

DOE/ED-0015



2001-2002

Annual

Office of Economic Impact & Diversity

Report

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MESSAGE FROM THE DIRECTOR

I am pleased to present the Annual Report of the Department of Energy (DOE), Office of Economic Impact and Diversity (ED). The ED Office supports Secretary Spencer Abraham and the President's Management Agenda commitment with its emphasis on the strategic management of human resources, competitive sourcing, financial accountability, and the President's Small Business Agenda.



Thersa Alvillar Speake, Director

We take pride in leading the diversity efforts for DOE and I am pleased to be part of this important initiative. We strive to ensure equal opportunity for the Department's employees and are committed to diversification and equal opportunity in the work place. I look forward to implementing new programs that will make DOE the Federal Government employer of choice.

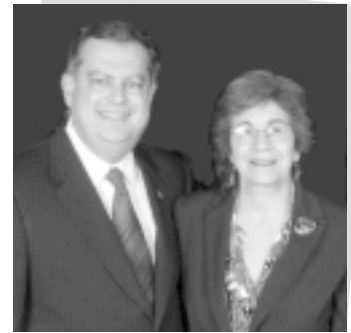
In the area of small business, ED has taken the lead in ensuring that the Department opens up its contracting opportunities to all small businesses who are able to meet the needs of the federal government and to avoid unnecessary contract bundling. We have taken a proactive effort to market to the small business community and to provide information on contracting opportunities in a timely and efficient manner. We look forward to fulfilling the Secretary's commitment to improving the number and value of contracts to small business in the future.

In many ways I see ED as the conscience of the Department. All of our programs deal with people—promoting the inclusion of people and making sure that everyone gets a fair chance, whether it is for a contract or for a job at the Department. This Annual Report summarizes the activities of the four offices within ED as we attempt to achieve employment diversity goals and expand the contracting opportunities at the Department for small and disadvantaged businesses. I am proud of our accomplishments and look forward to the challenges of improving the image and impact of the Department in the years ahead.

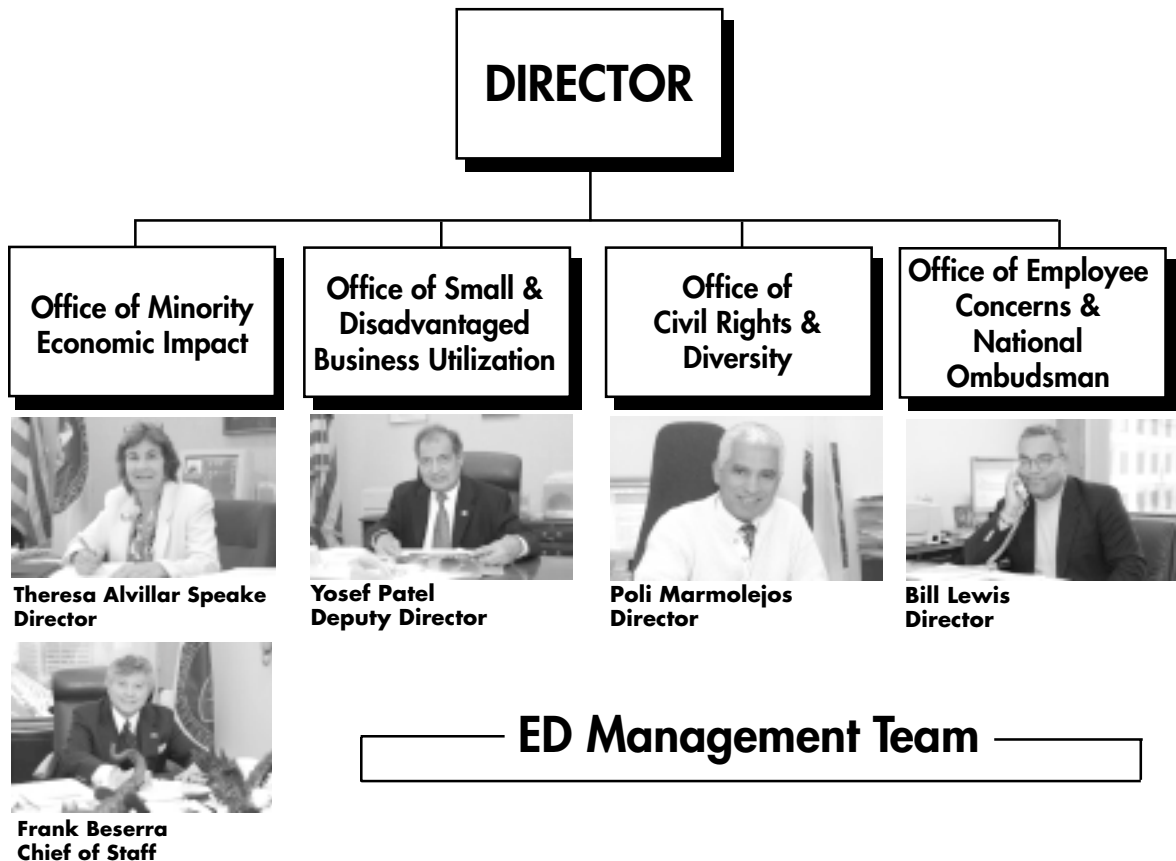
EXECUTIVE SUMMARY

Background

The Office of Economic Impact and Diversity (ED) develops and executes Department-wide policies to implement applicable legislation and Executive Orders that strengthen diversity goals affecting the workplace, small and disadvantaged businesses, minority educational institutions, and historically under-represented communities. ED oversees civil rights laws, rules, and regulations, and establishes Department-wide civil rights policy. The Office strives to address issues that promote excellence in the workplace and partnerships with the small business community. ED encompasses several offices shown in the below organizational chart:



