

**U.S. Department of Energy**  
**Washington, D.C.**

**ORDER**

**DOE 5480.29**

1-15-93

SUBJECT: EMPLOYEE CONCERNS MANAGEMENT SYSTEM

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1. PURPOSE. To create the framework for promptly identifying, reporting, and resolving employee concerns regarding Department of Energy (DOE) facilities or operations. These concerns originate from DOE employees or DOE contractor or subcontractor employees having beliefs or technical knowledge related to an impropriety or inadequacy associated with the environment, safety, or health (ES&H) conditions of DOE and contractor-managed nuclear and nonnuclear activities. The primary purpose of this framework is to complement existing employee reporting procedures in order to allow an independent avenue for anonymous and confidential reporting and evaluation of employee ES&H concerns without supplanting existing requirements in DOE Orders, rules, and regulations for employee reporting.
2. CANCELLATION.  
  
Chapter II, DOE 5483. 1A, OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR DOE CONTRACTOR EMPLOYEES AT GOVERNMENT-OWNED CONTRACTOR-OPERATED FACILITIES, of 6-22-83.
3. SCOPE. The provisions of this Order apply to all Departmental Elements. Contractor or subcontractor employees performing work for the Department may utilize the process described in this Order to file their concerns. Situations by which a DOE, contractor, or subcontractor employee may choose to file an employee concern include:
  - a. The need to express an ES&H concern through a nonroutine reporting pathway because the employee is dissatisfied with the effectiveness of existing employee concerns program procedures (for the purpose of this Order, unless otherwise specified, employee is to mean DOE, contractor, and subcontractor employees);
  - b. Fear of potential reprimand, retaliation, or duress as a result of filing a concern within the routine management chain or other existing reporting systems;
  - c. Belief that corrective actions for previously identified concerns are not being implemented; or
  - d. The lack of an employee concerns program within a DOE contractor or subcontractor organization.

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All Departmental Elements

INITIATED BY:  
Office of Nuclear Energy

4. EXCLUSION. Facilities and activities conducted under Executive Order 12344 (42 U.S.C. 7158, note) are excluded from this Order (paragraph 8i ).
5. POLICY. It is the policy of the Department that:
  - a. Existing reporting procedures (per DOE 3790.1B, 5480.17, and other applicable Directives) shall continue to be used in all instances where the reporting individual is assured of: 1) timely evaluation and resolution of the concern; and 2) protection from reprimand, retaliation, or duress. In cases where either provision cannot be maintained, the Employee Concerns Management System (ECMS) will serve to complement existing reporting pathways and shall provide all DOE, contractor, and subcontractor employees access to a Field Office hotline to express their concerns;
  - b. Employee concern reports shall be managed in a manner that assures prompt identification, prioritization, evaluation, corrective and protective response, and resolution of employee concerns raised by DOE, contractor, and subcontractor employees;
  - c. The establishment and maintenance of the ECMS shall be the responsibility of each Field Office; correspondingly, a Headquarters management official shall be responsible for establishing and maintaining an ECMS for Headquarters employees;
  - d. Employee concern reports regarding incidents of safeguards and security interests shall be reported in accordance with DOE 5639.3;
  - e. Employee concern reports shall not contain classified information; and
  - f. The use of existing employee concerns systems such as those established by a DOE contractor is not a prerequisite to using this system. However, employees should be encouraged to utilize these existing programs first.
6. REFERENCES.
  - a. DOE 1324.5A, RECORDS MANAGEMENT PROGRAM, of 3-13-92, which establishes the records disposition system for DOE and contractor records.
  - b. DOE 1330.1D, COMPUTER SOFTWARE MANAGEMENT, of 5-18-92, which establishes requirements for the management of computer software.

- c. DOE 3790. 1B, FEDERAL EMPLOYEES OCCUPATIONAL SAFETY AND HEALTH PROGRAM, of 1-7-93, which establishes the policy for the implementation and administration of the occupational safety and health program for Federal employees.
- d. DOE 5480.17, SITE SAFETY REPRESENTATIVES, of 10-5-88, which establishes the interim functions and procedures for Environment, Safety and Health (EH) Site Safety Representatives.
- e. DOE 5483. 1A, OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR DOE CONTRACTOR EMPLOYEES AT GOVERNMENT-OWNED CONTRACTOR-OPERATED FACILITIES, of 6-22-83, which establishes requirements and procedures consistent with occupational safety and health standards promulgated under the Occupational Safety and Health Act of 1970, Public Law 91-596.
- f. DOE 5484.1, ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH PROTECTION INFORMATION REPORTING REQUIREMENTS, of 2-24-81, which establishes requirements and practices for investigating environmental, health, and safety occurrences for DOE operations.
- g. DOE 5639.3, VIOLATION OF LAWS, LOSSES, AND INCIDENTS OF SECURITY CONCERNS, of 9-15-92, which establishes procedures to assure timely and effective action related to violation of criminal laws, losses, and incidents of security concern to DOE.
- h. DOE 5635.4, PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION, of 2-3-88, which establishes Policy and Procedures for the protection of (UCNI).
- i. DOE 5650.2B, IDENTIFICATION OF CLASSIFIED INFORMATION, of 12-31-91, which specifies responsibility, authority, policy, and procedures for the management of DOE classification systems.
- j. DOE 5650.3A, IDENTIFICATION OF CLASSIFIED CONTROLLED NUCLEAR INFORMATION, of 6-8-92, which establishes policy and procedures for reviewing and marking documents and material containing unclassified controlled nuclear information (UCNI).
- k. The Inspector General Act of 1978, as amended, 5 U.S.C. app. 3.
- l. 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.
- m. 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.

