

BROOKHAVEN ADVOCACY COUNCIL (BAC)

BY-LAWS

Revised May 16, 2002

Introduction

The Brookhaven Advocacy Council (BAC) advises and makes recommendations to the Laboratory Director on the resolution of employee, guest, and user concerns/issues that are brought to the attention of the BAC. *The BAC shall function independently of the Human Resources Division, reporting directly to the Laboratory Director.*

A key component of the Laboratory's commitment to fairness, the BAC is charged with the authority to receive and respond to employee, guest, and user concerns/issues; analyze and research data; and propose resolutions. The BAC shall have access to all pertinent, uncensored information, within the Laboratory's guidelines regarding confidentiality, to assist in the resolution of concerns/issues.

Nominating Committee

The Nominating Committee is selected by the Laboratory Director and composed of employees who have previous experience on similar committees. The Nominating Committee recommends to the Director a slate of candidates that represents adequate and full representation of the Laboratory's diverse workforce for membership on the BAC. Candidates are culled from a Lab-wide solicitation. The Director appoints BAC members.

Membership

The Council will consist of 11 members, with consideration of representation by job classification, as well as by race and gender.

The term of membership is 3 years*. Terms generally expire on a staggered basis. New members normally begin service at the June meeting of the Council. Retiring members may apply for reappointment through the Nominating Committee process.

* *For the first year of the BAC, four members will rotate out after completing one year of service and four new members will be selected for a three year term. After the second year of the BAC, three members will rotate out and three new members will be selected for a three year term. After the third year of the BAC, four members will rotate out and four new members will be selected for a three year term. Subsequently, the BAC membership rotation will continue using a 4, 3, 4 sequence, for example:*

*2002 - 4 members rotate out
2003 - 3 members rotate out
2004 - 4 members rotate out
2005 - 4 members rotate out
2006 - 3 members rotate out
2007 - 4 members rotate out*

Roles and Responsibilities

The Brookhaven Advocacy Council:

- Shall conduct itself in such a way that employees, guests, and users feel confident that their concern/issues will be taken seriously, confidentially, and addressed in a timely way by the BAC.
- Shall establish an aggressive training program to communicate to BNL staff the role of the BAC and the mechanism for raising concerns/issues to the BAC.
- Shall communicate with the employee, guest, or user during and following the resolution of their concern/ issue to ensure the BAC's awareness of possible retaliation.
- Shall report, on a quarterly basis, to the Laboratory Director any employee, guest, or user concerns/issues that are brought to the Council's attention, omitting any employee, guest, or user names.
- Shall keep all other management and employees, guests, and users informed of ongoing issues and resolutions via a BAC web site.
- Shall review diversity tracking statistics when a concern of this nature is brought to the BAC's attention, and working with the Diversity Office, provide input to the Laboratory Director. In addition, the BAC will receive periodic briefings by the Diversity Office with regard to any current concerns or issues.
- Shall invite terminating employees, guests, and users to share their experiences at BNL prior to their departure.

Officers

The Council shall have three officers, a Chairperson, a Co-Chairperson, and a Secretary. The term of office will be one year, June to June.

Candidates for the officers may be proposed by any member of the Council and will be voted on at the May meeting. Officers shall be elected with 51% or more of the full voting membership from a slate of candidates provided by the Chairperson prior to the meeting. Any member who cannot attend the May meeting may vote for Officers by faxing, mailing, or delivering a BAC Proxy/Absentee Ballot Form (which will be provided by the Chairperson) to the Chairperson. The BAC Proxy/Absentee Ballot Form must be received by the Chairperson at least one-hour prior to the start of the meeting at which the election of officers is scheduled to occur. The form may be sent electronically and followed as soon as possible by a hard copy with signature.

The Chairperson is responsible for the conduct of the meetings, the preparation of the Agenda, the calling of special meetings, the appointment of subcommittees, and the transmittal of formal reports and recommendations.

