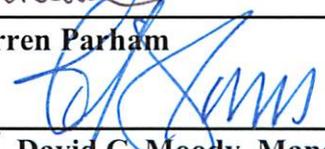


DOE-SR EMPLOYEE CONCERNS PROGRAM

AUTHOR: Darren Parham
Darren Parham

APPROVAL SIGNATURE: 
David C. Moody, Manager, DOE-SR

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CHANGE SUMMARY LOG

Description of Change	Effective Date
<p>This revision cancels all previous revisions and incorporates the following:</p> <ul style="list-style-type: none">• Updates Definitions;• Updates References;• Clarifies roles and responsibilities of the ECP Specialist; and• Revises Section 7.0, EMPLOYEE CONCERNS INITIATION.	5-13-14

TITLE: DOE-SR EMPLOYEE CONCERNS PROGRAM (ECP)

1.0 PURPOSE AND SCOPE

1.1 PURPOSE

1.1.1 DOE-SR recognizes free and open expression. A DOE Federal, contractor and subcontractor ECP is essential for the safe and efficient accomplishment of DOE's mission. Any DOE federal employee, contractor, or subcontractor, to include supervisors and managers, fulfilling DOE's mission have not only the right, but the responsibility, to report concerns relating to the environment, safety, health, or management of DOE programs and facilities. The ECP is designed to;

- A. encourage open communication;
- B. inform employees of the proper forum for consideration of their concerns;
- C. ensure employees can raise issues without fear of reprisal;
- D. address employee concerns in a timely and objective manner; and
- E. provide employees an avenue for consideration of concerns that fall outside of existing systems.

NOTE: Employees are encouraged to first seek resolution through their management chain or use established grievance, concern or compliant resolution systems.

1.2 SCOPE

1.2.1 This directive applies to all DOE-SR Federal employees. National Nuclear Security Administration - Savannah River Site (SRS), consisting of Savannah River Field Office (SRFO) and Site Engineering and Project Integration Division (NA-262), SRS, may elect to adopt this directive for conduct of their business.

1.2.2 DOE, contractor, and subcontractor employees, to include supervisors and managers at any level in an organization, may report employee concerns related to the environment, safety, health, security and management of DOE and NNSA programs and facilities to the Employee Concerns Program Manager (ECPM). Employees are encouraged to first seek resolution through their management chain or use established grievance, concern or compliant resolution systems. If these systems are unknown or unavailable, or have not dealt, or cannot deal, effectively with a concern, ECP staff can assist concerned employees in determining which processes could be used to evaluate and resolve their concerns regardless of the issues raised. This may result in the ECP Office facilitating resolution, referring or transferring a concern, or investigating the concern itself.

2.0 REFERENCES

- 2.1 DOE O 231.1B, "Environment, Safety, and Health Reporting"
- 2.2 DOE O 414.1D, "Quality Assurance"
- 2.3 DOE O 440.1B, "Worker Protection Program for DOE (Including the National Nuclear Security Administration) Federal Employees"
- 2.4 DOE O 442.1A, "Department of Energy Employee Concerns Program"
- 2.5 DOE O 471.1B, "Identification and Protection of Unclassified Controlled Nuclear Information"
- 2.6 DOE O 232.2, "Occurrence Reporting and Processing of Operations Information"
- 2.7 DOE O 442.2, "Differing Professional Opinions for Technical Issues Involving Environmental, Safety, and Health Technical Concerns"
- 2.8 DOE G 442.1-1, "Department of Energy Employee Concerns Program Guide"
- 2.9 SRIP 200, Chapter 243.1, "Records Management Program"
- 2.10 SRIP 400, Chapter 430.1, "Facility Representative Program"
- 2.11 SRM 300.1.1B, Chapter 6, Section 6.2, "Employee Training and Development"
- 2.12 SRP 12-04, "DOE-SR Employee Concerns Program Policy"
- 2.13 SRP 10-15, "DOE-SR Alternative Dispute Resolution"
- 2.14 Title 10, CFR, Part 708, "DOE Contractor Employee Protection Program"
- 2.15 Title 10, CFR, Part 820, "Procedural Rules for DOE Nuclear Activities"
- 2.16 Title 10, CFR, Part 830, "Nuclear Safety Management"
- 2.17 Title 10, CFR, Part 835, "Occupational Radiation Protection"
- 2.18 Title 29, CFR, Part 1960, "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters"
- 2.19 Public Law 100-408, "Price-Anderson Amendments Act (PAAA) of 1988"
- 2.20 Public Law 101-12, "Whistleblower Protection Act of 1989"

3.0 ATTACHMENTS

<u>Attachment</u>	<u>Title</u>	<u>Page</u>
A	SR Form 230, "Employee Concerns Report Form"	30
B	ECP Processing Timeframes	31
C	ECP Referral/Transfer Guidance	32
D	ECP Investigation Report Guidelines	33
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F	10 CFR Part 708 Complaint Flow Chart	37
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4.0 ACRONYMNS AND DEFINITIONS

4.1 ACRONYMNS

ADR	Alternative Dispute Resolution
AM/OD	Assistant Manager/Office Director
CFR	Code of Federal Regulations
CI	Concerned Individual
CO	Contracting Officer
DII	Directive Implementation Instructions
DOE-SR	Department of Energy Savannah River Operations Office
DPO	Differing Professional Opinion
EC	Employee Concerns
ECM	Employee Concerns Manager
ECO	Employee Concerns Office
ECP	Employee Concerns Program
ECPM	Employee Concerns Program Manager
ECPR	Employee Concerns Program Referral
ECPS	Employee Concerns Specialist
ECRP	Employee Concerns Review Panel
EEO	Equal Employment Opportunity
ES&H	Environmental, Safety, and Health
HQ	U.S. Department of Energy Headquarters
M&O	Management and Operating
OCR	Office of Civil Rights
OHCM	Office of Human Capital Management
OI	Office of Inspections
OIG	Office of Inspector General
OS&H	Occupational Safety and Health
PAAA	Price-Anderson Amendments Act
PDO	Primary Division Office
POC	Point of Contact
SME	Subject Matter Expert
SRIP	Savannah River Implementing Procedure

SRFO	Savannah River Field Office
SRS	Savannah River Site
STAR	Site Tracking, Analysis, & Reporting
WFA	Waste Fraud and Abuse

4.2 **DEFINITIONS**

- 4.2.1 **Alternative Dispute Resolution (ADR)**: A neutral third party in an attempt to avoid judicial or administrative litigation. Forms of alternative dispute resolution include conciliation, facilitation, mediation, partnering, ombudsmanship, neutral evaluation, nonbinding arbitration, binding arbitration, and mini-trial.
- 4.2.2 **Anonymous Concern**: An employee concern from a complainant who wishes to remain anonymous to all individuals.
- 4.2.3 **Concerned Individual (CI)**: The DOE, contractor, subcontractor employee, or stakeholder who originates the employee concern.
- 4.2.4 **Conciliation**: An informal process in which a neutral third party (i.e., a conciliator) assists in resolving a dispute by providing subject expertise, improving communications, reducing hostilities, interpreting issues, and actively participating in exploring potential solutions.
- 4.2.5 **Confidential Concern**: A concern submitted by an employee who wishes to have his or her identity protected from all persons except the ECP Office and those with a need to know.
- 4.2.6 **Conflict of Interest**: A situation in which the individual(s) responsible for investigating an employee concern, to include subject matter experts, could be associated either directly or indirectly with that concern.
- 4.2.7 **Contractor**: A seller of goods or services who is party to: an M&O contract or other type of contract with DOE to perform work directly related to activities at DOE facilities; or a subcontractor under a contract of the type described above with respect to activities at DOE facilities.
- 4.2.8 **Criminal Violations**: (a) Criminal misconduct involving DOE programs, operations, and funds including false statements and claims, bribery and solicitation of bribes, kickbacks, fraud, theft, or conspiracy to commit any of these acts. (b) Criminal acts involving potential nuclear safety matters (e.g., falsification of plant logs and records) and other willful violations of DOE rules, regulations, and orders in the area of nuclear safety.
- 4.2.9 **Days**: As defined in the procedure (calendar or work).

