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OWNER: Employee Concerns	PROC-CN-2008	REVISION: 3
SUBJECT MATTER AREA: Employee Concerns	PREPARER: Sandra Rhodes	Page 1 of 20
PROCEDURE TYPE: Administrative <input checked="" type="checkbox"/> Emergency <input type="checkbox"/> Alarm Response <input type="checkbox"/>	CONCURRENCE/DATE: A. J. Reed for Marianne Zale 6/18/15 [Approval Signature on File]	
TITLE: EMPLOYEE CONCERNS PROGRAM	APPROVED BY/DATE: Sandra Rhodes 6/18/15 [Approval Signature onFile]	
USQD <input type="checkbox"/> UCD <input type="checkbox"/> CAT X <input type="checkbox"/> EXEMPT <input checked="" type="checkbox"/>	EFFECTIVE DATE: 6/22/15	
USQD/UCD/CAT X No:	REQUIRED REVIEW DATE: 6/22/18	
Exhibit L Mandatory Contractor Procedure No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	If an Interim Procedure, Expiration Date:	

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REVISION LOG			
Revision	Effective Date	Description of Changes	Pages Affected
3	6/22/15	Intent change. Updated organization/title/position references consistent with UCOR's September 2014 organizational restructuring and applicable program/system changes. Updated procedure titles. Enhanced description of "imminent danger" consistent with PROC-EH-2000, <i>General Safety Requirements</i> . Updated DOE headquarters link for the Differing Professional Opinions process. Deleted "suspend" when referencing "stop work." Revised title of the corrective action tracking system. Added training requirements. Added definition for "chilled effect/chilled work environment." Enhanced definition of Concerned Individual. Revised requirement to clarify requirement to maintain confidentiality of matters discussed during investigation interviews to preserve the integrity of investigations by adding "without inhibiting individuals from exercising their rights under Section 7 of the National Labor Relations Act. The company will determine confidentiality requirements on a case-by-case basis." Non-intent revisions to Form-190 (added "or Assisting Others to Raise a Concern" to the REPRISAL check box and bolded and underlined "only" for the Signature line on page 2) and Form-192 (deleted the phone number and added the secure fax number to submit the form, and deleted "complaint(s) or" in item 4).	All
2	6/25/13	Non-intent change. Updated document references, corrected formatting, added the form number to "Limits on Confidentiality" form (Form-2513) in RECORDS section.	7, 12, 13
1	3/9/12	Intent change. Reorganized content. Updated reference to the DOE Order for Differing Professional Opinions. Revised Attachment A, Definitions, deleted Attachment B, Guidelines for Fairness and Confidentiality in an Internal Investigation form, and deleted Attachment C, Limits on Confidentiality and created as Form-2513.	All
0	2/3/12	Initial release. Replaces BJC-GM-2008, Rev. 2, <i>Employee Concerns Program</i> .	All

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PURPOSE This procedure implements U.S. Department of Energy (DOE) O 442.1A, *DOE Employee Concerns Program*, and identifies core characteristics of processes used in a safety conscious work environment (SCWE) to identify, correct, minimize the negative impact of, or prevent recurrence of situations that precipitated valid concerns.

SCOPE The URS | CH2M Oak Ridge LLC (UCOR) Employee Concerns Program (ECP) provides an alternative means, independent of the employee’s chain of command, to report, investigate, and resolve concerns. The ECP is available to UCOR and subcontractor employees fulfilling DOE’s mission at UCOR sites. All employees have the right – and responsibility – to report concerns related to the environment, safety, health, quality, security, fraud, waste, abuse, mismanagement of DOE operations; or reprisal (harassment, intimidation, retaliation, or discrimination [HIRD]) for raising concerns or engaging in protected activities.

UCOR and its subcontractors’ management fully commit to fostering and maintaining a strong safety culture and a SCWE where employees are encouraged and expected to communicate openly and have a questioning attitude. UCOR and its subcontractors also commit to zero tolerance against retaliation and will take no adverse personnel action against any employee because she/he expresses a concern or exercises any rights set forth in this procedure and/or under any state or federal law.

The ECP is designed to inform employees of the proper forum for consideration of their concerns, ensure employees can raise issues without fearing reprisal, address concerns in a timely and objective manner, and provide employees with an independent avenue to supplement (not replace) existing processes for reporting concerns.

This procedure includes requirements for those who encounter or process concerns or allegations in this crosscutting process and defines interfaces with the DOE ECP, external agencies that may resolve employee concerns, and UCOR internal organizations.

NOTE 1: This procedure does not apply to issues that fall within the scope of any collective bargaining agreement.

NOTE 2: Concerns reported more than 180 calendar days following the date of the concern might not be timely or actionable.

