain of command in a supervisory or administrative position.
  5. You may not sell tickets for or otherwise actively promote activities such as political dinners.
  6. You may not take an active part in managing the political campaign of a candidate for public or political party office.
  7. You may not work at the polls on behalf of a partisan candidate or political party by acting as a checker, challenger, or watcher, or in a similar partisan position.
  8. You may not distribute campaign material.
  9. You may not serve as a delegate, alternate, or proxy to a political party convention.
  10. You may not address a convention, rally, caucus, or similar gathering of political party in support of or in opposition to a candidate for public office or political party office, or on a partisan political question.
  11. You may not endorse or oppose a candidate in a partisan election through a political advertisement, broadcast, campaign literature, or similar material.

12. You may not use your automobile to drive voters to the polls on behalf of a political party or candidate in a partisan election.

F. Employee activities that are *permissible* under the Hatch Act include:

1. You may register to vote and vote as you choose in any election.
2. You may express your opinions as an individual, privately and publicly, on all political subjects and candidates as long as you do not take an active part in partisan political management or partisan political campaigns.
3. You may wear a political badge or button or display a political sticker on your private automobile; however, this is undesirable while on TVA property or while at work.
4. You may make a voluntary campaign contribution to a political party or organization.
5. You may accept appointment to a nonpartisan public office, provided service in the office will not conflict or interfere with the efficient discharge of your TVA duties.
6. You may participate in a nonpartisan election either as a candidate or in support of (or in opposition to) a candidate; and you may, if elected, serve in the office if such service will not conflict or interfere with your TVA duties.
7. You may serve as an election clerk or judge, or in a similar position, to perform nonpartisan duties as prescribed by state or local law.
8. You may be politically active in connection with an issue not specifically identified with a political party, such as a constitutional amendment, referendum, approval of municipal ordinance, or similar issue.
9. You may participate in nonpartisan activities of a civic, community, social, labor, professional, or similar organization.
10. You may be a member of a political party or other political organization and attend meetings and vote on issues, but you may not take an active role in managing the organization.
11. You may attend a political convention (not as a delegate or alternate), rally, fund-raising function, or other political gathering, but you may not take an active part in conducting or managing such gatherings.
12. You may sign petitions, including nominating petitions, but may not initiate them or canvass for signatures, if they are nominating petitions for candidates for partisan elections.
13. You may petition Congress or any Member of Congress, such as by writing your Representatives and Senators to say how you think they should vote on a particular issue.

V. Gifts and Entertainment

- A. You may not solicit or accept anything of monetary value, including gifts, gratuities, favors, entertainment or loans from any person who has a contract or is seeking to do business with TVA, who conducts operations or activities that are regulated by TVA, or who has interests that may be substantially affected by either the performance or nonperformance of your official duties.

Exceptions to this regulation permit employees to accept the following:

1. Food and refreshment when it is furnished in the ordinary course of a meeting or tour, the employee is properly in attendance, it is of nominal value, and the occasions upon which such food or refreshment are served is infrequent. If any of the four criteria are absent, the acceptance of the food and refreshment is impermissible.
2. Food and refreshment in the course of a widely attended group function such as a reception, seminar, conference or training session, when proper advance approval is received.
3. Unsolicited advertising or promotional material of nominal value such as pens, note pads, and calendars.
4. Travel and subsistence expenses in certain cases when authorized by TVA; local transportation while on business when no individual payment can be made and alternative arrangements are clearly impracticable.
5. Gifts, gratuities, favors, entertainment, loans or similar favors of monetary value that stem from a family or personal relationship when it is clear that it is the relationship rather than the business of the person concerned that motivates the gift.
6. Loans from banks or other financial institutions on customary terms.

- B. There are criminal provisions covering the acceptance of gifts, entertainment, and favors found in Title 18 U.S.C. 209.

1. Under this law you are prohibited from receiving any salary as compensation for services you render as part of your official government duties.
2. Under this law you may still continue to participate in a bona fide employee welfare or benefit plan maintained by a former employer.

C. Gifts within the office

1. You may not solicit a contribution from another employee for a gift to an official superior or make a donation to a superior.
2. You may not accept a gift from an employee receiving less pay than you.

3. Voluntary gifts of nominal value or donations in a nominal amount on a special occasion such as marriage, illness, or retirement, are allowed as an exception to the general policy.

#### VI. Work Outside of TVA

- A. You may engage in outside employment, with or without compensation, but only if it will not harm the performance of your official duties and will not conflict with your TVA duties. Such work may include civic, charitable, religious, and community undertakings. In the course of pursuing such activities certain things are prohibited.
  1. You may not use Government-financed time or supplies
  2. You may not use or allow the use of official information that has not been made available to the general public
  3. You may not promote the use of your official title or affiliation with TVA or allow suggestion of official endorsement
  4. You may not conduct business with your subordinates.
  5. You may not represent another person or organization before an agency or court of the Federal or D.C. Governments or receive payment for someone else's representation before these bodies, in matters in which the Government has an interest. Your representation is prohibited even if it is uncompensated. An exception to this prohibition generally allows an employee to represent a parent, spouse, or child in a proceeding before these agencies and courts.
- B. Outside work done by an employee must be approved in advance by his/her vice president and reported by the human resource manager in an annual report. Advance approval is also required for such activities as teaching, lecturing, or writing.
- C. If an employee engages in outside employment that is found to be incompatible with TVA employment, the employee may have to stop the outside employment or could be terminated from TVA.
- D. Post-employment restrictions are part of the federal law and they prohibit former Government employees from "switching sides." If you are planning to leave TVA you should consult your human resource officer for additional information and guidance. There are two basic restrictions.
  1. A former employee is prohibited permanently from acting as another person's representative to the Government in certain matters in which he/she was involved personally or substantially while in federal service.
  2. For two years after leaving TVA, a former employee is prohibited from representing another person to the Government in certain matters which were pending under his or her official responsibility during the last year of TVA service.

#### VII. Personal Gain

- A. Generally, you cannot participate personally and substantially as a TVA employee in a matter in which you have a financial interest. There is no minimum amount of value or control that constitutes financial interest.
- B. This prohibition also applies if any of the following individuals or organizations have a financial interest in the matter: your spouse; your minor child; your partner; an organization in which you serve as an officer, director, trustee, partner, or employee; or a person or organization with which you are negotiating for prospective employment or have an arrangement for prospective employment.
- C. An employee may be granted a waiver if his/her financial interest is found to be not so substantial as to affect the integrity of his or her services. A general waiver can also be granted to a group of employees for certain interests found to be too remote or inconsequential to affect the integrity of the employees' services. The general waiver must be published in the *Federal Register*. See TVA Code III FINANCIAL INTERESTS.
- D. The TVA conduct regulations also prohibit you from having a financial interest that conflicts, or even appears to conflict, with your Government duties and responsibilities.

#### VIII. Gambling

An employee may not participate in any gambling activity while on Government-owned or leased property or while on duty for TVA. This includes operation of a gambling device such as a lottery or pool, a game for money or property, or selling or purchasing a numbers slip or ticket.

#### IX. Employment of Relatives

- A. TVA's policy concerning the employment of relatives is discussed in detail in TVA instructions III ELIGIBILITY FOR EMPLOYMENT, Relatives (ERM Chapter 215) and III PM 6 RELATIVES, Guide.
- B. For purposes of this policy, a relative is an applicant's or employee's father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, husband, wife, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.
- C. The following restrictions apply to the employment of relatives
  1. A TVA employee cannot appoint, promote, or advance a relative. Nor can an employee advocate the employment, advancement, or promotion of a relative.

2. A TVA employee may not have a supervisory or administrative relationship over a relative (this prohibition applies to occasional and/or unintentional relationships as well as routine job duties).
3. The son or daughter of a TVA employee may not be appointed for summer employment unless the employment is part of a formal TVA training program. (TVA extends this restriction to other relatives for most summer employment programs.)
4. TVA conduct regulations prohibit TVA employees from giving or appearing to give preferential treatment to any person, especially a relative.

- C. In many instances it is a violation of federal law for an employee to recommend or otherwise advocate the appointment or promotion of a relative. This restriction applies to any employee, regardless of pay schedule or grade level, who has the authority to appoint or promote any other employee or to recommend such actions. Most employees who supervise or direct the work of others have such authority.
- D. If a relative is appointed to a position as a result of nepotism, he/she is not eligible for pay for working in that position. If payment has already been made before the violation is detected, the relative must reimburse the full amount of wages received. The employee who violates the restriction on employment of relatives is subject to appropriate discipline which may include termination.
- E. If the TVA prohibition against a supervisory or administrative relationship to a relative is violated, human resource officers must resolve the violation not later than three pay periods after the violation becomes known.

## SELECTING THE RIGHT PERSON FOR THE JOB

### I. TVA's Selection System

The selection process at TVA is quite different from the rest of the federal service. At other agencies civil service tests and scored application blanks have been the major selection devices used, which often leaves the supervisor only a choice among the top three candidates. Under the TVA Act, Congress permitted TVA to establish its own methods of employee selection and promotion consistent with the principles of merit and efficiency. TVA's selection process emphasizes the role and responsibility of the selecting supervisor in hiring the most qualified employee for a particular vacancy.

### II. Staffing from Within TVA: Internal Selection

- A. Generally, TVA's policy is to promote or transfer from within TVA before hiring from outside TVA.
- B. ERM Chapter 275, SELECTION, Promotion and Internal Transfer, Salary Policy, and the Articles of Agreement, Supplementary Agreement S-7, provide guidelines on how to fill vacant or new salary policy jobs; the General Agreements (Annual Operating and Maintenance), Supplementary Schedules A-III and B-III, provide guidelines on how to fill annual trades and labor positions. Filling management, specialist and excluded schedule positions is not governed by any negotiated agreement, but unlawful discrimination in filling these and all other positions is prohibited.
- C. The supervisor's decision concerning a selection may be challenged and you should always be prepared to explain and adequately justify your choice.
- D. Internal selection process
1. Identify the vacancy. Make sure that a fulltime appointment is the best alternative; explore other staffing options such as temporary appointments or contract employees.
    - a. Salary Policy positions can be filled either through a directed transfer or posting a vacancy announcement.
    - b. Trades and labor positions are filled in accordance with the specific general agreement relevant to the vacancy.
  2. Develop the job description and have the position classified. This step applies to management, salary policy and annual trades and labor positions. There is more information about this process in the Classification chapter.
  3. Prepare and post the vacancy announcement. Only salary policy and annual trades and labor positions must be posted in accordance with the provisions of the applicable negotiated agreement

4. Await applications. The negotiated agreements specify how long an announcement must be posted and the time limit placed on the supervisor for making a selection based on the posting and applications he or she receives in response.
  - a. Salary policy announcements must be posted for not less than 10 calendar days. The supervisor has 90 days from the date the announcement "closes" to make a selection. This time limit may be extended by mutual agreement of TVA and the Panel.
  - b. Annual trades and labor announcements must be posted not less than 15 calendar days. The supervisor has 120 days from the date the announcement "closes" to make a selection.
5. Receive a list of qualified candidates. Your human resource officer is responsible for reviewing all applications and making the initial determination about the applicants' qualifications. The human resource officer will send you the candidates' applications and usually their personal history records (PHRs).
6. Select candidates for interview. The supervisor identifies the candidates who appear to best meet the job qualifications and requirements and recommends to the human resource officer that interview invitations be given to these candidates. The HRO will make the interview arrangements.
7. Interview candidates. This is your best opportunity to collect information about the candidates' qualifications to perform the job and let the candidate know what the job will entail. For more detailed information about how to conduct the interview, see sections VI, VII, and VIII of this chapter.
8. Make the selection. The supervisor selects the most qualified candidate from among those interviewed. The HRO is responsible for getting the necessary approval for you to hire a particular candidate. See sections IV and XIX of this chapter for a description of the criteria that should be used in making the selection or hiring decision.
9. Extend an offer. The HRO will contact the employee to extend the offer. The HRO will also assist in negotiating a release date for the employee.

### III. Hiring from Outside TVA: External Selection

- A. Supervisors are generally required to attempt to fill the position with an internal candidate before pursuing outside candidates.
- B. Hiring from outside TVA is affected by rules and regulations, including the Veterans' Preference Act, federal laws prohibiting discrimination, TVA's affirmative action policies, and negotiated agreements regarding reemployment rights of those previously employed by TVA.

### C. The selection process for external candidates is in many ways similar to the process used for internal selections.

1. Request requisition. At your request, your human resource officer will prepare and submit a requisition and a job description for the salary policy or annual trades and labor position to the Employment Services staff, Human Resources, in Knoxville. In response to this request the Employment Services staff will provide you with applications that have been received from people interested in working for TVA in certain positions. Trades and labor hourly positions are not handled in this way, so you should consult your human resource officer for assistance with these vacancies.
2. Await submission list of qualified applicants. The Employment Services staff will review TVA's reemployment registers, OWCP candidates, and outside candidates to determine if there are qualified applicants with current applications on file. This list will be sent to your human resource officer.
3. Review submission list. If there are few or no qualified applicants for the submission list, you, your human resource officer, or the Employment Services staff may decide that special recruitment efforts are necessary to solicit applications from qualified candidates.
4. Obtain recruiting assistance. The Employment Services staff is responsible for TVA's recruitment activity. In addition, some organizations have their own recruitment activities for certain classifications.
5. Select candidates for interview. You review the applications and/or resumes submitted and recommend candidates for interviewing. Your human resource officer will review and approve your interview requests and will issue invitations for interviews. The human resource manager or issuer is the only TVA representative who should contact the candidates to arrange for interviews.
6. Interview candidates. The interview process is the same as for internal candidates. More detailed information about interviews is in sections VI, VII and VIII of this chapter.
7. Make selection. The supervisor selects the most qualified candidate from among those interviewed. See sections IV and IX of this chapter for a description of the criteria that should be used in making the selection or hiring decision.
8. Extend offer. The human resource officer extends the offer of employment to the candidate and, if necessary, makes arrangements for the candidate to receive pre-employment medical examinations. The candidate will also be required to undergo a security check into his or her background.

#### IV. Selection Criteria and the Selection Decision

- A. Merit and efficiency is to be the basis for all selections in TVA. It is important to identify the knowledge, skills, and abilities, necessary to perform the job so that you can determine which candidate will best satisfy the requirement of merit and efficiency.
1. For represented salary policy employees the Articles of Agreement (5-5) require that selection for promotion and transfer (except in some cases) be made on the basis of merit and efficiency. Management's judgment of merit and efficiency is controlling unless shown to be arbitrary and capricious.
  2. In evaluating merit and efficiency in salary policy selections, consideration may be given to the following:
    - a. Requirements of the job;
    - b. Overall competence of the candidate as can be appraised by examination of TVA service records, and other factors, if relevant;
    - c. Organizational needs, objectives and efficiency of TVA, which includes TVA's affirmative action plans and goals;
    - d. TVA's need to recoup investments in training and/or manpower requirements;
    - e. TVA's need for continuity of operations.
  3. For trades and labor employees, Supplementary Schedules A-III and A-V of the General Agreements discuss in detail what to consider in selecting a candidate for a trades and labor position.

#### V. Preparing for Selection

By structuring the selection process, you help make yourself more organized and better able to pick the best candidate for the job. You should use this structured selection technique to enable you to get more information from each candidate and ensure that the information will pertain to the knowledge, skills, and abilities needed for the job.

- A. Identify job requirements and knowledge, skills, and abilities (KSAs). These are the attributes that the candidate must have in order to perform the job successfully. Make sure you focus on the job itself and not on the person who is currently holding the job. The job description is a useful tool in identifying KSAs.

- B. Review the applicant information. Information on each candidate will vary slightly. Usually you will have some type of application (either a TVA initial application or an application for anticipated vacancies), either a resume or PIIR, and sometimes test results or other data. For each applicant you should do the following:

1. Check minimum qualifications. Only those jobs that have been analyzed by the Classification, Planning and Analysis staff have valid minimum qualifications; other things listed, such as a degree, etc., are really only desirable characteristics and, therefore, you should not screen someone out on the basis of these alone.
2. Assess possession of KSAs. Examine past educational and job experiences. While doing this, write down specific questions to ask the applicant to help you determine whether he/she possesses the necessary KSAs for the job.
3. Find a rapport-builder. Pick out something in the resume or application that you can use to "break the ice" at the start of the interview.

- C. Decide on information to impart. Review the information you need to provide to each candidate. Applicants should be given realistic expectations about the job so they can make informed decisions about whether the job is for them. Be honest and give both positive and negative aspects of the working conditions. It is important that the interview be conducted in a professional, well-prepared manner.

- D. Prepare the setting. Make sure that the interview has been scheduled and that all the necessary paperwork is at hand. Also make sure you won't be interrupted during the interview.

#### VI. Key Issues Associated With Interviewing

Focus on getting job-related information about the required knowledge, skills and abilities from each applicant and ignore irrelevant information that doesn't pertain to the KSAs. Some general points to keep in mind include:

- A. Try using multiple interviewers. This can result in obtaining more reliable and valid information, reduces biases by providing more perspectives, and sharing the interviewing responsibilities. Be sure that all interviewers are well-prepared and understand the KSAs of the job.
- B. Take notes throughout the interview. At the beginning of the interview tell the candidate that you will be taking notes continuously and that he/she should not feel uncomfortable about this. Your note-taking will indicate to the applicant that you are interested in what he/she says.

- C. Consider personal characteristics only if they are job-related. Personal characteristics have a place in the selection interview only if they are job-related and only if you assess them through behaviorally related questions. Ask questions that will get the applicant to describe his/her past behavior. Be sure to ask all the candidates the same questions.
- D. Avoid illegal discrimination. Interview questions that violate laws regarding discrimination may have serious consequences for you and TVA. You must avoid collecting or using any information related to areas of discrimination. Generally, if you focus on the KSAs of the job you will not have problems.
1. Avoid information regarding sex and marital status.
  2. Avoid information regarding race.
  3. Avoid questions about ethnic ties.
  4. Do not consider religion.
  5. Do not use age as a criterion.
  6. Do not discriminate against the handicapped.
  7. Do not discuss arrests, convictions, or citizenship.
  8. Stop the flow of information. Stop the applicant from volunteering any illegal information. If he/she does volunteer prohibited information during the interview, you should stop the conversation and indicate to the applicant that this information is not related to the job, will not be used in the decision-making process and, therefore, should not be discussed during the interview. It is also good to document the incident—what he/she said and what you said.
- E. Avoid bias. Be aware of the different kinds of biases that can lead to errors in selections.
1. Halo effect. This is the tendency to generalize an overall impression of an applicant (which may or may not be job related) onto specific information about the KSAs; the overall impression biases all the other specific evaluations on each of the KSAs and duties.
  2. Avoid overgeneralizing
  3. Don't reach conclusions based only on expectations. Wait until you have all the information before you make any judgment or decision about the applicant.
  4. Avoid comparing applicants directly. Try to delay comparing applicants until you are ready to make your final decision and have collected information from all the candidates.
  5. Keep in mind that interviewing is stressful for the applicant.
  6. Avoid similarity bias. This occurs when applicants are judged more favorably when they are similar to or have much in common with the interviewer.

