

Employee Concern Resolution

MSC-PRO-410

Revision 1

Effective Date: June 23, 2010

Topic: Employee Concerns

Employee Concerns Resolution

1.0 PURPOSE

This procedure defines the requirements and process to be implemented for resolving concerns submitted to the Mission Support Alliance (MSA) Employee Concerns Program (ECP). The ECP is established to provide individuals the freedom to express a concern and to ensure the free-flow of information to the government.

Every employee has the right to raise safety and health concerns. MSA is strongly committed to creating a work environment where raising concerns is not only encouraged, but expected. *Every member of management and supervision has the responsibility to facilitate concern resolution through support and application of this procedure. Management must ensure that employees who raise concerns or who testify or otherwise participate in ECP or government investigations do not experience retaliation.* Retaliation against an employee who raises a concern protected by law will not be tolerated. Allegations of retaliation will be investigated and, if substantiated, appropriate actions will be taken. (See [MSC-POL-11388](#), *Open Door and Zero Tolerance for Retaliation*)

Employees are free to discuss any matter of concern at any time with their supervisor, manager, or the ECP Office without recrimination or reprisal. Employees are encouraged to attempt resolution by working with immediate managers or the appropriate oversight organization. However, if an employee believes that normal management processes have not or will not resolve a concern, or if an employee does not know how to deal with a concern, the ECP is an alternate avenue for resolution.

The ECP 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 in resolution of their concern. The employee may also choose to submit an anonymous concern.

Confidentiality is essential to the ECP and investigation of concerns. Situations may exist in which employees are afraid to provide information to investigators for fear of reprisal or intimidation by coworkers or supervision. To that end, the ECP provides confidentiality to the greatest extent possible and concerns are processed with the utmost discretion.

Certain limitations to confidentiality do exist. Specifically, confidentiality cannot be protected

- if, in the opinion of the ECP staff, confidentiality puts the health and safety of workers or the public at risk,

or

- if the employee files a 10 CFR 708 complaint of work place retaliation. (The employee's name must [by regulation] be released to his or her employer.)

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The ECP office has a wide experience base that enables it to competently investigate a broad range of employee concerns. However, due to the complex or esoteric nature of certain issues, the ECP Office may refer a concern to another office, organization, or company for investigation and identification of corrective actions. The decision to refer a concern is made in the best interests of the concerned individual. Other options considered in deciding to refer the concern are the technical scope and complexity of the issue.

NOTE: *Limitations apply to selecting and referring to a subject matter expert or organization. The individual or organization cannot constitute a conflict of interest with the concerned individual, nor can the referral go to his/her immediate supervisor, unless agreed to by the concerned individual*

With all referrals, the ECP Office retains responsibility for the concern until closure. The investigations, along with any corrective actions, are sent to the ECP Office for review. If they do not adequately resolve the concern, they are returned to the investigator for further work and evaluation. Regardless of the office to which the concern is referred, the concern remains within the ECP Office's jurisdiction.

Normally, a concerned employee submits a concern, but the ECP also investigates issues identified by management; issues raised by former or exiting employees; or concerns transferred or referred from the U.S. Department of Energy (DOE) Richland Operations Office (RL). Periodically, an individual may choose to contact the DOE-RL ECP with a concern. After the DOE-RL ECP Office reviews the concern, an RL decision is made to transfer responsibility and closure of the issue to MSA, or refer the concern to MSA for investigation and corrective actions. Referral concerns from DOE-RL are assigned a deadline to complete the investigation and require a written response from MSA ECP to the DOE-RL ECP Office.

This document partially implements the ISMS Guiding Principles #1 Line Management Responsible for Safety, #2 Clear Roles and Responsibilities, #8 Worker Involvement, and #9 Senior Management Involvement; and ISMS Core Function #5 Provide Feedback and Continuous Improvement.

2.0 SCOPE

This Level 1 Management Control Procedure is applicable to Mission Support Contract (MSC) Team employees performing MSC scope of work who submit an employee concern through the MSA ECP, or concerns transferred or referred to MSA from DOE-RL or other contractor programs.

The ECP provides a way to assure appropriate attention and response to concerns related to: Safety; Health; Security; Quality; Environmental Protection; Business Ethics; Compliance with laws and regulations; Fraud, abuse, or mismanagement; Working Conditions; or Retaliation related to any of the above. Employees are informed that some issues, specifically Equal Employment Opportunity charges and bargaining contractual issues are not within the ECP jurisdiction.

