

**U.S. DEPARTMENT OF ENERGY  
THOMAS JEFFERSON SITE OFFICE**

**EMPLOYEE CONCERNS PROGRAM**

Prepared by: David Luke 3-10-08  
David Luke, Employee Concerns Manager  
Thomas Jefferson Site Office

Concurred: Rufus H. Smith 3/10/08  
Rufus Smith, Employee Concerns Manager  
Oak Ridge Office

Approved: James A. Turi 3/12/08  
James A. Turi, Manager  
Thomas Jefferson Site Office

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## EMPLOYEE CONCERNS PROGRAM

### 1.0 OBJECTIVE

Establish a Department of Energy (DOE) Employee Concerns Program (ECP) that ensures employee concerns related to such issues as the environment, safety, health, and management of Thomas Jefferson National Accelerator Facility programs and infrastructure are addressed through:

- Prompt identification, reporting, and resolution of employee concerns regarding DOE facilities or operations in a manner that provides the highest degree of safe operations;
- Free and open expression of employee concerns that results in an independent, objective evaluation; and
- Supplementation of existing processes with an independent avenue for reporting concerns.

### 2.0 SCOPE

This document describes the implementing mechanism for managing a DOE employee concerns program (ECP) that supports promptly identifying, reporting, and resolving of employee concerns related to such issues as safety, health, and management at the U.S. Department of Energy (DOE) Thomas Jefferson National Accelerator Facility (TJNAF). All reporting is accomplished through the DOE Oak Ridge Office (ORO) Employee Concerns Program (ECP). This program is intended to be utilized by TJSO employees, Management and Operating (M&O) contractor personnel, and subcontractor employees at TJNAF. This ECP compliments the Contractor's ECP and the DOE Inspector General's waste fraud and abuse hotline.

### REFERENCES

- DOE O 442.1-A, DEPARTMENT OF ENERGY EMPLOYEE CONCERNS PROGRAM, which establishes requirements for DOE Employee Concerns Programs.
- DOE G 442.1-1, DEPARTMENT OF ENERGY EMPLOYEE CONCERNS PROGRAM GUIDE, which contains guidance on implementation of the DOE Employee Concerns Program.
- DOE P 442.1, DIFFERING PROFESSIONAL OPINIONS POLICY ON TECHNICAL ISSUES INVOLVING ENVIRONMENT, SAFETY, AND HEALTH.
- DOE G 442.1-1, DEPARTMENT OF ENERGY EMPLOYEE CONCERNS PROGRAM GUIDE

- DOE O 440.1B, WORKER PROTECTION PROGRAM FOR DOE (INCLUDING THE NATIONAL NUCLEAR SECURITY ADMINISTRATION) FEDERAL EMPLOYEES
- Privacy Act of 1974, Public Law 93-579, 88 Stat. 1896 (5 U.S.C. 552, as amended which establishes laws to implement the Privacy Act.
- 10 C.F.R. Part 708, Department of Energy Contractor Employee Protection Program.
- 10 C.F.R. Part 851, Department of Energy Worker Safety and Health Program.
- 29 C.F.R. Part 1960.28. Employee Reports of Unsafe or Unhealthful Working Conditions.
- 29 C.F.R. Part 24, Procedures for Handling Discrimination Complaints Under Federal Protection Statutes, which established the Department of Labor's procedures for investigating and adjudicating allegations of whistleblower reprisal under certain Federal statutes.
- Freedom of Information Act of 1974, Public Law 93-502, 5 U.S.C. 552, as amended, which establishes law to implement the Freedom of Information Act.
- Privacy Act of 1974, Public Law 93-579, 88 Stat. 1896 (5 U.S.C. 552a), as amended, which establishes laws to implement the Privacy Act.

### **3.0 RESPONSIBILITIES**

#### **3.1 TJSO Manager**

- 3.1.1 Assigns the responsibility of TJSO Employee Concerns Manager to a TJSO ES&H team member (as documented in the TJSO Functions Responsibilities and Authorities Manual).