OTHER DOCUMENTS NEEDED

- PROC-OS-1001, *Records Management, Including Document Control*
- POL-UCOR-034, *Employee Relations*
- PPD-SE-1405, *East Tennessee Technology Park (ETTP) Classified Matter Protection and Control Manual (CMPC)*
- PPD-SE-1415, *ETTP Controlled Unclassified Information Manual*
- PROC-CT-1515, *Differing Professional Opinion Process*
- PROC-PQ-1610, *PA3A, Safety and Security Regulatory Program*
- Form-190, *Employee Concerns Reporting Form*
- Form-192, *Mediation and Arbitration Request Form*
- Form-2345, *Differing Professional Opinion Submittal*
- Form-2513, *Limits on Confidentiality*

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WHAT TO DO A. Guidelines

An employee concern is a good faith opinion that a policy, program, act, or practice should be improved, modified, or stopped. Concerns are not to be filed for spite, malice, resentment, vindictiveness, or retaliation. Employees are encouraged first to seek resolution of concerns with their management chain or to use established concern resolution systems (i.e., union representatives, safety or quality organizations, or employee concerns programs).

If established means to resolve concerns were tried but did not work satisfactorily, cannot deal effectively with a concern, or would cause fear of retaliation, the Employee Concerns (EC) Office can provide additional assistance regardless of the nature of the issues raised. The EC Office may facilitate resolution, refer or transfer the concern to another office or organization for resolution, or investigate the concern.

NOTE 1: Any employee who believes that an activity or condition is unsafe and/or presents an imminent danger is expected to STOP the activity or refuse to perform such work without fear of reprisal by management or coworkers. All employees are responsible for immediately reporting an imminent danger condition/concern or serious condition/concern that adversely affects operations or facility quality or safety, and for identifying and reporting HIRD of coworkers. In accordance with PROC-EH-2000, *General Safety Requirements*, if a safety hazard is noted, report the hazard immediately to the supervisor, the responsible Safety and Health Representative, the Facility Manager, and/or the Park/Lab Shift Superintendent. If the hazard presents an imminent threat to life or public safety, health, or the environment, then stop the activity immediately. The authority to stop work is extended to all UCOR and subcontractor employees without fear of reprisal in accordance with PROC-EH-2018, *Stop Work*.

Non-imminent conditions/concerns may be verbally reported to the employee's supervisor or any level of management or an organization responsible for addressing concerns. Employees remain responsible for pursuing their rights under existing programs and concern resolution means. Receiving ECP assistance does not discharge the employee's obligation to meet filing deadlines of other programs. EC representatives are not legal advisers for employees seeking judicial or legal remedies outside the ECP other than stating that certain statutes may apply to a given concern.

Employees who file concerns are encouraged to share as much information as possible to ensure that a complete review and investigation can be performed. Failure to provide information may hinder or impede this effort.

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NOTE 2: Managers and supervisors are responsible for establishing open communications so that employees may raise concerns and have them addressed in a manner that protects employee and public health and safety, while ensuring efficient operation of DOE programs and facilities. The free flow of information without fear of reprisal is essential.

B. Filing an Employee Concern

NOTE: Employees who have information about actual or suspected violations of law, regulations, policies, or procedures related to the environment, safety, health, quality, security, fraud, waste, abuse, mismanagement of DOE operations, or HIRD for raising concerns or engaging in protected activities must immediately notify the appropriate authorities, e.g., a member of management or representatives in ESH&QA, Security, Ethics Helpline, Human Resources, Employee Concerns, the DOE ECP Office, or the DOE Office of Inspector General.

See Attachment C to review a step-by-step diagram explaining the concerns process.

Recommended steps for filing an employee concern are as follows:

Concerned
Individual (CI)

- 1. IF** the concern alleges criminal violations of DOE programs, operations, funds, contracts, or information technology systems, **THEN** report the concern to the DOE Office of Inspector General:

1-800-541-1625 (Telephone)

1-202-586-4902 (FAX)

ighotline@hq.doe.gov (E-mail)

Report cases of espionage to the Director of Counterintelligence:

1-202-586-5901.

NOTE: The CI may still submit the concern to the UCOR toll free ECP Hotline 1-888-584-8329 or 1-865-241-0931, or contact the toll free Ethics Helpline 1-888-584-8328 or 1-865-241-0933.

