

# Hanford Site-Wide Employee Concerns Program Procedure

Prepared for the U.S. Department of Energy  
Assistant Secretary for Environmental Management



U.S. DEPARTMENT OF  
**ENERGY**

**CHANGE SUMMARY**

Revision #	Date/Section Changed	Change Details
0	7/23/2013	Initial Issue developed by the Employee Concerns Committee, composed of representatives from DOE and its contractors.

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8/15/13  
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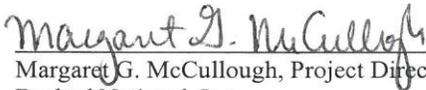
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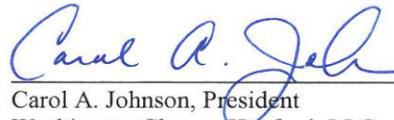
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ACRONYMS

ADR	Alternative Dispute Resolution
CBA	Collective Bargaining Agreement
CEO	Chief Executive Officer
CI	Concerned Individual
DOE	U.S. Department of Energy
ECP	Employee Concerns Program
EEO	Equal Employment Opportunity
NARA	National Archives and Records Administration
ORP	Office of River Protection
PAAA	Price Anderson Amendments Act
RL	Richland Operations Office

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## 1. PURPOSE

The purpose of this document is to establish a Hanford Site-Wide Employee Concerns Program (ECP) process that is implemented by the U.S. Department of Energy (DOE) Richland Operations Office (RL)/Office of River Protection (ORP) and Hanford Contractors.

The ECP provides employees with an alternate avenue to have their concerns independently, objectively, and confidentially addressed.

## 2. SCOPE

The ECP provides a process to independently and objectively address concerns, including but not limited to, environment, safety, health, security, quality, business ethics, non-compliance with laws or regulations, fraud, waste, abuse, and mismanagement, as well as harassment, intimidation, retaliation, and discrimination.

The ECP is intended to *supplement*, not replace, existing processes designed to address concerns and resolve disputes. Employees are encouraged to report concerns to their line management at the lowest level possible. Employees are informed that some issues, specifically Equal Employment Opportunity (EEO) concerns and matters covered by a Collective Bargaining Agreement (CBA), are not within the ECP jurisdiction. The ECP may *not* be used to replace or augment the collective bargaining process for union represented employees.

## 3. IMPLEMENTATION

This document is effective on the date shown in the header.

## 4. RESPONSIBILITIES

### 4.1. Senior Executive

1. Ensure the ECP Manager has access to the senior executive (e.g., RL/ORP Manager or Contractor CEO or President).
2. Ensure the ECP Manager reports to a member of the senior management team.
3. Ensure the ECP organization is independent of line organizations.
4. Ensure adequate qualified staffing and resources within the organization for addressing concerns.
5. Cultivate an organization whose management will not tolerate reprisals against employees who raise concerns.
6. Ensure correction of problems identified in ECP assessments.

### 4.2. ECP Managers and Staff

1. Implement the approved site-wide ECP and ensure concerns are processed as required by this procedure.
2. Maintain a 24-hour "Hotline" for employees to report concerns.

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3. Develop and implement employee awareness initiatives to ensure that employees remain informed and aware of the existence of the ECP and how they can access it.
4. Perform a self-assessment at least annually to measure the effectiveness of the ECP and the process used to implement these requirements.
5. Coordinate ECP investigation or corrective action activities with DOE and/or other Hanford contractors, as required.
6. Ensure that participation in the investigation and/or resolution of a concern is performed in a manner that does not create a conflict of interest.

**4.3. Managers and Supervisors**

1. Support the ECP and its processes in good faith.
2. Develop and implement corrective actions resulting from issues identified by the ECP.
3. Establish open communications to enable employees to raise concerns and address those concerns in a manner that protects the health and safety of employees and the public and ensures the efficient operation of DOE programs.
4. Foster the free flow of information and ensure employees are not subjected to reprisal for raising concerns.

**4.4. Employees**

1. Elevate unresolved issues to the ECP in good faith.
2. Cooperate with the ECP in the investigation and resolution of concerns.

**5. PROCEDURE**

See Appendix A for process flowchart.