## VII. The Structured Interview Form

This form is used throughout the entire selection process and will provide a guide to note-taking and will help in the final decision. You use a separate form for each applicant. These forms are useful for documentation purposes and so you will want to retain them after you have made your selection decision. Follow the following three steps in preparing the interview form before you meet with candidates.

- A. For each applicant, fill in each page of the structured interview form with the identified job duties and their associated KSAs for the position.
- B. Review the material you have on each applicant and look for relevant experience in their background that may be evidence of the required KSAs. Make notes on the form under the duties and their required KSAs and of evidence you have found that the applicant possesses the KSAs.
- C. Develop questions to ask the applicants, using the form and the information just reviewed about the applicants. Start with general questions you have on the first page of the form and use the applicant information you have just noted to tailor these questions to each applicant.

## VIII. Conducting the Interview

- A. The focus of your questions should be on skills first, knowledge second, and ability last. It is best to ask questions related to skills and experience of the applicant, and ask other types of questions only if the applicant can give no skill or experience information.
  1. Skills, or actual experience with a particular task, gives the most concrete evidence that the applicant can probably perform the task.
  2. Knowledge, or having the education or training to do a task, is less concrete evidence than the behavior of actually having done the task.
  3. Ability, or having the underlying potential to learn and do the task, is the least concrete and most difficult to measure of the three types of evidence.
- B. Six critical steps in conducting the interview
  1. Establish rapport. This allows the interviewer to get to know the applicant as well as possible and determine how well the applicant fits the job. A relaxed, open atmosphere from the start will make the applicant less nervous and more willing to talk openly.
  2. Set the agenda. Before beginning with the interview questions, let the candidate know the direction the interview will take. Let the candidate know that you will be asking questions and taking notes, that he/she will have an opportunity to ask you questions, and what the general time schedule for the interview will be.

3. Gather information. The most important point to remember is that you are trying to get information from each applicant about whether he/she possesses the needed knowledge, skills, and abilities for the job. Be sure to take notes during the interview.
4. Dispense information. Tell the applicant about TVA and the job he/she has applied for, describing in general the working conditions, travel requirements, advancement potential, etc.
5. Answer questions. It is important to give the applicant a chance to ask any questions he/she has about TVA or the job.
6. Close the interview. Cordially thank the applicant for his/her time and interest and explain what happens next in the selection procedure, when you expect a decision to be made, and who they may contact for further information.

#### C. Guidelines for effective interviewing

1. Maintain/enhance self esteem. This will help you build rapport with the candidate. Show interest in what the applicant says, indicate approval of accomplishments, and use the candidate's name.
2. Show empathy and understanding. This also helps to build rapport and will make the candidate feel more relaxed about sharing information. Indicate that you understand what the candidate says and how he/she feels.
3. Let the applicant do the talking. Ask open-ended questions that require the candidate to explain things. Follow up with questions that can be answered with "yes" or "no."
4. Clarify information as it is received. Make sure you have complete and clear information from the applicant. Do this by using probing questions, paraphrasing, repeating information, and summarizing key points.
5. Listen actively. As you listen, be attentive, concentrate, and "read between the lines." As you listen, indicate that you have heard and understood the message by nodding, eye contact, or with followup questions.
6. Demonstrate control under certain circumstances. Stay in control and directly confront the applicant's unacceptable behavior or responses. Do not permit intentional or unintentional avoidance of a topic or failure to follow your format for the interview.
7. Be as neutral as possible. This will enable you to get the most information from the applicant by putting the applicant at ease and encouraging the applicant to talk freely. Examples of neutral behavior include using a nod, "I see," or "uh-huh" to indicate interest.
8. Do not write negative comments immediately as they are being stated. Wait until the applicant has moved on to another topic before making notes about a negative point.
9. Maintain eye contact 25 percent of the time. Too much eye contact can make people nervous.

10. Be straight with the applicant. Be honest and straightforward with the candidate throughout the interview process.

#### IX. Making the Hiring Decision

- A. Decide the importance level of duties. Review the structured interview form and decide which of the job duties are most important to the job. Rank order the duties from most important to the least important.
- B. Assemble all information on the candidates. This includes the structured interview form, application, resume, service reports, or other data provided for each candidate.
- C. Examine the results of the structured interview. Compare each candidate by reviewing the interview results. Be consistent when you consider the information you have on each applicant and focus on job-related information when evaluating the candidates.
- D. Progressively eliminate candidates. Look at the most important or crucial job duties first and eliminate those candidates that have not indicated the ability to perform these duties. Then look at the next most important job duty(s) and eliminate those candidates without suitable abilities.
- E. Choose the top candidate. After progressively eliminating some candidates, you will have a small subgroup of acceptable candidates and you should choose the top candidate from this group.
- F. Document the decision. Write a summary justification statement of your reasons for choosing the candidate you did as the best qualified. In the statement, focus on objective information. Document the rank order of duties and then how well candidates were qualified relative to each other. Point out what KSAs this candidate possessed that were superior to those of the other applicants.

#### X. Orienting the New Employee

A new employee may flounder unproductively during the first few stressful weeks on the job, so it is important that you help him/her to get acclimated to the new job as quickly as possible. Listed below are some key points to cover with the employee during orientation.

- A. Ensure that the employee understands the duties of the job
  1. Review the job description with the employee, expanding and elaborating on specific duties and tasks.
  2. Clearly relay performance expectations. Make sure the employee knows the quality and quantity of work that is expected.
  3. Coach the new employee by giving feedback from the very beginning.

## B. Cover service appraisal and salary increase information.

1. Management and Specialist Appraisal process - Management skills, quarterly reviews.
2. Form TVA 3031 - Discuss time-in-grade increases, annual salary increases, periodic performance reports.
3. Probationary period - Applicable to many new employees.

## C. Determine and schedule training needed for the new employee.

1. Formal training (e.g., computer training, word processing training)
2. On-the-job training.

## D. Introduce the employee to others in the organization. Be sure that the employee meets everyone in the immediate work group, the managers at least one level above you, and people in your organization or other organizations with whom the employee will work frequently.

## E. Explain the office or work site rules and routines.

1. Work schedules and flextime.
2. Staff meetings.
3. Duties and responsibilities of clerical, support people.
4. How to use the telephone system.
5. Where to obtain office supplies.
6. How to handle business travel.
7. The "culture" or "environment" of the office or site.

## F. Provide the employee with TVA policies/procedures/reference materials to review. Follow up to ensure that the employee understands what he/she has read.

1. Code of Ethics for Federal Employees and the conduct regulations (both in the General Releases).
2. Other reference documents that are important to the employee's work.

## CLASSIFICATION

I. Classification, or job evaluation, is the process of determining the relative rank or status of jobs within an organization. Classification involves analyzing the duties and responsibilities of the job, comparing it to job standards and to other jobs in TVA, and assigning it to a grade level.

## II. Structuring the Work

A. The process begins by analyzing the mission of your work unit and identifying the functions and tasks to be performed. Tasks will include not only the primary mission of the work unit, but also any support services and supervision required. The classification process includes the following steps:

1. Job design—grouping duties and tasks together to create positions or jobs.
2. Identifying the necessary knowledge, skills, and abilities required to do the work for the positions you have defined.
3. Defining the structure of the organization, or the way in which the jobs relate to each other.

B. Supervisors should continually analyze, review and evaluate the work assigned to each position. Job descriptions should be kept accurate and up to date and consideration should be given to restructuring or eliminating positions as vacancies occur.

## III. Job Descriptions

Good job descriptions—ones that are clear, complete, and accurate—are absolutely essential for reliable classification of any job. Job descriptions must contain critical information about the job including: the position's duties and responsibilities; required and desired knowledge, skills, and abilities; a description of the level of supervision the incumbent will have; a description of the scope of supervision the incumbent will be required to exercise over others. Information that should not be included in a job description includes: length of service, overtime, financial need, volume of work, employee's efficiency, or other qualifications that are not required to do the work.

## IV. Classification Plan for Positions on the Manager and Specialist Schedule

## A. A position is placed on the Manager and Specialist schedule if it meets one of the following criteria:

1. A significant degree of supervisory responsibility, such as authority to hire and fire or supervision over large numbers of subordinates. Supervision alone does not warrant placing a job on the management schedule and, generally, first-line supervision that involves technical direction of work remains in the bargaining units.
2. Responsibility for making judgments or decisions involving union-management agreements or other types of conflict of interest.
3. Certain types or degrees of policy making responsibility, such as some corporate staff jobs that have responsibility for developing and interpreting policy on behalf of TVA.
4. Work at levels "higher"—requiring more complex or specialized technical or engineering skills—than those in the represented schedules.

## B. Classification process

TVA uses the Hay Guidechart-Profile Method of Job Evaluation as its job measurement system for manager and specialist jobs. This is a quantitative job measurement system (i.e., point-factor system) which ascribes quantitative values to the job factors of know-how (knowledge), problem-solving (complexity), and accountability (responsibility/job impact) inherent in every job. TVA has established job evaluation committees comprised of line managers to evaluate all manager and specialist positions to ensure a corporate-wide perspective of relative job worth within the agency and to establish accountability for determining and maintaining internal equity with management. Committees are responsible for conducting job evaluations, this role does not include assessing and critiquing organization design and/or job structure.

## C. Roles and responsibilities

1. Compensation Planning and Analysis staff, Human Resource
  - a. Develops TVA's job evaluation criteria (excluding trades and labor positions).
  - b. Administers the Management/Specialist Job Evaluation System.
  - c. Ensures consistency in the administration of the Salary Policy Job Evaluation System by certifying human resource officers to administer the system and monitoring evaluations performed by line organizations.

- d. Determines the appropriate classification (i.e., manager/specialist or salary policy) to be applied to all jobs for which it is responsible.
  - e. Provides consultation and assistance to line organizations in designing work structure and individual job structure.
  - f. Facilitates meetings of the job evaluation committees by serving as secretary, establishing agendas, reviewing all jobs submitted for committee evaluation, and providing recommendations of position evaluations to the respective committees.
  - g. Reviews all positions submitted by organizations for presentation to job evaluation committees and determines the appropriate evaluation standards to be applied to positions
3. Line management develops position descriptions which accurately describe the work performed and adhere to job evaluation standards that are applicable.
  4. Line human resource organizations
    - a. Provide support to management in day-to-day administration of TVA's job evaluation systems.
    - b. Assist management by providing recommendations and alternatives in organization design to enhance operating efficiency.
    - c. Collaborate with Compensation Planning and Analysis to develop resolutions to organization design, and individual job structure problems.
    - d. Review all position descriptions and ensure accuracy of content prior to submission of position description to Compensation, Planning and Analysis for review and processing

## V. Classification Plan for Represented and Excluded Positions

The classification plan for represented and excluded positions is part of the negotiated agreement between TVA and the Panel. Therefore, any significant changes in the classification system must be jointly agreed to by TVA and the Panel or its unions.

The salary policy classification system for represented salary policy employees covers most positions in pay schedules A, B, C, D, E, F, G, and X. Many excluded positions are also reviewed and evaluated under this plan. (Those which are not are reviewed against agency classification standards developed specifically for that particular class of work.) The classification process involves looking at the type and level of duties and responsibilities and determining the appropriate pay schedule, classification group, job series, job title, and grade level of the position. Salary policy classification is done using either job factor guidecharts or classification standards.

- A. Job factors describe how work is performed. They include such things as knowledge and skills used in the job, guidelines available to the employee, complexity of the work, supervision received, supervision over others, work-related contacts with others, and working conditions. Job factor guidecharts classify levels of work in pay schedules A, B, C, D, and E. Job descriptions for positions classified using job factor guidecharts are prepared on form TVA 12B.
- B. Classification standards are written documents that define the duties and requirements of a job and of grade levels in a series. These are used to classify positions on pay schedules F and G and certain other positions. Job descriptions for positions classified using classification standards are prepared on form TVA 12A.
- C. Classification process
  1. Supervisor prepares accurate and complete job description using proper form.
  2. Human resource officer classifies the job based upon the job description and determines schedule, job title, and grade level.
  3. Management is responsible for evaluating the job, but upon completion of the evaluation, a copy of the job description is sent to the union for review.
  4. Classification dispute may arise. A dispute over whether the employee's job description accurately describes the work assigned are handled under the regular grievance procedure. This kind of dispute must be resolved before the position can be classified properly. A second kind of dispute concerns whether the position was classified properly, and these are handled under the procedure set forth in the Articles of Agreement, Supplementary Agreement S-2-11.

## D. Roles and responsibilities

1. The supervisor writes the job description and periodically updates it. The supervisor also makes all work assignments. Job descriptions do not control work assignments, they just describe typical duties assigned to the job and employees may temporarily be assigned work other than contained in the job description. However, if new duties assigned are significantly different or not truly temporary, the supervisor should consider restructuring the work and job classification.
2. Human resource officers (HROs) evaluate all salary policy job descriptions and coordinate classification actions with the salary policy unions, corporate Compensation Planning and Analysis staff, and the Labor Relations staff.
3. Compensation Planning and Analysis staff, Human Resources, has primary responsibility for developing the classification criteria/guidelines used by HROs in evaluating salary policy jobs. They also provide advice and job evaluation training to TVA managers, HROs, and appropriate union officials.
4. Labor Relations staff, Human Resources, negotiates and administers the Articles of Agreement, including the classification portion of the agreement, and conducts grievance hearings concerning job content.
5. Union representatives represent employees in classification and job content disputes and review management's classification decisions. Each union designates "union reviewers" to evaluate completed classification actions.

## VII. Classification of Trades and Labor Positions.

Many of the trades and labor job classifications evolved as the craft unions were organized, and the unions established specific work boundaries (jurisdictions) for each craft. Hourly trades and labor jobs often do not have written job descriptions, commonly understood craft practice is generally followed instead. Annual trades and labor positions do have written job descriptions. There are seven different trades and labor pay schedules as follows:

- A. Schedule A - All employees are hourly construction workers covered by the negotiated General Agreement for Construction employees.
- B. Schedule B - Employees are annual employees who perform regular maintenance and miscellaneous operating work. They are covered by the two General Agreements for either employees in TVA's Power Generating and Transmission Facilities or for all employees except those in TVA's Power Generating and Transmission Facilities.
- C. Schedule C - Employees are annual employees who perform regular operating work in the Chemical Plant/Resource Development. They are covered by the two General Agreements referenced in B above.

- D. Schedule D - Employees are annual employees who perform regular operating work in Power organizations. They are covered by the two General Agreements referenced in B above.
- E. Schedule E - Employees are annual employees who perform regular operating and maintenance work in Resource Development and Services. They are covered by the negotiated General Agreement for Annual Operating and Maintenance Employees except those in TVA's Power Generating and Transmission Facilities.
- F. Schedule B-Hourly - Employees are hourly and perform temporary operating and maintenance and modifications work in any TVA organization except Resource Development and Services. Covered by the negotiated General Agreement for Temporary Hourly Operating and Maintenance and Modification Employees.
- G. Schedule E-Hourly - These are just like Schedule B-Hourly employees except that they work in either Resource Development or Services.

PAY

I. TVA's objective is to pay employees a "competitive" wage or salary. Pay policies are established by the Chief Operating Officer and Board of Directors. The TVA Act is the basic authority for our pay plans. It establishes TVA's independence from the civil service laws and gives the Board of Directors authority to fix compensation subject to two constraints—1) no regular employee can receive a salary in excess of that received by a Board member, and 2) rates of pay for trades and "laborers and mechanics" shall not be less than the prevailing rates paid for similar work in the vicinity. TVA pay practices are still required to comply with other federal laws and regulations:

- Fair Labor Standards Act (FLSA) which applies to all public and private employers and specifies minimum wages, overtime pay for certain types of employees, and other recordkeeping requirements.
- Equal Pay Act which provides generally for "equal pay for equal work."
- Title VII of the 1964 Civil Rights Act which prohibits any employment action that discriminates and requires employers to define employment standards on the basis of job requirements and to compensate equal work based upon criteria that do not discriminate.

II. Manager and Specialist Schedule Pay

- A. The manager and specialist salary structure is composed of 13 pay groups. There are three types of manager and specialist positions:
  1. Managerial positions which include executive and other positions with responsibility for planning, staffing, organizing, and supervising and controlling both the work of the organization and the resources to support that work (i.e., Vice President, Manager (Department), Plant Manager).
  2. Senior technical specialist positions, also known as dual ladder positions which serve as the agency's senior professional in a specific scientific or engineering discipline or an administrative field (i.e., Senior Scientist, National Fertilizer Development Center, Senior Discipline Engineer (ASME Code Specialist), Nuclear Power)
  3. Staff specialist positions which include those positions which are responsible for a specialized management support function (i.e., Attorney, Financial Analyst, Rate Design Specialist)

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B. Pay group determination

The Vice President, Human Resources, recommends to the Board and Chief Operating Officer the midpoint, salary range, and appropriate pay levels for all manager and specialist positions including executive-level positions. Each manager and specialist position in TVA has a pay group determined by the job evaluation process. This pay group, or position level, corresponds to a salary range derived from an analysis of labor market salary data. Ideally, job incumbents are not paid less than the minimum of the range or more than the range maximum. Individual pay rates do not change when the salary structure changes.

C. Salary progression

The foundation for TVA's salary administration system for managers and specialists is performance-based pay. The system is designed to reward manager and specialist employees based on their contribution to TVA's overall performance. Employee job performance is evaluated by the supervisor using the Employee Appraisal System which focuses on the performance and behavioral standards of a position. Compensation Planning and Analysis staff, Human Resources, is responsible for developing and recommending pay policies and procedures, answering questions concerning pay for employees covered by the salary administration plan and excluded employees, providing interpretation of the salary administration plan, and evaluating and reviewing line organizations' implementation of the procedures.

D. Performance based pay

1. Performance Increase Program is designed to reward employees whose documented performance during the fiscal year contributed to TVA's overall performance. Manager and specialist employees whose documented performance during a fiscal year is unacceptable or below job requirements will not receive a performance increase.
2. Individual Increase Program is designed to reward employees based on a composite review of each employee's value to the agency and value to the group or operations level organization. The recipients and the amounts of individual increases will be at the discretion of the head of the organization (i.e., senior vice president or corporate organization vice president).

