

BPA Policy 230-7

Employee Concerns Program

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1. Purpose & Background

This policy establishes the Bonneville Power Administration (BPA) Employee Concerns Program (ECP). As an employer, government entity, and partner supporting the Pacific Northwest's economic prosperity and environmental sustainability, BPA fosters the free and open expression of all concerns raised about BPA's management and operations. BPA recognizes promptly addressing such concerns through appropriate and objective review, evaluation, and investigation, helps ensure it safely and efficiently accomplishes its statutory missions.

The ECP implements *DOE Order 442.1B Employee Concerns Program* requirements by providing BPA's workforce with independent and formal avenues for raising concerns, where those concerns can be identified and resolved without fear of retaliation or reprisal. Under the program, employee concerns may be submitted via the BPA Hotline or directly to the ECP manager.

The program also covers BPA's intake, management, and administration of workforce and public concerns not covered by the Department of Energy (DOE) order.

This policy does not discharge the obligation of employees to meet the filing requirements, established timeframes or constitute notice to BPA for other established processes.

2. Policy Owner

The Executive Vice President (EVP) of Compliance, Audit, and Risk Management owns this policy. The Chief Compliance Officer (CCO) and Supervisor of the Compliance Response and Remediation group (CGR) are responsible for its implementation.

3. Applicability

- A. This policy applies to the intake, administration, and management of all concerns communicated to BPA by its workforce and the public through channels provided by the ECP:
 - 1. The BPA Hotline
 - 2. Communication with the ECP Manager
- B. For concerns raised through multiple processes (e.g., Equal Employment Opportunity (EEO), Office of Special Counsel) the ECP program will be subordinate to processes required by law or regulation.

4. Terms & Definitions

- A. **Imminent Danger Condition:** Any condition or practice in any workplace that creates a danger that could reasonably be expected to cause death or serious physical harm

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either immediately or before the onset of such danger could be eliminated through a normal procedural mechanism.

- B. **Public Concern:** A concern submitted by a member of the public, not a member of BPA’s workforce.
- C. **Employee Concern:** A good faith expression by a BPA federal or contractor employee working for or supporting BPA operations that:
 1. An activity, policy, or practice of BPA 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 BPA facilities and/or operations—should be improved, modified, or terminated; or
 2. He or she has been subjected to or is aware of harassment, intimidation, retaliation, reprisal, or discrimination by BPA, or one or more of its contractors or subcontractors, for raising an employee concern.

5. Policy

A. Employee Concerns Reporting Channels

1. The ECP will maintain and manage a hotline meeting these requirements:
 - a) The hotline will consist of a call center, a case management system, and a website all providing a confidential, 24 hour-a-day, 365 days-per-year service accessible from any location.
 - b) The hotline service can be used by any BPA workforce member, customer, or citizen to report suspected violations of the *BPA Code of Conduct*, such as the misuse of alcohol or drugs, gambling on government property, false reporting of time and expenses, misuse of BPA supplies and equipment, financial conflicts of interest, inappropriately accepting of gifts, or political activities in violation of the Hatch Act.
2. The ECP will make the ECP manager available as a reporting channel for employee concerns.

B. Imminent Danger Conditions

The ECP manager must immediately report any imminent danger condition received to a management representative with authority to correct the condition, BPA Security, and/or the BPA Safety Office as appropriate to address the concern raised.

C. Confidentiality

1. Recognizing that some individuals will raise concerns only if they believe their identities will not be disclosed, protecting the identity of these individuals is important to ensure voluntary flow of information. If a reporter or a witness

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requests confidentiality, ECP staff will maintain confidentiality to the greatest extent possible.

2. The extent to which confidentiality can be maintained depends on factors such as:
 - a) The existence of a duty-to-act;
 - b) Disclosures required by law, rule, or regulation;
 - c) The extent to which a particular reporter may be associated with a concern (e.g., the reporter has previously voiced the concern, in whole or part, or the uniqueness of the concern); and
 - d) The extent to which confidentiality prevents the ECP's ability to thoroughly investigate a concern.

D. 3. The ECP manager will inform employees of the limitations on protecting confidentiality under these circumstances (**ECP Concern Processing**).