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The ECP may *not* be used to replace or augment collective bargaining processes for represented employees.

3.0 IMPLEMENTATION

This document is effective upon publication.

4.0 REQUIREMENTS

4.1 Source Requirements

NOTE: For the tables in this section under the requirement "type" column, "V" means verbatim and "I" means interpreted.

#	REQUIREMENT	TYPE V or I	SOURCE
1.	(...contractors are required to -) Assist DOE in the resolution of employee concerns in a manner that protects the health and safety of both employees and the public and ensures effective and efficient operation of DOE-related activities under their jurisdiction.	V	DOE O 442.1A, CRD (Supp Rev 2) Section A
2.	(...contractors are required to -) Ensure that contractor and subcontractor employees are advised that they have the right and responsibility to report concerns related to the environment, safety, health or management of DOE-related activities.	V	DOE O 442.1A, CRD (Supp Rev 2) Section A
3.	(...contractors are required to -) Conduct an annual self-assessment to measure the effectiveness of the program.	I	DOE O 442.1A, CRD (Supp Rev 2) Section A
4.	(...contractors are required to -) Cooperate with assessments used to verify that they have acted to minimize, correct, or prevent recurrence of the situation that precipitated a valid concern.	V	DOE O 442.1A, CRD (Supp Rev 2) Section A
5.	(...contractors are required to -) Provide timely notification to DOE of any significant concern or allegations of retaliation.	I	DOE O 442.1A, CRD (Supp Rev 2) Section A
6.	(...contractors are required to -) Use alternative dispute resolution techniques whenever appropriate.	I	DOE O 442.1A, CRD (Supp Rev 2) Section A

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5.0 PROCESS

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
Concerned Individual	1.	<p>Contact the ECP office or Project or Function Manager to file a concern.</p> <p>NOTE: <i>Concerns are accepted verbally or in writing. Concerns may be filed by completing an Employee Concern form (Site Form A-6000-266), contacting an ECP Representative, or through the ECP home page. A 24-hour Hotline, 373-CARE (373-2273), is also available for reporting concerns.</i></p> <p>2. When filing a concern, provide as much detail and information possible to ensure that a complete review and investigation can be performed. At a minimum, employees are encouraged to provide their name, work telephone number, and work location.</p> <p>NOTE: <i>Failure to provide information may hinder any effort to seek resolution to the concern.</i></p> <p>3. Indicate clearly whether you want confidentiality and if you are willing to assist in the resolution process.</p>
ECP Office		<p>NOTE: <i>Attempt to resolve employee concerns in a manner that protects the health and safety of both employees and the public, ensure effective and efficient operation of programs, and use Alternate Dispute Resolution (ADR) techniques, whenever possible.</i></p> <p>4. Acknowledge receipt of the concern to the originator (if known), clarify the issue, and/or arrange for a personal “intake” meeting.</p> <p>5. Initiate a company proprietary and confidential record file, with a unique concern tracking number.</p> <p>6. Input concern into the ECP database.</p> <p>7. Review each concern immediately for significant safety and health issues and stop work action, classified information, or potential noncompliances requiring Price Anderson Amendment Act (PAAA) review, and prioritize accordingly.</p> <p>NOTE: <i>Concerns related to safety, health, and environmental protection are given top priority.</i></p>

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<i>Actionee</i>	<i>Step</i>	<i>Action</i>
	8.	Report specific concerns to appropriate organizations, as required. <ol style="list-style-type: none">a. Safety and health concerns that involve a serious condition are immediately reported to an appropriate line manager and/or the Safety and Health (S&H) program office.b. Potential PAAA nonconformances are reported to the Nuclear and Safety Regulatory Compliance (NSRC) organization for PAAA screening.
	9.	Assign an investigator. <p>NOTE 1: <i>Assignment of the investigator is the responsibility of the MSA ECP Office. Each investigator will be evaluated based on previous investigation performance or experience in handling work place issues related to the specific allegation. Examples may include technical equipment issues, radiation protection, regulatory compliance, etc. Additional subject matter experts may be required based on the complexity or technical nature of the investigation.</i></p> <p>NOTE 2: <i>When the assigned investigator is from outside the ECP, documentation to support the investigator's qualification should be entered into the concern file.</i></p>
Investigator	10.	Initiate a "record of events" form to accompany each concern. This form can be obtained from the MSA ECP Office and will document the concerned individual's original concern statement, plus provide a chronological log of the actions and events leading to the resolution and closure of the concern.
	11.	Conduct the investigation. The investigator may, during the course of the investigation, perform any of the following: <ul style="list-style-type: none">• Conduct "intake" meeting with concerned individual, as warranted,• Enter and inspect places and records,• Interview employees with knowledge of the issue,• Inspect relevant documents, sites, or equipment, and• Obtain any other information deemed necessary.

