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# NRC Enforcement Panel TVA Discrimination

EA-20-006 and EA-20-007

October 5, 2020

# Agenda

- Summary of TVA response
- Overview of enforcement options
- Decide on enforcement action
- Align on schedule for path forward

# Summary of TVA Response

Violation 1, SL II: Filing of a formal complaint triggered an investigation by the TVA OGC and that the action was based, at least in part, on the former employee engaging in protected activity.

– TVA Response: Denies violation

- No new information provided
- Complaint was filed for non-prohibited reasons.
- Manager filing formal complaint was advised to include all information relevant to her allegations.
- Filing a complaint is not an adverse action.

# Summary of TVA Response

Violation 2, SL II: Former employee placed on paid leave until resigning and that the action was based, at least in part, on the former employee engaging in protected activity.

– Response: Denies violation

- No new information provided
- Former employee placed on leave for non-prohibited reasons following independent investigation.

# Summary of TVA Response

Violation 3, SL II: Filing of a formal complaint triggered an investigation by the TVA OGC and that the action was based, at least in part, on the former employee engaging in protected activity.

– Response: Denies violation

- No new information provided
- Complaint was filed for non-prohibited reasons.
- Manager filing formal complaint was advised to include all information relevant to her allegations.
- Former employee terminated for actions after complaint was filed.
- Filing a complaint is not an adverse action.

# Summary of TVA Response

Violation 4, SL I: Former employee terminated and that the action was based, at least in part, on the former employee engaging in protected activity.

– Response: Denies violation

- No new information provided
- Former employee terminated for non-prohibited reasons (numerous disrespectful, unprofessional, and deliberately false allegations).
- ERB unanimously approved termination.



# Corrective Actions

- Similar to those presented at PEC:
  - Adding paid leave to non-ERB adverse action list
  - Pilot Nuclear Investigation Protocol
  - Communications to employees about raising concerns and positive SCWE

# Options

- Impose CP in Order as written
- Reduce CP/Severity Levels
- Withdraw violations
  
- OE proposes moving forward with the SL I and SL II problems and CP as written.

# Schedule

- Draft cover letter, Order imposing CP, and Order appendix responded to TVA's answer.
  - Target issue date \_\_\_\_\_
- EN to accompany Order.
  - Target issue date \_\_\_\_\_
- No specific guidance for timeliness in Enforcement Manual beyond deciding on path forward within 45 days of TVA response (Section 2.6.4.G)