- 4.2.10 **Employee**: Any individual working for DOE at the SRS, including a DOE contractor or subcontractor on a DOE Project. In addition, any individual previously employed by a contractor; if that individual's complaint alleges that employment was terminated for conduct described in 10 CFR 708.5.
- 4.2.11 **Differing Professional Opinion**: This is an opinion related to a policy or practice that (1) differs from previous management decisions, stated positions, or established policies or practices; (2) in the opinion of the employee, has not been adequately considered; and (3) if not adopted, has a reasonable probability of having a significant negative impact on the activity in question with respect to safety, efficiency, or quality.
- 4.2.12 **Employee Concern (EC)**: A good faith expression by an employee that a policy or practice of DOE or one of its contractors or subcontractors should be improved, modified, or terminated. Concerns can address issues such as health, safety, environment, management practices, fraud, waste, abuses, or reprisal for raising a concern.
- 4.2.13 **Employee Concerns Program Manager (ECPM)**: The individual recommended and approved by the appropriate personnel as a single POC with the responsibility for management of the ECP.
- 4.2.14 **Employee Concerns Review Panel (ECRP)**: A panel that is brought together to evaluate the merits of a concern. It can be made up of representatives of employees, supervisors, managers, the ECP office, human resources, outside experts, consultants, or stakeholders. A panel may be used to provide program expertise; assist in fact finding; evaluate the specific concerns for which there are either unique circumstances or for which there are no previously established evaluation channels; and to recommend resolutions and propose corrective actions.
- 4.2.15 **Employee Concerns Program Referral (ECPR)**: The transmittal of an EC to another organization, process, or the ECRP for investigation and resolution, with the results of the investigation or resolution attempts being reported to the ECPM within a specified time period with recommended resolution including corrective actions.
- 4.2.16 **Employee Concerns Program Specialist**: Individual responsible for receiving and reviewing all types of concerns for appropriate action, establishing and maintaining case files and statistics, referring or transferring concerns to appropriate existing reporting processes or responsible organizations, and producing investigation reports containing recommended corrective actions.
- 4.2.17 **Extension**: Additional time granted to investigate an EC. DOE-SR recommends a one-time extension to complete investigations. However, for the most complex concerns requiring extensive coordination, research, and investigation, to be

determined by the ECP Manager and appropriate Subject Matter Expert's, extensions in 60-day increments up to 1-year to complete investigations are authorized.

- 4.2.18 **Evaluation**: A review of the ECP to determine if a referral or transfer is appropriate.
- 4.2.19 **Facilitation**: A collaborative process in which a neutral third party (e.g., a facilitator) assists the parties in a dispute as a process expert, to include conducting meetings and coordinating decisions. The facilitator avoids involvement in negotiations and decision-making.
- 4.2.20 **Harassment**: In the context of the ECP, an action taken or condoned by an employer against or toward an employee to bother, belittle, humiliate, or impede that employee in his or her work, environment, relationship with others, or job performance because the employee reasonably and in good faith raised a concern. Harassing actions can include, but are not limited to, threatening, restraining, coercing, blacklisting, mocking, humiliating, or isolating an employee.
- 4.2.21 **Imminent Danger Condition or Concern**: A Priority I type ES&H concern. Any condition or practice in any work place that creates a danger that could reasonably be expected to cause death or serious physical harm immediately or before the onset of such danger could be eliminated through normal procedural mechanisms.
- 4.2.22 **Intimidation**: Any action taken by coworkers or supervisors against or toward an employee to cause that employee to cease engaging in protected activities; to be fearful of engaging in protected activities; to otherwise be afraid for his or her safety, reputation, or job security as a result of having identified concerns about any aspect of DOE facilities or operations.
- 4.2.23 **Investigation**: An inquiry conducted by or on behalf of an ECP Office, for the purpose of evaluating and resolving a concern, usually involving interviews, inspection of relevant documents, site, or equipment, and an evaluation of practices being followed.
- 4.2.24 **Mediation**: A structured process whereby a trained neutral third party (e.g., a mediator) assists the parties in reaching an agreement by facilitating discussions and exploring solutions. The mediator will meet with the parties collectively and privately for purposes of clarifying issues, improving communications and actively participating in discussions of settlement options. The mediator cannot reveal private conversations to either party without their authorization. Mediation normally results in a signed agreement which defines the future behavior of the parties.
- 4.2.25 **Need-to-Know**: A situation where an individual requires some knowledge of a EC or the identity of the individual to contribute to the EC evaluation or perform other official duties.

- 4.2.26 **Negotiation**: A process whereby the parties discuss their objectives and requirements for resolution via face-to-face meetings, correspondence, and/or telephone conversations for purposes of reaching a mutual agreement. Negotiation is a basic ingredient in several other forms of dispute resolution.
- 4.2.27 **Noncompliance to Nuclear Safety Rule(s)**: Any failure of the contractor to meet the requirements of the Nuclear Safety Rules, the DOE approved program, and implementation plans for Quality Assurance and Occupational Radiation Protection or commitments made to DOE in response to Office of Enforcement and Investigation issued Notices of Violation. These may also be referred to as “Price-Anderson Amendments Act (PAAA),” issues.
- 4.2.28 **Not Substantiated Concern**: Facts did not validate or support the EC. The EC was investigated and no merit or evidence was found to support its assertion(s). No corrective action is required.
- 4.2.29 **Nuclear Safety Rules**: Those rules promulgated by DOE in response to the PAAA found in the following documents: 1) 10 CFR 708, “DOE Contractor Employee Protection Program”, 2) 10 CFR 820, “Procedural Rules for DOE Nuclear Activities,” 3) 10 CFR 830, “Nuclear Safety Management and 4) 10 CFR 835, Occupational Radiation Protection.”
- 4.2.30 **Office of Civil Rights (OCR) Director**: The individual responsible for managing and evaluating the DOE-SR Federal and contractor Equal Employment Opportunity (EEO), Diversity, and Employee Concerns (EC) Programs in accordance with appropriate laws and regulations, and provides active staff leadership to these Programs.
- 4.2.31 **Originator or Concerned Individual**: The DOE, contractor, subcontractor employee, or stakeholder who originates the EC.
- 4.2.32 **Other-Than-Serious**: A Priority III type ES&H concern. Hazards, violations, or conditions that may not result in death or serious physical harm, property loss, and/or environmental impact but may have direct and immediate relationship to worker safety and health or the environment. ES&H requires that such concerns be investigated within 20 working days.
- 4.2.33 **Partially Substantiated Concern**: Facts partially validated or supported in an EC. The EC was investigated and resulted in an observation, an opportunity for improvement, or a required action on the part of the responsible company or agency; requires corrective action.
- 4.2.34 **Party**: An employee named in a proceeding under 10 CFR 708, “DOE Contractor Employee Protection Program.”

