

# DIRECTIVES CONTROL FORM - ORO O FINAL DIRECTIVE

**PART A** (To be completed by the Division of Primary Interest (DPI))

1. **NUMBER AND TITLE OF DIRECTIVE:** **ORO M 440, EMPLOYEE CONCERNS MANAGEMENT SYSTEM MANUAL**

2. **PURPOSE OF TRANSMITTAL:**  New Directive  Revised Directive  Page Change

3. **THIS DOCUMENT MAY AFFECT THE WORK PERFORMED BY THE FOLLOWING CONTRACTORS:** (Check appropriate boxes)

No (all contractors)

Yes If yes, whom?  BWXT Y-12  UT-B  ORAU  SURA  
 Bechtel Jacobs Company

Other contractors (list by type)

*Many ORO contractors have approved S/RIDs or WSS sets that may affect applicability of contractor requirements from this directive. Applicability of contractor requirements must take into account the approved standards set for each particular contract.*

4. **SIGNIFICANT PROVISIONS:** Are there any significant changes or impact?

No  Yes If yes, describe: This new Manual has been written to formalize the ORO Employee Concerns Management System and to identify local authority and responsibilities.

5. **CONTACT POINT:** Rufus H. Smith Diversity Programs and Employee Concerns Manager, M-5 576-4988  
Name Organization Telephone

**PART B** (To be completed by the Directives Management Group (DMG)):

6. **FILING INSTRUCTIONS:**

<u>Remove</u>	<u>Dated</u>	<u>Insert</u>	<u>Dated</u>
n/a		ORO O Control Form	08/24/2001
		ORO M 440	08/24/2001

*ORO Orders are available on the ORO Directives Management Home Page at [http://www.ornl.gov/doe\\_oro\\_dmg/orchklst.htm](http://www.ornl.gov/doe_oro_dmg/orchklst.htm). The ORO Orders will no longer be mailed in printed copy unless you do not have Internet capabilities.*

7. **APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH THE OFFICIAL DIRECTIVES DISTRIBUTION LIST:**

Original signed by

Kenneth W. Warden, AD-440  
Signature Management Analyst, AD-440

08/24/2001  
Date

**INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED**

Rev. 10/12/2000

**OAK**

**RIDGE**

**OPERATIONS**

**MANUAL**

ORO M 440

**EMPLOYEE CONCERNS  
MANAGEMENT SYSTEM  
MANUAL**

August 2001

Department of Energy  
Diversity Programs and Employee  
Concerns Manager

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1. PURPOSE.

- 1.1 DOE Headquarters (HQ) established requirements for the Employee Concerns Management System (ECMS) to provide a method for current and former DOE employees and DOE contractors and subcontractors to report their safety, health, environmental, or other concerns to DOE for investigation and resolution. These requirements are established locally in ORO O 440, Chapter V.
- 1.2 This document establishes procedures for management and administration of the Oak Ridge Operations (ORO) ECMS. The Diversity Programs and Employee Concerns Manager (DPECM) administers the ECMS for ORO in accordance with DOE O 442.1A; ORO O 440, Chapter V; and this Manual.
- 1.3 This document details requirements for implementation of ORO's ECMS, including operation of the Employee Concern (EC) Hotline, concern receipt, prioritization, assignment, transfer, and investigation; preparation and issuance of response reports to the EC originator and management; follow-up, appeal processes, filing, tracking, preparation of summary management reports; program audits, and training on the EC program.

2. APPLICABILITY.

This procedure applies to employees who are involved with the ECMS. It provides guidance for EC program administration and for EC Investigators (ECIs) who are assigned to investigate specific concerns.

3. REFERENCES.

- 3.1 DOE O 442.1A, DEPARTMENT OF ENERGY EMPLOYEE CONCERNS PROGRAM, dated June 6, 2001.
- 3.2 DOE G 442.1-1, DEPARTMENT OF ENERGY EMPLOYEE CONCERNS PROGRAM, dated February 1, 1999.
- 3.3 DOE O 440.1A, WORKER PROTECTION MANAGEMENT FOR DOE FEDERAL AND CONTRACTOR EMPLOYEES, dated March 27, 1998.
- 3.4 ORO O 440, Chapter V, Chg. 2, EMPLOYEE CONCERNS MANAGEMENT SYSTEM, dated July 7, 1999, and any subsequent revisions.
- 3.5 Executive Order 12196, "Occupational Safety and Health Programs for Federal Employees," February 26, 1980, Sections 1-201(f) and (h).

3.6 29 CFR 1910, OSHA GENERAL INDUSTRY SAFETY AND HEALTH STANDARDS.

3.7 29 CFR 1926, OSHA CONSTRUCTION SAFETY AND HEALTH STANDARDS.

3.8 29 CFR 1960, SAFETY AND HEALTH PROVISIONS FOR FEDERAL EMPLOYEES,  
1960.28, 1960.46.

3.9 10 CFR 708, DOE CONTRACTOR AND EMPLOYEE PROTECTION PROGRAM, 708.7.

4. GENERAL.

4.1 Definitions.

4.1.1 **Appeal Official.** The HQ Cognizant Secretarial Officer (CSO) who has HQ responsibility for the work activity referenced in the EC.

4.1.2 **Assignment.** The delegation of a safety, health, environmental, or other concern to a trained professional for investigation and reporting back through the DPECM.

4.1.3 **Confidential Concern.** A concern from someone who requests that his/her identity remain unknown to all parties except the Diversity Programs and Employee Concerns Office (DPECO) staff.

4.1.4 **Employee Concerns Investigator (ECI).** A trained DOE employee ( i.e., occupational safety or health, nuclear safety, environmental professional, or other professional) who is assigned to investigate and advise in the resolution of an EC.

4.1.5 **Transfer.** The referral of a concern to another organization for investigation. Follow-up is handled by the DPECM. The DPECM closes the case at the time of transfer, if it is transferred outside of ORO.

