

# 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**

**Hanford Site-Wide Employee Concerns Program Procedure**

**CHANGE SUMMARY**

<b>Revision #</b>	<b>Date Changed</b>	<b>Change Details</b>
0	7/23/2013	Initial Issue developed by the Employee Concerns Committee, composed of representatives from DOE and its contractors.
1	7/14/2021	Procedure revision in accordance with DOE 442.1B.
2	2/26/2024	Updates in response to the DOE HQ review of the ECP program at Hanford and incorporating DOE-HQ recommended editorial changes.

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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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**1.0 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), Hanford (Richland Operations Office/Office of River Protection) and Hanford Contractors.

The ECP provides a means to inform contractor and subcontractor employees of their rights and responsibilities to raise concerns and provide employees with an alternative avenue to have their concerns independently, objectively, and confidentially addressed in a timely manner.

In accordance with DOE O 442.1B and Attachment 1, it is the intent of this procedure to serve as a contractor's ECP implementing documentation plan when requested by the contractor and approved by the appropriate DOE Contracting Officer, when contractually necessary.

**2.0 SCOPE**

The ECP provides an independent and objective process to 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.

It is the intent of the ECP 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.

**3.0 IMPLEMENTATION**

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

**4.0 RESPONSIBILITIES****4.1 Senior Executive**

1. Ensure the ECP Manager has direct access to the senior executive (e.g., Hanford Manager or Contractor CEO or President).
2. The DOE Hanford ECP Manager shall be responsible for facilitating the implementation and interpretation of this procedure.
3. Ensure the ECP Manager reports to a member of the senior executive management team.
4. Ensure the ECP organization is independent of line organizations and is free from undue internal and external influences.

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5. Ensure the ECP Manager is able to independently make decisions to resolve concerns.
6. Ensure adequate qualified staffing and resources are available within the organization for addressing concerns.
7. Cultivate an organization whose management will not tolerate reprisals against employees who raise concerns.
8. Ensure correction of problems identified in ECP assessments or as directed by the Contracting Officer or their representatives.

**4.2 ECP Managers and Staff**

1. Implement the Hanford Site-Wide ECP Procedure and ensure concerns are processed as required.
2. Maintain a 24-hour hotline for employees to report concerns.
3. Establish a case-file system of documentation and records for concerns raised.
4. 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.
5. Cooperate and assist with DOE ECP assessments to measure the effectiveness of the ECP and the process used to implement these requirements.
6. Perform contractor internal assessments as appropriate or required per contractor-associated contract(s).
7. Coordinate ECP investigation or corrective action activities with DOE and/or other Hanford contractors, as required.
8. 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.
9. Notify the contracting officer when the contractor becomes aware that a contractor employee has filed a formal complaint of retaliation/reprisal, including a complaint submitted pursuant to 10 CFR part 708, DOE Contractor Employee Protection Program; 41 U.S.C. § 4712, Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information, or a complaint filed with the U.S. Department of Labor under 29 C.F.R. part 24, Procedures for Handling Retaliation Complaints.
10. Provide a summary of employee concerns activity data when requested by the DOE Hanford ECP Manager or for transmittal to DOE ECP Director.

**4.3 Managers and Supervisors**

1. Support the ECP and its processes in good faith.

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2. Develop and implement meaningful corrective actions resulting from issues identified by the ECP.
3. Establish open communications to enable employees to raise concerns that shall be addressed in a manner that protects the health and safety of employees, the public, and the environment, and ensures the efficient operation of DOE programs.
4. Ensure employees are not subjected to reprisal for raising concerns and foster the free flow of information.

**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.

**5.0 PROCEDURE**

See Appendix A for process flowchart.

**5.1 Raising an Employee Concern**

Actionee	Step #	Action
Employee	1.	Employees are encouraged to attempt to resolve the issue by working through their management chain. This usually provides the timeliest resolution.
	2.	If an employee does not feel that their concern has been resolved appropriately by their manager/supervisor or others in their management chain, or if an employee does not feel they can take the concern to their manager/supervisor, then they can report the concern to the 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 or similar)</li> <li>– Email</li> <li>– Letter</li> </ul> </li> <li>• Telephone</li> <li>• The employee's company or DOE's 24-hour ECP Hotline</li> <li>• The employee's company or DOE's ECP webpage</li> </ul>



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5.2 Preliminary Concern Evaluation Process

Actionee	Step #	Action
Employee Concerns Staff	1.	<p>Initiate triage of the concern and prioritize accordingly.</p> <p>a. If the concern affects health or safety, then prioritize the concern as follows (go to Section 6.0 for definitions):</p> <p>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.</p> <p>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.</p> <p>iii. <b><u>PRIORITY 3: Other-than-serious condition/concern.</u></b> Concern must be evaluated/investigated within 20 working days.</p> <p>b. For all other non-safety and health related concerns, the goal is to resolve within 90 working days.</p>
	2.	Confer with designated subject matter experts as appropriate while maintaining anonymity of the concerned individual, if requested.

