



Department of Energy

Washington, DC 20585

AUG 4 2014

JM CHRONOLOGY

JM RECEIVED 8/4/14
OUT FOR REVIEW 8/11/14
DRB DISCUSSION 8/21/14

MEMORANDUM FOR: INGRID KOLB
DIRECTOR, OFFICE OF MANAGEMENT

THROUGH: *Carilla Behar 8/4/14*
FOR KEVIN T. HAGERTY
DIRECTOR, OFFICE OF INFORMATION RESOURCES
OFFICE OF MANAGEMENT

FROM: *Kenneth Venuto*
KENNETH T. VENUTO
DIRECTOR, OFFICE OF HUMAN CAPITAL MANAGEMENT
OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

SUBJECT: Notice of Intent to Develop Guide: *Workplace Violence Prevention and Response*

BACKGROUND: The proposed Guide is developed in response to the following:

- On July 17, 2014, the Office of the Chief Human Officer (OCHCO) presented the Justification Memorandum (JM) and Risk Analysis (RA) for a proposed Policy and Guide to develop DOE P 444.1 *Preventing and Responding to all forms of Violence in the Workplace AND Guide for Workplace Violence Prevention and Response*.
- The Directives Review Board (DRB) concurred with the establishment of the proposed Policy but non-concurred with the development of a proposed Guide and recommended the reference to the Guide be removed from the proposed Policy. The DRB recommended a new JM and RA be submitted for a separate Guide to the DRB.
- The OCHCO is resubmitting the JM to propose the development of a Guide to be in compliance with the President's memorandum, dated April 18, 2012 directing agencies to establish policies and practices that address the effects of domestic violence, sexual assault and stalking (DVSAS) in the workplace and directed the Office of Personnel Management (OPM) to develop and issue implementation guidance. The Guide will assist organizations across DOE in having the tools to update their local procedures. This approach meets the requirements of the President's memorandum and has been concurred with by OPM
- OPM issued guidance that directs agencies to develop or revise agency-specific policies on DVSAS and provides the content for those directives. OPM required draft policies and

Recd 8/4/14 Behar



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Justification Memorandum (Continued)

procedures to be submitted for review by a team from OPM and the Departments of Justice and Health and Human Services by June 7, 2013 and final policies submitted by December 6 of 2013 (see the attached OPM memorandum), and the deadline was later extended.

- HC-11 submitted the draft Policy and draft Guide in February 2014 to which OPM provided positive feedback on our documents and reported the status of agencies' to the White House. OPM's feedback to our draft submission stated it included all the required elements:
 - Workplace Flexibilities
 - Disciplinary Actions and Legal Implications
 - Training, Awareness, and Employee Assistance Programs (EAPs)
 - Building Safety and Security
 - Accountability

OPM asked DOE to expand on disciplinary actions and legal implications along with training, awareness and EAP. HC-11 enhanced the draft Guide to address OPM's comments.

A workgroup was established with representatives from ED, GC, HC, HSS (now UA), MA, the Field Management Council, and BPA (IG opted not to participate) to prepare the risk assessment and determine how best to address the requirement to develop.

PURPOSE: The purpose is to satisfy the requirement to have a Policy and procedures (in the form of a Guide) on this subject since one does not currently exist at DOE and to establish guidance that each site would develop or review and update local procedures in order to address all the issues covered in the referenced guidance documents. Components of the Agency Specific Policy must include agency specific information on:

- Workplace Flexibilities
- Disciplinary Actions and Legal Implications
- Training, Awareness, and Employee Assistance Programs (EAPs)
- Building Safety and Security
- Accountability

JUSTIFICATION: Based on the workgroup's knowledge of existing DOE information and procedures, an appropriate directive does not exist that adequately addresses domestic violence, sexual assault and harassment, and bullying and stalking that occurs on or off site, nor are there any programs or procedures available on how to respond to an employee's request for help regarding domestic violence other than the EAP. The expected outcomes are:

- that the offices that administer security, health and safety, human capital, EAP, diversity and inclusion, employee concerns, ombudsman, legal, whistleblowing, and abuse programs at Headquarters and field sites will cooperatively develop or review and update their local procedures and provide training on an ongoing basis;

Justification Memorandum (Continued)

- that supervisors and employees will become more aware and sensitive to the impact that DVSA, harassment, and bullying that occurs on or off site may have on an employee's productivity, performance, attendance, and behavior; and
- that supervisors will know how to address or assist employees affected by these issues.
- the supporting Guide addressed in the Policy will provide a template for organizations to use to implement a plan at their locations. The Guide addresses roles and responsibilities for managers, employees, HR offices, Security, Facility, EAP. The Guide addresses how to address threats within their workplaces.
- The Guide is tailored to DOE's cultures to address:
 - Workplace Flexibilities
 - Disciplinary Actions and Legal Implications
 - Training, Awareness, and Employee Assistance Programs (EAPs)
 - Building Safety and Security
 - Accountability

There are no valid external, consensus or other Standards (e.g., ISO, VPP, etc.) available which can be used in place of this directive.

