

# Los Alamos National Laboratory Ombuds Program

## FY07 Annual Report

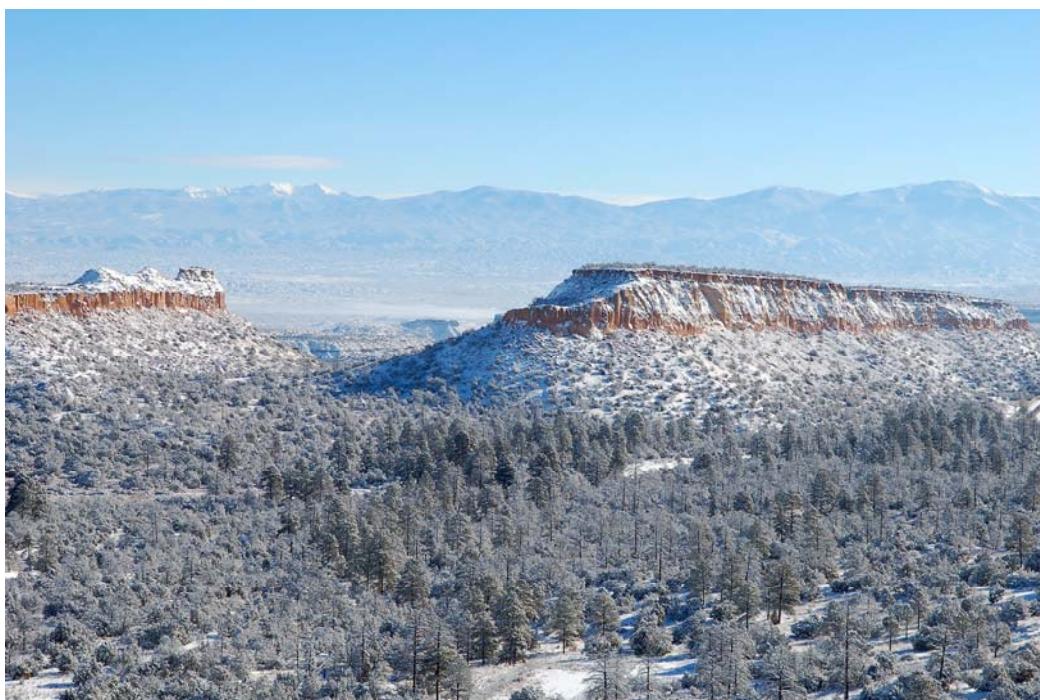


Photo by Camilla S. Lopez

**Camilla S. Lopez, Ph. D.**  
**Ombuds Program Director**  
[www.lanl.gov/ombuds/](http://www.lanl.gov/ombuds/)



---

---

*Enhancing productivity by eliminating communication barriers  
and facilitating problem resolution*

**Los Alamos National Laboratory  
Ombuds Program Annual Report  
October 1, 2006 – September 30, 2007**

## **Table of Contents**

<b>INTRODUCTION</b>	<b>3</b>
<b>OPERATING PRINCIPLES</b>	<b>3</b>
<b>FY07 IN REVIEW</b>	<b>4</b>
<b>FY07 HIGHLIGHTS</b>	<b>4</b>
<b>FY07 STATISTICAL TRENDS</b>	<b>5</b>
Comparison to LANL Data	7
<b>OMBUDS SERVICES</b>	<b>8</b>
Technology Transfer Ombuds	8
Mediation Center	9
Community and Institutional Involvement	9
<b>CONCLUSION</b>	<b>10</b>
Contact Information	10

## Introduction

The Ombuds Office was established in October 1996 to provide confidential, informal, and nonescalating assistance to employees seeking to resolve work-related concerns that could not readily be addressed through other Laboratory mechanisms.

Ombuds typically serves 400-500 visitors per year by providing a confidential, neutral, and independent option for all employees to resolve disputes, clear up misunderstandings, and solve problems. The Ombuds Office includes a Mediation Center, a Small Business Ombuds, and a Congressionally mandated Technology Transfer Ombuds Program.