The ECP processes the concerns communicated to it in accordance with the BPA Compliance Response & Remediation Program Guide (BPA CGR, 2020). In summary, a concern will be assessed by the program and then processed via one of these routes:

1. **Dismissal:** A concern may be dismissed as appropriate (e.g., if it is too general or outside the scope of ECP).
2. **Informal Resolution:** A concern may be resolved informally if appropriate.
3. **Withdrawal:** A concern may be withdrawn upon the reporter's request unless the concern places a legal duty-to-act upon BPA.
4. **Alternative Dispute Resolution (ADR):** ADR may be used as a mechanism for resolving a concern. ADR involves the use of a neutral third party and may take the form of mediation or other techniques.
5. **Transfer:** A concern may be transferred to another organization when another resolution process exists to address the underlying issue(s) of the concern. The transfer is recorded in the case management system where it is accessible to the reporter. Once transferred, the ECP has no further responsibility to the reporter regarding the concern.
6. **Referral:** A concern may be transferred to another office or program for evaluation if an organization has expertise in a particular matter. Such referral does not transfer ultimate decision making authority over the report to the office or program providing such evaluation.
7. **Investigation:** The ECP Manager may initiate an investigation for the purpose of determining the validity of a reported concern.

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8. **Access:** Personnel conducting investigations under this policy shall have authority to review official records and conduct interviews as needed to determine the facts of concerns reported to the ECP.

E. ECP Administration and Reporting

1. Concern reports received by the ECP are federal records managed through the hotline case management system. Generally, BPA retains records to track the following data:
 - a) Categories of concerns
 - b) Organizations reporting concerns
 - c) Timeframes for responding to concerns
2. To facilitate coordination between organizations in addressing concerns reported through the ECP and to ensure the evaluation of concerns in a consistent, independent, and objective manner, the ECP manager may establish partnerships and service level agreements (SLAs) with organizations receiving concern referrals.
3. The ECP manager submits program reports to the DOE ECP Director twice per year as directed by DOE Order 442.1B.

F. Notifications to the BPA Workforce

1. The ECP must ensure that members of the BPA workforce are informed of the following:
 - a) The availability of other forums such as the Equal Employment Opportunity (EEO) Office or the DOE Ombudsman, and first-line supervisors for reporting and addressing concerns;
 - b) Contact information for other appropriate forums, including where an individual may submit a concern;
 - c) Management's support of the employees' right to raise concerns to the ECP; and
 - d) Management's intolerance for retaliation against or intimidation of those who report concerns.
2. New employees must be notified of the ECP upon hire. Notification may be accomplished through a face-to-face briefing, a computer-based training module, the issuance of a written policy statement, or the issuance of information through another medium such as the New Employee Orientation (NEO).

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6. Policy Exceptions

This policy only covers concerns delivered through channels managed by ECP. See Appendix A for a list of other reporting channels.

7. Responsibilities

A. ECP Manager

1. Manages concern reports and related information as federal records in accordance with the Privacy Act of 1974, as amended, and this policy.
2. Maintains the hotline and ECP manager reporting channels.
3. Attends executive program reviews of employee concerns as required.

B. CGR Supervisor

1. Supervises the ECP manager and maintains overall responsibility for the program.
2. Develops, promulgates, and maintains ECP policies, procedures, and standards.
3. Briefs BPA executives and others on program trends and lessons learned.

C. Executive Vice President, Compliance, Audit and Risk Management

1. Provides support and resources to the CGR Supervisor for effective implementation of the ECP.
2. Uses ECP self-assessment results to evaluate the effectiveness of the ECP and the processes used to implement this policy.
3. Implements improvement actions, when necessary, to address issues impacting the effectiveness of the ECP.

D. Chief Compliance Officer

1. Acts as the final approval authority for resolution of reported employee concerns.
2. Reviews ECP policies and processes, and reports findings to the EVP of Compliance, Audit and Risk Management.
3. Interfaces with the CGR Supervisor regarding ECP implementation, as well as programmatic implementation impacts.
4. Periodically reports on ECP activity to the ACGC.

E. Human Resources Director

1. Works with and assists the CGR Supervisor in addressing concerns raised through the ECP.
2. Provides resources required to respond timely to needed personnel changes due to an employee concern.

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3. Ensures the Employee Relations workgroup coordinates with the CGR Supervisor to avoid duplication of effort and ensures symmetry of approach to resolving employee concerns.

F. Contracting Officers

Respond to CGR Supervisor inquiries associated with BPA contracts, as necessary.

