

Nuclear  
Quality  
Management  
Leadership

# Nuclear Employee Concerns Evaluation Program Performance Objectives And Attributes

NECE-GUID-001 R01

Approved: \_\_\_\_\_



*Chair, Nuclear Quality Management Leadership*

## Foreword

The Nuclear Quality Management Leadership (NQML) forum consists of utility quality assurance management decision-makers to sponsor and promote activities that support effective quality management within the nuclear industry. The NQML optimizes the interface with other industry organizations to bring consistent and complimentary focus to the current issues challenging our business. The NQML has partnered with the Nuclear Energy Institute (as defined within sub-process LP002 of the NEI Standard Nuclear Performance model) to further promote the advancement of effective independent oversight of Nuclear Power operations.

In 2007, the NQML agreed to establish a program for measuring the effectiveness of Employee Concerns Programs (ECP) across the industry to apply consistently high standards of performance for the ECP process. A subcommittee was responsible for the identification and development of good practices pertaining to successful ECP oversight and implementation of ECP Programs. The subcommittee was charged with the development of specific performance objectives and attributes associated with a leading ECP and the development of industry peer evaluation guideline.

NECE-GUID-001 “*Nuclear Employee Concerns Evaluation Program Performance Objectives and Attributes*” describes specific criteria to assist nuclear utilities and facilities in developing, improving, and evaluating their ECP functions. The performance objectives are broad in scope and each objective lists several criteria to provide the breadth and depth of the objective. NECE-GUID-001, “*Nuclear Employee Concerns Evaluation Program Evaluation Guidelines*” establishes a uniform method for evaluating the effectiveness of each member’s ECP Program.

## Acknowledgement

This document consolidates the efforts of many nuclear industry professionals actively involved in Employee Concerns Program activities. The document reflects the industry’s experience in evaluating Employee Concerns Program activities as well as good practices that support excellence in nuclear operations. The document was prepared under the sponsorship of the NQML. Specifically, the NQML wishes to thank the Employee Concerns Program Subcommittee for the development of this document.

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# NUCLEAR QUALITY MANAGEMENT LEADERSHIP

## NUCLEAR EMPLOYEE CONCERNS EVALUATION PROGRAM PERFORMANCE OBJECTIVES AND ATTRIBUTES

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## Introduction

The purpose of this document is to outline the Performance Objectives and Attributes that Employee Concerns Programs can utilize as standards of excellence. This document will be utilized when conducting ECP Evaluations (NECE-GUID-002). The scope of the ECP evaluation will only pertain to activities executed by the ECP organization. Evaluations should take into consideration ECP variables such as differences in staffing, site specific procedures, and program monitoring that meets the needs of the organization.

These objectives and attributes were derived from regulatory standards and industry experience to bring about a consistent excellence standard for Employee Concerns Programs. The following are the main references used to develop this document:

- NRC RIS 2005-18 Guidance for Establishing and Maintaining a Safety Conscious Work Environment
- NRC RIS 2006-13 Information on the Changes Made to the Reactor Oversight Process to More Fully Address Safety Culture
- NRC Inspection Manual – Resolution of Employee Concerns Inspection Procedure 40001 (06/03/97)
- NRC Inspection Manual – Identification and Resolution of Problems Procedure 71152 (01/10/08)
- INPO Principles for a Strong Nuclear Safety Culture (Nov. 2004)
- INPO SOER 02-04 (Rev. 1) Boric Acid Corrosion / Davis-Besse
- NEI 97-05 Nuclear Power Plant Personnel-Employee Concerns Program-Process Tools In A Safety Conscious Work Environment (Revision 2, December 2003)

## **Objective A – Employee Concerns Program Organization & Organizational Effectiveness**

**The ECP organization responsibilities and accountabilities for ECP activities are clearly defined, understood, and effectively implemented. The ECP Organization is separate and independent from line management. ECP managers, by leadership, commitment, and example, establish high standards of performance of the ECP Program.**

### **Attributes:**

- A.1 A high level company policy exists that documents clear expectations for the ECP.
- A.2 The ECP is defined and implemented with approved procedures that describe the purpose of the ECP, responsibilities of ECP personnel implementing the program, and responsibilities of personnel in the line and support organizations.
- A.3 The ECP provides an alternate reporting path for employees and contractors to report Nuclear Safety, technical and compliance concerns, and concerns dealing with harassment, intimidation, retaliation, or discrimination (HIRD) for having engaged in protected activities.
- A.4 The ECP organization is separate and independent of the line-management chain.
- A.5 The ECP organization is staffed appropriately to effectively implement the ECP Program.
- A.6 The ECP organization is a learning organization as exhibited by self-assessments, evaluations, benchmarking and improving to industry best practices. (Reference: SOER 02-04)
- A.7 Interfaces exist between the ECP and the line organization to ensure that ECP trends are considered for maintaining a Safety Conscious Work Environment. (Reference: NRC RIS 2005-18 Guidance for Establishing and Maintaining a Safety Conscious Work Environment)
- A.8 Interfaces exist between the ECP and the line organization to ensure that ECP trends are considered for maintaining a strong Nuclear Safety Culture. (References: INPO Principles for a Strong Nuclear Safety Culture, and NRC RIS 2006-13 Information on the Changes Made to the Reactor Oversight Process to More Fully Address Safety Culture).

