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Knoxville, TN 37902-1401
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Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401

April 14, 2015

This responds to your request under the Freedom of Information Act (FOIA) 5 U.S.C. § 552 dated November 23, 2014. You requested a copy of the final reporting for a list of twelve TVA Office of the Inspector General (OIG) case files.

Enclosed is a CD containing copies of the reports you requested. We have redacted personal identifying information of individuals named in the report pursuant to FOIA exemptions 6 and 7(c). We have redacted personal identifying information of OIG personnel pursuant to FOIA exemptions 6, 7(c), and 7(f).

Exemption 6 and 7(c) protect personal privacy. Exemption 7(f) protects information that could reasonably be expected to endanger the life or physical safety of any individual.

You may appeal this initial determination of your FOIA request by writing to Ms. Janet J. Brewer, Vice President, Communications, Tennessee Valley Authority, 400 W. Summit Hill Drive (WT 7C), Knoxville, TN 37902-1401. Any appeal must be received by Ms. Brewer within 30 days of the date of this letter.

Sincerely,

A handwritten signature in black ink that reads 'Denise Smith'. The signature is written in a cursive style with a large, looped 'D' and 'S'.

Denise Smith
TVA FOIA Officer

Enclosure

CASE CLOSING

File Number: Case File 01E14764 (Empowerline TVA-12-08-0025)
Subject Name: (b) (6), (b) (7)(C)
Location: Knoxville/Bull Run Fossil Plant
Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)
Date Opened: 9/4/2012
Date Closed: 7/8/2013

Basis for Investigation: Allegation that TVA employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the least have violated TVA-SPP 12.01 Acceptable Use of Information Resources and the TVA Code of Conduct. And potential Hatch Act violation through political emails

Findings: On April 22, 2013, employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) received written warnings for specifically violating TVA SPP-12.01 Acceptable Uses of Information Resources, because they participated in email traffic from July 9 through August 9, 2012 by initiating or forwarding electronic email which promoted, supported, or endorsed political or religious beliefs; and distributing mass email to 20 or more recipients without authority.

In addition, the Office of Special Counsel found that you violated the Hatch Act because you expressed opinions on political subjects aimed at the success of a particular candidate or party while on duty in a building owned by the federal government.

Report to management: Yes No

Prosecutive status: Accepted Declined Not referred

Basis for closing: Allegation unsubstantiated Management response

Comments: Close Case

(b) (6), (b) (7)(C), (b) (7)(F)

(b) (6), (b) (7)(C), (b) (7)(F)

7/8/2013

Agent Name

Agent Signature

Date

(b) (6), (b) (7)(C), (b) (7)(F)

(b) (6), (b) (7)(C), (b) (7)(F)

7/8/13

Special Agent in Charge

Special Agent in Charge Signature

Date



Tennessee Valley Authority
Office of the Inspector General

Report of Administrative Inquiry

(b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

BULL RUN FOSSIL PLANT
EMPLOYEE MISCONDUCT -
PARTISAN POLITICAL ACTIVITY
OIG FILE NO. 1E-14764



Tennessee Valley Authority
Office of the Inspector General

EXECUTIVE SUMMARY

(b) (6), (b) (7)(C)

OIG FILE NO. 1E-14764

This investigation was initiated after the Office of the Inspector General (OIG) received information from TVA's Bull Run Fossil Plant (BRF) management that BRF (b) (6), (b) (7)(C) possibly violated TVA-SPP-12.1, Acceptable Use of Information Resources, and The Hatch Act. The Hatch Act (5 U.S.C. §§ 73212-7326) governs the political activity of federal civilian executive branch employees, including TVA employees. While most employees are permitted to engage in a variety of political activities, they are prohibited from engaging in political activity while on duty, in a federal room or building, while wearing an official uniform or insignia.

Evidence indicates (b) (6), (b) (7)(C) violated TVA-SPP-12.01, by distributing politically charged e-mails to 20 or more individuals. The Hatch Act violations were investigated by the United States Office of Special Counsel (OSC), Washington, D.C.

The OSC investigation determined (b) (6), (b) (7)(C) both violated the Hatch Act when they disseminated e-mails that were directed at the success or failure of a political party or partisan political candidate, while on duty and in the federal workplace.

The OSC declined to pursue disciplinary action before the Merit Systems Protection Board of (b) (6), (b) (7)(C) at this time in lieu of issuing warning letters to both (b) (6), (b) (7)(C) advising that any future violations of The Hatch Act (5 U.S.C. §§ 7321-7326) could warrant action before the Merit Systems Protection Board.

TVA management should consider taking action against both (b) (6), (b) (7)(C) for their violation of TVA-SPP-12.01, in accordance with TVA policy.



Tennessee Valley Authority
Office of the Inspector General

March 13, 2013

Dennis R. Spencer, LP 3K-C

(b) (6), (b) (7)(C)

BULL RUN FOSSIL PLANT
EMPLOYEE MISCONDUCT –
PARTISAN POLITICAL ACTIVITY
OIG FILE NO. 1E-14764

We have completed our investigation of an allegation we received from BRF management regarding the alleged violations of TVA's Acceptable Use of Information Resources and the alleged violation of the Federal Hatch Act by BRF (b) (6), (b) (7)(C).

The OSC declined to pursue disciplinary action against (b) (6), (b) (7)(C) at this time in lieu of issuing warning letters to both (b) (6), (b) (7)(C) advising that any future violations of The Hatch Act (5 U.S.C. §§ 73212-7326) could warrant action before the Merit Systems Protection Board.

INVESTIGATIVE SUMMARY

During this investigation the OIG conducted interviews, obtained and reviewed political e-mail traffic between (b) (6), (b) (7)(C) from July 9, 2012, through August 9, 2012.

On July 9, 2012, while on duty at BRF, (b) (6), (b) (7)(C) sent the link: <http://elev8.com/582734/mormons-are-not-christians/> to (b) (6), (b) (7)(C) and 56 other individuals. (b) (6), (b) (7)(C) responded back to (b) (6), (b) (7)(C) and 56 other individuals on August 8, 2012, while on duty stating, "That's why they are called Mormons & they are not Muslims either which is not Christian. Love the new Healthcare rules going into effect. More than 50 employees required to provide health insurance or pay \$2,000 fine. Small business owners & even Papa John's saying cut work force so not have to worry about it. DUH!!!!!! Hope & Change baby all for the working man."

On August 8, 2012, while on duty at BRF, (b) (6), (b) (7)(C) sent the link: <http://factcheck.org/2012/08/romneys-impossible-tax-promise/> to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) responded back to (b) (6), (b) (7)(C) on August 9, 2012, while on duty stating, "Same thing always. Tax more then spend it all. You libtards just never learn do you? Put \$ into hands of those with no responsibility over it then this is what you get. By the way, as majority leader Harry Reid makes \$194,000 a year. How did he get to be worth \$10 million? Oh I know by helping the poor & working man. BAHHH"

On August 9, 2012, while on duty at BRF, (b) (6), (b) (7)(C) again responded to (b) (6), (b) (7)(C) July 9, 2012, e-mail link to: <http://elev8.com/582734/mormons-are-not-christians/> again replying to (b) (6), (b) (7)(C) and 56 other individuals this time stating, "LIAR LIAR LIBETARD ON FIRE. How dumb do you have to be in order to be a DEMOCRAT?? Dumb enough to believe there are people in this country without access to healthcare. FROM THE GOV'TS OWN WEBSITE For more than 45 years, community health centers have delivered comprehensive, high-quality preventive and primary health care to patients regardless of their ability to pay. During that time, community health centers have become the essential primary care medical home for millions of Americans, including some of the nation's most vulnerable populations. <http://www.hrsa.gov/ourstories/healthcenter/healthcenterweek.html>"

STATEMENTS MADE BY (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) advised the OIG that he did not know it was a violation of TVA policy when he distributed mass e-mails to 20 or more recipients without appropriate authority. (b) (6), (b) (7)(C) further advised he was not aware of the rules of The Federal Hatch Act until it was mentioned in a BRF safety meeting three weeks before the interview even though he had been employed at TVA since 2006. (b) (6), (b) (7)(C) advised since learning of The Hatch Act restrictions, he neither sends nor receives political material while on duty.

On October 19, 2011, (b) (6), (b) (7)(C) completed his latest Annual Ethics Training certifying that he read, understood, and agreed to abide by the TVA Code of Conduct, which included sections related to the Hatch Act and TVA e-mail policy.

STATEMENTS MADE BY (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) advised the OIG that when he hit "Reply to All" to the e-mails from (b) (6), (b) (7)(C), he did not know he was violating TVA's policy which prohibits the distribution of mass e-mails to 20 or more recipients without authority. (b) (6), (b) (7)(C) advised the OIG that after reviewing a copy of the Political Activity (The Hatch Act) information in the TVA Code of Conduct handbook, he and (b) (6), (b) (7)(C) were probably in violation of activities that are prohibited by TVA employees while on duty. (b) (6), (b) (7)(C) stated that now that he is aware of The Hatch Act violation information, he will not send or receive any political information while on duty.

On September 27, 2011, (b) (6), (b) (7)(C) completed his latest Annual Ethics Training certifying that he read, understood, and agreed to abide by the TVA Code of Conduct, which included sections related to the Hatch Act and TVA e-mail policy.

TVA POLICIES AND PROCEDURES

TVA-SPP-12.01, Acceptable Use of Information Resources, states that employees should not (1) promote, support, or endorse political or religious beliefs; or (2) initiate or forward electronic chain letters.

TVA-SPP-12.01 also states “sending an e-mail to 20 or more recipients is considered to be unacceptable use unless the mailing is part of your work as a TVA employee. Unacceptable use may result in disciplinary actions.”

TVA-SPP-11.3.16, Employee Discipline, states the penalty for misuse of government property, which includes unauthorized e-mail usage, ranges from suspension up to termination of employment.

FINDINGS

Evidence indicates (b) (6), (b) (7)(C) were in violation of:

- TVA SPP-12.01, Acceptable Use of Information Resources, because they participated in e-mail traffic content with each other from July 9 through August 9, 2012, by:
 - Initiating or forwarding electronic e-mail which promoted, supported, or endorsed political or religious beliefs; and
 - Distributing mass e-mail to 20 or more recipients without authority.
- The Hatch Act because, according to OSC, they expressed opinions on political subjects aimed at the success of a particular candidate or party while on duty in a building owned by the federal government.

REMARKS

In accordance with our procedures, (b) (6), (b) (7)(C) were given an opportunity to comment on a draft copy of this report. (b) (6), (b) (7)(C) did not comment on draft of this report.

RECOMMENDATIONS

We recommend appropriate action be taken in accordance with TVA-SPP-11.3.16, Employee Discipline, and the TVA Code of Conduct.

We would appreciate being informed within 30 days of your determination of what action is appropriate on the basis of our report. In addition, if you decide to take documented action in this matter, we would appreciate your sending a copy of the relevant information to this office for our file.

This report has been designated "TVA Restricted" in accordance with TVA-SPP-12.02, TVA Information Management Policy. Accordingly, it should not be disclosed further without the prior approval of the Inspector General or his designee. In addition, no redacted version of this report should be distributed without notification to the Inspector General of the redactions that have been made.



John E. Brennan
Assistant Inspector General
(Investigations)
ET 4C-K

CASE CLOSING

File Number: 01H-14770
Subject Name: (b) (6), (b) (7)(C)
Location: Shawnee Fossil Plant
Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)
Date Opened: 09/07/2012
Date Closed: 02/26/2013

Basis for Investigation: (b) (6), (b) (7)(C) Shawnee Fossil Plant (Shawnee), directed various TVA employees to construct a smoker grill for his personal use, using TVA materials and on TVA time. TVA Security & Emergency Management initially referred the case to TVA-OIG to see if the TVA-OIG wanted to refer the case for prosecution. TVA Security & Emergency Management conducted an investigation and the OIG was there to assist in the case as needed. TVA-OIG later received an Empowerline complaint stating that (b) (6), (b) (7)(C) knew about the smoker grill being built and did not have any disciplinary action taken against him.

Findings: TVA Security & Emergency Management Inspector (b) (6), (b) (7)(C), (b) (7)(F) conducted an investigation at the plant including interviewing the subject along with those involved in building the grill, and those with knowledge of the grill being built. Inspector (b) (6), (b) (7)(C), (b) (7)(F) provided the plant manager, (b) (6), (b) (7)(C), with the results of his investigation. Inspector (b) (6), (b) (7)(C), (b) (7)(F) and SA (b) (6), (b) (7)(C), (b) (7)(F) sat down with (b) (6), (b) (7)(C), General Manager, Coal Operations, to discuss the findings of the investigation and to see what administrative action management was going to take.

(b) (6), (b) (7)(C), (b) (7)(F) provided SA (b) (6), (b) (7)(C), (b) (7)(F) with the following disciplinary administrative actions for the TVA employees involved in the construction of the smoker grill: (b) (6), (b) (7)(C), (b) (7)(F) retired in lieu of termination, (b) (6), (b) (7)(C) received a fourteen day suspension without pay, (b) (6), (b) (7)(C) received a fourteen day suspension without pay, (b) (6), (b) (7)(C) received a seven day suspension without pay, (b) (6), (b) (7)(C) received a seven day suspension without pay and (b) (6), (b) (7)(C) received counseling.

Regarding the Empowerline complaint on (b) (6), (b) (7)(C), SA (b) (6), (b) (7)(C), (b) (7)(F) and Inspector (b) (6), (b) (7)(C), (b) (7)(F) interviewed (b) (6), (b) (7)(C) at Shawnee Fossil Plant, as well as SA (b) (6), (b) (7)(C), (b) (7)(F) reviewing (b) (6), (b) (7)(C) e-mail. Although it was evident that (b) (6), (b) (7)(C) was aware of (b) (6), (b) (7)(C) plan to build the smoker grill, there was not enough evidence to prove he knew (b) (6), (b) (7)(C) was using TVA material and TVA employees at the time the grill was actually built.