#### **3.2 TJSO Employee Concerns Manager**

- 3.2.1 Informs via postings that DOE, contractor, and subcontractor employees, or their representatives, may submit concerns or complaints directly to DOE (i.e., the postings publicize ECP processes, employee rights and employee responsibilities to report concerns through these processes, and management's intolerance for reprisals against employees who have reported concerns).
- 3.2.2 Responsible for ensuring integration of the TJSO ECP with the ORO Office of Employee Concerns.

- 3.2.3 Ensures that concerns submitted to the TJSO ECP are managed with prompt identification, prioritization, evaluation, corrective and protective response, and resolution of employee concerns or complaints.
- 3.2.4 Maintains complainant anonymity, to the extent practicable, in all situations where anonymity is requested by the employee. The complainant's identity to contractor personnel or to any other persons not essential to the processing and investigation of the complaint shall not be divulged (names, home addresses, and home telephone numbers may be taken initially from those persons who wish to identify themselves for the purpose of contacting the employee for more information and returning a response after the complaint is investigated).
- 3.2.5 Transfers investigations to other staff/management, programs or processes if the concern is outside the TJSO Employee Concerns Manager's competencies or outside the scope the ECP. Reviews and evaluates responses from other organizations, including contractors, to which concerns were referred, for thoroughness and adequacy. Provides feedback to those organizations that have a need-to-know about the outcome of the ECP process.
- 3.2.6 Establishes the concern nature and prioritization (i.e., Imminent Danger Concern, Serious Condition/Concern, or Other Concern).
- 3.2.7 Provides a written response to the complainant within 15 days after the completion of the investigation except in those situations where the complainant's identity cannot be determined or when the complainant requests that only oral communication take place. Provides in the written/oral response the results of the DOE investigation.
- 3.2.8 Responds to the complainant within 15 days of receipt of the concern if it is determined that no investigation is necessary.
- 3.2.9 Maintains in the TJSO files a statement of the concern and the resolution, with supporting documentation, for no less than 5 years from date of receipt of concern.
- 3.2.10 Coordinates with the ORO Employee Concerns Manager to ensure that all whistleblower complaints are processed in accordance with the requirements set forth in 10 CFR 708, DOE Contractor Employee Protection Program.
- 3.2.11 Maintains tracking until closure of all items addressed in the concern. At a minimum, the tracking will include date and time received, identification code, date of report, location of concern, brief description, classification, and nature of action taken.

### 3.3 TJSO Staff

- 3.3.1 During routine facility surveillances, assists in assuring the appropriate display of ECP posters and forms by notifying the TJSO Employee Concerns Manager of deficiencies or correcting deficiencies on the spot.
- 3.3.2 Provides ECP guidance when approached by contractor/subcontractor employees with a concern. Specifically, TJSO staff should communicate that there is a lower-tier, contractor-ran ECP and why the DOE ECP exists (see Section 4.2.1). In these discussions TJSO staff should also communicate it is the employee's prerogative to choose which ECP to utilize (Contractor, DOE or DOE-Inspector General).

#### 3.4 ORO Employee Concerns Manager

- 3.4.1 Acts in the capacity of employee concerns subject matter expert, thus providing guidance to the TJSO Employee Concerns Manager to ensure investigations are conducted thoroughly, efficiently, and in compliance with DOE and OSHA requirements and guidelines.
- 3.4.2 Provides 24-hour telephone capability (for concern reporting) through the ORO Employee Concerns Office for the purposes of accessibility and timeliness of reporting and assists the TJSO Employee Concerns Manager in execution of employee concerns program including receipt of complaints.
- 3.4.3 Maintains the formal Contractor Employee Complaint Tracking Report. The purpose of the report is to compile and prepare a weekly complaint/investigation synopsis report highlighting relevant complaint issues which ORO is investigating and/or tracking in order to keep management informed.
- 3.4.4 Provides ECP support, under the Office of Science ISC, to the TJSO Employee Concerns Manager. The ORO Employee Concerns Manager assists the TJSO Employee Concerns Manager in collecting employee complaints (among with other forms of assistance).