Secretary Spencer Abraham & the Director



ED adheres to the stated objectives of the President Management Agenda (PMA). These objectives have been integrated into the organization of the Office and include the following:

- Strategic management of human capital
- Competitive sourcing
- Improved financial performance
- Expanded electronic government, and
- Budget and performance integration



President George W. Bush and the Director

These objectives are reflected in the accomplishments below and are in the forefront of planning efforts to achieve diversity goals and strengthen the small and disadvantaged business community.

In addition to the PMA, this Administration has specifically placed priority on enabling small businesses to participate fully in Government contracting by ensuring that Government contracts are open to all small businesses and by avoiding unnecessary bundling of Government contracts.

The Secretary has tasked the Office of Small and Disadvantaged Business Utilization (OSDBU) within the Office of Economic Impact and Diversity to prepare a Department-wide comprehensive small business strategy to facilitate the participation of small businesses in prime contracting and to expand the award of subcontracts to small businesses by the Department's facility management contractors. With the full support of Secretary Spencer Abraham all Departmental elements are being directed to review and expand their grant and contract opportunities with small businesses, including small disadvantaged, 8(a), women-owned, service-disabled veteran-owned, and Historically Underutilized Business Zone (HUBZone) businesses.

HIGHLIGHTS AND ACCOMPLISHMENTS

Communications

Throughout FY2002, the Department held regular meetings with Congressional staff to brief them on DOE's progress in meeting small business goals. The meetings have taken place with the staff of both the Senate and House Committees on Small Business. Close contact with the Small Business Administration (SBA) is maintained for the purpose of establishing goals, reporting achievements, and working to improve contracting within the 8(a) program, small business set-asides, HUBZone contracting and contracting with women-owned small businesses. The Office of Federal Procurement Policy (OFPP) of the Office of Management and Budget is a key player in the President's small business agenda. As such, OFPP developed anti-bundling guidelines to assist agencies in increasing opportunities for small businesses.

Marketing/Training

On April 19-27, 2002, the Department sponsored the third annual Small Business Conference in Orlando, Florida. The conference brought together more than 1,100 small businesses, government, and private sector representatives. The conference featured partnerships with 14 executive departments and agencies in order to provide additional opportunities for small businesses to market with these agencies. The conference provided educational guidance to small business concerns about partnerships and contracting opportunities.

Partnerships

The Office of Small and Disadvantaged Business Utilization has initiated partnerships with several small business trade associations. Through Memoranda of Understanding, (MOU), DOE has solidified these partnerships for the purpose of promoting the participation of small business in all of DOE's contracting activities. The MOUs have been initiated with the following organizations:

- *National Council of Minorities in Energy*
- *National Indian Business Association*
- *Latin American Management Association*
- *Minority Business Roundtable*
- *U.S. Hispanic Chamber of Commerce*

- *U.S. Pan Asian American Chamber Of Commerce*
- *National Black Chamber of Commerce*
- *American Business Women's Association*
- *Association of Government Marketing Assistance Specialists*
- *National Women's Business Council*
- *National Federation of Independent Business*

The OSDBU will continue to increase the number of MOUs throughout the year.

Resource Development

In FY 2002, President Bush initiated a policy to increase support for minority educational institutions. In response to the President's commitment, ED developed a policy statement which will strengthen the Department's support for minority educational institutions. Additionally, ED-2 has met with the heads of departmental elements to promote support and establish program funding targets.

Capital Access

ED has expanded the Bank Deposit Financial Assistance Program deposit base and enhanced its viability by providing capital to minority communities in 28 states and the District of Columbia. The level of funding for participating minority financial institutions increased from \$222,110,000 at the beginning of Fiscal Year 2001 to \$256,500,000 during Fiscal Year 2002. This represents a \$34,390,000 increase to minority and women-owned financial institutions over a 2-year period.

OFFICE OF MINORITY ECONOMIC IMPACT

Program Overview

The Office of Minority Economic Impact was created by the Department of Energy Organization Act (42 U.S.C. 7141). The Office is responsible for advising the Secretary of Energy on the effect of energy policies, programs and regulations on minorities, minority educational institutions and minority business enterprises. The office is committed to developing programs to advance the development of human potential, to strengthen the capacity of minority educational institutions and to increase opportunities for their participation in federal programs. The Office is authorized under the Department of Energy Science Education Enhancement Act to support graduate and undergraduate students in pursuing scientific and technical careers, with a particular focus on the recruitment of minority students.



The Director, Frank Beserra, Chief of Staff and Adrienne Cisneros, Special Assistant

Minority Education Program

The Department of Energy is committed to establishing effective strategic partnerships with minority educational institutions to ensure the availability of qualified scientists and engineers for the future workforce. Applicable Presidential Executive Orders include Executive Order 13256, Historically Black Colleges and Universities; Executive Order 13230, Educational Excellence for Hispanic Institutions; and Executive Order 13270, Tribal Colleges and Universities.