- 4.2.35 **Primary Division Office (PDO)**: The PDO directly responsible and accountable for directing and conducting a DOE program or the operation of a DOE facility. This applies to both DOE and contractor offices.
- 4.2.36 **Price Anderson Amendments Act (PAAA) (PL100-408)**: A law which subjects contractors to penalties for violating DOE nuclear safety requirements including retaliation for reporting nuclear safety concerns.
- 4.2.37 **Priority I Concern**: An Office of Environment, Safety and Health (ES&H) ECP which represents an imminent danger condition/concern. Any condition or practice in any workplace that creates a danger that could reasonably be expected to cause death or serious physical harm immediately or before the onset of the danger could be eliminated through the normal procedural mechanism. ES&H requires that such concerns be investigated within 24-hours.
- 4.2.38 **Priority II Concern**: An ES&H ECP which represents a serious condition/concern. A hazard, violation, or condition that causes a substantial probability that death or serious physical harm, property loss, and/or environmental impact could result. ES&H requires that such concerns be investigated within 3 working days.
- 4.2.39 **Priority III Concern**: An ES&H EC which represents an other-than-serious condition/concern. Hazards, violations, or conditions that may not result in death or serious physical harm, property loss, and/or environmental impact but may have direct and immediate relationship to worker safety and health or the environment. ES&H requires that such concerns be investigated within 20 working days.
- 4.2.40 **Priority IV Concern (Routine)**: All other concerns which are not designated as a Priority I, II, or III as established by the ES&H. DOE-SR recommends that these concerns be investigated within 90-120 working days.
- 4.2.41 **Protected Activities**: Activities such as raising concerns or otherwise making disclosures protected under law, regulations, or legal precedent of information related to DOE operations, which the individual reasonably and in good faith believes is evidence of unsafe, unlawful, fraudulent, or wasteful practices.
- 4.2.42 **Reprisal**: Any action taken against an employee in response to, or in revenge for, the employee having raised, in good faith, reasonable concerns about any aspect of DOE-related operations. Reprisal against contractor employees may lead to the imposition of penalties under the Price Anderson Amendments Act of 1988 (Pub. L 100 49, August 20, 1988), implemented by DOE under 10 CFR, Part 820. Pursuant to Part 820, to the extent a reprisal by a DOE contractor results from an employee's involvement in matters of nuclear safety in connection with a DOE nuclear activity, the reprisal could constitute a violation of DOE Nuclear Safety Requirement.

- 4.2.43 **Resolution of a Concern**: Actions taken and decisions made that respond to the concern by verifying the concern and establishing plans to correct identified deficiencies, correcting the deficiencies, or determining that the concern is not substantiated and that no corrective action is required.
- 4.2.44 **Retaliation**: Any action taken against or toward an employee that has the effect or perceived effect of punishing the employee for engaging in legally protected activities, if applicable. Any action (including intimidation, threats, restraint, coercion, or similar action) taken by a contractor against an employee with respect to employment (e.g., discharge, demotion, or other negative action with respect to the employee's compensation, terms, conditions, or privileges of employment) as a result of the employee's disclosure of information, participation in proceedings, or refusal to participate in activities.
- 4.2.45 **Self-Assessment**: A quantitative or qualitative method of collecting and analyzing data by the ECP Office with the goal of detecting trends that are not readily apparent and that warrant corrective measures.
- 4.2.46 **Serious Condition or Concern**: A Priority II type ES&H Concern. A hazard, violation, or condition in which there is a substantial probability that death or serious physical harm, property loss, and or environmental impact could result. ES&H requires that such concerns be investigated within 3 working days.
- 4.2.47 **SRS Employees**: For the purpose of this procedure, "SRS Employee" refers to a DOE federal employee, contractor, or subcontractor performing work for DOE-SR.
- 4.2.48 **DOE-SR ECP Manager (ECPM)**: The individual recommended by Director, Office of Employee and Management Support, and approved by the Manager, DOE-SR, as a single POC with the responsibility for management of the ECP.
- 4.2.49 **Subject Matter Expert (SME)**: An individual who is thoroughly knowledgeable of the duties and responsibilities of a specific position function and/or subject area.
- 4.2.50 **Substantiated Concern**: Facts validated or supported in an EC. The concern was investigated, found to be factual, and a violation of a procedure, manufacturer's guideline, and/or federal, state, or local law occurred which requires corrective action(s).
- 4.2.51 **Summary ECP Report**: A non-classified summary or other brief report of an EC that does not contain the employee's name or other information which could identify the employee.

- 4.2.52 **Technical Personnel**: Includes all DOE-SR personnel whose position requires them to provide direction or oversight of contractor technical activities that could impact the safe operation of a reactor or non-reactor nuclear facility.
- 4.2.53 **Transfer of a Concern**: Transferred to another DOE or contractor organization with jurisdiction over the issues. The ECP Office has no further responsibilities for the processing or tracking of a transferred concern(s) and/or transmittal of a concern by the ECP Office to an office with subject matter responsibility or expertise pursuant to which that office will address the concern(s) with the individual.

5.0 RESPONSIBILITIES

5.1 THE MANAGER, DOE-SR

- 5.1.1 Designate the management position or positions responsible for developing and implementing the ECP.
- 5.1.2 Designate the organizational placement of the ECP which ensures an independent avenue for reporting concerns.
- 5.1.3 Uses management assessment results to verify the adequacy and implementation of the ECP and improve performance.

5.2 THE DEPUTY MANAGER, DOE-SR

- 5.2.1 Acts on behalf of the Manager, DOE-SR, by designating the organizational placement of the ECP which ensures an independent avenue for reporting concerns
- 5.2.2 Acts on behalf of the Manager, DOE-SR, by using management assessment results to verify the adequacy and implementation of the ECP and improve performance.
- 5.2.3 Determines the broad guidelines for the establishment and operation of the ECP to ensure ECP functions are carried out in accordance with applicable regulations and policies.

5.3 THE DIRECTOR, OFFICE OF CIVIL RIGHTS (OCR)

- 5.3.1 Develops and implements guidelines for the establishment and operation of the ECP. Submits ECP implementation documentation to the Manager, DOE-SR, for approval.
- 5.3.2 Directs the ECP staff and provides adequate resources and training for effective implementation of the ECP at SRS.

- 5.3.3 Ensures implementation of the ECP required by contract for contractors under their jurisdiction.
- 5.3.4 Allocates adequate resources for the effective implementation of the ECP.
- 5.3.5 Reviews self-assessment results to verify the adequacy and implementation of the ECP and improves performance.
- 5.3.6 Responsible for determining whether ECP work meets established professional standards and order compliance.

5.4 THE ECP SPECIALIST

- 5.4.1 Develops and submits ECP implementation documentation to the Director, OCR, for review.
- 5.4.2 Implements the approved ECP and ensures concerns are processed as required by DOE O 442.1A, "Department of Energy Employee Concerns Program."
- 5.4.3 Publicizes ECP processes, employee rights, and responsibilities to report concerns through these processes, and management's intolerance for reprisal against or intimidation of employees who have reported concerns.
- 5.4.4 Maintains an ECP tracking system and secure filing system.
- 5.4.5 Decides when the ECP Office should seek to resolve concerns, to refer or transfer concerns to another office/organization for further review, or should take no further action.
- 5.4.6 Assists in the evaluation and resolution of an EC.
- 5.4.7 Trains ECP Collateral Duty Investigators.
- 5.4.8 Transfers concerns to other programs or processes if the EC is deemed to be outside the scope of the ECP.
- 5.4.9 Reviews and evaluates responses from other organizations to which concerns were referred, requests further action when necessary, and provides feedback to those organizations having a need to know about the outcome of the ECP process.
- 5.4.10 Documents that an individual, office, or organization has accepted responsibility for minimizing, correcting, and preventing recurrence of concerns that have been substantiated through the ECP process. Resolution of corrective actions must be documented and maintained with the ECP case file.