4.2 Acronyms. See Attachment 9.

5. RESPONSIBILITIES.

5.1 Diversity Programs and Employee Concerns Manager (DPECM).

5.1.1 Has overall management responsibility for the EC program.

5.1.2 Approves and issues all final responses and reports on the EC program.

- 5.1.3 Ensures that qualified DOE occupational safety or health, nuclear safety, environmental professionals, or other professionals are assigned to investigate concerns.
- 5.2 Employee Concerns Investigators. Professionals within the Site Offices, Technical Support Division, Operations Division, and Nuclear Safety Division, or belonging to other ORO organizations, conduct EC investigations either directly (on-site) or as consultants on questionable issues identified during the investigation process and referred to them for resolution.
- 5.3 EC Review Panel. This is an ad-hoc panel of ORO management and technical staff that may be appointed by the Manager, ORO, and called to meet when deemed necessary by the DPECM. Membership includes the DPECM as Chairperson, and may include representatives from the Operations Division, Technical Support Division, Nuclear Safety Division, Site Offices, Human Resources Division, Office of Chief Counsel, or others as needed. EC Review Panel meetings may be called with as many members with specific expertise as needed to provide necessary assistance. Specific responsibilities of the panel may include:
  - 5.3.1 Develop informal action plans for investigating complex concerns.
  - 5.3.2 Conduct investigations of concerns when requested by the EC Chairperson.
  - 5.3.3 Provide advice on informal resolution of actions to be taken on concerns when there is disagreement between any of the involved parties (e.g., ECI, the EC originator, the DOE supervisor or Contracting Officer's Representative [COR], or the contractor).
- 6. OVERALL PROGRAM MANAGEMENT AND ADMINISTRATION.
  - 6.1 Tracking System. The DPECO maintains a tracking system to monitor assignments, investigations, and tracking of all ECs. The system is reviewed daily for due dates on open ECs, and responsible parties are contacted if due dates are not met. The tracking system includes the categories of information shown in Attachment 7.
  - 6.2 Training. The DPECM identifies EC program training needs. Training is provided for ECIs, Hotline operators, managers, supervisors, and new employees. The DPECM works with the Training and Development Group and the Human Resources Division in the development and provision of initial EC program information for new DOE Federal employees.
  - 6.3 Publicity. The DPECM provides DOE Federal employees and contractors with information about the EC program through bulletins, memos, EC posters, and forms located and maintained at conspicuous locations in the Federal Building and throughout the sites. The poster includes the EC Hotline voice mail number.

6.4 Filing System. The DPECM maintains a secure filing system that contains all materials developed for the evaluation of each EC from identification to closure. It also contains copies of all contractor response plans. If the contractor does not provide a copy of the plan for the ECMS, the DPECM follows up to secure a copy. Limited access to the files is maintained to assure confidentiality. EC files are considered to be permanent records and are maintained in accordance with DOE O 200.1, INFORMATION MANAGEMENT PROGRAM.

6.5 Contractor EC Programs.

6.5.1 The DPECM works with CORs in reviewing the adequacy of contractor EC programs.

6.5.2 The DPECM works with CORs to ensure that ORO contractors implement EC programs.

7. FORMAL EC REPORTING PROCESS.

7.1 EC Reporting Form. To file a formal EC, the originator completes an Employee Concerns Reporting Form and forwards it to the DPECM. A sample of this form is shown in Attachment 10.

7.2 Hotline. A formal EC may be filed by reporting it on the EC Hotline voice mail. The DPECM establishes and maintains a confidential EC Hotline voice mail. During working hours, the DPECM normally checks the Hotline voice mail. Attachment 8 provides a sample Hotline message.

8. RECEIPT OF CONCERNS.

8.1 Hotline. The DPECM checks the EC Hotline voice mail each workday, at least at the beginning and near the end of the day shift for any calls received.

8.2 Hotline Report Form. The DPECM ensures that a Hotline Report form is completed as thoroughly as possible. Unless the EC originator states that the call is anonymous, the person receiving the call asks for the caller's name, daytime telephone numbers (for follow-up), and home mailing address (where the final response is to be sent). The caller is asked if he or she wants his/her name released to others or kept confidential. The EC originator is given a brief overview of ORO's process for handling ECs.

8.3 EC Log. All ECs are logged in the EC log with a file number and the date received.

8.4 Classified Information. If the DPECM suspects the EC might refer to classified information, a copy of the EC is provided to an Authorized Derivative Classifier to ensure it contains no classified information. If such information is found, the Derivative Classifier prepares a revised copy of the EC to remove the classified matter.

8.5 Non-DOE or Contractor EC. ECs received from persons who are not current or former DOE Federal or contractor employees or employee representatives are not covered under the EC program. In such cases, the DPECM sends a letter to the person originating the concern which explains that this program covers only DOE and contractor employees and that the concern is being given to responsible personnel in DOE for review. No further response to the originator is required. Prioritization, investigation, and preparation of a report on the concern should be conducted normally as with any EC, with corrective actions identified and implemented as necessary.

## 9. PRIORITY CATEGORIZATIONS OF CONCERNS.

9.1 General. The DPECM evaluates ECs and makes initial priority categorizations on the same day received using the criteria shown below. Priorities for resolution are established based on the DPECM's determination of the risk of the concern.

9.1.1 The DPECM confers with subject matter experts, if necessary, to make accurate priority categorizations (e.g., radiation safety, nuclear concerns, environmental concerns, etc.).

9.1.2 The DPECM forwards concerns involving alleged nuclear safety hazards or radiation exposures to the Director, Nuclear Safety Division (SE-33), or a member of his staff for immediate review and assessment for potential Price-Anderson Amendments Act (PAAA) violations and the need for any required reporting to the HQ Office of Enforcement and Investigation (EH-13).

9.1.3 The DPECM transfers non safety, health, or environmental concerns to responsible organizations as detailed in paragraph 11.

9.2 Categories of Concern. The following categories are intended to be illustrative but not all inclusive of criteria which should be utilized to assess the degree of significance of the concern and assign a priority categorization. The DPECM categorizes the call based on information available, guidelines shown herein, and professional judgment.