HIGHLIGHTS AND ACCOMPLISHMENTS

Prepared for the Office of General Counsel review and Secretary's signature, the first Department-wide policy statement on minority educational institutions, which will strengthen the Department's commitment to providing opportunities for minority educational institutions to participate in core energy programs.

Met with heads of Departmental elements to identify areas of support for minority educational institutions and reaffirm funding targets of 5 percent above previous year funding to support programmatic missions.

Established comprehensive academic achievement programs for academically talented college students with the Hispanic Scholarship Fund Institute and the Hispanic College Fund which have served as models for other agencies in developing initiatives to increase the number of students who are prepared to complete studies in areas of interest to their agencies.

Convened three technical assistance workshops in partnership with the National Association for Equal Opportunity in Higher Education, National Science Foundation, and the National Sponsored Programs Alliance to address partnership opportunities, federal award and accounting issues, and infrastructure support.

Facilitated a partnership between the Department's Office of Environmental Management, the Minority Institutions Environmental Technology Consortium, Howard University and the National Association for Equal Opportunity in Higher Education for the development of state-of-the-art research centers at Historically Black Colleges and Universities, Hispanic-serving institutions, and Tribal Colleges and Universities.

Established a new partnership with the University of Texas Pan American to facilitate a Solar Car Competition and career fair for more than 17,000 high school and college students during the Annual Hispanic Engineering Science and Technology Week.

Co-sponsored the regional Science Bowl competition for the District of Columbia and facilitated the participation of additional schools and private-sector sponsors for the competitions.



Leslie Sanchez, Executive Director, White House Initiative on Education Excellence for Hispanic Awareness, Annie Whatley, ED, at the Press Conference in New York City to launch the Next Generation of Public Service Programs with the Hispanic Scholarships Fund Institute.

FUTURE INITIATIVES

Fully implement the Minority Education Policy and establish a Department-wide strategy and implementation plan to ensure successful contributions to DOE's mission.

Establish collaborative research and development partnerships in conjunction with National Laboratories and other scientific facilities.

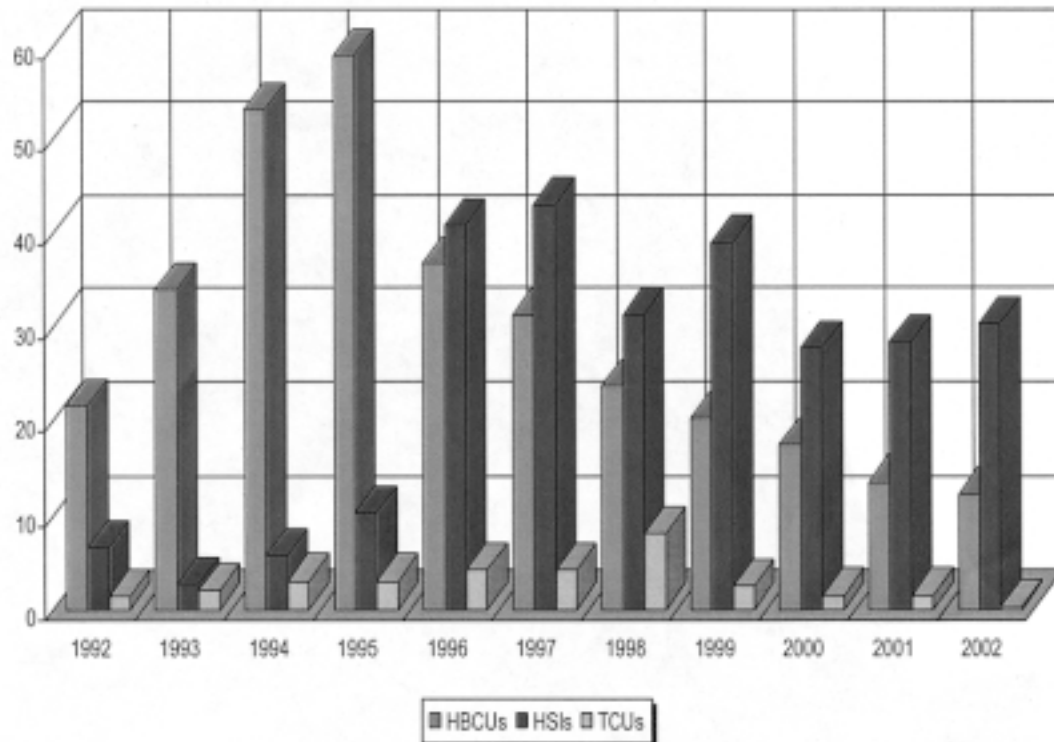
OFFICE OF MINORITY ECONOMIC IMPACT

Recommend new student and faculty positions at DOE laboratories through participation in research and engineering internships, fellowships, and other employment opportunities such as IPAs.

Develop systematic outreach and recruitment programs to better inform minority educational institutions and community-based organizations of the Department's program and employment opportunities.

U.S. Department of Energy Educational Institutional Funding (Dollars in Millions)

Minority Educational Institutions



HBCUs: Historically Black Colleges and Universities
HSIs: Hispanic Serving Institutions
TCUs: Tribal Colleges and Universities

Establish Department-wide funding goals to ensure opportunities for minority educational institutions to participate in the programs of the Department.