Report to management: Yes No

Prosecutive status: Accepted Declined Not referred

Basis for closing: Allegation unsubstantiated Management response

Comments:

<u>(b) (6), (b) (7)(C), (b) (7)(F)</u> Agent Name	<u>(b) (6), (b) (7)(C), (b) (7)(F)</u> Agent Signature	<u>02/14/2013</u> Date
<u>(b) (6), (b) (7)(C), (b) (7)(F)</u> Special Agent in Charge	<u>(b) (6), (b) (7)(C), (b) (7)(F)</u> Special Agent in Charge Signature	<u>02/26/2013</u> Date

CASE CLOSING

File Number: Case File 01H15073 (Ware)
Subject Name: (b) (6), (b) (7)(C)
Location: North Alabama/Browns Ferry Nuclear Plant
Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)
Date Opened: 3/10/2013
Date Closed: 11/27/2013

Basis for Investigation: In discussions with BFN Human Resources, (b) (6), (b) (7)(C) contacted SA (b) (6), (b) (7)(C) concerning an issue involving BFN (b) (6), (b) (7)(C) BFN HR manager (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to contact SA (b) (6), (b) (7)(C) due to SAs work with BFN HR in the past.

The matter was originally referred to TVA HR (b) (6), (b) (7)(C) and to BFN Security (b) (6), (b) (7)(C). The HR and Security investigations were " cursory, not in-depth," but had "no resolution."

Findings: (b) (6), (b) (7)(C) alleged to have received harassing communications via email, phone, and written letter alleging she is engaging in immoral behavior and implying she was having an affair with a co-worker. One of (b) (6), (b) (7)(C) co-workers - BFN (b) (6), (b) (7)(C) - also received anonymous phone calls at his home, accusing him of having an affair.

(b) (6), (b) (7)(C) reported being emotionally and mentally upset as a result of the alleged harassment. BFN's occupational health nurse interviewed and evaluated (b) (6), (b) (7)(C) and, thereafter, issued medical accommodations to (b) (6), (b) (7)(C), in coordination with a physician, that resulted in (b) (6), (b) (7)(C) being relieved of (b) (6), (b) (7)(C) duties. The OIG found no evidence that contradicted the medical findings.

The OIG did not determine the identity(s) of the source(s) of every one of the alleged contacts; however, the OIG did determine that the wife of BFN (b) (6), (b) (7)(C) sent a letter to (b) (6), (b) (7)(C) home and sent several of the e mails to (b) (6), (b) (7)(C) via fictitious e mail accounts created by (b) (6), (b) (7)(C). This may violate TVA S.P.P. 12.01, §3.2.6 and §3.2.7, as well as the criminal Code of Alabama, 1975, §13A-11-8(b)(1), "Harassing Communications." (b) (6), (b) (7)(C) stated she did this because she was lead to believe, by (b) (6), (b) (7)(C), that (b) (6), (b) (7)(C) was attempting to have an affair with (b) (6), (b) (7)(C). This was denied by (b) (6), (b) (7)(C). The only evidence of an attempt at such a relationship was a text message sent by (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) telling (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) wanted to see (b) (6), (b) (7)(C) outside of work, which (b) (6), (b) (7)(C) declined.

(b) (6), (b) (7)(C) had access to (b) (6), (b) (7)(C) TVA computer passwords, possibly in violation of TVA S.P.P. 12.01, §3.2.3.

The OIG also learned that BFN [REDACTED] when relieved for breaks from control rooms, do not log-off of their computers, as a necessity, in order to maintain continuity of work. On occasion, [REDACTED] sometimes send prank e mails to each other by accessing the TVA e mail account of a [REDACTED] who is on break and not present. This may violate TVA S.P.P. 12.01, § 3.2.6 and § 3.2.7.

RAI was issued to BFN on 11/13/13. [REDACTED] retired from TVA. BFN management responded on 11/26/13, and advised implementation of the following:

- 1) BFN will review expectations of behaviors in the workplace with every Operations employee;
- 2) Ops managers will meet with all [REDACTED], and other similarly situated employees, regarding expectations on following TVA-S.P.P. 12.01, specifically section 3.2.6(B), 3.2.7(G), and 3.2.11;
- 3) Attendance rosters will be used and a copy will be provided to Human Resources as record and documentation of the sessions conducted.

Report to management: Yes No
 Prosecutive status: Accepted Declined Not referred
 Basis for closing: Allegation unsubstantiated Management response

Comments:

[REDACTED]	(b) (6), (b) (7)(C), (b) (7)(F)	11/26/13
Agent Name	Agent Signature	Date
[REDACTED]	(b) (6), (b) (7)(C), (b) (7)(F)	11/27/2013
Special Agent in Charge	Special Agent in Charge Signature	Date



Tennessee Valley Authority
Office of the Inspector General

Report of Administrative Inquiry

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

BROWNS FERRY NUCLEAR PLANT
EMPLOYEE MISCONDUCT
OIG FILE NO. 1H-15073



Tennessee Valley Authority
Office of the Inspector General

EXECUTIVE SUMMARY

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

BROWNS FERRY NUCLEAR PLANT OIG FILE NO. 1H-15073

This investigation was initiated in February 2013, when Browns Ferry Nuclear Plant (BFN) senior management contacted the Office of the Inspector General (OIG) concerning an issue involving BFN Reactor Operator (RO) Amber L. Lawler.

Ms. Lawler alleged she received harassing communications via e-mail, phone, and in a written letter in which she was accused of engaging in immoral behavior and implying she was having an affair with a co-worker. One of Ms. Lawler's co-workers, (b) (6), (b) (7)(C), also received anonymous phone calls at his home, accusing him of having an affair.

Ms. Lawler reported being emotionally and mentally upset as a result of the alleged harassment. BFN's occupational health nurse interviewed and evaluated Ms. Lawler and, thereafter, issued medical accommodations to Ms. Lawler, in coordination with a physician, which resulted in Ms. Lawler being relieved of RO duties. The OIG found no evidence that contradicted the medical findings.

The OIG did not determine the identity(s) of the source(s) of every one of the alleged contacts; however, the OIG did determine that the wife of (b) (6), (b) (7)(C) sent a letter to Ms. Lawler's home and sent several of the e-mails to Ms. Lawler via fictitious e-mail accounts created by (b) (6), (b) (7)(C). This may violate TVA-SPP-12.01, Acceptable Use of Information Resources, Sections 3.2.6 and 3.2.7, as well as the Criminal Code of Alabama, 1975, § 13A-11-8(b)(1), Harassing Communications. (b) (6), (b) (7)(C) stated she did this because she was lead to believe, by (b) (6), (b) (7)(C) that Ms. Lawler was attempting to have an affair with (b) (6), (b) (7)(C). This was denied by Ms. Lawler. The only evidence of an attempt at such a relationship was a text message sent by (b) (6), (b) (7)(C) to Ms. Lawler telling Ms. Lawler that he (b) (6), (b) (7)(C) wanted to see Ms. Lawler outside of work, which Ms. Lawler declined.

(b) (6), (b) (7)(C) had access to (b) (6), (b) (7)(C) TVA computer passwords, possibly in violation of TVA-SPP-12.01, Section 3.2.3.

The OIG also learned that BFN ROs, when relieved for breaks from control rooms, do not log-off of their computers, as a necessity, in order to maintain continuity of work. On occasion, ROs sometimes send prank e-mails to each other by accessing the TVA e-mail account of a RO who is on break and not present. This may violate TVA-SPP-12.01, Sections 3.2.6 and 3.2.7.



Tennessee Valley Authority
Office of the Inspector General

November 13, 2013

Keith J. Polson, NAB 2A-BFN

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

BROWNS FERRY NUCLEAR PLANT
EMPLOYEE MISCONDUCT
OIG FILE NO. 1H-15073

We have completed our investigation of an allegation we received from BFN regarding RO Amber L. Lawler.

Ms. Lawler alleged to have received harassing communications via e-mail, written letter, and telephone. Ms. Lawler reported being emotionally and mentally upset as a result of the harassment, and was given a medical accommodation resulting in her being removed from RO duties.

BFN senior management reported being concerned about having an unknown issue ongoing among RO personnel that may be potentially affecting Fitness for Duty. BFN senior management also reported what they believed to be possibly conflicting information from Ms. Lawler, to include her "recanting" her allegations at one point, and was not sure if Ms. Lawler was being entirely truthful about her allegations. Therefore, the OIG was asked to look into the matter.

BACKGROUND AND SUMMARY OF ALLEGATION

Amber Lawler's Allegations and Complaints

Ms. Lawler received several e-mails in her TVA Microsoft Outlook e-mail account on March 9, 2012, while assigned as RO for the preceding week's night shifts. The first two e-mails both came from Google e-mail (Gmail) accounts and came through the TVA support filter for junk mail. When she logged into the junk mail folder, she first recognized a familiar name on one of the Gmail accounts - fellow (b) (6), (b) (7)(C). Ms. Lawler forwarded this e-mail to her TVA inbox to read later. Ms. Lawler noticed another e-mail from a woman's name, also from a Gmail account, in the junk folder. Ms. Lawler did not recognize the sender so she did not forward it to her inbox, but she did open and read it. It read, "I hope you two enjoy your affair while it lasts." Ms. Lawler deleted it immediately, assuming it was sent to the wrong individual.

Ms. Lawler later returned to her TVA e-mail account and opened the e-mail from (b) (6), (b) (7)(C). This e-mail read only "Are you two still seeing each other?" Ms. Lawler first believed this was one of the Operations' e-mail pranks that occur from time to time (discussed later below). Ms. Lawler was upset but thought the best course of action was no action, hoping the individual responsible would stop. Ms. Lawler asked (b) (6), (b) (7)(C) about the Gmail address and e-mail she received from him. (b) (6), (b) (7)(C) denied sending the e-mail and denied having a Gmail account. (b) (6), (b) (7)(C) then commented to Ms. Lawler that his wife had been receiving disturbing telephone calls at their residence from someone claiming that (b) (6), (b) (7)(C) was having an affair.

Ms. Lawler received several other e-mails from senders she did not recognize, but they went directly into her junk e-mail folder and she did not read them, so she could not confirm whether those two e-mails were or were not the only e-mails sent to her.

On April 16, 2012, Ms. Lawler received what she considered to be a harassing e-mail from the TVA Outlook e-mail account of fellow (b) (6), (b) (7)(C). This e-mail also alluded to immoral behavior between Ms. Lawler and another person, and it contained elements of a conversation that had occurred between Ms. Lawler and (b) (6), (b) (7)(C) the week before. Ms. Lawler became very upset when she read this e-mail; she got a relief operator, left her post and attempted to call her husband but was unable to contact him. Ms. Lawler then contacted (b) (6), (b) (7)(C), via cell phone, who was at home that evening. (b) (6), (b) (7)(C) had been asleep, but denied sending Ms. Lawler an e-mail. Ms. Lawler then advised her shift manager of the situation. The manager asked Ms. Lawler what she wanted and Ms. Lawler said that she just wanted to be left alone. Ms. Lawler was then asked if she needed a permanent relief for the remainder of the shift and Ms. Lawler said no. Ms. Lawler then told her shift manager that if the harassment stopped she would not pursue the matter any further. Ms. Lawler conveyed the same information to BFN senior management and Employee Relations.

The week of August 6, 2012, Ms. Lawler received an anonymous, typewritten letter at her personal residence. The letter read only "E-mail me: (b) (6), (b) (7)(C) There was no return address on the envelope. Ms. Lawler again was upset, and her husband became upset as well and insisted that Ms. Lawler make an official complaint to her BFN operations superintendent and shift manager. BFN senior management assured Ms. Lawler that harassment would not be tolerated. Ms. Lawler discussed the situation several more times with her management thereafter. The same day that Ms. Lawler met with her operations senior manager and superintendent, Ms. Lawler logged-in to her TVA Outlook e-mail account to print the Gmail from "(b) (6), (b) (7)(C)" and the TVA e-mail from "(b) (6), (b) (7)(C)" but both had been deleted. Ms. Lawler did not delete the e-mails; she believes the e-mails were deleted by someone else. Since there was an outage between when she received them and when she went to print them, any number of operators could have deleted them.

Ms. Lawler denied having, or attempting to have, an affair with anyone.

FINDINGS

E-mails

(b) (6), (b) (7)(C) admitted, when interviewed by the OIG, that she sent several e-mails to Ms. Lawler from fictitious private e-mail accounts. (b) (6), (b) (7)(C) created the e-mail account in (b) (6), (b) (7)(C) name and sent that particular e-mail, and (b) (6), (b) (7)(C) also sent e-mails from fictitious accounts she made-up in the names of (b) (6), (b) (7)(C)" and "(b) (6), (b) (7)(C) as well as an additional e-mail account she made-up called (b) (6), (b) (7)(C)" (b) (6), (b) (7)(C) intent with all of these fictitious e-mails was to "scare Lawler off" from attempting an affair with her husband.

The OIG did not conclusively determine who sent the e-mail to Ms. Lawler from (b) (6), (b) (7)(C) TVA Outlook e-mail account. However, (b) (6), (b) (7)(C) stated she has all of (b) (6), (b) (7)(C) computer passwords; she goes on the computer and "uses (b) (6), (b) (7)(C) password for the TVA Website all the time," because, for example, they order their prescription medications through Medco via the TVA Website and (b) (6), (b) (7)(C) does most of the ordering of medications and keeping up with the family's insurance matters.

(b) (6), (b) (7)(C) access to and usage of (b) (6), (b) (7)(C) TVA passwords may be a violation of TVA-SPP-12.01, Section 3.2.3, User Identification. The e-mail communications sent to Ms. Lawler by (b) (6), (b) (7)(C) may be in violation of the Criminal Code of Alabama, 1975, §13A-11-8(b)(1), Harassing Communications, a Class C misdemeanor, however the applicable statute of limitations for that crime has expired.

Anonymous Letter

In August of 2012, Ms. Lawler received a typewritten letter, via U.S. mail, at her home. The letter was sent by (b) (6), (b) (7)(C) told the OIG that she sent the letter because she suspected Ms. Lawler was trying to have an affair with (b) (6), (b) (7)(C) and wanted to deter Ms. Lawler.