**5.1. Raising an Employee Concern**

**NOTE:** *When imminent or immediate danger exists, employees are required to implement the stop work process in accordance with DOE-0343, Stop Work.*

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee</b>	1.	Employees are encouraged to first attempt to resolve the issue by working through your management chain. This usually provides the most timely resolution.
	2.	If you do not feel your concern has been resolved appropriately by your manager/supervisor or others in your management chain, or if you do not feel you can take your concern to your manager/supervisor, report your concern to your company's or DOE's ECP.
	3.	Choose one of the following methods to report an employee concern: <ul style="list-style-type: none"><li>• In person</li><li>• In writing via:<ul style="list-style-type: none"><li>- Employee Concerns form (Hanford Site Form #A-6006-441)</li><li>- E-mail</li><li>- Letter</li></ul></li></ul>

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- Telephone
- Your company’s or DOE’s 24-hour ECP Hotline
- Your company’s or DOE’s ECP webpage

5.2. Preliminary Concern Evaluation Process

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee Concerns Staff</b>	1.	Initiate triage of the concern and prioritize accordingly. <ul style="list-style-type: none"> <li>a. If the concern is a potential Price Anderson Amendments Act (PAAA) nonconformance; upon discovery, report it to the PAAA Office for screening.</li> <li>b. If the concern affects health or safety, prioritize the concern as follows (go to Section 6.0 for definitions):                             <ul style="list-style-type: none"> <li>i. <b><u>PRIORITY 1: Imminent danger condition/concern:</u></b> Immediately report the concern to the appropriate line manager and/or safety and health program office. Immediate response activity and corrective action initiation and completion schedule of Priority 1 concerns must be completed within 24 hours of receipt of the concern.</li> <li>ii. <b><u>PRIORITY 2: Serious condition/concern:</u></b> Immediately report the concern to the appropriate line manager and/or safety and health program office. Priority 2 concerns must be evaluated within three working days of receipt.</li> <li>iii. <b><u>PRIORITY 3: Other-than-serious condition/concern:</u></b> Concern must be investigated within 20 working days.</li> </ul> </li> <li>c. For all others, the goal is to resolve concerns within 90 working days.</li> </ul>
	2.	Confer with subject matter experts as appropriate.

5.3. Intake Process

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee Concerns Staff</b>	1.	Upon acceptance of a concern, log the concern into the appropriate ECP database, assign it a case tracking number, and assign it to an ECP staff member.
	2.	Acknowledge receipt of the concern to the originator and clarify any information needed to proceed.
	3.	Obtain as much information as possible to accurately capture the concern. At a minimum, obtain the following information from the Concerned Individual (CI): <ul style="list-style-type: none"> <li>• full name and contact information of the CI;</li> </ul>

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- position with or employment relationship to DOE or a DOE contractor;
  - nature of the concern, including specific examples if available;
  - whether the concern is currently being addressed or investigated elsewhere;
  - previous attempts to have the concern addressed; and
  - resolution requested.
4. Ensure the concern is described in sufficient detail to effect a proper investigation and resolution. Obtain the CI's concurrence when possible.
  5. Inform CI of confidentiality considerations and its limitations. Document via the confidentiality acknowledgement form (Site Form #A-6006-442) or other mechanism.
  6. Determine the appropriate process to resolve the concern from the following:
    - a. Refer the concern to another organization (internal or external) and track its progress until resolved. Examples of concerns likely to be referred include: technical concerns best answered by a subject matter expert and contractor-specific concerns most appropriately resolved by that contractor. Proceed to Section 5.4.
    - b. Transfer the concern to another organization with jurisdiction over the issues. Examples of concerns that will be transferred are those related to Equal Employment Opportunity, those covered by a collective bargaining agreement, and allegations of fraud, waste and abuse best addressed by the Inspector General. Concerns that are often transferred are those related to organization-specific personnel actions or contractor-specific management concerns. Proceed to Section 5.5.
    - c. Retain the concern and resolve it through the ECP. Examples of concerns likely to be retained are those filed by an employee of the receiving contractor or DOE RL/ORP addressing safety, health, the environment, ethics, retaliation, chilling effect, and harassment; referrals from DOE Headquarters; and congressional inquiries. Proceed to Section 5.6.
    - d. Close the concern. Examples of concerns that might be closed without further action include: concerns that have been filed with or are currently being investigated by another agency (e.g., the Department of Labor), DOE Headquarters, or another contractor; union grievances; those in active litigation; those in which the CI requests documentation only; or those that are filed anonymously without sufficient information provided to investigate. Proceed to Section 5.8.

