

Date 10/30/08



Environmental Management Consolidated Business Center (EMCBC)

Subject: EMCBC Policy on Differing Professional Opinions (DPO) on Technical Issues Related to Information Technology, Environment, Safety and Health

POLICY

APPROVED: (Signature on File)

EMCBC Director

ISSUED BY: OFFICE OF LOGISTICS MANAGEMENT

1.0 POLICY

It is the Environmental Management Consolidated Business Center (EMCBC) policy to maintain a working environment that encourages employees to make known their best professional judgments even though they may differ with prevailing staff views, disagree with management or policy decisions, or take issue with proposed or established practices.

The EMCBC is committed to ensuring that Information Technology (IT) and Environment, Safety and Health (ES&H) issues can be raised without fear of retaliation and reprisal and such issues are resolved. Unless disclosure is specifically prohibited by law, employees are encouraged to engage in open, frank, and unrestricted professional discussions across organizational boundaries on technical issues, particularly those related to IT and ES&H. The EMCBC and the Small Sites and Projects serviced by the EMCBC are committed to this goal. In addition, employee whistleblower rights are established in 5 U.S.C. § 2302, Prohibited Personnel Practices, for Federal Employees, in 10 CFR 708, Department of Energy (DOE) Contractor Employee Protection Program, for contractor employees, and in Section 211 of the Energy Reorganization Act, as amended, codified at 42 U.S.C. Sec. 5821 which provides DOE and DOE contractor whistleblower protection.

Employees who believe they have knowledge of a significant technical issue related to IT and ES&H at DOE facilities or activities that are not being properly addressed are encouraged to first seek resolution with their first line supervisor. If resolution cannot be achieved at the first line supervisor level, the employee shall utilize the EMCBC Employee Concerns Program. If resolution cannot be achieved through these two mechanisms first, then the EMCBC will utilize the DOE DPO process.

Employees have a right to report through the DOE Employee Concerns Program and in the case of technical issues related to ES&H, through the DOE DPO Process.

Management will encourage employees to raise concerns related to IT and ES&H.

2.0 SCOPE

The policy is designed to promote and facilitate dialogue and resolution on Differing Professional Opinions (DPO) related to IT and ES&H; ensure that supervisors encourage employees to freely communicate IT and ES&H concerns and DPO's; ensure that employees feel free to raise issues related to IT and ES&H associated with DOE facilities

and activities without fear of retaliation and reprisals; ensure that issues related to IT and ES&H are raised and addressed in a timely manner and that activities that might result in an undue risk are curtailed or suspended as appropriate under the proper authority; and supplement the DOE and EMCBC Employee Concerns Programs mandated by DOE O 442.1A, Department of Energy Employee Concerns Program, by providing specific processes for assessing and addressing technical issues related to ES&H.

The Environmental Management Consolidated Business Center (EMCBC) is establishing this Policy to address DPO's on technical issues relating to IT and ES&H. It does not address administrative, contract, or personnel issues except to the extent they may relate directly to technical ES&H issues. It also does not address concerns submitted anonymously or with requests for confidentiality.

3.0 APPLICABILITY

This policy applies to all DOE EMCBC employees and employees at EMCBC Service Level Agreement sites that choose to adopt this policy. In addition, this Policy may apply to DOE contractor or subcontractors on a DOE Project covered by a SLA that has adopted this policy.

4.0 REQUIREMENTS

4.1 Requirements:

- 4.1.1 DOE O 442.1A, DOE Employee Concerns Program
- 4.1.2 DOE Policy 442.1 Differing Professional Opinions on Technical issues Related to Environment, Safety and Health, dated 11/16/2006
- 4.1.3 DOE Manual 442.1-1, Differing Professional Opinions Manual dated 11/16/2006

4.2 References:

- 4.2.1 PD-311-05, Rev 1, EMCBC Employee Concerns Program
- 4.2.2 5 U.S.C. § 2302, Prohibited Personnel Practices, for Federal Employees
- 4.2.3 10 CFR 708, Department of Energy (DOE) Contractor Employee Protection Program
- 4.2.4 Section 211 of the Energy Reorganization Act, as amended, 42 U.S.C. Sec. 5821
- 4.2.5 EMCBC IP-243-01, Application Development and Management

5.0 DEFINITIONS

- 5.1 Not used, DOE Manual 442.1-1 may provide clarification of terms, acronyms and definitions.