Note: The interfaces described in Attributes A.7 and A.8 can be formal or informal. The interfaces can be communications with Senior Management and/or communications with a structured working group/committee whose purpose is to review employee issue trends.

## **Objective B – Employee Concerns Program is Administered by Competent Personnel**

**Personnel responsible for implementation of the ECP have appropriate experience/background and training to effectively implement the program and perform investigations.**

### **Attributes:**

- B.1 An effective qualification process is established for ECP personnel, to include indoctrination, initial, and continuing training.
- B.2 Expertise of personnel responsible for the ECP is established through a combination of education, training and/or experience. The following are examples of skill areas for ECP Managers and ECP staff that contribute to effectively implementing an ECP:
- Initial Training  
Indoctrination, Confidentiality, Investigative Techniques Training, Interviewing, Technical Background in Nuclear Power, Auditing or Quality experience, Organizational experience, Listening, Report Writing, Root Cause Analysis, Investigator, Record keeping, Collection of Evidence, Conflict Resolution, Regulations and On The Job Training (OJT).
  - Continuing  
Refresher Training on topics described above, Human Resources, Legal, and Co-Employment.
  - Temporary Assignments (to ECP)  
Indoctrination, Confidentiality, Investigative Techniques Training,
- B.3 ECP training includes how to conduct ECP activities, such as investigations and interviews, in a way that ensures to the extent practical the confidentiality of the concerned individual.
- B.4 Documentation of ECP education, training and experience should be available.
- A good practice is to use of a formal qualification card/form for documenting qualifications.

## **Objective C – Employee Concerns Program has Appropriate Levels of Confidentiality**

**The ECP includes measures to treat certain information as confidential, to the extent practical under the circumstances.**

### **Attributes:**

- C.1 The identification of the Concerned Individual (CI) will be kept confidential to the fullest extent possible.
- C.2 Concerned Individuals receive explanations on confidentiality options.
- C.3 If the CI requests their identity be maintained confidential, the ECP Representative will make every effort not to disclose the identity of the CI. The following conditions may require release of the CI's identity:
- When required by the Nuclear Regulatory Commission (NRC).
  - When required in response to subpoenas or in response to proceedings before the Department of Labor, Equal Employment Opportunity Commission, a court of law, or other legal and governmental bodies.
  - Pursuant to the requirements of federal laws, regulations, orders or other directives.
  - If immediate nuclear safety or personnel safety would be compromised if confidential information were withheld.
  - Corporate Ethic investigations.
- C.4 The identification of the CI can be released within the company to those employees with a specific need to know in order to address the concern, but the CI should be contacted in advance to discuss the reason for sharing the CI's name.
- C.5 If the CI waives confidentiality, the ECP Representative will respect the privacy of the CI and only reveal the CI's identity as outlined above and as required in order to conduct a complete and thorough investigation.
- C.6 ECP voicemail and e-mail have a secure access (i.e. access is protected through use of passwords/ security codes).



## **Objective D – Employee Concerns Program has a Defined Scope**

**The ECP is designed to include/address Nuclear Safety, technical and compliance issues and concerns related to harassment, intimidation, retaliation, and discrimination (HIRD) for engaging in protected activities.**

### **Attributes:**

- D.1 ECP procedural guidelines exist that include methods for communicating and promptly investigating Nuclear Safety, technical and compliance concerns, and HIRD concerns.
  - Nuclear Safety and HIRD are clearly defined in procedural guidelines.
- D.2 The ECP should have a method to refer issues that are beyond the scope of the ECP, such as issues in the areas of Ethics, Hostile Work Environment, and Human Resources.
- D.3 The ECP will be designed to accommodate concerns submitted anonymously.
- D.4 For concerns involving the ECP or Management responsible for the ECP, there is a defined process for having an independent investigation.
- D.5 ECP should pulse the Safety Conscious Work Environment (SCWE) of the site, communicate any identified concerns to line management, and follow-up with line management to determine that appropriate actions are taken to address the concerns.