**5.4. Referring Concerns**

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee Concerns Staff</b>	1.	Refer the concern and all applicable information to another organization for investigation. Unless otherwise agreed to by the CI, the employee's immediate supervisor should not conduct the investigation. However, when association with the organizational element of the CI is required due to subject matter expertise or historical experience in the area or activity, the investigation is to be assigned to a level above the supervisor involved in the concern.
	2.	When possible, notify the CI and discuss the intent to refer the concern.
	3.	Prepare a referral memorandum (or email) referring the concern.  The referral memorandum should request the following information so that sufficient information is provided to the ECP office to effectively summarize the results of the evaluation of the concern, and provide sufficient information to support the conclusion(s): <ul style="list-style-type: none"> <li>• Concern number</li> <li>• Investigating organization</li> <li>• Results of investigation</li> <li>• Investigation summary</li> <li>• Findings (as applicable)</li> <li>• Observations (as applicable)</li> <li>• Resolution summary</li> <li>• Corrective actions (as applicable)</li> <li>• Supporting documentation</li> <li>• Points of contact</li> <li>• Due date</li> </ul>
	4.	Ensure subject matter expert confidentiality agreement is completed as needed. (Site Form #A-6006-443).
	5.	Review the referral response for adequacy and ensure appropriate management officials are advised of any findings, recommendations and/or corrective actions.
	6.	Go to Section 5.7 for Investigation Closeout.

**5.5. Transferring Concerns**

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee Concerns Staff</b>	1.	When possible, notify the CI and discuss the intent to transfer the concern to the appropriate organization and close the ECP case.
	2.	Transfer the concern by memorandum or e-mail to another organization, contractor, or subcontractor organization with jurisdiction over the issues, and advise receiving organization to maintain confidentiality to the greatest extent possible.
	3.	Close the concern in accordance with the criteria described in Section 5.8. The concern may be monitored after transfer, but there is no requirement to do so.

**5.6. Retaining Concerns**

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee Concerns Staff</b>	1.	Document the CI's original concern statement, provide a chronological log of the actions and events leading to the resolution, and document the closure of the concern.
	2.	Attempt to address the concern using informal resolution techniques. This method of addressing the concern may be performed by the ECP with the assistance of others as necessary. If the concern can be addressed informally: <ul style="list-style-type: none"> <li>• Document resolution of the concern; and</li> <li>• Close the concern in accordance with the criteria described in Section 5.8.</li> </ul>
	3.	Consider the use of Alternate Dispute Resolution (ADR) techniques. Document resolution of the ADR and close the concern in accordance with the criteria in Section 5.8.
	4.	Conduct the investigation using standard investigative techniques that may include the following: <ul style="list-style-type: none"> <li>• Additional meetings with the CI.</li> <li>• Review of pertinent documents such as procedures, logs, reports, and written correspondence.</li> <li>• Interviews and obtaining statements from employees with knowledge of the issue.</li> <li>• Consultation with subject matter experts.</li> <li>• Inspection of relevant documents, sites, or equipment.</li> <li>• Obtaining any other information deemed necessary.</li> </ul>

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5. Keep the CI informed of case status as necessary.
6. Ensure appropriate management officials are advised of any findings, recommendations and/or corrective actions.

**5.7. Investigation Closeout**

**NOTE:** *Unless needed, do not use the name of the CI or individuals involved in the investigation.*

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Investigator</b>	1.	Prepare an investigation report that contains the following information, as appropriate: <ul style="list-style-type: none"> <li>• Employee Concern Case Number</li> <li>• Concern allegation(s)</li> <li>• Scope of the investigation</li> <li>• Documents reviewed</li> <li>• Interview results</li> <li>• Investigation details, including applicable dates and requirements documents relied upon</li> <li>• Summary</li> <li>• Conclusion(s)</li> <li>• Recommended action(s)</li> </ul>
	2.	Communicate the results to the CI.
	3.	If the CI provides additional, new information, determine if additional review is needed.
	4.	If the CI is dissatisfied, advise the CI of other avenues to address the concern.

