

DIRECTIVES CONTROL FORM - ORO FINAL DIRECTIVE

PART A (To be completed by the Division of Primary Interest (DPI))

1. **NUMBER AND TITLE OF DIRECTIVE:** **ORO O 410, Chapter V, PROCESS FOR TECHNICAL DISPUTE RESOLUTION**

2. **PURPOSE OF TRANSMITTAL:** New Directive Revised Directive

3. **THIS DOCUMENT MAY AFFECT THE WORK PERFORMED BY THE FOLLOWING CONTRACTORS:** (Check appropriate boxes)

No (all contractors)

Yes If yes, whom? Bechtel Jacobs Co. BWXT Y-12 ORAU UT-Battelle SURA

Other contractors (list by type)

Many ORO contractors have approved S/RIDs or WSS sets that may affect applicability of contractor requirements from this directive. Applicability of contractor requirements must take into account the approved standards set for each particular contract.

4. **SIGNIFICANT PROVISIONS:** Are there any significant changes or impact?

No Yes If yes, describe: This is a new chapter in the 410 series.

5. **CONTACT POINT:** Jorge A. Ferrer Nuclear Safety Division, SE-33 576-6638
Name Organization Telephone

PART B (To be completed by the Directives Management Group (DMG)):

6. **FILING INSTRUCTIONS:**

<u>Remove</u>	<u>Dated</u>	<u>Insert</u>	<u>Dated</u>
N/A	N/A	ORO Control Form	06/14/2002
		ORO O 410, Chapter V, Pages V-I thru V-8	06/14/2002

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7. **APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH THE OFFICIAL DIRECTIVES DISTRIBUTION LIST:**

Original Signed By
Wayne H. Albaugh 06/14/2002
Signature: DMG Team Leader, AD-440 Date

INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED

Rev. 01/30/2002

U.S. Department of Energy

Oak Ridge Operations

ORO O 410
Chapter V

DATE: 06/14/2002

SUBJECT: PROCESS FOR TECHNICAL DISPUTE RESOLUTION

1. PURPOSE. This chapter does not correlate to a Department of Energy (DOE) Order or Rule. It assigns responsibility and accountability and provides administrative guidance to Oak Ridge Operations Office (ORO) for resolving technical disputes. Nothing in this issuance changes any requirements contained in any Department of Energy (DOE) directive, standard, or regulation.

It is ORO's policy to maintain a working environment in which technical disputes between individuals or ORO organizations are resolved in a fair and expeditious manner. The vast majority of technical disputes consist of routine disagreements or differing professional technical judgements that can be resolved informally at either the staff or immediate management levels.

The purpose of this chapter is to establish an ORO process that is used as the last resort in addressing significant technical disputes, that if left unresolved, have the potential to interrupt ORO mission activities, impact worker or public safety and health, impact nuclear facility safety bases, or incur expenditure of resources resulting from unresolved issues (e.g., costs associated with inaction or delays in milestones or schedules).

The objectives of this ORO dispute resolution process are as follows:

- \$ Establish a formal process for addressing technical disputes.
- \$ Ensure full consideration and prompt disposition of technical disputes by affording an independent, impartial review by a panel of qualified personnel.
- \$ Ensure that all employees have the opportunity to express significant technical disputes in good faith, have their views heard and considered by DOE management, and to the extent practicable, participate fully in the process from beginning to end.
- \$ Protect employees from retaliation in any form for expressing a differing technical viewpoint.

NOTE: Any DOE employee who retaliates against another employee for submitting or supporting a technical dispute is subject to disciplinary action in accordance with DOE 3750.1, WORK FORCE DISCIPLINE.

2. CANCELLATION. None.
3. APPLICABILITY. The provisions of this chapter apply to ORO Principal Staff responsible for dispute resolution and employees who wish to submit a technical position paper for resolution.