## 4.0 PROCEDURE

### 4.1 Establishing Program

- 4.1.2 The TJSO Employee Concerns Manager transmits to the M&O contractor, for placement in conspicuous locations throughout the site, the DOE ORO Employee Concerns Reporting Form (Appendix B) and the DOE Worker Protection poster (Appendix C), and provides employees with additional information about the DOE Employee Concerns Management System as needed.

### 4.2 Employee Reporting

- 4.2.1 For Management and Operating (M&O) contractor personnel and subcontractor employees, this program is intended to supplement, not replace, existing management processes designed to address concerns and resolve disputes. This may be done in situations where the complainant wishes to remain anonymous to their management, where the complainant believes that unsafe/unhealthy conditions still exist, or violations of standards still remain after being brought to the attention of contractor management, or where there is a fear of potential reprimand, retaliation or duress as a result of filing a concern within the routine reporting system
- 4.2.2 Employees submit concerns to the ORO Employee Concerns Office via the mailing address or the phone numbers provided on the ECP postings and forms (see appendix B and C).
- 4.3 Prioritization of Concerns. Concerns are prioritized in the following descending order:
  - 4.3.1 Imminent Danger Concern:
    - 4.3.1.1 The contractor will be promptly notified and requested to investigate and, if necessary, directed to take immediate and effective remedial actions to mitigate the danger (as discussed in TJSO Shutdown /Restart Procedure).
    - 4.3.1.2 The contractor or a TJSO ES&H member will begin an investigation within 24 hours to assure that appropriate actions have been taken to preclude recurrence of the imminent danger.
    - 4.3.1.3 The ORO ORO Employee Concerns Manager will be notified within 2 hours of any imminent danger concern that TJSO received via the ECP.
  - 4.3.2 Serious condition/concern. These concerns shall be investigated as soon as possible and within 3 working days.
  - 4.3.3 Other Concern: Shall be investigated within 10 work days. If it is obvious that the complaint can be handled without a physical inspection, there is no requirement for one.
- 4.4 Tracking
  - 4.4.1 The TJSO Employee Concerns Manager tracks until closure all actions stemming from the concern and subsequent investigation.
  - 4.4.2 The ORO Employee Concerns Manager maintains the formal Contractor Employee Complaint Tracking Report. The purpose of the report is to compile and prepare a weekly complaint/investigation synopsis report

highlighting relevant complaint issues which ORO is investigating and/or tracking in order to keep management informed.

## APPENDIX A - DEFINITIONS

- Conflict of Interest - A situation in which the person responsible for investigating an employee concern could be associated either directly or indirectly with that concern, or an investigative task is assigned to a person who might have submitted the concern.
- Differing Professional Opinion - 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 significant negative impact on the activity in question with respect to safety, efficiency, or quality.
- Employee - Any DOE employee, DOE contractor or subcontractor working on a DOE project/site.
- Employee Concern – A good faith expression by an employee that a policy or practice, including a Differing Professional Opinion, of DOE or one of its contractors or subcontractors should be improved, modified, or terminated. Concerns can address issues such as environment, safety, health, management practices, fraud, waste, abuse, or reprisal for raising a concern.
- Employee Concerns Manager - The DOE employee(s) responsible for the management of the Employee Concerns Program.
- Imminent Danger Concern - Any condition or practice such that a hazard exists that could reasonably be expected to cause death or serious physical harm to employees (permanent or prolonged impairment of the body or temporary disablement or requiring hospitalization), unless immediate actions are taken to mitigate the effects of the hazard and/or remove employees from the hazard.
- 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.
- Other Concern - Concerns that are not an Imminent Danger Concern or Serious condition/concern.
- Representative of Employees - A person formally recognized by contractor employees to represent their occupational safety and health related views, interests, and concerns. For purposes of access to an employee's bioassay, monitoring, or radiation exposure records, if the representative is not the recognized/certified collective bargaining agent, then he or she must have the employee's written authorization for such access.