- n. DOE Privacy Act Regulations, 10 Code of Federal Regulations (CFR) 1008, "Records Maintained on Individuals," of 10-16-80, which establishes the procedures to implement the Privacy Act of 1974 within DOE.
- o. 1 CFR 305, Use of Ombudsmen by Federal Agencies.
- p. 10 CFR 24, Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes.
- q. 10 CFR 708, Criteria and Procedures for DOE Contractor Employee Protection Program.
- r. 29 CFR 1960, Safety and Health Provisions for Federal Employees, which provides the regulations and guidelines for the implementation of Executive Order 12196.
- s. Executive Order 12196, "Occupational Safety and Health Programs for Federal Employees," which establishes the requirement for Federal agencies to provide occupational safety and health programs for their employees.
- t. Public Law 100-408, Price-Anderson Amendments Act (PAAA) of 1988.
- u. Public Law 101-12, Whistleblower Protection Act of 1989.
- v. OMB Circular NO. A-76, which mandates that criminal investigations be performed by government employees and not contractor employees.

## 7. DEFINITIONS.

- a. Contractor. Any person under contract or subcontract with the Department of Energy with responsibility to perform activities in connection with any facility, laboratory, or program at a DOE-owned or leased facility.
- b. DOE Operations. Those DOE-funded activities for which DOE has responsibility including the environment, safety, and health programs.
- c. Employee Concern. A declaration, statement, or assertion of impropriety or inadequacy associated with the ES&H aspects of DOE-managed and contractor-managed activities, the validity of which has not been established.
- d. Employee Concerns Manager (ECM). A DOE employee designated as a single-point-of-contact reporting directly to the Field Office Manager (FOM), or in Headquarters, reporting to AD-1, responsible for the management of the ECMS.

- e. Employee Concerns Review Panel. A panel of DOE employees and specialized consultants (when appropriate) designated by the FOM and selected by the ECM for evaluation of specific concerns received by the ECM.
- f. Field Office Manager (FOM). A DOE individual with management responsibility for a field organization. The FOM is responsible for the management, coordination, and administration of operations under his or her purview and reports to the cognizant Program Secretarial Officer(s) (PSO) through the appropriate program office(s). For the purpose of this Order, a Field Project Manager who reports directly to a PSO and is responsible for the management, coordination, and administration of operations under his purview, is considered to be an FOM. (This definition also applies to other self-supporting DOE offices, such as the Rocky Flats Office, Superconducting Super Collider Project Office and Strategic Petroleum Reserve Project Office, which report directly to a PSO.)
- g. Lead Program Secretarial Officer (Lead PSO). The PSO assigned line management responsibility and accountability for Headquarters and Field Office operations. One or more multiprogram Field Offices report directly to the Lead PSO, who is responsible for coordinating and resolving institutional and cross-cutting issues. Lead PSO assignments are as follows: Defense Programs for the Albuquerque, Nevada, and Savannah River Field Offices; Energy Research for the Chicago and San Francisco Field Offices; Nuclear Energy for the Idaho and Oak Ridge Field Offices; and Environmental Restoration and Waste Management for the Richland Field Office and the Fernald Field Office.
- h. Originator. The DOE, contractor, or subcontractor employee who originates the employee concern.
- i. Program Secretarial Officers (PSO). The heads of DOE offices with responsibility for specific DOE programs or facilities. These include the Assistant Secretaries for Nuclear Energy (NE), Defense Programs (DP), Environmental Restoration and Waste Management (EM), Fossil Energy (FE), Conservation and Renewable Energy (CE), and the Directors of Energy Research (ER) and Civilian Radioactive Waste Management (RW). For the purpose of this Order, this definition also includes the Administrators of the Bonneville and Western Area Power Administrations.
- j. Summary Employee Concern Report. A non-classified summary or other brief report of an employee's concern which does not contain the employee's name or other information which could identify the employee.

8. RESPONSIBILITIES.

- a. Program Secretarial Officers. For Field Offices under their cognizance, PSOs shall monitor the ECMS to assure that all issues are addressed promptly and effectively. In addition, the PSOs shall:
- (1) Provide clear and explicit delegations of authority and responsibilities;
  - (2) Take necessary management actions including the requirement that budget proposals for their assigned functions provide adequate ES&H resources for the implementation of this Order;
  - (3) Provide the Assistant Secretary for Environment, Safety and Health (EH-1) and the Director of the Office of Nuclear Safety (NS-1) with copies of field organization implementation plans for the ECMS;
  - (4) Perform program reviews to confirm effective implementation of Field Office ECMS per the requirements of this Order;
  - (5) Respond to any outstanding employee concern that cannot be resolved at the Field Office level;
  - (6) Coordinate with all Headquarters officials and functions as necessary;
  - (7) Review all recommended actions arising from a concern originating from a DOE employee;
  - (8) Develop an appeals process for those concerns where employees are dissatisfied with the FOM or Headquarters (AD-1) decision and wish to appeal the decision; and
  - (9) Review decisions on all appeals of this process before a final disposition is rendered.
- b. Assistant Secretary for Nuclear Energy (NE-1), in addition to the PSO responsibilities prescribed in this Order and in paragraph 8a above, has overall Departmental policy responsibility for employee concerns program activities, and specifically shall:
- (1) Develop, promulgate, and maintain policies and procedures necessary to implement and sustain an effective ECMS;
  - (2) Provide formal Departmental interpretation of the requirements of this Order;