Phone Calls

(b) (6), (b) (7)(C) wife received three or four phone calls in which an anonymous female caller alleged that (b) (6), (b) (7)(C) was having an affair with the caller and also "going to lunch with some girl" from (b) (6), (b) (7)(C) work. The first call occurred around October or November 2011, and the anonymous female caller told (b) (6), (b) (7)(C) wife that (b) (6), (b) (7)(C) was having an affair with her (the caller). The second call occurred around February 2012. The caller told (b) (6), (b) (7)(C) wife that (b) (6), (b) (7)(C) was with the caller "on the couch" at that moment, however, (b) (6), (b) (7)(C) was at home with his wife during the call. The third call occurred around July 2012. The anonymous female caller this time alleged that (b) (6), (b) (7)(C) had been taking a girl (not the caller) out to lunch in Athens, Alabama.

Around December 2012 or January 2013, (b) (6), (b) (7)(C) and his wife met with Ms. Lawler and her husband for dinner to discuss the situation (the phone calls, letters, e-mails, etc.) and to assure the spouses that no affair was ongoing. (b) (6), (b) (7)(C) wife has not received any anonymous phone calls since that meeting. Ms. Lawler also received anonymous phone calls at her residence during the period when (b) (6), (b) (7)(C) did; however, neither Ms. Lawler nor her spouse attempted to engage the caller in conversation, resulting in "hang-up" calls each time.

The OIG did not conclusively determine who made these phone calls or whether they are connected to the e-mails and letter sent to Ms. Lawler or the calls made to (b) (6), (b) (7)(C) residence.

Additional Details

On December 30, 2012, at 3:21 p.m., (b) (6), (b) (7)(C) sent Ms. Lawler a text message, from his personal cell phone to her personal cell phone, in which (b) (6), (b) (7)(C) told Ms. Lawler that he wanted to "see you away from work." Ms. Lawler responded, via text message the same day, "no." (b) (6), (b) (7)(C) told the OIG he did not mean anything sexual and he was "not asking her out." (b) (6), (b) (7)(C) stated he was just trying to tell Ms. Lawler that he would not mind talking to her and being supportive.

After saying no, (b) (6), (b) (7)(C) responded via text message that "I know. That's what troubles me. I won't mention it again. I value your friendship too much." Ms. Lawler replied via text that if (b) (6), (b) (7)(C) meant going out as couples – she and her husband with (b) (6), (b) (7)(C) and his wife – that would be okay. (b) (6), (b) (7)(C) never responded to that text.

On at least two occasions subsequent to the start of the OIG investigation, (b) (6), (b) (7)(C) contacted Ms. Lawler and informed her of details related to the investigation, told Ms. Lawler that her co-workers were making comments about her whereabouts, and warned her not to return to her RO group (group 1).

When questioned about these allegations by the OIG, (b) (6), (b) (7)(C) stated he had no evidence and could not prove (b) (6), (b) (7)(C) and Ms. Lawler had an affair but that "all the signs are there."

Prior to the OIG conducting a final interview of (b) (6), (b) (7)(C) to sort out some additional details of this matter, (b) (6), (b) (7)(C) retired on July 14, 2013.

In the past, BFN ROs have had a practice of prank e-mailing each other, but they generally do not know each other's login credentials. When ROs give each other breaks, the original RO does not log-off. ROs must remain logged-in to their computers when relieved to allow for work to continue, thus the RO giving relief (or anyone else in the room) has access to the TVA e-mail account of the relieved RO and can send a prank e-mail or leave a prank note in the Outlook e-mail account of the relieved RO.

This was a "standard practice" among ROs; it lessened about one year ago and does not happen often now, but still occurs. The ROs login credentials change every month. This practice of "prank" e-mails and notes may be in violation of TVA-SPP-12.01, Section 3.2.6(B), Use of Assigned IT Resources, and Section 3.2.7(G), Inappropriate Use of Assigned IT Resources.

Ms. Lawler's Medical Accommodation

Ms. Lawler became emotional and ill subsequent to receiving the e-mails and letter, and hearing continuing rumors about her in the workplace. Ms. Lawler received word of all of the rumors from (b) (6), (b) (7)(C). Ms. Lawler informed her management that she believed the emotional turmoil of the workplace-related "harassment" was responsible for exacerbating her illness.

BFN's occupational health nurse interviewed and evaluated Ms. Lawler and, thereafter, issued medical accommodations, in coordination with a physician, to Ms. Lawler that resulted in Ms. Lawler being relieved of RO duties. The OIG found no evidence that contradicted the medical findings.

RECOMMENDATIONS

We recommend TVA management take appropriate action they deem necessary based upon information contained in this report.

In addition, the OIG understands the operational necessity of ROs on break remaining logged-in to their computer for the continuity of work. However, BFN should take appropriate action pursuant to TVA-SPP-12.01, Section 3.2.11, Compliance Requirements.

We would appreciate being informed within 30 days of your determination of what action is appropriate on the basis of our report. In addition, if you decide to take documented action in this matter, we would appreciate your sending a copy of the relevant information to this office for our file.

Keith J. Polson
Page 6
November 13, 2013

This report has been designated "TVA Restricted" in accordance with TVA-SPP-12.02, TVA Information Management Policy. Accordingly, it should not be disclosed further without the prior approval of the Inspector General or his designee. In addition, no redacted version of this report should be distributed without notification to the Inspector General of the redactions that have been made.



Paul B. Houston
Assistant Inspector General
(Investigations)
ET 4C-K

CASE CLOSING

File Number: Case File 01H15276 (Empowerline TVA-13-07-0004 & TVA-13-07-0005)

Subject Name: (b) (6), (b) (7)(C)

Location: Knoxville/Bull Run Fossil Plant

Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)

Date Opened: 7/9/2013

Date Closed: 12/18/2013

Basis for Investigation: TVA-13-07-0004

Management personnel at Bull Run soliciting personal loans from employees, Vendors having close relationships with managers and supervisors.

(b) (6), (b) (7)(C) contracted here during the time frame that a supervisor's sons worked for the crew onsite, the supervisor had the ability to manipulate (b) (6), (b) (7)(C) coming onsite.

Witnessed outage manager tell supervisor to tell (b) (6), (b) (7)(C) to "sharpen their Pencil" in reference to a bid, procurement not involved in bid Supervisor promising jobs to contractors Managers and supervisors requesting specific staff aug employees from the union hall

TVA-13-07-0005:

There is a supervisor at Bull Run Fossil plant that has borrowed over \$5000 from an employee and will not pay him back. This employee is due to retire soon and does not think he will ever get his money.

Findings: Regarding the TVA-13-07-0004:

Investigative efforts did determine that a supervisor's son did work for the vendor (b) (6), (b) (7)(C). However, there is no indication that the supervisor manipulated (b) (6), (b) (7)(C) to come on site. The supervisor could request the vendor but ultimately it was the plants management's decision to bring the vendor on site. Outage Manger advised he did use the term "Sharpen your pencil" to the vendor- meaning lower the price. Plant management is aware of the scope of work needing to be complete. (b) (6), (b) (7)(C) is a time and material contract. Management advised it is not unusual to make request to the union hall for individuals that have already been trained. Ultimately, it is up to the union hall who they send to the site.

Investigative efforts determined that (b) (6), (b) (7)(C) started borrowing money from an employee approximately 3 years ago. From April 2012 until May 2013 (b) (6), (b) (7)(C) started borrowing money again totaling approximately \$5K, from an employee he occasionally supervised. Mr. (b) (6), (b) (7)(C) was experiencing financial difficulties and needed money for his personal use. (b) (6), (b) (7)(C) admitted to borrowing the money from

the employee and allowing him to leave work during work hours to get the money. Also, it was determined that two other BRF employees had given (b) (6), (b) (7)(C) money to purchase discounted weapons. (b) (6), (b) (7)(C) initiated this arrangement with these employees; as well as (b) (6), (b) (7)(C) supervised one of these employees. (b) (6), (b) (7)(C) admitted to using the money to make payments on his personal loans instead of purchasing the discounted weapons.

TVA Management suspended (b) (6), (b) (7)(C) for eight ten hour days starting December 9, 2013.

Report to management: Yes No
 Prosecutive status: Accepted Declined Not referred
 Basis for closing: Allegation unsubstantiated Management response

Comments:

(b) (6), (b) (7)(C), (b) (7)(F)	(b) (6), (b) (7)(C), (b) (7)(F)	12/18/2013
Agent Name	Agent Signature	Date
(b) (6), (b) (7)(C), (b) (7)(F)	(b) (6), (b) (7)(C), (b) (7)(F)	12/18/2013
Special Agent in Charge	Special Agent in Charge Signature	Date



Tennessee Valley Authority
Office of the Inspector General

Report of Administrative Inquiry

(b) (6), (b) (7)(C)

MAINTENANCE SUPERVISOR
FOSSIL POWER GROUP
BULL RUN FOSSIL PLANT
EMPLOYEE MISCONDUCT -
MISCELLANEOUS
OIG FILE NO. 1H-15276



Tennessee Valley Authority
Office of the Inspector General

EXECUTIVE SUMMARY

(b) (6), (b) (7)(C)
MAINTENANCE SUPERVISOR
FOSSIL POWER GROUP
OIG FILE NO. 1H-15276

This investigation was initiated after the Office of the Inspector General (OIG) received an allegation that (b) (6), (b) (7)(C), Maintenance Supervisor, improperly received a monetary loan from a subordinate. Our investigation revealed that (b) (6), (b) (7)(C) received loans totaling approximately \$4,400 from this employee. Additionally, two other TVA employees gave (b) (6), (b) (7)(C) a total of \$550 to purchase discounted firearms they did not receive.

The Standards of Ethical Conduct describes a gift as anything of value including goods, services, meals, entertainment, transportation, and loans not available to the public. The policy advises employees not to ask for or accept any gift from a subordinate or an employee who is paid less than them. Further, 5 C.F.R. 2635.702, Use of Public Office for Private Gain, states, "An employee shall not use or permit the use of Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity." It is the opinion of the TVA Ethics Program Manager that the loan arrangements entered into by (b) (6), (b) (7)(C) and his subordinates implicate a violation of 5 C.F.R. 2635.702.

TVA's Ethics Program Manager further opined that both the monetary loans and purchasing of discounted firearms for plant employees would call (b) (6), (b) (7)(C) impartiality into question from the perspective of a reasonable person with knowledge of the relevant facts. As such, the provisions of 5 C.F.R. 2635.501 (Impartiality of Performing Official Duties) would also be implicated. The TVA Code of Conduct also includes language providing that TVA managers have a general obligation to act impartially and avoid situations in which an employee or contractor within their scope of supervision or oversight reasonably could be perceived as receiving an unfair advantage, such as because of a romantic, financial, or other personal relationship. It is the opinion of the TVA Ethics Program Manager that a personal loan could certainly create such issues.



Tennessee Valley Authority
Office of the Inspector General

November 6, 2013

GARY D. FORD, OSA 1D-M

(b) (6), (b) (7)(C)
MAINTENANCE SUPERVISOR
FOSSIL POWER GROUP
BULL RUN FOSSIL PLANT
EMPLOYEE MISCONDUCT –
MISCELLANEOUS
OIG FILE NO. 1H-15276

We have completed our investigation of an allegation that (b) (6), (b) (7)(C) received a loan from a subordinate.

BACKGROUND

In July 2013, the OIG received information that (b) (6), (b) (7)(C) received over \$5,000 from an employee and is refusing to pay him back. The employee will be retiring in October 2013 and does not think he will ever get his money. The supervisor continues to tell the employee different stories of when he is going to pay him, but he never does. Our investigation revealed that (b) (6), (b) (7)(C) started borrowing money from this employee approximately three years ago. From April 2012 until May 2013, (b) (6), (b) (7)(C) again solicited monetary loans from the TVA employee, whom he occasionally supervised. (b) (6), (b) (7)(C) was experiencing financial difficulties and needed money for his personal use. The employee explained that he made a number of loans to (b) (6), (b) (7)(C) totaling \$4,400. (b) (6), (b) (7)(C) admitted borrowing the money and allowing the employee to leave work during work hours to get the money.

Also, two other Bull Run Fossil Plant employees gave (b) (6), (b) (7)(C) money to purchase discounted weapons. (b) (6), (b) (7)(C) initiated this arrangement with these employees. (b) (6), (b) (7)(C) also supervised one of these employees. (b) (6), (b) (7)(C) admitted to using this money to make payments on his personal loans instead of buying the weapons.

(b) (6), (b) (7)(C) advised he repaid the loans in September 2013 because he knew he was being investigated.

FINDINGS

The Standards of Ethical Conduct describes a gift as anything of value including goods, services, meals, entertainment, transportation, and loans not available to the public. The policy advises employees not to ask for or accept any gift from a subordinate or an employee who is paid less than them. Further, 5 C.F.R. 2635.702, Use of Public Office for Private Gain, provides, "An employee shall not use or permit the use of Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity." The loan arrangements entered into by (b) (6), (b) (7)(C) and his subordinates appear to violate 5 C.F.R.2635.702.

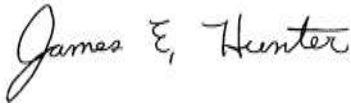
The monetary loans and the purchasing of discounted firearms for plant employees would call (b) (6), (b) (7)(C) impartiality into question from the perspective of a reasonable person with knowledge of the relevant facts. As such, the provisions of 5 C.F.R. §2635.501 (Impartiality of Performing Official Duties) would also be implicated. The TVA Code of Conduct also includes language providing that TVA managers have a general obligation to act impartially and avoid situations in which an employee or contractor within their scope of supervision or oversight reasonably could be perceived as receiving an unfair advantage, such as a romantic, financial, or other personal relationship. A personal loan could certainly create such issues.

RECOMMENDATIONS

TVA management should confer with TVA DAEO or TVA Ethics staff and coordinate any appropriate disciplinary action and management response to this report.