- 5.4.11 Prepares annual reports and reviews them for lessons learned and possible adverse trends.
- 5.4.12 Uses self-assessments or outside reviews to conduct management assessments of the ECP, reviewing the results with Headquarters personnel, the Manager, DOE-SR, the Director, OCR, and taking any necessary actions to improve ECP operations. Schedule and document Self Assessments using Site Tracking, Analysis, and Reporting (STAR) system.
- 5.4.13 Coordinates with DOE contracting officers to determine the existence of contract requirements for the establishment of contractor ECPs, as well as the means and criteria by which such contractor ECPs will be evaluated.
- 5.4.14 Advises appropriate levels of management when actions to resolve concerns or identify deficiencies are ineffective or untimely.
- 5.4.15 Ensures the ECP provides anonymous and confidential methods for reporting concerns for those individuals who do not want their identity revealed. Ensures the identity of concern CIs requesting confidentiality is protected to the extent allowed by law.
- 5.4.16 Establishes, promotes, and maintains a DOE-SR ECP 24-hour Telephone Hotline.
- 5.4.17 Ensures posters are placed in conspicuous locations to inform employees of the existence of the ECP, the ECP Office telephone numbers, and the availability of an ECP 24-hour access hotline.
- 5.4.18 Treats all documents obtained or prepared in the course of processing and handling concerns in a sensitive manner. Steps must be taken to protect the identity of the concerned employee consistent with the employee's request for confidentiality and the provisions of the Privacy Act and the Freedom of Information Act.
- 5.4.19 Ensures ECP documents, which may contain classified or unclassified controlled nuclear information, are reviewed and properly sanitized in accordance with DOE O 471.1B, "Identification and Protection of Unclassified Controlled Nuclear Information", as appropriate.
- 5.4.20 Ensures EC is handled within the required timeframes as specified in Attachment B, and documents justification for any EC not processed within the required timeframe.
- 5.4.21 Ensures development of ECP training in accordance with SRM 300.1.1B, Chapter 6, Section 6.2, "Employee Training and Development."
- 5.4.22 Coordinates OIG and HQ allegation referrals in accordance with this procedure.

5.4.23 Ensures the Manager and Deputy Managers, DOE-SR, are promptly informed of significant and/or sensitive EC.

5.4.24 Meets monthly with the Manager and Deputy Managers, DOE-SR, on the status of EC.

5.5 ECP COLLATERAL DUTY INVESTIGATORS

5.5.1 Conducts assigned ECP investigations and recommends solutions for assigned cases that may involve vital matters that impact across organizational lines and require coordination with individuals throughout the agency.

5.5.2 Gathers information on missions, management policies and procedures, functions, and processes.

5.5.3 Coordinates investigations and recommended corrective actions with appropriate officials.

5.5.4 Facilitates resolution of ECP and works closely with the Federal staff responsible for Equal Employment Opportunity, Human Resources, Contracts Management, and Office of Chief Counsel.

5.5.5 Investigates a myriad of concerns. Facilitates settlement and/or adjudication of employee complaints and disputes throughout the SRS by investigating the concerns and is instrumental in the development, implementation, and administration of an enhanced ECP that meets appropriate regulations and policies, receiving types of concerns mandated by regulation, including ES&H, WFA, security, and management issues.

5.5.6 This responsibility includes, but is not limited to, receiving and reviewing all types of concerns for appropriate action.

5.6 SUBJECT MATTER EXPERTS (SMEs)

5.6.1 Applicable SMEs investigate assigned cases, completes investigation reports, submits reports to the ECPM, and tracks cases to closure, including any corrective actions.

5.6.2 Works closely with staff responsible for ES&H issues to expeditiously investigate and resolve imminent safety and health concerns, in an effort to prevent illness, injury, or death of SRS employees or the public.

5.6.3 Participates in sensitive program reviews and investigations regarding contractor and federal activities, using appropriate theories, techniques, analytical tools, and methodology of management principles.

5.7 THE DIRECTOR, OFFICE OF HUMAN CAPITAL MANAGEMENT

- 5.7.1 Provides training as requested by the ECP Office to DOE-SR management and staff, as required.
- 5.7.2 Processes employee complaints filed under administrative grievance procedures.
- 5.7.3 Provides departing DOE-SR employees an employee separation checklist which requires them to report to the ECP Office prior to out-processing and/or separation.

5.8 THE OFFICE OF CHIEF COUNSEL AND/OR DESIGNEE

- 5.8.1 Reviews EC responses, when appropriate.
- 5.8.2 Provides legal advice to ECP Office on jurisdictional decisions regarding 10 CFR, Part 708.

5.9 ASSISTANT MANAGERS/OFFICE DIRECTORS (AM/OD)

- 5.9.1 Implements DOE-SR's open communication policy, as described in the following policies:
 - A. SRP 12-04, "DOE-SR Employee Concerns Program"; and
 - B. SRP 10-15, "DOE-SR Alternative Dispute Resolution".
- 5.9.2 Serves on an ECRP, as requested.
- 5.9.3 Designates a POC for the ECP.
- 5.9.4 Ensures ECP referrals that cannot be processed within the required timeframes receive extensions from the ECPM or designated representative.
- 5.9.5 Ensures required reports are generated in accordance with DOE O 231.1B," Environment, Safety, and Health Reporting" or DOE O 232.2, "Occurrence Reporting and Processing of Operations Information", for all substantiated reportable issues.

5.10 DOE-SR SUPERVISORS

- 5.10.1 Establishes open lines of communication with employees to enable employees to report their concerns to them. Employee concerns resolved in this manner do not require the involvement of the ECP Office.
- 5.10.2 Resolve EC as soon as possible and discuss the resolution with the concerned employee.

- 5.10.3 Assists employees in reporting unresolved concern(s) to the appropriate organization. (Attachment E).
- 5.10.4 Ensure employees are aware of the ECP.
- 5.10.5 Maintain the confidentiality of any person that expresses an EC, to the extent possible.

5.11 DOE-SR EMPLOYEES

Employees are responsible for reporting, in good faith, conditions that adversely affect the quality or safety of DOE operations and for identifying and preventing harassment and intimidation of coworkers.

6.0 GENERAL

6.1 The following general information regarding the ECP is provided:

- 6.1.1 Any EC may be reported to the ECP Office. Individuals are encouraged to report concerns to their supervisor or other existing in-house processes prior to submittal to the ECP Office; however, this is not a prerequisite to reporting an EC to the ECP Office. The ECP Office will provide a written response to the Concern Originator regarding the results of the review of their reported EC.
- 6.1.2 All EC may be reported without fear of reprisal. The Whistleblower Act of 1989 protects Federal employees and 10 CFR, Part 708 protects contractor and subcontractor employees from reprisal for reporting EC.
- 6.1.3 EC may be reported anonymously or confidentially to the extent allowed by law.
- 6.1.4 An EC CI may request information on the status of their concern at any time. A unique identification number or a code word provided by the concern CI is used to obtain information on an anonymous concern.
- 6.1.5 Employees directly affected by the disposition of employee ES&H complaints or their authorized representative may have access to EC records in accordance with established procedures for release of information. These records shall be retained as specified in SRIP 200, Chapter 243.1, "Records Management Program."
- 6.1.6 Any dispute may be reported to the ECP Office for resolution and consideration for ADR. If an employee wishes to seek resolution through the auspices of the ECP Office rather than file a complaint through other available means and the concern involves issues ECP staff are not precluded from addressing, ECP staff may work with the employee, managers, and program officials on an informal basis to resolve the concern.

- A. Example, if a federal employee is considering filing a complaint with the Equal Employment Opportunity (EEO) Office but wanted to try and resolve their complaint at the site level, the employee may contact the ECP Office. The ECP staff can assist in addressing their issues and attempt to resolve them through various mechanisms. Utilizing the ECP first does not preclude employees from pursuing their complaint through an EEO complaint process later, or if resolution attempts are unsuccessful. Employees should be aware that pursuing resolution through ADR does not excuse missing established timeframes for filing EEO complaints. Employees may pursue ADR after filing an EEO complaint.
- B. The goal of the ECP is to provide assistance in ADR activities to address and resolve complaints and conflicts in a less costly, less time-consuming, less litigious way. The ADR is quicker and easier for the employee, cheaper for everybody involved, and, above all, enables and empowers the parties themselves to come up with solutions to resolve their complaint.