E. Compensation for overtime work

1. Policy - Manager and specialist employees are expected to work overtime for which no additional compensation will be paid when the overtime is the result of the normal requirements and responsibilities of their positions. Noncompensable overtime includes activities that are casual, inherent to the job, or self-imposed. However, under certain conditions when overtime work is required and scheduled for prolonged periods or to meet unusual conditions, certain employees may be eligible to receive approved overtime compensation.
2. Eligibility - Only those manager and specialist employees in pay groups 1 through 8 are eligible to receive overtime pay.
3. Guidelines for overtime pay - Manager and specialist employees are compensated in accordance with the following guidelines:
  - a. Eligible manager and specialist employees are compensated for approved overtime at their straight-time rate. Certain eligible manager and specialist employees assigned to positions requiring rotating shift coverage are paid overtime at one and one-half times their straight-time rate after working 40 hours in a single work week.
  - b. Eligible employees required to work on a paid TVA holiday receive holiday pay and applicable overtime pay for actual hours worked.
  - c. Approved overtime compensation is computed on the basis of time actually worked in excess of a benchmark number of hours as determined by the appropriate senior or corporate vice president. Approved days of absence and holidays falling on scheduled work days during the work week are counted as time worked for the purpose of overtime compensation.
  - d. Each senior vice president and corporate vice president will manage this policy in a manner to accomplish its objectives.
4. Approval - Vice Presidents must approve the payment of all overtime for eligible employees. This approval authority may be delegated to the next lower level. Any exception to this policy must be approved by the appropriate senior or corporate vice president and the Vice President, Human Resources. Any related policy developed for use within the line organization must not be in conflict with this policy and must be submitted for review and concurrence by the Vice President, Human Resources, prior to implementation.
5. Monitoring - Corporate Human Resources in conjunction with Finance will monitor and evaluate the implementation of this policy within each organization on a regular basis.

### III. Represented Salary Policy Pay

Salary ranges for salary policy schedules are established based on salary survey information collected by the Labor Relations staff in accordance with the Articles of Agreement, Supplementary Agreement 4 (S-4:A). Survey results serve as the basis for salary negotiations. If TVA and the Panel fail to agree on a salary structure for each pay schedule, the Panel appeals the disputed rates first to mediation and then to arbitration.

- A. Salary progression. Employees go from one within-grade salary rate to the next one when they complete a full period of creditable service which is evaluated as "fully adequate" or better.
- B. Supervisory differential. When a supervisor is the same schedule and grade as a subordinate and exercises FULL supervision over that employee, the supervisor may receive one within-grade step above that of the subordinate as a supervisory differential. The differential is removed when it is no longer justified. (See Articles of Agreement, Supplementary Agreement S-4:L-4,1).
- C. Pay rates after grade changes are done in accordance with the negotiated agreements when an employee is hired, rehired, promoted, demoted, or transferred between schedules. (See Articles of Agreement, Supplementary Agreement S-4:L-4).
- D. Overtime is paid in accordance with the negotiated agreement (See Articles of Agreement, Supplementary Agreement S-4:F). Overtime must always be officially approved by a higher level manager.
  1. Employees on flexible schedule do not receive overtime pay; however, if they are regularly scheduled to work outside normal work hours they are paid overtime.
  2. Employees on the inflexible schedule generally receive overtime for work in excess of 40 hours a week or 8 hours a day.
  3. Part-time and hourly employees receive overtime pay only if they work more than 40 hours a week or 8 hours a day. If they work more than their scheduled hours (but less than 40 hours a week), they receive only straight-time pay.
  4. Overtime rates are as follows for those eligible employees:
    - a. Time and one half - for employees whose annual salary is not more than SC-2, Step 3.
    - b. One and one-half times the rate of SC-2, Step 3 (except that no one is paid less than straight time) - for employees whose annual salary is more than SC-2, Step 3. There are some exceptions to this rule, see S-4:F.
    - c. Double time - under certain conditions for work in excess of 16 hours or work on the second scheduled offday.
- E. Premium pay as discussed in Articles of Agreement, Supplementary Agreement 4, includes pay for shift differential, holiday and Sunday pay, uniform and meal allowances, call time, etc.

### IV. Trades and Labor Pay

The TVA Act requires that TVA pay the prevailing rate for work of a similar nature in the vicinity for all trades and labor jobs. This rate is determined by negotiations based on a wage survey in a vicinity defined by the General Agreements. If there is not agreement reached in negotiations, the Council may appeal disputed wage rates to the Secretary of the Department of Labor.

- A. Wage administration is done in accordance with the General Agreements and accounting memoranda issued by Finance. There are no salary ranges, only fixed hourly or annual rates. Wage administration can be complex, and supervisor's should consult their human resource officer or payroll officer with questions.
- B. There are specific provisions in the negotiated agreements that address the following issues: dual classification, hours of work, overtime pay, including the proper use and distribution of overtime work, holiday pay, meal periods, call time and reporting time, time required for employment processing, transportation allowances, and exchange of shifts and shift differential. Supervisors should be familiar with the terms of the negotiated agreement affecting pay that are applicable to their employees.

## BENEFITS

## I. Accident Insurance

TVA employees may purchase accident insurance at group rates from Life Insurance Company of North America (LINA). The plan provides benefits to a beneficiary in the event of an employee's death, or to the employee in case of dismemberment. There is also a provision for partial replacement of lost wages if the employee has a non-work-related accident and is unable to work. Additional information is available from your human resource officer and is discussed in detail in the following documents:

- Employee booklet, *Voluntary Group Accident Insurance for TVA Annual Employees*
  - TVA Code III INSURANCE, Accident
  - ERM Chapter 431, INSURANCE, ACCIDENT, Annual Employees
- A. Eligibility. Any active, ANNUAL employee under age 70. Eligibility is lost if the annual employee transfers to an hourly position, retires, leaves TVA, or reaches age 70. An employee's spouse and unmarried dependent children are eligible for coverage. Coverage can be canceled at any time.
  - B. Cost. Employee pays the entire cost through payroll deduction.
  - C. Enrollment. An eligible employee must apply for coverage within 90 days of employment or eligibility date or wait for the next annual open enrollment period.
  - D. Changing enrollments. Application for a change in enrollment must be made within 30 days: (a) after marriage to obtain spouse coverage; (b) after birth to obtain newborn child coverage; and (c) after a salary increase which establishes eligibility to obtain a higher benefit.
  - E. Termination of coverage. Coverage for the employee, the spouse, and dependent children ends on the last day in pay status in a position in which the employee is eligible or at the end of the last day of the month for which the premium was paid.
  - F. Conversion. An employee under age 70 whose coverage is canceled is entitled to have a converted policy issued by LINA (without presenting evidence of insurability). The employee must apply in writing to LINA within 31 days after termination.
  - G. Filing a claim. When death or dismemberment of an insured employee occurs, the supervisor or administrative officer immediately notifies the Employee Accounting Department, Knoxville, which submits notices of claims to LINA.
- II. Leave without pay (LWOP). Coverage can be maintained during periods of LWOP by paying the premiums in advance. Your human resource officer can provide the necessary details about this procedure.

## II. Before-Tax Payment Plan for Medical and Dental Contributions

This plan allows those employees who elect coverage under TVA sponsored medical or dental plans to save on taxes by paying their share of the medical and dental contributions on a before-tax basis. That is, the contributions are deducted from an employee's pay before federal income tax and social security taxes are calculated, thereby reducing taxable income.

- A. IRS guidelines limit the opportunities an employee may have to change to or from the before-tax plan to a designated open enrollment period held each year. However, an employee can make a change if he or she has a family status change at any time during the year.
- B. IRS guidelines generally prohibit an employee who participates in the program from making any changes in coverage during the plan year including dropping coverage or switching between individual and family coverage unless there is a change in family status. However, such changes can be made during the annual open enrollment period without a change in family status.
- C. Additional information about the Before-Tax Payment Plan as well as the forms necessary to enroll in the program or initiate changes under the plan are available from your human resource officer.

## III. Dental Plan

All TVA annual employees may elect to have dental plan coverage under one of two plans. Annual salary policy and management and specialist schedule employees are covered by one plan that is negotiated between TVA and the Salary Policy Employee Panel. Annual trades and labor employees are covered by another plan negotiated between TVA and the Tennessee Valley Trades and Labor Council. Both plans are administered by Provident Life and Accident Insurance Company (Provident) and both plans provide preventive, restorative, crown, and prosthetic dental care coverage for employees and eligible family members up to plan limits. Additional information about the dental plans is provided in the following documents:

- TVA Code III BENEFITS, Dental
- TVA Instruction BENEFITS, DENTAL, Salary Policy, Annual (ERM Chapter 433)
- Articles of Agreement, Supplementary Agreement 23
- TVA Instruction PM 3 BENEFITS, Medical and Dental, Transfer
- Employee booklet, *Dental Expense Benefits Plan for Annual Salary Policy Employees in the Tennessee Valley Authority*
- Employee booklet, *Dental Expense Benefits Plan for Annual Trades and Labor Employees of the Tennessee Valley Authority*

- A. **Eligibility.** Generally, the dental plans are available to full-time, active employees. Part-time salary policy employees who work 16 or more hours per week are also eligible. Complete rules for eligibility for individual and family coverage are set forth in the appropriate documents cited above.

- B. **Cost.** The portion of the cost paid by employees is established during annual negotiations between TVA and the Panel and Council. The TVA Board of Directors determines the portion of the cost that is paid by non-represented employees. Employee contributions are paid through payroll deductions.
- C. **Enrollment.** Eligible employees may apply for coverage within 30 days of employment or transfer to an eligible position. A late application, which Provident can accept or reject, requires satisfactory evidence of dental health.
- D. **Changing enrollments.** The employee must apply within 30 days of marriage or the addition of an eligible dependent to add family coverage. Late applications will require an employee to submit satisfactory evidence of dental health before coverage becomes effective. Changes from family to individual coverage can generally be made at any time unless the employee is participating in the Before-Tax Payment Plan. (See section II of this chapter for details.)
- E. **Termination of coverage.** Benefits coverage stops at the end of the month in which employment terminates or in which the employee elects to discontinue the coverage.
- F. **Conversion.** Conversion to an individual policy is not available.
- G. **Filing a claim.** Claim forms are available from your human resource office. They are completed by the employee and his/her dentist and submitted directly to Provident.
- H. **Leave without pay (LWOP).** An employee on LWOP may continue dental coverage by paying the total cost of the coverage for each month in advance. If the leave is for a service-connected disability, TVA will pay the employer's contribution for a period of up to 12 months.

## IV. Medical Plan

TVA medical benefits are available to annual TVA employees. There are two plans, one is negotiated between TVA and the Tennessee Valley Trades and Labor Council and it covers annual trades and labor employees. The other is negotiated between TVA and the Salary Policy Employee Panel and it covers annual salary policy employees as well as employees on the management and specialist schedule. Blue Cross/Blue Shield administers both the salary policy medical plan and the annual trades and labor medical plan and makes interpretations of benefits affecting employees covered by these plans. Additional information about the medical plans is provided in the following documents:

- TVA Code III BENEFITS, MEDICAL.
- TVA Instruction BENEFITS, MEDICAL., Salary Policy, Annual (ERM Chapter 437)
- Articles of Agreement, Supplementary Agreement 15
- General Agreements (Between TVA and the Tennessee Valley Trades and Labor Council covering annual employees)
- TVA Instruction PM 3 BENEFITS, MEDICAL AND DENTAL., Transfer
- Employee booklet, *Medical Plan for Annual Salary Policy Employees*
- Employee booklet, *Medical Benefits Plan for Annual Trades and Labor Employees*

- A. **Eligibility.** Generally, the medical plans are available to full-time, active employees. Part-time salary policy employees who work 16 or more hours per week are also eligible. Complete rules for eligibility for individual and family coverage are set forth in the appropriate document cited above.
- B. **Cost.** Annual negotiations between TVA and the Panel and Council determine the amount to be paid by employees. The TVA Board determines the portion of the cost that is paid by non-represented employees. Employees pay their portion through payroll deductions.
- C. **Enrollment.** Enrollment is voluntary, but eligible employees must enroll within 30 days of their eligibility. After that, applications must include a health statement for the employee and for each covered family member. Enrollment can be rejected. If an employee's spouse has medical coverage, TVA medical coverage may be deferred. If coverage has been deferred and the spouse's coverage ends through divorce, death, or termination of employment, the TVA employee may apply for coverage under TVA's medical plan regardless of health conditions if the application is made within 30 days of the date the other coverage terminates.

- D. **Changing enrollments.** An employee may change from individual to family coverage if a new application is submitted within 30 days of marriage or the date of obtaining a dependent. After this date, applications will need to be accompanied by a health statement for any covered dependent and the requested change will be subject to the review and approval of the plan administrator. Changes from family to individual coverage can generally be made at any time unless the employee is participating in the Before-Tax Payment Plan. (See section II of this chapter for details.)
- E. **Termination of coverage.** Coverage terminates at the end of the month in which employment ends. A terminated employee may remain in the group plan for up to three months after termination by paying the full monthly contributions in advance. Your human resource officer can tell you more about this option. Retirees may continue coverage through the Retirement System until they are eligible for Medicare. Contact the Retirement System for more information about this option.
- G. **Conversion.** Under both plans, an employee or covered dependent whose coverage terminates may convert to a standard direct pay contract by contacting Blue Cross/Blue Shield within 30 days after group plan coverage ends. This will be a special contract and it will not provide the same coverage as is available under the active plan. The rates and benefits will be different.
- H. **Filing a claim.** Employees and their health care providers are responsible for submitting claims. Employees file claims with Blue Cross/Blue Shield in Chattanooga or Birmingham (depending on employee's state of enrollment or the state of the provider).
- I. **Leave without pay (LWOP).** Employees can retain medical plan coverage while on LWOP by making arrangements to pay the cost of the entire monthly contribution in advance.
  1. If an employee is on LWOP due to a service connected disability, TVA will pay its portion of the employee's contribution rate for up to 12 months.
  2. If an employee is on LWOP due to a non-work-related disability or illness, he/she may be able to continue coverage under the plan for up to six months at no cost to the employee. The employee's vice president must approve such continuation of coverage and the employee's human resource officer must properly notify Payroll Operations in Knoxville in advance.

V. Most all hourly trades and labor employees have medical insurance and pension benefits provided by the craft health and welfare, and pension funds. Through negotiations with the Council, TVA has agreed to contribute to various hourly pension and health and welfare funds. A Board of Trustees administers these funds; TVA does not participate in the administration of these funds but TVA employees may serve as trustees for these funds. Eligibility for coverage and benefits are determined by the rules established for each fund. A listing of the funds and their administrators is contained in TVA Instruction PM 3 PENSION FUNDS, Directory.

#### VI. Life Insurance

Life Insurance is available through the Federal Employees' Group Life Insurance (FEGLI) program. Employees may elect either basic or optional coverage. Basic coverage includes accidental death and dismemberment coverage which may be increased by election of an option. Other available options are outlined in the employee booklet. Details about the program are contained in the following documents:

- Employee booklet, *A Description and Certification of Enrollment in the FEGLI Program (SF 2817A)*
  - ERM Chapter 409, BENEFITS, INSURANCE, LIFE
- A. Eligibility. Most TVA employees are eligible to enroll. Your human resource officer or administrative officer can answer enrollment questions for you.
  - B. Cost. TVA and participating employees share in the cost of the plan as provided for in the law. Exact costs are listed in the employee booklet.
  - C. Enrollment and waiver of coverage. Eligible employees are automatically covered for basic insurance for the first 31 days of eligibility unless they waive coverage. All eligible employees are required to complete an SF 2817 to either elect or waive insurance coverage.
  - D. Termination of coverage. Generally, coverage ceases upon termination of employment. However, benefits (except accidental death or dismemberment) are paid if an employee or covered family member dies within 31 days of termination.
  - E. Conversion. An employee may apply for a direct-pay life insurance policy upon termination from TVA. The application and first premium payment must be filed within 31 days of termination.
  - F. Filing a claim. The human resource officer and Retirement Services assists the beneficiary in filing a claim when an employee dies. ERM Chapter 409, BENEFITS, INSURANCE, LIFE contains detailed instructions about obtaining a claim form and filing a claim with the Office of Federal Employees' Group Life Insurance.

G. Leave without pay (LWOP). Basic coverage continues without cost for a total of 12 months of nonpay status. There are special provisions for continuation of coverage when an employee is in nonpay status due to a service-connected injury or illness. There are also options available for retirees to continue coverage.

VII. Pension and Health and Welfare funds for hourly trades and labor employees are addressed in section V of this chapter.

#### VIII. Severance Pay

Severance Pay is negotiated between TVA and the Panel and Council. It is available to full-time annual salary policy employees and full-time annual operating and maintenance trades and labor employees who satisfy the eligibility requirements set forth in their respective negotiated agreements. (See Articles of Agreement, Supplementary Agreement S-10:O and General Agreements (Annual Operating and Maintenance), Supplementary Schedules A-VII and B-VII.

- A. The same provisions that apply to Salary Policy employees are also applied to employees on the manage and specialist schedule.
- B. To initiate payment of severance pay, the employee's human resource officer completes a form TVA 8195, "Authorization of Severance Pay for Salary Policy Annual Employee," and submits it to the Employee Accounting Department in Knoxville.

#### IX. Social Security

TVA and its employees are subject to the Social Security Act. TVA employees who are members of the Civil Service Retirement System entering civil service (non-TVA) positions on or after January 1, 1984 are also subject to the Act.

- A. Covered employees are required to pay Social Security tax (FICA) through payroll deductions and TVA is required to pay an equal amount into the system for each employee.
- B. If you change your name after establishing a social security number, the new name should be reported to your TVA payroll office or the nearest office of the Social Security Administration. Local Social Security Administration offices can supply the form SS-5 for this purpose.
- C. Employees should contact their local Social Security Administration Office to get information about the benefits which may be applicable in his/her particular situation.

## X. Travel and Relocation

- A. Current annual employees, new appointees to annual positions, individuals coming to TVA from other government agencies, or employees with reemployment rights after military duty who have a change of official duty station are eligible for reimbursement of travel and transportation expenses as authorized by their employing organization. These benefits include:
1. Mileage allowances for use of private automobiles in traveling to the new location;
  2. Per diem allowances for the employee while en route between the old and new duty station;
  3. Travel and transportation expenses incurred in looking for a residence;
  4. Subsistence while in temporary quarters;
  5. Allowance for real estate transactions;
  6. Transportation and storage (temporary and nontemporary) of household goods; and
  7. Tax liability incurred as a result of relocation expenses.
- B. Relocation Services Program. Under certain conditions an annual employee or new appointee may be eligible to use the services of a relocation services contractor to assist in the sale of his/her primary residence. Additional information about this program is available from your human resource officer.
- C. Relocation Incentive. A one-time "bonus" payment may be paid to some candidates who fill critical positions within TVA which are difficult to fill. The payment must be requested by the candidate/employee's organization and approved by the TVA Board of Directors. Information about this recruiting tool is available from your human resource manager.
- D. Transportation allowances for certain trades and labor craft union members have been negotiated between TVA and the Council. See General Agreement (Construction), Supplementary Schedule H-XIII and General Agreement (Temporary Hourly Operating, Maintenance and Modification), Supplementary Schedule T-X.

## XI. Unemployment Compensation.

Unemployment compensation benefits are available to former TVA employees who satisfy eligibility criteria established by the state in which they last worked. The amount of weekly benefits varies by state. A local State Employment Security Administration (SESA) office's decision concerning benefits may be appealed by either TVA or the claimant. Detailed information about TVA's policy and procedures regarding unemployment compensation are in ERM Chapter 485, UNEMPLOYMENT COMPENSATION.