Bank Deposit Financial Assistance Program

The Office manages a Bank Deposit Financial Assistance Program. This Program provides a source of operating capital for minority financial institutions. It is the largest program of its kind in the Federal government.

The Bank Deposit Financial Assistance Program originated in the Department of Energy in 1980 with private sector long-term deposits with minority financial institutions. The funds used to support the Bank Deposit Financial Assistance Program are derived from the Department of Energy's enforcement actions against violators of the Emergency Petroleum Allocations Act of 1973 (EPAA) and the Economic Stabilization Act of 1970.



L-r, Sterling Nichols, Jr, Program Manager, Office of Economic Impact, Frank Beserra, Chief of Staff, Jorge L. Forment, President, United Americas Bank, Atlanta Georgia and the Director. Mr. Formant's institution, the United Americas Bank is the only Hispanic-owned financial institution in the State of Georgia.

HIGHLIGHTS AND ACCOMPLISHMENTS

Increased the level of funding for participating minority financial institutions from \$222,110,000 at the beginning of Fiscal Year 2001 to \$256,500,000 during Fiscal Year 2002. This represents a \$34,390,000 increase to minority and women-owned financial institutions over a 2-year period.

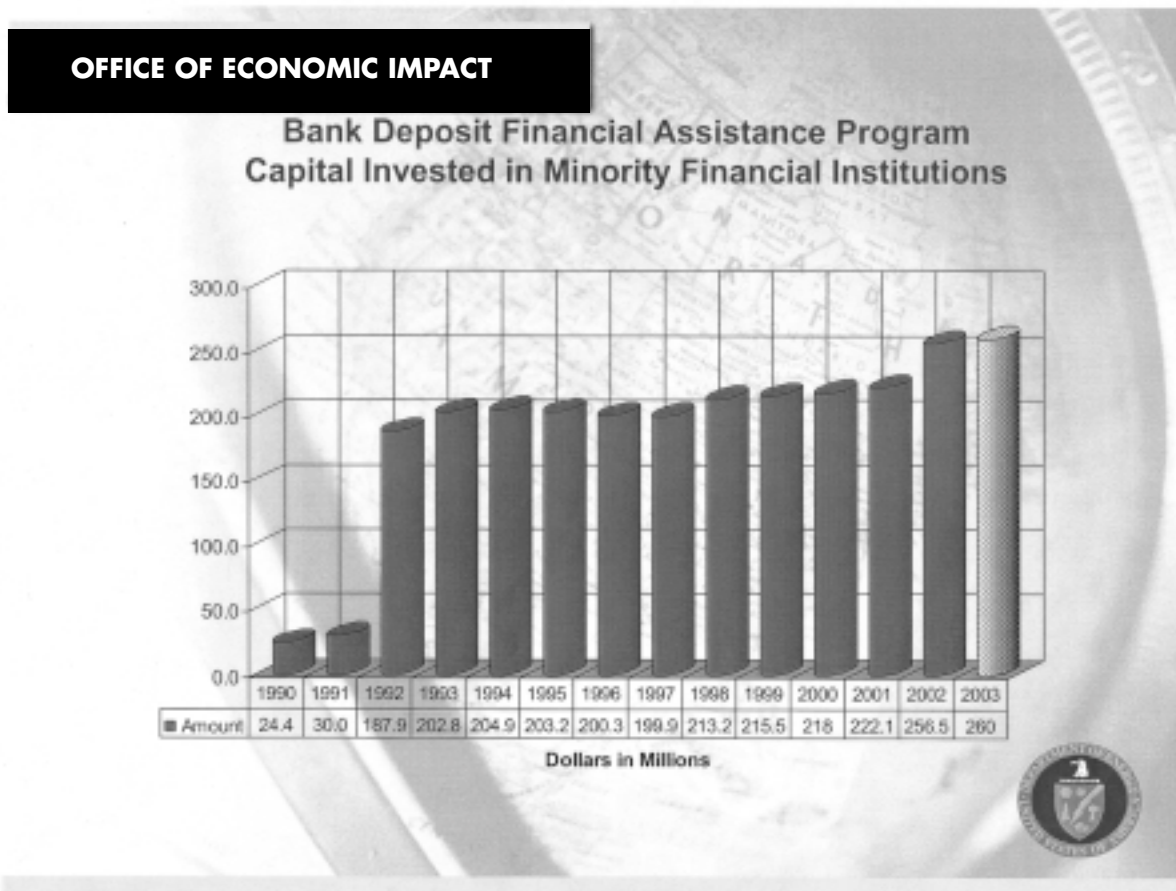
Maintained 2,700 Certificates of Deposit totaling \$256,500,000 with 104 Minority Financial Institutions nationwide, having an average of thirty (30) \$95,000 deposits or \$2,850,000 in each participating institution. Increased the number of DOE "Trustees" (Administrative Financial Institutions) from 37 to 42, thus accelerating the time frame in which funds were provided to Minority Financial Institutions.

Increased the number of new Minority Financial Institutions which participate in the Bank Deposit Financial Assistance Program. During Fiscal Year 2002, the Program grew from 102 to 104 participating minority financial institutions.

