

FESHM 1060: FERMILAB ES&H CONCERNS PROGRAM

Revision History

Author	Description of Change	Revision Date
Angela Aparicio	Addition of the Differing Professional Opinions process, updates to hyperlinks.	December 2018
Jon Ylinen	Made minor editorial changes, ensured all links worked properly.	June 2017
Tim Miller	Completely rewritten to eliminate redundancy and include key content from DOE source documents. Added WDRS and DOE concern reporting processes.	March 2011

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FERMILAB ES&H CONCERNS PROGRAM

1.0 INTRODUCTION

Fermilab employees, subcontractor employees, and experimenters have the right and responsibility to report concerns relating to the environment, safety, health, or management of Laboratory operations. Most employee concerns can be effectively managed through routine issue management processes but in cases where this is impractical, Fermilab provides options to help assure that problems are resolved promptly and effectively, and without fear of reprisal.

2.0 DEFINITIONS

Employee Concern - A good faith expression by an employee that a Fermilab policy or practice should be improved, modified, or terminated. Concerns can pertain to issues such as ES&H, management practices, fraud, waste, or reprisal for raising a concern.

3.0 RESPONSIBILITIES

3.1 Managers and supervisors

Managers and supervisors are responsible for establishing open communications to enable employees to raise concerns and to address the concerns of employees under their supervision in a manner that protects the health and safety of employees or the public and ensures the efficient Laboratory operations. This must be carried out in a way that fosters the free flow of information without employees being punished for raising concerns.

3.2 Employees

Employees are responsible to report conditions that adversely affect the quality or safety of Fermilab operations and to identify and prevent harassment and intimidation of coworkers.

4.0 PROGRAM DESCRIPTION

Fermilab's ES&H concerns program is intended to accomplish the following:

- Encourage open communication,
- Inform employees of the proper forum for consideration of their concerns,
- Provide employees an avenue for consideration of concerns,
- Ensure employees can raise issues without fearing reprisal, and
- Address employee concerns in a timely manner.

Fermilab management is committed to the willing acceptance of all concerns and suggestions and to addressing them promptly and correctly. Fermilab management would prefer to find out about a problem when it is first discovered and have an opportunity to deal with it rather than wait and

be surprised by a potentially larger problem when it comes to light at a later date. All Fermilab employees, subcontractor employees, and experimenters are encouraged and expected to freely express their concerns to management, whether safety-related or not, without fear of reprisal. Harassment, intimidation, retribution, or discrimination will not be tolerated.

Employees are encouraged to first seek to resolve their concerns with their first-line supervisors or through other established issue resolution systems. Members of bargaining units should consult with their union stewards. If these avenues are unavailable or are not able to effectively deal with an issue, Fermilab provides alternative processes for evaluation and resolution.

Situations exist in which employees may be afraid to contribute information for fear of reprisal or intimidation. In these instances, the employee concerns program provides mechanisms for ensuring identities will not be disclosed. The trade-off with anonymous concerns is that it is difficult to provide feedback regarding actions taken. It is up to the employee to decide whether anonymity or knowledge of follow up is more important.

5.0 PROCEDURES

5.1 Routine issue resolution processes

Employees are encouraged to first try resolving their concerns through their line supervision. Your supervisor should be the first stop since this individual has primary responsibility for helping you deal safely and effectively with your work. In some circumstances, it may be appropriate to take your concern “up the management chain.” Another common approach is to bring concerns to an appropriate technical support person. For example, ES&H issues to the Division Safety Officer or financial issues to the budget representative. For additional information regarding ES&H roles and responsibilities see FESHM [Chapter 1010](#).

5.2 Non-routine issue resolution processes

In some cases, the standard approach in 5.1 may not be useful for several reasons, including:

- Lack of awareness about routine issue resolution processes,
- The people who are supposed to help are the source of the problem,
- Routine processes are ineffective, or
- Fear of embarrassment or reprisal.

In these instances, many alternative reporting mechanisms exist. The characteristics of these reporting mechanisms vary depending on the nature of issue addressed, the managing organization, and the degree of identity protection desired. Select the approach that you believe is most appropriate to your situation.

5.2.1. Safety Concern/Near Miss

Managed by Computing Sector. Intended primarily for ES&H concerns and near misses. Identification is required.

[Fermilab Service Desk](#)

Use this link only if you are willing to identify yourself. This is the preferred approach for ES&H issues. The investigator will be able to contact the submitter, which will allow for complete understanding of the issue. This method also creates a tracking mechanism to assure results are reported back to the submitter. Note that you need a [services account](#) to use this application.

