

BPA Policy 230-7

Hotline

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1. Purpose & Background

This policy sets requirements, responsibilities and standards for BPA’s operation of a confidential telephone and internet website hotline (BPA Hotline), available to its federal employees, contractors, vendors, customers, and the general public, as a communications channel for reporting concerns about institutional and individual behavior at the Bonneville Power Administration (BPA). The BPA Hotline provides an independent means to raise concerns related, but not limited, to the environment; safety; health; security; quality; management; ethics; fraud, waste and abuse; compliance; legal violations; violations of a BPA code of conduct; or harassment, intimidation, retaliation, or discrimination.

Employees are encouraged to first seek resolution of concerns with their first-line supervisors or through existing complaint or dispute resolution systems but have the right to report concerns through the BPA Hotline.

The BPA Hotline is intended to supplement, not replace, existing processes designated to address concerns. Reporting concerns to the BPA Hotline does not affect the existing rights or obligations reporters may have in other forums, nor does it affect established timeframes for other processes. Finally, use of the BPA Hotline does not relieve employees of their responsibility to independently report fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement to the DOE Office of Inspector General.

2. Policy Owner

The Executive Vice President of Compliance, Audit, and Risk Management (EVP CAR) has overall responsibility for this policy. The Ethics and Compliance Manager within Compliance and Governance (CG) develops, implements, and manages this policy on behalf of the EVP CAR.

3. Applicability

The BPA Hotline service is a channel for anyone in a position to observe BPA employees or contractors performing activities on behalf of BPA, and who wishes to report a concern.

4. Terms & Definitions

Investigation: The process used to evaluate and determine facts relevant to allegations of a BPA Hotline report.

5. Policy

It is BPA’s policy to provide the means for employees, contractors, and other individuals to report concerns about the environment; safety; health; security; quality; management; ethics; fraud, waste and abuse; compliance; legal violations; or violations of the BPA code of conduct; as well as harassment, intimidation, retaliation, and discrimination. The BPA Hotline provides an important tool for reporting concerns.

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A. Reporting Structure

The Ethics and Compliance Manager reports to the Chief Compliance Officer (CCO) and is responsible for managing the BPA Hotline.

B. Hotline Service

BPA ensures the impartiality of the BPA Hotline concerns intake process by contracting with a third-party vendor for this service. An acceptable vendor agreement contains provisions ensuring the intake service includes:

1. Continuous (24/7) provision of both telephone and internet access for concerns to be reported,
2. Vendor protection of the confidentiality of BPA Hotline concerns and reports,
3. The ability to accept concerns reported anonymously and the ability for reporters to state a desire for confidentiality,
4. Limit communication of reported concerns by vendor solely to designated BPA officials,
5. Vendor collection of case management data,
6. A process for allowing reporters to provide updated information to a case,
7. Access to the vendor case management system by designated BPA officials for the purpose of managing both cases initiated through the vendor system and cases inputted by BPA,
8. Timely communication of reported concerns from the vendor to designated BPA officials,
9. Periodic submission of summary reports by the vendor to designated BPA officials pertaining to the nature of calls and reports received during the reporting period, and
10. Adherence by the vendor to federal information control standards.

C. Notification

The BPA Hotline is a Workforce Concerns Program channel. Employees must be informed of its availability in accordance with *BPA Policy 230-6 Workforce Concerns Program*.

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D. Confidentiality

1. Anonymous reports are accepted and investigated. However, reporters are encouraged to identify themselves because additional information could be needed to conduct an effective investigation. BPA will strive to maintain confidentiality to the greatest extent possible but information received through the BPA Hotline is subject to disclosure by applicable laws and regulations.
2. BPA Hotline procedures are intended to protect the confidentiality of reporters if confidentiality is requested. Withholding identifying information will not prohibit a BPA response. (See *BPA Policy 230-06 Workforce Concerns Program*, § F.1, WCP Documentation and Records).

E. Imminent Danger Condition or Concern

The Ethics and Compliance Manager must immediately report to management, Security and the Safety Office, any report that is associated with danger to an individual's safety, public health or safety, the environment, or that could compromise the safety or security of BPA operations or facilities.

F. Hotline Concerns Intake

1. The Ethics and Compliance Manager is the designated BPA official for receiving concerns reported to the hotline service and is responsible for retaining, referring or transferring cases for investigation. The Ethics and Compliance Manager will consult with the Concerns Review Committee as needed.
2. Cases retained by the Ethics and Compliance Manager will be managed by the Compliance and Governance (CG) office. Cases referred to another organization will be managed by that organization and results will be reported to the Ethics and Compliance Manager. Cases transferred to another organization (external or internal) are managed by that organization without a requirement to report results to the Ethics and Compliance Manager. The referral and transfer processes are located in *BPA Procedure 230-7-1 Hotline Procedures Manual (Hotline Procedures)*, Methods for Processing Concerns.
3. The Ethics and Compliance Manager shall ensure that the decision to refer or transfer a case is recorded in the case management system. Reasonable efforts will be made to communicate a transfer decision to the reporter.