Enhanced the Minority Financial Institution's viability as business enterprises, and served the economic and development needs of minority communities by providing loans to businesses in minority communities in 28 states and the District of Columbia.

FUTURE INITIATIVES

Continue to refine and upgrade Bank Deposit Financial Assistance Program operational procedures in order to offer new Certificates of Deposits to promote loan opportunities for minority and women-owned businesses.



Assist financial institutions in developing partnerships and joint ventures with community and minority and women-owned businesses.

Partner with national banking associations to increase the number of minority and women-owned financial institutions.

OFFICE OF SMALL & DISADVANTAGED BUSINESS UTILIZATION

PROGRAM OVERVIEW

The Office Of Small and Disadvantaged Business Utilization (OSDBU) is responsible for policy, plans and oversight to execute functions under Sections 8 and 15 of the Small Business Act, as amended. The OSDBU is also responsible for functions contained in Executive Order 13170, "Increasing Opportunities and Access for Disadvantaged Businesses"; Executive Order 13157, "Increasing Opportunities for Women-Owned Small Business"; and Executive Order 12432, "Minority Business Enterprise Development."

Under Public Law 95-507, the Small Business Act requires the Small Business Administration and the head of each Federal agency to jointly establish annual goals for the participation of small businesses, including small disadvantaged, 8(a), women-owned, service-disabled veteran-owned, and Historically Underutilized Business Zone (HUBZone) firms (hereafter referred to as "small business concerns"). The OSDBU provides (1) functional direction and oversight to DOE headquarters and field personnel with regard to execution of programs and (2) strategies for oversight of the development and execution of procurement policies and programs to ensure that an equitable portion of the total contracts and subcontracts for the DOE's services and supplies are procured from small business concerns.

The Office accomplishes its mission through the following specific duties and functions:

- Developing the Department's strategic plan for maximizing small business utilization in DOE's mission work.
- Acting as a focal point and advocate for small business concerns within DOE.



Deputy Secretary Kyle McSlarrow and the Director oversee the signing of a Mentor-Protégé Program agreement between UT-Battelle, LLC, Manager of the DOE's Oak Ridge National Laboratory and GEM Technologies.

- Coordinating and preparing the DOE's small business goals for Departmental elements.
- Monitoring program goals and reviewing contracts to ensure small businesses are afforded maximum practical opportunities to compete for contracts suitable for award to small business.
- Establishing and maintaining business development programs to promote small business growth in energy-related fields including environmental cleanup and research and development.
- Establishing and maintaining outreach and counseling programs to educate the small business community about DOE business programs and opportunities.
- Ensuring that support functions required by pertinent Executive Orders and the Small Business Act, such as training and source listings are accomplished.

OBJECTIVES AND STRATEGIES

Develop Strategies to Meet and Exceed Annual Small Business Goals

The Department of Energy has been challenged to increase its small business prime contracting goal from 2.8% in FY 2001 to 3.7% for FY 2002, and to higher levels in future fiscal years. In September 2002, Secretary Spencer Abraham issued a policy statement directing the OSDDBU to develop a small business strategy to ensure that small businesses receive the maximum practicable opportunity to participate in Departmental programs at the prime contract level. Deputy Secretary Kyle McSlarrow has asked DOE Elements to support this effort and report their progress.

Develop Multi-Year Small Business Plans

Due to the Department's procurement methodology that awards 80 percent of its procurement budget to large multi-year facility management contracts to oversee Departmental missions, increasing small business prime contract awards must take a multi-year approach. Departmental elements are required to develop small business plans that reflect their small business contracting strategy for at least a three-year cycle. The small business plans will alert Departmental officials when large contracts expire, and small businesses will have an opportunity to bid on these requirements.

Develop Procurement Tools and Guidance

During FY 2001 and 2002 the Department revised its policies and practices to provide additional opportunities for small businesses to participate in its programs. These policies include institutionalizing the use of a Mentor-Protégé Solicitation Provision which will require offeror's on major Facility Management Contracts (FMCs) to identify the small businesses who will be either proteges or primary participants on the offeror's management team. This requirement will become a factor in the selection of the winning offeror. Another practice allows contracting officers to identify subcontracts that DOE may convert to prime contracts. Once these subcontracts are converted to prime contracts, they may be awarded and counted as prime contracts.

HIGHLIGHTS AND ACCOMPLISHMENTS

Forecast of Contracting and Subcontracting Opportunities

The Department publicized on-line its FY 2002 "Forecast of Contracting and Subcontracting Opportunities," containing more than 500 prime and subcontracting opportunities. The forecast is the primary on-line small business publication requested by small business contractors doing business with the United States Government.

Mentor-Protégé Program

The Department developed a website on its new Mentor-Protégé Program to inform prospective mentors and proteges of the program features. The website includes the eligibility criteria, reporting procedure, sample mentor-Protégé agreement and a list of current mentors and proteges. In addition, eligible small businesses can apply on-line to become a Protégé and DOE forwards the application directly to prime contractors. In order to increase the number of mentors participating in the program, the Department launched a "Become a Mentor" promotional effort among prime contractors. Thus far, five new prime contractors are developing agreements to become mentors. Historically Black Colleges and Universities (HBCUs) and other Minority Institutions (MIs) are eligible groups to become proteges. Tennessee State University is a Protégé to one of DOE's facilities located in Tennessee and Morgan State University is being considered for a Protégé to another departmental prime contractor.