This chapter is not intended for employee use in addressing non-technical disputes or issues that are of the following nature:

- \$ Issues that are or could have been appropriately addressed under DOE's grievance procedures or personnel appeal procedures.
- \$ Issues that are subject to collective bargaining.
- \$ Issues that are governed by law or government-wide regulation.
- \$ Issues better suited to the Employee Concerns Program.
- \$ Issues involving allegations of wrongdoing that are more appropriately addressed by the Office of the Inspector General.
- \$ Issues submitted anonymously.
- \$ Issues that are deemed to be frivolous or otherwise not in accordance with the policy underlying this procedure (e.g., issues that have no basis in any DOE Order, Policy or Guide).
- \$ Issues raised by an employee that already have been considered and addressed or rejected pursuant to this procedure absent significant new information.

4. RESPONSIBILITIES.

- a. Manager. Provides final disposition decision of technical disputes where an advisory panel cannot reach a majority decision.
- b. Deputy for Operations.
 - (1) Organizes an advisory panel to resolve technical disputes and performs as Chair to and voting member of the panel.
 - (2) Appoints a neutral subject matter expert(s) with requisite expertise and knowledge of the technical issues being debated to participate on the advisory panel.
 - (3) Takes actions, as appropriate, on matters that appear to be of immediate health and safety significance.
 - (4) Publishes announcements, as needed, declaring that diversity of viewpoints is a strength and a potential source of valuable ideas.

- (5) Monitors the number of technical disputes being processed to identify possible adverse trends.

c. Assistant Manager for the Organization Submitting a Technical Position Paper.

NOTE: To the extent possible, reviews should be conducted independently and not involve individuals who have directly participated in the formation of the position that is at issue.

- (1) Ensures this procedure is followed by employees in resolving significant technical disputes.
- (2) Reviews technical position papers that cannot be resolved by an employee's supervisor and offers proposed solutions, where available, for their resolution.
- (3) For technical disputes that involve or impact other line organizations, the Assistant Manager forwards the technical position paper to the affected line organizations for concurrence that the technical dispute has been accurately documented and that sufficient background information has been provided for a disposition decision.
- (4) For technical disputes that impact multiple line organizations where concurrence could not be obtained on the final decision, the Assistant Manager forwards the technical position paper to the Deputy for Operations no later than 5 business days after original receipt.
- (5) Participates on the advisory panel that reviews technical disputes for a final disposition decision.
- (6) Takes action, as deemed appropriate, on matters that appear to be of immediate health or safety significance.

d. Assistant Manager of the Affected Organization.

- (1) Reviews technical position papers to verify the accuracy and completeness of the information being presented.
- (2) Presents opposing viewpoints in a professional manner based on technical merits.
- (3) Participates on the advisory panel, as requested.

e. Supervisor of the Employee Who Prepares a Technical Position Paper.

- (1) Ensures this procedure is followed for preparing technical position papers.

- (2) Seeks to resolve technical disputes promptly and at the lowest organizational level possible.
- (3) Reviews each technical dispute submission to determine if sufficient documentation was provided by the preparer to undertake a detailed review. Normally, the supervisor reviews technical position papers promptly (no later than 3 business days after receipt).

f. Originator of the Technical Position Paper.

- (1) Attempts to resolve technical disputes at the staff level or immediate supervisor level before initiating the ORO dispute resolution process.
- (2) Prepares a written technical position paper promptly (no later than 5 business days after identification of a technical dispute) in accordance with this procedure.
- (3) Submits the technical position paper to his/her supervisor.
- (4) Presents his/her technical position to the advisory panel.

g. Advisory Panel.

- (1) Performs a review of the technical position paper and listens to the preparer's presentation regarding their position.
- (2) Makes a recommendation for resolving and disposition of the issue(s) related to the technical dispute.
- (3) Documents the basis for the recommendation(s).
- (4) Resolves the technical dispute promptly (no later than 10 business days after receipt of the technical position paper).
- (5) Forwards the technical dispute decision, including the basis, to the originator of the technical dispute.

5. REQUIREMENTS AND PROCEDURES.

- a. Employees must first attempt to resolve their technical disputes through discussions with co-workers, and immediate supervisors. Where this process is ineffective, the employee must determine whether the nature of the technical dispute is consistent with the scope of this procedure or whether the dispute should be addressed through other available mechanisms (e.g., grievance process).

