

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 10.160	OPEN DOOR POLICY	DT-15-29
<i>Volume 10:</i>	Personnel Management	
<i>Approved By:</i>	Miriam L. Cohen Chief Human Capital Officer	
<i>Date Approved:</i>	October 26, 2015	
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<i>Issuing Office:</i>	Office of the Chief Human Capital Officer Associate Director for Human Resources Training and Development	
<i>Contact Name:</i>	Susan M. Salter 301-287-0735	
EXECUTIVE SUMMARY		
<p>Directive and Handbook 10.160, "Open Door Policy," are revised to clarify that the Open Door Policy (ODP) promotes a positive work culture that encourages all employees to voice their thoughts, ideas, issues, and concerns. This revision reflects that the Open Door Policy complements the agency's Non-Concurrence Process and Differing Professional Opinion Program in supporting an environment for raising concerns.</p> <p>In order to clarify the objectives of this policy, the directive lists the roles and responsibilities for employees and managers regarding the use of the ODP.</p>		

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I. POLICY

- A.** The U.S. Nuclear Regulatory Commission has an Open Door Policy (ODP) that allows an employee to discuss any work-related issue or concern with any agency supervisor or manager beyond informal discussions with his or her immediate supervisor.
- B.** The NRC strives to establish and maintain an environment that encourages all employees to raise concerns and differing views promptly and without fear of reprisal. The free and open exchange of views or ideas, conducted in a non-threatening environment, provides a forum where concerns and alternative views can be considered and addressed in an efficient and timely manner. This environment leads to improved decisionmaking and supports the agency's safety and security mission.
- C.** An NRC employee is expected to discuss any issue or concern with his or her immediate supervisor on a regular, ongoing basis. On occasion, however, an employee may wish to initiate a discussion regarding a work-related issue or concern with another agency supervisor or manager, including a Commissioner or the Chairman of the NRC. An employee may request an Open Door meeting directly with a manager, supervisor, Commissioner, or the Chairman, without the approval of his or her intermediate supervisor.

II. OBJECTIVES

- A.** Promote early discussion and consideration of differing views or alternative approaches from currently held views or practices.
- B.** Provide an NRC employee with a channel for communicating an issue or concern that impacts his or her work environment with any agency supervisor or manager.
- C.** Emphasize that reprisal by management or a peer against an employee for using the ODP is inappropriate and is not tolerated.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chairman and Commissioners

1. Foster an environment that allows an individual to raise an issue or concern without fear of reprisal; promote methods for raising issues or concerns that support the agency's mission.
2. Accept requests, to the extent possible, to communicate with employees under the ODP. (It may be inappropriate for the Chairman or a Commissioner to communicate with an employee and address his or her issue if the issue relates to an ongoing proceeding in which the Commission has an adjudicatory role or with an employee regarding a matter that is under investigation or part of a grievance, complaint, appeal, or other matter that is still in process; therefore, it is permissible for the Chairman or a Commissioner to ask for the subject matter of the meeting in advance. See 10 CFR 2.348(c), "Separation of Functions.")

B. Chief Human Capital Officer

The responsibility for the ODP was delegated to the Chief Human Capital Officer (CHCO) in the memorandum from Mark A. Satorius, Executive Director for Operations, to the Chief Human Capital Officer, and to the Directors, Office of Enforcement and Office of Small Business and Civil Rights, "Clarification of Roles and Responsibilities for NRC's Organizational Culture," dated January 27, 2014 (Agencywide Documents Access and Management (ADAMS) Accession No. [ML13170A517](#)). As an integral part of agency personnel policies and practices, the CHCO—

1. Fosters an environment for raising concerns and differing views without fear of reprisal and promotes methods for raising concerns.
2. Requires all headquarters and regional personnel offices to include an overview of the ODP in the orientation for new employees.
3. Identifies continuous training needs for employees and management regarding the ODP.

C. Team Leaders, Supervisors, and Managers

1. Encourage employees to express concerns and to propose solutions as early as possible in the decisionmaking process.
2. Make employees aware of the multiple channels to resolve issues or concerns, including processes to raise differing views, such as the NCP or the DPO Program. (See other channels in the Issue Resolution Matrix on the NRC Internal Web site at <http://www.internal.nrc.gov/iresolution/>.)
3. Consider and address those issues and concerns brought to them through the ODP, and to the extent possible, work to resolve an employee's issues or concerns, answer questions, and strive to honor any request for confidentiality unless required by law, regulation, or policy to report. (It may be inappropriate for a team leader, supervisor, or manager to communicate with an employee and address his or her issue if the issue relates to a matter that is under investigation or part of a grievance, complaint, appeal, or other matter that is still in process; therefore, it is permissible for the team leader, supervisor, or manager to ask for the subject matter of the meeting in advance.)
4. Do not take or initiate any form of reprisal against an employee for using, disclosing information about, or supporting another employee who used the ODP. However, this does not preclude a supervisor from initiating, pursuing, or continuing to pursue an unrelated personnel action affecting an employee who has used the ODP.
5. Address forms of reprisals taken or initiated against an employee by another employee who used the ODP.

