

U.S. Department of Energy

Oak Ridge Operations

ORO O 440 Chapter V Chg. 1

DATE: 12-17-96

SUBJECT: EMPLOYEE CONCERNS MANAGEMENT SYSTEM

1. PURPOSE. This Chapter correlates to DOE O 442.3 (formerly DOE 5480.29), EMPLOYEE CONCERNS MANAGEMENT SYSTEM, dated January 15, 1993, which has now been renumbered in accordance with the new DOE Order Numbering System, as published in DOE M 251.1-1, Change 1, dated December 12, 1995. Nothing within the DOE Order has been changed at this point, but if a new DOE Order is published, it will be numbered in this manner. Until that time, the new number is assigned to the previous DOE Order. This new Oak Ridge Operations (ORO) Chapter assigns responsibility and accountability and provides administrative and/or contractual guidance to ORO and its contractors. Nothing in this issuance changes any requirements contained in any DOE Order.
2. CANCELLATION. This Chapter cancels and replaces ORIG N 5480.29, EMPLOYEE CONCERNS MANAGEMENT SYSTEM, dated October 29, 1993.
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.
 - a. Manager appoints staff members to the ORO Employee Concerns Review Panel, as required. The Panel's responsibilities are listed in DOE O 442.3, subparagraph 9c.
 - b. Diversity Programs 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 442.3, paragraph 9, and Chapters I and II.
 - (3) Performs those tasks identified in DOE O 442.3, subparagraphs 8f(1) and (2).
 - (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) Designates an ORO Employee Concerns Coordinator who:
 - (a) Performs those tasks identified in DOE O 442.3, subparagraphs 8f(3), (5), (8)-(10), (13), and (14).
 - (b) Provides support to the Contracting Officers' Representatives (COR) in the administration of the Employee Concerns Management System.

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- (c) Initiates assignments for investigation of environment, safety, and health (ES&H) concerns to the appropriate ORO organization and provides detailed guidelines for investigation and report preparation.
 - (d) Refers employee concerns received on matters other than ES&H to the appropriate DOE or ORO organization for disposition.
- c. Director, Training and Development Division, provides training that is described in DOE O 442.3, subparagraphs 8f(7) and (12), and 9a(2).
- d. Principal Staff.
 - (1) Perform those tasks identified in DOE O 442.3, subparagraphs 8f(4) and (6).
 - (2) Investigate any informal ES&H employee concerns received from Federal or contractor employees, attempt informal resolution, and discuss the response with the employee. If the concerned employee is not satisfied, inform him/her they can file a formal ES&H employee concern with the Employee Concerns Manager, using the Employee Concerns Reporting Form (OR F 5480.29B).
 - (3) Monitor and close DOE investigations of Federal and contractor employee concerns originating within programs or organizations for which they have responsibility.
 - (4) Implement and/or direct implementation of corrective and preventive measures in response to completed Employee Concerns investigations. Provide copy of closeout documentation to the Employee Concerns Manager.
 - (5) 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 ES&H concerns to the ORO Employee Concerns Manager 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, OR F 5480.29, or a personal meeting with the Employee Concerns Manager.
 - (2) Report to the Employee Concerns Manager and the Personnel Division allegations of reprisal taken against DOE employees for filing an ES&H concern.

5. REQUIREMENTS AND PROCEDURES. None.

6. REFERENCES.

ORO O 440, Chapter 1, WORKER PROTECTION MANAGEMENT FOR DOE FEDERAL AND CONTRACTOR EMPLOYEES, to be published.

7. DEFINITIONS.

- a. **Informal Concern** - A concern expressed orally, including the use of the Telephone Hotline (423-241-3267), to any ORO or contractor management representative.
- b. **Reprisal** - Action taken against an employee because that employee raised a safety, health, or environmental-related concern. Such adverse action may include termination of employment, demotion, reduction of work responsibilities or authority, unwanted transfer, reduction in pay, coercion, restraint, threats, harassment, intimidation, discrimination, or other more subtle action such as ostracism, interference, isolation, or exclusion from job opportunities which the employee might reasonably expect to be afforded.
- c. **Whistleblower Complaint** - A complaint filed by a contractor employee regarding reprisal resulting from his/her participation in protected activities described in 10 CFR Part 708.

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

9. ATTACHMENTS.

Attachment 1 - Contractor Requirements Document.

CONTRACTOR REQUIREMENTS DOCUMENT

Contractors that are identified in paragraph 3 of this Chapter shall accomplish the following:

1. Develop and implement an internal Employee Concerns Program that is consistent with DOE O 442.3, paragraphs 5 and 9, and Chapters I and II.
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 442.3, subparagraph 9h.
4. Forward whistleblower complaints of reprisals filed by contractor or subcontractor employees to the COR within 5 days of receipt. Such complaints are investigated by the DOE Office of Contractor Employee Protection.
5. 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.
6. Require onsite subcontractors that are responsible for complying with DOE safety and health requirements to develop and maintain an Employee Concerns Management System.