## **Objective E – Employee Concerns are Effectively Prioritized and Investigated**

**The ECP screens issues for safety or other significance, and takes appropriate actions based on significance. Investigations are initiated, conducted and completed on a timely basis, and are sufficiently thorough to permit management to make an informed decision regarding action to address the concern.**

### **Attributes:**

- E.1 ECP investigations are performed in accordance with approved procedures that address significance, performance, corrective actions, feedback to the CI, and reporting to appropriate management personnel.
- E.2 ECP procedural guidelines exist to ensure that ECP personnel evaluate the significance of issues, ensuring those that impact Nuclear Safety/Quality or HIRD for engaging in Protected Activity are responded to in a timely manner.
- E.3 ECP should have in place a “Duty to Act” – that is, a duty to respond appropriately to issues that could impact safe plant operations, or those that indicate wrongdoing.
- E.4 If issues are identified to be conditions adverse to quality, such as a Nuclear Safety/Quality issue, then the issue needs to be documented in the Corrective Action Program. Effort should be taken to protect the confidentiality of the CI when documenting the issue.
- E.5 Investigations are performed to the depth necessary to identify all potentially significant Nuclear Safety, technical and compliance issues, and HIRD issues.
- E.6 Corrective actions to address issues that are validated during ECP investigations are documented and tracked by an appropriate tracking method by ECP staff personnel.
- E.7 ECP should keep management appropriately informed on issues. Timeliness of updates should take into account the significance of the issue(s).
- E.8 Investigation results are reported to the appropriate level of management to address corrective actions, and to provide insights and recommendations.

## **Objective F – Employee Concerns Program Ensures CIs Receive Feedback**

**ECP personnel provide feedback to CIs during investigations. CIs are also provided feedback on the final results of investigations, including actions taken to address concerns that are validated.**

### **Attributes:**

- F.1 CIs receive feedback on a periodic basis during investigations, and the feedback is documented in case files.
- F.2 When investigations are completed CIs receive feedback on the results of the investigation:
- Feedback should include any actions being taken by Line Management to address those aspects of the concern that are validated.
  - Feedback to the CI should be generic in nature and should not identify specific corrective actions that may compromise confidentiality of others. (Example: It is appropriate to indicate that an issue was validated and appropriate corrective actions have been taken; however, it is not appropriate to say “John Doe received three days off without pay as discipline for his involvement with the issue.”)
  - The CIs reaction to the feedback should be documented.
- F.3 For concerns received anonymously, alternate methods maybe used as appropriate to communicate results of investigations, including actions to address issues (i.e. work group rollouts, global communications). In some cases it may be appropriate not to communicate the results of investigations.

## **Objective G – Employee Concerns Program Self Assessment/Independent Review**

**Evaluations are performed periodically to gauge overall effectiveness of the ECP and to identify possible areas for improvement.**

### **Attributes:**

- G.1 The ECP will be assessed on a nominal biennial basis, and can be in the form of a self assessment or an independent assessment.
- G.2 Specific performance objectives and criteria will be used as a guide during the assessment process.
- G.3 The assessment team will use existing industry standards of excellence as a basis for their assessments.
- G.4 Assessment team members sign a confidentiality agreement that documents the team members understanding of their responsibility to not share information related to the assessment.
- G.5 The final report detailing the findings and conclusions of the assessment team will be presented to appropriate members of Senior Management.
- G.6 The Senior Management person responsible for the ECP will determine the adequacy of ECP self assessment/independent assessment.
- G.7 Conditions adverse to quality will be entered into the site-specific corrective action program for tracking and closure.
- G.8 Site-specific recommendations intended to improve program performance will be tracked to completion by the site ECP staff.
- G.9 ECP or SCWE surveys allow for write in comments.
  - Survey results are communicated to site personnel.
- G.10 The Employee Concerns Manager or equivalent may use selected concerns, results of investigations or evaluations, and conclusions as program feedback (maintaining confidentiality where appropriate) when they are determined to have value in communicating policies, procedures, practices and performance expectations.
- G.11 When performing assessments to determine how effectively management and the ECP staff oversee the ECP, review the following:
  - Monitoring and auditing of the effectiveness of the ECP by internal and independent review organizations.
  - ECP solicits input from program implementers.
  - Encouragement and evaluation of employee feedback.
  - Dissemination of the results to management and the staff.
  - Assessment of employee satisfaction with reporting safety concerns to the ECP.
  - Does ECP benchmark other ECPs and/or attend industry forums.