We would appreciate being informed within 30 days of your determination of what action is appropriate on the basis of our report. In addition, if you decide to take documented action in this matter, we would appreciate your sending a copy of the relevant information to this office for our file.

This report has been designated "TVA Restricted" in accordance with TVA-SPP-12.02, TVA Information Management Policy. Accordingly, it should not be disclosed further without the prior approval of the Inspector General or his designee. In addition, no redacted version of this report should be distributed without notification to the Inspector General of the redactions that have been made.



for

Paul B. Houston
Assistant Inspector General
(Investigations)
ET 4C-K

CASE CLOSING

File Number: 02A14108
Subject Name: (b) (6), (b) (7)(C)
Location: Chattanooga Office Complex / Bellefonte Nuclear Site
Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)
Date Opened: August 9, 2011
Date Closed: 01/23/2013

Basis for Investigation: This investigation was initiated after the Office of the Inspector General (OIG) received information from the Employee Concerns Program (ECP) at the Bellefonte Nuclear Construction Site (BLN) alleging that three staff augmented contractors, as a result of a protected activity, were subjected to harassment, intimidation, and retaliation by a TVA manager. As a result, the manager was subsequently removed from the site and his nuclear access revoked at BLN.

Findings: Our investigation determined that sufficient evidence exists to support inappropriate conduct on the part of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) when they initiated the termination of (b) (6), (b) (7)(C) employment as a staff augmented contractor with TVA. This inappropriate conduct was in retaliation against (b) (6), (b) (7)(C) for reporting safety violations to BLN ECP rather than going to Facilities' management. (b) (6), (b) (7)(C) reporting to BLN ECP constituted a protected activity.

Our investigation further revealed that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) violated TVA policies.

Based on the findings of our investigation, we recommend:

- Action be taken against (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) in accordance with TVA-SPP-11.3.16.
- Additional training be given to the Facilities group--employees and contractors--regarding TVA's intimidation/harassment policies, to include emphasizing the appropriate and acceptable avenues for reporting workplace concerns.

Report to management: Yes No

Prosecutive status: Accepted Declined Not referred

Basis for closing: Allegation unsubstantiated Management response

Comments: TVA Management responded as follows:

“After review of the information provided and discussions with line management, both (b) (6), (b) (7)(C) (Trades and Labor foreman) and (b) (6), (b) (7)(C) (manager) have been issued five day suspensions for inappropriate conduct and for not being forthcoming with your agents. A corresponding letter will be placed in their Personnel History Records. The suspensions will occur the week of December 17, 2012. In addition, (b) (6), (b) (7)(C) will be required to communicate lessons learned from this experience with his peers so that such conduct does not occur elsewhere in the Facilities Management organization.

Further, management will provide training to all employees and contractors throughout all of Property & Natural Resources, of which Facilities Management is one piece, regarding TVA’s intimidation and harassment policies, sensitizing all to the appropriate and acceptable avenues for reporting workplace concerns. Due to the geographic dispersion of employees in this organization, we anticipate training to be completed no later than March 31, 2013.”

With no further investigative work to be performed, this matter is ready for closure.

(b) (6), (b) (7)(C), (b) (7)(F) _____ Agent Name	(b) (6), (b) (7)(C), (b) (7)(F) _____ Agent Signature	1/23/2013 _____ Date
(b) (6), (b) (7)(C), (b) (7)(F) _____ Special Agent in Charge	(b) (6), (b) (7)(C), (b) (7)(F) _____ Special Agent in Charge Signature	01/23/2013 _____ Date



**Tennessee Valley Authority
Office of the Inspector General**

Report of Administrative Inquiry

(b) (6), (b) (7)(C)

[REDACTED]

CHATTANOOGA OFFICE COMPLEX

(b) (6), (b) (7)(C)

KNOXVILLE OFFICE COMPLEX
INTIMIDATION & HARASSMENT
OIG FILE NO. 2A-14108



Tennessee Valley Authority
Office of the Inspector General

EXECUTIVE SUMMARY

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

INTIMIDATION & HARASSMENT OIG FILE NO. 2A-14108

This investigation was initiated after the Office of the Inspector General (OIG) received information from the Employee Concerns Program (ECP) at the Bellefonte Nuclear Construction Site (BLN) alleging that three staff augmented contractors, as a result of a protected activity, were subjected to harassment and intimidation by a TVA manager. As a result, the manager was subsequently removed from the site and his nuclear access revoked at BLN.

Our investigation determined that sufficient evidence exists to support inappropriate conduct on the part of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) when they initiated the termination of (b) (6), (b) (7)(C) employment as a staff augmented contractor with TVA. This inappropriate conduct was in retaliation against (b) (6), (b) (7)(C) for reporting safety violations to BLN ECP rather than going to Facilities' management. (b) (6), (b) (7)(C) reporting to BLN ECP constituted a protected activity.

Our investigation further revealed that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) violated TVA policies, and recommendations for action are being made in this report.



Tennessee Valley Authority
Office of the Inspector General

October 22, 2012

Janet C. Herrin, WT 7A-K

(b) (6), (b) (7)(C)

CHATTANOOGA OFFICE COMPLEX

(b) (6), (b) (7)(C)

KNOXVILLE OFFICE COMPLEX
INTIMIDATION & HARASSMENT
OIG FILE NO. 2A-14108

We have completed our investigation of an allegation we received from the BLN ECP alleging that three staff augmented contractors were subjected to harassment and intimidation as a result of a protected activity. Following is a summary of our investigation for management's consideration.

BACKGROUND

In March 2011, BLN management had (b) (6), (b) (7)(C) Mechanic Foreman, removed from the BLN site for threatening three of his staff augmented contractors with physical violence and for violation of safety procedures. The threatened individuals were (b) (6), (b) (7)(C) System Mechanic; (b) (6), (b) (7)(C) System Mechanic & Temporary Dual Rate Foreman; and (b) (6), (b) (7)(C) System Mechanic. (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) were contracted to TVA through (b) (6), (b) (7)(C) and were assigned to the BLN site to perform work for (b) (6), (b) (7)(C) Nuclear Support Manager. (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) were supervised through the Facilities group.

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) initially reported the incidents involving (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) suggested they also present their complaint to (b) (6), (b) (7)(C), Employee Concern (b) (6), (b) (7)(C) at BLN. After receiving the complaint, (b) (6), (b) (7)(C) immediately addressed the issue with the BLN Site Director. (b) (6), (b) (7)(C) was subsequently removed from the site and his nuclear access revoked at BLN. As a result, (b) (6), (b) (7)(C), Facilities Manager, came to the site to meet with (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C). In the meeting, (b) (6), (b) (7)(C) told the staff augmented contractors that they should have come to him first with their issues rather than going to ECP.

A short time after their meeting with (b) (6), (b) (7)(C), a new (b) (6), (b) (7)(C) Mechanic Foreman, (b) (6), (b) (7)(C) was assigned to supervise (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) at BLN. In addition, (b) (6), (b) (7)(C) Temporary Dual Rate Foreman status was removed.

In July 2011, (b) (6), (b) (7)(C) was reassigned to the Chattanooga Office Complex (COC) to assist their (b) (6), (b) (7)(C) group which was supervised by (b) (6), (b) (7)(C). While at the COC, (b) (6), (b) (7)(C) was subjected to significant harassment from (b) (6), (b) (7)(C), as well as other coworkers who were friends with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) family was threatened, his racial heritage was maligned, and he was threatened with violence both directly and indirectly.

In August 2011, (b) (6), (b) (7)(C) contacted BLN ECP advising that he had been fired because the contract firm no longer needed his services. Ultimately, (b) (6), (b) (7)(C) was terminated due to a protected activity in which (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) were doing exactly what Nuclear and ECP say should be done, which is reporting safety concerns on TVA sites.

INVESTIGATIVE SUMMARY

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were not truthful in their initial statements with the OIG when they stated (b) (6), (b) (7)(C) was terminated because of a slowdown in work at the COC. In his second interview with the OIG, (b) (6), (b) (7)(C) admitted to initiating the termination of (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) learned that (b) (6), (b) (7)(C) had been continuing to communicate with BLN ECP. (b) (6), (b) (7)(C) also advised that (b) (6), (b) (7)(C) was aware of the impending termination of (b) (6), (b) (7)(C) and participated by contacting (b) (6), (b) (7)(C) and informing them that (b) (6), (b) (7)(C) was terminating (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) did not want to see (b) (6), (b) (7)(C) back on another TVA job. As (b) (6), (b) (7)(C) line supervisors, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) retaliated against (b) (6), (b) (7)(C) by terminating his employment with TVA as a staff augmented contractor because (b) (6), (b) (7)(C) reported safety violations to BLN ECP rather than coming to them; (b) (6), (b) (7)(C) reporting to BLN ECP constituted a protected activity.

FINDINGS

Sufficient evidence exists to support inappropriate conduct on the part of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) when they initiated the termination of (b) (6), (b) (7)(C) employment as a staff augmented contractor with TVA. This inappropriate conduct was in retaliation against (b) (6), (b) (7)(C) for reporting safety violations to BLN ECP rather than going to Facilities' management. (b) (6), (b) (7)(C) reporting to BLN ECP constituted a protected activity. Our findings are supported by the following statements.

Statements by (b) (6), (b) (7)(C)

During (b) (6), (b) (7)(C)' first interview with the OIG, (b) (6), (b) (7)(C) stated the decision to move (b) (6), (b) (7)(C) to the COC was made by himself and (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that work was slowing down at BLN, so he and (b) (6), (b) (7)(C) decided to transfer (b) (6), (b) (7)(C) to the COC; (b) (6), (b) (7)(C) reported directly to (b) (6), (b) (7)(C) while he was assigned to the COC.

- While at the COC, (b) (6), (b) (7)(C) advised he was aware that some of the other workers under his supervision were aggravating (b) (6), (b) (7)(C) and maligning (b) (6), (b) (7)(C) racial heritage by calling him names like "Burrito." (b) (6), (b) (7)(C) also stated he had heard some of (b) (6), (b) (7)(C) coworkers talking about getting (b) (6), (b) (7)(C) fired from TVA.
- (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was let go from TVA because "the work ran out." (b) (6), (b) (7)(C) claimed he spoke with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) did not have any work at BLN for (b) (6), (b) (7)(C), so (b) (6), (b) (7)(C) was released. (b) (6), (b) (7)(C) also advised that (b) (6), (b) (7)(C) was not involved with the release of (b) (6), (b) (7)(C)

During (b) (6), (b) (7)(C)' second interview with the OIG (b) (6), (b) (7)(C) stuck to his statement that it had been the decision of himself and (b) (6), (b) (7)(C) to transfer (b) (6), (b) (7)(C) to the COC. (b) (6), (b) (7)(C) added they did not transfer (b) (6), (b) (7)(C) to the COC with the intention of releasing (b) (6), (b) (7)(C) from employment with TVA.

- (b) (6), (b) (7)(C) stated that after (b) (6), (b) (7)(C) had been transferred to the COC, (b) (6), (b) (7)(C) received a call from (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had been going to ECP again. (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) what he was going to do, and (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that he ((b) (6), (b) (7)(C)) did not want a troublemaker working for him.
- (b) (6), (b) (7)(C) advised that after he finished talking to (b) (6), (b) (7)(C), he called (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), and told him that (b) (6), (b) (7)(C) had been going to ECP again. According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) what he was going to do about it. (b) (6), (b) (7)(C) stated he told (b) (6), (b) (7)(C) that he was going to "send Cruz to the shop" ((b) (6), (b) (7)(C) clarified that this meant releasing (b) (6), (b) (7)(C) from employment with TVA). According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that he "better be damn sure." (b) (6), (b) (7)(C) stated he told (b) (6), (b) (7)(C) that he ((b) (6), (b) (7)(C)) was finished with (b) (6), (b) (7)(C) and that (b) (6), (b) (7)(C) did not want a troublemaker like (b) (6), (b) (7)(C) around his group.
- According to (b) (6), (b) (7)(C), while (b) (6), (b) (7)(C) was still on the phone with (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) called (b) (6), (b) (7)(C) on another phone ((b) (6), (b) (7)(C) could only hear (b) (6), (b) (7)(C)' side of the conversation). According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) told the person from (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was sending (b) (6), (b) (7)(C) back to (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) did not want to see (b) (6), (b) (7)(C) back on another TVA job.
- (b) (6), (b) (7)(C) admitted that his group was working additional hours (overtime) before (b) (6), (b) (7)(C) was let go, and they continued working additional hours after (b) (6), (b) (7)(C) was released, so the work had really not slowed down.

- (b) (6), (b) (7)(C) told agents that (b) (6), (b) (7)(C) was very upset with (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) for going to the BLN ECP. (b) (6), (b) (7)(C) stated that after the first time they went to ECP, (b) (6), (b) (7)(C) wanted to lay all three of them off. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) also talked about splitting the three of them up. According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) was going to send someone from the COC to BLN and bring either (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) to the COC. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) told him that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were “troublemakers.”

Statements by (b) (6), (b) (7)(C)

Regarding (b) (6), (b) (7)(C) release from employment as a contractor with TVA, (b) (6), (b) (7)(C) told OIG agents that he was not aware that (b) (6), (b) (7)(C) was released from employment with TVA until after (b) (6), (b) (7)(C) was already gone. (This is contradicted by (b) (6), (b) (7)(C)' statement that (b) (6), (b) (7)(C) made the phone call to (b) (6), (b) (7)(C) informing them that (b) (6), (b) (7)(C) did not want to see (b) (6), (b) (7)(C) on another TVA job.)

Statements by (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) advised that after (b) (6), (b) (7)(C) had finished meeting with (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) (regarding the incident with (b) (6), (b) (7)(C)), (b) (6), (b) (7)(C) had evidently told (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) not to go to (b) (6), (b) (7)(C) or BLN ECP with their questions or issues; instead they were to go to (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that when he spoke with (b) (6), (b) (7)(C) a short time later, (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that if someone had a concern they had the right to go to their supervisor or ECP. (b) (6), (b) (7)(C) stated he also told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) should not have told (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) that they could not go to ECP.