- A. Unemployment compensation is a direct cost to TVA, so it is important that TVA not pay unwarranted claims. Supervisor's are responsible for documenting the exact reason(s) for an employee's termination.
  - B. The employee is responsible for applying for unemployment compensation at the local SESA office. Terminated employees are given the necessary forms to file a claim with the SESA.
  - C. Eligibility requirements include:
    1. Must be unemployed or in a nonpay status for an extended period.
    2. Must file a claim and register for work at a local SESA office.
    3. Must have certain amount of qualified earnings during the past period as specified by State law.
    4. Must be able to work, be available for suitable work, and continue to seek work from the local SESA office as directed.
    5. Must have not quit the job voluntarily without good cause or not been discharged for misconduct connected with the work.
    6. Must not refuse a suitable job without good cause. If a person refuses TVA's offer of another job during the eligibility period for benefits, TVA notifies the SESA.
  - D. The Employee Accounting Department in Knoxville serves as the central clearing point for all communications with local SESA offices about claims.
- XII. Workers' compensation is provided for all TVA employees who sustain injuries of illness that are related to the performance of their official duties. Administrative services in your organization or your human resource officer can give advice about workers' compensation and normally maintain a supply of forms needed to administer this program. More detailed information is included in the Health and Safety chapter.
- XIII. Education benefits are discussed in greater detail in the Training and Development chapter.

- I. All full-time and part-time employees who are paid at annual rates are subject to the federal leave laws and regulation. See TVA Instruction III LEAVE (ERM Chapter 621) for a detailed description of annual, sick, administrative, and leave without pay leave benefits. Family Leave is detailed in ERM Chapter 627 and the Leave Transfer Program is described in ERM Chapter 629.
- II. Administrative leave is an approved absence for an officially recognized activity or service related to TVA, the public service, or public interest. Examples of administrative leave include court leave, military leave, law enforcement leave, and voting and registration leave. There are many conditions which must be met before administrative leave for any of these purposes can be approved. Administrative leave is charged to the organization's work account.
- III. Annual leave is earned based upon the length of federal service: Full-time employees with less than 3 years of federal creditable service earn 4 hours per pay period (13 days per year); those with between 3 and 15 years service earn 6 hours per pay period (20 days per year); and those with 15 years or more earn 8 hours per pay period (26 days per year). The current appointment must be for more than 90 days in order to earn leave. Leave earned during any pay period may *not* be taken and is *not* credited to the employee's account until after the end of that pay period. The accrual rate for part-time employees is similar to full-time employees but in proportion to the hours actually worked.
  - A. The Annual and Sick Leave Act of 1951 gave federal employees the right to annual leave but gave federal agencies the right to decide when leave may be taken. The supervisor has authority to grant leave. The supervisor may schedule leave and may deny requests for leave except in certain instances regarding sick and administrative leave. The supervisor ensures that the employee's leave request is covered by a sufficient leave balance and the form TVA 6 is properly prepared.
    1. Employees should apply for annual leave as far in advance as possible. It may be requested verbally or by completing a form TVA 6.
    2. If annual leave is requested and approved to be used in the event of illness because the employee does not have sick leave available, the supervisor may request evidence of incapacity in the same manner as for sick leave.

3. The maximum balance of annual leave that can be carried over from one leave year to the next is 240 hours. Hours which are forfeited are credited to the employee's TVA retirement account if the employee is a member of the TVA Retirement System.
  - a. Restored leave in excess of the annual 240 hour maximum is credited to a separate restored leave account. The amount of restored leave does not in any way increase or change an employee's normal maximum ceiling of annual leave that can be carried over into a new year.
  - b. Forfeited annual leave may only be restored if the employee's annual leave was previously scheduled and approved by the supervisor, but critical work demands required leave to be canceled. Several procedural requirements must be satisfied also and they are described in TVA Instruction III LEAVE (ERM Chapter 621)
- C. TVA does not require that employees use annual leave in conjunction with the Thanksgiving and Christmas holidays. However, supervisors are to approve annual leave requests by all employees who do not perform critical functions. The negotiated agreements also include provisions for requiring employees to use annual leave under certain conditions. See the chapter on Work Schedules for more details about these situations.
- D. Annual leave may be donated to other employees who are approved recipients under TVA's Leave Transfer Program. See section VIII of this chapter for more information.

IV. Leave without pay (LWOP) is an approved absence without pay requested by an employee. Generally, LWOP is granted at management's discretion based on the best interests of TVA as long as there is a reasonable expectation that the employee will return to work. Employee's may request and be granted LWOP regardless of length of service or whether they have sick or annual leave available.

- A. In certain situations involving disabled veterans and military reservists or National Guard members, LWOP must be granted.
- B. LWOP cannot be imposed on an employee as a penalty and should not be confused with Absent Without Leave (AWOL) which is charged for unauthorized absence and does not require employee consent.
- C. An employee must request LWOP in writing (using form TVA 6). LWOP for 30 days or less may be approved by any supervisor who is authorized to approve a form TVA 6.
  1. Form TVA 9880 is required for more than 30 days of LWOP and can only be approved by designated officials in each organization.

2. Any periods of LWOP should be reported immediately by telephone to the Employee Accounting Department for time reporting purposes.

- D. Employees should consult their human resource office for detailed information regarding the impact that LWOP may have on their benefits.
- E. Employees on LWOP are subject to reduction in force during their absence to the same extent as if they were in pay status.

V. Sick Leave is earned by all annual employees at the rate of 4 hours per pay period (13 days/year). There is no maximum on the number of hours of sick leave that can be carried over each year. Part-time employees accrue sick leave in proportion to hours worked.

A. Sick leave is to be used when an employee: cannot perform duties because of sickness or injury; receives medical, dental, or optical examination or treatment; is required to give care and attendance to a member of his/her immediate family who is under quarantine with a communicable disease; or could jeopardize the health of others by being at work because of exposure to a quarantinable communicable disease.

1. The communicable diseases for which sick leave may be approved are limited to those specified by presidential Executive Order (cholera, diphtheria, plague, and several others)
2. The Annual and Sick Leave Act of 1951 specifies that sick leave cannot be used for other absences.

B. Application for sick leave is made as soon as possible on the first day of absence by having the employee or the supervisor complete a form TVA 6. The employee's signature is obtained as soon as practicable or upon return to duty at the discretion of the supervisor. Regardless of the duration of the employee's absence, the supervisor may request that the employee upon returning to work complete the back of the form TVA 6 or provide other evidence of his/her incapacity for work.

C. Sick leave does not have to be approved, and an employee's leave record or work habits may indicate that the supervisor should check into requests for sick leave more thoroughly before approving it. However, supervisors should be consistent in how they administer sick leave approval throughout the work unit.

D. The supervisor's signature on the upper portion of the form is approval to charge the absence to sick leave, subject to receipt of evidence of incapacity acceptable to the supervisor. If such evidence is not received, the supervisor may, as appropriate, charge the absence to some other type of leave or record it as unapproved.

## VI. Advancing Leave

## A. Advance annual leave

1. An employee who has an appointment for more than 90 days in an annual position may be granted advance annual leave, if employment in the position is expected to continue long enough for the employee to pay back the leave borrowed.
2. If it is known that the employee will not return to duty, advance leave cannot be granted.
3. The maximum amount that can be advanced is the amount of leave the employee will accrue during the remainder of the leave year or that will accrue during the employee's appointment, whichever is less.

## B. Advance sick leave

1. An employee with an indefinite, prepermanent, or permanent appointment who has used all his or her accumulated and accrued sick leave may be advanced sick leave not to exceed 30 basic workdays. An employee on a temporary appointment may be advanced sick leave up to the amount which will accrue through the ending date of the appointment.
2. Sick leave is advanced only for cases of serious illness or injury, and leave cannot be advanced unless employment in the annual position is expected to continue long enough for the leave to be paid back.
3. Sick leave may be granted to an employee regardless of whether the employee has annual leave available.

VII. Family leave is available to help employees take time away from work without pay following the birth or the placement of a child for adoption or foster care with the employee, or if the employee needs to be off work to help care for a seriously ill family member. Although family leave is a form of LWOP, the employee can maintain benefit coverage at the same rate as if he/she were working. Any full-time annual TVA employee with one year of current continuous service is allowed up to 10 weeks of full-time unpaid family leave during any 24-month period. The family leave policy is described in detail in ERM Chapter 627.

VIII. TVA's Leave Transfer Program allows employees to donate annual leave to other employees who have been approved to receive donations because they are faced with a prolonged medical emergency. To qualify as a recipient an employee must have a medical emergency that will cause him/her to be away from work without available paid leave for at least 80 hours. Employees who are approved to be recipients must exhaust all available (including advanced) annual leave (and sick leave, if appropriate) before they can use leave donated to them. Details about the program are contained in ERM Chapter 629. Forms for participating in the program either as a recipient or donor are available from your human resource officer.

IX. Unapproved absence is NOT a form of leave. It is an absence without approved leave. Anytime that an employee is not at work during his/her scheduled time and you have not previously approved a request for some form of leave, the employee should be placed on unapproved absence (also referred to as AWOL—absent without leave) until such time as you retroactively approve the use of leave to cover the absence.

## X. Leave Control and Abuse

- A. The supervisor is responsible for seeing that employees use their leave to TVA's best interest while giving consideration to their needs. You are responsible for seeing that leave is not abused.
  - B. If you suspect a leave abuse problem, document the individual incidents to help you decide if there really is a problem. Some symptoms of leave abuse include:
    - Using too much sick leave;
    - Sick leave always occurring on Monday or Friday or tagged on to a holiday;
    - A pattern of sick leave usage such as every Wednesday morning;
    - No, or very little, accrual of annual or sick leave;
    - Requesting frequent leave with no advance notice;
    - Calling in frequently with excuses for being late;
    - Unapproved absence.
  - C. Discuss the problem with your employee. There are guidelines about coaching and counseling an employee in the Managing Individual Performance chapter. Your supervisor and human resource officer are also available to help you with this activity.
  - D. If verbal discussions don't resolve the problem, written notice of the problem may be appropriate. This is typically done by issuing the employee a "leave control letter" which places conditions upon an employee's requesting and being granted leave. Your human resource officer can provide guidance and samples to help you with this.

- E. Leave abuse cannot be dealt with if you keep approving the employee's request to take or use leave. If the justification for sick leave doesn't satisfy you, don't grant it. If you can't spare the employee because of work demands, or if the employee didn't give you enough advance notice to properly schedule a replacement, don't approve annual leave. If the employee's pattern of leave is a problem, don't approve it.

## RETIREMENT

1. Membership in the TVA Retirement System (TVARS) is required for full-time and part-time annual positions of 16 hours or more a week. Employees who come to TVA from a position covered by the Civil Service Retirement System (CSRS) or by the Federal Employees' Retirement System (FERS) remain covered by these programs if they are employed by TVA as a federal transfer. The TVA Retirement System has four components: a pension, an annuity, a savings plan, and a 401(k) plan. The savings and 401(k) plans are optional for employees. TVA pays the full cost of the pension and the employee pays the full cost of the annuity.
  - A. Annuity. Each member contributes a percentage of their salary through payroll deduction to their annuity. The employee chooses the contribution rate and whether the rate applies to base pay or total pay (includes overtime, etc.). The standard rate is 6% of salary; the minimum rate is 3% of salary up to the Social Security earnings base and 6% of salary in excess of that base. Employees choose whether annuity contributions are made to the fixed fund or to the variable annuity fund, or both.
  - B. Savings Plan. Members can invest in mutual funds by purchasing equity in the Fidelity Trend Fund, Unit Fund, Puritan Fund or Money Market Fund. Members can contribute through payroll deductions, cash, or transfers from other eligible funds in the Savings Plan. Withdrawals from the Savings Plan have certain limitations.
  - C. 401(k) Savings and Deferral Retirement Plan. Employees can defer part of their salary from federal income tax payments by making contributions to this plan. No federal income tax is paid on contributions to the plan or earnings as long as the money remains in the plan. When money is withdrawn, income taxes will be paid on both contributions and earnings.
    1. Members can borrow against the value of their funds on the 401(k) under certain circumstances without jeopardizing tax deferment.
    2. All or part of salary deferral contributions to the 401(k) may be invested in either the Guaranteed Investment Contracts Trust Fund, the Fidelity Equity-Income Fund, or the Fidelity Magellan Fund.
    3. Contributions are made via payroll deductions. Employees may not contribute more than 20% of their annual salary or a limit which is determined annually by the Internal Revenue Service (IRS). Further restrictions regarding the percentage that may be contributed are determined annually by the IRS and are based on an employee's annual earnings.

II. Eligibility for Retirement. There is no mandatory retirement age. "Normal" retirement is at age 65.

- A. "Early" or "immediate" retirement is available to any member:
1. Who is attained age 60 and over, regardless of length of service; or
  2. Who is attained age 55 through 59 with at least five years of creditable service; or
  3. Who is any age under 60 with at least five years of creditable service who stops being an employee through no act or fault of the member (i.e., reduction in force).
- B. Forfeited annual leave and unused sick leave may apply toward retirement credit for determining creditable service for benefit eligibility and amount. Leave is counted hour for hour for the first 1000 hours and two hours for each hour in excess of 1000 hours.
- C. Disability retirement is available to members with at least five years of creditable service. The Retirement System Board determines a member's eligibility for disability retirement. An application must be made to the System Board while the member is still in service or not later than 60 days after the member ceases to be in service.

III. Retirement System Benefits

- A. TVARS benefits for both normal and early retirement consist of the following:
1. An annuity which is the actuarial equivalent of the member's contributions with interest; and
  2. A pension which is based on the member's age, average base pay during the highest three consecutive year, and number of years of creditable service; and
  3. If applicable, a disability retirement allowance consisting of an annuity which is the actuarial equivalent of the members accumulated contributions and a pension computed according to the Retirement System Rules; and
  4. A death benefit if the member dies in service. The member's beneficiary of record is entitled to apply for a return of the member's contributions plus interest and a death benefit provided by TVA's contributions which is equal to 50% of the member's annual salary rate in effect on the date of death plus 5% for each year of creditable service.

- B. Members may consider benefit options which include a deferred allowance, survivor options, early retirement, optional survivor benefits upon death in service, and the level income plan.

- C. At time of retirement, a member may withdraw part or all of his/her accumulated contributions made in excess of 6% or the standard rate, whichever is greater. At this time of retirement, a member may also withdraw all of his/her accumulated contributions.

IV. Retirement Benefits upon Termination

- A. A member under age 60 who is terminated from a covered position with six months of service or less receives a refund of his/her accumulated contributions.
- B. A member who has more than 6 months but less than 5 years of service is eligible for a similar refund or the contributions may be left in the System for not longer than 5 years, accumulating interest until withdrawn.
- C. A member who leaves TVA with vested benefits but who is not eligible for an immediate retirement benefit is permitted to withdraw his or her contributions plus interest without surrendering the deferred pension. The deferred pension is surrendered if all or any portion of creditable service is used to establish benefits credits under another retirement plan for federal government employees.

## TRAINING AND DEVELOPMENT

I. TVA's employee training and development policies encourage employees to participate in a variety of training and development experiences both within and outside the agency. These policies are described in detail in ERM Chapter 513, EMPLOYEE DEVELOPMENT, Occupational Qualifying Training; TVA Instruction III EMPLOYEE DEVELOPMENT, Outside TVA (ERM Chapter 519); and the Articles of Agreement, Supplementary Agreement 17. The General Agreements covering annual and hourly operating and maintenance employees and construction employees also contain provisions for apprenticeship and other training programs.

## A. Definitions

1. Training is a structured activity to provide employees information or the opportunity to build skills to make them better at performing their current or future jobs.
2. Education is provided by schools and colleges and usually results in academic credit and perhaps a degree.
3. Development activities are outside-of-the-classroom opportunities which promote individual growth and experience.

## B. Training offered within TVA either by our corporate Human Resources Development training staff or at the Group or Operations level includes:

1. Technical training programs that prepare employees to perform tasks that comprise part of a specific job.
2. Developmental courses which are directed toward skills that are generic to the performance of many jobs as opposed to a specific job.
3. Occupational qualifying programs that prepare employees to perform all the duties of a specific job, usually at the entry level.

## C. An employee may be reimbursed for educational expenses of courses taken outside TVA if the academic course is job related or if the employee is enrolled in an academic program that is related to a present or future TVA need. The policy and procedure related to this type of training is discussed fully in TVA Instruction III EMPLOYEE DEVELOPMENT, Outside TVA (ERM Chapter 519).

1. Approval for reimbursement must be given before the employee begins the course work and is not paid until after the employee satisfactorily completes the course. Form TVA 13041 is used to obtain approval and request reimbursement.
2. Most employees who enroll in academic programs do so on their own time or on an adjusted work schedule which allows them to maintain their full-time employment. Articles of Agreement, Supplementary Agreement S-3-C-7, discusses modification of work schedules to permit outside study.

The supervisor is primarily responsible for overseeing the individual development of employees.

- A. For salary policy and management schedule employees, there are basically five steps that the supervisor and employee follow in carrying out this responsibility for individual development.
1. Assess the current job the employee is in and determine the skills required to perform that job.
  2. Assess the skills and abilities of the employee in that job and see how he/she "stacks up" against the job requirements. Determine how well the employee performs the required skills and where there is room for development.
  3. After determining the employee's strengths and weaknesses, the supervisor and employee plan for development. This plan may include a rotational assignment, special project assignment, additional education, training available through TVA, training available through outside sources.
  4. Carry out the development activities.
  5. Employee should demonstrate enhanced performance after participating in training and development activities.

- B. Training programs for trades and labor employees include craft apprenticeship programs and operator training for hydro, fossil, and nuclear plants, and substations. Trainees in all these programs are expected to progress satisfactorily through the program. If you supervise apprentices and operator trainees, it is your responsibility to bring employees along through the formal training program. The supervisor can enhance their training experience by:
- Rotating their assignments;
  - Having frequent discussions on performance
  - Rotating them among journeyman to learn different approaches;
  - Encouraging them by praising things they do right.

Organizational development, also known as organizational effectiveness, involves applying the same process of development to your work group that you use with individuals. The Human Resources Development staff in Knoxville can assist you and your organization in assessing its strengths and weaknesses and developing a plan to enhance the group's effectiveness. Contact your human resource officer for additional information about organizational development.