5.2.2. Action Line

Managed by the Workforce Development and Resources Section

Intended primarily for waste, fraud, abuse, stolen property, harassment and discrimination. Identification is optional.

<http://hr.fnal.gov/resources/policies/> Click on the “Employee protection” drop down and select “Action Line”.

The Fermilab Action Line is an important component of Fermilab's efforts to protect and care for people and U.S. Government property. Employees and Users are encouraged to place calls to the Action Line when they are aware of stolen property, waste, fraud, or abuse; either by providing their names or remaining anonymous. They may also use the Action Line to report concerns about harassment or discrimination anonymously. These calls are kept in strict confidence. The number for the [Fermilab Action Line](#) is (630) 840-4000. Date policy last reviewed: August 2015

5.2.3. Internal Complaint Procedures (Administrative Grievance)

Managed by the Workforce Development and Resources Section

Intended for formal employment interactions. Identification is required. <http://hr.fnal.gov/resources/policies/> Click on the “Internal complaint procedures” drop down and select “Administrative Grievance”.

This policy applies to any matter of concern or dissatisfaction subject to the control of Fermilab/FRA management, including any allegation of coercion, reprisal, or retaliation. Actions not covered by Fermilab’s internal complaint policy are (1) content of published Fermilab/FRA procedures and policy, (2) termination or expiration of a time-limited appointment (term or temporary), (3) performance goals and job responsibilities, and (4) approval or denial of teleworking agreements.

5.2.4. DOE Employee Concerns

Managed by the Department of Energy. Intended for safety and efficient use of government resources. Identification required but will not be revealed to Fermilab.

U.S. Department of Energy
SC, Chicago
ATTN: ISC-CH ECP Manager
9800 South Cass Avenue
Argonne, Illinois 60439
(800) 701-9966 Hotline
(630) 252-2315 FAX
scfielddep@science.doe.gov

5.2.5. DOE Differing Professional Opinions

Managed by the Department of Energy. Intended for concerns involving technical issues with potential significant impact to environment, safety and health that have not been adequately addressed through lower-level processes. You must provide your contact information.

The Differing Professional Opinion (DPO) process is described in Attachment 2 of the [DOE Order](#). Employees who have made attempts to resolve technical issues with potential significant impact to ES&H may submit a Differing Professional Opinion (DPO) Form here: <https://ehss.energy.gov/forms/dpo/dpo.aspx>

Contact information for the current [DPO Manager](#) (see *Office of Science facility other than a hazard category 1, 2 or 3 nuclear facility*) is listed here: <https://www.energy.gov/ehss/doe-differing-professional-opinions>

5.2.6. DOE Whistle Blower Protection

Managed by the Department of Energy. Intended for ES&H, waste, fraud and abuse by management. Identification required but will not be revealed to Fermilab. [Fermilab Whistleblower Policy Statement - WDRS](#) Click on the “Employee protection” drop down and select “Whistle Blower Protection”.

Fermilab's employees and subcontractor employees should report concerns regarding issues pertaining to environment, safety, health, waste, fraud, or abuse to their supervisors. If an employee or subcontractor thinks resolution is not possible, fears reprisal, or requests confidentiality, he/she may contact the DOE Employee Concerns Program Manager at the following address:

U.S. Department of Energy
Employee Concerns Program
1000 Independence Ave, SW
Room 6F-068
Washington, DC 20585

Phone: (844) 799-8855

Or email at: EmployeeConcernsProgram@hq.doe.gov

Fermilab's employees and subcontractor employees may make complaints directly to DOE if they believe that they have been retaliated against in some fashion by their employer for reporting ES&H concerns, substantial violations of law, or incidents of gross mismanagement to DOE, state and federal regulators, Congress, or the prime contractor. Date policy last updated: June 2005

6.0 REFERENCES

[10 CFR 708 – DOE Contractor Employee Protection Program](#)

Protects workers from employer retaliation for disclosing information concerning danger to public or worker health or safety, substantial violations of law, or gross mismanagement; for participation in Congressional proceedings; or for refusal to participate in dangerous activities.

[DOE Order O 442.1A – Employee Concerns Program](#)

Establishes a program that encourages the prompt identification, reporting, and resolution of employee concerns regarding DOE facilities or operations in a manner that provides the highest degree of safe operations.

[DOE Order O 442.2 – Differing Professional Opinions for Technical Issues Involving Environmental, Safety, and Health Technical Concerns](#)

Establishes the DOE Differing Professional Opinion (DPO) process for employees to raise technical concerns related to environment, safety, and health (ES&H) which cannot be resolved using routine processes.