

## OIG's Whistleblower Protection Program

It has been a longtime objective of the OIG to encourage 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 Inspector General, who has appointed the TVA Whistleblower Protection Coordinator. The Coordinator 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 Coordinator 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 the 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 the 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 the OIG and other oversight providers, such as the 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 Coordinator

Pursuant to the Whistleblower Protection Enhancement Act of 2012, the Inspector General has designated a Whistleblower Protection Coordinator to educate TVA employees about prohibitions on retaliation for protected disclosures and protected activities, as well as the rights and remedies associated with those disclosures and activities. Employees can contact the Whistleblower Protection Coordinator by contacting *EmPowerline* at [www.oigempowerline.com](http://www.oigempowerline.com) or by calling 855-882-8585.

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

### What is a Protected 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 the OIG. When appropriate, the matter may be referred to TVA management. 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 a Protected Activity?

A protected activity is the exercise of appeal, complaint or grievance right; testifying or giving other assistance to a person exercising an appeal, complaint, or grievance right; cooperation with or disclosures to the Special Counsel or Inspector General; or refusing to obey an order that would require a violation of law.

### 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 or withhold any personnel action against or for a federal employee because that employee made a protected disclosure or engaged in a protected activity.

*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](http://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 primary agency which 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](http://www.osc.gov) or by calling OSC at 800-872-9855.

## **Whistleblower Protection Agency Certification**

The 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).