D. All Employees

1. Raise differing views and propose solutions as early as possible in the decisionmaking process.
2. Discuss issues and concerns with their immediate supervisors on a regular basis.
3. Use the ODP in good faith for issues and concerns in accordance with this MD.
4. Treat respectfully an employee who uses the ODP, and do not harass, intimidate, retaliate, or discriminate against an employee for using the ODP.

IV. APPLICABILITY

The policy and guidance in this directive and handbook apply to all NRC employees.

V. DIRECTIVE HANDBOOK

Handbook 10.160 provides guidance for the expression and resolution of employee concerns under the ODP.

VI. REFERENCES***Code of Federal Regulations***

10 CFR 2.348, "Separation of Functions."

Nuclear Regulatory Commission Documents

Management Directive—

10.101, "Employee Grievances."

10.158, "NRC Non-Concurrence Process."

10.159, "The NRC Differing Professional Opinions Program."

Memorandum from Mark A. Satorius, Executive Director for Operations, to the Chief Human Capital Officer, and to the Directors of the Office of Enforcement and Office of Small Business and Civil Rights, "Clarification of Roles and Responsibilities for NRC's Organizational Culture," January 27, 2014 ([ML13170A517](#)).

NRC Issue Resolution Matrix, available at <http://www.internal.nrc.gov/lresolution/>.

NRC and National Treasury Employees Union Collective Bargaining Agreement, available at <http://www.internal.nrc.gov/HR/pdf/cba.pdf>.

United States Code

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

Web Sites:

The Department of Labor Whistleblower Web Site:
<http://www.whistleblowers.gov>.

The U.S. Office of the Special Counsel Web Site:
<http://www.osc.gov/>.

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

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I. INTRODUCTION

A. Use

1. The Open Door Policy (ODP) is intended to foster an atmosphere of open and free communication within the agency and underscore management's intention to consider and address issues and concerns brought to them. The ODP may be used by all NRC employees for these stated purposes.
2. The ODP allows an employee to discuss an issue or concern with any agency supervisor or manager without the approval of his or her immediate supervisor.

B. Relationship of the Open Door Policy to the Non-Concurrence Process (NCP), the Differing Professional Opinion (DPO) Program, and Other Processes to Address Concerns

1. All NRC employees have a responsibility to express and discuss concerns and differing views as early as possible in the decisionmaking process. All NRC employees have a responsibility to seek solutions to concerns that might otherwise result in the use of more formal processes, such as the Non-Concurrence Process (NCP) or the Differing Professional Opinion (DPO) Program.
2. The routine, recommended process for raising a differing view is through informal discussions with an employee's immediate supervisor; however, if informal discussions do not resolve the concerns, an employee has various mechanisms for expressing his or her views, including the ODP, the NCP, and the DPO.
3. The NCP is described in Management Directive (MD) 10.158, "NRC Non-Concurrence Process," and the DPO is described in MD 10.159, "The NRC Differing Professional Opinion Program."
4. Using the ODP is not a prerequisite or a part of the NCP or the DPO Program, but exercising the ODP during the NCP or the DPO Program is not prohibited.

C. Applicability of the Open Door Policy

1. Communications under the ODP normally should be focused on concerns and issues related to the agency's mission and to the strategic goals and objectives that support the mission as addressed in the NRC Strategic Plan.
2. The ODP may be used by an employee to address a problem he or she may be experiencing at work or an issue of a personal nature that impacts the employee's work environment; however, various channels and professionals are available at the NRC to support an employee with his or her specific needs.
3. It may be inappropriate for the Chairman or a Commissioner to communicate with an employee and address his or her issue if the issue relates to an ongoing proceeding in which the Commission has an adjudicatory role or with an employee regarding a matter that is under investigation or part of a grievance, complaint, appeal, or other

matter that is still in process; therefore, it is permissible for the Chairman or a Commissioner to ask for the subject matter of the meeting in advance. (See 10 CFR 2.348(c), "Separation of Functions.")

II. COMMUNICATIONS UNDER THE OPEN DOOR POLICY

A. Initiating Open Door Policy Communication

1. An employee may use the ODP to communicate issues or concerns, orally or in writing, that impact his or her work environment with any agency supervisor or manager.
2. A written communication should be clearly marked as an ODP communication. If retained in the Agencywide Documents Access and Management System, a record should be profiled as non-public with viewer rights limited to those NRC employees on distribution.
3. If the issue raised under the ODP relates to a potential safety issue within the purview of an advisory committee, an NRC employee may communicate, orally or in writing, directly with the chairman of the committee or any member of the appropriate committee. An employee may be allowed to appear before the Advisory Committee for Reactor Safety (ACRS) or subcommittee if deemed appropriate by the committee.