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- CI
2. **IF** the concern alleges reprisals against contractor or subcontractor employees who have reported or disclosed what they reasonably believe to be evidence of fraud, waste, abuse, misuse, corruption, criminal acts; or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems; danger to public or worker health or safety; abuse of authority; violations of law; or who have participated in Congressional proceedings; or who have refused to participate in dangerous or illegal activities, **THEN**

report this concern to:

1-888-584-8329 (UCOR ECP Hotline) or
1-865-241-0931 (UCOR ECP Office)
1-865-574-7762 (UCOR FAX)

or

1-888-584-8328 (UCOR Ethics Helpline)
1-865-241-0290 (UCOR Ethics Office)

NOTE: The CI may still submit the concern to the DOE ECP:

1-800-676-3267 (DOE ORO ECP Hotline) or
1-865-576-4988 (DOE ORO Diversity Programs and Employee Concerns Manager)

or to the DOE Office of Inspector General:

1-800-541-1625 (Telephone)
1-202-586-4902 (FAX)
`ighotline@hq.doe.gov` (E-mail)

3. **IF** the concern involves potential workplace violence with a risk of immediate harm, **THEN**

contact Protective Forces:

1-865-574-8315 (Telephone).

4. **IF** the concern involves an Employee Relations issue described in HR policy POL-UCOR-034, **THEN**

submit the concern to the appropriate HR representative for processing (exit this procedure).

CI and Managers/
Supervisors

5. **IF** the concern is a work issue, **THEN** attempt to resolve with line management or supervision. If the work issue can be resolved satisfactorily through line management or supervision without involving the EC Office, resolve the concern and implement corrective actions as necessary to prevent recurrence (exit this procedure).

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CI

6. **IF** the concern is of a technical nature and involves environmental, safety, and health (ESH) issues in which the CI’s opinion differs from the opinion or position determined by management and that could have a potentially significant impact on the environment, safety, or health, **THEN** submit Form-2345, Differing Professional Opinion Submittal, to the Manager of Nuclear Services and Engineering following procedure PROC-CT-1515, *Differing Professional Opinion Process*; the Chief of Staff may be called upon as a resource for the UCOR Differing Professional Opinions Process as a technical advisor.

NOTE: If the issue is addressed through the Differing Professional Opinion Process, exit this procedure.

7. **IF** the technical ESH issue remains unresolved after exhausting internal processes, **THEN** exit this procedure and submit a Differing Professional Opinion (DPO) in accordance with DOE O 442.2, *Differing Professional Opinions for Technical Issues Involving Environmental, Safety, and Health Technical Concerns*. The appropriate DPO Manager’s name and address can be obtained by: 1) contacting the Manager of Nuclear Services and Engineering, 2) contacting the UCOR EC Office or ECP Hotline, 3) referencing a quarterly employee notification on the DPO Process, or 4) accessing the DPO web page at <http://energy.gov/ehss/doe-differing-professional-opinions>.

8. The CI is encouraged to complete the “Employee Concerns Reporting Form,” Form-190, when reporting a concern to the EC Office. The CI will determine, in part, the preferred degree of confidentiality while the concern is being resolved. Concerns may be reported as an anonymous concern (or as a confidential concern). Confidentiality, if requested, will be maintained to the extent possible but is not guaranteed.

Managers / Supervisors

9. Managers and Supervisors, upon becoming aware of concerns of the following nature, must immediately report them to the responsible organization, as follows:
- Discrimination or harassment based on Employee Relations (EEO) issues (race, color, national origin, gender, or religion, including sexual harassment); or reprisal for reporting Employee Relations concerns, immediately contact assigned HR representative.
 - Reprisal for raising concerns related to the environment, safety, health, quality, security, fraud, waste, abuse, or mismanagement of DOE or Contractor operations, immediately contact the EC Office.

C. Referrals and Transfers of Concerns

Employee Concerns Manager

1. Enter the concern into the confidential employee concerns tracking system database.

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Employee
Concerns
Manager

2. Review concern for jurisdiction and refer to a Subject Matter Expert (SME) with in-depth knowledge in the subject area requiring investigation, if appropriate, for investigation or resolution with the results of the investigation or resolution attempts being reported to the EC Office within a specified time with recommended resolution, including corrective actions. The SME may work with the CI and/or management to collect and evaluate relevant information. The SME must remain objective and act as a neutral party. SMEs may be required by the EC Office to provide a documented report in accordance with the EC Office's directions. The report may include fact finding and interview notes, scope of fact finding, references (formal documents supporting the fact finding), information summary, and closeout documents (e.g., procedures, recommended corrective actions).
3. Review concern for jurisdiction and transfer, if appropriate.

NOTE: If a concern is not within the EC Office's jurisdiction, it will be transferred appropriately. Efforts will be taken to avoid transferring the concern to an office that could present a conflict of interest. The transferee has responsibility for the concern and ultimately closing the concern. Examples of concerns for transfer are:

- Worker's compensation claims would be transferred to the Risk Manager;
- Radiation exposure harm claims under the Energy Employee Occupational Illness Compensation Program Act would be transferred to General Counsel;
- Concerns regarding criminal violations of DOE programs, operations, funds, contracts, grants, or information technology would be transferred to the UCOR Ethics Office;
- Concerns regarding potentially classified information would be transferred to the Safeguards and Security point of contact;
- Concerns regarding imminent danger would immediately go to senior management and the Manager of ESH&QA;
- Concerns which are an opinion related to a policy or practice that differs from previous management decisions, stated positions, or established policies or practices; and in the opinion of the employee has not been adequately considered; and if not adopted, has a reasonable probability of having significant negative impact on the activity in question with respect to safety, efficiency, or quality may be addressed in accordance with UCOR's internal company process described in PROC-CT-1515, *Differing Professional Opinion Process*.