9.2.1 Category I -- Imminent Danger Condition/Concern. Refers to a hazard, violation, condition, or practice where a clear and present danger exists that could reasonably be expected to cause death or serious physical harm, a permanent total disability injury, or chronic/irreversible illness to workers or the public immediately. It should require immediate actions to be taken to alleviate the effects of the hazard and/or remove workers from exposure to it.

"Serious physical harm" is impairment in which part of the body is made functionally useless or is substantially reduced in efficiency on or off the job or results in a shortened lifespan. It may be permanent or temporary, chronic or acute, and usually

requires treatment by a medical doctor. Examples include amputation, concussion, crushing, fracture, burn, cut requiring sutures, cancer, asbestosis, hearing or visual impairment, etc.

Examples of imminent danger include but are not limited to the following:

- Work on elevated locations without adequate fall protection equipment.
- Entering a confined space without proper safety equipment or verification that the atmosphere is safe.
- Working on or near exposed energized electrical equipment without protective gear.
- Working too closely to rotating equipment.
- Working directly under or too closely to overhead suspended loads during lifting operations.

The DPECM immediately faxes ECs categorized as Imminent Danger to the appropriate Emergency Operations Center (EOC). The EOC implements standard operating procedures for such concerns. The DPECM also faxes the EC to the appropriate COR for evaluation and assignment of an ECI for action. The ECI will inspect and investigate these concerns as soon as possible but in less than 24 hours from time of receipt by the DPECO.

- 9.2.2 Category II -- Serious Condition/Concern. Refers to a hazard, violation, condition, or practice where there is a substantial probability that death or serious physical harm, permanent partial disability, temporary total disability in excess of 3 months, significant property loss, and/or significant environmental damage could result.

Serious concerns may include initiating or continuing operations in the face of inoperable or significantly deficient safety, health or environmental equipment or monitoring instrumentation, significant safety-related design or construction flaws, or significant procedural deficiencies.

Serious concerns may also include any violations of PAAA enforcement authority, criminal acts involving nuclear safety matters (e.g., falsification of plant logs and records), other potentially willful violations of DOE rules, Orders, regulations, operational procedures, or specification limits; or criminal acts. Determining willfulness is difficult and requires developing direct circumstantial evidence of intent, and it may involve adversarial encounters with significant legal and contractual consequences. HQ investigators perform these investigations. ORO ECIs only identify if a violation is "potentially" willful, at which point it is referred to HQ.

The following definition of "willful" comes from the Office of Enforcement and Investigation (EH-13):

"A willful violation is one that is done deliberately and with a reckless indifference to the Department's rules, Orders, regulations, operational procedures or specification limits (as distinguished from inadvertent or accidental). The following example is illustrative of an act that is willful. Section 322 of the Radiological Control Manual requires that job specific Radiation Work Permits (RWP) are used to control nonroutine operations or work in areas with changing radiological conditions. The supervisor responsible for work in the area is aware of this requirement and of his responsibility to approve the RWP prior to commencement of the work. Yet, the supervisor directs the commencement of work without an RWP in place. The supervisor acted in a willful manner. In other words, a willful violation may occur when a person is aware of a requirement (or should have been aware of a requirement based on his/her position, knowledge, and experience) and makes a conscious decision to violate the requirement."

Serious concerns may also include the following:

- Deficiencies observed in the normal reporting system (i.e., lack of notification of significant environment, safety, and health [ES&H] issues and events to proper authorities as required by DOE Orders, procedures, and Federal and state environmental laws).
- Collection, dissemination, and recording of inaccurate or falsified ES&H or related data.
- Material misrepresentations or coverups to inspectors, auditors, or reviewers when performing official duties.

The DPECM faxes or hand carries Serious ECs to the appropriate Assistant Manager, Division Director, or COR for assignment of an ECI within 1 workday of receipt and follows up with a telephone call. The ECI must begin investigation of Serious ECs within 3 workdays from time of receipt by the DPECO.

9.2.3 Category III - Other-Than-Serious Condition/Concern. Refers to a hazard, violation, condition, or practice which may not result in death or serious physical harm, property loss, and/or environmental impact but may have some direct and immediate relationship to worker safety and health or the environment. The DPECM transfers these concerns to the appropriate Assistant Manager, Division Director, or COR. These concerns must be evaluated by the ECI within 20 workdays from time of receipt by the DPECO.

9.2.4 Category IV - Minor Condition/Concern. Refers to a hazard, violation, condition, or practice which involves only minor deficiencies, having little or no direct or immediate relationship to safety, health or the environment. No formal DOE investigation may be

necessary, and the problem may be resolved with one or two phone calls to the responsible DOE office or contractor. These actions must be completed within 20 workdays from the time of EC receipt by the DPECO. All actions taken are documented, and the DPECM informs the EC originator of the results.

9.3 Adjustments to Priorities. Priorities, as determined above, should also be adjusted for urgency based on consideration of the following factors:

- Number of employees exposed to the hazard (large, medium, small, or none).
- Hazard occurrence frequency (daily, weekly, monthly, or rarely).
- Exposure of personnel to the hazard (daily, weekly, monthly, or never).
- Employees working distance to the hazard (very close, somewhat close, a fairly safe distance away, or nowhere near).
- The exposed employee's level of stress in working conditions is high, medium, low, or negligible. (Stress could arise from job complexity, proximity to other operations or hazards, extended work hours and fatigue, poor workplace lighting, high noise levels, etc.)
- Availability and use of personal protective equipment (PPE) and a PPE program when needed.
- Whether in your overall judgment injury or illness is likely to occur immediately, likely to occur sometime, may possibly occur sometime, or is not likely to occur at all.

## 10. NOTIFICATION, COPYING, AND DISTRIBUTION OF CONCERNS.

10.1 If the EC originator does not authorize his/her name to be revealed, all personal identifying information is deleted.