**5.8. Closing Concerns**

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee Concerns Staff</b>	1.	Close a concern when <i>one</i> of the following criteria is satisfied: <ul style="list-style-type: none"> <li>• The concern has been investigated; necessary corrective actions have been identified; the office responsible for taking the corrective action has accepted jurisdiction over the matter; and the resolution has been documented.</li> <li>• The concern has been investigated by ECP and no corrective action is deemed necessary.</li> <li>• The subject matter of the concern is outside the scope of the ECP and the concern has been transferred to another organization with jurisdiction over the subject matter.</li> <li>• The subject matter of the concern must be addressed by other means such as the collective bargaining process, the Equal Employment Opportunity process.</li> </ul>

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- The ECP determines that the issues are frivolous or too general to investigate.
- 2. When possible, notify the CI that the concern has been closed.
- 3. Update the ECP Tracking Log and/or database of closure.

**5.9. Employee Concerns Database**

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee Concerns Staff</b>	1.	Maintain a secure system, according to existing rules applicable to sensitive materials, as well as applicable Privacy Act requirements.
	2.	The information contained in this system may include the following: <ul style="list-style-type: none"> <li>• Concern number</li> <li>• Date and time concern was received</li> <li>• Method of receipt</li> <li>• Category of concern</li> <li>• Brief description of the concern</li> <li>• Priority of the concern</li> <li>• Whether the concern is a potential PAAA noncompliance</li> <li>• Whether the concern was transferred or referred to another organization or authority (date and organization)</li> <li>• Name of the investigator and the organization</li> <li>• Whether the concern was substantiated, partially substantiated, not substantiated, or indeterminate</li> <li>• Disposition/resolution, including any corrective action(s) taken or anticipated (including tracking numbers)</li> <li>• Basis for closure</li> <li>• Date the employee was notified of the resolution</li> <li>• Date the concern was closed</li> </ul>

**5.10. Training and Awareness**

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Management</b>	1.	Ensure personnel responsible for implementing or investigating concerns are trained to properly carry out their responsibilities (e.g., training on the identification and classification of health and safety issues, how to investigate workplace and administrative issues, and dispute resolution techniques).
	2.	Ensure that appropriate information identifying the ECP and the telephone Hotline number are readily available to employees.

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**5.11. Documents and Records**

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee Concerns Staff</b>	1.	At a minimum, the ECP office must prepare and maintain the following records: <ul style="list-style-type: none"><li>• concern log,</li><li>• concern investigation and resolution summaries, including a description of the basis for closing the concern, and</li><li>• ECP program management assessment results.</li></ul>

**5.12. ECP Self-Assessment**

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
<b>Employee Concerns Manager</b>	1.	Annually assess the effectiveness of the ECP and the processes used to implement this program. Problems that hinder the ECP from achieving its objectives must be identified and corrected.

## 6. DEFINITIONS

<b>Alternative Dispute Resolution (ADR):</b>	<p>Process for resolving disputes through use of a neutral third party, including ECP staff members or an outside mediator. Forms of ADR used in the Hanford ECP process include mediation, partnering, ombudsmanship, and neutral evaluation.</p> <p><i>DOE O 442.1A</i></p>
<b>Anonymous Concern:</b>	<p>A concern submitted by someone who does not identify themselves and whose identity is not known to ECP.</p>
<b>Chilling Effect:</b>	<p>A “chilling effect” exists when the free flow of information about environment, workplace, or public health and safety, or nuclear safety significance is inhibited by an employee’s fear of reprisal or retaliation.</p>
<b>Confidential Concern:</b>	<p>A concern submitted by someone who wishes to have his or her identity protected.</p> <p><i>DOE G 442.1-1</i></p>
<b>Conflict of Interest:</b>	<p>A situation in which the person responsible for investigating an employee concern is associated either directly or indirectly with that concern or the CI.</p> <p><i>DOE O 442.1A</i></p>
<b>Contractor:</b>	<p>A seller of goods or services who is party to:</p> <ul style="list-style-type: none"> <li>• a management and operating contract or other type of contract with DOE to perform work directly related to activities at DOE facilities; or</li> <li>• a subcontract under a contract of the type described above with respect to activities at DOE facilities.</li> </ul> <p><i>10 CFR 708.2</i></p>
<b>Employee:</b>	<p>Any person working for DOE or a DOE contractor or subcontractor on a DOE project.</p> <p><i>DOE O 442.1A</i></p>