Unbundling/Contract Breakout

The Director, Office of Procurement and Assistance Management and the Director, OSDDBU, conducted reviews of expiring FMCs to identify potential small business breakout or teaming opportunities. As a result of a recent review, some of the subcontracts formerly administered by DynMcDermott, the FMC for the Strategic Petroleum Reserve (SPR), will be awarded as prime contracts to small businesses. These contracts for major maintenance construction total \$55 million over the next 5 years. DOE has begun reviewing the tasks involved in managing the project, and identifying small business firms that are likely to have an interest in performing the requirement. Since a portion of the contract at the SPR involves major maintenance construction, this portion of the contract is being considered for conversion to an 8(a) or small business set-aside.

Develop a Database of Small Businesses

In order to provide a pool of small businesses capable of performing Department of Energy related requirements, the OSDDBU initiated a contract to develop a database of eligible small business concerns. When completed, the OSDDBU will use this database, along with the SBA's "PRO-Net" as the key resource for recommending small firms to fulfill Departmental requirements.

Department of Energy's Third Annual Small Business Conference

The Department held its "Third Annual Small Business Conference," on May 19-22, 2002, in Orlando Florida. The conference was a major success with more than 1,100 small businesses, government and private sector representatives attending. Small businesses met one-on-one with agency program and technical representatives, as well as with private sector companies. Next year's conference will be held May 12-15, 2003, at the Albuquerque Convention Center in Albuquerque, New Mexico.

FUTURE INITIATIVES

Develop a strategic plan for meeting the small business goals and further enhancing outreach and other Departmental small business objectives.

**OFFICE OF SMALL &
DISADVANTAGED BUSINESS UTILIZATION**

Complete the new small business database of 1000 small businesses that are capable of performing DOE requirements.

Review and analyze the "Small Business Plan" prepared by Departmental elements for the purpose of identifying potential contracting and subcontracting opportunities for the next 3-5 years. Redesign and publish the Department's "Forecast of Contracting and Subcontracting Opportunities" web page to make it more informative, user-friendly, and adaptable to semi-annual updates.

Continue to review each FMC as it expires to identify potential opportunities for small business.

Expand the Mentor-Protégé Program to 1) explore a broad range of compensation for mentors; 2) consider sub-categories of mentoring arrangements in non-traditional areas; 3) develop a handout on the Mentor-Protégé Program for conferences, etc.; 4) revise the Mentor-Protégé Program guidelines and include feedback from current and prospective mentors and proteges; 5) update and revise the website; 6) develop suggestions for proteges on how to seek a mentor; 7) revise the Mentor-Protégé Agreement to include a requirement for the mentor to include a schedule of assistance to be provide the Protégé.

**DEPARTMENT OF ENERGY
FY 2001 & FY 2002 SMALL BUSINESS
GOALS AND ACHIEVEMENTS**

Category	FY 2001 SB Goals		FY 2001 Achievement		FY 2002 SB Goals		FY 2002 Achievement	
	\$	%	\$	%	\$	%	\$	%
Prime Contracting Base	\$18,573,653		\$18,573,653		\$19,126,761		\$19,126,761	
Small Business	\$928,683	*5.0%	\$511,645	2.8%	\$707,690	3.7%	\$572,702	3.0%
Other SDB & B(a)	\$278,606	1.5%	\$233,948	1.3%	\$306,628	1.6%	\$270,026	1.4%
Women-owned Small Business	\$82,868	0.5%	\$67,882	0.4%	\$76,507	0.4%	\$95,777	0.5%
HUBZone Businesses	\$18,574	0.1%	\$11,865	0.1%	\$19,127	0.1%	\$30,676	0.2%
Service-Disabled Veteran	\$9,287	0.05%	\$1,327	0.01%	\$1,193	0.01%	\$1,304	0.01%
Subcontracting Base	\$6,409,347		\$6,409,347		\$7,548,561		\$7,548,561	
Small Business	2,948,313	46.0%	\$3,030,376	47.3%	\$3,547,824	47.0%	\$3,688,204	48.8%
Small Disadvantaged Business	768,125	12.0%	\$633,918	9.9%	\$724,662	9.6%	\$705,245	9.3%
Women-owned Small Business	320,459	5.0%	\$501,417	7.8%	\$581,239	7.7%	\$573,584	7.6%
HUBZone Businesses	192,281	3.0%	\$45,859	0.7%	\$22,646	0.3%	\$105,361	1.4%
Service-Disabled Veteran	192,281	3.0%	\$182	0.0%	\$755	0.01%	\$3,458	0.0%
Total Prime and Subcontracting Small Business Awards	\$3,876,996		\$3,542,021		\$4,255,514		\$4,258,906	

Source: Procurement Automated Data System

*Goals assigned by the Small Business Administration (Dollars in thousands)

Note: FY 2001 and FY 2002 achievement based on percent of goal achievement

OFFICE OF CIVIL RIGHTS AND DIVERSITY

PROGRAM OVERVIEW

The Office of Civil Rights and Diversity develops and administers Departmental policies, practices and procedures under Titles VI, VII, and IX of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and related statutes and Executive Orders which prohibit employment discrimination, including discrimination in programs and activities receiving Federal financial assistance. The Office also directs, implements and manages the Department of Energy's Equal Employment Opportunity (EEO) and Affirmative Action Programs to ensure equal opportunity for minorities, women, and persons with disabilities. Through its Special Emphasis program events, the Office conducts commemorative and diversity training programs.