10.2 The DPECM must report all ECs categorized as serious or imminent danger (as defined in paragraph 9 of this procedure) to the Manager or designee within 2 hours after such categorization. A brief Fact Sheet is prepared showing the following:

- EC allegations
- Date and time EC received
- Notifications planned or made
- Planned investigation actions

The DPECM provides the Fact Sheet to the following:

- ECI
- Manager or designee
- Director, AMESH
- Director, Nuclear Safety Division
- Director, Operations Division
- Director, Technical Support Division
- Office of Chief Counsel
- Assistant Manager and Site or Program Manager who have cognizance over the work activity referenced in the EC.
- COR who has cognizance over the work activity referenced in the EC.
- Others with a need to know.

The DPECM does not include the EC originator's name and personal information in the Fact Sheet when the release of that information has not been authorized by the employee.

- 10.3 The DPECM reports ECs categorized as serious or imminent danger which are also potential PAAA violations to the HQ Office of Enforcement and Investigation (EH-13) within 2 hours after such categorization. In addition, he reports it to the Director, Nuclear Safety Division (SE-33). The DPECM reports all other potential PAAA violations to EH-13 within 10 days.

NOTE: The DPECM coordinates with Nuclear Safety Division staff members when making the initial determination that an EC is a potential PAAA violation.

- 10.4 The DPECM provides a summary of ES&H and nuclear safety ECs within 10 workdays of receipt to the following:

- ECI
- Manager or designee
- AMESH
- Director, Nuclear Safety Division
- Director, Operations Division
- Director, Technical Support Division
- Office of Chief Counsel
- Assistant Manager and Site or Program Manager who have cognizance over the work activity referenced in the EC
- COR who has cognizance over the work activity referenced in the ECs
- EC Review Panel (if one exists)
- EH-1 or NS-1, as appropriate
- Senior EH Resident for Oak Ridge, EH-24
- Others with a need to know.

The DPECM removes the EC originator's name and personal information when its release has not been authorized by the originator. See Attachment 4 for sample distribution memo.

11. TRANSFER OF CONCERNS TO/FROM OTHER ORGANIZATIONS.

11.1 General. The DPECM transfers formal, written ECs to appropriate offices for investigation. The DPECM keeps written records of such EC forms and referral letters.

If an EC to be transferred also alleges unsafe, unhealthful, or environmentally hazardous conditions, the contact organization Assistant Manager arranges for assignment of an ECI to investigate those aspects of the EC. The DPECM periodically reviews the status of these concerns with the organization the ECs were transferred to in order to assure the appropriateness of the transfer.

11.2 Portsmouth and Paducah. ES&H ECs received from persons who are current or former employees of Paducah or Portsmouth Gaseous Diffusion Plants properties which are currently leased to the U.S. Enrichment Corporation are transferred to the U. S. Department of Labor, Occupational Safety and Health Administration (OSHA). ECs from employees at those sites who work at the non-leased (DOE-administered) portions of those sites are treated as normal ECs and investigated by DOE.

11.3 Department of Labor and OSHA. Employee complaints forwarded to DOE from OSHA or from a state OSHA agency are investigated and resolved in accordance with this procedure. A copy of the response to the employee is furnished to OSHA only when the complaint originated from a DOE Federal employee, in accordance with 29 CFR 1960.28(d)(3). Responses to complaints from contractor employees are not currently required to be sent to OSHA.

11.4 Whistleblower ECs.

11.4.1 Contractor. Hotline calls which appear to be "Whistleblower" complaints (i.e., alleges reprisal or discrimination) are handled as follows:

- The DPECM works directly with the contractor or coordinates with the responsible ORO Site Office or Program Manager to attempt to informally resolve the EC. If resolution is successful, the DPECM documents the resolution, provides a copy to all parties, and closes the file.
- If the EC cannot be informally resolved within 30 days, the DPECM forwards the EC to the HQ Office of Assessments in the Office of Hearings and Appeals (HG).

11.4.2 Federal. Whistleblower complaints by ORO employees or allegations of reprisal in response to whistleblower complaints are forwarded to the Office of Special

Counsel, 1730 M Street NW, Suite 300, Washington DC 20036 (in accordance with the Federal Whistleblower Act of 1989, 5 USC 1213). The Office of Special Counsel is advised that attempts will be made to informally resolve the complaint. If the matter is resolved, the terms will be recorded in a settlement agreement between the DOE and the employee.

- 11.5 Price-Anderson Amendments Act ECs. The DPECM transfers potential violations of DOE Rules subject to the PAAA enforcement authority; criminal acts involving potential nuclear safety matters (e.g., falsification of plant logs and records; or other willful violations of DOE Rules, Orders, or regulations in the area of nuclear safety) to the HQ Office of Enforcement and Investigation (EH-13), with a copy to the Director, Nuclear Safety Division (SE-33).
- 11.6 Labor and Personnel ECs. ECs alleging labor/management or personnel problems involving personnel problems are referred to the Human Resources Division for investigation.
- 11.7 Equal Employment Opportunity (EEO) ECs. Concerns presented by contractor employees are referred to the ORO Human Resources Division. Federal employees presenting concerns are referred to an ORO EEO counselor.
- 11.8 Security ECs. ECs involving potential security violations are transferred to the Director, Office of Safeguards and Security, for investigation.
- 11.9 Waste, Fraud, Abuse, or Mismanagement ECs. ECs that fall within the definition of waste, fraud, abuse, or mismanagement are transferred to the Director, Financial Evaluation and Accountability Division (FEAD), for referral to the DOE Office of Inspector General (OIG). FEAD enters the EC into its OIG referral tracking system and advises the DPECM as to whether the OIG will take action on the EC. If the OIG takes action on the referral, FEAD will track the EC in its follow up system until final resolution. FEAD will keep the DPECM advised as to the status of the OIG's actions and the final disposition of the EC. If the OIG decides not to pursue the EC, FEAD will notify the ECC of the OIG's decision and transfer the EC to the responsible ORO office for appropriate action. FEAD will keep the DPECM advised of the status of the EC and its final disposition.
- 11.10 Other Federal Agencies. Complaints of potential violations of requirements of other Federal agencies (e.g., Nuclear Regulatory Commission [NRC] for NRC-licensed activities, the U.S. Forestry Service for their activities on DOE sites, etc.) are transferred to those agencies.

