

EMPLOYEE COMPLAINTS, CONCERNS, AND ALLEGATIONS

1.0 SCOPE

This Performance Assessment Guide for Employee Complaints, Concerns, and Allegations will be used to carry out the oversight responsibility of the U.S. Department of Energy (DOE) Brookhaven Group. This guide was prepared to assist in conducting performance-based assessments of both DOE prime contractors and subcontractors to ensure that the employee complaints, concerns, and allegations programs identify, disposition, and take corrective action on issues that affect satisfactory facility performance. These goals are to determine if an employee complaints program has been established at the laboratory level that maximizes the effectiveness of respective activities/processes and that minimizes the risk of economic loss or worker/public illness/injury consistent with the risk of the activity or process.

Employee complaints, concerns, and allegations assessments will be directed at all prime contractors and subcontractors working at DOE sites. DOE line management must ensure that these contractors comply with DOE Orders and Federal and State regulations. Information developed from this assessment will determine the degree to which this is being done as well as the effectiveness of the laboratory's program.

2.0 ATTRIBUTES AND LINES OF INQUIRY

This section provides lines of inquiry to help assess whether the laboratory has implemented a program that ensures that employee complaints, concerns, and allegations requirements are incorporated into line activities. This section will be used to evaluate the laboratory's line organization.

2.1 The laboratory administrates the employee complaints, concerns, and allegations program.

- Is there a written comprehensive employee complaints, concerns, and allegations program?
- Are there management implementing procedures for the program?
- Are program elements implemented consistently throughout the facility?
- Is a prioritization scheme in place to rank employee complaints, concerns, and allegations modifications in order of importance?

- Are corrective action plans in place to resolve employee complaints, concerns, and allegations deficiencies? Are interim compensatory measures in place pending completion of modifications?
- Is the employee complaints, concerns, and allegations organization adequately staffed and trained to administer its program?
- Is the organizational structure adequately defined to ensure that employee complaints, concerns, and allegations goals are met?
- Is the "exemption" process being followed for employee complaints, concerns, and allegations nonconformances that are deemed acceptable?
- Are employees using the process and is there evidence that procedures are being followed?

2.2 The laboratory meets Occupational Safety and Health Administration (OSHA) requirements.

- Do employees observe OSHA standards and regulations and report violations?
- Do employees report emergencies and respond to warning signals?
- Do employees receive initial and periodic safety and health instruction, including specialized job safety and health training?
- Are employees informed of their rights, protections, and obligations?
- Are employees who wish to report unsafe or unhealthful working environments permitted to file a complaint and request an inspection by authorities?
- Is the report of unsafe or unhealthful conditions written down either by the individual submitting the report, or, in the case of an oral notification, by the official or other person in the workplace designated to receive the report?
- Is an employee who submits a report of unsafe or unhealthful conditions notified in writing within 15 days if the official receiving the report determines there are no reasonable grounds to believe such a hazard exists and does not plan to make an inspection based on the report?
- Are employees who file complaints subjected to restraint, interference, coercion, reprisal, or other discrimination?

- Are unannounced compliance inspections conducted annually by qualified occupational safety and health professionals?
- Is the employee's workplace monitored for radiation exposure and known toxic materials or harmful physical agents produced onsite?
- Is there an industrial hygiene program to recognize, evaluate, and control exposure to health hazards in the environment?

2.3 The laboratory meets Federal labor standards.

- Is there a program to make wage determinations, work assignments, and contracts, and to determine the degree of compliance with Federal labor standards?

2.4 An employee concerns program is in place.

- Has a program been developed that promotes compatible employee-supervisor relations?
- Has a method been created to resolve disputes in an orderly and expeditious manner?
- Is a self-assessment plan in place to determine if the program is effectively operating.

2.5 A grievance reporting system is in place.

- Is a reporting system functioning so that "all matters of employee concern or dissatisfaction relating to employment that is subject to the control of management" (DOE 3771.1) are reportable?
- Is a system established to accept or reject a grievance submitted by an employee? If accepted, personal relief is granted; if rejected, fact-finding procedures are initiated that result in a decision regarding the grievance.
- Is there a standard reporting procedure for violation of civil rights through discrimination on the basis of race, color, national origin, sex, age, or handicap?
- Is an anonymous hotline set up for employees to report fraud, waste, and abuse in the workplace?
- Are employees who file grievances discriminated against?

3.0 STANDARDS AND REQUIREMENTS

3.1 Specific DOE Orders and Standards.

- DOE O 350.1, "Contractor Human Resource Management Programs."
- DOE O 440.1A, "Worker Protection Management for DOE Federal and Contractor Employees."
- DOE 2030.4B, "Reporting Fraud, Waste, and Abuse."
- DOE 3771.1, "Grievance Policy and Procedures."

3.2 Administrative Personnel Title 5 CFR requirements.

- 5 CFR 771 Subpart C, 771.301-771.304, "Establishment of Agency Administrative Grievance System."

3.3 OSHA Title 29 CFR Requirements.

- 29 CFR 1904, "Recording and Reporting Occupational Injuries and Illnesses."
- 29 CFR 1910, "Occupational Safety and Health Standards."
- 29 CFR 1926, "Safety and Health Regulations for Construction."

3.4 Other Standards and Requirements.

- Regulations and Guidelines of the Office of Personnel Management.

4.0 GUIDANCE TO ASSESSOR

This assessment guide is intended to assist in conducting a performance assessment of employee complaints, concerns, and allegations. It is not to be considered as all-inclusive, inflexible, or limiting reasonable assessment concentration when lines of inquiry responses dictate that an area must be more thoroughly probed.