Secretary Abraham with the Director at a special presentation of DOE's quarterly diversity event featuring Senator Bob Dole.

The Equal Employment Opportunity Resolutions Division of the Office engages in EEO counseling and complaint processing, monitoring compliance with EEO processes, and conducting EEO training. This division also is responsible for alternative dispute resolution and mediation.

The Diversity Programs Division conducts Title VI and Title IX reviews, compliance and diversity training. It is also responsible for preparing annual regulatory reports.

OBJECTIVES AND STRATEGIES

Track Diversity

Monitor, support and track the progress of the Department's goals for diversity by reporting the representation of minorities, women and persons with disabilities within the DOE workforce, and in particular, at the senior management levels (GS-14 to Senior Executive Service (SES)).

Increase Accountability

Work to increase management accountability in implementing the Department's Diversity policies, the Departmental Executive Performance Standards, and the performance standards for managers and supervisors.

Enhance Case Processing

Enhance processing of EEO complaints by implementing a new automated case tracking system and improving case monitoring and processing procedures.

Enforce Federal Financial Assistance Laws

Ensure that beneficiaries of Federal financial assistance are in compliance with applicable civil rights laws.

HIGHLIGHTS AND ACCOMPLISHMENTS

Completed more than 50 pre-award reviews on-site at DOE field elements of Federal financial assistance grant applications to ensure that award recipients were in compliance with Federal law.

Developed regulations for the implementation of Executive Order 13166 regarding accessibility to federally assisted programs. Developed an implementation plan for the regulations titled Ensuring Access to Federally Conducted Programs and Activities by Individuals with Limited English Proficiency.

Revised and published in the Federal Register the final rule on the implementation of Title IX of the 1972 Education Amendments to the Civil Rights Act of 1964.

Coordinated annual Equal Employment Opportunity (EEO) Contractor Diversity Training Seminar and Awards Ceremony.

Closed 87 complaints. For the first time in a decade the total number of complaints in the inventory fell below 100.

Prepared for the Secretary's issuance a new diversity policy statement, a new sexual harassment policy, and a Departmental Asian American and Pacific Islander Policy Support Statement.

Coordinated the development and issuance of the Policy Statement on the Implementation of the President's Strategic Human Capital Management Program with Respect to Hispanics.

Drafted and obtained approval from the Secretary for a Memorandum of Understanding with the Department of Defense, enrolling DOE in the DOD Computer/Electronics Disability Accommodation Program (CAP) at no cost to DOE.

Issued DOE Order 311.1 which establishes procedures for implementing equal employment opportunity and diversity within the Department.

Provided support and guidance to the National Association of Federal Hispanic Executives (NAHFE) during Summit IV Conference, held in January 2002.

FUTURE INITIATIVES

Increase the number of Title VI oversight reviews.

Conduct Title VI and Title IX training for Diversity Program Managers and Procurement Managers.

Ensure that sexual harassment training is provided to all Headquarters and field employees in accordance with DOE policies and guidelines.

Provide support and guidance to National Association of Federal Hispanic Executives (NAHFE) for Summit V Conference to be held in April 2003.

OFFICE OF EMPLOYEE CONCERNS AND THE NATIONAL OMBUDSMAN

PROGRAM OVERVIEW

The Headquarters Office of Employee Concerns and National Ombudsman, established as part of the Department of Energy's Whistleblower Initiative, is responsible for providing a focal point for employees to raise issues such as safety, health, environment, personnel or management practices, or reprisal resulting from whistleblowing. In 2000 the Secretary created the Department's first National Ombudsman, with a mandate to be the impartial link between employees and management.

OBJECTIVES AND STRATEGIES

One of the primary missions of the Office of Employee Concerns is to fulfill the Secretary's commitment to create an environment where employees are free to raise concerns without the fear of reprisal or retaliation. The Employee Concerns Programs (ECP) throughout the Department are structured to ensure that employee concerns are addressed in a thorough, fair and timely manner. Furthermore, employees have the right to receive a timely investigation and resolution of their concerns and protection from reprisal or retaliation.

The mission of the National Ombudsman is "to be a catalyst in building trust and producing positive change to advance a diverse, hospitable, and productive work environment." The goals Ombudsman are to promote understanding, resolve concerns, identify systemic problems, and produce positive change.

During the period 2001-02, the Office of the National Ombudsman completed much of its work relating to the Department's Racial Profiling Initiative, which was an important impetus to establishing the office. With regard to Department employees, the Office of National Ombudsman handled approximately 45 cases in 2002 (the first year statistics were available) with a vast majority coming from field sites throughout the DOE complex. These



Secretary Abraham with Dr. Dorothy Height, chair Emeritas, National Council of Negro Women, Inc. during the Martin Luther King, Jr. commemorative program.

cases covered a spectrum of issues, with the most frequent being work environment-related issues, followed by discrimination (i.e. job, age, sex), and promotion and job assignment issues.