12. ASSIGNING CONCERNS FOR INVESTIGATION.

12.1 The DPECM evaluates the EC and coordinates with the appropriate Assistant Manager, Division Director, or COR to get the EC assigned to one or more ECIs with appropriate qualifications for action. The DPECM and ORO authority establish the priority and schedule for the investigation and report with the ECI.

12.2 The ORO authority (Assistant Manager, Division Director, or COR) is responsible for assigning more than one ECI when the need arises (e.g., specialists in industrial safety, industrial hygiene, health physics, industrial personnel, or general program management). Factors to consider for appointing more than one person to the investigation include:

- The concern involves more than one discipline ( e.g., industrial safety and industrial hygiene).
- The concern involves conditions that the employee alleges has resulted in personal physical injury or illness to him or her.
- The employee alleges protected status, is known as a "whistleblower," has raised concerns to HQ or Congress in the past, or alleges that retaliation against him/her has been done in the past because of raising employee concerns.
- There has been a long history of the employee raising this or other concerns to his/her company management without successful resolution.

12.3 The DPECM provides the ECI with a copy of the original EC.

12.4 If a specific representative of DOE management is involved in the subject of an EC, the DPECM arranges for assignment of an ECI who is independent of the subject DOE organization to conduct the investigation.

13. STATUS INFORMATION ON CONCERNS.

If the EC originator contacts the DPECM for the status of his/her concern, he or she is advised of the prioritization category and resolution schedule. If appropriate, the DPECM may decide to refer the originator to the ECI for further discussion.

14. ISSUANCE OF INVESTIGATION REPORTS.

14.1 The COR forwards the ECI's investigation report to the DPECM, along with a copy of all related correspondence to the contractor and a copy of the corrective actions.

- 14.2 The DPECM reviews and concurs with the investigation report, ensuring responsiveness to and resolution of the EC to the extent practicable.
- 14.3 An Authorized Derivative Classifier reviews the investigation report to ensure it contains no classified information. If such information is found, the Derivative Classifier revises the report to remove the classified matter.
- 14.4 The DPECM reviews the investigation report and transmits it, along with a brief description of the appeal process, to the EC originator. The package is mailed to the EC originator's home address via certified mail, return receipt requested. This response is required to be mailed within 30 calendar days of the investigation's completion. (The EC originator must be notified if more time is required.)
- 14.5 The DPECM forwards a copy of the investigation report and all correspondence to the EC originator, contractor, and, where appropriate, to the following:
- C Financial Evaluation and Accountability Division
  - C Industrial Personnel Group
  - C Senior EH Resident in Oak Ridge, EH-24
  - C Others with a need to know who request a copy.
- The DPECM also forwards copies of significant ECs and associated documentation to the Manager, if appropriate.
- 14.6 If the EC originator is a Federal employee, the DPECM forwards copies of the final report to the Manager, the Assistant Manager, and Division Director who are over the employee's organization and to the CSO who has cognizance over the work activity in question (see paragraph 16, "Appeal Processes," for further discussion on CSOs). The DPECM ensures that all actions taken to correct deficiencies found during the investigation of Federal employee concerns are documented by the COR and a copy forwarded to the DPECO.
- 14.7 Attachment 5 contains a sample letter from the DPECM issuing the report to the EC originator. Attachment 6 is an explanation of the appeal process.
- 14.8 All documents relating to EC investigations are filed and maintained under the cognizance of the DPECM after review by an Authorized Derivative Classifier to ensure that they contain no classified information.

15. FOLLOW-UP ACTIVITIES.

15.1 The appropriate COR is responsible for formal follow-up, tracking, and closure of corrective actions associated with ECs. However, the DPECM reviews all follow-up and closeout reports received from the COR for adequacy. If responses appear adequate, the DPECM marks the subject EC files "closed." If responses do not appear adequate, the DPECM discusses the matter with the COR and determines a resolution.

15.2 For significant or serious hazard concerns, the DPECM may, in consultation with the COR or Division Director, request the ECI to perform an independent follow-up review to verify that actions have been taken to minimize, correct, or prevent recurrences. If new or repeated deficiencies are found, a follow-up investigation report is written. In all cases, follow-up investigations are documented in writing.

15.3 The ECI notifies the COR and DPECM in the event of any controversy relating to failure by the contractor to correct hazards.

15.4 When the EC involves a Federal employee and deficiencies are found as a result of the investigation, the ECI conducts an on-site follow-up inspection before the EC file is closed.

16. APPEAL PROCESSES.

16.1 If the EC originator is not satisfied with the results of a DOE investigation of his/her EC, he or she may file an appeal within 30 calendar days of receipt of DOE's reply with the DPECM, who will forward it to the appropriate HQ Appeal Official. The Appeal Official is the CSO who has cognizance over the work activity referenced in the EC. For line programs, the CSO is responsible for the work activity managed by the respective ORO Site or Program Office.

In consultation with the ECI, the DPECM determines if an ORO explanatory statement on the subject EC investigation needs to be provided to the HQ Appeal Official. If so, this is provided at the same time the Appeal is forwarded to HQ.

16.2 For Federal EC appeals associated with a specific line program, the appeal is forwarded to the appropriate CSO, with a copy to FM-1.

17. PREPARATION OF ECMS REPORTS.

17.1 Report Preparation. The DPECM's office prepares the reports required by DOE O 442.1A. The DPECM also prepares any other reports or fact sheets on ECs received, their status, trends, and significant issues.