The Co-Chairperson replaces the Chairperson when absent, assuming all of the duties of the Chairperson.

The Secretary is responsible for records of Council membership, for minutes of meetings, and for notices of meetings, which must be in writing. The Council case records should be purged three years after resolution.

Membership Responsibility

A requirement of Council membership is regular participation in the monthly meetings of the Council.

A Council member who is to be absent for a continuous period of longer than six months shall resign. A Council member who has been absent for more than six of the previous twelve regular monthly meetings shall forfeit membership in the Council. Recommendations for forfeiture of membership will be made by a majority vote of the Council members to the Laboratory Director. Exceptions to the forfeiture of membership may be approved by the majority vote of the Council members upon a written request by the Council Chairperson.

A special meeting of the Nominating Committee shall be held within one month to replace any departing member for the balance of the unexpired term. If the unexpired term is six months or less, the newly selected member shall automatically succeed to the next three-year term. If the unexpired term is more than six months the member may be reselected for a full term.

Subject Matter Experts (SMEs)

By invitation of the Chairperson, Subject Matter Experts (SMEs) may participate in Council investigations. The names of the SMEs will, when possible, be listed on the Agenda of the meeting.

Regular Meetings

Regular meetings of the Council shall be held once per month.

A majority of the Council membership constitutes a quorum at a regular meeting.

A majority vote of the members present is required to carry a motion.

Amendments to By-laws

These By-laws may be changed by meeting the following requirements:

1. Each Council member must receive a written notice of the proposed change at or before the regular meeting at which the proposed changes are to be voted upon.

2. The proposed change as it appears in the minutes of a previous meeting must be approved by affirmative votes of two-thirds of the membership in attendance at that meeting.

Guidelines for Recording, Responding, and Tracking Concerns/Issues

Employees, guests, and users will receive prompt and reasonable responses to their concerns/ issues. Attempts should be made to accomplish this within 10 working days. The Council ensures confidentiality and professionalism in the handling of employee, guest, and user concerns. After disposition of each concern/issue all information gathered by the Council shall be kept in a secure location by the Council Secretary.

- An employee, guest, or user may contact any member of the Council. The contacted member presents the concern/issue to the Council Chair. The Council Chair appoints an appropriate member, or members, to investigate the concern/issue.
- With the employee's, guest's, or user's consent, the investigating Council member(s) keeps an accurate record of the concern/issue being raised, along with any actions taken.¹
- The employee, guest, or user will have an opportunity, if he or she so wishes, to present the concern/issue to the Council in person. The employee, guest, or user will be encouraged to provide the Council with written information about the concern/issue and the course of action desired of the Council.
- If after discussion with the employee, guest, or user it is determined that further investigation is warranted, investigating Council member(s), with the employee's, guest's, or user's consent, shall contact appropriate parties.¹
- Investigating Council member(s) will present their information to the Council for review and recommendation. Each Council member will have the opportunity to review all pertinent material.
- The Council shall seek to facilitate resolution of the concern/issue, which may or may not be to the satisfaction of the employee, guest, or user. The path to resolution will be determined on a case-by-case basis. Taking into account the facts and circumstances of each case, a mediation process may be followed when deemed appropriate by the Council.
- If resolution is possible the Council Chair will summarize the final agreement in writing, giving copies to the employee, guest, or user, the Laboratory Director, as well as other parties after a final review by the Council.

¹ It is preferable, though not necessary, to have the consent in writing.

- If resolution is not possible, the Council will issue its own recommendation for solution to the Laboratory Director for review and action. The Council will consult with Laboratory legal counsel and the concerned parties prior to sending the recommendation to the Laboratory Director.
- After resolution, a Council member will periodically contact the employee, guest, or user to ensure that there are no acts of retaliation. Should such an act occur, it will be brought to the attention of the Laboratory Director.

The success of the BAC, and participation of its members, is key to the quality of life at the Laboratory. Supervisors are encouraged to support the efforts of the BAC members.