- (3) Develop, promulgate, and maintain guidance materials and conduct workshops, as necessary, for implementing the requirements of this Order; and
  - (4) Monitor appraisal reports (i.e., Technical Safety Appraisals, self assessments) relative to reporting activities at DOE facilities to assess implementation of this Order and to identify needed improvements.
- c. Assistant Secretary for Environment, Safety and Health (EH-1), acting as the independent element responsible for nonnuclear safety, environment, occupational safety, and health oversight of line management for the Department, shall:
  - (1) Review and evaluate the results of employee concerns evaluations and determine if lessons-learned have generic applicability warranting DOE-wide dissemination;
  - (2) Review employee concerns and identify circumstances that are indicative of deteriorating or poor program performance in the EH areas of responsibility which may warrant further actions;
  - (3) Review employee concern reports for immediate significance;
  - (4) Assure that the EH site safety representative who receives concerns per DOE 5480.17 refers such concerns to the ECMS;
  - (5) Coordinate with other Headquarters officials on functions and matters relating to ES&H; and
  - (6) Monitor and audit all aspects of the implementation of this Order related to nonnuclear safety concerns in review of HQ and FO specific procedures and evaluation.
- d. Inspector General (IG), pursuant to the Inspector General Act of 1978 as amended, 5 U.S.C. app 3, reviews concerns pertaining to waste, fraud, abuse, and mismanagement. The ECM will refer such concerns received through the ECHS to the IG.
- e. Director of Administration and Management (AD) shall:
  - (1) Prioritize, evaluate, and resolve DOE employee concerns pertaining to the occupational safety and health of Federal employees, per 29 CFR 1960 and Executive Order 12196;
  - (2) Serve as the DOE Headquarters FOM for concerns raised by Headquarters employees;

- (3) Establish and maintain a Headquarters ECMS (apart from any hotline established by the DOE Inspector general for waste, fraud, abuse, and mismanagement) with an ECM reporting directly to the Office of the Director; and
  - (4) Provide copies of implementation plans to EH-1 and NS-1.
- f. Field Office Manager (FOM) shall:
- (1) Establish and maintain an ECMS (apart from any hotline established by the DOE Inspector General for waste, fraud, abuse, and mismanagement) with an ECM reporting directly to the FOM;
  - (2) Assure the prompt prioritization, evaluation, and resolution of employee concern reports;
  - (3) Assure that reports are reviewed for classified information content and properly sanitized by an authorized classifier in accordance with procedures found in DOE 5650.2B;
  - (4) Verify that actions are taken by DOE and DOE contractors to minimize, correct, or prevent recurrences;
  - (5) Assure that quarterly status reports are reviewed for lessons learned and possible adverse trends and disseminated to DOE organizational elements as appropriate;
  - (6) Encourage contractors to implement an Employee Concerns Program for their employees;
  - (7) Provide adequate ECMS training for Field Office and Headquarters management and staff personnel for the purposes of training hotline operators, employee concern coordinators, and other involved personnel. In addition, assure that employees are provided with information about the ECMS;
  - (8) Assure that employee concern reports that involve:
    - (a) Potential employee security violations are referred to the Office of Security Affairs;
    - (b) Contractor or subcontractor whistleblower complaints of reprisals are referred to the Office of Contractor Employee Protection and DOE Federal employees alleging whistleblower complaints of reprisals are informed that they should file their complaint with the Office of Special Counsel in accordance with the Federal Whistleblower Protection Act of 1989;



- (c) Waste, fraud, abuse, or mismanagement are referred to the Office of Inspector General;
  - (d) Potential violation of rules subject to the Price-Anderson Amendment Act of 1988 (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, regulations in the area of nuclear safety are referred to the Office of Nuclear Safety;
  - (e) Equal Employment Opportunity (EEO)/personnel complaints are forwarded to the Office of Administration and Management; and
  - (f) Complaints of potential violations of requirements of other Federal agencies, i.e., Nuclear Regulatory Commission (NRC) for NRC licensed activities, the U.S. Forestry Service for their activities on DOE sites, etc., are referred to those agencies;
- (9) Obtain General Counsel (GC) assistance in determining the final disposition of employee concerns, when appropriate;
  - (10) Prepare and submit an implementation plan for this Order to the appropriate Headquarters program organization;
  - (11) Appoint a DOE Evaluations Board as required by DOE 5484,1, where appropriate;
  - (12) Provide new DOE employees information on the ECMS as part of employee indoctrination;
  - (13) Periodically review concerns referred to organizations not directly involved with the ECM (i.e., IG, Security, etc.) and those provided to the panel for review to ensure the appropriateness of the referral; and
  - (14) Forward all reviews and proposed actions on concerns which arise from DOE employees to the cognizant PSO.
- g. Director of the Office of Nuclear Safety (NS-1), acting as the independent element responsible for nuclear safety oversight of line management for the Department, shall:
- (1) Monitor and audit all aspects of the implementation of this Order related to nuclear safety concerns including review of FOM specific procedures, training of managers and supervisors in handling employee concerns, and evaluation of the adequacy of the

ECMS evaluation reports and provide assistance in implementation and evaluate the adequacy of corrective action reports;

- (2) Review employee concerns and identify circumstances that are indicative of deterioration or poor program performance in nuclear safety which may warrant further action;
  - (3) Conduct inquiries and investigations of allegations involving potential violations of rules subject to PAAA enforcement authority, criminal acts involving potential nuclear safety matters, (e.g., falsification of plant logs and records), other willful violations of DOE rules, regulations and Orders in the area of nuclear safety; and
  - (4) Assure that the NS site representatives who receive concerns refer these concerns to the ECMS.
- h. Office of Contractor Employee protection Program. Receive and consider for further evaluation, those contractor employee concerns received through the ECMS that encompass alleged discriminatory actions per the specific regulations found in 10 CFR 708.
- i. Director of The Naval Nuclear Propulsion Program. Presidential Executive Order 12344, statutorily prescribed by P. L. 98-525, 42 U.S.C. 7158, Note (1984) establishes the responsibilities and authorities of the Director of the Naval Nuclear Propulsion Program (who is also the Deputy Assistant Secretary for Naval Reactors within the Department) over all facilities and activities which comprise the Program, a joint Navy-DOE organization. These executive and legislative actions establish that the Director is responsible for all matters pertaining to Naval nuclear propulsion for all Program facilities and activities. Accordingly, the provisions of this Order do not apply to the Naval Nuclear Propulsion Program.
9. PROGRAM REQUIREMENTS.
- a. Field Offices, Headquarters (AD-1), and PSOs, responsible for directly managing operations at Government-owned and operated facilities (e.g., Office of Fossil Energy), shall establish an ECMS that:
    - (1) Provides for the necessary prioritizing, evaluation, and resolution to employee concerns by appointing a ECM directly in charge of the ECMS who will follow the responsibilities detailed in paragraph 9b below;
    - (2) Provides for effective communication methods for assuring that employees are aware of the program and how to use it, including the intent that employee concern reports should normally be filed

only after encountering dissatisfaction or having a lack of confidence with existing concerns reporting systems. Attachment 1 provides an example of an information poster. Similar posters shall be conspicuously located in the work place;

