

BPA Policy 230-6

Workforce Concerns Program

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1. Purpose & Background

The Bonneville Power Administration (BPA) recognizes that a healthy, positive work environment is essential to BPA's success. BPA further recognizes that free and open expression of workforce concerns related to issues such as the environment, safety, health, and management of BPA is essential to safe and efficient accomplishment of BPA's missions. The Workforce Concerns Program (WCP) ensures such concerns are addressed through prompt and objective review, evaluation, and if necessary, investigation.

The WCP provides an overarching structure to existing workforce services programs for purposes of coordination, reporting, analysis, and support. Component programs within the WCP are established by separate regulation or policy. WCP components include the Equal Employment Opportunity (EEO) Office, the DOE Ombudsman, and the BPA Hotline.

The purposes of the WCP and its components are to:

- A. Encourage open communication,
- B. Identify the proper forum for reporting concerns,
- C. Ensure the workforce has access to forums for raising and resolving concerns without fear of reprisal,
- D. Address concerns in a timely and objective manner, and
- E. Provide reports and analysis to BPA executives on workforce concerns.

2. Policy Owner

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

3. Applicability

This policy applies to all BPA programs aimed at addressing workforce concerns and all BPA employees seeking to report and address workforce concerns.

4. Terms & Definitions

Imminent Danger Condition/Concern: Any condition or practice in any workplace that creates a danger that could reasonably be expected to cause death or serious physical harm either immediately or before the onset of such danger could be eliminated through a normal procedural mechanism.

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5. Policy

- A. **Reporting Structure:** The Ethics & Compliance Manager is responsible for managing the reporting responsibilities for the WCP. The Ethics & Compliance Manager is located within Compliance & Governance (CG) organization and reports to the Chief Compliance Officer.
- B. **Reporting Requirements**
1. All WCP components must establish procedures for immediately reporting any Imminent Danger Condition/Concern to management, BPA Security and/or the BPA Safety Office.
 2. The Ethics & Compliance Manager must submit annual reports to the BPA Executive Office.
 3. WCP components report case data to the Ethics & Compliance Manager, participate in coordination meetings, and attend executive program reviews.
- C. **Notification to Employee**
1. The WCP must ensure that employees are informed of the following:
 - a) The availability of WCP component forums for reporting and addressing concerns;
 - b) Contact information for WCP elements, including where an individual may submit a concern;
 - c) That employees are encouraged to first seek resolution with first-line supervisors or through existing complaint or dispute resolution systems, but they may also report concerns through WCP component forums;
 - d) Management's support of the employees' right to raise concerns through WCP component forums; and
 - e) Management's intolerance for retaliation against, or intimidation of, those who report concerns.
 2. New employees must be notified of the WCP 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.

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D. WCP Data

Data regarding employee concerns will be maintained by the Ethics & Compliance Manager. Generally, BPA retains records to track the following data:

1. Categories of concerns,
2. Organizations reporting concerns, and
3. Timeframes for responding to concerns

E. WCP Components

The following programs are components of the WCP:

1. **Civil Rights and Equal Employment Opportunity Office (EEO):** EEO counsels employees and managers on workplace issues that are perceived as illegal discrimination. EEO counselors and the EEO staff serve as neutral third parties. They provide information and can assist with resolving issues.
2. **DOE Ombudsman:** The DOE Ombudsman provides assistance with workplace concerns. This service is a good first point of contact when workplace issues arise. As a trained neutral or impartial person, the Ombudsman does not take sides and cannot serve as an advocate for any individual. The Ombudsman provides coaching/consultation and facilitated discussions as well as referrals to other resources.

All communications with the Ombudsman are confidential unless there is an Imminent Danger Condition/Concern (see section 5.B.1 of this policy).

The American Federation of Government Employees (AFGE) has elected to forego use of the Ombudsman for its members.

3. **BPA Hotline:** The BPA Hotline consists of three components; a call center, a case management system, and a website. These components provide a confidential, 24-hour-a-day, 365-days-per-year service that can be accessed from any location. Any person may contact the BPA Hotline 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 gifts, or political activity in violation of the Hatch Act.

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.

