

OIG's Whistleblower Protection Program

It has been a longtime objective of OIG to encourage diligent TVA employees to step forward and identify potential wrongdoing in their operations. It follows that the OIG values those who do so, and we strive to protect those employees from unlawful reprisals for making their disclosures. A number of laws provide important whistleblower protections, including the Inspector General Act of 1978 and the Whistleblower Protection Enhancement Act of 2012 for TVA and other federal employees. Under these laws we are authorized and obligated to protect the confidentiality and rights of these whistleblowers.

Similar whistleblower protection is provided for some of TVA's contractor employees. Contractor employees fall under the protection of different statutes, such as the Energy Reorganization Act, which gives whistleblower protection to contractor employees working on nuclear projects. Enforcement of whistleblower protection for contractor employees is investigated and prosecuted by the Department of Labor.

The OIG's Whistleblower Protection Program is overseen by the Counsel to the Inspector General, who has been appointed the TVA Whistleblower Protection Ombudsman and who carries out a number of statutory functions that include:

- Educate agency employees about prohibitions on retaliation for protected disclosures
- Educate agency employees who have made or are contemplating making a protected disclosure, about the rights and remedies against retaliation for protected disclosures.

In carrying out these statutory functions, the OIG's Whistleblower Protection Ombudsman will perform the following functions:

- Reviewing and assisting with developing TVA's training regarding Whistleblower rights
- Reviewing and determining appropriate action for reprisal complaints filed with OIG.
- Communicating with whistleblowers about:
 - Their complaints of reprisal for whistleblowing; and
 - The underlying fraud, waste, abuse, mismanagement, or danger to health/safety they disclosed internally to their employers or through external protected disclosures [such as to OIG, NRC, OSC, Congress].
- Promoting awareness of and compliance with whistleblower protections throughout TVA.
- Evaluating the sufficiency of TVA policy and its enforcement across TVA regarding whistleblower protections and the right of employees to contact OIG and other oversight providers, such as OSC, NRC, and Congress.

- Assessing the extent to which TVA and its operating units foster a culture that encourages employees to raise concerns in an environment that is free of reprisal in any form.
- Communicating with, and reporting to, the U.S. Office of Special Counsel, Congress, and other oversight entities on whistleblower protection matters.

OIG's Whistleblower Protection Ombudsman

Pursuant to the Whistleblower Protection Enhancement Act of 2012, Inspector General Richard Moore has designated a Whistleblower Protection Ombudsman to educate TVA employees about prohibitions on retaliation for protected disclosures, as well as the rights and remedies of employees against retaliation for making protected disclosures. Employees can contact the Whistleblower Protection Ombudsman by contacting *EmPowerline* at www.OIGempowerline.com or by calling 855-882-8585.

Please note that the Whistleblower Protection Ombudsman is not permitted to act as a legal representative, agent, or advocate for current or former employees.

What is a Protected Whistleblower Disclosure?

A protected whistleblower disclosure is information that an employee reasonably believes evidences a violation of any law, rule, regulation, or exposes gross mismanagement, gross waste of funds, abuse of authority, substantial and specific danger to public health, or a substantial and specific danger to public safety. Disclosing this information is protected from reprisal or retaliation. TVA employees can make protected disclosures to their supervisor, anyone in TVA management, as well as to the OIG or oversight agencies such as the NRC. The Inspector General encourages employees to make protected disclosures to the OIG. Disclosures made to the OIG through *EmPowerline* are forwarded for evaluation and possible investigation or audit by OIG. When appropriate, the matter may be referred to TVA management resolving. In either case, the final disposition will be posted to *EmPowerline* which the employee may access using his or her report number and pin, which the employee will have been issued when making the initial disclosure.

What is Whistleblower retaliation or reprisal?

Whistleblower retaliation is when an agency official strikes back at an employee for exposing something that is believed to be wrong within the workplace. Specifically, federal law prohibits an agency official from taking or failing to take, or threatening to take any personnel action against a federal employee because that employee made a protected whistleblower disclosure.

Example: A supervisor directs the involuntary geographic reassignment of an employee because the employee reported safety violations to senior agency officials.

How to File Whistleblower Reprisal Complaints

TVA employees may make reprisal complaints to the OIG by contacting the OIG hotline *EmPowerline* at www.OIGempowerline.com or by calling 855-882-8585. TVA employees may also file complaints with the Office of Special Counsel (OSC), simultaneously or instead of filing with the OIG. The OSC is the only agency with has jurisdiction to prosecute TVA employee reprisal cases before the Merit System Protection Board (MSPB), and the MSPB is the only authority authorized by statute to adjudicate reprisal claims against TVA by TVA employees. TVA employees can file a complaint with the OSC on-line at www.osc.gov or by calling OSC at 800-872-9855.

Whistleblower Protection Agency Certification

OIG is currently in the process of obtaining certification by the U.S. Office of Special Counsel for compliance with training and promoting awareness of provisions of the Whistleblower Protection Act. 5 U.S.C. §2302(c).