## Operating Principles

- Ombuds is committed to the fair and equitable treatment of all employees and adheres to the International Ombudsman Association's Code of Ethics and Standards of Practice: <http://www.ombudsassociation.org/standards.html>
- Ombuds keeps no permanent records other than aggregate statistical summaries
- Ombuds shares general trends with the Laboratory Director and other Laboratory officials

Four tenets provide the basis for Ombuds' work:

**1) Independence:** Ombuds operates independently from administrative authorities and exercises sole discretion on whether or how to act regarding an individual's concern. Ombuds reports to the Laboratory Director.

**2) Confidentiality:** Ombuds is the resource of choice for employees who fear retaliation and are looking for confidentiality, without which they would not bring forward the problem or concern. Ombuds holds in strict confidence all communications with those seeking assistance and does not disclose confidential communications unless given permission to do so. Ombuds protects the identity of visitors and their issues. The only exception to this privilege of confidentiality is when there appears to be an imminent risk of serious harm. An anonymous Ombuds Help Line is also available. If the Ombuds pursues an issue systemically (i.e., provides feedback on trends, issues, policies, and practices), the Ombuds does so while safeguarding the identity of the Ombuds visitor.

**3) Neutrality:** Ombuds, as a designated neutral party, remains unaligned and impartial at the Laboratory, and does not engage in any situation that would create a conflict of interest.

**4) Informality:** Ombuds facilitates communication when conflict arises and provides opportunity for informal dispute resolution. As an informal resource, Ombuds does not participate in any formal adjudicative or administrative procedure related to concerns brought to his or her attention. The services of Ombuds do not replace the Laboratory's

formal complaint processes but rather complement these by providing an informal and nonescalating approach.

Please read more about the Ombuds' ethical guidelines, standards of operation, contact information, and office location, at the Ombuds Web site: [www.lanl.gov/ombuds](http://www.lanl.gov/ombuds)

## **FY07 in Review**

FY07 was an important year for Los Alamos National Laboratory with new management and many changes to the way the Lab is doing business. Not surprisingly, the transition was, and still is, accompanied by uncertainty among the work force and associated stress. Potential layoffs and radical changes to the Laboratory's mission heighten that stress.

Ombuds services are especially useful during times of change to help visitors:

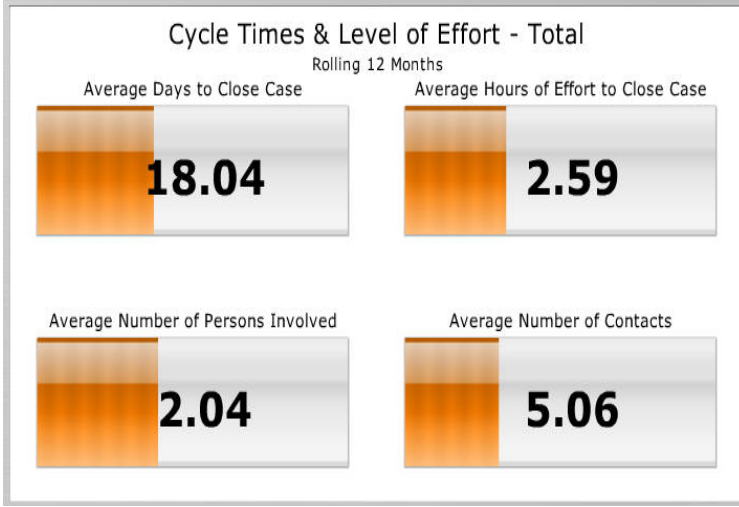
- surface issues, vent, and heal
- develop resilience
- cope with the changes
- find answers anonymously
- develop approaches to surfacing concerns
- learn the new culture