## WORK SCHEDULES

- I. TVA has the authority to define work schedules. All employees, except intermittent employees, are notified of their schedule by appointment papers, bulletins, or some other appropriate means. For part-time employees, a copy of the work schedule is given to the Employee Accounting Department in addition to the local payroll reporting office each time the schedule is changed. All employees are to be at work as scheduled.
- II. The Fair Labor Standards Act (FLSA) applies to TVA employees. This Act places all TVA employees in one of two categories: exempt or non-exempt.
  - A. Nonexempt means that the employee is covered by the FLSA and must be paid at least time and one-half for hours worked in excess of 40 in one week. Generally, employees in the EB, SB, SE, SF, SX, and SG schedules and trades and labor employees are nonexempt.
  - B. Exempt employees do not have to be paid overtime for time worked in excess of 40 hours in a week. Generally, employees on the manager and specialist schedule, EA, EC, SA, SC, and SD schedules are exempt.
- III. Employees may be designated to work either full-time, part-time, or intermittently. The regular work schedule provisions for represented employees are outlined in the applicable negotiated agreements referenced below.
  - A. Salary policy work schedule provisions are discussed in the Articles of Agreement, Supplementary Agreement S-3:A. (Addressing lunch periods, rest periods, time spent reporting for physical examinations, modification of the work schedules for outside study, time spent in travel, and transfer of official station.) TVA ERM Chapter 631, WORK SCHEDULES, Annual Employees, discusses work schedule provisions regarding excused absence for professional license or certificate examinations, training, and fund raising. Generally, the same work schedule provisions apply to non-represented and manager and specialist schedule employees.
    1. Full-time (Annual). Scheduled to work a 40-hour workweek made up of 5 workdays of 8 hours each within the workweek of Monday through Sunday. Days when work is not scheduled are "nonworkdays." If feasible, Sunday is designated a nonworkday and nonworkdays in a scheduled week are scheduled to fall on consecutive days.
    2. Part-time (Annual). Scheduled in advance to work one or more days a week, up to 8 hours a day, and less than 40 hours per week. Scheduled hours do not have to be the same for each day.
    3. Intermittent (Hourly) Not regularly scheduled; called as needed

B. Trades and labor employees

- 1. Hours of work for annual operating and maintenance employees are outlined in Supplementary Schedules A-VI and B-VI. Regular hours of work are to be bulleted and are not normally to exceed 8 consecutive hours (not counting scheduled nonpaid periods) in a 24 hour period or 40 hours in a workweek.
- 2. Hours of work for hourly operating, maintenance and modification employees are in Supplementary Schedule T-V.
- 3. Hours of work for construction employees are in Supplementary Schedule H-VI. Straight-time workweek is generally 5 consecutive 8-hour days, Monday through Friday.

C. Excess work periods

- 1. Extended periods of work which may or may not include overtime and which are excessive are not beneficial to the employees involved nor to the agency. Employees so scheduled have diminishing efficiency; from the standpoint of the agency, it is neither a sound business practice nor evidence of good planning.
- 2. TVA's policy defines excessive work periods as follows:
  - a. As a general practice: More than 60 hours of work in a 7-day period; or more than 12 consecutive days work; or more than 220 hours total work in a 4-week period.
  - b. In emergency (tornadoes, etc.) or outage situations: More than 84 hours of work in a 7-day period; or more than 12 consecutive days of work; or more than 288 hours total work in a 4-week period.
- 3. It is the responsibility of the vice president of each organization to ascertain whether there are excessive work periods (as defined above) in that organization. Furthermore, where there are excessive work periods, it is the responsibility of the vice president to develop and implement a plan to reduce the amount of work scheduled to acceptable levels.

Flexible, inflexible, and combination schedules are outlined in the Articles of Agreement (S-3:A) for salary policy annual positions.

- A. Flexible schedule. For those full-time employees who have enough freedom in planning their work that they can take off during the basic workweek with their supervisor's approval to make up for time that they have had to work outside their regular work schedule. This time off is called "compensatory time." Generally, employees who are exempt may utilize compensatory time.

- B. Inflexible schedule. For those full-time employees who normally don't have discretion to change their regularly scheduled work hours. Part-time employees are always on an inflexible schedule.

- C. Combination flexible/inflexible. May be used for certain exempt positions where unusual work conditions exist and it is not feasible to take compensatory time off for all the time worked outside the basic workweek.

- V. Flexitime and alternative work schedules are basically the rearranging of an employee's regular 5-day, 40-hour schedule in a manner consistent with the FLSA. Each TVA organization is responsible for establishing its own plan and gaining approval for the plan from the Panel through the Labor Relations staff. There are basically two types of flexitime plans as described below. Additional information is available from your human resource officer.

- A. Under a flexitime plan, an employee still works five days a week and eight hours each day, but work hours are modified to begin work earlier and leave earlier or to begin work later and leave later. This is the most common form of flexitime. Most plans give hours between which an employee's "core" hours must be worked. Approval of such schedules for individual employees is up to the discretion of the supervisor.
- B. Under an alternative work schedule, an employee works 40 hours in a week but over fewer than 5 days ("compressed" workweek). Before this type or work schedule can be applied to salary policy represented employees, the Panel and TVA jointly agree to waive the FLSA provision regarding overtime pay for work in excess of 8 hours in a day; overtime pay for work on scheduled workdays; and observation of holidays. Salary policy excluded employees follow the same provision as the represented employees. Use of this type of plan for manager and specialist employees requires the approval of the requesting organization, Finance, and the Vice President, Human Resources

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VI. Holidays are established by federal statute or Executive Order. Other days are considered as holidays when Congress or the President orders an excuse from work for federal employees. The Articles of Agreement, Supplementary Agreement S-3:B-2 gives more information about observing holidays that fall on scheduled nonworkdays. Observation of holidays for employees on odd or rotating shifts can be confusing. In such cases, you should consult your payroll office to confirm designated holidays.

A. Full-time annual salary policy, trades and labor, and manager and specialist schedule employees are paid for the following holidays: New Year's Day, Martin Luther King Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas.

1. Part-time annual employees receive their basic pay only when the day off for a holiday is the same as their scheduled workday. However, if the holiday falls on a nonworkday Sunday, the following Monday is the holiday.
2. Intermittent employees do not get paid for holidays unless they work on the day.

B. Trades and labor hourly employees do not receive pay but are given time off for holidays which are negotiated between TVA and the Council.

1. Hourly operating, maintenance, and modification employees observe the same holidays as annual trades and labor employees. If the hourly employee does not work on the holiday, he/she is not paid.
2. Hourly construction employees observe the same holidays as annual employees except they do not observe Columbus Day, Martin Luther King Day, and Washington's Birthday; these days are considered regular work days and are paid as straight time. If any holidays fall on a Sunday, the following day is regarded the official holiday. If the employee does not work on a holiday, he/she is not paid.

VII. Premium pay is any pay in excess of the basic pay rate including holiday, overtime, and premium pay. These situations are complex and supervisors should be familiar with the appropriate negotiated agreement provisions and consult their payroll officers, human resource officers, and refer to the Payroll Manual when questions arise.

A. Manager and specialist employees. Shift premiums and call back pay are considered special pay items and require approval of the requesting organization, Finance, and the Vice President, Human Resources, prior to implementation.

B. Salary policy employees (see Articles of Agreement, Supplementary Agreement 4).

1. Shift differential is available for inflexible employees scheduled to work evenings or nights. Employees in inflexible positions on scheduled shifts who work holidays or overtime get the shift differential in addition to holiday or overtime pay.
2. Holiday pay is provided as follows:
  - a. Employees on the inflexible schedule are paid straight-time rate plus an additional one and a half times the straight-time rate for work done on holidays that falls within the basic workweek. For work outside the basic workweek, the employee is paid at 2 and 1/2 times the straight-time rate.
  - b. Employees on the flexible schedule generally get no extra pay for work on a holiday since that may receive compensatory time off.
  - c. Hourly salary policy employees are not paid unless they work on the holiday. If they work they get paid 2 times their hourly rate.
3. Flexible schedule employees may receive additional pay for callouts. (See Articles of Agreement, Supplementary Agreement S-4:J)
4. Overtime pay. Usually paid for work in excess of 40 hours during the week at the rate of 1 and 1/2 times the employee's basic hourly rate. Exceptions to this general rule are discussed at S-4.F of the Articles of Agreement.
5. Other overtime situations. Articles of Agreement, Supplementary Agreement S-4:11 requires premium pay to inflexible schedule employees for work in excess of 8 hours in a 24-hour period, if a schedule is changed on less than 24 hours notice, or if an employee is recalled from annual leave.
6. A premium of 25 percent of the straight-time rate is paid for a workday in a full-time employee's basic workweek that falls on a Sunday.

C. Trades and labor annual operating and maintenance employees receive additional pay for holiday work, overtime, callouts, work in excess of 16 hours, meal periods, and call-in from annual leave as outlined in Supplementary Schedules A-VI and B-VI

D. Trades and labor hourly operating, maintenance and modification employees receive additional pay in accordance with Supplementary Schedules T-V and II-VI

VIII. Compensatory time may be available to those salary policy annual employees on the flexible schedule who are considered exempt under the FLSA. (See section II of this chapter.) Generally, employees in the SA, EA, EC, SC, and SD schedules should be given compensatory time off if they are not given overtime pay for work outside their normal workweek. Each TVA organization determines the guidelines under which compensatory time may be taken. Compensatory time records should be maintained and requests to use compensatory time must be approved in advance of use by the employee's supervisor.

X. Inclement weather or building emergencies may cause TVA to close facilities and/or dismiss employees from work. The policy and procedures addressing this situation are covered in ERM Chapter 633, WORK SCHEDULES, Early Departure and Late Arrival.

A. Bad weather/reporting to work. TVA's policy is to always open its facilities regardless of the weather. In no case will TVA close its administrative and operations facilities due to weather. However, our policy does allow TVA to dismiss employees early in the event that inclement weather makes traveling hazardous. If an employee wishes to leave work early and there has not been a general dismissal, then the employee must request annual leave. A supervisor may excuse an employee's absence for up to the first 30 minutes of the workday when he/she is convinced that the delay was due to conditions beyond the employee's control.

B. Bad weather/interference with work. If weather or other unforeseen conditions interfere with employees doing work:

1. Salary policy and annual trades and labor employees are assigned to do other work suitable to their qualifications. If such work is not available the employee may be placed on annual leave or request LWOP. See Articles of Agreement, Supplementary Agreement S-3:C-1 and General Agreements, Supplementary Schedules A-VI:L and B-VI:L.
2. Hourly trades and labor employees are "dogged off" and are placed in a temporary nonwork/nonpay status while waiting for work to develop. See Supplementary Schedules H-VII:F and T:V-K.

C. Building emergencies. In the case of a breakdown in building services (heat, air conditioning, light) which makes it impossible for some or all employees to work, affected employees may be excused without charge to annual leave. If the situation extends beyond the first workday and TVA is unable to find alternate workspace, employees may be required to take annual leave or request leave without pay.

X. Holiday closing policy. Employees who work in noncritical and noncontinuous TVA positions are encouraged to take annual leave during the Thanksgiving weekend and the week between Christmas day and New Year's Day. Employees without annual leave available may request LWOP or an advance of annual leave in order to be off work at these times.

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## MANAGING INDIVIDUAL PERFORMANCE

- I. Employee performance is formally documented using either the form TVA 3031, Employee Service Report, for salary policy represented employees, or the form TVA 13050, Employee Appraisal for Manager and Specialist Employees, or the form TVA 77, Personnel Action—Hourly TL.
- II. Six Responsibilities in Managing Performance
  - A. Assign work and communicate performance expectations. Clearly describe what needs to be done, how it needs to be done, when it needs to be done, what it should look like when it is finished, and why it should be done.
  - B. Continually and informally appraise performance. You should appraise an employee's performance based on the standards originally communicated when the work was assigned.
  - C. Informally feed back the performance appraisal. Employees should receive frequent, informal feedback concerning performance. The formal appraisal process should not be the first or only time that an employee is told about performance deficiencies or outstanding work.
  - D. Use progressive procedures for correcting performance problems. Counseling is a good first step that will help you and the employee identify the causes of the problem. Some things to keep in mind when discussing performance problems include:
    - Describe the problem in a friendly but serious manner.
    - Ask for the employee's help in solving the problem
    - Discuss the causes of the problem.
    - Identify and write down possible solutions.
    - Decide on specific action to be taken by each of you.
    - Agree on a specific follow-up date.
  - E. Formally appraise performance. The formal performance appraisal is used to summarize and document the informal appraisals you have been feeding back to the employee all along as well as any progressive procedures you have had to follow.
  - F. Reward meritorious performance. Good performance can be recognized in a variety of ways, only one of which is money. Interesting assignments and training and development opportunities are other ways in which a supervisor can reward good performance.

1. Form TVA 77 is used by supervisors of hourly trades and labor employees to document performance. Hourly T&L employees do not receive annual performance appraisals and are not covered by any TVA-wide formal, periodic performance appraisal system. Job performance is evaluated and noted on the form TVA 77 when a status change requires that it be issued.

A. The analysis of work performance required on the form should be stated in clear and definite terms that relate directly to the work assigned and support the overall rating given by the supervisor. Avoid vague, subjective terminology.

B. It is very important that the duties performed be identified and evaluated by the employee's immediate supervisor otherwise the accuracy and validity of the appraisal may be compromised.

2. Form TVA 3031 is used to evaluate performance of annual and hourly salary policy employees. Similar forms, TVA 3031A or 3031B, are used for some annual trades and labor employees in Resource Development. The philosophy underlying this appraisal process as well as the administrative process necessary to complete an appraisal properly are detailed in TVA Instruction III PERFORMANCE APPRAISAL, Service Report (ERM Chapter 233) and the Articles of Agreement, Supplementary Agreement 12.

A. The form TVA 3031 reflects the performance of individual activities and work assignments during the previous performance period. The content of the form has been negotiated with the Panel and has been used in a format similar to today's since the 1940's.

B. The rating received by an employee on the forms TVA 3031, 3031A, or 3031B is used in calculating credit-for-performance for represented employees in the event of a reduction in force.

Form TVA 13050 is used to evaluate the performance of management and specialist schedule employees on an annual basis. The philosophy underlying this appraisal process as well as the administrative process necessary to complete an appraisal properly are detailed in TVA Instruction III PERFORMANCE APPRAISAL, Manager and Specialist (ERM Chapter 231).

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## DISCIPLINE

## 1. Supervisor's role in discipline cases

A. Provide leadership; set a good example for your employees

B. Keep adequate documentation. Documentation may include work samples, file notes about counseling and coaching sessions, disciplinary discussions, formal performance appraisals and should be kept for all employees, not just poor performers.

C. Properly identify your employee's problem.

1. Poor performance is when the employee is having difficulty performing the full range of his/her job duties in a satisfactory manner. Poor performance is not a basis for disciplinary action.

2. Misconduct is when the employee violates the TVA standards of ethics or conduct or a law, regulation, or rule.

D. Take action when a problem appears—don't avoid doing something. The problem will not likely go away without your involvement.

E. Know what the provisions of the applicable negotiated agreement say about discipline for your employees.

## 1. Salary Policy

- S-8, Demotion, Furlough, Suspension
- S-9, Involuntary Termination (Except Reduction in Force)

## 2. Trades and Labor

- A-VII, Termination, Demotion, and Suspension (for Annual Operating and Maintenance employees except those in TVA's Power Generating and Transmission Facilities)
- B-VII, Termination, Demotion, and Suspension (for Annual Operating and Maintenance employees in TVA's Power Generating and Transmission Facilities)
- H-VII, Termination, Demotion, Suspension, and Reduction in Force (for Construction employees)
- T-VI, Termination, Demotion, Suspension, and Layoff (for hourly operating, maintenance, and modification employees)

F. Get help and advice from your supervisor, human resource officer, and the Labor Relations staff concerning what you should do. There are also other staffs available to help, like Medical Services, General Counsel's office, and Public Safety Service.

- G. Consider what disciplinary action to take. This will depend upon the exact circumstances that you are dealing with. Your human resource officer and corporate human resource staffs can assist you.
1. In many situations, progressive discipline is appropriate. For represented employees progressive discipline steps may include counseling, verbal and written warnings, and suspensions preceding termination. For manager, specialist and excluded schedule employees, suspensions are not used as part of the discipline process.
  2. Consider mitigating or aggravating factors in determining discipline.
  3. For misconduct issues, TVA Code XIII EMPLOYEE MISCONDUCT, Discipline, lays out an appropriate range of disciplinary reactions for many types of policy violations.
- H. Consider special circumstances like handicap status or physical and emotional factors which may have contributed to the problem.
1. If you have a problem that involves a handicapped employee, you may have a duty to make "reasonable accommodation" before taking disciplinary action. This may mean modifying the worksite, adjusting work schedules, or restructuring the job so as to create an environment or job within which the qualified handicapped employee can satisfactorily perform.
  2. TVA's Employee Assistance Program is run by Medical Services and is designed to help all employees and their families who are having personal problems in such areas as marital or family problems, interpersonal, legal, financial, or emotional problems. A supervisor may refer an employee to the EAP, but it is only a referral—the employee may decide not to utilize this service.
- I. Don't abuse disciplinary procedures by taking action based on personal animosity or for purposes of discriminating against the employee. Never take action against an employee because he/she has:
1. Disclosed information which is not legally protected and which the employee reasonably believes shows a violation of law, rule, regulation, or mismanagement, a waste of funds, an abuse of authority or specific danger to public health or safety. (These employees are commonly referred to as "whistleblowers.")
  2. Exercised an appeal right (e.g., grievance, EEO or MSPB complaint).
  3. Raised a legitimate concern or complaint through proper channels or who is serving as a witness or representative in any such procedures

- III. Certain disciplinary actions are considered adverse actions and they require special attention and additional procedures. A reduction in pay or grade, a suspension for more than 14 days, a furlough for up to 30 days, or a termination are adverse actions if the person receiving the discipline is a preference eligible employee.
- A. A preference eligible employee is one who is a veteran (as indicated on form TVA 9880) and who has worked at least one year in his or her job or a similar TVA position.
  - B. If you suspend an employee pending investigation the suspension may become an adverse action if the employee is a veteran and is held off work for more than 14 days. Be sure to complete any investigation quickly and return the employee to pay status within 14 days.
  - C. Before the disciplinary action can be taken against a preference eligible employee, he/she must be given 30 days advance notice that the discipline is proposed and an opportunity to respond to the proposal. Then another notice is given to the employee to tell him/her if the discipline that was proposed will actually be implemented. Details about the content of these notices is described in section V of this chapter.
  - D. A preference eligible employee may appeal an adverse action to the Merit Systems Protection Board.
- IV. Taking disciplinary action usually includes one or more steps. Performance problems resulting from the employee's work habits or behavior are ideally suited to progressive discipline since the focus should be on motivating the employee to change his/her unacceptable behavior and become a valuable team member. The objective is not to punish the employee for past poor performance, but to inform and motivate the employee to improvement in the future. Misconduct problems, depending on the severity of the employee's actions, may warrant taking fewer or no progressive steps.
- A. There are basically two different kinds of performance problems: difficulty doing the work (e.g., making mistakes, low quality, poor supervision); and poor work behaviors (e.g., tardiness, excessive absenteeism, insubordination, rudeness).
    1. Counseling should be as part of the on-going performance appraisal and evaluation process. If there are performance problems, they should be discussed in a timely manner.
    2. Oral warning is the least severe form of discipline. It is not very different from coaching in some regards. Supervisors should document these oral warnings for their records. The appropriate steps to take in this discussion are similar to those outlined in section II of the Managing Individual Performance chapter.
    3. Informal written warning is very similar in format to a formal written warning, except that it does not become a part of the employee's Personal History Record (PIIR). It is normally distributed to only the employee and the supervisor.