D. Process Concern

Employee
Concerns
Manager

1. Triage and Prioritize the Concern.

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NOTE 1: Some concerns implicate laws and regulations that contain statutes of limitations barring claims. If such a time period has expired, that fact should be documented, but should not necessarily prevent the processing of the concern.

NOTE 2: Triage concerns with other UCOR functional organization(s), e.g., General Counsel, Labor Relations, Human Resources, Internal Audit or Ethics, as appropriate.

NOTE 3: In accordance with DOE O 442.1A, Attachment 1, the EC Office will assist the DOE ORO Diversity Programs and Employee Concerns Manager in the resolution of employee concerns in a manner that protects the health and safety of both employees and the public by providing requested documentation and information involving employee concerns.

Employee
Concerns
Manager

- a. Immediately review the concern for imminent danger. Where imminent danger is present, the appropriate management must be notified immediately for stop work action consistent with procedural requirements.
 - b. Review the concern for potential noncompliance with a nuclear safety requirement necessitating Price-Anderson Amendment Act (PAAA) review in accordance with PROC-QA-1610, *PAAA, Safety and Security Regulatory Program*.
 - c. **IF** the concern involves legal risk or litigation is anticipated, **THEN** consult with General Counsel.
 - d. **IF** the concern involves allegations that may be covered by 10 CFR 708, **THEN** notify the DOE ORO Diversity Programs and Employee Concerns Manager.
2. Investigate and resolve the concern.
- a. Consider whether another UCOR functional organization has specific expertise for investigation and resolution of the concern. If so, refer the concern and track progress, resolution, and appropriateness and completion of corrective actions. Otherwise, continue to process within the ECP.
 - b. Appoint a Lead Investigator and assemble an investigation team, if appropriate.

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NOTE: Evaluate the investigator's training, experience, qualifications, and potential conflict of interest. Individuals or offices within the CI's organization should not investigate where their involvement presents a conflict of interest. During the investigation, at the Employee Concerns Manager's discretion, he or she may use resources from other UCOR offices.

Employee Concerns Manager or Lead Investigator

c. Conduct the investigation.

Employee Concerns Manager

d. **IF** at any time the investigation uncovers a serious condition in a facility or program, violation of legal requirements, or deficiencies that could result in negative response from the DOE, **THEN** notify senior management immediately.

NOTE: Union personnel are entitled to the presence of their union representative during any interview that may lead to discipline.

Employee Concerns Manager or Lead Investigator

e. Using discretion, brief the CI on progress as often as possible.

f. Based on the investigation, determine the validity of the concern and the need for corrective actions to rectify it and to prevent recurrence.

g. Review the corrective actions with the responsible Line Office and obtain concurrence on the validity of the corrective actions and the need to implement them.

Line Office

h. Ensure that the corrective actions will correct, prevent recurrence, and minimize the negative aspects of the program, process, or management weaknesses that resulted in the concern.

NOTE: Corrective actions should be considered reasonable, which means an objective person, having reviewed and understood the concern, should be able to conclude that the corrective actions will clearly and effectively correct, prevent recurrence, and/or minimize the negative aspects that led to the concern.

i. Implement corrective actions.

Line Office or Referral Organization

j. Enter corrective actions into the Corrective Actions Management System and track to closure, as appropriate. Notify the Employee Concerns Manager when corrective actions are completed.

Employee Concerns Manager

k. Enter corrective actions into the employee concerns tracking system and track to closure.

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Employee
Concerns
Manager

- i.** IF the CI is dissatisfied with the resolution of the concern, **THEN** advise him or her of other avenues or offices with authority or responsibility for addressing or otherwise evaluating the concern, e.g., UCOR Employee Dispute Resolution process (refer to POL-UCOR-044 [for UCOR employees only]), the DOE ORO Diversity Programs and Employee Concerns Manager, the Equal Employment Opportunity Commission, or the U.S. Department of Labor (DOL).

CI

- m.** IF mediation or arbitration is requested, **THEN** submit Form-192, Mediation and Arbitration Request Form, to the Employee Concerns Manager for processing (exit this procedure).

Employee
Concerns
Manager

- n.** Provide closure letter or memo to the CI, unless the CI specifically requests otherwise.