- b. For technical disputes that cannot be resolved through informal means, the employee may apply the ORO Dispute Resolution Process described in this chapter and graphically presented in Attachment 1. Where this process is exercised, the affected employee must promptly document the technical dispute in a technical position paper that clearly addresses the following:

- \$ A summary of the issue or concern involved in the technical dispute.
- \$ Affected organizations and prevailing positions, decisions, or positions being disputed.
- \$ A summary of the actions or discussions taken to resolve the dispute.
- \$ Potential impacts or consequences should the preparer's position not be adopted.
- \$ A proposed resolution.

Attachment 2 provides additional guidelines for documenting a technical dispute by use of a technical position paper.

- c. The technical position paper must be prepared within 5 business days after identification of a technical issue and shall be forwarded to the employee's immediate supervisor for consideration. The supervisor must review the document for completeness and accuracy, and attempt resolution with the employee. If successful, the supervisor must document the resolution in a memorandum to the employee (with concurrence from affected organizations, if applicable). If the proposed resolution is unsatisfactory to the employee, the supervisor must promptly forward the technical position paper to the Assistant Manager level (no later than 3 business days after original receipt).

NOTE: Where technical disputes result in the potential for work stoppage, affected organizations shall be notified immediately, and the Deputy for Operations shall be promptly notified, as needed, to expedite a decision regarding continuation of operations.

- d. The Assistant Manager must review the technical position paper and attempt resolution with the employee. If successful, the Assistant Manager must document the resolution in a memorandum to the employee or supervisor (with concurrence from affected organizations, if applicable). If the resolution is unsatisfactory to the employee, the technical position paper must be forwarded to the Assistant Manager of the affected organization for concurrence that the technical dispute has been accurately documented and that sufficient background information has been provided for a disposition decision.
- e. Technical position papers that have received review and concurrence by the relevant Assistant Manager(s) must be promptly forwarded to the Deputy for Operations (no later than 5 business days after original receipt) with a recommendation that it be reviewed by an advisory panel.

- f. The Deputy for Operations must convene and chair an advisory panel that consists of the following members:

- \$ Assistant Manager of the employee who initiates the technical dispute.
- \$ Assistant Manager of the affected organization (where applicable).
- \$ A neutral subject matter expert(s) that is selected by the Deputy for Operations and is technically qualified and knowledgeable of the issue or concern being disputed.

NOTE: The Deputy for Operations must also be a voting member of the panel.

- g. The advisory panel must review the technical position paper and provide the preparer an opportunity to make a presentation regarding his/her position.
- h. The advisory panel must reach a majority decision promptly (no later than 10 business days after receipt of a technical position paper) and document their recommendation and the basis for their decision. Where a majority decision cannot be reached, the technical dispute must be elevated to the Manager. The decision of the advisory panel, or the Manager when involved, must be considered the final disposition of the technical dispute.

6. REFERENCES. DOE 3750.1, WORK FORCE DISCIPLINE, dated 03/23/1983, and any subsequent revisions.

7. DEFINITIONS.

- a. Technical Disputes. A conscientious expression of a professional judgement that differs from the prevailing staff view, disagrees with a management decision or policy position, or takes issue with a proposed or an established ORO practice involving a technical issue.
- b. Retaliation. A personnel action that is taken (or not taken in the case of a personnel benefit), recommended, or threatened because of the expression or support of a technical position.