5.3 Intake Process

Actionee	Step #	Action
Employee Concerns Staff	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.

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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):
  - Full name and contact information of the CI.
  - 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.
  - 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 similar) or other mechanism.

*NOTE: Unless there is a duty-to-act, when the CI has requested confidentiality, the confidentiality of the CI and witnesses/interviewees are to be protected to the fullest extent possible while conducting an intake, referral, transfer, or investigation. The CI's identity should only be disclosed to those individuals with a need-to-know.*

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 regarding the issues. Examples of concerns that will be transferred are those related to Equal Employment

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Opportunity; those covered by a collective bargaining agreement; and allegations of fraud, waste and abuse by the Office of 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 a contractor or DOE RL/ORP employee addressing safety, health, the environment, ethics, chilling effect, hostile work environment, harassment, intimidation, retaliation, discrimination; 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, Office of Inspector General, DOE Office of Hearing and Appeals, 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

Actionee	Step #	Action
Employee Concerns Staff	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 shall 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) regarding the concern.

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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):

- Concern number
  - Investigating organization
  - Results of investigation
  - Investigation summary
  - Findings (as applicable)
  - Observations (as applicable)
  - Resolution summary
  - Corrective actions (as applicable)
  - Supporting documentation
  - Points of contact
  - Due date
4. Ensure subject matter expert confidentiality agreement is completed and maintained, as applicable.
  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

Actionee	Step #	Action
Employee Concerns Staff	1.	When possible, notify the CI and discuss the intent to transfer the concern to the appropriate organization and close the ECP case. <ol style="list-style-type: none"> <li>a. Remind the CI of the limitations of confidentiality and indicate that their identity may be provided to the recipient of the transfer.</li> </ol>
	2.	Transfer the concern by memorandum or e-mail to another organization, contractor, or subcontractor organization with jurisdiction over the issues, and advise the receiving organization to maintain confidentiality to the greatest extent possible.

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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

Actionee	Step #	Action
Employee Concerns Staff	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.	<p>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, then perform the following:</p> <ul style="list-style-type: none"> <li>• Document resolution of the concern.</li> <li>• Close the concern in accordance with the criteria described in Section 5.8.</li> </ul>
	3.	<p>Consider the use of Alternative Dispute Resolution (ADR) techniques (e.g., mediation, partnering, ombudsman, neutral evaluation).</p> <p>Document resolution of the ADR and close the concern in accordance with the criteria in Section 5.8.</p>
	4.	<p>Conduct the investigation using standard investigative techniques that may include the following:</p> <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>
	5.	Keep the CI informed of case status.

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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.*

Actionee	Step #	Action
Investigator	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 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

Actionee	Step #	Action
Employee Concerns Staff	1.	Close a concern when one of the following criteria is satisfied: <ul style="list-style-type: none"> <li>• The concern has been investigated in accordance with Sections 5.6 and 5.7, and the resolution has been documented.</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> </ul>

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- The subject matter of the concern must be addressed by other means such as the collective bargaining process or the Equal Employment Opportunity process.
  - The ECP determines that the issue(s) are too general or not enough information was provided to investigate.
2. Notify the CI that the concern has been closed and the investigation results. Document in the case file how and when the CI was notified.
  3. Update the ECP Tracking Log and/or database of closure.

### 5.9 Employee Concerns Database

Actionee	Step #	Action
Employee Concerns Staff	1.	Maintain a secure case-file 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>• Record of Events or Case Activity Log</li> <li>• Date the employee was notified of the resolution</li> <li>• Date the concern was closed</li> </ul>

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**5.10 Training and Awareness**

Actionee	Step #	Action
Management	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 how to contact the ECP is readily available to employees.

**5.11 Documents and Records**

Actionee	Step #	Action
Employee Concerns Staff	1.	At a minimum, the ECP office must prepare and maintain the following records: <ul style="list-style-type: none"> <li>• Concern Activity Log or Record of Events</li> <li>• Concern investigation and resolution summaries, including a description of the basis for closing the concern</li> <li>• ECP assessment results</li> </ul>

**5.12 ECP Self-Assessment/Assessments**

Actionee	Step #	Action
Employee Concerns Manager		NOTE: <i>Contractor self-assessments of the ECP may be performed in addition to the requirements of DOE O 442.1B, Appendix A, by DOE to perform assessments of each new Contractor ECP within one year of program plan approval and at least once every two years thereafter.</i>
	1.	Cooperate with DOE during assessments of the effectiveness of the Contractor ECP and the processes used to implement this program. Problems that hinder the ECP from achieving its objectives will be addressed as identified through the contracting office.