G. Processing Concerns

1. The evaluation of reported concerns shall be conducted in an independent and objective manner.
2. The Ethics and Compliance Manager is the designated BPA official for receiving concerns reported to the hotline service and is responsible for case investigations unless the case is referred or transferred to a different organization for resolution. In

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the event of referral to a BPA organization, the receiving organization is subject to this policy, its procedures and is required to report case resolution to the Ethics and Compliance Manager.

3. The Ethics and Compliance Manager will receive, assess, and process reported concerns in accordance with Hotline Procedures. These procedures set standards for conducting investigations, resolving concerns, referring a concern for alternative dispute resolution, referral or transfer to another organization or closing a concern.
4. A case may be referred to any BPA organization with the appropriate subject matter expertise or authority to respond to the concerns expressed. The Ethics and Compliance Manager may informally resolve and close a case upon determination that further action is not required or cannot be taken. Factors considered in this determination include:
 - a) Whether an actionable concern was expressed;
 - b) Whether information provided was sufficient to proceed with the investigation or to gather further information that might allow for the investigation to proceed; and
 - c) Whether the expressed concerns are within BPA’s ability to address.
5. The Ethics and Compliance Manager shall ensure the decision to close a case is recorded in the case management system and make reasonable efforts to communicate the decision to the reporter.

H. Case Management System

Information regarding employee concerns must be maintained in the case management system provided under the vendor agreement. The Ethics and Compliance Manager must include concerns reported through non-BPA Hotline channels into the case management system. The system tracks the following information: employee concerns activity levels; categories of concerns; dispositions of concerns; timeframes for resolving concerns; and other measures that may provide information on program management.

I. Records

BPA Hotline records, including case management system files, are federal records within the DOE Systems of Records-3 and must be maintained in accordance with the provisions of the Privacy Act of 1974, as amended.

J. Timeframes for Processing Concerns

The goal of the BPA Hotline is to close a concern within 90 days from date of receipt. More stringent timeframes for various categories/types of concern may be established.

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K. Training and Qualification

Personnel responsible for administering the BPA Hotline or investigating concerns must be trained to carry out their responsibilities (e.g., training on internal investigations).

L. BPA Hotline Reports

1. Upon request, the Ethics and Compliance Manager may submit reports to the DOE Office of Employee Concerns.
2. The BPA Ethics and Compliance Manager shall submit reports to BPA senior executives providing information on themes of reported concerns and organizational hotspots in accordance with Hotline Procedures at least once annually.

M. Access to Records

Personnel conducting investigations under this policy shall receive authority to review official records as needed to determine the facts of concerns reported to the BPA Hotline.

6. Policy Exceptions

There are no exceptions related to this policy.

7. Responsibilities

- A. **Audit, Compliance and Governance Committee (ACGC):** The ACGC oversees Compliance and Governance programs, including the BPA Hotline.
- B. **Chief Audit Executive (CAE):** The Chief Audit Executive is responsible for assigning employees to lead or support investigations on BPA Hotline reports consistent with *BPA Policy 230-2 Reporting Incidents of Fraud, Waste, Abuse* and *DOE Order 221.1A Reporting Fraud, Waste and Abuse to the Office of Inspector General*.
- C. **Chief Compliance Officer (CCO)**
 1. The CCO is responsible for approving BPA Hotline program strategies and performance metrics in consultation with the Ethics and Compliance Manager. The BPA Hotline vendor contract will be funded from the Compliance and Governance (CG) budget.
 2. The CCO is responsible for setting standards for BPA Hotline investigations, including procedures and investigator training.
- D. **Concern Review Committee (CRC):** The CRC consists of the Ethics and Compliance Manager, an Ethics Advisor (OGC), and representatives from Internal Audit (CN), Safety (NF), Supplemental Labor Management Office (SLMO), Purchasing Property Governance (CGP), Equal Employment Opportunity (EEO), and Employee and Labor Relations (NHE). The CCO, NHE Manager, and EEO Manager attend at their option. The CRC meets

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monthly as needed or at the request of the Ethics and Compliance Manager to review BPA Hotline activity and make recommendations on processing BPA Hotline reports.