TVA POLICIES & PROCEDURES

TVA-SPP-11.8.4, Expressing Concerns and Differing Views, states “TVA encourages the voluntary expression of concerns and differing views. Employees, contractors, and others who support TVA functions are encouraged to express concerns and differing views, cooperate, and participate in the investigation of concerns and in the development of concern resolution without fear of reprisal, thus furthering the employees’ fulfillment of duties, productive efforts, observance of standards and a safety conscious work environment.”

TVA-SPP-11.8.5, Cooperation with the Office of the Inspector General, states “as a condition of employment with TVA, employees are required to cooperate with any OIG audit, investigation, special project, or other activity performed by the OIG if requested to do so.”

TVA-SPP-11.3.16, Employee Discipline, states “incidents of intimidation/harassment of any nature are strictly prohibited.” Individuals who engage in any form of intimidation/harassment will be subject to disciplinary action ranging from a written warning up to and including termination from TVA employment.

REMARKS

In accordance with our procedures, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were given an opportunity to comment on a draft copy of this report. At the request of (b) (6), (b) (7)(C), he was given an extension to comment on draft report. (b) (6), (b) (7)(C) comments are attached. (b) (6), (b) (7)(C) [REDACTED], will be representing (b) (6), (b) (7)(C) in this matter. (b) (6), (b) (7)(C) did not comment on draft report.

RECOMMENDATIONS

The evidence indicates that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) acted in violation of:

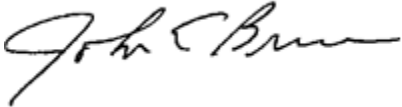
- TVA-SPP-11.8.4 by telling (b) (6), (b) (7)(C) not to report safety violations through the BLN ECP, and
- TVA-SPP-11.8.5 by not being forthcoming and truthful with agents on their initial interviews.

Based on the findings of our investigation, we recommend:

- Appropriate action be taken against (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) in accordance with TVA-SPP-11.3.16.
- Additional training be given to the Facilities group--employees and contractors--regarding TVA's intimidation/harassment policies, to include emphasizing the appropriate and acceptable avenues for reporting workplace concerns.

We would appreciate being informed within 30 days of your determination of what action is appropriate on the basis of our report. In addition, if you decide to take documented action in this matter, we would appreciate your sending a copy of the relevant information to this office for our file.

This report has been designated "TVA Restricted" in accordance with TVA-SPP-12.02, TVA Information Management Policy. Accordingly, it should not be disclosed further without the prior approval of the Inspector General or his designee. In addition, no redacted version of this report should be distributed without notification to the Inspector General of the redactions that have been made.

A handwritten signature in black ink, appearing to read "John E. Brennan". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John E. Brennan
Assistant Inspector General
(Investigations)
ET 4C-K

CASE CLOSING

File Number: Case File 02D14693
Subject Name: (b) (6), (b) (7)(C)
Location: North Alabama/Browns Ferry Nuclear Plant
Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)
Date Opened: 7/23/2012
Date Closed: March 20, 2013

Basis for Investigation: Attorneys for (b) (6), (b) (7)(C) filed a DOL OSHA complaint, Section 211 of the Energy Reorganization Act against TVA for a pattern of retaliation because employee engaged in activities protected under the act. TVA employee (b) (6), (b) (7)(C) BFN, was retaliated against by TVA Management when (b) (6) refused to change the results and findings on a root cause analysis of safety problems that included policy failures and mechanical problems.

Findings: In an email correspondence with (b) (6), (b) (7)(C) attorney (b) (6), (b) (7)(C) on September 10, 2012, (b) (6), (b) (7)(C) advised OIG TVA Special Agent (b) (6), (b) (7)(C), (b) (7)(F) that (b) (6), (b) (7)(C) complaint is under investigation by the U.S. Department of Labor/Occupational Safety & Health Administration (DOL/OSHA), and that (b) (6), (b) (7)(C) respectfully declines to be interviewed by the OIG.

On October 18, 2012, the DOL/OSHA completed their investigation of (b) (6), (b) (7)(C) complaint against TVA Browns Ferry Nuclear Plant (BFN) under the employee protection provisions of section 211 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C 5851. (b) (6), (b) (7)(C) alleged being discriminated against by receiving a low performance appraisal in reprisal for voicing concerns related to potential violations of the above referenced Act(s).

The DOL/OSHA dismissed the complaint based on the Complainant (b) (6), (b) (7)(C) has not been subject to any adverse action in the form of disciplinary actions, threatened with termination, denied leave or any other tangible change in (b) (6) employment status or (b) (6) benefits that could be viewed as a hostile environment.

Based on the DOL/OSHA investigation and finding of this matter it is recommended this case be closed.

Report to management: Yes No
Prosecutive status: Accepted Declined Not referred
Basis for closing: Allegation unsubstantiated Management response

Comments: Close Case

(b) (6), (b) (7)(C), (b) (7)(F)	(b) (6), (b) (7)(C), (b) (7)(F)	02/25/2013
_____ Agent Name	_____ Agent Signature	_____ Date
(b) (6), (b) (7)(C), (b) (7)(F)	(b) (6), (b) (7)(C), (b) (7)(F)	3/20/13
_____ Special Agent in Charge	_____ Special Agent in Charge Signature	_____ Date

(b)
300605

CASE CLOSING

File Number: 06M-14945
Subject Name: Unknown Subject (b) (6), (b) (7)(C). Complaint
Location: Lenoir City, TN
Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)
Date Opened: 1/8/2013
Date Closed: 2/25/2013

Basis for Investigation: (b) (6), (b) (7)(C), TVA employee who waived confidentiality, alleged someone, possibly his supervisor, (b) (6), (b) (7)(C), had made anonymous calls, pretending to be (b) (6), (b) (7)(C) deceased mother and cancelled (b) (6), (b) (7)(C) appointment at an emotional health and recovery center. (b) (6), (b) (7)(C) was concerned that his supervisor was attempting to cause (b) (6), (b) (7)(C) to lose his job, and he was concerned that information was leaked to his management regarding his appointment date and location.

Findings: Four overall issues surfaced in this matter: (1) the fact (b) (6), (b) (7)(C) mother had been murdered; (2) (b) (6), (b) (7)(C) was referred to EAP by his management, in part because (b) (6), (b) (7)(C) had, admittedly, included the lyrics to a song in a work email that stated, "stop mommy, I won't do it again;" (3) (b) (6), (b) (7)(C) was concerned his management was out to get him, and (4) EAP had cleared (b) (6), (b) (7)(C) to return to work.

Report to management: Yes [X] No []
Prosecutive status: Accepted [] Declined [] Not referred [X]
Basis for closing: Allegation unsubstantiated [] Management response []

Comments: A report was prepared and provided to (b) (6), (b) (7)(C), TVA Psychologist, to ensure he possessed the information obtained by the OIG and to ensure the best possible decisions could be made in protecting the complainant and the safety and security of all TVA employees. No response was requested from (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C), (b) (7)(F)
Agent Name Agent Signature Date 2/25/2013

(b) (6), (b) (7)(C), (b) (7)(F)
Special Agent in Charge Special Agent in Charge Signature Date 2/25/13



TVA RESTRICTED INFORMATION

Tennessee Valley Authority
Office of the Inspector General

February 20, 2013

G. Gary Leigh, BR 3B-C

(b) (6), (b) (7)(C)
FORT LOUDON DAM
LENOIR CITY, TENNESSEE
PERSONNEL MATTERS - MISCELLANEOUS
OIG FILE NO. 6M-14945

This investigation was initiated based upon the receipt of an EmPowerline complaint from (b) (6), (b) (7)(C), who alleged his manager had committed an action in an attempt to cause (b) (6), (b) (7)(C) to be terminated from his TVA employment. On or about January 10, 2013, (b) (6), (b) (7)(C) contacted the Office of the Inspector General (OIG) EmPowerline to complain essentially that his supervisor, (b) (6), (b) (7)(C) had made anonymous calls to the (b) (6), (b) (7)(C) Hospital Emotional Health and Recovery Center and passed himself off as (b) (6), (b) (7)(C) mother in order to cause (b) (6), (b) (7)(C) to be terminated from his TVA employment.

Our investigation revealed that someone did call the recovery center, represented themselves as the mother of (b) (6), (b) (7)(C) and cancelled his scheduled appointment. However, no determination could be made as to the identity of the caller. The details of this matter are as follows.

In his call to the EmPowerline, (b) (6), (b) (7)(C) related essentially the following:

In 2009 (exact month unknown), an anonymous individual called (b) (6), (b) (7)(C) work location several times and made several false accusations against him. (b) (6), (b) (7)(C) said the unknown individual accused him of using drugs, drinking alcohol, destruction of company property and other issues. (b) (6), (b) (7)(C) said the unknown individual was attempting to cause his termination. (b) (6), (b) (7)(C) said detective (b) (6), (b) (7)(C), (b) (7)(F), TVA Police Investigations, removed (b) (6), (b) (7)(C) from the workplace and investigated the accusations as well as the phone calls. (b) (6), (b) (7)(C) said he was cleared of the accusations and returned to work. (b) (6), (b) (7)(C), (b) (7)(F) had instructed management to transfer to him any further anonymous calls about (b) (6), (b) (7)(C). (Note: (b) (6), (b) (7)(C), (b) (7)(F) was contacted and advised he had no memory of this event, or records to support or refute this reported incident).

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TVA RESTRICTED INFORMATION

In November and December 2012 (exact days unknown), the Employee Assistance Program (EAP) evaluated (b) (6), (b) (7)(C) over concerns of his behavior at work. (b) (6), (b) (7)(C) said the EAP determined that he experienced undue stress over his mother's death in September 2012. (b) (6), (b) (7)(C) said the concerns involved a driving under the influence of alcohol arrest as well as inappropriate notes he added to a work e-mail. (b) (6), (b) (7)(C) said he added the word "stupid" several times on an e-mail regarding a work order. (b) (6), (b) (7)(C) said he/she included song lyrics that mentioned "stop mommy, I won't do it again."

On December 17, 2012, doctor (first name unknown) Brown referred (b) (6), (b) (7)(C) to the (b) (6), (b) (7)(C) Clinic for an outpatient program. (b) (6), (b) (7)(C) spoke to (b) (6), (b) (7)(C), PRN Care Manager/Licensed Clinical Social Worker, (b) (6), (b) (7)(C) Hospital Emotional Health and Recovery Center, and setup an appointment for a December 18, 2012, evaluation. On December 18th, an unknown individual called (b) (6), (b) (7)(C) claiming to be (b) (6), (b) (7)(C) mother and cancelled the appointment. The individual told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) would re-schedule the appointment at a later time. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was unaware of his mother's death. On December 19th, Claire (last name unknown) notified (b) (6), (b) (7)(C) about the cancelled appointment. Claire re-scheduled another appointment after (b) (6), (b) (7)(C) clarified that he was unaware of the previous phone call. (b) (6), (b) (7)(C) suspected the same individual that made false accusations about him had also called to cancel the appointment. (b) (6), (b) (7)(C) suspected his supervisor, (b) (6), (b) (7)(C), made anonymous calls and passed himself off as (b) (6), (b) (7)(C) mother. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) wanted to take his job position. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) had worked with him during both episodes and was aware of his medical information.

(b) (6), (b) (7)(C) said he did not report his concern to upper management or human resources because he was concerned about losing his employment.

On January 7, 2013, Senior Special Agent (SSA) (b) (6), (b) (7)(C), (b) (7)(F) OIG telephonically contacted (b) (6), (b) (7)(C), regarding this matter. SSA (b) (6), (b) (7)(C) explained to (b) (6), (b) (7)(C) that his complaint had been reviewed, and the OIG wanted to ensure the complaint was fully understood, and what (b) (6), (b) (7)(C) wanted the OIG to do in regards to the complaint. SSA (b) (6), (b) (7)(C) noted to (b) (6), (b) (7)(C) that it appeared the central issue was some unidentified person had contacted the clinic where (b) (6), (b) (7)(C) was scheduled for an appointment, portraying (b) (6), (b) (7)(C) mother, who is deceased, and attempted to cancel (b) (6), (b) (7)(C) appointment. (b) (6), (b) (7)(C) was not sure, but thought the person who pretended to be his mother was his supervisor, (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) acknowledged those were the facts he had presented. (b) (6), (b) (7)(C) stated that he was not sure who had made the call, but suspected it may have been (b) (6), (b) (7)(C), or another co-worker, (b) (6), (b) (7)(C). Or, it may have been neither of them.

SSA [REDACTED] noted that [REDACTED] had made this complaint to the OIG, and said he did not report his concern to upper management or human resources because he was concerned about losing his employment. He was asked what he expected the OIG to do about the situation. [REDACTED] replied that he believed that someone, and specifically named [REDACTED] (Note: [REDACTED] is a manager of the contracted EAP program), had inappropriately provided EAP information regarding the instructions for [REDACTED] to contact the clinic, and then someone, possibly [REDACTED] or [REDACTED], called to cancel his appointment. The significance of the cancelled appointment would have caused [REDACTED] a breach of agreement with the TVA Outreach Program that could have caused his termination.

[REDACTED] noted that previously, in regards to the TVA police investigation conducted by [REDACTED] that someone made phone calls posing as his ex-wife, and he had never been married.

In order for the OIG to develop information, [REDACTED] agreed to waive his confidentiality.

[REDACTED] was advised that SSA [REDACTED] would brief OIG management regarding his request and would get back to him in a few days. He noted that he was seeing his psychiatrist as an outpatient, whom he identified as [REDACTED], and noted the best time to reach him via his cell phone was before noon.

SSA [REDACTED] requested assistance from [REDACTED], Non-Nuclear Fitness for Duty (FFD) & EAP, Human Resources, to coordinate with [REDACTED] to provide information regarding three questions. Subsequently, [REDACTED] provided the following answers to the questions she asked [REDACTED]

1. Were you involved in arranging for [REDACTED] to receive counseling at a [REDACTED] clinic on or about December 18, 2012? Can you provide a point of contact name and number for that clinic? Are you aware of any individual at that clinic named [REDACTED]?