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- F. The BPA Workforce Concerns Programs will establish program documentation that describes the methods and processes to be used to implement the following requirements:
1. **WCP Documentation and Records:** Records maintained by the BPA Workforce Concerns Programs are considered federal records. Such records are subject to the provisions of the Privacy Act of 1974, as amended.
 2. **Confidentiality:** Recognizing that some individuals will raise concerns only if they believe their identities will not be disclosed, the protection of the identity of these individuals is significant to ensuring the voluntary flow of information. If a reporter or a witness requests confidentiality, WCP staff will maintain confidentiality to the greatest extent possible.

The extent to which confidentiality can be maintained depends on factors such as:

- a) The existence of a duty-to-act;
- b) Disclosure 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 WCP's ability to thoroughly investigate a concern.

WCP component staff members will inform employees of the limitations on protecting confidentiality under these circumstances.

- G. **WCP Assessment:** The Ethics & Compliance Manager must annually assess the effectiveness of the WCP and processes used to implement this policy. Problems that hinder the WCP from achieving its objectives must be identified and corrected.

6. Policy Exceptions

None

7. Responsibilities

- A. Ethics & Compliance Manager
1. Develops, promulgates, and maintains WCP policies, procedures and standards.
 2. Briefs BPA executives and others on program trends and lessons learned.

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- B. Executive Vice President, Compliance, Audit & Risk Management
 1. Provides support and resources to the Ethics & Compliance Manager for effective implementation of the WCP.
 2. Uses WCP self-assessment results to evaluate the effectiveness of the WCP and the processes used to implement this policy.
 3. Implements improvement actions, when necessary, to address issues impacting the effectiveness of the WCP.
- C. Compliance & Governance organization and Chief Compliance Officer
 1. Acts as BPA's independent oversight organization for resolving reported workforce concerns.
 2. Independently reviews WCP policies and processes, and reports findings to the EVP of Compliance, Audit & Risk Management.
 3. Interfaces with the Ethics & Compliance Manager regarding WCP implementation, as well as programmatic implementation impacts.
- D. Human Resources Director
 1. Works with and assists the Ethics & Compliance Manager in addressing concerns raised through the WCP.
 2. Provides resources required to respond timely to needed personnel changes due to a workforce concern.
- E. Contracting Officers

Respond to Ethics & Compliance Manager inquiries associated with BPA contracts, as necessary.
- F. 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 WCP to ensure that concerns are adequately, effectively, and timely addressed.
- G. Ombudsman, EEO Counselors, Employee & Labor Relations Lead, and Employee Assistance Program Manager
 1. Coordinate with other WCP component staff members as needed to avoid duplicate effort and ensure symmetry of approach to resolving workforce concerns.

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2. Provide requested data to the Ethics & Compliance Manager per section 5.B.3 of this policy.
3. Attend executive program reviews of workforce concerns as required.

8. Standards & Procedures

As procedures and standards are developed and approved, they will be listed here.

9. Performance & Monitoring

As stated in section 5.G, the Ethics & Compliance Manager will perform an assessment of the Workforce Concerns Program effectiveness annually. As stated in section 7.B.2, the Executive Vice President, Compliance, Audit & Risk Management will monitor this policy for continuing effectiveness.

10. Authorities & References

A. Authorities

1. Civil Rights and Equal Employment Opportunity Office
 - a) BPA Policy 130-5, Functional Statement for Office of Compliance, Audit & Risk Management
 - b) BPA Policy 235-1, Affirmative Employment Programs and Reports
2. DOE Ombudsman
 - a) 5 USC § 572, Administrative Dispute Resolution Act of 1996
 - b) Memorandum of Understanding between BPA and AFGE Local 928, Ombuds Program and AFGE Bargaining Unit Employees dated June 8, 2010
3. BPA Hotline

BPA Policy 230-7, BPA Hotline

B. References

1. BPA Code of Conduct dated February 2016
2. DOE O 442.1A, Employee Concerns Program dated June 6, 2001

11. Review

This policy is scheduled for review in 2021.

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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	9/21/2016	Initial publication of policy.
2.0	8/30/2018	Minor Changes to organizational structure.

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