## **FY07 Highlights**

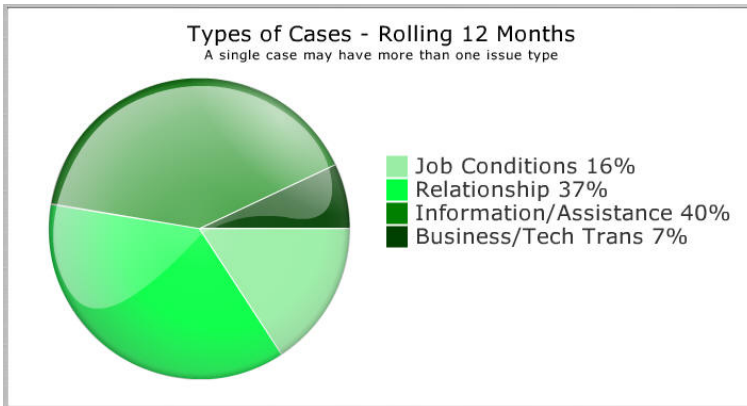
- The Ombuds Office installed an automated security and fire system.
- The Ombuds Office reduced the office footprint by 40%.
- The Ombuds Office metrics got rolled in under the Laboratory Dashboard in PBView. The PMView Dashboard measures progress towards targets for number of visitors, outreach, and communication activities, tech transfer ombuds cases, and mediation.
- Having run detailed ombuds data gathering for a rolling 12 months, the Ombuds Office was able to produce a comparable analysis of how the ombuds data breaks down by Directorate. This type of AD specific data is valuable in better pinpointing red flags and anticipating emerging issues in the Laboratory workplace.
- The Ombuds Office continued collaborations with other employee services such as Employee Relations, Occupational Medicine, Office of Equal Opportunity and Diversity, Legal Council, Community Program Office, and the Science and Technology Base Programs (student and foreign national issues), Business/Tech Transfer.
- The Ombuds Office emphasized outreach and made many presentations to build awareness of ombuds services.
- During a typical year, Ombuds facilitates the resolution of a small handful of very high-profile cases that could have resulted in significant litigation and/or national press coverage had they not been resolved. FY07 was no exception.

## FY07 Statistical Trends

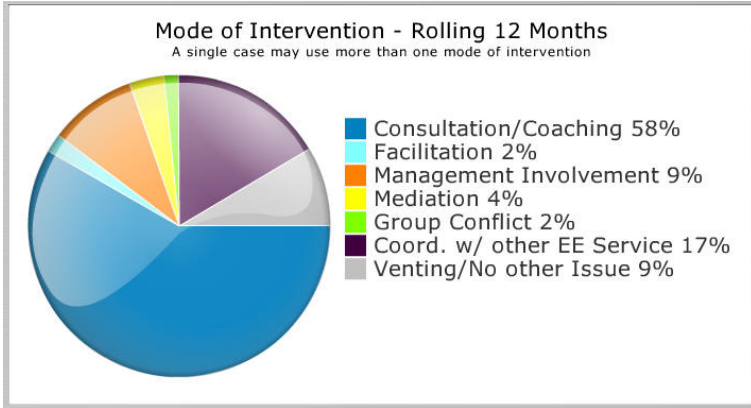
- A total of 438 visitors came to the Ombuds Office in FY07, representing an increase of 7% compared with FY06.
- The Laboratory Mediation Program under Ombuds had 18 new mediations in FY07, representing a 50% increase compared with FY06.
- The Ombuds Office had 12 new tech transfer cases in FY07, representing a 140% increase compared with FY06.



Ombuds tracks and reports on level of effort in a detailed way in the monthly Ombuds Dashboard. The averages include a full spectrum of Ombuds assistance, from anonymous helpline calls that may take 15 minutes through multi-party technology transfer cases which take weeks or months to resolve. The electronic version of the dashboard allows the reader to see more detail, including the components of averages: [www.lanl.gov/orgs/ombuds/dashboard/index.shtml](http://www.lanl.gov/orgs/ombuds/dashboard/index.shtml) Compared with FY06, Ombuds staff has become more expedient in closing cases, cutting the average days to close a case from 31.62 to 18.04.

