

**OFFICE OF MANAGEMENT AND BUDGET 83-I  
SUPPORTING STATEMENT**

**Employee Concerns Program Federal/Contractor Survey  
OMB Control Number 1910-{Enter 4-digit code}**

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed information collection, Employee Concerns Program Federal/Contractor Survey. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, "Instructions for Completing OMB Form 83-I."

**A. Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.**

The DOE Employee Concerns Program (ECP) Order 442.1A, section 4(F), implements an ECP. DOE federal and contractor employees, including supervisors and managers at any level in an organization, may report employee concerns related to the environment, safety, health, and management of DOE and National Nuclear Security Administration programs and facilities to Headquarters or field elements' ECPs.

DOE Order 442.1A references three regulations: 10 C.F.R. Part 708, 29 C.F.R. Part 1620.28 and 29 C.F.R. Part 24.

10 C.F.R. Part 708 provides procedures for processing complaints by employees of DOE contractors alleging retaliation by their employers for disclosure of 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.

29 C.F.R. Part 1620.28 provides guidance in establishing a channel of communication between agency employees and those with responsibilities for safety and health matters, e.g., their supervisor, the agency safety and health officials, safety and health committees, safety and health inspectors, the head of the agency, or the Secretary.

29 C.F.R. Part 24 implements the several employee protection provisions for which the Secretary of Labor has been given responsibility pursuant to the following Federal statutes: Safe Drinking Water Act, 42 U.S.C. 300j-9(i); Water Pollution Control Act, 33 U.S.C. 1367; Toxic Substances Control Act, 15 U.S.C. 2622; Solid Waste Disposal Act, 42 U.S.C. 6971; Clean Air Act, 42 U.S.C. 7622; Energy Reorganization Act of 1974, 42

U.S.C. 5851; and Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610.

In fiscal year 2008, the Office of Civil Rights and Diversity, in coordination with DOE and Contractor ECP Managers, plans to conduct an ECP Improvement Initiative. The objective of the ECP Improvement Initiative is to develop requirements, processes, procedures, and mechanisms to ensure there is consistent application of employee concerns processing and standards within the agency, as well as align the agency with nuclear industry standard practices.

In fiscal year 2000, the National Academy of Public Administration issued a similar questionnaire. Trends have shown considerable changes in the program prompting another survey in fiscal year 2008. For instance, fiscal year 2007 set a record low of 373 concerns received; 26 concerns less than the 399 in 1998, the previous record low. In recent years, approximately 1000 DOE employees, including contractors, have been using the ECP on an annual basis, but in fiscal year 2007, another record low is reported with only 829 employees using the program. Management expects that the survey will provide insight regarding the decrease in the number of concerns filed, and in the number of employees using the program.

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

- As part of the ECP Improvement Initiative, an agency-wide Employee Concerns Program survey will be disseminated to measure perceptions of DOE and contractor employees regarding the ECP, as well as measure the effectiveness of the ECP as experienced by clients. This survey will represent an opportunity for employees to express their views and opinions on the DOE ECP, as well as the DOE Contractor Employee Concerns Programs. Responses to this survey will enable management to better understand employees' perceptions and points of view. It will also give employees the opportunity to provide opinions in an anonymous and confidential manner.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.**

The Employee Concerns Program Federal/Contractor Survey will be disseminated electronically on the Internet through a DOECAST. DOECAST is the internal mail system for the Department of Energy. It has the capacity of sending an email message to contractors and DOE employees. The Office of Civil Rights and Diversity will provide a mailing list of employees and contractors. The message will have a link to the survey.

Paper versions of the survey will be provided to a limited number of employees who do not have access to the Internet version. Electronic administration will facilitate its distribution, completion, and collection.

**4. Describe efforts to identify duplication.**

The Office of Civil Rights and Diversity manages the Employee Concerns Program, in coordination with ECP Managers complex-wide. Although in fiscal year 2000, the National Academy of Public Administration issued a similar questionnaire, trends have shown considerable changes in the program prompting another survey in fiscal year 2008. Management expects that the survey will provide insight regarding the decrease in the number of concerns filed, and in the number of employees using the program.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not impact small businesses or other small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

This collection is a one-time collection. If this survey is not conducted, management will be prevented from knowing and understanding employees' perceptions and points of view regarding the Employee Concerns Programs. To put it into perspective, the Employee Concerns Program reflects the challenge to improve Government processes and the Department's commitment to establish a safe and productive work environment for all employees. The ECP is designed to encourage open communication; inform employees of the proper forum for consideration of their concerns; ensure employees can raise issues without fearing reprisal; address employee concerns in a timely and objective manner, and provide employees an avenue for consideration of concerns that fall outside existing systems.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to product valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in stature of regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily**

**impedes sharing of data with other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This collection of information has been reviewed and justified by departmental management requirements, statutes, external regulations, interagency reporting requirements, departmental orders, or other internal DOE requirements and is collected in a manner consistent with 5 CFR 1320 guidelines.

8. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.**

The 60-day Federal Register Notice was published on December 20, 2007 page 72347, Volume 72, Number 244. No comments were received. A copy of the notice has been attached to this statement.

9. **Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There is no remuneration given for submission of any of the information.

10. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

There are no plans to collect identifiable information. The survey provides that no one at the Department of Energy, its contractors, subcontractors or laboratories will be allowed to see responses.

11. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information., the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no collections in this package involving questions that are sensitive, personal, or private in nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.**

The survey will be conducted complex-wide and will be available during three weeks. An estimated 40,000 employees are expected to respond. Since it should take approximately 15 minutes to be completed, there is an estimated 10,000 hours burden. Employee Concerns Managers served as samples of potential respondents helping to determine the estimated 15 minutes that will take to complete the survey.

**13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.**

The Office of Civil Rights and Diversity does not envision any cost burden to respondents or to the agency resulting from this collection of information.

**14. Provide estimates of annualized cost to the Federal government.**

The Office of Civil Rights and Diversity does not envision any cost burden to respondents or to the agency resulting from this collection of information.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.**

There are no changes.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The collection results will not be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

The Department is not seeking approval to not display the expiration date for OMB approval of this information collection.

**18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.**

This collection of information has been reviewed and justified by departmental management requirements, statutes, external regulations, interagency reporting

requirements, departmental orders or other internal DOE requirements and meets the requirements listed in the “Certification for Paperwork Reduction Act Submissions.”