6.1.7 Violations of DOE Standards of Conduct, ethical misconduct, cases of discrimination, mismanagement, waste, and abuse of authority may be transferred to another organization (e.g. OIG, OCR, OHCM, etc. for disposition, if deemed appropriate).

6.2 EMPLOYEE CONCERNS TRAINING

- 6.2.1 ECP Specialist responsible for implementing the ECP or investigating concerns must be trained to properly carry out their responsibilities (e.g., training on the identification and classification of health and safety issues, how to investigate workplace, and administrative issues and dispute resolution techniques).
- 6.2.3 ECP staff will attend at least two training sessions during the year to equip them with the necessary tools to carry out the ECP functions. Training class examples are ECP conferences, EEOC's Investigator Training, ADR Training, and Interviewing & Interrogation Training.

7.0 REQUIREMENTS

7.1 EMPLOYEE CONCERNS INITIATION

- 7.1.1 Employees are encouraged to first attempt to resolve the issue by working through their management chain. This usually provides the timeliest resolution. If you do not feel your concern has been resolved appropriately by your manager/supervisor or others in your management chain, or if you do not feel you can take your concern to your manager/supervisor, report your concern to your company's or DOE's ECP by choosing one of the methods listed below:

- A. In person: Bldg 730-B, Room 318/344.
- B. In writing:
1. Via SR Form 230, "Employee Concerns Report;"
 2. Via letter to Office of Civil Rights, Attn: Employee Concerns Office, P.O. Box A, Aiken SC 29802;
 3. Via Site Mail to Office of Civil Rights, Building 730-B, Room 318/344; or
 4. E-mail. **Awaiting e-mail account**
- C. Via Telephone: Your company's or DOE's 24-hour ECP Hotline;
1. DOE-SR ECP Hotline 803-952-8320 or 1-800-749-5441;
 2. SRNS ECP Hotline, 803-725-3244;
 3. SRR ECP Hotline, 803-952-4354; and
 4. WSI ECP Hotline, 803-952-7670.
- D. Via Webpage: Your company's or DOE's ECP webpage (<http://pluto.srs.gov/organizations/ocr/ecp.aspx>);
1. DOE-SR Employee Concerns Program;
 2. Savannah River Nuclear Solutions (SRNS) Employee Concerns Program;
 3. Savannah River Remediation (SRR) Employee Concerns Program; and
 4. WSI Employee Concerns Program.

7.2 Preliminary Concern Evaluation Process

7.2.1 Employee Concerns Staff

- A. Initiate triage of the concern and prioritize accordingly.
1. If the concern is a potential Price Anderson Amendments Act (PAAA) nonconformance; upon discovery, report it to the PAAA Office for screening.
 2. If the concern affects health or safety, prioritize the concern as follows (go to Section 6.0 for definitions):
 - a. **PRIORITY 1: Imminent danger condition/concern**: Immediately report the concern to the appropriate line manager and/or safety and health program office. Immediate response activity and corrective action initiation and completion schedule of Priority 1 concerns must be completed within 24 hours of receipt of the concern.

- b. **PRIORITY 2: Serious condition/concern:** Immediately report the concern to the appropriate line manager and/or safety and health program office. Priority 2 concerns must be evaluated within three working days of receipt.
 - c. **PRIORITY 3: Other-than-serious condition/concern:** Concern must be investigated within 20 working days.
 - d. For all others, the goal is to resolve concerns within 90 working days.
3. Confer with subject matter experts as appropriate.

7.3 Intake Process

7.3.1 Employee Concerns Staff

- A. Upon acceptance of a concern, log the concern into the database, assign it a case tracking number, and assign it to an ECP staff member.
- B. Acknowledge receipt of the concern to the originator and clarify any information needed to proceed.
- C. Obtain as much information as possible to accurately address the concern. At a minimum, obtain the following information from the Concerned Individual (CI):
 - 1. Full name and contact information of the CI;
 - 2. Position with or employment relationship to DOE or a DOE contractor;
 - 3. Nature of the concern, including specific example if available;
 - 4. Whether the concern is currently being addressed or investigated elsewhere;
 - 5. Previous attempts to have the concern addressed; and
 - 6. Resolution requested.
- D. Ensure the concern is described in sufficient detail to effect a proper investigation and resolution. Obtain the CI's concurrence when possible.
- E. Inform CI of confidentiality considerations and its limitations. Document via the confidentiality acknowledgement form (Attachment G).
- F. Determine the appropriate process to resolve the concern from the following:
 - 1. Refer the concern to another organization (internal or external) and track its progress until resolved. Examples of concerns likely to be referred include: technical concerns best answered by a subject matter expert and contractor-specific concerns most appropriately resolved by that contractor. Proceed to Section 7.4.

2. Transfer the concern to another organization with jurisdiction over the issues. Examples of concerns that will be transferred are those related to Equal Employment Opportunity, those covered by a collective bargaining agreement, and allegations of fraud, waste and abuse best addressed by the Inspector General. Concerns that are often transferred are those related to organization-specific personnel actions or contractor-specific management concerns. Proceed to Section 7.5.
3. Retain the concern and resolve it through the ECP. Examples of concerns likely to be retained are those filed by an employee of the receiving contractor or DOE SR addressing safety, health, the environment, ethics, retaliation, chilling effect, and harassment; referrals from DOE Headquarters; and congressional inquiries. Proceed to Section 7.6.
4. Close the concern. Examples of concerns that might be closed without further action include: concerns that have been filed with or are currently being investigated by another agency (e.g., the Department of Labor), DOE Headquarters, or another contractor: union grievances: those in active litigation: those in which the CI requests documentation only: or those that are filed anonymously without sufficient information provided to investigate. Proceed to Section 7.8.

7.4 Referring Concerns

7.4.1 Employee Concerns Staff

- A. Refer the concern and all applicable information to another organization for investigation. Unless otherwise agreed to by the CI, the employee's immediate supervisor should not conduct the investigation. However, when association with the organizational element of the CI is required due to subject matter expertise or historical experience in the area or activity, the investigation is to be assigned to a level above the supervisor involved in the concern.
- B. When possible, notify the CI and discuss the intent to refer the concern.
- C. Prepare a referral memorandum (e-mail) referring the concern.
 1. The referral memorandum should request the following information so that sufficient information is provided to the ECP office to effectively summarize the results of the evaluation of the concern, and provide sufficient information to support the conclusion(s):

- Concern number
 - Investigating organization
 - Results of investigation
 - Investigation summary
 - Findings (as applicable)
 - Observations (as applicable)
 - Resolution summary
 - Corrective actions (as applicable)
 - Supporting documentation
 - Points of contact
 - Due date
- D. Ensure subject matter expert confidentiality agreement is completed as needed. (Attachment G)
- E. Review the referral response for adequacy and ensure appropriate management officials are advised of any findings, recommendations and/or corrective actions.
- F. Go to Section 7.7 for Investigation Closeout.

7.5 Transferring Concerns

7.5.1 Employee Concerns Staff

- A. When possible, notify the CI and discuss the intent to transfer the concern to the appropriate organization and close the ECP case.
- B. Transfer the concern by memorandum or e-mail to another organization, contractor, or subcontractor organization with jurisdiction over the issues, and advise receiving organization to maintain confidentiality to the greatest extent possible.
- C. Close the concern in accordance with the criteria described in Section 7.8. The concern may be monitored after transfer, but there is no requirement to do so.

7.6 Retaining Concerns

7.6.1 Employee Concerns Staff

- A. Document the CI's original concern statement, provide a chronological Concern Staff log of the actions and events leading to the resolution, and document the closure of the concern.