[REDACTED] was referred to [REDACTED] by [REDACTED]. The EAP asked him to call and setup an appointment and call back with appointment time. My contact at [REDACTED] is [REDACTED] Counselor, Emotional Health and Recovery Center.

2. Did you inform [REDACTED] TVA manager, [REDACTED], or anyone else of [REDACTED] December appointment at the [REDACTED] Clinic? If so, identify.

No. I did not report [REDACTED] appointment to [REDACTED]; however, I did report his appointment to the FFD department. (Note: [REDACTED] advised SSA [REDACTED] that her office did not advise TVA management of appointments or schedules, and had not done so in the case of [REDACTED] appointments).

3. Can you provide as much detail as possible concerning your knowledge regarding a female allegedly calling the clinic to cancel (b) (6), (b) (7)(C) scheduled December appointment, and identify individual(s) who have knowledge of the call?

On December 18, 2013, (b) (6), (b) (7)(C) contacted the EAP to report that he had an appointment with (b) (6), (b) (7)(C) on December 19, 2012. On December 19th, I contacted (b) (6), (b) (7)(C) to discuss intake procedure and to send needed paperwork. I was informed at that time the appointment had been cancelled previously that day. On January 4, 2013, (b) (6), (b) (7)(C) progress was discussed with his primary counselor. The primary counselor asked if TVA has reports of an ex-girlfriend of (b) (6), (b) (7)(C) contacting TVA and reporting dangerous behavior. (b) (6), (b) (7)(C) also reported to the counselor that an ex-girlfriend was causing problems for him and that she cancelled his initial appointment with (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) also noted that (b) (6), (b) (7)(C) mother had been murdered.

(b) (6), (b) (7)(C) was contacted and advised the OIG was conducting a preliminary investigation regarding a complaint by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was asked to relay the facts of the cancellation as he knew them. (b) (6), (b) (7)(C) said the only thing he knew of the cancellation was what (b) (6), (b) (7)(C) had told him, which was someone had called claiming to be his (b) (6), (b) (7)(C) mother, and cancelled his December 19, 2012, appointment. (b) (6), (b) (7)(C) related that (b) (6), (b) (7)(C) had actually taken the call. (b) (6), (b) (7)(C) had advised (b) (6), (b) (7)(C) of the call, and noted it was a woman who called.

(b) (6), (b) (7)(C) was contacted telephonically regarding her receipt of a telephone call from someone who cancelled the appointment of (b) (6), (b) (7)(C) at the recovery center. (b) (6), (b) (7)(C) advised that on the day of (b) (6), (b) (7)(C) appointment, about December 19, 2012, she answered a telephone call from an apparent female who identified herself as the mother of (b) (6), (b) (7)(C). The call occurred about 12:30-1 p.m. of the day of (b) (6), (b) (7)(C) scheduled appointment, which was at 2 p.m. The caller remarked to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) needed to reschedule the appointment for some time after the first of the year and he would need to talk to his supervisor about Family Medical Leave. The program that (b) (6), (b) (7)(C) was to be involved with was a program of 2-4 week duration from 9 a.m.–3 p.m. each day, and it would apparently affect his job. (b) (6), (b) (7)(C) appointment of December 19, 2012, was to get an assessment to ascertain the level of care. (b) (6), (b) (7)(C) showed up for the December 19TH, appointment with no apparent awareness his appointment had been cancelled. (b) (6), (b) (7)(C) advised she had no additional information to provide. There was no recording of the call or documented number of the telephone used to call the center.

A review of (b) (6), (b) (7)(C) personnel security file revealed the following:

(b) (6), (b) (7)(C)

Internet site, apparently in regards to (b) (6), (b) (7)(C) death:

(b) (6), (b) (7)(C)

On February 8, 2013, (b) (6), (b) (7)(C) advised SSA (b) (6), (b) (7)(C) that that EAP had cleared (b) (6), (b) (7)(C) to return to work and he was now back at his job. She did not know whether TVA management had made a decision regarding administrative actions concerning (b) (6), (b) (7)(C).

On February 11, 2013, SSA [REDACTED] contacted [REDACTED] and advised him that the OIG had concluded a preliminary investigation. As a result, there was no indication that [REDACTED] informed anyone in TVA management, other than EAP, of the appointment; and, there was no evidence the call was made by or directed by TVA management or associates. The OIG has documented the incident and that information will be retained in OIG files should additional information surface. [REDACTED] was requested to contact the EmPowerline should he require further assistance.

This report is being provided for your information and use as you deem appropriate.

This report has been designated "TVA Restricted" in accordance with TVA Business Practice 29, Information Security. Accordingly, it should not be disclosed further without the prior approval of the Inspector General or his designee. In addition, no redacted version of this report should be distributed without notification to the Inspector General of the redactions that have been made.



John E. Brennan
Assistant Inspector General
(Investigations)
ET 4C-K

cc: OIG File No. 6M-14945

CASE CLOSING

File Number: 6M-15280
Subject Name: TVA Management
Location: Chattanooga, TN
Special Agent:
Date Opened: 07/15/2013
Date Closed: 09/05/2013

Basis for Investigation: (b) (6), (b) (7)(C) was terminated by (b) (6), (b) (7)(C) in 2013. Weeks after (b) (6), (b) (7)(C) was terminated, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) at his home in (b) (6), (b) (7)(C). According to (b) (6), (b) (7)(C), he received a very good performance review in the beginning of 2013. He was surprised with his termination. He was told it was a budget decision made by (b) (6), (b) (7)(C) and agreed to by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said he was not allowed to go through his belongs in his office. TVA did that for him. He was appalled with the way in which he was terminated. He reasoned that others in TVA would also be appalled with the way (b) (6), (b) (7)(C) was terminated (lowering (b) (6), (b) (7)(C) management morale).

Findings: (b) (6), (b) (7)(C) perception of the "how" he was terminated is different from that of (b) (6), (b) (7)(C).

Report to management: Yes [] No [x]

Prosecutive status: Accepted [] Declined [] Not referred [x]

Basis for closing: Allegation unsubstantiated [] Management response []

Comments:

Agent Name: (b) (6), (b) (7)(C), (b) (7)(F)
Agent Signature: (b) (6), (b) (7)(C), (b) (7)(F)
Date: 09/05/2013

Special Agent in Charge: (b) (6), (b) (7)(C), (b) (7)(F)
Special Agent in Charge Signature: (b) (6), (b) (7)(C), (b) (7)(F)
Date: 10/1/13

CASE CLOSING

File Number: 17A-14875
Subject Name: Open Meetings Issue Board of Directors (Sunshine Act)
Location: Knoxville, TN
Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)
Date Opened: 11/8/2012
Date Closed: 05/08/2013

Basis for Investigation: This investigation was initiated after the OIG received a complaint alleging the TVA Board of Directors failed to give proper notice as required by the Government in the Sunshine Act when the Board selected William D. (Bill) Johnson as TVA's President and Chief Executive Officer (CEO).

Findings: The Sunshine Act requires public meetings by an executive agency be open to the public. However, the District of Columbia, U.S. Appellate Court, has held that notational voting does not constitute a meeting and is not proscribed by the Sunshine Act. The Board followed notational procedure by not discussing the candidates' qualifications or otherwise deliberating with one another about the selection. The evidence indicates the Board did not violate the Sunshine Act.

Report to management: Yes No
Prosecutive status: Accepted Declined Not referred
Basis for closing: Allegation unsubstantiated Management response

Comments:

(b) (6), (b) (7)(C), (b) (7)(F)

(b) (6), (b) (7)(C), (b) (7)(F)
Agent Name Agent Signature Date
05/08/2013

(b) (6), (b) (7)(C), (b) (7)(F)

(b) (6), (b) (7)(C), (b) (7)(F)
Special Agent in Charge Special Agent in Charge Signature Date
5/8/13

(b)
310413



**Tennessee Valley Authority
Office of the Inspector General**

Report of Administrative Inquiry

**INQUIRY INTO ALLEGED
VIOLATION OF THE
GOVERNMENT IN THE SUNSHINE ACT
OIG FILE NO. 17A-14875**



Tennessee Valley Authority
Office of the Inspector General

EXECUTIVE SUMMARY

INQUIRY INTO ALLEGED VIOLATION OF THE GOVERNMENT IN THE SUNSHINE ACT OIG FILE NO. 17A-14875

This investigation was initiated after the Tennessee Valley Authority (TVA) Office of the Inspector General (OIG) received a complaint alleging the TVA Board of Directors (Board) failed to give proper notice as required by the Government in the Sunshine Act (Sunshine Act) when the Board selected William D. (Bill) Johnson as TVA's President and Chief Executive Officer (CEO).

Our investigation found the following:

- The Sunshine Act requires public meetings by an executive agency be open to the public. However, as a legal matter, the prevailing view as indicated by the District of Columbia, U.S. Appellate Court, is that notational voting does not constitute a meeting, and it does not constitute a violation of the Sunshine Act. Furthermore, because notational voting does not constitute a meeting as described in the Sunshine Act, notice is not required.
- In selecting a CEO, the Board decided to use the notational process to protect the privacy of applicants and to address the difficulties of obtaining a quorum at that time.
- The evidence developed by our investigation shows the Board followed notational procedure by not discussing the candidates' qualifications or otherwise deliberating with one another about the selection. Board members voted separately.
- Because the Sunshine Act does not prohibit the notational procedure and the evidence demonstrates that the Board properly used that procedure, the Board did not violate the Sunshine Act.



Tennessee Valley Authority
Office of the Inspector General

April 26, 2013

William D. Johnson, WT 7B-K

INQUIRY INTO ALLEGED
VIOLATION OF THE
GOVERNMENT IN THE SUNSHINE ACT
OIG FILE NO. 17A-14875

INVESTIGATIVE BACKGROUND

We have completed our investigation of an allegation regarding the Board's compliance with the Sunshine Act. Specifically, the complainant alleged TVA failed to notify the public of the meeting when the Board voted to select Mr. Johnson and that this constituted a violation of the Sunshine Act found at Title 5, United States Code (USC) § 552b, and as implemented at TVA by Title 18, Code of Federal Regulations (CFR), §§ 1341-1348.

Our investigation included the review of relevant documents and interviews of Board members, TVA staff, and the consultant who assisted the Board in the CEO hiring process. Additionally, the OIG legal staff conducted an independent legal review of the Sunshine Act and notational process.

The evidence supporting our findings is summarized below.

CANDIDATE SELECTION

When Tom Kilgore, former TVA President and CEO, announced he would retire at age 65, the Board started the process of finding a replacement. In July 2012, the Board hired a consultant, Albert L. McAulay, Jr., to conduct a search for candidates to fill the CEO position. Numerous candidates were identified by Mr. McAulay, and ultimately nine candidates were presented to the TVA Board to be interviewed.

A primary concern of the Board upon entering the selection process was to maintain the privacy interests of the candidates. Making the candidates' identities known might jeopardize their current jobs or jobs to which they may have applied. To address the interest in maintaining the confidentiality of the candidates while complying with all laws, regulations, and policies applicable to Board meetings, the Board received advice from the TVA Office of General Counsel (OGC).

Candidates were interviewed by the Board (under the direction of Mr. McAulay) in late September and early October 2012. Not all Board members were present during all the interviews. In an effort to comply with the Sunshine Act, the Board was advised by OGC to not discuss his or her views or impressions of a candidate with other Board members. The evidence indicates that no such discussions occurred.

Board members' impressions of the candidates were given to Mr. McAulay. Through these impressions and one-on-one consultations with Board members, Mr. McAulay narrowed the number of candidates to four and then to one – Mr. Johnson. Bill Sansom, Chairman of the TVA Board; Janet Herrin, TVA Chief Administrative Officer; and Mr. Johnson then discussed compensation. This meeting provided a basis for a future agreement on compensation, and it was decided the Board should vote on whether to hire Mr. Johnson as CEO.

VOTING PROCESS

The Board opted to hold a notational vote. Notational voting refers to the process whereby a governing body votes individually and separately as opposed to a vote taken at a meeting. According to the District of Columbia, U.S. Appellate Court, in the case of *Railroad Commission of Texas v. United States* (1985, App.D.C.) (246 U.S. App.D.C. 352, 763 F.2d 221), the Sunshine Act does not proscribe notational voting. The Court stated that the “Sunshine Act does not require that meetings be held in order to conduct agency business; rather, that statute requires only that, if meetings are held, they be open to the public...” Additionally, a meeting is defined in the Sunshine Act as “the deliberations of at least the number of agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of official agency business...” Because notational voting does not involve deliberations, it is not a meeting under the Sunshine Act; therefore, public notice is not required.

Board members said notational voting was chosen for several reasons. The first was, as stated earlier, to maintain the privacy of the candidates. A second reason was it was believed Mr. Johnson had other job opportunities and that time was of the essence. Finally, it was uncertain whether a quorum of Board members could attend a meeting. A quorum of the Board requires the presence of five members and, at that time, there were only six appointed Board members, making it difficult to ensure a quorum. A Board member acknowledged that for public perception and political reasons, it was preferable to use a more open decision-making process, but circumstances dictated using the notational process.

The notational vote was taken on November 1, 2012. Board members confirmed they followed the TVA Board Practice governing notational approvals. Votes were cast individually, and there is no evidence deliberations occurred. The vote was unanimous in selecting Mr. Johnson as the CEO. The TVA Board Practice – Notational Approvals and the tally sheet are attached as appendices to this report. The Board later confirmed the vote in a public meeting.

FINDINGS

The Sunshine Act requires public meetings by an executive agency be open to the public. However, the District of Columbia, U.S. Appellate Court, has held that notational voting does not constitute a meeting and is not proscribed by the Sunshine Act.

In selecting a CEO, the Board decided to use the notational process in order to protect the applicants' privacy and to address the difficulties of obtaining a quorum at that time. The Board followed notational procedure by not discussing the candidates' qualifications or otherwise deliberating with one another about the selection. Board members voted separately.

Notational procedure is not prohibited by the Sunshine Act, and the Board followed that process. Thus, the evidence indicates the Board did not violate the Sunshine Act.