4. Written notice of warning or reprimand may be captioned "Notice of Unacceptable Performance" to make it very clear what is at issue. A notice of reprimand is similar to a notice of warning but usually deals with a single incident of very poor judgement or improper action. The notice should include the following elements:
  - a. Specifically identify the problem.
  - b. Cite specific examples of nonperformance. Avoid generalizations that don't really explain the problem.
  - c. Recite what steps have already been taken to identify the problem and encourage improved performance.
  - d. Request employee input about the reasons for unacceptable performance. If a medical problem is suspected, work with your human resource officer about what to say in the notice.
  - e. Spell out exactly what is expected in terms of improved performance.
  - f. Give a specific timeframe in which to improve performance. This will vary depending upon the nature of the position and the problem. You must give the employee a reasonable opportunity to show he/she can perform satisfactorily; this will vary depending upon how much time the employee was previously provided while you were coaching and counseling about the problem before beginning the disciplinary process.
  - g. Offer appropriate assistance—intensive coaching, closer supervision, technical training, referral for help, reassigning work within the unit—depending upon what has already been offered or provided during the counseling stage.
  - h. Spell out the exact consequences of a failure to improve performance within the specified time period.
5. Suspension may be appropriate in a performance case when you know from past experience that the employee is capable of performing. Suspension is not used when the employee is having difficulty performing and needs an opportunity to demonstrate that he/she is capable. Suspensions are not used in situations involving management, specialist, and excluded schedule employees except in situations required by law or regulation. (See TVA Code III EMPLOYEE DISCIPLINE.)
6. Termination is appropriate when a "Notice of Unacceptable Performance" and the accompanying opportunity period has failed to stimulate the employee to satisfactory performance and other discipline has failed to work or was not available or appropriate under the circumstances.

- B. A "hot" and "cold" employee—that is, one who performs well for a time, slacks off and is disciplined, improves to a satisfactory level for a while, then repeats the pattern—creates particular difficulties. If you have already issued a written "Notice of Unacceptable Performance" and you begin to see similar performance difficulties appearing again, immediately issue another "Notice of Unacceptable Performance" which includes a warning against this "up and down" behavior.
- C. In misconduct cases, selecting the level of discipline is often the most difficult part. Guidance in selecting the appropriate discipline is provided by the Inspector General's office in some situations and/or is provided in the "Table of Penalties" which is an appendix to TVA Code XIII EMPLOYEE DISCIPLINE, Misconduct. The same disciplinary options are available for dealing with misconduct as for performance problems (i.e., counseling, written warning, termination) however some are more appropriate than others. A written notice of discipline stemming from misconduct should include the following information:
  1. A statement of what action is being taken
  2. The specific reasons for the action, listed and discussed individually.
  3. The employee's work and pay status during any "notice period."
  4. Reply procedures where appropriate or, at a minimum, the name of a person to discuss the action with.
  5. Attached material referred to in the notice, e.g., job description, service report, investigative report, warning letters, work rules, TVA codes.

7. An adverse action taken against a preference eligible employee requires two notices in order to carry out the disciplinary action, one proposing the action (e.g., "Notice of Proposed Suspension") and another indicating your decision (e.g., "Notice of Decision"). Always get assistance from your human resource officer in handling an adverse action; he or she will assist you in drafting the necessary notices. Detailed description of the procedures to use in suspending an employee are contained in ERM Chapter 761, SUSPENSION, Salary Policy, and ERM Chapter 762, SUSPENSION, Trades and Labor.

A. A notice that proposes the action should contain the following information:

- What action is proposed
- Why the action is being taken
- When the action is proposed to be effective
- If appropriate, reference to the employee's work and/or pay status during the notice period
- Who will be issuing a written decision on the proposal
- Of the right to reply orally or in writing to the decision maker or a designee
- Of the right to use a reasonable amount of official time to prepare a reply
- Of the right to submit materials in reply to the proposal
- Of the right to representation

B. The notice of decision implementing the action should contain the following information:

- What action is going to be taken, if any (the action taken can be less severe than originally proposed but not more severe)
- When the action is effective (never less than 30 days after the employee receives the notice of proposal unless there is a reasonable ground to believe the employee has committed a crime for which a sentence of imprisonment may be imposed)
- Upon what bases the action is being taken (i.e., the parts of the proposal and employee's reply that were relied upon in making the decision)
- Any mitigating or aggravating circumstances that were considered in deciding the penalty
- Avenues of appeal
- Specific information about appeals to the Merit Systems Protection Board

VI. All formal written notices of discipline are placed in the employee's personal history record (PHR). Notices of discipline greater than a warning (i.e., suspensions, demotions, terminations) become a permanent part of the PHR. A warning letter may be removed from the PHR only on the authorization of the employee's human resource officer. He/she may request that this document be removed from the PHR if one of the following conditions are met:

- A. The supervisor decides that it is appropriate to remove the notice (for example, although the notice was given for poor performance, the employee has become a consistently good performer);
- B. The warning notice stated a specific date for removal of the letter from the file; or
- C. Three years have gone by without a need for further disciplinary action.

VII. Voluntary actions by employees are one way to avoid discipline. Sometimes an employee will request a voluntary personnel action (a resignation or transfer to a position at a lower grade level) rather than have discipline imposed. Sometimes the organization may allow an employee to consider a voluntary action instead of being disciplined. Supervisors need to work closely with their human resource officers in these situations to avoid problems.

- A. If you or your organization ever offers the opportunity to an employee to take voluntary action in lieu of being disciplined, you should offer the same opportunity to all employees in similar situations. If you decide not to be consistent in offering this opportunity, have a good reason for deviating from the usual practice, otherwise you may be accused of discrimination.
- B. A supervisor is under no obligation to accept the employee's offer to take voluntary action in lieu of discipline.
- C. It is important that the employee's action be truly voluntary, otherwise he/she may succeed in having it reversed by claiming that it was involuntary or that he/she was coerced into requesting the voluntary action. The employee's action usually will be found to be voluntary if the supervisor can show:
  1. The employee had a reasonable time to choose between TVA action and the voluntary action; and
  2. The employee set the effective date for the action; and
  3. Management didn't make any misrepresentations to the employee that caused him/her to take the voluntary action under "false pretenses."

D. Sometimes employees request a change to lower grade or pay level for purely personal reasons (i.e., health) unrelated to any discipline problem. Usually the voluntary nature of these requests is not questioned. However, it is a good practice to ask any employee who resigns or requests a change to a lower grade or pay level position to confirm in writing the reason for his/her action and the effective date desired.

1. If the employee is requesting the action as an alternative to discipline, the written confirmation should also state that the action is voluntary, that he/she has time to consider the consequences of this action, and that the effective date has been set by or is acceptable to the employee.
2. Regardless of circumstances for initiating voluntary resignation, you can allow the employee to withdraw an offer to resign at any time prior to the effective date. If you do not allow the employee to withdraw his offer, you should have a good reason for your decision (for example, having already hired a replacement).

## STAFFING DOWN

- I. Staff cuts are inevitable sometimes. But there are some things that supervisors can do to minimize the need for staff cuts or avoid them altogether.
  - A. Know your budget and manage your expenditures. Staff reductions are often caused by a lack of funds. If you have an assigned budget, manage it to get the most for the dollars spent.
  - B. Be innovative and solicit cost-savings ideas from all employees.
  - C. Manage attrition effectively. When a position or positions are vacated due to attrition, consider whether the position(s) can be eliminated or filled at a different classification, or perhaps the function can be merged with another and require fewer total staff.
  - D. Consider voluntary personnel actions initiated by employees such as leave without pay, changing from full-time to part-time, or volunteering for reduction in force. More about voluntary personnel actions is in the Discipline chapter in section VII, part D.
  - E. A hiring freeze, total or partial, can be initiated at the agency or organization level as a means of aiding staff reductions.
- II. When staffing reductions can't be avoided there are still things that the supervisor can do to manage the situation to TVA's and the employees' benefit
  - A. Plan for anticipated or imposed reductions
    1. Keep the job descriptions of your employees current. Job descriptions are the primary tool used to determine what retention register an employee is placed on in a reduction in force. Anytime a supervisor or organization has to revise or prepare new job descriptions on the eve of a reduction in force it raises the appearance that the process is being manipulated to some employees' advantage. There's more about retention registers and competitive levels in section II of the Reduction in Force chapter.
    2. Involve your human resource officer to get advice about planning and implementing staff reductions.
  - B. Determine whether cuts within your work unit or organization should be targeted or across the board, keeping in mind the work priorities of your organization.

- C. Communicate with your employees. If you don't feel that you have sufficient information from your superiors or human resources staff, make a point to get the information you need to share with employees. Employees need and deserve to have reliable information or else they will rely on the informal employee grapevine, which inevitably distorts the situation and hurts morale.
1. Involve your staff as much as possible and solicit suggestions for solutions or alternatives that will help the situation.
  2. Be sensitive to the needs of your employees who are faced with losing their jobs.
- III. Dog-offs and furloughs are two procedures that may be used to manage a short-term staffing reduction.
- A. Dog-off is a procedure that has been negotiated for hourly trades and labor employees when their services are temporarily not required. Employees can be dogged-off for up to 30 days when there are temporary interruptions of work because of adverse weather, lack of materials, equipment, or designs, or other temporary conditions. Employees are not terminated, but placed in a nonpay status. See Supplementary Schedule H-VII:F (for Construction employees), Supplementary Schedule T-V:K (for Temporary Hourly Operating, Maintenance and Modification employees) and Supplementary Schedules A-VI L or B-VI L (for Annual Operating and Maintenance employees).
1. Dog-off is not an adverse action even when it is applied to veterans.
  2. Written notice to the employee of dog-off or recall is not required, just informal notice to the employee.
- B. Furlough is the temporary removal of an employee from work and pay status for nondisciplinary reasons. Situations where furlough is used include lack of work or funds, unforeseeable circumstances such as sudden equipment breakdowns, or natural disasters that stop work. Furloughs do not apply to trades and labor employees, only salary policy employees. See Articles of Agreement, Supplementary Agreement, S-8:B. Furlough is a complicated procedure and you should consult closely with your human resource officer when considering this action.
1. A furlough of 30 days or less of a preference eligible employee (a veteran) who has at least one year in his/her job or a similar TVA position, is an adverse action. (See Discipline chapter, section III.) Adverse actions can be appealed the Merit Systems Protection Board. Nonveterans and employees with less than one year are not covered by these adverse action procedures.
  2. A furlough may be "continuous" (30 calendar days or less) or intermittent (22 workdays or less over a period of time) but cannot exceed one year.

3. TVA management has the authority to decide when to furlough and how long to conduct a furlough.
4. Employees covered by a collective bargaining agreement may file a grievance concerning a furlough. All employees may file a complaint with the Equal Opportunity office if they feel that the furlough was conducted in a discriminatory manner.

- IV. Layoff is the termination of temporary trades and labor employees who have worked for less than one year. Unlike a dog-off, these employees are terminated. Employees with more than one year of service are not laid off, but reduced in force. Layoffs should be coordinated with your human resource officer.
- A. Trades and labor construction employees are compared for layoff within competitive areas (generally construction projects) by job classification with some exceptions, as provided in the negotiated agreement. See General Agreement (Construction employees), Supplementary Schedule H-VII:C and TVA Instruction PM 7 REDUCTION Part A, for more details. Generally, employees are given as much notice of layoff as possible.
1. Employees are terminated by issuing a form TVA 77 that states the reasons for layoff and includes a performance appraisal. (Discussed in Managing Individual Performance chapter of this handbook.) At the employee's request, the foreman or general foreman may discuss the content of the form TVA 77 with the employee.
- B. Trades and labor temporary hourly operating, maintenance and modifications employees are laid off as described in Article III of their General Agreement. TVA will layoff as appropriate to meet work requirements and/or skills required. Details are contained in General Agreement (temporary hourly employees), Supplementary Schedule T-VI:C and TVA Instruction PM 7 REDUCTION Part A.

## REDUCTION IN FORCE

I. Reduction in force (RIF) procedures are used to terminate or furlough for more than 30 days due to a lack of work, shortage of funds, insufficient personnel ceiling, reorganization, the need to make a place for a person exercising reemployment rights or restoration rights, or the reclassification of an employee's position due to the erosion of duties when such action will take effect after an agency has formally announced a RIF in the employee's competitive area when the RIF will take effect within 180 days.

A. The Office of Personnel Management (OPM) issues regulations governing the basic elements of any TVA RIF action; however, not all OPM regulations apply to TVA. TVA Instruction PM 7 REDUCTION should be consulted for complete details concerning TVA's RIF procedures. TVA is not subject to OPM regulations dealing with reassignment rights, severance pay, reemployment priority lists, the "Displaced Employee Program," or the "Voluntary Interagency Placement Program." In some cases TVA has negotiated similar provisions with employee unions. TVA is bound to follow applicable federal law and regulations in carrying out RIFs.

B. Any permanent, prepermanent or indefinite employee is covered by the RIF procedures. A temporary employee who has completed a year or more of current, continuous service is also covered and is treated as if he/she were an indefinite employee for RIF purposes.

C. In a RIF, employees compete against each other for remaining work based on three retention factors: 1) tenure or type of appointment (permanent, prepermanent, indefinite, temporary); 2) their eligibility for veterans' preference; and 3) total federal government service.

## II. Definitions

A. Competitive area. An organizational or geographic unit within which a RIF is conducted. These areas are negotiated for represented employees. The same competitive areas that apply to salary policy represented employees also apply to managers, specialists, and excluded schedule employees competitive area is discussed in detail in TVA Instruction PM 7 REDUCTION, Part B. The collective bargaining agreements list the competitive areas for employees:

- Articles of Agreement, Supplementary Agreement S-10.C
- General Agreements (Annual Operating and Maintenance), Supplementary Schedules A-VII:C or B-VII:C
- General Agreement (Temporary Hourly Operating, Maintenance and Modification), Supplementary Schedule T-VI:D
- General Agreement (Construction), Supplementary Schedule II-VII:E and F

B. Competitive level. Determines exactly which employees are competing against each other in a RIF. A competitive level includes all jobs in the same grade and classification series similar enough in duties, qualifications requirements and working conditions to allow interchange of employees without a loss of productivity competitive level is discussed in detail in TVA Instruction PM 7 REDUCTION, Part B. The collective bargaining agreements briefly mention competitive levels:

- Articles of Agreement, Supplementary Agreement S-10 D
- General Agreement (Annual Operating and Maintenance), Supplementary Schedules A-VII:C-6 or B-VII:C-5
- General Agreement (Construction), Supplementary Schedule H-VII:E-3

1. "Interchangeability" is a two-way street. The incumbent of one job must be able to satisfactorily perform the duties of the interchangeable job and vice versa. There should be no loss of productivity beyond that normally expected in the orientation of a new but fully qualified employee.
2. This determination of competitive level and interchangeability is made by comparing the job descriptions, not the individuals currently occupying the positions. You are not allowed by law to consider an individual's qualifications.
3. Employees in one competitive level usually have the same job title, but not always. Different job titles can be put together in one competitive level if the positions are similar enough in duties, qualification requirements and working conditions so that there can be an interchange. Job title is not determinant of competitive level and jobs with the same title could end up in different competitive levels.
4. Separate competitive levels are required for positions that are filled on a part-time basis, on an intermittent basis, and on a full-time basis.
5. Under each trades and labor collective bargaining agreement, a job steward is in a separate competitive level from other employees in his/her craft or classification.

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C. Credit for performance. The federal reduction in force regulations were amended in 1986 to give greater recognition to performance as a retention factor. Under these "credit for performance" provisions an employee may receive additional years of service credit based on his/her annual performance ratings of record covering the three years preceding the RIF. Under TVA's implementation of credit for performance, each performance rating category corresponds to a specific number of years of extra service. The credit for performance provisions are only used to determine the relative position on a retention register of employees within a given tenure group and subgroup. Detailed information about credit for performance is in TVA Instruction PM 7 REDUCTION, Part B.

1. Credit for performance affects only the service date retention factor for employees.
2. The relative standing in a RIF between veterans and non-veterans and between permanent, prepermanent, and indefinite employees is not affected by credit for performance.
3. Credit for performance applies to all TVA employees who receive annual performance appraisals using the form TVA 3031.
  - a. Hourly trades and labor employees are not covered by these provisions because they receive form TVA 77 which is not issued on an annual basis and does not constitute "an annual performance rating of record" under the federal regulations.
  - b. Management and specialist schedule employees whose performance is documented using form TVA 13050, are not covered by these provisions because the appraisal does not provide an overall rating for the performance. These employees receive credit for performance only for periods preceding the RIF for which there is a performance rating of record.
4. A performance appraisal must be "of record" in order to be used in the calculation at the time of the RIF notice. A rating is "of record" when the information on that performance appraisal has been entered into the Employee Information System (EIS) by the human resource officer. Annual performance appraisals that were due before the date of the RIF notice, but were not part of the EIS record until on or after the date of the RIF notice are not used to determine additional service credit.
5. If an employee has received no performance appraisals, or none for a specific time period, additional service credit is based on assumed ratings for those months not covered by an appraisal "of record."

6. The additional years of credit assigned to each annual performance rating are as follows:

Better than fully adequate	16 years
Fully adequate	12 years
Marginal, improvement needed	0 years
Not adequate	0 years
Assumed rating (no appraisal)	12 years

7. The extra years of service credit that an employee may accrue under credit for performance calculations do not impact in any way on the determination of whether an employee has sufficient years of TVA service to invoke reassignment rights provided by the negotiated agreement.
8. Supervisors are not responsible for calculating credit for performance. It is figured by computer for each individual on the retention register based on the information in EIS at the time of the RIF notice.
- D. Retention group. Identifies the tenure of an employee. Retention group depends upon the type of appointment the employee has at the time of the RIF and how long he/she has been in that appointment. There are three retention groups indicated by roman numerals on the retention register:
- Group I – permanent employees
  - Group II – prepermanent employees
  - Group III – indefinite employees or temporary employees with a year or more of current, continuous service
- E. Retention subgroup. Identifies the employee's eligibility for veterans' preference. There are three subgroups within each retention group indicated by capital letters on the retention register as follows:
- Subgroup AD – veterans with a military service-connected disability of 30 percent or more
  - Subgroup A – all other veterans who are not included in the AD subgroup
  - Subgroup B – all other employees who are not eligible for veterans' preference
- F. Retention register. The document prepared before a RIF indicating the order in which employees will be retained based upon their retention group, subgroup and creditable service. There is a separate retention register for each competitive level where there will be a RIF. If no RIF is planned for a particular competitive level, no retention register is prepared.

- G. Transfer of function. The transfer of a continuing function from one competitive area and its addition to one or more other competitive areas. A function means all or a clearly identifiable segment of an organization's mission, regardless of how it is performed.