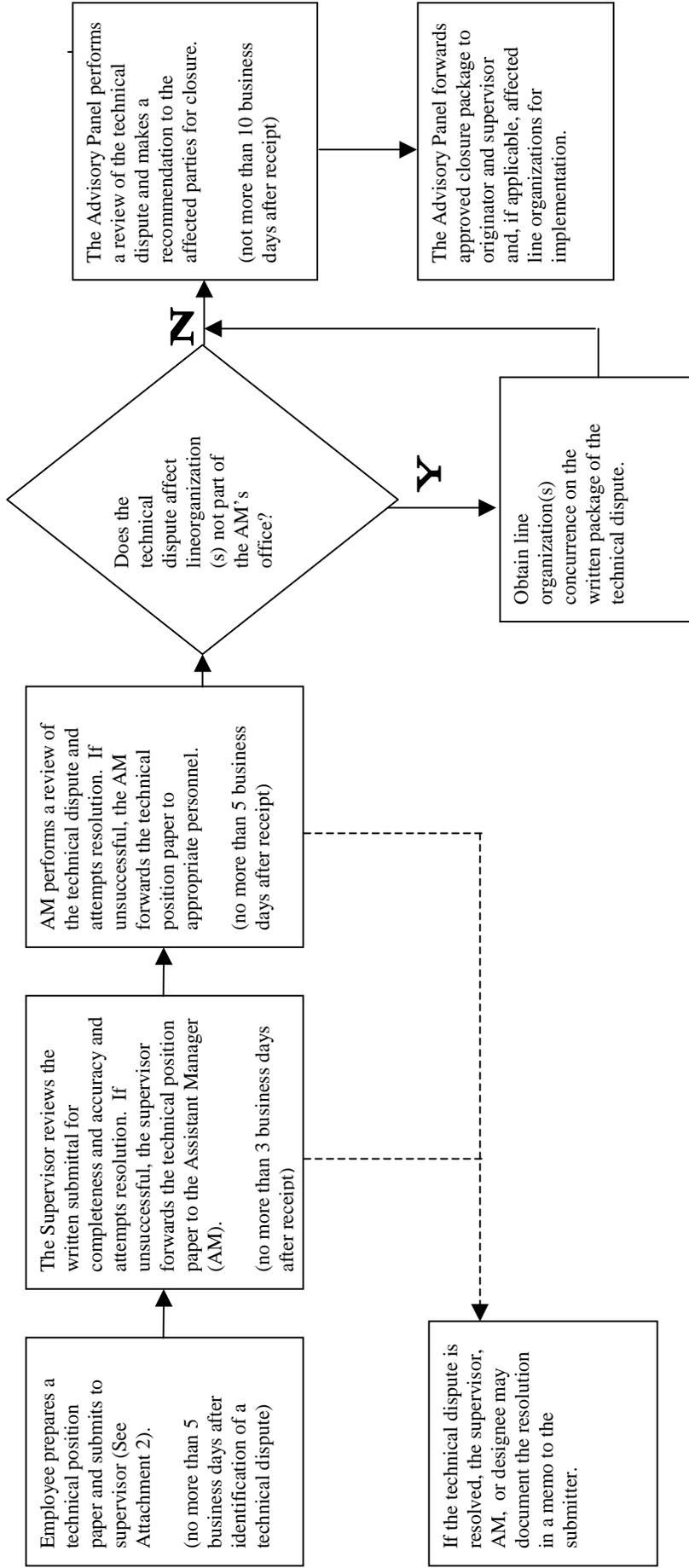
8. CONTRACTOR REQUIREMENTS DOCUMENT. None

9. ATTACHMENTS.

Attachment 1 – Technical Dispute Resolution Process.

Attachment 2 – Guidelines for Preparing Technical Position Papers.

Technical Dispute Resolution Process



Guidelines for Preparing Technical Position Papers

The purpose of these guidelines is to help an employee document a technical dispute for review by his/her supervisor, and if necessary where required by this procedure, his/her Assistant Manager and an advisory panel.

1. Clearly identify the bottom-line decision that is recommended. This may include a recommended course of action that should be adopted for the site or several alternatives that would satisfy the technical position. In either case, the pros and cons of the opposing side must be fairly represented.
2. Address the following business and policy considerations as they apply to a given technical position:
 - \$ Cost implications.
 - \$ Health and safety concerns.
 - \$ Mission risks, such as the political implications, as well as the cost of delaying major risk reduction.
 - \$ Level of stakeholder concern. Identify the stakeholders interested in the issue and the nature of their stance.
 - \$ Perceived end-state liability. For example, failure to ship leads to long-term storage costs, dose to workers, and risk to off-site personnel.
 - \$ Address the life cycle of the affected facilities. Note that changes in the time of achieving an end state imply changing values of return on investment.
3. Use charts or other descriptive tools to clarify the technical positions. Quantify elements where possible, and state assumptions.
4. If reference material is essential to understand the technical issues or positions, provide copies of the material to the reviewers (i.e., supervisor, Assistant Manager, and advisory panel). For example, the material could be underlying calculations or regulatory background, such as environmental law or historical precedent.