- B. Attempt to address the concern using informal resolution techniques. This method of addressing the concern may be performed by the ECP with the assistance of others as necessary. If the concern can be addressed informally:
 - 1. Document resolution of the concern; and
 - 2. Close the concern in accordance with the criteria described in Section 7.8.
- C. Consider the use of Alternate Dispute Resolution (ADR) techniques. Document resolution of the ADR and close the concern in accordance with the criteria in Section 7.8.
- D. Conduct the investigation using standard investigative techniques that may include the following:
 - 1. Additional meetings with the CI;
 - 2. Review of pertinent documents such as procedures, logs, reports, and written correspondence;
 - 3. Interview and obtain statements from employees with knowledge of the issue;
 - 4. Consultation with subject matter experts;
 - 5. Inspection of relevant documents, sites, or equipment; and
 - 6. Obtaining any other information deemed necessary.
- E. Keep the CI informed of case status as necessary.
- F. Ensure appropriate management officials are advised of any findings/recommendations and/or corrective actions.

7.7 Investigation Closeout

7.7.1 Investigator

NOTE: Unless needed, do not use the name of the CI or individuals involved in the investigation.

- A. Prepare an investigation report that contains the following information, as appropriate:
 - 1. Employee Concern Case Number;
 - 2. Concern allegation(s);
 - 3. Scope of the investigation;
 - 4. Documents reviewed;
 - 5. Interview results;
 - 6. Investigation details, including applicable dates and requirements documents relied upon;
 - 7. Summary;

8. Conclusion(s); and
 9. Recommended action(s).
- B. Communicate the results to the CI.
- C. If the CI provides additional, new information, determine if additional review is needed.
- D. If the CI is dissatisfied, advise the CI of other avenues to address the concern.

7.8 Closing Concerns

7.8.1 Employee Concerns Staff

- A. Close a concern when one of the following criteria is satisfied:
1. The concern has been investigated; necessary corrective actions have been identified; the office responsible for taking the corrective action has accepted jurisdiction over the matter; and the resolution has been documented;
 2. The concern has been investigated by ECP and no corrective action is deemed necessary;
 3. The subject matter of the concern is outside the scope of the ECP and the concern has been transferred to another organization with jurisdiction over the subject matter;
 4. The subject matter of the concern must be addressed by other means such as the collective bargaining process, the Equal Employment Opportunity process; and
 5. The ECP determines that the issues are frivolous or too general to investigate.
- B. When possible, notify the CI that the concern has been closed.
- C. Update the ECP Tracking Log and/or database of closure.

7.9 Employee Concerns Database

7.9.1 Employee Concerns Staff

- A. Maintain a secure system, according to existing rules applicable to sensitive materials, as well as applicable Privacy Act requirements.

B. The information must include the following:

1. Concern number;
2. Date and time concern was received;
3. Method of receipt;
4. Category of concern;
5. Brief description of the concern;
6. Priority of the concern;
7. Whether the concern is a potential PAAA noncompliance;
8. Whether the concern was transferred or referred to another organization or authority (date and organization);
9. Name of the investigator and the organization;
10. Whether the concern was substantiated, partially substantiated, not substantiated, or indeterminate;
11. Disposition resolution, including any corrective action(s) taken or anticipated (including tracking numbers);
12. Basis for closure;
13. Date the employee was notified of the resolution; and
14. Date the concern was closed

7.10 Disposition of 10 CFR Part 708, Subpart B, “Employee Complaint Resolution Process”

7.10.1 Step 1: The employee must provide two copies of the following information in a typed or legibly handwritten document to the DOE SR ECP Manager at P.O. Box A, Aiken, SC 29802. The complaint must be signed and dated.

A. PROCESSING INFORMATION:

1. Complainant: Include your full name, off-site mailing address, and telephone number(s).
2. Complainant Legal or Collective Bargaining Unit Representative (if applicable): Having an attorney for legal representation is not required in order for you to file a complaint. If you have one, please include the name of your attorney or union representative (if you are a member of a collective bargaining unit), mailing address, telephone and fax numbers.
3. Field Element: Identify the local DOE Field Office receiving the complaint and the assigned contact person. Example: DOE Savannah River Employee Concerns Program.
4. Contractor Data: Identify the contractor/subcontractor company against whom the complaint is filed. Also, identify the primary management

employee(s) or others that you believe were responsible for or involved in the alleged reprisal, noting their positions or titles.

5. Timeliness: You must file your complaint by the 90 calendar days after the date you knew, or reasonably should have known, of the alleged retaliation. If you believe that DOE should accept your complaint after the 90 calendar days, please provide information showing any good reason you may have for not filing within that period. [708.14]

B. COMPLAINT INFORMATION:

1. Employee's Disclosure ("Whistleblowing" Action) or Refusal: Describe the specific disclosure or refusal to act, including circumstances and dates. Indicate whether it involved health or safety; a violation of a law, rule, or regulation; constituted fraud, waste, or abuse; or posed a danger to employees or the public. Refer to the descriptions of protected activity in 10 CFR 708.5. [708.12(a)(2)]
2. Retaliatory Action (Reprisal): Describe the specific actions believed to have been taken against you, the circumstances, and dates. Explain how you believe the disclosure or refusal led to the reprisal and describe any harm you experienced. [708.12(a)(1)]
3. Remedy Sought: Describe the action or relief that you desire to address the specific harm identified above, if it is found that the above cited reprisal resulted from a protected disclosure or refusal.
4. Include a statement that all of the facts that you have included in your complaint are true and correct to the best of your knowledge and belief. [708.12(c)]

C. PREVIOUS RESOLUTION ATTEMPTS/OTHER ACTIONS:

1. Have you sought a state, Federal, or other remedy on the same reprisal complaint? Explain (specify agency, date, and case status). Have you filed the same reprisal complaint with a Federal agency other than DOE? [708.12(b)]
2. Have you filed another type of complaint (such as discrimination) on the same management actions taken against you? Explain (specify agency, date, and case status). [708.12(b)]

3. If you are a member of a collective bargaining unit, did you use your contractor's internal grievance procedures? Explain (include dates and results). [708.12(d) and 708.13]

7.10.2 Step 2: The ECP Specialist will screen the complaint to ensure it:

- A. contains information required by 10 CFR 708.12 and 708.13. If it does not, contact the contractor or subcontractor employee to obtain the relevant information; or
- B. was filed within 90 calendar days after the alleged retaliation occurred.

NOTE: If the complaint is not filed during the 90 day period, the Head of Field Element or EC Director (as applicable) will give you an opportunity to show any good reason you may have for not filing within that period, and that official may, in his or her discretion, accept your complaint for process.

7.10.3 Step 3: Notify the following of the 10 CFR 708 Subpart B and meet with the group to discuss the complaint and process for resolution:

- A. DOE-SR/ECP Manager;
- B. Legal Counsel; and
- C. Labor Relations, if applicable.

7.10.4 Step 4: Send a copy of the 10 CFR 708 Subpart B to the contractor or subcontractor employee's employer and Bargaining Unit representative, if applicable, within 15 calendar days of receipt. Request that comments be sent to the DOE-SR/ECP Manager's office within 10 calendar days.

7.10.5 Step 5: Screen the 10 CFR 708 Subpart B within 15 calendar days of receipt. Review for lack of jurisdiction or other good cause using guidance in 10 CFR 708.17(c). If the complaint is dismissed, notify the DOE-SR ECP Manager.

NOTE: A request for dismissal may be made by any party.

7.10.6 Step 6: If the complaint is dismissed, notify the contractor or subcontractor employee. State the specific reason(s) for the dismissal. Also notify the other parties involved. Then exit this procedure.

7.10.7 Step 7: If the complaint is not dismissed, recommend that the parties reach resolution informally using mediation (see Definitions) or other methods. If informal resolution is rejected, skip to step 10.

7.10.8 Step 8: Work with the contractor or subcontractor employee and other involved parties to seek informal resolution.

NOTE: Informal resolution must be completed within 30 calendar days of receiving the complaint, unless the parties agree to an extension.