1. The operation of the function must stop in one competitive area and start up in another competitive area where it had not previously been performed.
  2. The movement of activities within a single competitive area is not a transfer of function, but a reorganization.
  3. When a transfer of function occurs, employees who become surplus in the losing competitive area have a right to transfer if, but only if, the alternative in the losing competitive area is termination or demotion. Transfers of functions are a complex part of RIFs and supervisors should work closely with their human resource officers in these cases.
    - a. If the transfer of function causes a RIF in the gaining competitive area, all employees compete together under the RIF regulations for retention in positions in the gaining competitive area.
    - b. If a RIF is not necessary in the gaining competitive area, the employees just transfer to the new competitive area.
    - c. Employees who refuse to transfer with the function may be terminated for cause in the losing competitive area.
- III. A reduction in force may be appealed by any employee to the Merit Systems Protection Board or through the Equal Opportunity complaint process. Any represented employee can file a grievance if such is permitted under the appropriate negotiated agreement. There is more detailed information about this in the Appeals and Grievances chapter.
- A. Merit Systems Protection Board (MSPB) appeals must be filed within 20 days of the effective date of the reduction in force. Information about the appeal process is included with the employee's reduction in force notice. In order to successfully defend its position, TVA must show that the employee's RIF was done for a proper reason and all procedures were properly applied.
  - B. If an employee wants to initiate an Equal Opportunity complaint concerning his/her reduction in force, he/she must contact an EO counselor within 30 day of the effective date of the RIF. More about the EO complaint process is included in the Appeals and Grievances chapter.
  - C. A grievance concerning reduction in force must be filed timely and in accordance with the appropriate negotiated agreement

V. Voluntary RIF resignation process is an excellent way for managers to avoid disruptive involuntary RIFs and match the need to cut staff with staff that are willing to leave. The same policies and procedures that apply to salary policy represented employees are also applied in cases involving manager and specialist schedule employees. Detailed description of involuntary RIF procedures are contained in TVA Instruction PM 7 REDUCTION, Part B and Articles of Agreement, Supplementary Agreement S-10:N.

A. Generally, employees who volunteer for RIF are treated the same as involuntarily RIF'd employees with regard to retirement and other TVA-provided benefits. Unemployment compensation is not controlled by TVA and an employee's eligibility to receive this compensation from his/her state of residence may be impacted by a voluntary RIF resignation.

B. An employee who volunteers for RIF may not be rehired directly by TVA for three years following the effective date of his/her resignation. Nor will TVA enter into a personal services contract directly with any employee who volunteered for reduction in force.

C. Salary policy employees may volunteer for reduction in force in one of two ways specified in the Articles of Agreement, S-10:N.

1. Volunteering in response to a general notice soliciting volunteers in the employee's competitive area. The general notice specifies which organization is soliciting RIF volunteers, the general type and number of volunteers, and generally how to go about volunteering.

a. Volunteers are accepted or rejected solely at the discretion of management in the competitive area that issued the general notice.

b. The Vice President, Human Resources, must give final approval for TVA to accept each offer of voluntary RIF under a general notice.

2. Volunteering for RIF in place of another employee who has received a notice of reduction in force. The volunteer and the person who he/she is "saving" must be in the same competitive area, but not the same competitive level. The volunteer "saves" the person highest on the retention register who received a RIF notice.

a. Volunteers are accepted solely at the discretion of management in the competitive area conducting the reduction in force.

b. The vice president of the organization conducting the RIF must give final approval to accept any individual's offer to volunteer for RIF in place of another employee.

D. Trades and labor annual employees may volunteer for RIF under an agreement between TVA and the Council. (See Supplementary Schedules A-VII D and B-VII:D)

## APPEALS AND GRIEVANCES

I. Appeal procedures establish an organized way of dealing with inevitable conflict. The supervisor's role in dealing with any complaint situation includes:

- Accepting the employee's basic right to complain or disagree, without reprisal.
- Trying, whenever possible, to resolve complaints informally at an early stage.
- Assuring that employees are aware of available means of pursuing complaints.
- Seeking appropriate advice and assistance from your human resource officer when you are involved in a complaint, grievance, or appeal.

A. The principle formal methods of appeal (grievances, discrimination complaints, and MSPB appeals) all have very specific and different procedural requirements and time limits. Although many of the different options overlap in terms of what type of complaints they cover, in most cases the employee's choice of one route of appeal means that other routes cannot also be pursued on the same complaint.

B. Employees have a wide variety of options available to them if they believe they have been treated unfairly or contrary to TVA policy. The various avenues for raising concerns or complaints are detailed in sections III through XIII of this chapter.

II. There are five different negotiated grievance procedures for represented employees. Each negotiated agreement has a unique procedure which applies to those employees covered by the agreement. Generally, all the negotiated grievance procedures have certain things in common.

A. Grievances may be filed either by the employee personally or through the union.

B. Specific time limits are set for when the employee must file the grievance and when management must respond. Time limits may be extended only by agreement of both parties.

C. A grievance will be rejected if the employee has filed a complaint on the same action under another procedure provided by law or regulation.

D. Each of the grievance procedures contains several steps, starting with a decision by the supervisor, proceeding to an appeal to higher level management and/or the Labor Relations staff, and finally some type of arbitration. The supervisor "loses control" of the grievance process after the first step, so it is important to try to settle the problem at the earliest possible stage while you still have control and before other parties intervene in the process.

- E. Grievances which attempt to change a policy, standard, or procedure may not be filed. Not all issues are "grievable."
1. "Grievability" can be complicated. Usually the issue is addressed by someone besides the supervisor at a later stage in the complaint process.
  2. Certain issues may not be grievable by agreement between TVA and its unions, and these matters are reflected in the negotiated agreements.
- F. Employees can participate in the grievance procedures, either on their own behalf or as witnesses for other employees without charge to leave.
- G. Only paid union employees or official job stewards or union representatives may have access to personnel records that are relevant to the case or have paid time off to serve as the representative.
- H. Remedies available through the grievance procedure vary and may reflect a balancing or compromise of issues.

III. The Salary policy grievance procedure is contained in Articles of Agreement, Supplementary Agreement 11. Most requests for position reclassification are handled under a separate procedure contained in Articles of Agreement, Supplementary Agreement 2. More details about this procedure are described in the Classification chapter. The grievance procedure is a four step process. The supervisor can be involved at all levels, but is only involved in the decision-making process at the first two levels. The supervisor may be directly involved at all levels. It is true that the supervisor would not be involved in the decision at the higher levels.

- A. Step 1 - Before a formal grievance is filed, the employee meets with the responsible supervisor and discusses the situation. The supervisor should make every effort to understand what the issue is and investigate any practical way to resolve the problem. This is the time to admit an error or to convince the employee that the policies and procedures were properly applied.
- B. Step 2 - If the employee is not satisfied with the results of this meeting, he/she may file a formal grievance by submitting form TVA 13008 to the supervisor. It must be filed within 20 days after the employee learns of the action (or proposed action) that is being grieved.
  1. The supervisor receives the form, ensures that it is complete, and forwards it to the human resource officer or distributes copies as necessary. The supervisor does not respond. Mere acceptance by the supervisor is not an admission of any kind related to the grievance.

2. The organization's vice president or his/her designee has either 30 days (if a conference is requested) or 15 days (if no conference is requested) to respond to the complaint by completing the grievance form.

C. Step 3 - If the employee or union representative does not agree with the vice president's decision, the matter may be appealed to the Manager of Labor Relations within 10 days. The emphasis at this stage is resolution. The Manager of Labor Relations will hold a conference to discuss the issue with all parties. He/she has 15 days after the conference to render a written decision if resolution to all parties' satisfaction is not possible.

D. Step 4 - If the employee disagrees with the Manager of Labor Relations, arbitration of some type may be requested.

1. The Salary Policy Panel (not the employee or a single union) may appeal certain grievances to outside binding arbitration in accordance with the Articles of Agreement.
2. Some issues are not arbitrable, but may be appealed to a tripartite board consisting of representatives of TVA, the Panel, and an outside party. If the board's decision is unanimous, it is binding. If it is not unanimous, it is merely advisory.

IV. The grievance procedures for trades and labor employees are detailed in Supplementary Schedules A-IX or B-IX (for Annual employees), T-VIII (for Temporary Operating, Maintenance and Modification employees), and H-IX (for Construction employees). Requests for reclassification are handled through the regular grievance procedure.

- A. Step 1 - The employee discusses the issue/complaint with the supervisor informally and the supervisor must respond to the employee within 10 days. None of this is required to be in writing, but it is good for discussions. It is recommended that the supervisor respond in writing to explain his/her decision. This will provide a clearer record if the grievance becomes formal later on.
- B. Step 2 - Formal grievances are filed in writing to the local plant manager or facility manager within 20 calendar days of the date the employee learns of the action being grieved. The manager may attempt to resolve the situation either formally or informally. The manager gives the employee his response in writing within 15 calendar days.

C. Step 3 - This step does not apply to hourly construction employees; their complaints go directly from the site manager to the Manager of Labor Relations (Step 4). The employee may appeal the facility manager's decision to the organization's vice president within 15 calendar days of the decision.

1. If the grievance is related to a suspension, termination, nonselection for promotion, demotion, or RIF, the employee may request a hearing. In other cases, except grievances protesting warning letters of reprimand effective for 6 months or less, the vice president may hold a hearing to gather facts. The hearing is held within 30 days of the appeal.
2. The hearing is a formal proceeding and a verbatim transcript is made of it. The employee may be represented by the union and the supervisor is represented by the organization's human resource manager.
3. The vice president's decision is issued within 3 weeks of the appeal or three weeks after the hearing.

D. Step 4 - The employee may appeal the vice president's decision within 15 calendar days to the Manager of Labor Relations. A decision is issued within three weeks of the appeal or within three weeks of a conference if one is held.

E. Step 5 - This step involves submission of a grievance that was appealed by the union to the Manager of Labor Relations to an impartial referee for a binding decision. A union may request an impartial referee only with the agreement of the Council. Costs are shared equally between TVA and the Council.

V. The Merit Systems Protection Board (MSPB) is an independent federal agency established in part to hear appeals from federal employees. Appeals to MSPB must be filed within 20 days of the effective date of the appealed action and TVA must file its response within the time period set by the MSPB hearing officer.

A. MSPB jurisdiction is very limited regarding TVA employees.

1. Any TVA employee who is reduced in force may appeal to MSPB. See the Reduction in Force chapter, section III, for more information about appealing RIF actions to MSPB.
2. Employees (except those at the senior manager pay group) who are eligible for veterans' preference and who have worked continuously at least the past one year in their job or a similar TVA job may appeal a termination, a suspension for more than 14 calendar days, a reduction in pay or grade, or a furlough for 30 days or less. These actions are called "adverse actions" and are discussed in the Discipline chapter, section III.

3. An employee who believes he/she has been improperly denied restoration rights may appeal to MSPB. This is very rare. See the Restoration chapter for more detailed information.

B. Your human resource officer is responsible for preparing TVA's initial response to an employee's MSPB appeal. This response must be coordinated with the General Counsel's office and usually there is little time to gather documentation and prepare the response. It is very important that the supervisor cooperate fully and timely with the human resource officer in preparing this information.

C. There may be a formal hearing before a complaints examiner and the supervisor may be called as a witness for TVA.

D. MSPB's first decision is rendered by a presiding official in one of the regional offices. Either party may appeal this decision to the full Board in Washington, D.C. If the employee is not satisfied with the Board's decision, he/she can have the decision reviewed by a federal court of appeals. TVA can appeal Board decisions to the federal court only with the Office of Personnel Management's approval.

VI. The Equal Opportunity complaint process is available by law to any person who believes that he/she has experienced discrimination because of race (any race), sex (either sex), color (any color), religion (or sincerely held religious-type belief), national origin (any), handicap, age (40 or over), or reprisal. The EO complaint process is also available to outside applicants. When you are identified by a complainant as a person who was involved in a discriminatory action, you are referred to as an "alleged discriminating official."

A. The Board of Directors has designated the Manager, Equal Opportunity, as the official in TVA to administer the discrimination complaint procedures and make final agency decisions on these complaints (except in certain limited circumstances). The Equal Opportunity staff is neutral in the administration of the complaint process. They represent neither complainants nor supervisors during the process.

B. Several definitions are important to keep in mind when discussing the complaint process:

1. A handicapped person is defined as someone who 1) has a physical or mental impairment which substantially limits one or more major life activities, 2) has a record of such an impairment, or 3) is regarded as having such an impairment.
2. Reprisal is defined as an action that was taken because of a person's prior involvement with the EO complaint process, as a complainant, a representative or a witness, or because of opposition to discriminatory practices.

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3. Someone is in a "protected class" if they fall within one of the eight groups mentioned above at the beginning of section VI because these are the groups that are protected by the law against discriminatory treatment.
- C. Many complaints of discrimination involve allegations that an employee was treated differently from others who are not in the same protected group. In these cases, the focus is on how the complainant was treated in comparison with others, not on whether the activity really did occur. Other cases involve allegations of "harassment," whether based on sex (such as conduct of a sexual nature, sexual favors, or an intimidating, hostile or offensive environment) or based on membership in any of the other protected groups (such as racial or ethnic jokes).
- D. At any stage of a complaint, complainants, managers, supervisors, and other witness may be represented by a person of his/her choice, either inside or outside TVA, with some limited exceptions. The representative may assist and advise the witness or may simply accompany the person during proceedings. Persons who are directly involved in the case and are expected to be called as witnesses cannot act as representatives.
- E. Federal regulations provide that a complainant and his/her representative must be given "reasonable" time to prepare and present the complaint. This time must be coordinated with his/her supervisor. The supervisor makes the decision as to what is reasonable under the particular circumstances of the case.
1. Time spent in meetings or interviews held by EO staff officials is automatically deemed reasonable.
  2. Supervisors of employees who act as representatives of more than one complainant may limit the overall hours of official time spent for preparation and attendance at meetings or hearings.

#### VII. The Equal Opportunity Complaint Process

- A. Counseling is the first step in the EO process. Counselors are provided by each organization. Names of EO counselors are posted on bulletin boards or are available from your human resource officer. A complainant must seek counseling within a certain timeframe, usually within 30 days of the alleged discriminatory act, in order to be timely under the federal regulations. The counselor talks to the complainant and the supervisor to sort out the matter informally and prevent a complaint from being filed. A complainant can only file a formal complaint after he/she has met with the counselor to try to resolve the situation. Counseling may take anywhere from a week to several months to conclude.

- B. If the problem cannot be resolved through counseling, the complainant may choose to file a formal complaint with the Equal Opportunity staff at the conclusion of the counseling process. The complainant must file the formal complaint within 15 calendar days of the conclusion of counseling. The Equal Opportunity staff will determine whether to accept or reject the complaint.
- C. After an EO complaint has been accepted for investigation by the EO staff, managers in the affected organization are given an opportunity to respond to a preliminary inquiry about the complaint. The organization then prepares a position statement.
1. Supervisors or managers who have been identified as "alleged discriminating officials" have the right to know what the allegations against them are and the right to respond to those charges.
  2. Supervisors are responsible for cooperating fully with the investigation.
- D. The EO staff conducts formal investigations of complaints. As part of the investigation the investigator may take an affidavit from the supervisor and request that you provide documentary evidence. All supervisors and employees are required to cooperate during an investigation.
- E. At the completion of the investigation, the investigative record is distributed to the complainant and the organization's vice president. The vice president may at his discretion distribute the report to others within the organization who have a "need to know."
- F. After the investigation is completed, the complainant may request a hearing before the Equal Employment Opportunity Commission (EEOC). All witnesses employed by the agency, whether requested by the agency or complainant, must attend the hearing. If the complainant has an attorney, TVA managers should notify the General Counsel's office who will represent the agency in the hearing. If the complainant is representing himself/herself, then the organization's managers present TVA's case at the hearing. After hearing all the evidence and reviewing all the documents submitted, EEOC issues a recommended decision to the Manager, Equal Opportunity, who accepts, rejects, or modifies the recommended decision and issues a final agency decision.
- G. TVA's Manager, Equal Opportunity, issues final agency decisions on complaints of discrimination with certain limited exceptions. The decision is made in accordance with analytical standards in employment discrimination case law and is based solely on a review of the evidence included in the investigative report and hearing transcript. The Manager, Equal Opportunity, may order that actions be taken to correct discriminatory treatment and recommend changes in procedures and practices that are discriminatory.
1. Vice presidents are responsible for implementing corrective actions recommended by the Manager, Equal Opportunity.

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2. In addition to but separate from the final agency decision, the Manager, Equal Opportunity, may issue a memorandum recommending disciplinary action against a supervisor or a conduct investigation of his/her actions relating to a case.

H. Complainants who disagree with the decision on their complaints may appeal the decision to EEOC or federal court. Supervisors have no similar right to appeal the decision.

#### VIII. Complaints About or Reports of Unsafe or Hazardous Conditions

A. Employees and their representatives have the right and are encouraged to report unsafe or unhealthful working conditions. These concerns can be brought to the supervisor or the safety coordinator. TVA Code II EXPRESSION OF DIFFERING STAFF VIEWS describes TVA's policy as to how these concerns are to be addressed. The forms used to document a complaint of this nature and procedures are posted on all TVA safety bulletin boards.

1. Employees also have the right to make a confidential report to the Manager of Occupational Health and Safety or to the Designated Agency Safety and Health Official.

2. Employees who disagree with the final TVA handling of a report or complaint may appeal to the Occupational Safety and Health Administration, U.S. Department of Labor.

3. Employees are protected by law and TVA policy from any reprisal, interference, coercion, or discrimination against them as a result of their exercising any of these rights. Any interference by a supervisor is a serious violation of this policy.

#### IX. Concerns About Nuclear Quality and Safety

Employees are obligated to report concerns about nuclear quality and safety and the Nuclear Power Employee Concerns Program oversees these complaints. Information about the Employee Concerns Program is posted on TVA bulletin boards and questions about the program can be addressed to any program site representative.

A. Under this program, the following avenues are available to report concerns about nuclear activities:

- Contact with first line supervision.
- Referral via first-line supervision to higher management levels.
- Submittal to the Employee Concerns Program site representative at each nuclear plant site.
- Complaint to the Inspector General.
- Direct contact with the Nuclear Regulatory Commission using NRC Form 3, or direct contact with other governmental agencies with authority to receive complaints.

B. TVA policy and federal law strictly prohibit attempts to intimidate, coerce, or reprise against any employee as a result of his/her exercising any of these rights.

#### X. Appeals to the Department of Labor (DOL)

A. Under the Energy Reorganization Act of 1974, no employee may be terminated or discriminated against because he/she initiated a proceeding under that Act or under the Atomic Energy Act, or testified, participated, or assisted in such a proceeding.

B. Complaints involving this protection are filed with the Secretary of Labor within 30 days of an alleged violation. Complaints can also be filed with the Secretary of Labor in connection with employee protections included in the Federal Water Pollution Act and the Clean Air Act.

C. DOL will investigate all complaints within 30 days and either party can request a hearing after the investigation. DOL will issue a decision within 20 days of the hearing. The Secretary of Labor issues a final order based on the record and the recommendation from the hearing; the final order can be appealed to federal court within 60 days.