17.2 Quarterly and Annual Reports Content. The DPECM issues quarterly and annual reports of all employee concerns reports initiated, closed, or remaining unresolved during the past quarter. These reports include the following:

17.2.1 Statistical Summary

- a. Receipt and Disposition Summary
  - Concerns open at the start of the reporting period
  - Concerns opened during the reporting period
  - Concerns reopened during the reporting period
  - Concerns closed during the reporting period
  - Concerns open at the end of the reporting period
  - Number of employees using the Program during the reporting period
  
- b. Source of Concerns by Month
  - Hotline
  - Telephone
  - Written
  - Walk-in/Verbal
  - Referrals from the Inspector General
  - Referrals from another DOE organization/program
  - Referrals from another Federal agency
  - Referrals from State agencies
  - Whistleblower
  - Other
  
- c. Categories of Concerns by Month
  - Security
  - Safety
  - Health
  - Environmental
  - Fraud, Waste, and Abuse
  - Human Resources
  - EEO
  - Quality
  - Management/Mismanagement
  - Workplace Violence
  - Multiple Concerns
  - Other

d. Disposition of Concerns by Month

- Concerns resolved by EC program
- Concerns transferred to HR programs
- Concerns transferred to ES&H programs
- Concerns transferred to Security (NN) programs
- Concerns transferred to EEO programs
- Concerns transferred to other DOE programs
- Concerns transferred to contractors
- Other

e. 10 CFR 708 by Month

- 10 CFR 708 open at the start of the reporting period
- 10 CFR 708 filed during the reporting period
- 10 CFR 708 closed during the reporting period
- 10 CFR 708 pending investigation
- 10 CFR 708 pending mediation
- Pending other 708 actions

f. Other

- Concerns in the system less than 3 months
- Concerns in the system 3 to 6 months
- Concerns in the system more than 6 months

17.3 Quarterly and Annual Report Distribution. To encourage application of lessons learned to all ORO activities, the ECMS quarterly and annual reports are issued to:

- Manager
- EC Review Panel members, where appropriate
- CSOs (FM-1, DP-1, ER-1, EM-1), as appropriate
- EH-1
- NS-1 (if appropriate)
- HQ Office of Assessments (IG-40)
- CORs, Site Office and/or Program Managers
- Directors of the Technical Support Division, Operations Division, and Nuclear Safety Division
- Office of Chief Counsel
- Financial Evaluation and Accountability Division
- Industrial Personnel Group
- Senior EH Resident (EH-24)

- Management and Operating and Management and Integration contractor ES&H Managers

17.4 Other Reports. Other reports are generated from the ECMS database as needed to assist in administering the program, such as currently due and overdue investigation reports from ECIs, responses from contractors, replies to EC originators, etc.

18. LIST OF ATTACHMENTS.

1. Timetable for Employee Concerns Management System.
2. Sample Transfer Memorandum to Other Organizations.
3. Employee Concern Prioritization and Assignment Worksheet.
4. Sample Distribution Memo for Summary of New Employee Concerns.
5. Sample Response Letter From the Diversity Programs and Employee Concerns Manager to Employee Concern Originator.
6. DOE Employee Concerns Appeal Process.
7. Employee Concerns Tracking System.
8. Sample Recorded Hotline Message.
9. Acronyms.
10. ORO Form F 440.1, Employee Concerns Reporting Form.

## **TIMETABLE FOR EMPLOYEE CONCERNS MANAGEMENT SYSTEM**

1. Workday 1.
  - 1.1 Time of Receipt -- when the DPECM logged in the EC.
  - 1.2 DPECM prioritizes each EC as Imminent Danger, Serious, Other, or Minor.
  - 1.3 DPECM transfers the EC to the appropriate Assistant Manager, Division Director, or Contracting Officer's Representative (COR) for assignment to an ECI for investigation. For potential PAAA violations, the DPECM discusses the EC with the Director, Nuclear Safety Division (SE-33), or designee to determine if the DPECM should refer the EC to the HQ Office of Enforcement and Investigation (EH-13).
  - 1.4 2 hours after prioritization. For Imminent Danger and Serious ECs, the DPECM prepares a Fact Sheet on the EC and performs notifications shown in paragraph 10 of this procedure.
2. Calendar Day 2. Investigations for Imminent Danger ECs must begin less than 24 hours from time of EC receipt.
3. Workday 4. Investigations for serious concerns must begin.
4. Workday 6. Schedule and priority determination must be available to the EC originator, upon request.
5. Workday 11. DPECM sends copies of the EC to contacts shown in paragraph 10 of this procedure.
6. Workday 21. Investigation for Other and Minor ECs must begin.
7. Workday 31. Final written EC Investigation Report due from ECI to DPECM.
8. 61 Calendar Days. DPECM approves the ECI's report and mails the report to the EC originator.  
  
NOTE: Originator may appeal within 30 calendar days of receipt of ECI's report.
9. 30 Calendar Days from ECI's Report. COR's letter to contractor mailed.
10. 30 Workdays from COR's Letter. Reply from contractor due to COR and DPECM.
11. 30 Calendar Days from Contractor's Reply and monthly thereafter. Additional replies due from contractor if response to DOE recommendations and violations are not completed by the time the first contractor response is submitted to DOE.

**SAMPLE TRANSFER MEMORANDUM TO OTHER ORGANIZATIONS**

DOE F 1325.8

United States Government

**Department of Energy**  
Oak Ridge Operations Office

# memorandum

DATE:

REPLY TO

ATTN OF: **M-5:Smith**

SUBJECT: **TRANSFER OF EMPLOYEE CONCERN NO. (Case #; site; short title)**

TO: Robert Poe, Assistant Manager for Environment, Safety, & Quality, SE-30

Attached is an Employee Concern that was received by the Oak Ridge Operations (ORO) Employee Concerns Management System on April 21, 1999. The concern appears to relate to your areas of responsibility. Please handle the investigation/review of this concern in accordance with your established procedures.

I would appreciate you coordinating any follow-up activities with me so that I can update the Employee Concerns Tracking System as to the status of this matter.

If you have any questions, please contact me at (423) 576-4988. Thank you for your assistance in this matter.