- (3) Establishes a formal and measurable tracking system of employee concern status, from identification to closure, for the purposes of transfer of information and accountability;
- (4) Maintains a secure filing system that contains all materials developed for the evaluation of the employee concern from identification to closure. Limited access of the files shall be maintained to assure anonymity or confidentiality;
- (5) Has the capability for ensuring that the originator can be informed of the status and disposition of the concern (responses should include sufficient detail to establish the credibility of the evaluation and give assurance of corrective/preventive action, if applicable);
- (6) Maintains a 24-hour telephone capability (which can be a recording device, see paragraph 9b(9)) for the purposes of accessibility and timeliness of reporting. The originator shall also be allowed to submit his/her concern formally in writing if he/she so prefers. Attachment 2 provides an example of an employee concern report format. If an employee filing an oral concern declines to submit a written concern, the ECM shall attempt to obtain the employee's name, address, and telephone number in order to respond to the person at a later date. The originator should provide sufficient detail to allow for the identification of an employee concern without transmitting classified information either over the telephone or through the mail;
- (7) Assures distribution of copies of ES&H and nuclear safety concerns to line management, EH-1 and NS-1 within 10 working days of receipt. If the concern involves potential violations of PAAA enforcement authority, criminal acts involving potential nuclear safety matters (e.g., falsification of plant logs and records), other willful violations of DOE rules, Orders, or regulations in the area of nuclear safety, the ECM will provide copies of the employee concern report to NS-1 for investigation. Those concerns which involve other DOE organizations or other governmental agencies having explicit jurisdiction should be referred to those DOE organizations or agencies (e.g., IG for fraud, waste, abuse, and mismanagement or NRC for licensed activities). Tracking of the disposition of these concerns should be kept by the ECM in the ECMS to the extent practicable for complete recordkeeping;

- (8) Guards the anonymity or confidentiality of the employee expressing a concern to the extent practicable throughout the reporting and evaluation process. The ECM will ensure that the identity of the employee who requests confidentiality will be maintained to the extent practicable by law. As a matter of general policy, names shall be deleted from all concerns related documents unless the employee explicitly requests that his or her name be revealed. An employee concern should not be given to the employee's organization for evaluation and disposition, unless the employee authorizes such action.
    - (a) Unless explicitly requested by the employee, the form used in the evaluation process shall contain no information identifying the employee raising the concern. If handwritten, a concern shall be typed or printed by the ECM and shall be reworded, if necessary, to obscure the identity of the employee raising the concern.
    - (b) The original written concern and any other information bearing the employee's name shall be treated in a confidential manner (i.e., shall be kept in a locked file in the DOE office and shall not be taken into the field or circulated with letters received in response to inquiries made during the evaluation of the concern).
  - (9) Provides for the review and evaluation of an employee's concern by either the ECM or the Employee Concerns Review Panel in accordance with this Order and Chapters I and II, paragraph 6.
- b. Employee Concerns Manager. FOMs shall appoint an ECM, reporting directly to the FOM to manage information regarding employee concerns. Headquarters (AD- 1) shall also appoint an ECM, reporting directly to AD-1, to manage information regarding employee concerns. In addition, PSOs responsible for directly managing operations at Government-owned and operated facilities shall also appoint an ECM reporting directly to the PSO, to manage information regarding employee concerns. Specific responsibilities include:
- (1) Implementing, coordinating, and directing the operation of the ECMS program including the use of an Employees Concern Review Panel, as appropriate, and collecting and preparing employee concerns for evaluation;
  - (2) Redirecting, when appropriate, employee concerns to the responsible organization in accordance with the guidance set forth in paragraph 8f of this Order; an employee concern should not normally be turned over to the employee's immediate

management/supervisor for evaluation unless the employee authorizes such;

- (3) Determining the significance of employee concerns by using the criteria provided in paragraph 9d and paragraph 7 of Chapter I of this Order and categorizing the concerns either by hazard, severity, area, or organization or a combination thereof which allows for proper responses to critical conditions and supports Information retrievability, trending, and analysis;
- (4) Establishing and maintaining a formal tracking system for all concerns received per paragraph 9a(3);
- (5) Entering the report (Attachment 2) in the tracking system, assigning a unique number and generating a document with distribution to appropriate line management and EH-1 or NS-1, for their respective areas of authority, within 10 working days of receipt of the concern. As a minimum, the tracking system will include date and time received, identification code, date of report, location of concern, brief description, classification, and nature of action taken. If the tracking system is automated, requirements found in both DOE 1330.1D and DOE 1324.5A should be followed;
- (6) Providing "status only" information to requesting originators until resolution of the concern after which an abbreviated summary of the final resolution may be given upon request by the originator;
- (7) Providing a "summary" copy to DOE personnel with a need to know who officially request the concerns information. The Employee Concerns Review Panel, when utilized, will receive a copy of the employee concern report (without the employee's name) for their review;
- (8) Monitoring employee concerns evaluations, resolutions, and schedules in accordance with this Order, utilizing the specific guidelines found in Chapters I and II;
- (9) Establishing and maintaining an ECMS Telephone Hotline that:
  - (a) Provides 24-hour telephone access. (The number shall be placed in the DOE Telephone Directory. A toll free number may need to be provided if covered employees work outside the area code where the ECM is located. Answering machines may be used if they are secured in controlled area such as a locked office or a locked cabinet in a limited access area.); and