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	12.	<p>If determined by the MSA ECP Office to be required, the investigator will prepare a formal Investigation Report. Each investigation report will contain the concern description; investigation details; results, and recommended resolution and/or corrective actions, if appropriate.</p> <p>NOTE: <i>The requirement for an Investigation Report may be based on several elements, including the complexity and subject matter of the issue, relevance to other organizations, projects, or companies, DOE-RL concern referral requirements, or a concern that has the potential to be addressed by other companies or agencies.</i></p>
	13.	<p>If known, contact the concern originator to discuss progress or closure recommendations. The results of the investigation and the recommended corrective actions may not fully satisfy the concerned individual. He or she may provide additional information bearing on the concern that may require further investigation and/or identification of additional actions. However, the decision to extend the investigation remains with the ECP Office after discussion with the lead investigator.</p>
ECP Office	14.	<p>An employee concern is designated as closed when one of the following occurs:</p> <ul style="list-style-type: none"> a. The concern is investigated, and corrective actions have been identified, and documented in a formal tracking system. b. The concern is reviewed or investigated and no corrective actions were identified. c. External agencies, such as the Department of Labor, Inspector General, National Labor Relations Board, or local, state, or Federal court actions take precedence. d. The subject matter of the concern is outside the jurisdiction of the ECP. e. The ECP determines that the issues are too general to investigate. <p>15. When a systemic or long-term resolution is necessary to resolve a non-confidential issue, the recommended corrective action may be transferred to appropriate management for input and tracked through the Corrective Action Management (CAM) process in accordance with MSC-PRO-052, <i>Corrective Action Management</i>. When a concern is transferred to the CAM organization for closure action and tracking, the concern will be closed in the MSA ECP Office and the Corrective Action Record File number will be recorded in the ECP concern database.</p>

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<i>Actionee</i>	<i>Step</i>	<i>Action</i>
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NOTE: “Confidential” issues that require corrective actions are tracked in a formal database tracking system, controlled and monitored by the MSA Employee Concern Program. These concerns remain open until all the corrective actions have been completed.

16. Initiate an ECP Closeout Checklist form for each concern. This form is used to document the official closure of the concern in the MSA ECP Office and documents that the results/resolutions have been communicated to the concerned individual and whether the individual was satisfied or understood the final resolution.

The ECP Closeout Checklist will also document if the concern was a transfer or referral from DOE-RL, and provides a notation when a concern is transferred from the MSA ECP Office to the CAM organization for closure.

17. Update the ECP database with closure information. Database information is used for a monthly report to MSA Senior Management and various functional and regulatory subject matter experts, such as PAAA, CAM, and Safety.

NOTE: Upon closure of the concern, the file is stored in a fire-proof cabinet in a locked ECP office.

6.0 FORMS

Employee Concern, [A-6000-266](#)

Record of Events (available from the MSA ECP Office)

ECP Closeout Checklist (available from the MSA ECP Office)

7.0 RECORD IDENTIFICATION

All records generated by this procedure are processed and maintained in accordance with [MSC-PRO-10588](#), *Records Management Processes*.

*Employee Concern issues associated with Radiological Protection monitoring shall be maintained in accordance with [MSC-5173](#), *MSC Radiological Control Manual*, Article 723.

Records Capture Table

Name of Document	Submittal Responsibility	Retention Responsibility
<i>Employee Concern Form</i>	ECP Representative	ECP Office
<i>Record of Events</i>	Event Investigator	ECP Office
<i>ECP Closeout Checklist</i>	ECP Representative	ECP Office

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8.0 REFERENCES

8.1 Source References

DOE O 442.1A, CRD (Supp Rev 2), *Department of Energy Employee Concerns Program*, Contractor Requirements Document (CRD), RL

8.2 Working References

[MSC-POL-11388](#), *Open Door and Zero Tolerance for Retaliation*

[MSC-PRO-052](#), *Corrective Action Management*

[MSC-PRO-10588](#), *Records Management Processes*

[MSC-PRO-14616](#), *Resolving Dissenting Technical Opinions*

[MSC-5173](#), *MSC Radiological Control Manual*

Figure 1. *ECP Process Flowchart*

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Figure 1. ECP Process Flowchart