- Reprisal - Any action taken against an employee in response to, or in revenge for, having raised in good faith, reasonable concerns about any aspect of DOE-related operations.
- Resolution of a Concern - Actions taken and decisions made in response to an employee concern by verifying the concern, establishing plans to correct identified deficiencies, correcting the deficiencies, or determining that the concern is not substantiated and no corrective action is required.
- Serious condition/concern. A non-imminent 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.
- Subcontractor Employee - Any person employed by an organization which has a contract with the M&O Contractor to provide goods or services to the TJNAF facility and performing work on any part of the DOE-owned TJNAF site.
- Transfer of a Concern - Communication 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 with the concerned employee.

**APPENDIX B – EMPLOYEE CONCERNS REPORTING FORM**



**EMPLOYEE CONCERNS REPORTING FORM**  
**HOTLINE NUMBER: 1-865-241-ECMS (1-865-241-3267)**  
**or 1-800-ORO-ECMS (1-800-676-3267)**

**USE THIS FORM TO REPORT SAFETY, HEALTH, ENVIRONMENTAL, WASTE, FRAUD, AND ABUSE CONCERNS**  
**MAIL FORM TO: US DOE, M-5, FEDERAL BUILDING, PO BOX 2001, OAK RIDGE, TN 37831**  
**OR FAX FORM TO: 865-574-1939**

DOE has established the Employee Concerns Management System (ECMS) for DOE Federal and contractor employees to help identify and resolve nuclear & non nuclear 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 865-576-4988. 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 \_\_\_\_\_

**IF YOU ARE A REPRESENTATIVE OF EMPLOYEES, GIVE YOUR POSITION AND THE NAME AND ADDRESS OF YOUR ORGANIZATION:**



**APPENDIX C – WORKER PROTECTION FOR  
DOE CONTRACTOR EMPLOYEES**



# Worker Protection for DOE Contractor Employees

## Policy:

U.S. Department of Energy (DOE) contractor employees shall be provided with safe and healthful working conditions in accordance with the standards prescribed pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and the Department of Energy Reorganization Act of 1977; said standards shall be consistent with those promulgated under the Occupational Safety and Health Act of 1970, Public Law 91-508. Please refer to DOE O-440.1A for details.

## DOE Contractors:

DOE has determined that Southwestern University Research Association (SURA) is subject to DOE Acquisition Regulation (DEAR), Subpart 970.23, and is, therefore, required to comply with applicable DOE-prescribed Occupational Safety and Health Administration (OSHA) standards listed therein. This Order and the standards are available for employee review at Thomas Jefferson National Accelerator Facility (TJNAF) DOE Site Office.

As delineated in DOE Order 440.1A, Attachment 2, Contractor Requirements Document, the DOE contractor is required to:

1. implement a written worker protection program that provides a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.
2. Establish written policy, goals, and objectives for the worker protection program.
3. Use qualified worker protection staff to direct and manage the worker protection program.
4. Assign worker protection responsibilities, evaluate personnel performance, and hold personnel accountable for worker protection performance.
5. Encourage employee involvement in the development of program goals, objectives and performance measures and in the identification and control of hazards in the workplace.
6. Inform workers of their rights and responsibilities by appropriate means, including posting this poster in the workplace where it is accessible to all workers.
7. Identify existing and potential workplace hazards and evaluate the risk of associated worker injury or illness.
8. Implement a hazard prevention/abatement process to ensure that all identified hazards are managed through final abatement or control. For existing hazards identified in the workplace, abatement actions prioritized according to risk to the worker shall be promptly implemented pending final abatement and workers shall be protected immediately from imminent danger conditions.
9. Provide workers, supervisors, managers, visitors and worker protection professionals with worker protection training.