- (b) Protects the anonymity and confidentiality of the originator when requested;
- (10) Ensuring that posters identifying the ECMS Telephone Hotline number are placed in conspicuous locations throughout the site to provide employees with information about the ECMS. A toll free number may need to be provided if covered employees work outside the area code where the ECM is located;
- (11) Ensuring that all documents obtained or prepared in the course of handling an employee concern are treated in a sensitive manner to protect anonymity or confidentiality of the originator and that all documents are reviewed for classification in accordance with procedures found in DOE 5650.2B with particular attention to the use of DOE 5650.3A and DOE 5635.4;
- (12) Advising the EH and NS Site Safety Representatives of significant issues in areas of their responsibility;
- (13) Advising the FOM, AD-1, or PSO of all significant issues defined in paragraph 9d below, and in particular, notifying the FOM, AD-1, or PSO within 2 hours of any employee concern that poses an immediate threat to the safety of the public or workers;
- (14) Maintaining an information base for preparing quarterly status reports per paragraph 9h (including information required by 29 CFR 1960.28(d)(2)); and
- (15) Referring to NS-1 for investigation, concerns which involve

- c. Employee Concerns Review Panel. Field Offices, Headquarters (AD-1), and PSOs, responsible for directly managing operations at government-owned and operated facilities, shall establish an ad hoc panel to fulfill the duties detailed below. Panel members shall be selected to ensure representation of senior management and technical staff to assess the significance of concerns. The employee concerns resolution process shall be structured to encourage resolution of the concern at a management level appropriate to the nature of the concern. Therefore, the panel need not be composed of permanent

members, but can be changed to ensure that at least one member has the required expertise in the area of the concern. Specific responsibilities when a panel is used include:

- (1) Redirecting, when appropriate, employee concerns to appropriate organizations as outlined in paragraph 8f;
  - (2) Determining the significance of employee concerns by using the criteria provided in paragraph 9d and Chapter I, paragraph 7, of this Order and categorizing the concerns either by hazard, severity, area, or organization or a combination thereof which allows for proper responses to critical condition and support information retrievability, trending, and analysis;
  - (3) Assigning responsibility within the panel for acknowledgement, evaluation, resolution, and close-out of each employee concern report and developing evaluation and resolution schedules utilizing the specific guidelines found in Chapter I and 11 in accordance with this Order (the organizational element which is the subject of concern should not be directly involved in the evaluation to ensure independence of the evaluation);
  - (4) Reviewing evaluation findings and determining the disposition status of existing concerns;
  - (5) Ensuring that if the concern is substantiated, actions are taken to correct the identified deficient conditions and preventive actions taken to preclude its recurrence and effects (i.e., root cause, quality impact, generic implication);
  - (6) Ensuring that employee concerns are closed-out in accordance with established schedules and that those actions arising from DOE employee concerns are reviewed by the Lead PSO, AD-1, or a PSO, responsible for directly managing operations at Government-owned and operated facilities before they are closed; and
  - (7) Ensuring that all evaluations and related employee concerns processing procedures are adequately documented.
- d. The following are intended to be illustrative, but not all inclusive, of criteria which should be utilized to assess the significance of the concern. Immediate significance is judged by determining whether the concern involves:
- (1) Initiation of work in the face of identified environment, safety, or health concerns which could result in an immediate or near-term threat to the safety of the public or workers;

- (2) Continuation of operations in the face of inoperable or deficient ES&H equipment, monitoring instrumentation, or systems;
  - (3) Any violations of PAAA enforcement authority, criminal acts involving nuclear safety matters (e.g., falsification of plant logs and records), other willful violations of DOE rules, Orders, and regulations; operational procedures, specification limits, or criminal acts;
  - (4) Deficiencies observed in the normal reporting system (i.e., lack of notification of ES&H issues and events of significance to proper authorities as required by DOE Orders, procedures, and Federal and State environmental laws);
  - (5) The collection, dissemination, and recording of inaccurate or falsified ES&H related data; or
  - (6) Material misrepresentations to inspectors, auditors, or reviewers when performing official duties.
- e. After the completion of an evaluation in response to an employee concern, the employee shall be informed in writing, within 30 calendar days of completion of the review, of the results. In addition:
- (1) The concerned employee shall be notified of his or her right to seek from the ECM further clarification of the determination if any questions remain; and
  - (2) The employee shall also be advised by the ECM that, if dissatisfaction remains with the determination, it is DOE policy to grant review of such determination by the Lead PSO, AD-1, or a PSO responsible for directly managing operations at a Government-owned and operated facility. The employee may request an appeal of the initial decision in writing to the cognizant PSO or AD-1 (for Headquarters employees) within 30 calendar days of receipt of the determination.
- f. Employee concerns shall be processed within the following timeframes:
- (1) Acknowledgements regarding priority determination and the established resolution schedule will be available to the originator within 5 working days of receipt of the concern;
  - (2) All evaluations shall be completed within 30 working days of assignment;



- (3) Exceptions to the 30-day evaluation requirement for any employee concern must be formally documented and sent to the FOM which should include a proposed schedule and list of required actions to complete the resolution of the concern;
  - (4) Contractor whistleblower concerns shall be processed in accordance with the timeframes set forth in 10 CFR 708; and
  - (5) Alleged violations of rules subject to PAAA, enforcement authority, criminal acts involving nuclear safety matters (e.g., falsification of plant logs and records), other willful violations of DOE rules, Orders, or regulations in the area of nuclear safety shall be referred to NS-1 for investigation within 10 workdays of receipt of the concern or within 2 hours if the concern poses an immediate threat to the safety of the public or worker.
- g. Written communication to an employee who filed a concern shall be sent to the employee's home address or other specified location unless specific instructions have been given to send such notice to the place of employment.
- h. Documentation.
- (1) The ECM will issue a quarterly report of all employee concerns reports initiated, closed, or remaining unresolved during the past quarter to the Employee Concerns Review Panel (where a standing committee exists), and the Field Office Manager, AD-1 (for Headquarters employee concerns), and cognizant PSO, with a copy to EH-1, NS-1. These quarterly status reports shall include, at a minimum, each report number, priority, title, evaluation, completion schedule, significance of the concern, reason the employee filed the concern, categorization of current resolution status, organization responsible for resolution, and statistical summaries. In order to maintain anonymity or confidentiality when requested, there will be limited access to the information contained in quarterly status reports. Statistical summaries, however, can be made available to the general public.