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<b>Employee Concern:</b>	<p>A good faith expression by an employee that a policy or practice of DOE RL/ORP 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, or reprisal for raising a concern.</p> <p><i>DOE O 442.1A</i></p>
<b>Employer:</b>	<p>DOE, a contractor, or a subcontractor working on a DOE project.</p> <p><i>DOE G 442.1-1</i></p>
<b>Harassment:</b>	<p>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.</p> <p>Harassing actions can include, but are not limited to, threatening, restraining, coercing, blacklisting, mocking, humiliating, or isolating an employee.</p> <p><i>DOE G 442.1-1</i></p>
<b>Imminent Danger Condition/Concern:</b>	<p>Any condition or practice in any workplace such that a danger exists that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal procedures.</p> <p><i>29 CFR 1960.2.(u)</i></p>
<b>Indeterminate:</b>	<p>An ECP investigation may conclude an allegation is indeterminate when: 1) interview results and pertinent documentation are conflicting, ambiguous, or inconclusive; or when: 2) insufficient data is available to assess the allegation(s).</p>
<b>Intimidation:</b>	<p>Any action taken by coworkers or supervisors against or toward an employee to cause that employee to cease engaging in protected activities; to be fearful of engaging in protected activities; to otherwise be afraid for his or her safety, reputation, or job security, as a result of having identified concerns about any aspect of DOE facilities or operations.</p> <p><i>DOE O 442.1A</i></p>

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<b>Investigation:</b>	<p>An inquiry conducted by or on behalf of the ECP 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.</p> <p><i>DOE O 442.1A</i></p>
<b>Mediation:</b>	<p>An informal confidential process in which a neutral third person assists the parties in reaching a mutually acceptable resolution of their dispute. The neutral third party does not render a decision, but may make a recommendation.</p> <p><i>10 CFR 708.2</i></p>
<b>Not Substantiated:</b>	<p>The concern has been investigated and insufficient evidence was found to support the allegation.</p>
<b>Other than serious condition/concern:</b>	<p>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 or immediate relationship to workers' safety and health or the environment.</p> <p><i>DOE G 442.1-1</i></p>
<b>Partially Substantiated:</b>	<p>The concern has been investigated, evidence was found to partially support the allegation.</p>
<b>Referral of a Concern:</b>	<p>Transmittal of an employee concern to another organization or process for investigation or resolution, with the results of the investigation reported to the ECP.</p> <p><i>DOE O 442.1A</i></p>
<b>Reprisal:</b>	<p>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.</p> <p><i>DOE O 442.1A</i></p>

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<b>Retaliation:</b>	<p>An 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 10 CFR Part 708.5.</p> <p><i>10 CFR 708.2</i></p>
<b>Serious Condition/Concern:</b>	<p>A hazard, violation, or condition that causes a substantial probability that death or serious physical harm, property loss, and/or environmental impact could result.</p> <p><i>DOE G 442.1-1</i></p>
<b>Substantiated:</b>	<p>The concern has been investigated and evidence was found to support the allegation.</p>
<b>Transfer of a Concern:</b>	<p>Transmittal 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 individual.</p> <p><i>DOE G 442.1-1</i></p>

## 7. RECORDS

Records generated during the performance of this procedure shall be maintained in accordance with applicable records management requirements.

## 8. REFERENCES

10 CFR 708, *DOE Contractor Employee Protection Program*.

DOE O 442.1A, *Department of Energy Employee Concerns Program*.

DOE G 442.1-1, *Department of Energy Employee Concerns Program Guide*.

CRD O 442.1A, *Department of Energy Employee Concerns Program*, supplemented Revision 2.

