

903.901

Part 708 establishes criteria and procedures for the investigation, hearing, and review of allegations from DOE contractor employees of employer reprisal resulting from employee disclosure of information to DOE, to Members of Congress, or to the contractor; employee participation in proceedings before Congress or pursuant to this subpart; or employee refusal to engage in illegal or dangerous activities, when such disclosure, participation, or refusal pertains to employer practices which the employee believes to be unsafe; to violate laws, rules, or regulations; or to involve fraud, mismanagement, waste, or abuse.

[65 FR 81005, Dec. 22, 2000. Redesignated at 74 FR 36361, July 22, 2009]

903.901 Definition.

Contractor, as used in this subpart, has the meaning contained in 10 CFR 708.2.

[65 FR 81005, Dec. 22, 2000. Redesignated at 74 FR 36361, July 22, 2009]

903.902 Applicability.

10 CFR part 708 is applicable to complaints of retaliation filed by employees of contractors, and subcontractors, performing work on behalf of DOE directly related to DOE-owned or leased facilities, if the complaint stems from a disclosure, participation, or refusal described in 10 CFR 708.5.

[65 FR 81005, Dec. 22, 2000. Redesignated at 74 FR 36361, July 22, 2009]

903.970 Remedies.

(a) Contractors found to have retaliated against an employee in reprisal for such disclosure, participation or refusal are required to provide relief in accordance with decisions issued under 10 CFR part 708.

(b) 10 CFR part 708 provides that for the purposes of the Contract Disputes Act (41 U.S.C. 605 and 606), a final decision issued pursuant to 10 CFR part 708 shall not be considered to be a claim by the Government against a contractor or a decision by the contracting officer subject to appeal. However, a contractor's disagreement and refusal to comply with a final decision could result in a contracting officer's decision to disallow certain costs or to terminate the

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contract for default. In such case, the contractor could file a claim under the Disputes clause of the contract regarding the disallowance of cost or the termination of the contract.

903.971 Contract clause.

The contracting officer shall insert the clause at 952.203–70, Whistleblower Protection for Contractor Employees, in contracts that involve work to be done on behalf of DOE directly related to activities at DOE-owned or leased sites.

Subpart 903.10—Contractor Code of Business Ethics and Conduct

903.1004 Contract clauses.

(b)(2)(ii) Insert the DOE Web site address <http://ig.energy.gov/hotline.htm> in paragraph (b)(3) of the 48 CFR 52.203–14 clause, Display of Hotline Poster(s).

[76 FR 7690, Feb. 11, 2011]

PART 904—ADMINISTRATIVE MATTERS

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