G. BPA Managers and Supervisors

1. Respond to concerns raised by employees in a prompt, effective, and respectful manner to ensure the safe and efficient operation of programs under their authority.
2. Address concerns referred or transferred to their respective organizations consistent with this policy.
3. Actively promote and support the ECP to ensure that concerns are adequately, effectively, and timely addressed.
4. Management retains ultimate decision-making authority regarding all performance and conduct related actions affecting their employees, in consultation with Human Capital Management and the Office of General Counsel, consistent with civil service laws and regulations.
- 5.

- H. **EEO Counselors:** Coordinate with the ECP Manager as needed to avoid duplicate effort and ensure symmetry of approach to resolving employee concerns.

8. Standards & Procedures

Below are high-level summaries of procedures further detailed in *BPA Compliance Response & Remediation Program Guide* (BPA Compliance Response and Remediation (CGR, 2020).

A. Reporting Employee Concerns

1. Employees are encouraged to consider resolution of a concern by their first-line supervisor or through complaint or dispute resolution systems implemented to address that type of concern (see Appendix A.) This is not a requirement. Employee concerns may be reported directly to the ECP manager or the BPA hotline.
2. The ECP manager may be contacted by phone or by emailing hotline@bpa.gov.

B. Hotline

1. The hotline service can be used by any BPA workforce member, customer, or citizen to report suspected violations of the *BPA Code of Conduct*, such as the misuse of alcohol or drugs, gambling on government property, false reporting of time and

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expenses, misuse of BPA supplies and equipment, financial conflicts of interest, inappropriately accepting of gifts, or political activities in violation of the Hatch Act.

2. BPA Hotline users may also ask questions, request assistance, or make a report regarding harassment; fraud, waste and abuse; legal violations; safety; security; compliance; or any other issue. Concerns may be reported anonymously. All reports to the BPA Hotline are reviewed and investigated as appropriate.

C. DOE ECP Database Transfer Process

Once a quarter, as cases are closed; they are uploaded into the DOE Employee Concerns Program’s database, with the exception of concerns received from members of the public that involve property and environmental issues. These issues are addressed internally by the appropriate organizations (i.e., Real Property Services or Vegetation Management).

9. Performance & Monitoring

- A. The CGR Supervisor must annually assess the effectiveness of the ECP and processes used to implement this policy. Problems that hinder the ECP from achieving its objectives must be identified and corrected. The ECP annual reporting to the BPA Executive Office includes a summary of this assessment and response.
- B. The Audit, Compliance and Governance Committee oversees the ECP.

10. Authorities & References

- A. DOE Order 442.1B *Employee Concerns Program (1/31/2019)*
- B. BPA Compliance Response and Remediation (CGC), *BPA Compliance Response & Remediation Program Guide (2020)*
- C. BPA, *BPA Code of Conduct (2016)*
- D. BPA Policy 231-6, *Fraud Risk Management*
- E. Public Law 76–252 Hatch Act, see 5 USC § 7323 and § 7324

11. Review

- A. This policy will be reviewed biennially as part of the Section 9.A program assessment.
- B. CGR will maintain Appendix A. Changes to the appendix solely to increase the accuracy of reporting channel descriptions may be published without agency review.
- C. This policy is subject to periodic agency review as required by BPA Policy 120-1, *Policy on Policy Management*.

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12. Revision History

Version Number	Issue Date	Brief Description of Change or Review
1.0	9/21/2016	Initial publication of policy.
2.0	8/30/2018	Minor changes to organizational structure.
3.0	6/22/2022	Former Workforce Concerns Program restructured to implement requirements of DOE O 442.1B, and in response to BPA internal reorganization.

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Appendix A: Non-ECP Concern Reporting and Resolution Channels

Channel	Type of Concern	Contact
Near Hit / Safety Concern Report	Near Hit: Incidents where no property was damaged and no personal injury sustained but where, given a slight shift in time or position, damage and/or injury easily could have occurred	Safety (NF) [link]
Near Hit / Safety Concern Report	Safety Concern: A condition identified in the work environment that has the potential to cause an injury, illness, or fatality if not corrected	Safety (NF) [link]
Office of Civil Rights and Equal Employment Opportunity	Concerns having to do with harassment or discrimination	CR/EEO [link]
DOE Ombudsman	Concerns about any matter can be discussed with the Ombudsman who will assist the individual in determining how to address the concern	ombudsman@hq.doe.gov (202) 586-0500
Employee Assistance Program	Behavioral health services provided by DOE contractor	ESPYR Consultants 877-801-5752 [link]
Physical Security	Threats, violence, or other incidents of security concern	Security [link] 503-230-3779

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