Rufus Smith  
Diversity Programs and  
Employee Concerns Manager

Attachment

**EMPLOYEE CONCERN PRIORITIZATION AND ASSIGNMENT WORKSHEET**

1. Concern Number: \_\_\_\_\_
2. Date and time received in the Diversity Programs and Employee Concerns Office:  
\_\_\_\_\_
3. Concern plant and site location: \_\_\_\_\_
4. DPECM's Priority Categorization: \_\_\_\_\_  
(Imminent Danger, Serious, Other, Minor) (See Paragraph 9 of this procedure).
5. Investigation/inspection must begin on or before this date: \_\_\_\_\_  
(Imminent Danger = 24 hours after date the EC was received; Serious = 3 workdays;  
Other & Minor = 20 workdays).
6. ES&H Disciplines involved: \_\_\_\_\_
7. ECI(s) Assigned for Investigation: \_\_\_\_\_
8. Date Assigned to ECI(s): \_\_\_\_\_
9. Date Investigation Report Due to DPECM: \_\_\_\_\_  
(30 workdays after assignment to the ECI).
10. Date Reply Due to EC Originator: \_\_\_\_\_  
(30 calendar days from the date the investigation is complete).

ASSIGNMENT MADE BY: \_\_\_\_\_

TITLE, ORGANIZATION: \_\_\_\_\_

DATE: \_\_\_\_\_

**SAMPLE DISTRIBUTION MEMO FOR SUMMARY OF  
NEW EMPLOYEE CONCERNS**

M-5:Smith

**SUBJECT:** SUMMARY OF NEW EMPLOYEE CONCERN *{case no.; plant; short title}*

**TO:** Distribution

Attached is a summary of the referenced Employee Concern recently received by the Oak Ridge Operations Office (ORO) Employee Concerns Management System. ORO is currently investigating this Concern. I am providing you this copy in accordance with the requirements set forth in ORO M 440. If you have questions, you may call me at 423-576-4988.

Rufus H. Smith  
Diversity Programs and Employee Concerns Manager

Distribution

{Name} Employee Concerns Investigator  
EH-1 (or NS-1, as appropriate)  
G. L. Dever, M-1  
R. W. Poe, SE-30  
M. McBride, SE-33  
Assistant Manager over the program shown in the EC  
COR or Program Manager over the program shown in the EC  
Brenda Holder, Office of Independent Oversight & Appraisal (EH-24)  
ORO Employee Concerns Panel Members (where appropriate)

NOTE 1: If the employee has requested confidentiality, his/her name and personal identifying information must be deleted from the copy or summary of the attached employee concern.

NOTE 2: This memo must be sent out within 10 workdays from receipt of the employee concern by the Diversity Programs and Employee Concerns Manager.

**SAMPLE RESPONSE LETTER FROM THE DIVERSITY PROGRAMS AND EMPLOYEE CONCERNS MANAGER TO EMPLOYEE CONCERN ORIGINATOR**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr./Ms. *{COVER OVER the name and address block in cc copies if employee has requested confidentiality!}*  
address  
City, State Zip

Dear Mr./Ms. \_\_\_\_\_:

**EMPLOYEE CONCERN AT THE (Name of site), REGARDING SAFETY INSPECTIONS OF REGULATORS FOR COMPRESSED GASES**

Your Employee Concern regarding the above subject was received in this office on \_\_\_\_ (Date) \_\_\_\_. A representative of the U. S. Department of Energy's Oak Ridge Operations Office conducted an investigation. The enclosed summary details the findings and recommendations from the investigation. By separate letter, your management is being informed of the results of our investigation so that any necessary corrective actions can be taken. If you have any questions or need clarification on this investigation, please call me at 576-4988.

Your interest and concern with the safety, health, and environmental conditions at your location is appreciated.

Sincerely,

Rufus H. Smith  
Diversity Programs and Employee Concerns Manager

Enclosures:

1. Copy of Employee Concern
2. Investigation Summary
3. Letter from COR to contractor **{for contractor ECs only}**
4. Appeal Process

cc w/enclosures:

G. L. Dever, M-1  
Responsible Assistant Manager  
Responsible Division Director

cc w/o enclosure:

Responsible COR

### **DOE EMPLOYEE CONCERNS APPEAL PROCESS**

If you believe that DOE has not adequately addressed the safety, health, or environmental hazards from your Concern and wish to appeal the results of your Concern investigation, you are required to submit a written statement detailing the reasons for your appeal, within 30 calendar days of your receipt of this DOE report. Oak Ridge Operations will forward your appeal to the appropriate DOE Appeal Official, who is the DOE Headquarters cognizant Secretarial Officer having responsibility for the activity referenced your Concern. Your appeal should be sent to:

Mr. Rufus H. Smith  
Diversity Programs and Employee Concerns Manager  
US Department of Energy, M-5  
PO Box 2001  
Oak Ridge, TN 37831

If you have any questions or need clarification about the DOE response to your Concern or about the appeal process, you may contact Mr. Smith at 423-576-4988 in Oak Ridge.

If you decide to appeal, the Oak Ridge Operations Office may also submit a written position statement to the Appeal Official in DOE Headquarters. The Appeal Official will determine the scope of the appeal review. After consideration of all necessary input, the Appeal Official will make a decision on the appeal. You will be furnished a written copy of the decision.

### **EMPLOYEE CONCERNS TRACKING SYSTEM**

The DPECM maintains a tracking system on all ECs. The tracking system includes the categories of information shown below:

- Anonymous (Y/N)
- Log Number of EC
- Site location
- Issues raised
- Location
- ORO organization referred to
- Date EC was received
- Type Codes of EC (enter up to 4 codes):
  - CS - Construction Safety
  - EEO - Equal Employment Opportunity
  - EP - Environmental Protection
  - FP - Fire Protection
  - FS - Facility Safety
  - FWA - Fraud, Waste, and Abuse
  - HP - Health Physics
  - HR - Human Resources
  - IH - Industrial Hygiene
  - IS - Industrial Safety
  - LR - Labor Relations
  - NCS - Nuclear Criticality Safety
  - PA - Price-Anderson
  - QA - Quality Assurance
  - RS - Reactor Safety
  - SEC - Security
  - TFS - Traffic Safety
  - TRS - Transportation Safety
  - WB - Whistleblower
- Brief Description of EC

- Name and organization of ECI assigned (contact organization)
- Investigation start and due date
- Number of violations found
- Number of recommendations made
- Response from contractor or responsible DOE office, due date and actual date
- Summary of corrective actions taken on EC by EC originator's management
- Date EC closed by DPECM
- Cross-references to related ECs, inspections, etc. (for trending)
- Appeal (Y/N)
- Appeal Date Received
- Appeal sent to which HQ organization and date

**SAMPLE RECORDED HOTLINE MESSAGE**

“Hello. This is Rufus Smith, Diversity Programs and Employee Concerns Manager for Oak Ridge Operations. You have called the Department of Energy’s Employee Concerns Hotline for Federal and contractor employees. No one is available to take your call at this time. However, we are extremely interested in your concern.