NOTE: If the concern was found to be valid, the closure letter should include a summary of the resolution and basis for closing the concern. If the concern was found not to be valid or summarily closed, the closure letter should include the basis for this conclusion. The closure letter will be hand delivered or sent to the CI's home address, if available. If the CI's home address is unavailable (as in the case of an anonymous concern), the EC Office will determine the best method of notification, if any.

- o.** Once the investigation has validated a concern related to nuclear safety, worker safety and health, or classified information security, provide a copy of the Employee Concern (with personal information redacted) to the PAAA/Enforcement Coordinator to screen for non-compliances in accordance with PROC-PQ-1610.
- p.** Once an internal UCOR investigation or an external government agency (e.g., DOE or DOL) has validated that actions protected under 10 CFR 708 have been taken against a UCOR or subcontractor employee, provide a copy of the complaint and the investigation report to the PAAA/Enforcement Coordinator to screen for non-compliances in accordance with PROC-PQ-1610.

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E. Confidentiality

NOTE: The concerns resolution process is as confidential or open as the employee chooses it to be. Employees may freely choose to release their names and actively participate. The employee also may choose to submit either a confidential concern or an anonymous concern and remain passive (or unidentified). Before choosing the level of confidentiality, the employee should consider:

- the inherent impediments to the investigation that confidentiality entails;
- the likelihood that filing a particular concern could identify an employee;
- the consequences to the employee if his or her name is revealed; and
- the amount of external litigation or investigation that could be expected, given that the EC Office cannot control the dissemination of external information.

Confidentiality is essential to an effective ECP and investigation of concerns. If a situation ever exists in which employees are afraid to provide information to investigators for fear of reprisal or intimidation by coworkers or supervision, the ECP provides confidentiality to the greatest extent possible to ensure the voluntary flow of information. However, confidentiality is conditional and not absolute nor guaranteed. Information will be shared on a need-to-know basis with individuals required to have knowledge of it in the performance of their duties, to the extent required to make an informed decision about the concern. Disclosure of confidential information may be required in response to subpoenas, in connection with proceedings before the DOL, Equal Employment Opportunity Commission, a court of law, and other legal and governmental bodies, or pursuant to other requirements of federal laws, regulations, orders, or directives requiring the release of such information. Concerns are processed with the utmost discretion. However, certain limitations to confidentiality do exist. Specifically, confidentiality cannot be protected:

- if, in the opinion of the EC Office, confidentiality puts the health and safety of workers or the public at risk;
- if the employee files a 10 CFR 708 Complaint (see Definitions) of work place retaliation (see Definitions). The employee's name must (by regulation) be released to his or her employer.

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Confidentiality cannot be guaranteed if the concern is transferred from the EC Office to another office for resolution (e.g., DOE, other federal agency, or even a subcontractor). Confidentiality also cannot be guaranteed if the concern involves actions performed directly by the employee or actions taken against him or her for which relief or assistance is requested. Even if requested, confidentiality may not be possible if:

- the employee discussed the concern with others,
- the employee's desire to resolve the concern is common knowledge among his or her coworkers or supervision,
- the concern is associated with the employee to such a degree that subsequent investigation would readily identify the employee as the source of the concern,
- the concern involves civil or criminal prosecution of the employee, or
- the individual (not necessarily the CI) who caused the condition or committed the violation who is the subject of the concern may be subject to civil or criminal prosecution.

Prior to release of an employee's name to anyone outside the EC Office, the employee is notified (verbally or in writing) of such need, and the contact is documented in the concern file.

- | | |
|---------------------------|--|
| Employee Concerns Manager | 1. Safeguard the integrity of the ECP by ensuring appropriate confidentiality. |
| CI | 2. Designate the level of confidentiality desired by signing the Limits on Confidentiality (Form-2513). |
| Witnesses | 3. Maintain confidentiality of matters discussed during investigation interviews to preserve the integrity of investigations without inhibiting individuals from exercising their rights under Section 7 of the National Labor Relations Act. The company will determine confidentiality requirements on a case-by-case basis. |
| Employee Concerns Manager | 4. Ensure documentation is transmitted and maintained as Official Use Only information in accordance with PPD-SE-1405, <i>East Tennessee Technical Park (ETTP) Classified Matter Protection and Control Manual (CMPC)</i> , and PPD-SE-1415, <i>ETTP Controlled Unclassified Information Manual</i> . |

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F. Training

Employee
Concerns
Manager

1. EC staff should possess and maintain training in the following areas, as appropriate:
 - Fact Finding/Investigation Techniques
 - Interviewing Techniques
 - Detecting Deception
 - Conflict Resolution
 - Mediating Workplace Disputes
 - FOIA/Privacy Laws
 - EEO Investigation Techniques
 - National Association of Employee Concerns Professionals Forums
 - Employment Law Updates
 - Integrated Safety Management System
 - SCWE (DOE SAF-200)
 - Human Performance Improvement
 - Root Cause/Apparent Cause Analysis and Corrective Action Plan Development
 - Corrective Action Management
 - Integrated Work Control Program
 - Chilled Effect/Chilled Work Environment
 - Detecting, Investigating, and Preventing Workplace Retaliation
2. Coordinate with Training Organization to provide appropriate training for all personnel.

