

CONTROL FORM FOR DOE/ORO DIRECTIVE

PART A (To be completed by the ORO DIRECTIVES MANAGEMENT GROUP, AD-440):

1. DIRECTIVE NUMBER, TITLE, AND DATE:

ORO O 440, CHAPTER V, CHANGE 5, EMPLOYEE CONCERNS MANAGEMENT SYSTEM, dated 04/24/2007

2. PURPOSE OF TRANSMITTAL: ___ New Directive Revised Directive ___ Revised Control Form

3. DOES THIS DIRECTIVE CANCEL OR EXTEND ANY OTHER DIRECTIVES? Yes ___ No
If "Yes," list what action (cancel or extend) and list the Directive(s) number(s), title(s), and date(s):

This Directive cancels and replaces ORO O 440, Chapter V, Change 4, EMPLOYEE CONCERNS MANAGEMENT SYSTEM, dated May 23, 2005.

The attached Directive is forwarded for review and action. Complete Part B and forward a completed hard copy of this form to ORO DMG, AD-440, by **05/08/2007**.

PART B (To be completed by the DIVISION OF PRIMARY INTEREST [DPI]):

COMPLETE FOR DOE DIRECTIVES ONLY:

4. SUPPLEMENTAL ORO DIRECTIVE REQUIRED?

Is a new or revised supplemental ORO Directive required? ___ Yes ___ No

If "Yes," target date for submission of supplemental ORO Directive is _____.

COMPLETE FOR BOTH DOE AND ORO DIRECTIVES:

5. CONTRACTOR APPLICABILITY.

Does this Directive affect the work performed by ORO Contractors? Yes ___ No

If "Yes," whom? Bechtel Jacobs Company LLC ORAU

UT-Battelle, LLC

ISOTEK (Bldg. 3019, ORNL)

Foster Wheeler (FWENC)

Other Contractors (list by name) Other contractors or subcontractors performing work at DOE-owned or -leased facilities, as provided by law and/or contract and as implemented by the appropriate contracting officer.

6. SUBJECT MATTER EXPERT: Rufus Smith Diversity Programs & Employee Concerns Mgr., M-5
Name Organization

Original Signed By

7. APPROVED BY: Rufus Smith Diversity Programs & Employee Concerns Mgr., M-5 04/24/2007
Signature Organization Date

PART C (To be completed by the ORO DIRECTIVES MANAGEMENT GROUP, AD-440):

APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH OFFICIAL DIRECTIVE DISTRIBUTION LIST:

Original Signed By

Wayne H. Albaugh

04/24/2007

DMG Team Leader, AD-440

Date

INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED. (Revised 02/10/2006)

U.S. Department of Energy

Oak Ridge Office

ORO O 440
Chapter V
Change 5

DATE: 04/24/2007

SUBJECT: EMPLOYEE CONCERNS MANAGEMENT SYSTEM

1. PURPOSE. This Chapter correlates to DOE O 442.1A, DEPARTMENT OF ENERGY EMPLOYEE CONCERNS PROGRAM, dated June 6, 2001, by assigning responsibility and accountability and providing administrative and/or contractual guidance to the Oak Ridge Office (ORO), and its contractors. Nothing in this issuance changes any requirements contained in any Department of Energy (DOE) Directive.
2. CANCELLATION. This Chapter cancels and replaces ORO O 440, Chapter V, Change 4, EMPLOYEE CONCERNS MANAGEMENT SYSTEM, dated May 23, 2005.
3. APPLICABILITY. The provisions of this Chapter apply to ORO Principal Staff, and contractors and subcontractors performing work at DOE-owned or -leased facilities as provided by law and/or contract and as implemented by the appropriate contracting officer.
4. RESPONSIBILITIES. Many ORO contractors have developed Standards/Requirements Identification Documents (S/RIDs) or Work Smart Standards (WSS) Sets that may not include requirements referenced or included in DOE O 442.1A or this Chapter. Interpretation and performance of Federal responsibilities outlined below must take into account the approved standards set for each particular contract and must not be deemed to add any requirements to the approved set.
 - 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).
 - (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.
5. REQUIREMENTS AND PROCEDURES. See ORO M 440, Revision 2, EMPLOYEE CONCERNS MANAGEMENT SYSTEM MANUAL, dated September 14, 2005.
6. REFERENCES.
- a. 10 CFR 708, DOE CONTRACTOR EMPLOYEES PROTECTION PROGRAM.

- b. ORO O 440, Chapter 1, Change 3, WORKER PROTECTION MANAGEMENT FOR DOE FEDERAL AND CONTRACTOR EMPLOYEES, dated October 26, 2006.
- c. ORO Form, OR F 440.1, "*Employee Concerns Reporting Form*," dated December 2000.

7. 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.
- 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.

8. CONTRACTOR REQUIREMENTS DOCUMENT. See Contractor Requirements Document, Attachment 1 of this Chapter.

9. ATTACHMENTS.

- a. Attachment 1 - Contractor Requirements Document.

CONTRACTOR REQUIREMENTS DOCUMENT

Contractors identified in Paragraph 3 of this Chapter will accomplish the following as provided by law and/or contract and as implemented by the appropriate contracting officer:

1. Develop and implement an internal Employee Concerns Program that is consistent with DOE O 442.1A, paragraph 4.
2. Implement timely corrective and/or preventive measures as necessary to effect recommendations of either contractor or DOE requirements.
3. Provide a quarterly report to the COR that contains the information listed in DOE O 442.1A, subparagraph 4d.
4. Post copies of the "DOE Hotline and Report Forms for Employee Safety, Health, and Environmental Concerns" poster and the "Employee Concerns Reporting Form" at main entrances and on bulletin boards throughout plant sites.
5. Require onsite subcontractors that are responsible for complying with DOE safety and health requirements to develop and maintain an Employee Concerns Management System.