## **Objective H – Employee Concerns Program Trend Identification and Reporting**

**The ECP has a mechanism to identify and report concern trends to Management.**

### **Attributes:**

- H.1 ECP Performance Indicators (PIs) exist to monitor ECP performance. The data from the PIs are used to provide insights to Senior Management on ECP trends related to line organizations and ECP implementation.
- H.2 When declining trends are identified during monitoring of the ECP performance they are acted upon in a timely manner.
- H.3 ECP should utilize performance indicators when reporting trends to Senior Management. The following are areas where performance indicators/trending could be utilized to evaluate the ECP:
- Intake Source (i.e. Interview, ECP Hotline, Drop Box, Mail, Survey)
  - Concern Origin (i.e. Plant, Corporate Headquarters)
  - Concern Category (i.e. Nuclear Safety/Quality, HIRD, SCWE, DPO)
  - CI Category (i.e. Union, Management, Contractor, Professional)
  - CI Work Group (i.e. Operations, Maintenance, Engineering)
  - Affected Work Group (i.e. Operations, Maintenance, Engineering)
  - Associated Issue (Equipment, Procedure, Management Style, Human Resources)
  - Number of concerns received and number of concerns validated.
  - Number of concerns received that were anonymous, CI requested confidentiality, and those not requesting confidentiality.
  - Number of concerns reported to outside agencies ( NRC, DOL, OSHA, EEOC, media, etc)
  - Timeliness of ECP investigations
- H.4 ECP should provide periodic trend reports to Senior Management, considering the following:
- Establish frequency of reports to Senior Management (i.e., monthly, quarterly, annually).
  - Have a remarks section for important indicators for identifying insights on trends and changes in indicators.
  - Senior Management should be provided the following information on an annual basis; indicators, trend analysis, program actions, survey results, self-assessment results and regulatory activity.
  - One method of evaluating ECP effectiveness with regard to numbers of concerns received over a given time period is to determine the ratio of ECP cases to NRC Allegations (should be > 3:1).

## **Objective I – Employee Concerns Program Documentation/Records**

**The ECP employs a method to record concerns and their disposition, and maintains records of concern investigations.**

### **Attributes:**

- I.1 ECP documents should be completed and retained in the ECP case file.
- I.2 ECP case files should contain all relevant documents for the case.
  - ECP procedural guidance should specify the required documents to be created and retained.
  - Publicly available documents can be included through reference.
  - Completed files should receive an independent review..
- I.3 ECP files should contain appropriate documents such that a third party individual with an understanding of the process should be able to understand how the investigator reached their conclusion.
- I.4 ECP case files will be maintained in a secure manner at all times. Files will be stored in a locked file or locked room when not in use. When the files are in use, they will be secured by returning them to the locked file or locked room.
- I.5 Electronic files related to ECP cases will be secured to protect unauthorized personnel access.
- I.6 ECP case files are retained in accordance with Records Management guidelines.
  - Approved procedures should establish how long ECP case files are to be retained.
  - Approved procedures should specify what should be done with the files after retention limits are exceeded.
  - Confidentiality should be maintained by destroying ECP records after retention limits are exceeded.

## **Objective J – Employee Concerns Program is Visible to People**

**The ECP is visible to employees and contractors. The licensee notifies the workforce of the ECP and describes ways to contact the ECP. Senior Management supports ECP visibility and credibility.**

### **Attributes:**

- J.1 Employee Concerns Program personnel maintain a visible presence at the site.
- J.2 ECP personnel should communicate to the site regularly through publications, video monitors, outage fairs, etc.
- J.3 ECP informational posters, signs, etc. are displayed in key site locations (Security building, cafeteria, break areas, etc).
- J.4 ECP promotes a SCWE at the site and “pulses” the organization to discern areas where attention may be required.
- J.5 Site Management demonstrates sponsorship of the ECP.
- J.6 Site and corporate communications demonstrate support of the ECP.
- J.7 Multiple examples of site communications supporting the ECP exist.
- J.8 ECP is addressed in appropriate administrative documents, such that ECP is part of new employee indoctrination (NGET), part of orientation to the site, part of transfer between sites, and part of release from site.
- J.9 ECP is addressed in contractor entrance and exit processes.
- J.10 ECP maintains an office for business, records storage, and a location to conduct private interviews.
- J.11 The ECP office location is located in an area that is accessible, but is discreet and separate from management and Human Resources offices, such that employees and contractors are not inhibited from visiting the ECP office.

## **REFERENCES**

This document takes its authority from:

NECE-GUID-002, Nuclear Employee Concerns Evaluation Program Evaluation Guidelines

## **REVISION HISTORY**

R01 – 06/18/12 – New document numbering system.  
- References and Revision History Sections added.

R00 – 07/31/08 – Initial issue