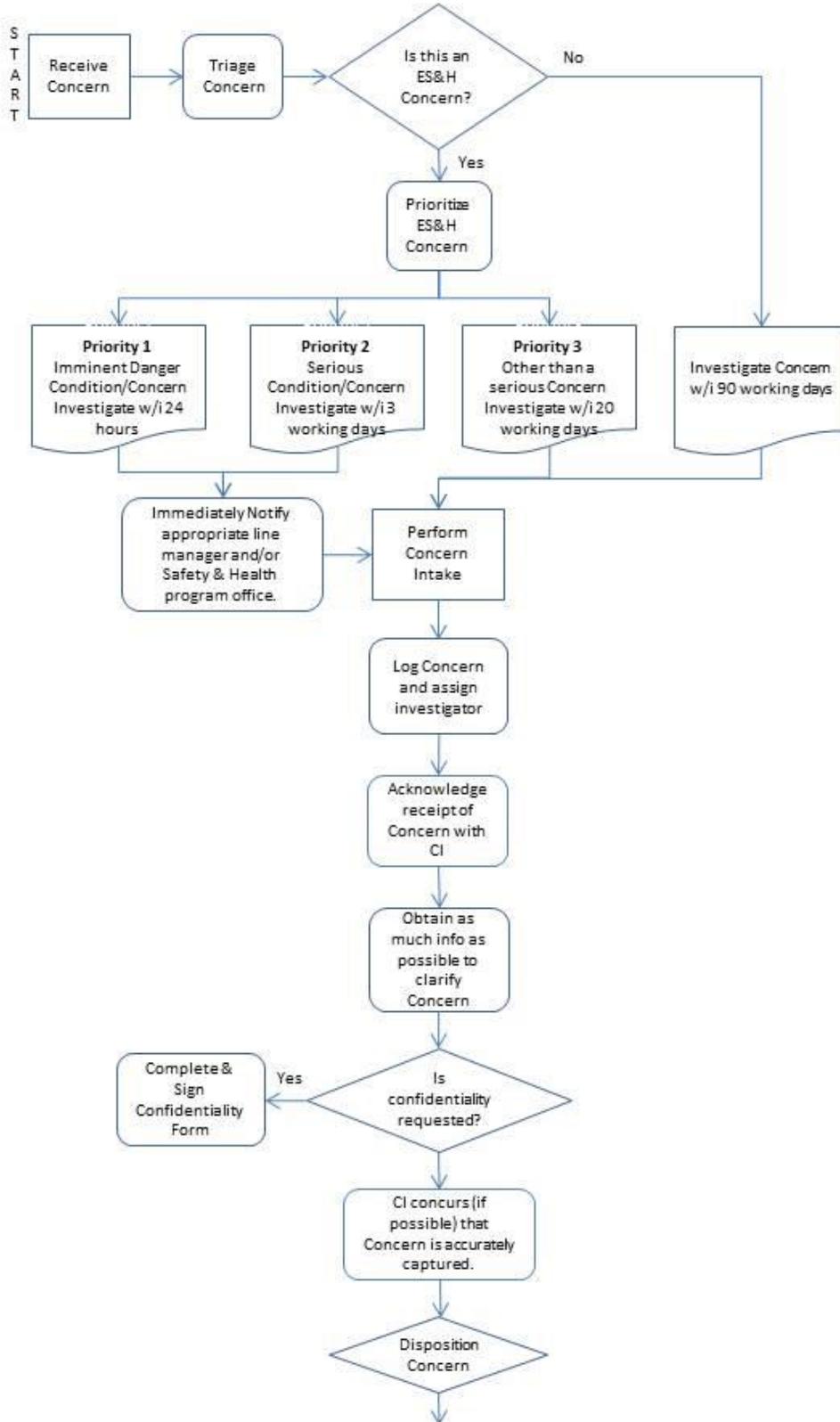
DOE-0343, *Stop Work*, Revision 1A.

*DOE Hanford Site Zero Tolerance for Retaliation Policy*.

Price-Anderson Amendments Act (PAAA) of 1988.

APPENDIX A: Employee Concerns Program Flowchart

Hanford Site ECP Process



APPENDIX A: Employee Concerns Program Flowchart (cont'd)

