

HUMAN RESOURCES SERVICES RESPONSIBILITIES DATED: 11/21/2008

SUBJECT: EMPLOYEE CONCERNS MANAGEMENT SYSTEM

1. PURPOSE. This document addresses responsibility and accountability and provides administrative guidance to the Oak Ridge Office (ORO).
2. APPLICABILITY. The provisions of this document apply to ORO Principal Staff.
3. RESPONSIBILITIES.
 - a. Manager, ORO, establishes the ORO Employee Concerns Review Panel on the recommendation of the Diversity Programs and Employee Concerns Manager (DPECM).
 - b. Diversity Programs and Employee Concerns Manager.
 - (1) Is designated the ORO Employee Concerns Manager.
 - (2) Establishes, implements, and maintains an ORO Employee Concerns Management System that conforms to the requirements of DOE O 442.1A, paragraph 4.
 - (3) Performs those tasks identified in DOE O 442.1A, subparagraph 5c.
 - (4) Ensures that qualified DOE occupational safety and health, nuclear safety, or environmental professionals are available and assigned for investigation of concerns.
 - (5) Concurs in and issues investigation reports and quarterly reports on employee concerns.
 - (6) Provides support to the Contracting Officer's Representatives (COR) in the administration of the Employee Concerns Management System.
 - (7) Initiates assignments for investigation of environment, safety, and health (ES&H) concerns to the appropriate ORO organization.
 - (8) Refers employee concerns received on matters other than ES&H to the appropriate DOE or ORO organization for disposition.
 - (9) Recommends, as appropriate, the establishment of the ORO Employee Concerns Review Panel.
 - c. Team Leader, Human Capital Assessment Group, provides training that is described in DOE O 442.1A, subparagraph 4e.
 - d. Principal Staff.
 - (1) Perform those tasks identified in DOE O 442.1A, subparagraphs 5b(3) and (4).

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- (2) Monitor and close DOE investigations of Federal and contractor employee concerns originating within programs or organizations for which they have responsibility.
- (3) Implement and/or direct implementation of corrective and preventive measures in response to completed employee concerns investigations. Provide copy of closeout documentation to the DPECM.
- (4) Evaluate the adequacy and implementation of contractor employee concerns programs, and ensure that a formal ORO review is conducted every three years.

e. Federal Employees.

- (1) Report employee concerns to the ORO DPECM if the concern has not been adequately addressed by supervision, if anonymity or confidentiality is desired, or if reprisal is feared. Concerns may be submitted by use of the Telephone Hotline, the Employee Concerns Reporting Form (OR F 440.1), or a personal meeting with the DPECM.
- (2) Report to the DPECM and the Human Resources Division allegations of reprisal taken against DOE employees for filing an employee concern.

4. REFERENCES.

- a. 10 CFR 708, DOE CONTRACTOR EMPLOYEES PROTECTION PROGRAM.
- b. ORO Form, OR F 440.1, "*Employee Concerns Reporting Form*," dated December 2000.

5. DEFINITIONS.

- a. **INFORMAL CONCERN** - A concern expressed orally, including the use of the Telephone Hotline (865-241-3267), to any ORO or contractor management representative.
- b. **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.
- c. **WHISTLEBLOWER COMPLAINT** - A complaint filed by a contractor employee regarding reprisal resulting from his/her participation in protected activities described in 10 CFR 708.
- d. **ORO EMPLOYEE CONCERNS REVIEW PANEL** - A group appointed by the ORO Manager on the recommendation of the DPECM. The panel is chaired by the DPECM or designee. Depending on the nature of the concern, the panel may be composed of representatives of employees, supervisors, managers, Human Resources Division staff, and/or outside experts. A panel may be used to provide expertise; assist in fact finding; evaluate specific concerns for which there are either unique circumstances or for which there are no previously established evaluation channels (i.e., Differing Professional Opinions); and to recommend resolutions and propose corrective actions.

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- e. **DIFFERING PROFESSIONAL OPINIONS** - Differing professional opinions arise when an employee is convinced that the Department of Energy and/or the public would be better served if another opinion prevailed. Issues that do not qualify as differing professional opinions include those that are or could be appropriately addressed under the grievance procedure, personnel appeal procedures, Equal Employment Opportunity discrimination complaint process, or are governed by law or government regulation; and issues involving wrongdoing that are appropriately addressed by the Office of Inspector General.