- 7.10.9 Step 9: If the complaint is resolved informally, obtain a copy of the settlement agreement from the contractor or subcontractor employee and provide it to the DOE-SR ECPM.

NOTE: 10 CFR 708.20 requires the contractor or subcontractor employee to provide a copy of the settlement or a written statement withdrawing the complaint.

NOTE: This action closes the complaint. Exit this procedure.

- 7.10.10 Step 10: If informal resolution is not successful or was not attempted, notify the contractor or subcontractor employee by letter, using certified mail, return receipt requested, of the following options:

- A. Request the DOE HQ Office of Hearings and Appeals (OHA) hear the complaint after an investigation (See Definitions), or
- B. Request OHA hear the complaint without an investigation.

NOTE: Notification should be provided within 10 calendar days of completing the attempt at informal resolution.

- 7.10.11 Step 11: When the contractor or subcontractor employee responds with a choice of hearing, forward the complaint and type of hearing requested to OHA for action.

NOTE: The complaint must be forwarded within 5 calendar days of receiving the contractor or subcontractor employee's decision.

- 7.10.12 Step 12: Notify all parties the complaint has been sent for a hearing to the OHA, either with or without an investigation.

- 7.10.13 Step 13: When the hearing is over and feedback is received, implement the final DOE agency decision by forwarding it and the order to the contractor or subcontractor employee, the employer, and other involved parties.

NOTE: Failure to comply with a final agency decision and order may result in termination of the operating or management contract for default.

- 7.10.14 The ECPM issues status reports at least quarterly of all ECs initiated, closed, or remaining unresolved since the previous report. The reports are sent to the Site Manager, and Deputy Managers.

8.0 RECORDS

8.1 RECORDS CONTROL

Records generated by this directive will be controlled and maintained according to requirements established in SRIP 200, Chapter 243.1, "Records Management Program."

8.2 RECORDS GENERATED

8.2.1 SR Form 230, "Employee Concerns Report Form(s)".

8.2.2 ECP Investigation Reports

ATTACHMENT A
SR FORM 230, "EMPLOYEE CONCERNS REPORT"

This form can be located at:

<http://shforms.srs.gov/forms/doe/sr/sr230.fp7>

**ATTACHMENT B
 ECP PROCESSING TIMEFRAMES**

TIMEFRAME OF INTEREST	MAXIMUM
Receipt of contractor whistleblower complaint until the contractor/employer is provided a copy of the complaint.	15 calendar days
Receipt of contractor whistleblower complaint until an attempt at an informal resolution is initiated.	30 calendar days
Receipt of EC that allege violations of rules subject to PAAA violation enforcement authority; criminal acts involving nuclear safety matters; and other willful violations of DOE rules, orders, or regulations in the area of nuclear safety until concerns are referred for investigation.	10 working days (2 hours, if the concern possesses an immediate threat to the safety of the public or worker)
Receipt of a Priority I (Imminent Danger) EC until the investigation is complete.	24-hours
Receipt of a Priority II (Serious Condition) EC until the investigation is complete.	3 working days
Receipt of a Priority III (Other - Than - Serious) EC until the investigation is complete.	20 working days
Receipt of a Priority IV (Routine) EC until the investigation is complete	60 working days
Completion of ES&H concern investigation until the CI is notified of the results and/or of a delay in issuing a report of results.	30 calendar days
Receipt of an Employee Concern until the concern is Transferred or Referred	20 working days

ATTACHMENT C ECP REFERRAL/TRANSFER GUIDANCE

TYPE OF CONCERN	REFERRAL/TRANSFERRAL ORGANIZATION
PAAA violation enforcement authority; criminal acts involving nuclear safety matters or occupational safety; and other willful violations of DOE rules, orders, or regulations in the area of nuclear safety or occupational safety	Performance Assurance Division, DOE-SR Office of Health, Safety and Security (HSS)
Waste, fraud, abuse, or mismanagement	Office of the Inspector General
Contractor or subcontractor whistleblower complaints of reprisal	Office of Hearing and Appeals
Federal whistleblower complaints of reprisal	Office of Special Counsel
Espionage	DOE-SR Counterintelligence Program Manager
Discrimination (based on race, religion, color, sex, national origin, disability, age, or reprisal for involvement in the EEO process) or sexual harassment	<u>Federal Employees</u> - Office of Equal Employment Opportunity and Diversity <u>Support Service Contractors to DOE</u> - Equal Employment Opportunity Commission (EEOC) at 1-800-669-4000 or DOE-SR Contracts Management Division <u>M&O Contractors</u> - Employer's EEO Office or (EEOC) at 1-800-669-4000
Potential violations of requirements of any other Federal agency	Cognizant Federal Agency
ES&H related complaints	Facility Line Organization or Assistant Manager for ES&H
Human resources complaints	Assistant Manager for Business and Logistics
Violations of DOE Standards of Conduct	Ethics Officer, Office of Chief Counsel
Security violations	Office of Safeguards, Security, and Emergency Services
DOE-SR subcontractor complaints	Contracting Officer
Differing Professional Opinion (DPO)	Technical Support Division

ATTACHMENT D ECP INVESTIGATION REPORT GUIDELINES

Page 1 of 3

EC Number: Enter assigned EC Number.

Example

DOE-SR9901-001, Alleged Inappropriate Behavior by Site Employee.

Concern: Summarize the EC as received.

Example

The following concern was received by the DOE-SR ECP Office on December 31, 1998: "Joe Johnson allegedly engaged in inappropriate behavior on December 30, 1998, when he.... In addition, his supervisor, Mr. Doe, saw the behavior and did nothing to stop it."

Purpose of Investigation: Indicate which aspects of the EC will be investigated and why.

Example

To determine if Joe Johnson engaged in inappropriate behavior, as alleged, and, if so, determine if his supervisor, Mr. Doe, was present when the behavior took place and if Mr. Doe took any action regarding Mr. Johnson's behavior."

Individuals Contacted: List the name, title, and employer of all individuals interviewed.

Example

Mr. Joe Johnson, Employee, Contractor Company Mr. John Doe, Supervisor, Contractor Company Mr. Sam Smith, Employee, Contractor Company

Documents Reviewed: List all procedures, orders, regulations, laws, correspondence, transcripts, logs, or other documented information reviewed as a result of the investigation.

Example

Personnel File, Mr. Joe Johnson, file provided by Rita Jones, Human Resources Department.

Observations Noted: Identify any discrepancies, indications of deceptive behavior, or other factors that have an impact on the investigation. If none, indicate "None" or "N/A."

Detailed Investigation: Provide a detailed chronology of persons interviewed, documents reviewed, and information received from these sources. While reading the report, the reader should be able to follow the investigation as it occurred and be able to clearly tell what questions were asked, what topics were discussed, and what specific responses were given to all questions.

Example

John Doe was interviewed in his office on January 1, 1999. He explained that he was aware of the problem identified in the concern and took the following actions to alleviate the situation. When asked if he saw the alleged inappropriate behavior himself, Mr. Doe stated that he did not see the behavior firsthand, but was told about it by Mr. Smith.

ATTACHMENT D, Cont'd

Page 2 of 3

On January 2, 1999, Mr. Smith was interviewed in Building 703A. He acknowledged that he reported the inappropriate behavior to Mr. Doe immediately. Since he has not heard about any disciplinary action, Mr. Smith believed that Mr. Doe chose to ignore Mr. Johnson's behavior and "let him get away with it."

On January 3, 1999, the official file in question was provided by Ms. Jones, Human Resources Department. The file contained the following documents:

Conclusions: State and defend your conclusions as a result of the investigation. Indicate whether each allegation was substantiated, partially substantiated, or unsubstantiated. Refer to specific facts in the Detailed Investigation Section, if necessary.

Example

The allegation that Mr. Joe Johnson engaged in inappropriate behavior was substantiated. All individuals identified as being present when the behavior occurred provided consistent information sufficient to conclude that Johnson acted as alleged. This specific type of behavior is in direct violation of the company's approved code of conduct.