10. Ensure that subcontractors performing work on DOE-owned or -leased facilities comply with those requirements and the contractor's own site worker protection standards (where applicable).

Contractors are also required to comply with the Federal regulations and national standards listed in section 12 of Attachment 2 to DOE O-440.1A. In addition DOE O-440.1A contains requirements for the following specific functional areas, if the contractor is involved in these activities: construction safety, fire protection, firearms safety, explosives safety, industrial hygiene, occupational medical, pressure safety, motor vehicle safety, and suspect and counterfeit item controls. Please refer to DOE O-440.1A for details.

## Employees:

DOE contractor employees have the right to:

1. accompany DOE worker protection personnel during workplace inspections;
2. participate in the activities provided for in DOE O-440.1A, Attachment 2, on official time;
3. express concerns related to worker protection;
4. decline to perform an assigned task because of a reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious bodily harm to that individual, coupled with a reasonable belief that there is insufficient time to seek effective redress through the normal hazard reporting and abatement procedures established in accordance with the requirements herein;
5. have access to DOE worker protection publications, DOE-prescribed standards, and the organization's own worker protection standards or procedures applicable to the workplace;
6. observe monitoring or measuring of hazardous agents and have access to the results of exposure monitoring;
7. be notified when monitoring results indicate they were overexposed to hazardous materials; and
8. receive results of inspections and accident investigations upon request.

## Inspections:

All activities under this contract are subject to inspection by DOE. When an inspection under DOE O-440.1A is conducted, a contractor management representative and a representative authorized by the employees will be given an opportunity to accompany the DOE inspector.

Where there is no representative authorized by the employees, the DOE inspector will consult with a reasonable number of employees concerning safety and health conditions in the workplace.

## Concerns:

Employees or former employees may file a concern with the contractor management or with the local DOE office, as

described in DOE O-440.1A. Concerns may be submitted either verbally or by calling the local DOE office employee concerns hotline, telephone [800-878-3287](tel:800-878-3287) or in writing. An example report form is available adjacent to each hotline poster, or one may be obtained from the Employee Concerns Manager at the local DOE office.

## Imminent Danger:

DOE Contractors are required to implement procedures to allow workers, through their supervisors, to stop work when they discover employee exposures to imminent danger conditions or other serious hazards. The procedure shall ensure that any stop work authority is exercised in a justifiable and responsible manner.

## Nondiscrimination:

No contractor shall discharge or in any manner discriminate against any employee by virtue of the filing of a complaint, or in any other fashion, exercising on behalf of himself or herself or others any action set forth in DOE O-440.1A or DOE O-442.1A.

It is the policy of DOE that employees of contractors at DOE facilities should be able to provide information to DOE, to Congress, or to their contractors concerning violations of law, danger to health and safety, or matters involving mismanagement, gross waste of funds, or abuse of authority, to participate in proceedings conducted before Congress or pursuant to this part, and to refuse to engage in illegal or dangerous activities without fear of employer reprisal. Contractor employees who believe that they have been subject to such reprisal may submit their complaints to DOE for review and appropriate administrative remedy as provided in 10 CFR Part 708.

## Inquiries:

Inquiries should be addressed to the contractor; however, additional inquiries may be addressed to the local DOE office:

**Thomas Jefferson Site Office**  
 (DOE Office)  
**Attn: Employee Concerns Manager**  
 Attn: Employee Concerns Manager  
 12000 Jefferson Ave  
 (P.O. Box or Street Address)  
 Newport News, Virginia 23606  
 (City, State and Zip Code)

## Posting Requirements:

Copies of this notice must be posted in a sufficient number of places in Government-owned plants and facilities operated by DOE contractors subject to DOE Acquisition Regulation (DEAR), Subpart 970.23 and DOE O-440.1A, to permit employees working in or frequenting any portion of the plant to observe a copy on the way to or from their workplace.