#### XI. Complaints to the TVA Inspector General

A. The Inspector General reports directly to the TVA Board of Directors and to Congress. This office accepts allegations of waste, fraud, abuse, mismanagement, misconduct, harassment, and reprisal. After a complaint is accepted, it is assigned to an investigator. Any employee who wants to report an allegation can call the following toll free numbers:

- 1-800-423-3071 (in Tennessee)
- 1-800-323-3835 (in AL, AR, GA, KY, MS, MO, NC, VA)
- 615-632-3550 (in Knoxville)

#### XII. Issues Raised Under TVA Code II EXPRESSION OF STAFF VIEWS

This code details a formal process to have professional or technical views on policy issues (or execution of policy) heard at a high management level. Basically, the procedure calls for raising those concerns up through the supervisory chain of command to the Board of Directors.

#### XIII. Complaints Pursued Through Other Channels

Complaints raised by writing directly to the Board of Directors, congressional representatives, or the President, are investigated and responded to by the appropriate TVA official. Supervisors may be asked to explain their actions or provide additional information to staff members who are responsible for preparing these responses.

#### IV. Successfully Handling Appeals and Grievances

- A. Avoid unnecessary complaints. Try to resolve problems at the lowest, informal level, while you are still in control of the situation. Good communication with your employees will go a long way toward minimizing complaints.
1. If you've made a mistake, correct it early.
  2. Be alert to resolutions that may set a precedent that will be difficult to live with.
  3. Avoid actions that could be interpreted as discouraging or intimidating an employee from filing a grievance or other complaint.
- B. Be prepared for complaints. Many can and should be settled before they become formal, but thorough preparation can increase the likelihood that the supervisor's position will be upheld on review.
1. Build your case. Follow progressive disciplinary procedures where appropriate and be consistent in how you treat all your employees.
  2. Make sure you have good documentation. Keep logs and diaries of events leading up to disciplinary actions and all other related documents or correspondence. Documentation is very important in any hearing.
  3. Be a good witness if you are asked to provide an affidavit or testify at a hearing.
    - a. Refresh your memory concerning the events or incident.
    - b. Be familiar with the records related to the case.
    - c. Tell the agency representatives everything you know about the case, both good and bad.
    - d. Always tell the truth when testifying or giving a statement.
    - e. If you don't know the answer, say so.
    - f. Plan ahead as to what additional information you want to include in an affidavit when given the opportunity.
    - g. Assume that the person reading or hearing your statement knows nothing about it—explain technical terms, explain work practices, etc.
- C. Get help from your supervisor and human resource officer early in the process. Your human resource officer will also be able to get guidance from corporate staffs.

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#### XV. Supervising After an Employee Files a Complaint.

Remember that the employee has a right to file a complaint and what you do after he/she files the complaint can either help or hurt the situation. The supervisor must strive to keep things as normal as possible. You must keep supervising the employee, while at the same time avoiding any appearance of reprisal.

- A. Do not treat the employee differently after he or she files a complaint—either differently from other employees or differently from your past treatment of the same individual.
- B. Do not begin documenting or monitoring a complainant after he/she contacts a counselor or files a complaint. This is often regarded as retaliatory. It appears as if you are "out to get" the person. If the supervisor has been monitoring the employee prior to the filing of a complaint, the filing should not be a reason to stop monitoring, if *justified*.
- C. Do not keep any record that refers to an employee's grievance or complaint in the employee's personnel record.
- D. Do not treat an employee who has exercised a protected right as a "troublemaker." Do not let this fact influence your future decisions about selection, transfer, or discipline.
- E. Do not discuss an employee's grievance or complaint with anyone who does not have an official need to know about it. If you do, you will have misused official information and can be disciplined.
- F. Do not discourage or inhibit an employee in any way from pursuing a complaint.

#### XVI. Supervisor's Rights

As a supervisor you have a lot of resources to draw upon to help you through any situation involving a complaint or grievance. Generally, the only thing an employee can do that you cannot do in a complaint is appeal a decision on the complaint to a higher level (although in some procedures, TVA can appeal a decision as well as the employee). Other rights you have relating to the process include:

- You have a right to hear exactly what the charges are against you, if you are accused of discrimination, reprisal, etc.
- You have many opportunities to resolve the complaint yourself and thereby stay in control.
- You have the same opportunity as the employee to present your side of the story.
- You have the right to have a representative in complaint procedures at all levels.
- You have the right to keep supervising and remain in control of the situation.

## VETERANS' PREFERENCE

- I. The Veterans' Preference Act requires that preference be given to eligible veterans (also called "preference eligibles") in appointments to government positions and in retention during a reduction in force. In addition, preference eligibles are given appellate rights to the Merit Systems Protection Board for adverse personnel actions. Some information about how this is done is included in the Appeals and Grievances, Discipline, and Reduction in Force chapters. A detailed description of TVA's application of the Veterans' Preference Act is contained in ERM Chapter 141, VETERANS and the *Handbook for Veterans of Tennessee Valley Authority*.
  - A. Although the preference requirements give eligible veterans a head start in competing for government jobs, final selections for job vacancies must meet the "merit and efficiency" standard for TVA employment.
  - B. The law does not provide preference during employment for purposes of promotion, transfer, or reassignment. However, a disabled veteran may receive employment-related assistance through TVA's Disabled Veterans Affirmative Action Plan (DVAAP).
- II. Determination of Preference
  - A. In order to be considered a "preference eligible" employee, a veteran must have been honorably separated and served on active duty in the armed forces:
    1. During any war; or
    2. In a campaign or expedition for which a campaign badge was authorized (like Lebanon or Granada Operations). If the veteran enlisted after September 7, 1980, the veteran must have been discharged for a disability or served continuously for 24 months or the full period called or ordered for active duty; or
    3. During the period beginning April 28, 1952, and ending July 1, 1955; or
    4. For more than 180 consecutive days, other than for training, any part of which occurred after January 31, 1955 and before October 15, 1976.
    5. Most military retirees are not given preference eligible status during RIF's. A military retiree who retired at the grade of major or above (or its equivalent) generally is not considered a preference eligible for appointment or retention unless the person is a disabled veteran.
  - B. Preference is given without regard to the above conditions to a veteran honorably separated from active duty if the veteran:
    1. Is receiving compensation, disability retirement benefits, or a pension under laws administered by the Veterans Administration, Army, Navy, Air Force, Coast Guard, or Marine Corps; or

2. Has a service-connected disability. (A veteran who was awarded a Purple Heart for wounds received in action is considered to have a service-connected disability.)
- a. For employment purposes, veterans with a 10 percent or greater compensable service-connected disability are given preference over other veterans.
  - b. For purposes of reduction in force, veterans with 30 percent or greater compensable service-connected disability are given retention preference over other lesser disabled veterans and nonveterans. (See Reduction in Force chapter, section II, part E.)
  - c. Preference is also given to qualifying spouses of disabled veterans, to widows/widowers of veterans, and to mothers of deceased or disabled veterans.
    - Spouses of disabled veterans. If the veteran has been unable to qualify for any appointment in the federal sector because of a military service-connected disability, the spouse is entitled to derivative preference. The spouse loses the right to preference if the disabled veteran recovers. If the disabled veteran dies, the spouse may be able to qualify for widow/widower preference.
    - Widows or Widowers of veterans. If the veteran served on active duty during any war or during the period April 28, 1952 through July 1, 1955, or in any campaign or expedition for which a campaign badge or expeditionary medal was authorized, the unmarried widow or widower of an honorably separated veteran is entitled to derivative preference. The widow or widower may qualify for the preference whether the veteran spouse died after or during military service, unless the circumstances surrounding death while in the military would have been cause for other than honorable separation from the service.
    - Mothers of veterans. If the veteran (1) died under honorable conditions while on active duty in a war or in a campaign or expedition for which a campaign badge or expeditionary medal was authorized or during the period April 28, 1952 through July 1, 1955, or who became permanently and totally disabled because of a service-connected disability; AND (2) the mother is widowed, divorced or separated from the veteran's father, or the father is permanently and totally disabled, then the veteran's mother is entitled to preference. A remarried mother may be entitled to retain her preference in only limited circumstances.

### III. Credit for Military Service

Military service time usually counts as federal service for the purpose of accruing annual leave and for retention in reduction in force.

- A. Annual leave accrual rate. All active military service time is counted for (1) a non-retired veteran and (2) a military retiree whose retirement was based on a disability received in the line of duty as a result of armed conflict or caused by an instrumentality of war in the line of duty during a period of war. If the veteran is a nondisabled military retiree, he/she gets credit only for the service during a war or actual time in an authorized campaign or expedition.
- B. Preference in reduction in force. Generally, veterans who are eligible for preference in appointments also receive preference for retention in RIF.
  1. However, a military retiree does NOT get preference during a RIF unless his/her retirement was based on disability OR on less than 20 years of full-time active service. If a retiree's retirement was based on either of these two reasons, the retiree receives federal service credit for all military time. If the veteran received credit for 20 years for retirement purposes but actually served less than 20 years the veteran does not receive preference eligible status.
  2. If the retiree does not meet one of these conditions (for example, retired following "twenty and out" service commitment), he/she gets to count only the military service time during a war and authorized campaign/expedition periods.

### IV. Merit Systems Protection Board (MSPB) Appeals

The law grants most veterans the right to appeal to the Merit Systems Protection Board regarding adverse actions. More information about these appeal rights are contained in the Appeals and Grievances chapter. Veterans must have one year or more of continuous federal service to have appeal rights.

### V. Restoration

Employees who leave TVA to participate in military service may be eligible to be restored to their former position. This is addressed in more detail in the Restoration chapter.

## VI. TVA's Veterans' Affairs Office

This office is part of the Equal Opportunity staff in Human Resources. Veterans Affairs mediates the relationship between the veteran and TVA management for the purposes of ensuring agency compliance with federal laws and educating the workforce about the area of veterans' affairs. Violation of federal laws involving veterans rights will result in disciplinary action. The Veterans' Affairs office is in Knoxville (ET 5B 30H-K) and the Manager, Veterans' Affairs, can be contacted at 632-6848.

## RESTORATION RIGHTS

- I. Generally, restoration rights provide that an employee is entitled to return (or be "restored") to his/her former position and be treated as if he/she had not been absent from work. TVA observes federal law and regulations on restoration following military service, certain nonmilitary service, and recovery from a compensable TVA job-related injury or disability. A detailed description of TVA policy on restoration is contained in ERM Chapter 261, RESTORATION, Employee Compensation, and TVA Instruction PM 7 RESTORATION, Military Duty. The employee's human resource officer is primarily responsible for restoring individuals to TVA employment, however, supervisors are responsible for cooperating fully with these efforts (even if the individual's prior position was not under your supervision.) The Rehabilitation Service department in Medical Services answers questions about the dates of compensation or extent of an employee's recovery.
- II. Military Duty
 

The kind of post-military restoration rights for which an employee is eligible is determined by the type of military service that interrupts his/her TVA service. Other factors that effect restoration include requirements for the employee to satisfactorily complete military duty and make timely application to TVA for restoration.

  - A. TVA has 30 days after an eligible employee makes proper application in which to restore that employee.
  - B. The eligible employee is restored regardless of whether he/she can be retained. If the restoration results in a reduction in force (RIF), the restored employee might be eligible for a special retention preference in his/her RIF subgroup.
  - C. The employee's human resource officer, Policy and Evaluation staff, and Employment Services staff are responsible for assessing the circumstances of each case in applying restoration provisions to any individual.
- III. Nonmilitary Service
 

Restoration rights may be provided by law, regulation, or Executive Order to encourage individuals to serve temporarily in certain nonmilitary organizations such as the Peace Corps. These restoration requirements are unique to each organization. If one of your employees considers service in an organization to which he/she thinks restoration rights might be attached, you and the employee should check with your human resource officer for more information.

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## IV. Compensable TVA Job-Related Injury

Restoration of a compensably injured worker must comply with statutory, regulatory, and negotiated entitlements. These entitlements do not apply if the employee was separated because of reduction in force, for cause, or for other reasons unrelated to the injury. An employee may be entitled to restoration regardless of whether he/she has remained on the TVA payroll. If a suitable vacant salary policy position is found, it may be filled through a legally required restoration without the position having been announced. (See Articles of Agreement, Supplementary Agreement S-7:B-5.)

- A. If the employee is fully recovered from the injury or disability within one year after the date compensation began, he/she is entitled to resume his/her former position (or an equivalent one) immediately when compensation stops.
- B. If the employee is fully recovered from the injury or disability after one year of the date compensation began, he/she is entitled to priority consideration for reemployment to the position he/she left (or an equivalent one) provided he/she applies for reappointment within 30 days after compensation stops. This is the reemployment consideration accorded to someone who has been involuntarily reduced in force under Articles of Agreement, Supplementary Agreement S-7:E.
- C. If during the year following the date compensation begins the employee is physically disqualified from the position to which he/she has restoration rights (or an equivalent position), then he/she is entitled to another position for which he/she is qualified and can perform consistent with any medically required work restrictions. However, the other position must provide seniority, status, and pay as nearly equal to the former position as possible.
- D. If the employee is partially recovered and is able to return to limited duty, then TVA must make every reasonable effort to place him/her in a position, including one with medical work restrictions. A "partially recovered" employee is expected to recover fully eventually. In this situation, placement is to a vacant position.

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## EMPLOYEE RECORDS AND THE PRIVACY ACT

- I. How you collect or access, maintain, handle, use, and dispose of information you normally have access to may be controlled by law, regulation or other legal authority. Most of these requirements apply regardless of the form of the information, i.e., whether it is in paper copy, microform, automated/magnetic storage, or other forms. Of particular day-to-day importance to you as a supervisor are the requirements of the Privacy Act, the Equal Opportunity Act, the Freedom of Information Act, and related TVA procedures about maintaining and using employees' PHRs. You can refer to the following documents for a detailed description of TVA policies and procedures related to employee records and privacy:
  - TVA Code II PRIVACY
  - TVA Instruction II PRIVACY PROCEDURES (ERM Chapter 131)
  - TVA Instruction RECORDS, Automated Human Resource Data System (ERM Chapter 133)
  - TVA Instruction RECORDS, Employee and Contractor (ERM Chapter 135)

## II. The Privacy Act

- A. This law is intended to protect an individual's privacy. As a supervisor you should be aware of these key provisions of the act:
  1. Any information you collect about individuals must be limited to information which is necessary for proper performance of TVA's functions.
  2. Any information you maintain must be relevant, timely (not outdated), accurate, and complete to assure fairness to the individual in making determinations about that individual.
  3. You generally must permit an individual to access (review) and copy information about him/herself in a system of records and provide an opportunity to correct errors in that information. A "system of records" is a set of records from which personal information about an individual can be retrieved by use of the individual's name or other personal identifier, like a social security number.
  4. You may not disclose personal information about an individual except 1) to TVA employees who need that information in the performance of their duties, 2) as authorized in writing by the individual to whom the record pertains, or 3) as established in a routine use statement for the system of records in which the information is maintained.

- B. Supervisor/Administrative (S/A) files containing personnel information that is required for quick reference in carrying out your supervisory responsibilities are permitted under the Privacy Act. However, this practice is not encouraged. It is better to rely on the official Personal History Record (PHR).
1. An S/A file normally contains the most recent copy of your subordinate's job description, form TVA 9880, and service report. You should destroy individual documents in the file when they are superseded or earlier if they are no longer needed. Destroy the entire file when the employee leaves your immediate organization.
  2. Personal notes may be made and retained to serve as memory refreshers. However, if you use these notes to make a determination about the individual's work situation (e.g., promotion, formal performance appraisal, warning letter), the notes become subject to the Privacy Act requirements, including the right of the individual to access the notes.
- C. The Privacy Act does not cover information which, if released, would not constitute an invasion of personal privacy. Such "public" information includes: name, job title, type of appointment, grade, pay rate or pay range, dates of employment, and duty station. This kind of public information can be disclosed without the individual's consent.
- D. Outside inquiries about former or present employees should be referred to your human resource officer if they require an official TVA response. As a supervisor you may respond to other inquiries if you make clear that your response is based on personal knowledge and is *not* based on the TVA record. You may *not* use TVA letterhead for your personal response.
- E. The penalty for failure to comply with the Privacy Act is \$5000 if you are found guilty of willfully maintaining a secret system of records. A system of records is considered "secret" if it is not publicized and approved as required by the Privacy Act. You may also be exposed to a civil suit for refusal to grant an employee access to his/her record; failure to maintain records with sufficient accuracy, relevance, timeliness, or completeness; failure to amend an individual's record in accordance with a request; and failure to comply with other provisions of the Privacy Act.

### III. Equal Employment Opportunity Act

This Act places additional security protection on EEO-related information such as race/ethnic, disability, and sex data about individuals. Your only access to this information is through your human resource officer. Such information is transmitted to you in a sealed envelope to which the following is attached: "NOTICE OF RESTRICTION: Conditions and Restrictions on the Use of Individually Identifiable EEO/AA Related Data." Supervisors are responsible for complying with all instructions in that notice.

### IV. Freedom of Information Act (FOIA)

This act protects the public's right of access to certain government (including TVA) records. It also identifies the types of information that may be exempted from disclosure to the public. All FOIA requests for information are handled by the Communications staff.

### V. TVA Personal History Record (PHR)

The TVA Personal History Record on employees is maintained as part of the Personnel Files system of records under the Privacy Act. It contains information officially recognized and pertinent to personnel actions and record requirements.

- A. All information proposed for filing in the PHR is submitted to the human resource officer who will forward it to Human Resources' Personnel Microfilm Department in Knoxville if it meets all guidelines for inclusion in the PHR. These requirements are discussed in detail in ERM Chapter 135, RECORDS, Employee and Contractor.
- B. The original (microfilm) PHR is maintained in the Personnel Microrecords Department, Human Resources, in Knoxville. A microfiche copy serves as the field file for reference purposes and as a backup copy of the original.
- C. Supervisor's may access an employee's PHR only through the human resource officer. No employee may have access to the PHR of a person who is administratively over him/her.
- D. Each supervisor is responsible for following security and control measures for any PHR accessed.
  1. Ensure that the PHR is used for TVA-authorized purposes only. This includes taking all precautionary measures necessary to prevent unauthorized disclosure of its contents. If routing is necessary, place the PHR in a sealed envelope and label it "Administratively Confidential."
  2. Comply with all conditions of disclosure established in ERM Chapter 135, RECORDS, Employee and Contractor.
  3. Protect the PHR from damage.
  4. Keep the PHR on TVA property or in your custody.
  5. Return the PHR promptly to the personnel specialist who charged the record to you.
  6. Notify the personnel office before a PHR is turned over to another person. This procedure is essential to maintaining control and accountability for PHRs charged out.
  7. Make certain that anyone to whom you make a PHR available is authorized to have it and is aware of these responsibilities.

- E. An employee may have access to information in his/her PHR. A request for access is submitted in person or by mail to the employee's human resource officer. The employee can also obtain a copy of the materials in the record. An employee may request an amendment or correction to his/her PHR to the extent permitted by the Privacy Act. The request should be submitted to the human resource officer. Formal requests must comply with the requirements identified in TVA Instruction II PRIVACY PROCEDURES (ERM Chapter 131) and ERM Chapter 135, RECORDS, Employee and Contractor.

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