This report has been designated "TVA Restricted" in accordance with TVA-SPP-12.02, TVA Information Management Policy. Accordingly, it should not be disclosed further without the prior approval of the Inspector General or his designee. In addition, no redacted version of this report should be distributed without notification to the Inspector General of the redactions that have been made.



John E. Brennan
Assistant Inspector General
(Investigations)
ET 4C-K

TVA BOARD PRACTICE – NOTATIONAL APPROVALS

Background

Section 1.7 of the **Bylaws of The Tennessee Valley Authority** provides that the TVA Board may take action by a majority vote of all members, at times other than during a Board meeting, by notational approval by individual Board members, subject to the following requirements:

- Personal notice of the notational item is provided to individual Board members by electronic mail or as otherwise specified by individual Board members;
- Board members have at least seven calendar days within which to submit their individual votes, unless the Board Chairman specifies an earlier deadline (but in no event fewer than three calendar days).

By adopting this **TVA Board Practice**, the TVA Board wishes to set forth supplemental policies, processes, and criteria to govern the notational approval process and to guide and direct management, Board committees, and individual Board members as to how requests for notational approvals are to be handled.

Guiding Principle

The notational approval process is to provide a means by which the Board may take timely and appropriate action on matters between Board meetings. This notational approval process must be carried out in a way that is fully consistent with the Board's responsibility to exercise careful and prudent oversight and their ability to lead TVA with integrity and open and transparent accountability.

Criteria for Notational Approvals

To be eligible for notational consideration by Board members, a proposed action item must meet one or more of the following criteria. The Board Approval Memorandum which transmits any action item for notational approval must designate one or more of these criteria as being applicable and must provide appropriate supporting information to inform the Board as to the basis for such applicability.

1. Time Sensitive

- a. Deadline -- *Example*: An externally-established deadline for TVA action will expire before the date of the next scheduled Board meeting, with no reasonable opportunity for obtaining an extension.
- b. "Fleeting Opportunity" -- *Example*: An uncertain amount of time exists during which TVA will have a chance to take advantage of an opportunity before it is seized by another or otherwise will cease to exist.

- c. Negative Cost/Value Trend -- *Example*: The passage of time will likely cause TVA's costs under the action item to increase or the value to TVA of approving the action item to decrease.

2. Confidential

- a. Individual Privacy -- *Example*: Action item includes personal information about one or more individuals, which either is protected under the Privacy Act, is otherwise exempt from disclosure under the Freedom of Information Act (FOIA), or is otherwise considered sensitive.
- b. Other's Proprietary/Confidential Information -- *Example*: Action item includes information that is proprietary/confidential information of a party other than TVA which is either prohibited from disclosure under the Trade Secrets Act or exempt from disclosure under FOIA. This criteria also would apply to TVA's annual budget submissions to the Administration, because public disclosure of the contents of such submissions is routinely prohibited by order of the President until the President's Budget is submitted to Congress, as well as being exempt from disclosure under FOIA.
- c. TVA's Proprietary/Confidential Information -- *Example*: Action item includes information that TVA considers to be "business sensitive" or to be proprietary/confidential and which would be otherwise exempt from disclosure under FOIA.

3. Not of Material Public Interest

Example: Action item involves subject matter which can be reasonably considered to not be of material interest to members of the public, and consideration and approval of such action item would not be an efficient use of Board time during meetings. This will often be an approval item that is considered routine and noncontroversial, but for some reason (e.g., statutory) requires action by the Board.

Personal Notice to Individual Board Members

The Chief Executive Officer, in consultation with the appropriate Committee Chair when applicable, will assure that a process is in place under which all Board members, to the extent feasible, will be personally notified by nonelectronic or other effective means when any action item which is potentially significant or controversial is being provided to them individually for notational approval.

Pre-voting Review Period

For each action item being proposed for notational approval by the Board, the Chair of the Committee proposing the approval, or the Chairman of the Board in the absence of a Committee recommendation, shall specify the number of calendar days during which individual Board members will have the opportunity to review the proposed action item and make inquiries and/or comments in advance of the date on which notational voting will commence.

In the absence of such a specification, the date on which voting shall commence on a notational approval action item shall be three calendar days after the day on which information on that action item is provided to the individual Board members.

Openness and Transparency

In a manner consistent with the requirements of applicable Federal law, the Chief Executive Officer shall assure that disclosure to the public is made of those action items that have been notationally approved by the Board in at least the following two ways:

1. **Board Meeting Agendas** -- Each action item notationally approved by the Board between Board meetings shall be disclosed and appropriately identified as an "Information Item" on the agenda for the upcoming Board meeting, which is required by the Government in the Sunshine Act to be published in the *Federal Register* at least one week in advance of the meeting.

The Chief Executive Officer, in consultation with the appropriate Committee Chair when applicable, shall further assure that TVA is prepared to respond, in a manner consistent with the limitations of applicable Federal law, to public inquiries about any notational approval item that appears as an "Information Item" on the agenda for a Board meeting.

2. **Board Meeting Minutes** -- Each action item notationally approved by the Board between Board meetings shall be disclosed and appropriately identified in the minutes of the next public Board meeting, which minutes shall be publicly available.

Approved by the Board of Directors of the Tennessee Valley Authority, November 30, 2006.

NOTATIONAL BOARD APPROVAL
(Appointment of New CEO)

WHEREAS the Board has the responsibility under the TVA Act to appoint a person to serve as the Chief Executive Officer (CEO) of TVA taking into consideration relevant qualifications and expertise for the position of CEO as set forth in the TVA Act; and

WHEREAS the Board has engaged in an extensive and thorough nationwide search to identify qualified candidates for the position of CEO of TVA following the announcement by Tom Kilgore, TVA's current President and CEO, of his intended retirement;

BE IT RESOLVED, That the Board hereby approves the appointment of William D. Johnson as President and CEO of TVA effective January 1, 2013, with terms and conditions of employment, including compensation, as agreed to and set forth in the attached offer letter.

RESOLVED further, That the members of the Board, each being familiar with the purposes of this Board action, approve dispensing with formalities regarding Board notification and a pre-voting review period provided for in the TVA Board Practice, Notational Approvals, for this action.

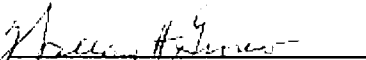
APPROVED BY THE INDIVIDUAL BOARD MEMBERS:

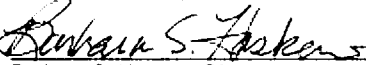

William B. Sansom, Chairman

11/1/2012
Date

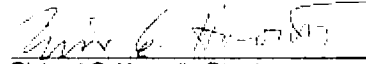
Marilyn A. Brown, Director

Date
11/1/2012
Date



William H. Graves, Director


Barbara S. Haskew, Director

11/1/2012
Date


Richard C. Howorth, Director

11/1/2012
Date


Neil G. McBride, Director

11/1/2012
Date

NOTATIONAL BOARD APPROVAL
(Appointment of New CEO)

WHEREAS the Board has the responsibility under the TVA Act to appoint a person to serve as the Chief Executive Officer (CEO) of TVA taking into consideration relevant qualifications and expertise for the position of CEO as set forth in the TVA Act; and

WHEREAS the Board has engaged in an extensive and thorough nationwide search to identify qualified candidates for the position of CEO of TVA following the announcement by Tom Kilgore, TVA's current President and CEO, of his intended retirement;

BE IT RESOLVED, That the Board hereby approves the appointment of William D. Johnson as President and CEO of TVA effective January 1, 2013, with terms and conditions of employment, including compensation, as agreed to and set forth in the attached offer letter;

RESOLVED further, That the members of the Board, each being familiar with the purposes of this Board action, approve dispensing with formalities regarding Board notification and a pre-voting review period provided for in the TVA Board Practice, Notational Approvals, for this action.

APPROVED BY THE INDIVIDUAL BOARD MEMBERS:

William B. Sansom, Chairman

Date

Marilyn Brown

Marilyn A. Brown, Director

11/11/12

Date

William H. Graves, Director

Date

Barbara S. Haskew, Director

Date

Richard C. Howorth, Director

Date

Neil G. McBride, Director

Date

CASE CLOSING

File Number: 17A-15138
Subject Name: Sansom, William B. (Bill)
Location: Knoxville, TN
Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)
Date Opened: 4/23/2013
Date Closed: 08/12/2013

Basis for Investigation: This investigation was initiated based upon the fact that during a TVA Board Meeting in April 2013, a citizen raised conflict of interest issues related to TVA Board Chairman Bill Sansom.

Findings: The complainant addressed several conflict of interest issues, and all were disproven.

Report to management: Yes No

Prosecutive status: Accepted Declined Not referred

Basis for closing: Allegation unsubstantiated Management response

Comments: Allegation disproven. A report was issued to TVA establishing there were no findings of wrongdoing, so no management response was necessary. Recommend this matter be closed.

(b) (6), (b) (7)(C), (b) (7)(F)

(b) (6), (b) (7)(C), (b) (7)(F)
Agent Name Agent Signature Date
08/12/2013

(b) (6), (b) (7)(C), (b) (7)(F)

(b) (6), (b) (7)(C), (b) (7)(F)
Special Agent in Charge Special Agent in Charge Signature Date
8/12/13



**Tennessee Valley Authority
Office of the Inspector General**

Report of Administrative Inquiry

**ALLEGATION OF CONFLICT OF
INTEREST BY TVA BOARD CHAIRMAN –
WILLIAM (BILL) B. SANSOM
OIG FILE NO. 17A-15138**



Tennessee Valley Authority
Office of the Inspector General

EXECUTIVE SUMMARY

ALLEGATION OF CONFLICT OF INTEREST BY TVA BOARD CHAIRMAN – WILLIAM (BILL) B. SANSOM OIG FILE NO. 17A-15138

This investigation was initiated after an allegation was made at the April 18, 2013, TVA Board of Directors' (Board) meeting that Board Chairman William (Bill) B. Sansom was in violation of a conflict of interest statute, the TVA Conflict of Interest Policy, and TVA's nepotism policy. Specifically, a member of the public alleged Mr. Sansom held financial interests in companies which did business with TVA and that Mr. Sansom had a son-in-law who worked for TVA.

Our investigation found the following:

- Board members are required to comply with both the conflict of interest statute found at Title 18, United States Code, § 208 (18 USC § 208) and the TVA Conflict of Interest Policy.
- 18 USC § 208 prohibits a government official from participating "personally and substantially" in a "particular matter" in which he or she has a personal financial interest. There is no evidence that Mr. Sansom has taken action on a "particular matter" which affects his personal financial interest and, therefore, cannot be said to have a conflict of interest under this statute.
- The TVA Conflict of Interest Policy (see attached) defines a conflict as a Board member holding a financial interest in (1) a distributor, (2) an entity in the electricity business, or (3) an entity that might be adversely affected by the success of TVA's electricity business. There is an exception for such holdings of \$25,000 or less. A review of Mr. Sansom's financial disclosure statement shows he has not reported a holding in any such company and is not in violation of the policy.
- The allegation that Mr. Sansom's son-in-law works at TVA and the implication that this might violate TVA's nepotism policy is untrue. Mr. Sansom's son-in-law does not work for TVA, but for a local school system.
- Although the alleged conflicts of interest are not cognizable under law or policy, the TVA Conflict of Interest Policy allows the Board to address appearances of conflict to determine if the appearance is reasonably held and if any action should be taken. The investigation produced evidence relevant to the Board's consideration of this allegation. For instance, the companies mentioned often did not do business with TVA or, if so, in only small amounts. The decisions to contract with these companies were made below Board level and did not involve Mr. Sansom.



Tennessee Valley Authority
Office of the Inspector General

August 5, 2013

William D. Johnson, WT 7B-K

ALLEGATION OF A CONFLICT OF
INTEREST BY TVA BOARD CHAIRMAN –
WILLIAM (BILL) B. SANSOM
OIG FILE NO. 17A-15138

We have completed our investigation of an allegation we received alleging TVA Board Chairman Bill Sansom had conflicts of interest. Our investigation found the following.

BACKGROUND

On April 18, 2013, Garry Morgan, a member of the public, spoke at the TVA quarterly Board meeting and made several allegations that Mr. Sansom had conflicts of interest involving his role as TVA Board Chairman and his private financial interests. Additionally, Mr. Morgan suggested the possibility Mr. Sansom was involved in nepotism. Specifically, Mr. Morgan alleged the following:

- Mr. Sansom owned more than \$25,000 in stock in a particular company and that this was prohibited by the TVA Conflict of Interest Policy.
- Mr. Sansom was a director at TVA while he was also a director at First Horizon (a bank) and that TVA Health Savings Accounts were held by First Horizon.
- Mr. Sansom worked for American Limestone Company until 1979 and may have financial interests in the company and successor companies which could conflict with his role at TVA.
- Mr. Sansom owns stock in Astec Industries, which Mr. Morgan estimated to total about \$59,000 on April 16, 2013. Mr. Morgan further stated this amount exceeded the \$25,000 ownership limit in the TVA Conflict of Interest Policy.

- Mr. Sansom owned shares in Martin Marietta Materials which Mr. Morgan estimated the value at \$78,072.08. Mr. Morgan alleged this would “exceed the \$25,000 ownership interest limits established by the Tennessee Valley Authority’s Conflict of Interest Policy.” However, Mr. Morgan was unsure if Mr. Sansom still had an interest in Martin Marietta Materials. By pointing out that Martin Marietta Materials produced construction aggregates used in flue gas desulphurization, Mr. Morgan also raises the question of whether matters involving TVA scrubber projects at fossil plants could benefit Mr. Sansom personally.
- Mr. Sansom may have a relative who works for TVA as a material handler.

These allegations trigger analysis under the federal conflicts of interest statute 18 USC § 208, the TVA Conflict of Interest Policy, and the TVA nepotism policy. Additionally, there is the question of whether Mr. Sansom had personal financial interests which create the appearance of a conflict even though there is not, in fact, a conflict.