G. Reporting

Employee
Concerns
Manager

1. Provide quarterly and annual reports to senior management and the DOE.

RECORDS

Records generated by this procedure and listed below shall be dispositioned in accordance with PROC-OS-1001, *Records Management, Including Document Control*:

- The Employee Concern investigation file, which includes correspondence to the CI, an investigation report, interview notes, emails, organization charts, and other supporting materials as part of the investigation.
- Form-190, Employee Concerns Reporting Form
- Form-192, Mediation and Arbitration Request Form
- Form-2513, Limits on Confidentiality
- Form-2345, Differing Professional Opinion Submittal

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SOURCE DOCUMENTS

- DOE O 442.1A, *DOE Employee Concerns Program, Attachment 1 Contractor Requirements Document*
- DOE Guide 442.1-1, *Department of Energy Employee Concerns Program Guide*
- DOE O 442.2, *Differing Professional Opinions for Technical Issues Involving Environmental, Safety, and Health Technical Concerns*
- DOE O 226.1B, *Implementation of DOE Oversight Policy, Attachment 1 Contractor Requirements Document*
- DOE O 221.1A, *Reporting Fraud, Waste and Abuse to the Office of Inspector General, Attachment 1 Contractor Requirements Document*
- 10 CFR Part 708, DOE Contractor Employee Protection Program
- 10 CFR Part 851 Worker Safety and Health Program
- 29 CFR 1960.28, Employee Reports of Unsafe or Unhealthful Working Conditions
- 42 USC §211, Energy Reorganization Act of 1974, Title II Nuclear Whistleblower Protection
- POL-UCOR-009, *I Care/We Care Safety Concerns Program*
- POL-UCOR-034, *Employee Relations*
- POL-UCOR-044, *Employee Dispute Resolution Program*
- POL-HR-304, *Anti-Harassment Policy*
- POL-HR-308, *Workplace Violence Prevention*
- PPD-IA-1003, *Code of Business Conduct and Ethics*
- PPD-SE-1405, *East Tennessee Technology Park (ETTP) Classified Matter Protection and Control (CMPC) Manual*
- PPD-SE-1415, *ETTP Controlled Unclassified Information Manual*
- PROC-EH-2000, *General Safety Requirements*
- PROC-EH-2018, *Stop Work*
- UCOR-4260, *Contractor Assurance Program Description for URS | CH2M Oak Ridge LLC Oak Ridge, Tennessee*
- PROC-CT-1515, *Differing Professional Opinion Process*
- PROC-PQ-1610, *PAAA, Safety and Security Regulatory Program*
- UCOR Work Rules/Regulations and Standards of Conduct for all UCOR Direct Hire Knoxville Building Trades Craft Work
- UCOR Employment Information for USW and ATLC Represented Employees
- ORO F 440.1-5 Revised (04/11), DOE Employee Concerns Reporting Form

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10 CFR 708 Complaint (10 CFR 708.1) - A complaint by a contractor or subcontractor employee alleging employer retaliation for any of the following: disclosure of information concerning danger to public or worker health or safety, substantial violations of law, gross mismanagement, participation in Congressional proceedings, or refusal to participate in dangerous activities.

Alternative Dispute Resolution (DOE O 442.1A) - Process for resolving disputes through use of a neutral third party in an attempt to avoid judicial or administrative litigation. Forms of alternative dispute resolution include mediation, partnering, ombudsmanship, neutral evaluation, nonbinding arbitration, binding arbitration, and mini-trial.

Anonymous Concern (DOE O 442.1A) - The identity of an individual is unknown; however, the individual may identify himself or herself by using a code name or number for communication purposes. A concern submitted by a self-identified employee or someone who does not identify themselves and/or who wishes to have his or her name protected from all persons.

Chilled Effect/Chilled Work Environment - “Chilled effect refers to a perception that the raising of safety concerns is being suppressed or discouraged – either outright with discrimination – or by a slow or no response. Depending on whether this perception is held by one person or a group of employees determines whether this is “a chilling effect” or a “chilled work environment.” A condition that exists when employees are unwilling or unable to raise concerns (not just safety concerns) because they fear retaliation or retribution.

Concerned Individual (CI) - The person who originates (submits) an employee concern. A person expressing a concern through the ECP. A CI may include a current or former employee of DOE, including NNSA, or a current or former DOE contractor or subcontractor on a DOE project.

Confidential Concern (DOE G 442.1-1) - A concern submitted by an employee who wishes to have his or her identity protected from all persons except EC Office and those with a need-to-know.