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## 6.0 DEFINITIONS

Definitions are derived from various sources with applicability to the ECP. Some definitions are Hanford contractor specific and meet the intent of the various sources but may not be a direct quote from a source.

<b>Alternative Dispute Resolution (ADR):</b>	A process for resolving a dispute through a neutral third party. ADR may take the form of mediation or other techniques. To attempt resolution of an Employee Concern through ADR, all parties must voluntarily agree to utilize an ADR process.  <i>DOE O 442.1B</i>
<b>Anonymous Concern:</b>	An Employee Concern submitted by a Concerned Individual who does not reveal his/her identity.  <i>DOE O 442.1B</i>
<b>Chilling Effect:</b>	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.
<b>Confidentiality:</b>	A request by an individual associated with an Employee Concern to have his or her identity protected, to the extent allowable by law, from all persons except ECP staff and those other individuals supporting the ECP that may have a need-to-know.  <i>DOE O 442.1B</i>
<b>Conflict of Interest:</b>	A situation in which the person responsible for investigating an employee concern is associated directly or indirectly with that concern or the CI.
<b>Contractor:</b>	A seller of goods or services who is a party to a management and operating contract or other type of contract with DOE, or subcontract to such a contract, to perform work directly related to activities at DOE-owned or –leased facilities.  <i>10 CFR 708.2</i>
<b>Discrimination:</b>	Adverse treatment of a Concerned Individual because he/she raised an Employee Concern.  <i>DOE O 442.1B</i>
<b>Employee:</b>	Any person working for DOE or a DOE contractor or subcontractor on a DOE project.

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<b>Employee Concern:</b>	<p>A good faith expression by a Concerned Individual that:</p> <p>(1) An activity, policy, or practice of DOE or one of its contractors or subcontractors—including but not limited to, that which is related to the environment, safety, health, security, quality, and management of DOE facilities and/or operations—should be improved, modified, or terminated; or</p> <p>(2) He or she has been subjected to HIRD (as defined in this Order) by DOE, or one or more of its contractors or subcontractors, for raising an Employee Concern.</p> <p><i>DOE O 442.1B</i></p>
<b>Employer:</b>	A contractor or a subcontractor working on a DOE project.
<b>Harassment:</b>	<p>A behavior or an action taken by one or more supervisors or co-workers against or toward a Concerned Individual to belittle, humiliate, or impede that Concerned Individual in his or her work environment or job performance because the Concerned Individual raised an Employee Concern. Harassment may include, but is not limited to, threatening, restraining, coercing, blacklisting, mocking, humiliating, and/or isolating a Concerned Individual.</p> <p><i>DOE O 442.1B</i></p>
<b>Harassment, Intimidation, Retaliation/Reprisal, or Discrimination (HIRD):</b>	<p>A type of Employee Concern that includes allegations of Harassment, Intimidation, Retaliation/Reprisal, or Discrimination for raising an Employee Concern.</p> <p><i>DOE O 442.1B</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 2) insufficient data is available to assess the allegation(s).</p>
<b>Intimidation:</b>	<p>A behavior or action taken by a supervisor or co-worker against or toward any employee to cause the employee to be fearful of filing an Employee Concern, cease from pursuing an Employee Concern; or otherwise be afraid for his/her safety or job security as a result of filing an Employee Concern.</p> <p><i>DOE O 442.1B</i></p>

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<b>Investigation:</b>	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.
<b>Mediation:</b>	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.
<b>Not Substantiated/ Unsubstantiated:</b>	The concern has been investigated and insufficient evidence was found to support the allegation.
<b>Other than serious condition/concern:</b>	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.
<b>Partially Substantiated:</b>	A type of finding with respect to an Employee Concern in which only part of an Employee Concern could be corroborated based on supporting evidence.  <i>DOE O 442.1B</i>
<b>Referral of a Concern:</b>	Transmittal of an employee concern to another organization or process for investigation or resolution, with the results of the investigation reported to the ECP.
<b>Retaliation/Reprisal:</b>	An adverse action taken against or toward a Concerned Individual with respect to employment (e.g., discharge, demotion, or other negative action with respect to the Concerned Individual's compensation, terms, conditions or privileges of employment) because the employee raised an Employee Concern.  <i>DOE O 442 1B</i>
<b>Serious Condition/Concern:</b>	A hazard, violation, or condition such that there is a substantial probability that death or serious physical harm could result.  <i>29 CFR 1960.2.(v)</i>
<b>Substantiated:</b>	A type of finding with respect to an employee concern in which the concern has been corroborated based on supporting evidence.