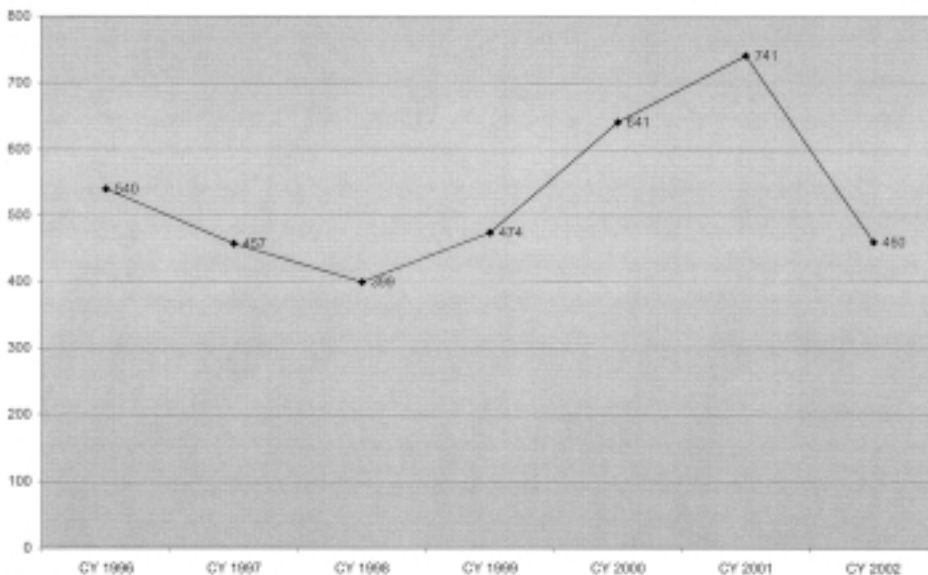
HIGHLIGHTS AND ACCOMPLISHMENTS

The Office of Employee Concerns closed approximately 80% of the typical annual case load of 500 concerns complex-wide while processing concerns faster, and reducing the number of cases pending over six months. In calendar year 2001, the ECP set several program records by handling over 900 concerns and closing out 700 concerns, with over 3000 employees using the program.

Refined, in collaboration with the Nevada and Savannah River Site Employee Concerns Program Managers, the ECP tracking system designed to collect and consolidate annual reporting data. This information, now compiled for over seven years, was recently cited by the Assistant Secretary of Environment, Safety and Health as extremely valuable to that office in assessing the Department’s Integrated Safety Management process.

For the first time (in 2002) tracked by subject area and geographical location cases that were brought to the attention of the National Ombudsman.

NUMBER OF CONCERNS RECEIVED



Served as an active participant in the Coalition for Federal Ombudsman, a group of approximately 30 Federal departments and agencies that have an ombudsman function.

Provided a series of updates to senior management on the Racial Profiling Initiative, which monitored the recommendations of the original Report of Racial Profiling in 2000, and the subsequent additional recommendations in the Gordon Report in 2001.

Prepared a comprehensive program on Community Service and Volunteerism and established the Secretary of Energy's Community Service Award.

FUTURE INITIATIVES

Combine and integrate the functions of the Ombudsman and the Employee Concerns Program as these offices merge programmatically.

Initiate Monthly Reports from the Employee Concerns Managers to provide a continually current picture of the Departments ECP activities and trends for review by senior management. These new Monthly Reports would complement the current Quarterly Reports.

Improve and update the Employee Concerns website to be more "customer-friendly", to educate DOE employees on the jurisdiction of the Employee Concerns Program, and to publicize the distinctions between it and other employee-related programs. The program parameters will also be communicated through the use of DOECASTS including the Department's policy of "zero tolerance" of reprisal towards whistleblowers.

Continue to train new ECP managers to promote the use of Alternative Dispute Resolution mechanisms, including Concerns review Panels, Differing Professional Opinion (DPO) processes, mediation and facilitation.

Serve as the Department's and ED's point of contact in leading and hosting commemorative events and Special Emphasis programs.

REFERENCES

Website for Office of Economic Impact and Diversity: <http://www.diversity.doe.gov>

STATUTES

- Public Law 95-619, Section 641, Title VI, Part 3, National Energy Conservation Policy Act, November 9, 1978.
- Public Law 95-507, Chapter 3, Section 221, October 24, 1978 – An Act to Amend the Small Business Act and the Small Business Investment Act of 1958.
- Public Law 95-238, the Department of Energy Act of 1978 as amended, requires the DOE to submit an annual report to Congress on its small business accomplishments and activities.
- Public Law 100-656, November 15, 1988 – Business Opportunity Development Reform Act of 1988, Section 501 requires the agency to publish a procurement forecast semiannually of DOE's contract opportunities, establishes a Small Business Competitiveness Demonstration Program to determine set-aside status for DIGS quarterly, and establishes a 5 percent small disadvantaged business and 20 percent small business procurement goal.

EXECUTIVE ORDERS

- Executive Order 13170, Small Disadvantaged Business Program, October 6, 2000.
- Executive Order 13157, Opportunities for Women-Owned Small Business, May 25, 2000.
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- FY 2002 Federal Equal Employment Opportunity Recruitment Program (FEORP) and Disabled Veterans Affirmative Action Program (DVAP).
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