

BPA Policy 230-2

Reporting Violations of Law and Policy

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1. Purpose & Background

The purpose of this policy is to inform employees of their obligations to report any incidents or circumstances that appear to violate federal laws, regulations, DOE Orders, or BPA policies. Additionally, federal law provides protections to reporters and establishes additional requirements for supervisory employees to ensure retaliation against individuals who report violations does not occur. This policy establishes the BPA framework of requirements, roles, and responsibilities involved in reporting violations.

2. Policy Owner

The Executive Vice President of Compliance, Audit and Risk Management, working through the Chief Compliance Officer, and the Ethics and Compliance Manager has overall responsibility for monitoring, reporting, evaluating, and proposing revisions to this policy.

3. Applicability

This policy applies to all BPA employees.

4. Terms & Definitions

N/A

5. Policy

- A. All employees must report to the appropriate authority any actual or suspected violation of law, regulations, or policy related to BPA programs, operations, facilities, contracts, or information technology systems. Guidance on identifying the appropriate authority is provided in Appendix A, Reporting Channels.
- B. Taking or threatening to take adverse personnel actions or reprisals against an employee for reporting a violation is strictly prohibited.
- C. Taking or threatening to take adverse personnel actions or reprisals against anyone performing the following protected activities is prohibited:
 - 1. Assisting another in filing a violation report, complaint, grievance, or appeal;
 - 2. Cooperating with or disclosing information to the Office of Special Counsel or an Inspector General; or
 - 3. Refusing to obey an unlawful order.
- D. Employees can always report wrongdoing and related information directly to the Department of Energy Office of Inspector General (DOE OIG).

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- E. Employees must report to the DOE OIG any allegations of reprisals taken against an employee who has reported to the DOE OIG any instance of fraud, waste, abuse, misuse, corruption, criminal activity, or mismanagement.

6. Policy Exceptions

There are no exceptions to this policy.

7. Responsibilities

A. Ethics and Compliance Manager

1. Monitors compliance with this policy.
2. Updates the list of reporting channels in Appendix A as needed.
3. Fulfills communications and training needs related to this policy.

- B. **Chief Compliance Officer:** Reviews and approves changes to the list of reporting channels in Appendix A.

8. Standards & Procedures

N/A

9. Performance & Monitoring

As a part of BPA’s overall ethics program (see BPA Policy 160-1, Ethics), the Ethics and Compliance Manager monitors reports of fraud, waste, abuse, and other violations and ensures that BPA is compliant with protocols, procedures, and laws in responding to such reports.

10. Authorities & References

10.1 Authorities

- A. 10 CFR Section 1010.103, Reporting Wrongdoing
- B. 10 CFR Section 1010.104, Cooperation with Inspector General
- C. 5 CFR Section 2635, Standards of Ethical Conduct
- D. 5 USC Appendix, Inspector General Act of 1978
- E. Whistleblower Protection Act of 1989, 5 USC § 1201 note
- F. Whistleblower Protection Enhancement Act of 2012, 5 USC 101 note
- G. DOE O 221.1B, Reporting Fraud, Waste and Abuse to the Office of Inspector General

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H. DOE O 221.2A, Cooperation with the Office of Inspector General

10.2 References

- A. BPA Policy 160-1, Ethics
- B. BPA Policy 230-6, Workforce Concerns Program
- C. BPA Policy 230-7, Hotline
- D. BPA Policy 430-1, Safeguards and Security Program

11. Review

This policy is scheduled for cross agency review in 2022, as coordinated by the Policy Program Office.

12. Revision History

Version Number	Issue Date	Brief Description of Change or Review
2.0	6/23/2014	Migration to new policy format.
2.1	12/19/2016	Updated document references. Change not subject to review.
3.0	8/2/2017	Reviewed and updated in response to issuance of <i>DOE O 221.1B Reporting Fraud, Waste, and Abuse to the Office of the Inspector General</i> (replaces, DOE O 221.1A). Content significantly restructured.

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Appendix A: Reporting Channels

1. Overview

Table 1, *Reporting Channels*, contains a non-exhaustive list of channels for reporting questionable activity at BPA. Generally, there is more than one option available. Conditions where a particular channel must be used are listed in §2.

2. Mandatory Reporting Channels

- A. **DOE Office of Inspector General (DOE OIG):** As stated in *BPA Policy 230-2 Reporting Violations* §5.E, and DOE Order 221.1b §5e.(10), employees must report to the DOE OIG any allegations of reprisals taken against an employee who has reported to the DOE OIG any instance of fraud, waste, abuse, misuse, corruption, criminal activity, or mismanagement.
- B. **Security & Continuity of Operations Chief:** Employees must report information regarding espionage, including approaches made by representatives of other governments for commission of espionage or the collection of information. These reports should be made directly to the BPA Security & Continuity of Operations Chief.

3. Table 1, Reporting Channels

Channel	Note
BPA supervisors & managers	Employees may report any violation to any supervisor.
BPA Hotline	Primary channel to report violations of the BPA code of conduct, but employees may report any violation.
DOE Office of Inspector General	Primarily for violations concerning fraud, waste, abuse or other criminal activity.
U.S. Office of Special Counsel	Primary responsibility to ensure confidentiality and protection for whistleblowers.
BPA Security and Continuity of Operations	Primary responsibility for physical, information, and personnel security matters.
BPA Safety Office	Primary responsibility for safety and occupational health matters.
BPA Office of Cyber Security	Primary responsibility for computer system security.
Law enforcement entities	Employees may report any violation of criminal law to the appropriate law enforcement entity.

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