IMPACT: The proposed Guide does uses existing laws, regulations or national standards but is tailored to DOE's culture and current policies and is mandated by OPM and it does not create undue burden on the Department. It allows organizations to implement and update local procedures to be in compliance with the new Presidential guidance.

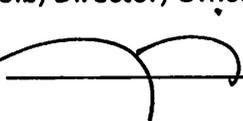
This is not a subject that lends itself to performance measures because DOE cannot control activities outside the workplace. However, misconduct off site that has a nexus to an employee's duties and responsibilities or adversely affects another employee's ability to perform or on-site misconduct is subject to the Standards of Conduct, Federal ethics laws, and disciplinary action.

Because the Guide will be comprehensive, local procedures that need updating shouldn't take much time; however, for a new workgroup to convene and develop a procedures document could take several hours. Small site offices are expected to adopt the procedures developed by their servicing offices. Including this subject in employee orientations and during lunchtime seminars or other mediums is not expected to take any additional time or expense.

WRITER: Beau Newman: 6-8585.

OPI/OPI CONTACT: HC: Jennifer Ackerman: 6-3860.

Ingrid Kolb, Director, Office of Management (MA-1):

Concur:  Nonconcur: _____ Date: 8-21-14

Justification Memorandum (Continued)

Unless determined otherwise by the Directives Review Board (DRB), writers will have up to 60 days in which to develop their first draft and submit to the Office of Information Resources, MA-90

<u>Standard Schedule for Directives (Guide)</u>	<u>Days</u>
<u>Development</u>	
Draft Development	Up to 60 days
Review and Comment (RevCom)	30
Comment Resolution	30
Final Review	30
Total	150

Attachments:

- Office of Personnel Management Memorandum



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

FEB - 8 2013

The Director

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

From: John Berry
Director

Subject: Government-wide Guidance to Address the Effects of Domestic Violence, Sexual Assault, and Stalking on the Federal Workforce

On April 18, 2012, the President issued a Memorandum on "Establishing Policies for Addressing Domestic Violence in the Federal Workforce." The Memorandum noted that it is the policy of the Federal Government to promote the health and safety of its employees by acting to prevent the impact of domestic violence in the workplace, and by providing support and assistance to Federal employees whose working lives are affected by such violence. The President directed me, as the Director of the Office of Personnel Management (OPM), to issue guidance to agencies on the content of agency-specific policies to address the effects of domestic violence in the workplace, in consultation with the Attorney General, the Secretary of Health and Human Services (HHS), the Secretary of Labor, and the Secretary of Homeland Security. The attached guidance is the product of the efforts of an interagency working group that included the agencies designated by the President, along with members from the General Services Administration and the Department of Defense. The guidance is designed to give agencies the flexibility to tailor their own individual policies to specific agency practices and culture.

In accordance with the Presidential Memorandum, within 120 days from the date of this memo, each agency shall develop or modify, as appropriate, an agency-specific policy for addressing the effects of domestic violence, sexual assault, and stalking on members of its workforce, consistent with the new guidance. Each agency must submit the draft policy to OPM for review. Each agency will then issue a final agency-specific policy within 180 days after submission of the draft policy to OPM.

6-7-13

12-6-13

To assist agencies in developing their policies over the next several months OPM, in partnership with the Department of Justice (DOJ) and HHS, will offer a series of webinars. Topics will include the impact of domestic and sexual violence on the workplace, the role of employers when responding to domestic violence, sexual assault, and/or stalking in the workplace, and the critical components of a workplace response.

The OPM guidance team, including our partners at DOJ and HHS will be available to help agencies as they develop these important policies. Contacts for submission of your policies within 120 days from the date of this memo and/or questions or requests for assistance may be directed to Ingrid Burford at Ingrid.burford@opm.gov or 202-606-0416, Alexis Adams at Alexis.adams-shorter@opm.gov or 202-606-1865, or Hope Hanner-Bailey at hope.hanner-bailey@opm.gov or 202-606-2655.

CC: Chief Human Capital Officers