Conflict of Interest (DOE O 442.1A) - A situation in which the person responsible for investigating an employee concern, to include subject matter experts, could be associated either directly or indirectly with that concern or the assignment of an investigative task that is assigned to a person who submitted the concern.

Contractor (10 CFR 708.2) - A seller of goods or services who is party to a management and operating contract or other type of contract with DOE to perform work directly related to activities at DOE facilities; or a subcontract under a contract of the type described above with respect to activities at DOE facilities.

Differing Professional Opinion (DOE O 442.2) - 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 (DOE O 442.1A) (10 CFR 708.2) - Any person working for DOE, including NNSA or a DOE contractor or subcontractor on a DOE project.

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For purposes of this procedure only, this definition includes any individual formally employed by UCOR, subcontractors, and lower-tier subcontractors, and individuals previously employed by UCOR if that individual's concern alleges that employment was improperly terminated.

Employee Concern (DOE O 442.1A and DOE G 442.1-1) - A good faith expression by an employee that a policy or practice of DOE or one of its contractors or subcontractors should be improved, modified, or terminated. Concerns can address issues such as health, safety, the environment, management practices, fraud, waste, abuse; or harassment, intimidation, retaliation or discrimination occurring as a result of raising concerns or engaging in protected activities for raising a concern(s).

Harassment (DOE O 442.1A) - An action taken or condoned by an employer against or toward an employee to bother, belittle, humiliate, or impede that employee in his or her work environment, relationship with others, or job performance because the employee reasonably and in good faith raised a concern(s). Harassing actions can include, but are not limited to, threatening, restraining, coercing, blacklisting, mocking, humiliating, or isolating an employee.

Imminent Danger Condition/Concern (DOE O 442.1A and DOE G 442.1-1) - Any condition or practice in any work place that creates a danger that could reasonably be expected to cause death or serious physical harm immediately or before the onset of such danger could be eliminated through normal procedural mechanism. ES&H requires imminent danger concerns to be investigated within 24 hours.

Intimidation (DOE O 442.1A) - Any action taken by coworkers or supervisors against or toward an employee to cause that employee to cease engaging in protected activities; or be fearful of engaging in protected activities; or to otherwise be afraid for his or her safety, reputation, or job security as a result of having identified concerns about any aspects of DOE facilities or operations.

Investigation (DOE O 442.1A) - An inquiry conducted by or on behalf of the EC's Office for the purpose of evaluating and resolving a concern, usually involving interviews, inspection of relevant documents, sites, or equipment, and an evaluation of practices being followed.

Mediation (10 CFR 708.2) - An informal, confidential process in which a neutral, third party assists the individuals in reaching a mutually acceptable resolution of their dispute. The neutral third party does not render a decision.

Need-to-Know - A situation where an individual requires some knowledge of a concern or the identity of the individual to contribute to the concern evaluation or perform other official duties.

Noncompliance to Nuclear Safety Rules - Any failure of the contractor to meet the requirements of the Nuclear Safety Rules, the DOE-approved program, and implementation plans for Quality Assurance and Occupational Radiation Protection or commitments made to DOE in response to Office of Enforcement and Investigation issued Notices of Violation. These may also be referred to as "PAAA" issues.

Not Substantiated Concern - Facts did not validate or support the concern. The concern was investigated and no merit or evidence was found to support its assertion(s).

Other-than-Serious Condition/Concern (DOE G 442.1-1) - Hazards, violations, or conditions that 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, health, or the environment. ES&H requires that such concerns be investigated within 20 working days.

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PAAA - Price-Anderson Amendment Act

Partially Substantiated Concern - A concern in which facts were partially validated or supported. The concern was investigated and resulted in an observation, an opportunity for improvement, or a required action on the part of the responsible company or department.

Protected Activity (DOE G 442.1-1) - Activities such as raising concerns or otherwise making disclosures protected under law, regulations, or legal precedent of information related to DOE operations, which the individual reasonably and in good faith believes is evidence of an unsafe, unlawful, fraudulent, or wasteful practice.

Referral of a Concern (DOE O 442.1A) - Transmittal of an employee concern to another organization or process for investigation or resolution, with the results of the investigation or resolution attempts being reported to the Employee Concerns Manager within a specified time period with recommended resolution, including corrective actions.

Reprisal (DOE O 442.1A) - Any action taken against an employee in response to, or in revenge for, the employee having raised, in good faith, reasonable concerns about any aspect of DOE-related operations. Reprisals against contractor employees may lead to the imposition of penalties under the PAAA of 1988 (Pub. L. 100-49, August 20, 1988), implemented by DOE under 10 CFR (Part 820). Pursuant to Part 820, to the extent a reprisal by a DOE contractor results from an employee's involvement in matters of nuclear safety in connection with a DOE nuclear activity, the reprisal could constitute a violation of a DOE Nuclear Safety Requirement.