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<b>Transfer of a Concern:</b>	<p>The relocation of an Employee Concern from the DOE ECP Manager or Contractor ECP Manager to another organization, when another resolution process exists to address the underlying issue(s) identified in the Employee Concern. Once transferred, the DOE ECP has no further responsibility to the Concerned Individual regarding the Employee Concern.</p> <p><i>DOE O 442.1B</i></p>
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**7.0 RECORDS**

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

**8.0 REFERENCES**

10 CFR 708, *DOE Contractor Employee Protection Program*

29 CFR 1960, *U.S. Department of Labor, Occupational Safety and Health Administration*

DOE O 442.1B, *Department of Energy Employee Concerns Program*

DOE O 442.1B, *Department of Energy Employee Concerns Program*, Attachment 1, Contractor Requirements Document

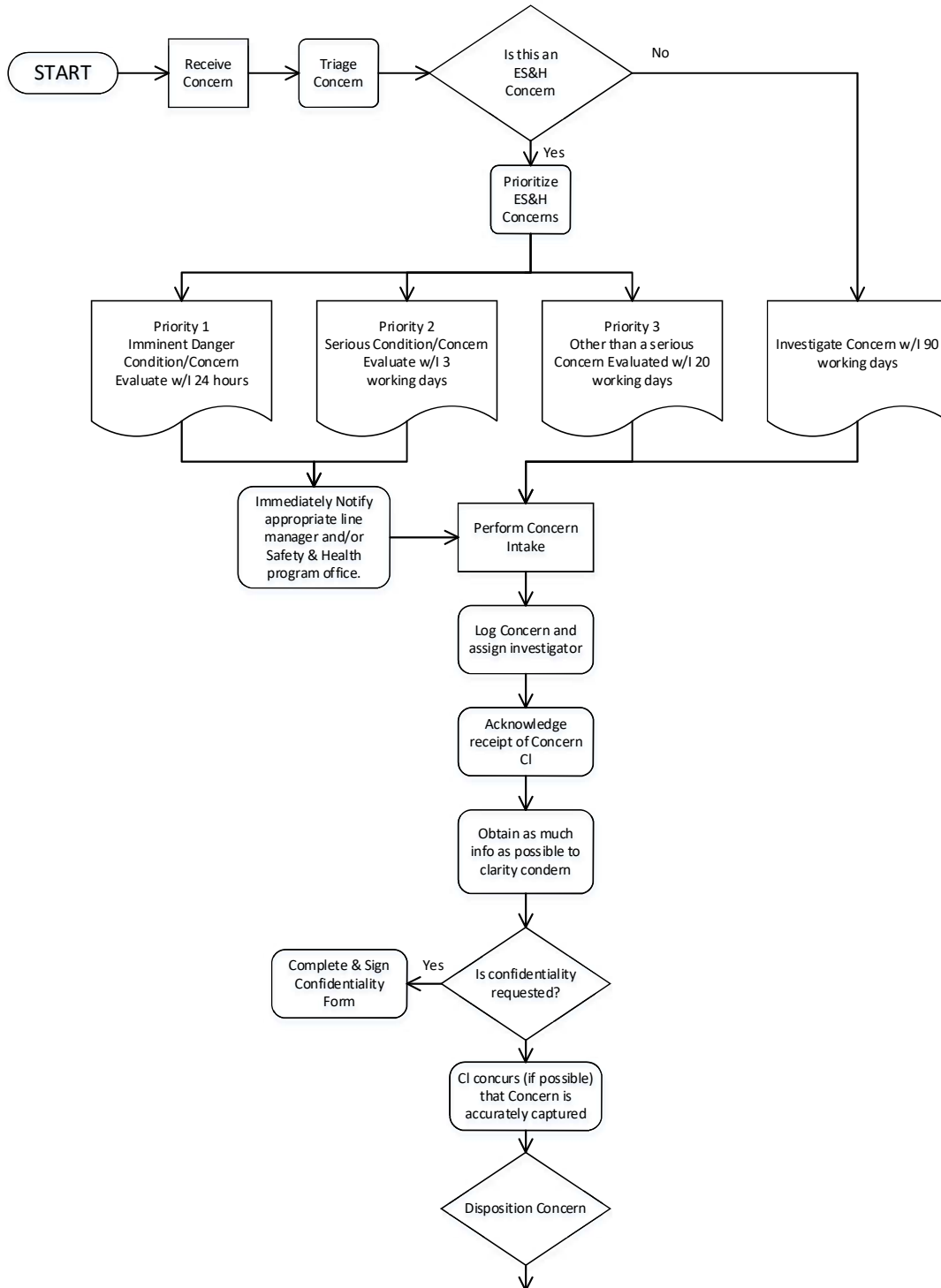
DOE O 442.1B, *Department of Energy Employee Concerns Program*, Appendix A, Additional Requirements Applicable to DOE ECPs

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

Price-Anderson Amendments Act (PAAA) of 1988.

Appendix A. Employee Concerns Program Flow

Hanford Site ECP Process



Hanford Site-Wide Employee Concerns Program Procedure

Appendix A. Employee Concerns Program Flow (continued)