- (2) Records will be maintained of all documents supporting all employee concerns including disposition and remedial/corrective actions proposed (e.g., design changes, personnel training, material changes, maintenance, or procedure revision) or actions already taken to preclude, prevent, or mitigate future recurrences. All records will adhere to DOE 1324.5A for records disposition.



JAMES D. WATKINS  
Admiral, U.S. Navy (Retired)



DOE - [ \_\_\_\_\_ ]  
FIELD OFFICE

HAS AN EMPLOYEE  
"HOTLINE"  
TO HELP IDENTIFY AND RESOLVE ES&H  
CONCERNS RELATING TO ROE PROGRAMS

YOUR ASSISTANCE IN INFORMING US ABOUT SUCH CONCERNS IS ESSENTIAL TO THE SUCCESS OF DOE \_\_\_\_\_ OPERATIONS. YOU MAY USE THE PHONE NUMBER BELOW OR THE PREPAID MAILERS ADJACENT TO THIS POSTER TO COMMUNICATE THOSE CONCERNS. IF YOU USE THE HOTLINE, TAKE THE TIME TO ORGANIZE YOUR THOUGHTS IN KEEPING WITH THE INFORMATION REQUESTED ON THE MAILER.

**HOTLINE NUMBER (24 HOURS)**

**NOTE: YOU ARE ENCOURAGED TO REPORT YOUR CONCERN IN ACCORDANCE WITH YOUR ORGANIZATION'S ESTABLISHED REPORTING PROCEDURES.**

U.S. Department of Energy \_\_\_\_\_ Field Office Hot Line Number \_\_\_\_\_

## EMPLOYEE CONCERNS MANAGEMENT SYSTEM REPORTING FORM

DOE has established the DOE Employee Concerns Management System (ECMS) to help identify environmental, nuclear, nonnuclear safety and health safety concerns relating to DOE programs. Your assistance in informing us about such concerns is essential to the success of those programs. Please fill out this postage free form as completely as possible, fold, and drop it in the mail, or call the 24-hour Hotline number below and be prepared to provide the same information as requested in this form. If you choose anonymity, please insert any three letters of the alphabet in the signature line. Record the letter's date and time for your reference. When you call in on the Hotline you will identify your concern with the letter's date and time and will be given a unique code that will identify your concern. In subsequent calls, always refer to the assigned code to identify the report.

**NOTE: YOU ARE ENCOURAGED TO REPORT YOUR CONCERN IN ACCORDANCE WITH YOUR ORGANIZATION'S ESTABLISHED REPORTING PROCEDURES.**

**YOUR REPORT SHOULD NOT CONTAIN CLASSIFIED INFORMATION AND IS SUBJECT TO PRIVACY ACT REQUIREMENTS.**

**IF POTENTIALLY CLASSIFIED INFORMATION IS RECORDED  
THIS FORM SHALL BE REVIEWED BY AN AUTHORIZED CLASSIFIER.**

**PLEASE FILL IN APPROPRIATE SPACES AND CHECK ALL ITEMS BELOW WHICH APPLY TO YOUR CONCERN.**

**THIS CONCERN IS:** ☐ Unique ☐ Recurring ☐ Immediate

**NATURE OF CONCERN:**

- ☐ Violation ☐ Willful  
☐ Hazard ☐ Price-Anderson  
☐ Other (Specify) \_\_\_\_\_

**CONCERN LOCATION:** \_\_\_\_\_

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

- ☐ Loss of life or injury ☐ Personnel Hazard ☐ Damage or loss of safety-related hardware  
☐ Damage or loss of safety-related facilities or equipment ☐ Other (Specify) \_\_\_\_\_

**WHERE ELSE HAVE YOU REPORTED YOUR CONCERN?**

- ☐ Immediate supervisor ☐ DOE ES&H ☐ Nowhere ☐ Other (Specify) \_\_\_\_\_

**WHO IS YOUR EMPLOYER?**

- ☐ DOE ☐ Contractor ☐ Other (Specify) \_\_\_\_\_

**WHAT IS YOUR ROLE WITH REGARD TO THE AREA OF CONCERN?**

- ☐ Operations ☐ Technical support ☐ Other (Specify) \_\_\_\_\_  
☐ Administrative support ☐ Management  
☐ Quality Assurance ☐ Safety, Nuclear/Nonnuclear

**Fold as indicated, fasten and mail. Thank you for your cooperation.**

I do not want my name involved or revealed \_\_\_\_\_ My name may be revealed \_\_\_\_\_ (Check one)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date/time)

(Include only if anonymity not desired)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

(Include only if anonymity not desired)

Telephone No: \_\_\_\_\_

### DESCRIBE YOUR CONCERN

Describe your concern as explicitly but concisely as possible. Discuss anything you think is important. Include what you believe really caused the problem, and what can be done to prevent a recurrence, or correct the situation. (Attach additional sheets inside of form.)