Resolution of a Concern (DOE O 442.1A) - 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.

Retaliation (10 CFR 708.2) - Any action (including intimidation, threats, restraint, coercion, or similar action) taken by a contractor against an employee with respect to employment (e.g., discharge, demotion, or other negative action with respect to the employee's compensation, terms, conditions or privileges of employment) as a result of the employee's disclosure of information, participation in proceedings, or refusal to participate in activities described in Title 10 of the Code of Federal Regulations Part 708.5.

Safety Culture - An organization's values and behaviors modeled by its leaders and internalized by its members, which serve to make safe performance of work the overriding priority to protect the workers, the public, and the environment.

SCWE - Safety Conscious Work Environment - A work environment in which employees are empowered to willingly speak up and identify potential safety concerns without fear of harassment, intimidation, retaliation, or discrimination and where management willingly listens and promptly addresses concerns.

Serious Condition or Concern (DOE G 442.1-1) - A hazard, violation, or condition that causes a substantial probability that death or serious physical harm, property loss, and/or environmental impact could result. ESH requires that such concerns be investigated within three (3) working days.

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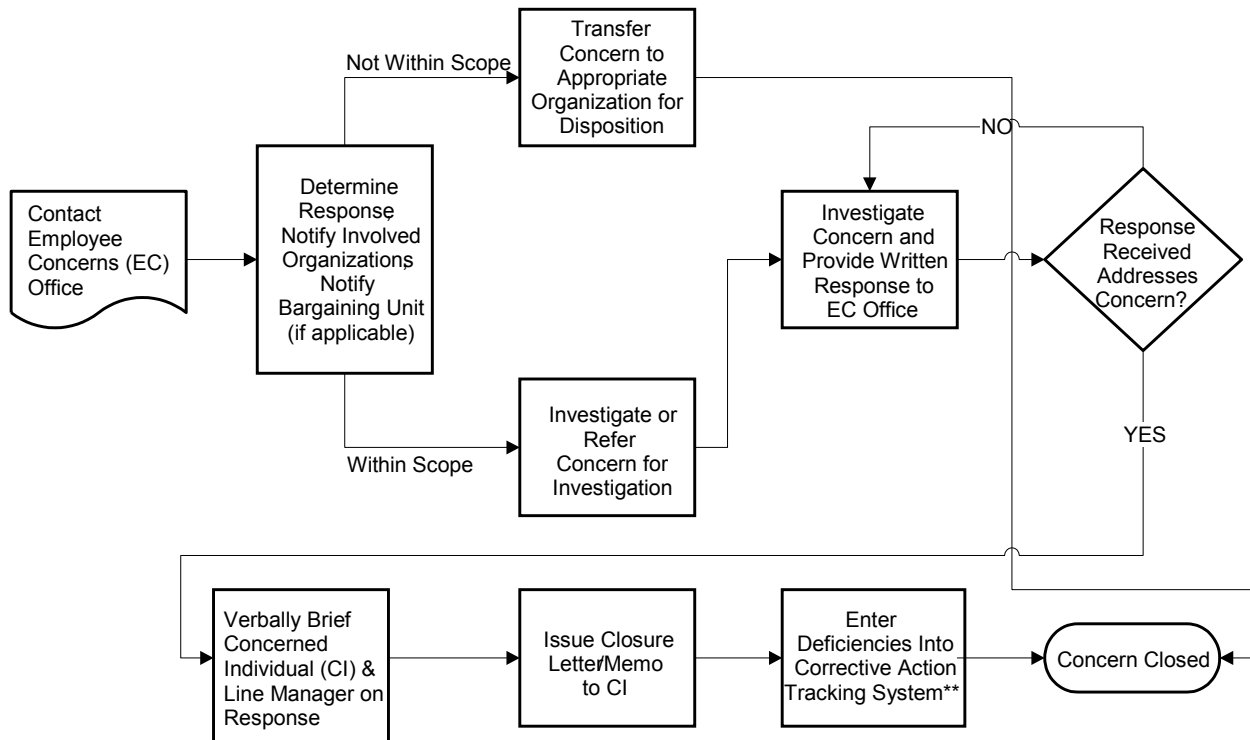
Substantiated Concern - Facts validated and supported a concern. The concern was investigated, found to be factual, and a violation of a procedure, manufacturer’s guideline, and/or federal, state, or local law occurred.

Transfer of a Concern (DOE O 442.1A and DOE G 442-1-1) - 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. ECP has no further responsibility for the processing or tracking of a transferred concern; concerns are closed by the ECP when transferred. Concerns may be monitored after being transferred, but there is not a requirement to do so.

Work Issue - Workplace issues, such as personality conflicts or disputes between coworkers and/or line management.

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** Deficiencies identified in the course of the investigation are tracked to closure by the responsible line organization