18 USC § 208

18 USC § 208(b) prohibits government officers or employees from participating “personally and substantially” in their official capacity in a “particular matter” in which he or she has a financial interest. To participate “personally and substantially” means the officer or employee would have to take action which affected his or her financial interest. Furthermore, the action must be about a specific subject matter involving specific parties and not simply general interests. In fact, matters which are broad in scope may not require an officer or employee be disqualified from participation even though he or she might be remotely affected by the matter. If such a particular matter arises which the official or employee can affect by taking official action, then he or she is disqualified from working on that matter.

The conflict allegations levied by Mr. Morgan do not suggest any instance in which Mr. Sansom has participated in a decision through the TVA Board that has had a direct and predictable effect on his personal financial interests. The allegation presents the issue of whether Mr. Sansom’s investment in Martin Marietta Materials might lead to his approval of an action that would lead TVA to make purchases from that company. However, there is no evidence Mr. Sansom has taken such an action and whether such a matter which directly affects Martin Marietta Materials might arise in the future is speculative. If a matter came before the Board that would directly affect Mr. Sansom’s financial interests he would have to recuse himself from taking action. However, after interviewing and reviewing Mr. Sansom’s financial holdings, there is no evidence he has voted or taken any action as a Board member regarding a particular matter in which he held a personal financial interest.

TVA Board members are aware of the need to refrain from voting on matters directly affecting their financial interests and work with TVA ethics officials to avoid such conflicts. Board members are required to keep ethics officials apprised of their financial interests and the ethics officials review those interests in light of particular matters before the Board to ensure members recuse themselves when necessary.

TVA CONFLICT OF INTEREST POLICY

The TVA Conflict of Interest Policy (as enacted by the TVA Board) imposes ethical duties on TVA Board members in addition to those found in 18 USC § 208. The policy does not allow Board members to own a financial interest in the following three types of investments:

1. Distributors of TVA power;
2. Entities involved in the wholesale or retail generation, transmission or sale of electricity; and
3. Entities reasonably perceived to be likely to be adversely affected by TVA's success as a producer or transmitter of electricity.

Under the policy, a financial interest does not include ownership of publicly traded companies when valued at \$25,000 or less. Thus, a Board member who held \$25,000 or less of publicly traded stock in one of the three types of investments listed above would not be in violation of the policy.

None of the financial interests mentioned in the allegation fall within the three categories of investments prohibited in the TVA Conflict of Interest Policy. First Horizon is a banking company; American Limestone (in whatever form it may still exist) mines rock; Astec manufactures equipment for paving roads, processing aggregate and drilling wells; and Martin Marietta Materials produces construction aggregates. The allegation emphasizes that Mr. Sansom may own more than \$25,000 in First Horizon, Astec and Martin Marietta Materials and therefore be in violation of the policy. However, because the policy only applies to holdings in distributors, entities competing with TVA, and entities likely to be adversely affected by TVA's success, the \$25,000 exception is irrelevant in this case.

NEPOTISM

The allegation that Mr. Sansom's son-in-law may be a TVA employee is of concern because both federal law and TVA policy prohibit a TVA official from hiring a relative if the official may exercise control over the relative hired. However, our investigation shows the TVA employee alleged to be related to Mr. Sansom is not. The confusion occurred because the TVA employee shares the same name as Mr. Sansom's son-in-law. Mr. Sansom's son-in-law does not work for TVA but for a local school district.

APPEARANCE OF A CONFLICT

Title 5, Code of Federal Regulations, § 2635.502 (5 CFR § 2635.502) provides that if a federal employee knows his or her involvement in a particular matter involving specific parties might lead a reasonable person with knowledge of the relevant facts to question his impartiality then the employee should refrain taking action on that matter unless the employee has disclosed the facts to the agency designee and received permission.

While the responsibility of determining the reasonableness of the appearance of a conflict under 5 CFR § 2635.502 rests with the federal employee and permission to participate in a matter where there is the appearance of a conflict lies with the agency designee, members of the the public form their own opinions based on their knowledge of the situation. Accordingly, the public should consider the following facts when forming an opinion of whether Mr. Sansom's financial interests and his duties at TVA would lead a reasonable person to believe there is an appearance of a conflict for any particular matter he has participated in as Chairperson of the TVA Board.

First Horizon National Corporation

- First Horizon National Corporation is the parent of First Tennessee Bank. Mr. Sansom served on the Board of Directors of First Horizon for a number of years before leaving in 2012.
- First Tennessee provides the TVA purchase card and pays TVA for doing so.
- First Horizon provided TVA with medical savings accounts for employees until 2010. TVA paid First Horizon a total of \$6,300,828.60 on the contract.
- We found no evidence that Mr. Sansom voted on any matter involving TVA and First Horizon or First Tennessee.

American Limestone

- Mr. Sansom was an employee of American Limestone until 1979.

- Mr. Sansom states he has no ownership interest in American Limestone or any of its successor companies.
- We found no evidence Mr. Sansom participated as a Board member in any issue where American Limestone and TVA were parties.

Astec Industries and Astec Mobile Screens, Inc.

- TVA's only business with Astec Industries occurred in 2009 and was for \$578.40.
- TVA contracted with Astec Mobile Screens in 2006 and paid the company \$15,830.55.
- We found nothing suggesting Mr. Sansom participated on any issue directly involving these companies in TVA while he has served on the Board.

Martin Marietta Materials

- TVA last did business with Martin Marietta Materials in 2006 in the amount of \$5,380.75.
- During Mr. Sansom's tenure on the TVA Board, there is no evidence he has participated in any matter in which TVA and Martin Marietta Materials were parties.

FINDINGS

The allegations that Mr. Sansom's financial interests and his position as a TVA Board member create a conflict of interest (or the appearance of a conflict) can be broken down into four issues. Namely, (1) whether he has a conflict under federal law, (2) whether he has a conflict under TVA policy, (3) whether he reasonably appears to have a conflict even if there is no actual conflict, and (4) whether he has violated laws and policies which prohibit nepotism at TVA.

There is no evidence Mr. Sansom has a conflict of interest under federal law as set forth at 18 USC § 208. The statute prohibits a federal government official or employee from participating "personally and substantially" in a "particular matter" involving the government and the personal financial interest. We found no facts to suggest Mr. Sansom participated in such a matter.

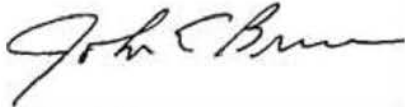
The TVA Conflict of Interest Policy prohibits Board members from holding three types of financial interests. Board members may not have holdings in distributors of TVA power, entities engaged in the retail or wholesale generation, transmission or sale of electricity, or entities which would be adversely affected by TVA's success. Our investigation found Mr. Sansom's holdings did not include any such financial interests.

William D. Johnson
Page 6
August 5, 2013

The appearance of a conflict under the TVA Conflict of Interest Policy must be reasonable. Deciding what is reasonable is ultimately an issue for the Board; however, our investigation revealed evidence relevant to reasonableness. There was no evidence Mr. Sansom participated as a Board member in any matter involving the companies cited, most of the companies did very little business with TVA, and he did not have an ownership interest in one company.

Regarding the nepotism allegation, the investigation found the person alleged to be Mr. Sansom's son-in-law and working at TVA was unrelated to Mr. Sansom.

This report has been designated "TVA Restricted" in accordance with TVA-SPP-12.02, TVA Information Management Policy. Accordingly, it should not be disclosed further without the prior approval of the Inspector General or his designee. In addition, no redacted version of this report should be distributed without notification to the Inspector General of the redactions that have been made.



John E. Brennan
Assistant Inspector General
(Investigations)
ET 4C-K

WDW:MSW:KMM

Attachment

cc (Attachment):

Peyton T. Hairston, Jr., WT 7B-K

Ralph E. Rodgers, WT 6A-K

OIG File No. 17A-15138

Tennessee Valley Authority Conflict of Interest Policy

The Board of Directors of the Tennessee Valley Authority (TVA) adopts this Conflict of Interest Policy which shall be applicable to Board members, the Chief Executive Officer, and employees of TVA.

I. General Principles

Members of the Board of Directors will hold themselves and each other to the highest standards of integrity, honesty, and ethical conduct. Similarly, the Board will require that the Chief Executive Officer and all TVA employees shall conduct themselves with integrity and follow ethical and conflict-of-interest policies established by TVA and the Federal Government in their business practices, actions, and transactions.

II. Policy Applicable to All TVA Employees

The Board of Directors reaffirms that all TVA employees, including TVA Directors and the Chief Executive Officer, shall comply with applicable conflict-of-interest laws, regulations, and policies which govern their business and personal conduct, including but not limited to the general federal conflict of interest statute (18 U.S.C. Section 208) and the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635).

III. Additional Policy Applicable to TVA Directors and the Chief Executive Officer

In addition to the law and policy applicable to all TVA employees, TVA Directors and the Chief Executive Officer shall comply with the following additional policy restricting the holding of certain financial interests:

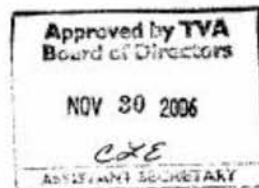
1. For purposes of this policy, "financial interest" means an interest of a person, or of a person's spouse or minor child, arising by virtue of investment or credit relationship, ownership, employment, consultancy, or fiduciary relationship such as director, trustee, or partner. However, financial interest does not include an interest in TVA or any interest:
 - comprised solely of a right to payment of retirement benefits resulting from former employment or fiduciary relationship,
 - arising solely by virtue of cooperative membership or similar interest as a consumer in a distributor of TVA power, or
 - arising by virtue of ownership of publicly traded securities in any single entity with a value of \$25,000 or less, or within a diversified mutual fund

investment in any amount.

2. Directors and the CEO shall not hold a financial interest in any distributor of TVA power.
3. Directors and the CEO shall not hold a financial interest in any entity engaged in the wholesale or retail generation, transmission, or sale of electricity.
4. Directors and the CEO shall not hold a financial interest in any entity that may reasonably be perceived as likely to be adversely affected by the success of TVA as a producer or transmitter of electric power.
5. Any action taken or interest held that creates, or may reasonably be perceived as creating, a conflict of interest restricted by this additional policy applicable to TVA Directors and the Chief Executive Officer should immediately be disclosed to the Chairman of Board of Directors and the Chairman of the Audit and Ethics Committee. The Audit and Ethics Committee shall be responsible for initially reviewing all such disclosures and making recommendations to the entire Board on what action, if any, should be taken. The entire Board, without the vote of any Director(s) involved, shall determine the appropriate action to be taken.
6. Any waiver of this additional policy applicable to TVA Directors and the Chief Executive Officer may be made only by the Board, and will be disclosed promptly to the public, subject to the limitations on disclosure imposed by law.

Approved by the Board of Directors of the Tennessee Valley Authority

November 30, 2006



CASE CLOSING

File Number:	Case File 20Z15225
Subject Name:	Unknown Subject
Location:	Chattanooga/Chattanooga Office Complex
Special Agent:	(b) (6), (b) (7)(C), (b) (7)(F)
Date Opened:	5/15/2013
Date Closed:	10/29/2013

Basis for Investigation: While reviewing an article in TVA Today, entitled 'Spring Aerial Photo Acquisition within the Valley to Begin Soon' case agent noticed that TVA was using ten preferred contractors who had the capability to acquire any type of geospatial data, including LIDAR (Light Detection And Ranging) for detailed mapping of a wide range of projects such as standard ground mapping, volume calculations, corona and as-built design data. This investigation will determine if the prime contractors and subcontractors are U.S. Companies, and whether the individuals actually performing the work are U.S. citizens.

Findings: The investigation into this administrative matter has been complete. Case agent met with the TVA Senior Contract Manger tasked with managing the ten preferred contractors authorized to obtain aerial photographic data for TVA, the Technical Contract Manager, and the Resource Mapping Manger responsible for ensuring that the correct data is provided by the contractors and maintained for future TVA use (The Resource Mapping group within TVA maintains this data). The ten preferred contracts are U.S. Companies and utilize only U.S. subcontractors; the subcontractors must be pre-approved by TVA. The works for the preferred contractors and their subcontractors must be U.S. citizens. Aerial photographs or other data acquired by the contractors or subcontractors cannot be used without TVA's prior authorization. The TVA Resource Mapping group, along with the contract manager within TVA's Supply Chain group, is tasked with ensuring that TVA's aerial acquired data is not compromised. No issues were identified during this administrative investigation.

Report to management: Yes No

Prosecutive status: Accepted Declined Not referred

Basis for closing: Allegation unsubstantiated Management response

Comments: It is recommended that this matter be administratively closed.

(b) (6), (b) (7)(C), (b) (7)(F)

(b) (6), (b) (7)(C), (b) (7)(F)

10/16/2013

Agent Name

Agent Signature

Date

(b) (6), (b) (7)(C), (b) (7)(F)

(b) (6), (b) (7)(C), (b) (7)(F)

10/29/2013

Special Agent in Charge

Special Agent in Charge Signature

Date

CASE CLOSING

File Number: Case File 25B14960
Subject Name: UNKNOWN
Location: Chattanooga/Other
Special Agent: (b) (6), (b) (7)(C), (b) (7)(F)
Date Opened: 1/14/2013
Date Closed: 3/12/2013

Basis for Investigation: TVA EISP notified the OIG that on Friday January 11, 2013 a TVA Communications employee noticed that an external website had been compromised, additional research identified a second compromised website. Attackers had utilized a vulnerability to gain administrative access to the websites and create unauthorized accounts on the websites.

Findings: No attribution to the attackers existed on the server as the logging had not been turned on. TVA plans to implement logging features on the wordpress site. No basis for a criminal investigation.

Report to management: Yes No
Prosecutive status: Accepted Declined Not referred
Basis for closing: Allegation unsubstantiated Management response

Comments:

(b) (6), (b) (7)(C), (b) (7)(F)	(b) (6), (b) (7)(C), (b) (7)(F)	03/12/2013
Agent Name		Date
(b) (6), (b) (7)(C), (b) (7)(F)	(b) (6), (b) (7)(C), (b) (7)(F)	3/12/13
Special Agent in Charge	Special Agent in Charge Signature	Date