F.O. ADDRESS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

CHAPTER I  
EMPLOYEE OCCUPATIONAL SAFETY AND HEALTH (OSH) CONCERNS

1. PURPOSE. This chapter establishes requirements for the disposition of employee occupational safety and health (OSH) concerns received through the ECM. Employees are encouraged to work with their employer to resolve OSH concerns before they utilize this system, but this is not a prerequisite for filing of a complaint. However, Federal employees may at any time raise concerns to DOE management or directly to the Department of Labor, pursuant to 10 CFR 1960.
2. DOE RESPONSE. Upon receipt of an employee OSH concern, DOE line management shall prioritize, evaluate, and resolve employee concerns in accordance with paragraph 9 (Program Requirements) of this Order.
3. CONFIDENTIALITY. Anonymity or confidentiality of the employee shall conform to the program requirements of this Order (paragraph 9).
4. WHO MAY FILE. Employee OSH concerns may be filed by:
  - a. Employees (Federal and Contractor);
  - b. Former Employees; or
  - c. Authorized Representatives of Employees.
5. RECEIPT OF CONCERNS. All employee OSH concerns shall be received by the ECM who shall be authorized to obtain all information from the person submitting the concern.
  - a. Anonymity and confidentiality. Employees have the right to anonymity and confidentiality, when requested.
  - b. Worksite Inspections. A person filing an OSH concern shall be advised that it is standard practice to conduct worksite inspections to evaluate the concern's alleged hazards and to initiate the process of taking corrective action.
6. EVALUATION OF CONCERNS. The evaluation and determination of the significance of employee OSH concerns requires professional judgment and is generally performed by a senior DOE OSH professional (as established by DOE personnel requirements). In some cases, it may be necessary to contact the employee for additional information.

- a. Narrative. In completing an additional inquiry, an attempt should be made to obtain the following:

(1) For All Concerns.

- (a) Describe the unsafe or unhealthful condition; identify the location; and describe the nature of the exposure.
- (b) Describe the work being performed. Identify, as well as can be determined, the type and condition of equipment in use, the materials (e.g., chemicals) being used, the process/operation involved, and the kinds of work being performed near the hazard.
- (c) Describe how often the task is performed and the length of time for one task. Determine how long the condition existed and if it has been brought to the contractor's attention. Determine if any attempts were made to correct the condition.
- (d) Determine the number of shifts involved, the length of each shift, the number of shifts involved in the hazardous condition.
- (e) Determine what personal protective equipment is required and its use by employees.
- (f) Determine the number of people working in the area. Determine how many are exposed to the hazard and their proximity to the hazard.
- (g) If there is a designated employee representative in the establishment, include the name, address, and telephone number of the union and/or of the employee representative(s).
- (h) List the details of any "near-miss incidents" that may have occurred.
- (i) Determine if any employees have been injured or made ill by exposure to the hazard.
- (j) Describe any effects on the public.
- (k) Describe corrective actions or protective equipment and procedures used or required on the job.

(2) FOR HEALTH CONCERNS.

- (a) Detail any monitoring work the contractor performed to determine employee exposure levels to the hazardous conditions or substance. Describe these tests. Detail any records that show if exposed employees have been given the results of the tests. List the test results.
- (b) Describe the engineering controls that are in place, including any personnel protective equipment utilized, e.g., treatment/filtration systems control devices, and suits that may reduce the exposure. Also describe the medical surveillance programs utilized.
- (c) Discuss administrative or work practice controls the contractor requires and whether they are used.
- (d) Discuss if employees have any symptoms that may have been caused by exposure to the emission/release of the substance. Discuss if any employees have ever been treated by a doctor for an exposure related condition.

7. EMPLOYEE OSH CONCERN PRIORITIZATIONS. The ECM shall ensure that an initial determination of health and safety significance of the concern is performed. Priorities for resolution shall be established based on the determination of the risk of the concern. Generic guidance for safety significance is provided in paragraph 9 of this Order. However, for OSH concerns, additional classifications are provided below;

- a. Imminent Danger Condition/Concern. Refers to any condition or practice in any workplace which is such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the onset of such danger and can be eliminated through the normal procedural mechanism. In no case shall the time elapsed from receipt of concern to inspection exceed 24 hours. Any additional delay shall require the authorization of the Lead PSO.
- b. Serious Condition/Concern. Refers to a hazard, violation, or condition such that there is a substantial probability that death or serious physical harm, property loss, and/or environmental impact could result. These concerns shall be evaluated within 3 workdays.
- c. Other-than -Serious Condition/Concern. Includes hazards, violations, or conditions which may not result in death or serious physical harm, property loss, and/or environmental impact but may have a direct and immediate relationship to worker safety and health or the environment. These concerns shall be evaluated within 20 workdays.



8. SCOPE OF EVALUATION. Generally, evaluations conducted in response to employee OSH concerns shall be limited to the areas specifically addressed in the concerns. If the ECH or the Employee Concern Review Panel believes that the scope of the evaluation should be expanded because of information indicating the likelihood of serious hazards in other areas of the facility (e.g., an unusual number or type of injuries has occurred or a concern alleging imminent danger or serious hazards was received while conducting the evaluation), the review panel or ECH should recommend to the FOM, cognizant PSO, or AD-1 (for Headquarters employees) the extent that the evaluation should be expanded. Based on this recommendation, the FOM shall decide whether the evaluations are to be expanded.
9. PROCEDURES. In addition to the procedures found in the Order, the following are provided for conducting evaluations in response to employee OSH concerns. Particular attention, however, is directed to the following special requirements for evaluations of concerns:
  - a. Copy of the Concern. The concern may be discussed with the contractor at an opening conference when one is held. In the case of a multicontractor site, the concern, including those related to subcontractors, may be discussed with the contractor as well as with the subcontractor about whom a concern has been filed.
  - b. Walkaround Rights. In an evaluation, the walkaround rights of a contractor or an employee representative shall conform to the provisions of DOE 5483.1A. The employee representative will be chosen in accordance with the procedures in DOE 5483.1A and, thus, the concerned employee may not necessarily be the employee representative for walkaround purposes.
  - c. Report of Results. All hazards identified during the course of an evaluation shall be documented and included in reports to be issued. If unusual delays are met in issuing a report of results, the employee and, if appropriate, the employee representative shall be informed of such delays. A delay of more than 30 calendar days following the evaluation shall warrant such notification.