Please leave your name and phone number to help us in investigating your concern. However, you may also remain anonymous or request that your name be kept confidential. You may also want to contact your Plant Shift Superintendent or the Emergency Operations Center if you believe that this matter involves an imminent danger hazard or situation.

At the tone, please leave your name, your company’s name, and your daytime phone number. Then provide us a brief description of your concern and its exact location.

Thank you for your interest.”

## ACRONYMS

AMESH	Assistant Manager for Environment, Safety, Health & Emergency Management
COR	Contracting Officer's Representative
CS	Construction Safety
CSO	Cognizant Secretarial Officer
DI	Discrimination
DPECM	Diversity Programs and Employee Concerns Manager
DOE	Department of Energy
DPO	Differing Professional Opinions
EC	Employee Concern
ECI	Employee Concern Investigator
ECMS	Employee Concerns Management System
EEO	Equal Employment Opportunity
EH	(DOE HQ) Office of Environment, Safety and Health
EH-1	Assistant Secretary for Environment, Safety, and Health
EP	Environmental Protection
FP	Fire Protection
FS	Facility Safety
FWA	Fraud, Waste, and Abuse
HP	Health Physics
HQ	Headquarters
ID	Imminent Danger
IG	Inspector General
IH	Industrial Hygiene
IS	Industrial Safety
LR	Labor Relations
M	Minor (priority categorization of concern)
NCS	Nuclear Criticality Safety
NS	Nuclear Safety
O	Other (priority categorization of concern)
ORO	Oak Ridge Operations
OROO	ORO Order
OSH	Occupational Safety and Health
PA	Price-Anderson
QA	Quality Assurance
RS	Reactor Safety
S	Serious (priority categorization of concern)
SEC	Security
TFS	Traffic Safety
TRS	Transportation Safety
WB	Whistleblower

ORF 440.1 (12/2000)  
U. S. DEPARTMENT OF ENERGY

OAK RIDGE OPERATIONS OFFICE



**EMPLOYEE CONCERNS REPORTING FORM**  
**HOTLINE NUMBER: 1-423-241-ECMS (1-423-241-3267)**  
**or 1-800-ORO-ECMS (1-800-676-3267)**

**USE THIS FORM TO REPORT SAFETY, HEALTH, ENVIRONMENTAL, AND OTHER EMPLOYEE CONCERNS**  
**MAIL FORM TO: US DOE, M-5, FEDERAL BUILDING, PO BOX 2001, OAK RIDGE, TN 37831**  
**OR FAX FORM TO: 423-574-1939**

DOE has established the Employee Concerns Management System (ECMS) for DOE Federal and contractor employees to help identify and resolve nuclear & nonnuclear safety, health, environmental and other concerns relating to DOE programs. Your assistance in notifying us about such concerns is essential to the success of these programs. However, to give your employer an opportunity to respond to your concern, you should first report it to your supervisor. Contractor employees are also requested to first use your own organization's established Employee Concern or Complaint Reporting Procedure; if no resolution can be made, if you fear reprisal, or if you want to request confidentiality, you may use the DOE ECMS.

Please fill out this form as completely as possible and mail it to the address shown above, or call the 24-hour Hotline number. If you call, please be prepared to provide the same information as requested on this form. Your name will be kept confidential if you request. If you choose to remain ANONYMOUS, please insert any 3 letters of the alphabet below the signature line, so you can check its status later, and record the date and the 3 letters separately for your reference. After reporting a concern, you may check on its status by calling during normal working hours at 423-576-4988. Your report must not contain any classified information. Thank you for your cooperation.

Please fill in appropriate spaces and check ALL items below which apply to your concern.

**THIS CONCERN IS:**  Immediate  Recurring  Unique

**DOES THE CONDITION IMMEDIATELY THREATEN DEATH OR SERIOUS HARM?**  Yes  No

**NATURE OF CONCERN:** (Check all that apply)

Violation  Willful  Price-Anderson Violation  Industrial Safety Hazard  Health Hazard  
 Environmental Concern  Nuclear or Radiation Concern  Construction  Other (specify): \_\_\_\_\_

**EXACT LOCATION OF CONCERN:** \_\_\_\_\_

**SUPERVISOR IN CHARGE OF WORK:** \_\_\_\_\_ **SUPERVISOR'S PHONE NO.** \_\_\_\_\_

**WHAT DO YOU BELIEVE MAY BE THE CONSEQUENCE(S) OF YOUR CONCERN IF IT REMAINS UNSOLVED?**

Loss of life or injury  Personnel Health Hazard  Damage or loss of facilities or equipment  
 Damage to the Environment  Other (specify): \_\_\_\_\_

**WHERE ELSE AND WHEN HAVE YOU PREVIOUSLY REPORTED THIS CONCERN?**

Immediate Supervisor  Union/Mgt. Grievance  DOE  IG  Nowhere  Other (specify): \_\_\_\_\_ When? \_\_\_\_\_  
(Mo./day/yr.)

**WHAT EFFORTS WERE MADE TO CORRECT IT?** \_\_\_\_\_

**WHO IS YOUR EMPLOYER?** (Name of company)

DOE Contractor (specify): \_\_\_\_\_ Other (specify): \_\_\_\_\_  
If this is your former employer, check here \_\_\_\_\_

(Continue on Reverse Side)