The allegation that Mr. Johnson's supervisor, Mr. Doe, was present when the alleged behavior took place and did nothing about it was unsubstantiated. Witnesses verified that Mr. Doe was not present. A review of applicable policies and files indicate that Mr. Doe took actions consistent with company guidance.

Recommended Actions: Indicate required corrective actions determined by management to be implemented as a result of your investigation. Include any specific individuals or organizations that should be responsible for implementation. Include an implementation due date, if appropriate.

ATTACHMENT D, Cont'd

(If the investigation is conducted and reviewed by the organization having program/facility ownership, the following page should be included with the Report of Investigation. The Reviewing Official should be a designated program or technical expert or a member of management within that organization.)

Date:

EC Number and Title:

I have reviewed the attached report of investigation. I understand that corrective action follow-up is the responsibility of the organization with program/facility ownership.

DOE Program/Technical Expert:

Date:

OR

Responsible Manager:

Date:

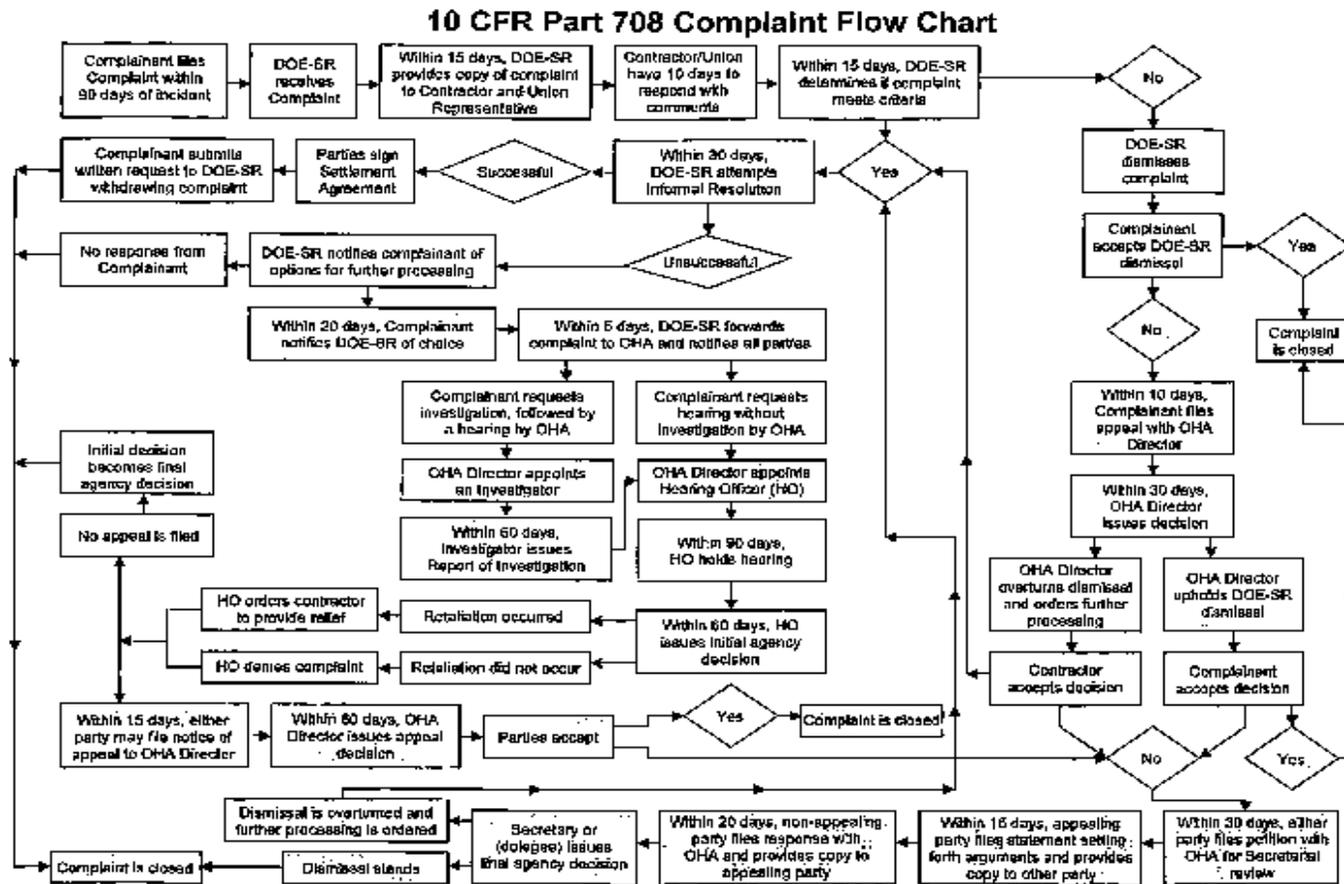
Comments:

(If the Reviewing Official does not concur with the report, an explanation should be entered in the "Comments" section. Specific deficiencies or desired information should be identified in as much detail as possible. The Report of Investigation should be returned to the Investigator, either directly or through the ECP Office).

**ATTACHMENT E
 FEDERAL DISPUTE RESOLUTION AVENUES**

FEDERAL DISPUTE RESOLUTION AVENUES	CONCERN/ISSUE/CATEGORY	PRIMARY POINT OF CONTACT (PHONE #)
ECP Office or Alternative Dispute Resolution	Any concern or issue from federal employees, contractor or subcontractor employees or stakeholders, and reprisal for reporting of an EC	ECP Office Personnel or Hotline 952-8320 1-800-749-5991
Administrative Grievance	Employment dissatisfaction	OHCM 952-6877
Office of Equal Employment Opportunity & Diversity or Complaints Resolution	Discrimination (based on race, religion, color, sex, national origin, disability, age); reprisal for participating in the EEO process; and Sexual Harassment	EEO Office Personnel 952-7646
Office of Inspector General	Actual or suspected fraud, waste, abuse, corruption, or mismanagement of DOE programs, operations, funds, or contracts	Hotline 1-800-541-1625 or 725-5936
Crime Stoppers	Theft	Hotline 95-CRIME (952-7463)
Office of Special Counsel	Reprisal or other prohibited personnel practices	Hotline 1-800-872-9855
Merit System Protection Board	Reprisal or other prohibited personnel practices	1-404-730-2751
Differing Professional Opinion	Differing Professional Opinions for Technical Issues Involving Environment, Safety, and Health	952-8595
National Labor Relations Board	Union Grievance Process	1-336-631-5201

ATTACHMENT F 10 CFR Part 708 Complaint Flow Chart



ATTACHMENT G CONFIDENTIALITY AGREEMENT



ACKNOWLEDGMENT OF CONFIDENTIALITY FOR DOE-SR EMPLOYEE CONCERNS PROGRAM (ECP) ACTIVITIES

To: Manager, DOE-SR Employee Concerns Office

I, _____, acknowledge and fully understand that all of my activities associated with the DOE-SR ECP are to be handled in a **CONFIDENTIAL** manner. In this respect, I agree that I will not disclose any information to anyone outside the immediate ECP staff relative to the identity of the individuals who contact the DOE-SR ECP with specific issues.

In addition, information related to either the details of a specific concern or status information on the progress of a specific investigation shall not be divulged to any individual outside the ECP, unless I have received authorization from the DOE-SR ECP Manager.

I understand that EC documents, including supporting documents gathered from other sources in the context of an EC investigation, are Sensitive Unclassified Information and should be handled in accordance with DOE and DOE-SR security guidance. I understand that all EC files, documents, and reports containing information regarding specific concerns must be marked "Official Use Only" and access should be restricted to those with a specific need-to-know.

I understand that any violation of this agreement will be referred to management within my respective organization for appropriate action.

Name (please print)

Date

Signature