## CHAPTER II

### EMPLOYEE ENVIRONMENTAL PROTECTION AND NUCLEAR SAFETY CONCERNS

1. PURPOSE. This chapter establishes requirements for the disposition of employee environmental and nuclear safety concerns received through the ECM. Employees are encouraged to work with their employer to resolve environmental or nuclear safety concerns before they utilize this system, but this is not a prerequisite for the filing of a complaint.
2. DOE RESPONSE. Upon receipt of an employee environmental or nuclear safety concern, DOE line management shall prioritize, evaluate, and resolve employee concerns in accordance with paragraph 9 (Program Requirements) of this Order.
3. CONFIDENTIALITY. Anonymity or confidentiality of the employee shall conform to the program requirements of this Order (paragraph 9).
4. WHO MAY FILE. Employee environmental and nuclear safety concerns may be filed by:
  - a. Employees (Federal and Contractor); or
  - b. Former Employees.
5. RECEIPT OF CONCERNS. All employee environmental and nuclear safety concerns shall be directed to the ECM, who is authorized to obtain all information from the person submitting the concern.
  - a. Anonymity and Confidentiality. Employees have the right to anonymity and confidentiality, when requested.
  - b. Worksite Inspections. A person filing an environmental or nuclear safety concern shall be advised that it is standard practice to conduct facility and site inspections to evaluate the concern's alleged hazards/risks and to initiate the process of taking corrective actions.
6. EVALUATION OF CONCERNS. The evaluation and determination of the significance of employee environmental or nuclear safety concerns requires professional judgement and is generally performed by a senior DOE environmental or nuclear safety professional (as established by DOE personnel requirements). In some cases, it may be necessary to contact the employee for additional information.

- a. Narrative. In completing an additional inquiry, an attempt should be made to obtain the following information:

(1) For All Concerns.

- (a) Fully describe the nature or circumstances of the nuclear safety or environmental concern. Identify the source of the potential or actual emissions or releases or alleged violations, unsound environmental practices, and identify the location.
- (b) Length of time condition existed. Attempts made to correct the condition. Prior contractor or DOE notification of the condition.
- (c) Number of people working in the area. Population centers nearby that may be exposed to the release. Number of people potentially exposed to the emission/release. Proximity of the people to the emission/release.
- (d) Number of potential or actual "near-miss" incidents of emissions/releases.
- (e) The number of employees injured or made ill by exposure to the emissions/release. Members of the public who have been exposed to the emission/release.

(2) For Nuclear or Environmental Concerns Potential or Actual Emission/Releases.

- (a) Monitoring completed by contractor to determine exposure levels to the emission/releases, conditions, or substance. Describe these tests. Address whether exposed employees have been given the results of their exposure testing. Include the test results in the report.
- (b) Discuss what engineering controls and personnel protective equipment are in place (e.g., treatment systems control devices) that may reduce exposure to the emission/release.
- (c) Discuss administrative or work practice controls the contractor requires and whether they are used (i.e., Technical Safety Requirements or Procedures).
- (d) Discuss if employees have any symptoms that may have been caused by exposure to the emission/release of the substances. Discuss if any employees have ever been treated by a doctor for an exposure related condition.

- (3) For Environmental Potential or Actual Safety Emission Releases. Discuss whether employees have been injured as a result of potential or actual emission/release or operations condition.
  - (4) Referrals to the Office of Nuclear Safety. Concerns which involve potential violations of DOE rules subject to PAAA, willful violations of other DOE Orders, rules, or regulations in the area of nuclear safety shall be referred to NS-1 for investigation.
- 7. EMPLOYEE ENVIRONMENTAL OR NUCLEAR SAFETY CONCERN PRIORITIZATIONS. The ECM shall ensure that an initial determination of health and safety significance of the concern is performed. Priorities for resolution shall be based on the determination of the risk of the concern. Generic guidance for safety significance is provided in paragraph 9 of this Order.
- 8. SCOPE OF EVALUATIONS. Generally, evaluations conducted in response to employee environmental or nuclear safety concerns shall be limited to the areas specifically addressed in the concerns. If the ECM or the Employee Concerns Review Panel believes that the scope of the evaluation should be expanded, they should recommend to the FOM, cognizant PSO, or AD-1 (for Headquarters employees) the extent that the evaluation should be expanded. Based on this recommendation, the FOM, cognizant PSO, or AD-1 (for Headquarters employees) shall decide if the evaluation is to be expanded (e.g., potential wide-spread environmental contamination via air, groundwater, etc.).
- 9. PROCEDURES. In general, the procedures in this Chapter shall be followed in conducting evaluations in response to employee environmental or nuclear safety concerns. Particular attention, however, is directed to the following special requirements for evaluations of concerns:
  - a. Copy of the Concern. The concern may be discussed with the contractor at an opening conference when one is held. In the case of a multicontractor site, the concern, including those related to subcontractors, may be discussed with the contractor as well as with the subcontractor about whom a concern has been filed. Willful or intentional violation of DOE regulations, rules, or Orders shall not be discussed with contractors except to correct imminent danger situations.
  - b. Report of Results. All potential or actual emission/releases identified during the course of an evaluation shall be documented and if found to be in violation of Federal, State, or local environmental requirements or DOE regulations, rules, or Orders, a report of these results shall be issued. If unusual delays are met in issuing a report, the employee and, if appropriate, the employee representative shall be informed of such delays. A delay of more than 30 calendar days following the evaluation shall warrant such notification.

- c. Violations of PAAA. Potential violations of PAAA shall be referred to NS-1 immediately for investigation and action in accordance with DOE nuclear enforcement policy.