6.0 RESPONSIBILITIES

- 6.1 Employees – EMCBC employees shall first seek resolution with their first line supervisor. Employees who believe they have a significant ES&H issue will be prepared to offer information in the format provided in DOE Manual 442.1-1, Attachment 2, Appendix A and summarized in Section 7 of this policy.
- 6.2 Office of the Director – Encourage employees to engage in open, frank, and unrestricted professional discussions across organizational boundaries on technical issues related to ES&H.
- 6.3 Supervisors – Encourage employees to engage in open, frank, and unrestricted professional discussions across organizational boundaries on technical issues related to ES&H. Ensure the views of all persons involved in the process are respected at all times. Protect employees from retaliation in any form when reporting DPO's. Report to senior managers when requested, on the status of actions resulting from the EMCBC DPO process. Supporting the DOE DPO process when requested in accordance with DOE Manual 442.1-1.
- 6.4 Office of Human Resources – Provide subject matter expertise to supervisors and other EMCBC functional organizations in supporting fact finding and investigation during the EMCBC DPO process. This may include clarification on issues related to administrative or personnel issues which will not be evaluated as DPO.
- 6.5 Office of Civil Rights and Diversity – Provide notification to first line supervisors of issues reported through the EMCBC Employee Concerns Program and provide subject matter expertise in assisting to resolve and respond to issues within the functional organizational role. Provide support and assistance to employees utilizing the DOE Employee Concerns Program. **NOTE* Anonymous reports or employees requesting confidentiality will not be addressed as DPO.**
- 6.6 Office of Legal Services – Provide subject matter expertise to supervisors and other EMCBC functional organizations in supporting fact finding and investigation.
- 6.7 Office of Logistics Management – Provide subject matter expertise in the technical fields available to the Associate Director to review technical issues related to ES&H. Provide a lead role with the maintenance of the EMCBC DPO Policy and related activities.
- 6.8 Office of Technical Services – Provide subject matter expertise from Cadre staff or from resources available through technical support contract mechanisms available to the Associate Director to review technical issues related to ES&H.

7.0 GENERAL ADMINISTRATION

- 7.1 When initiating an EMCBC DPO for review by a first line supervisor, EMCBC employees must prepare in writing the information required by DOE Manual 442.1-1, Attachment 2, Appendix A to ensure all required information is captured. The information is consistent with the DOE DPO process and will ensure any EMCBC DPO issue raised to the DOE DPO level is complete. Submitters of EMCBC DPO's should refer to DOE Manual 442.1-1, Attachment 2, Appendix A to ensure all required information is captured.
- 7.1.1 What is the issue? A summary of the prevailing staff view, the existing management decision or stated position, or the proposed or established Department practice involving the technical issues.
 - 7.1.2 What is your recommended action? A description of the submitter's views and how they differ from any issues discussed in 7.1.1.
 - 7.1.3 What could happen if there is no change in position? If possible, the submitter should include an assessment of the consequences if the submitter's position is not adopted.
 - 7.1.4 Which recognized technical experts would you recommend to be included in the review of the EMCBC DPO process? The submitter may recommend up to three technical experts.
 - 7.1.5 What should the supervisor read to help resolve the issue? The submitter should include the relevant documents that support the DPO process. The submitter should either provide the documents or provide clear information to enable the supervisor to quickly retrieve them.
 - 7.1.6 What else has been tried to resolve the issue and what were the results? The submitter should include a discussion of the available processes used to resolve the issue before initiating the DPO process and what the outcome was.
- 7.2 Records generated from submission of an EMCBC DPO will be managed by the Office of Logistics Management under disposition authority ADM 18.36, "Records that Verify the Performance of Safe Operations."

EMCBC RECORD OF REVISION**DOCUMENT**

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Original	All	10/30/08

CONTROLLED DOCUMENT CHANGE REQUEST	
DATE: <u>09/18/08</u>	
INITIATOR: <u>Tim Marcus</u>	
INITIATOR PHONE NUMBER: _____	
DOCUMENT AFFECTED: <u>PS-440-02</u>	
SECTION: _____	PARAGRAPH #: _____
CONTROLLED NUMBER : _____	PARAGRAPH #: _____
NEW CONTROLLED NUMBER: _____	
PROPOSED REVISION: _____	

JUSTIFICATION: <u>Set policy in place.</u>	

Requested by: <u>T. J. Jackson</u>	DATE: _____
Approval: _____	DATE: _____
Associate Director	
Assigned to: <u>Tim Marcus</u>	DUE DATE: _____

Document Review Record Sheet				
Document Title		EMCBC Policy on Differing Professional Opinions (DPO) on Technical Issues Related to Environment, Safety and Health		
Control Number	Revision No.	Date Issued for Review		
PS-442-01	1	09/08/08		
The subject document is being submitted for your review, approval or comments. Since this review is controlled, a response is required from all reviewers. Therefore, please return the review sheet with or without comments				
To:	Extension:	By:		
L. Chafin	60461			
Additional Instructions:				
Reviewer	Approve	Approve w/Comments	Do Not Approve	Signature of Reviewer
B. Fain				
M. Roy				
W. Best				
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Comments may be attached to a separate sheet of paper				
APPROVE: Signifies the reviewer's acceptance of the document issued for review.				
APPROVE w/comments: Signifies the reviewer's overall acceptance of the document regarding concept, practice, implementation, provisions and assigned responsibilities. However, the reviewer has suggestions as to the organization of its contents or helpful additions and/or deletions. These comments are termed "non-mandatory comments" and do not require formal resolution between the reviewer and preparer.				
DO NOT APPROVE: Signifies that the reviewer has identified significant problems regarding concept, practice, implementation or responsibilities that render the document unacceptable and/or not in conformance with stated requirements. Such problem areas must be clearly identified by the reviewer. It is mandatory for the preparer to resolve these comments with the reviewer, document the resolution and obtain the reviewers concurrence for the resolution. The reviewer's written concurrence with the resultant change in disposition shall be documented on this form.				
General Review Comments:				
When review is delegated, the designated reviewer shall review and indicate concurrence with the designee's review comments and recommend disposition:				
Designated Reviewer	Concur	Do Not Concur	Signature	Date