- E. **Cyber Security (JB):** The Cyber Security office is responsible for supporting investigations into reports concerning agency information technology systems.
- F. **Employee and Labor Relations (NHE):** The NHE organization within Human Capital Management assists managers and supervisors to address problems involving performance, harassment, or other conduct issues, and provides advice regarding corrective actions. NHE personnel may serve as case managers for BPA Hotline reports involving employee relations issues and provide assistance and guidance to managers investigating those reports.
- G. **Equal Employment Opportunity Office (EEO):** EEO may receive referrals or transfers of BPA Hotline reports pertaining to reports of violations of EEO regulations.
- H. **Ethics and Compliance Manager**
 - 1. The Ethics and Compliance Manager manages the BPA Hotline, establishes BPA Hotline policies and procedures and ensures that all BPA Hotline calls, web reports or reports from other channels (telephone, email, and office visit) are reviewed and addressed in an appropriate and timely manner.
 - 2. The Ethics and Compliance Manager may investigate, refer or transfer cases to an appropriate internal or external organization for inquiries or investigations. The Ethics and Compliance Manager provides feedback and reports BPA Hotline activity to senior BPA executives. The Ethics and Compliance Manager maintains security for all reports and related documents.
- I. **Head of the Contracting Activity (HCA):** The HCA oversees purchasing and property governance for BPA is responsible for leading or supporting investigations for all Supply Chain related policies involving purchases, contracting officers, contracting officer’s technical representatives or field inspectors.
- J. **Human Resources Officer (HRO):** The HRO is responsible for ensuring support is provided to investigations for all BPA Human Resources Service Center (NH) established policies such as harassment, workplace violence, alcohol and illegal drugs and gambling. Generally personnel from Employee/Labor Relations and Benefits assist managers in cases that involve employee misconduct.
- K. **Investigation Sponsor:** The BPA organization designated lead responsibility for case management and reporting on a BPA Hotline investigation. Generally, the investigation sponsors are General Counsel, Internal Audit, Safety, BPA Human Resources Service Center, or the Supplemental Labor Management Office.
- L. **Managers:** Managers are responsible for managing their work environments and taking appropriate administrative and corrective actions when needed to address workplace

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concerns and other related problems. Managers may be designated as investigators for reports of concerns within their organizations and perform management inquiries.

- M. **Office of General Counsel (OGC):** The Office of General Counsel, under the authority of the Executive Vice-President and General Counsel, provides legal advice and conducts BPA Hotline investigations relating to the Standards of Ethical Conduct for Employees of the Executive Branch and The Hatch Act, administers the financial disclosure program, trains employees on ethics regulations and reviews outside activities and outside employment.
- N. **Office of Security and Continuity of Operations (OSCO):** OSCO is responsible for responding to reports involving security matters. Reports that convey an imminent danger condition or concern are processed in accordance with *BPA Procedure 230-7-1 Hotline Procedures Manual* (Hotline Procedures).
- O. **Safety Office (NF):** The Safety Office is responsible for responding to reports impacting the safety of BPA personnel, contractors, facilities and equipment. BPA Hotline reports that create an imminent danger condition or concern are submitted to the Alarm Monitoring Station who then follows standard processes to notify safety officials of the circumstances. BPA Safety is also responsible for investigating reports of safety concerns.
- P. **Supplemental Labor Management Office (SLMO):** SLMO is responsible for leading or supporting investigations on issues reported that involve contract personnel, SLMO policies or the *Business Code of Conduct for Contract Personnel*.

8. Standards & Procedures

Detailed processes for case management are contained in *BPA Procedure 230-7-1 Hotline Procedures Manual*.

9. Performance & Monitoring

The Ethics and Compliance Manager must annually assess the effectiveness of the BPA Hotline and processes used to implement this policy. Problems that hinder the BPA Hotline from achieving its objectives must be identified and corrected. Policy and program effectiveness will be assessed through the following:

- A. Concern Review Committee meetings
- B. Input from Workforce Concerns Program components
- C. Reports to BPA senior executives
- D. Annual reporting to the Executive Vice President of Compliance, Audit, Risk, and EEO

10. Authorities & References

- A. DOE O 442.1A, Department of Energy Employee Concerns Program

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- B. BPA Policy 160-1, Ethics
- C. BPA Policy 230-6, Workforce Concerns Program
- D. DOE O 221.1B, Reporting Fraud, Waste and Abuse to the Office of Inspector General
- E. 5 CFR 2635, Standards of Ethical Conduct for Employees of the Executive Branch (a compilation of regulations that set out the basic principles and obligations of ethical conduct of executive branch employees designed to protect the public trust)
- F. Privacy Act of 1974: Publication of Compilation of Privacy Act Systems of Record (DOE submitted Federal Register notice, 1/9/2009)
- G. Privacy Act of 1974, 5 U.S.C. § 552a
- H. The Hatch Act of 1939, 5 U.S.C. §§ 7321-7326

11. Review

- A. This policy will be reviewed and updated within 90 days of the effective date of a new version of DOE policy and any orders affecting the DOE Employee Concerns Program or the BPA Workforce Concerns Program.
- B. This policy will be reviewed and updated within 90 days of an internal reorganization that affects any entity listed in § 7, Responsibilities.
- C. The Ethics and Compliance Manager shall review this policy annually.
- D. This policy is scheduled for agency-wide sunset review in 2021.

12. Revision History

This chart contains a history of the revisions and reviews made to this document.

Version Number	Issue Date	Brief Description of Change or Review
1.0	1/18/2017	Initial publication
1.1	4/25/2017	Administrative update: Moved previous section 7 to section 5.M for structural consistency with standard policy format. Effective date not updated.

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