B. Responding to an Open Door Policy Communication

1. A supervisor or manager who has been contacted should seek to understand an employee's concern, answer any questions, and, to the extent practical, support resolution.
2. A supervisor or manager also should advise an employee of other channels that could be used for the resolution of the concern, such as the NCP or the DPO Program.
3. If the contacted supervisor or manager, or the Chairman or a Commissioner believes that others should be notified of an issue raised in an ODP communication, he or she should inform the employee of the intent to disclose the shared information and subsequently notify the responsible office (e.g., Office of the Inspector General (OIG), Commission).
4. An issue or concern brought before an advisory committee raised under the ODP will be forwarded to the responsible NRC office director or regional administrator for information or action, as appropriate.

C. Confidentiality

1. A supervisor or manager should strive to honor a request for confidentiality. If the employee has requested confidentiality, he or she should be notified by the supervisor or manager of the intent to disclose shared information and the reason why the supervisor or manager may not be able to keep confidentiality.

2. An employee's request for confidentiality made in connection with a communication under the ODP will normally be honored by the NRC supervisor or manager unless—
 - (a) As a practical matter, the identity of the employee is needed to convey the substance of the information;
 - (b) Disclosure of the employee's identity is essential for determination of the accuracy and reliability of the information; or
 - (c) The employee's identity is required to be released by law, regulation, or policy.
3. Honoring a request for confidentiality may limit a supervisor's or manager's ability to provide assistance or advice and counsel on matters of concern to the employee. The manager or supervisor should—
 - (a) Discuss with the employee how honoring a confidentiality request may affect it and how the concern is addressed,
 - (b) Try to help the employee identify and evaluate his or her options, and
 - (c) Explain to the employee those conditions that require notification of other offices or parties.
4. Information shared with a Commissioner (including the Chairman) may be shared with the other Commissioners, in some instances. All Commissioners must have full access to information in accordance with the Energy Reorganization Act of 1974, Section 201(a)(1).

III. REPRISAL

- A. All employees must be free to use the ODP without fear of reprisal (harassment, intimidation, retaliation, disciplinary action, or discrimination) by management or peers.
- B. Reprisal for, or discouraging the use of, the ODP by management or peers will not be tolerated and may lead to disciplinary action.
- C. Reprisal for, or discouraging the use of, the ODP could be grounds for an employee grievance, a whistleblower complaint under the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.), or a complaint to the NRC OIG or the Office of Special Counsel.
- D. A supervisor or manager must ensure that a proposed personnel action involving an employee who has used the ODP is not taken in retaliation for using the ODP and that the use of the ODP does not reflect negatively on an employee's performance appraisal. However, a supervisor or manager is not precluded from initiating, pursuing, or continuing to pursue an unrelated personnel action affecting an employee who has used the ODP.

- E. A supervisor or manager must take appropriate action in response to an allegation of reprisal against an employee for using the ODP and chilling effect concerns related to the ODP.
- F. An employee who believes that he or she has been harassed, intimidated, retaliated against, or discriminated against because of use of the ODP has several resources available to him or her, including the following:
 - 1. Immediate supervisor;
 - 2. Another supervisor or manager (in accordance with the ODP);
 - 3. Office of the Chief Human Capital Officer (OCHCO);
 - 4. NRC OIG;
 - 5. Negotiated grievance procedure described in the Collective Bargaining Agreement Between the NRC and the National Treasury Employees Union;
 - 6. The administrative grievance procedure described in MD 10.101, "Employee Grievances";
 - 7. The Department of Labor, Occupational Safety and Health Administration, Office of Whistleblower Protection (Complaints must be filed within 180 days. More information is available at <http://www.whistleblowers.gov/>); and
 - 8. The U.S. Office of Special Counsel. (More information is available at <http://www.osc.gov/>.)

IV. GLOSSARY

Chilling Effect

A condition that occurs when an event, interaction, inaction, decision, or policy change results in a perception that the raising of a mission-related concern or differing view to management is being suppressed, is discouraged, or will result in reprisal (harassment, intimidation, retaliation, or discrimination).

Differing Professional Opinion (DPO)

A conscientious expression of a judgment or position that differs from an established staff view, disagrees with a management decision or policy position, or takes issue with an established agency practice involving technical, legal, or policy issues (including administrative or corporate support issues). A Differing Professional Opinion can cover a broad range of concerns, provided the opinion is related to the agency's mission and to the strategic goals and objectives that support the mission as addressed in the NRC's Strategic Plan. The NRC's Differing Professional Opinions Program is described in MD 10.159, "NRC Differing Professional Opinion Program."

Manager or Supervisor

An employee who directs the work of an organization, is held accountable for specific line or staff programs or activities, or whose primary duties are managerial or supervisory.

Non-Concurrence Process

A process (described in MD 10.158, "NRC Non-Concurrence Process") used by an employee with a concern about a document in the concurrence process that he or she had a role in creating or reviewing.

Open Door

The availability of all levels of NRC management to meet with employees to discuss and attempt to resolve issues and concerns.

Reprisal

As used in this MD, reprisal includes harassment, intimidation, retaliation, disciplinary action, or discrimination by management or employees against those who use the Open Door Policy.