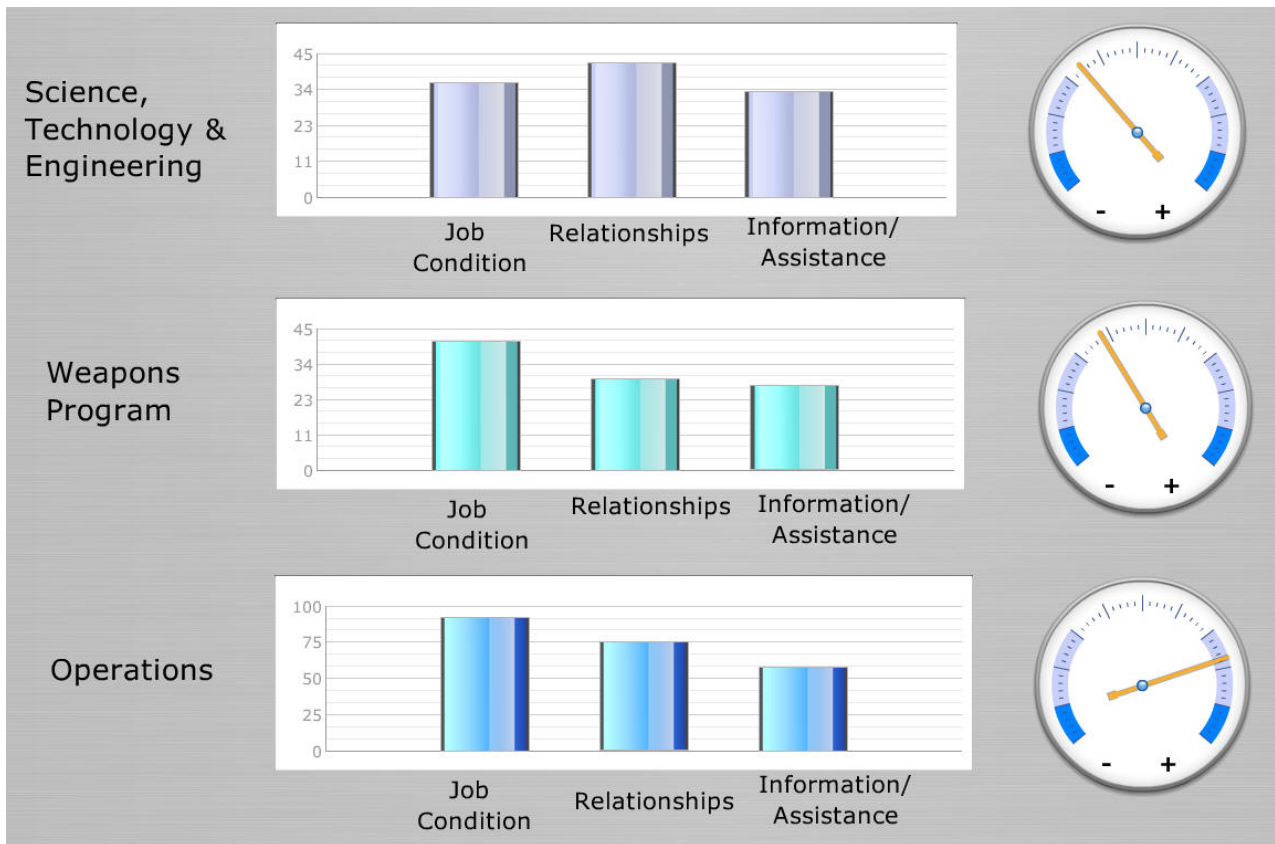


More than half of the Ombuds cases concern either Job Conditions (work environment, compensation, appraisals etc.) or Relationship (with supervisor, subordinate or peer).



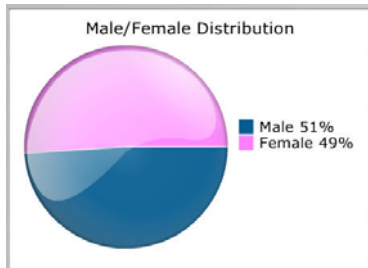
Consultation and/or coaching is the primary mode of intervention in 58 percent of the cases. This has not changed significantly compared with the previous fiscal year.

Ombuds has gathered data on the institutional profile since LANS took over in June 2006. The gauges indicate a variance from normal for expected case distribution based on population. Relatively to its population, Operations has the highest number of Ombuds visitors. This reflects a trend that Ombuds has seen for several years.

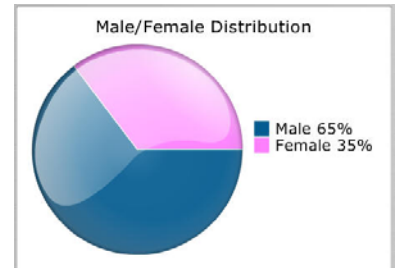


A detailed analysis of the PADs (not shown here), shows that the bigger Divisions also have relatively more Ombuds visitors than their size would suggest. This may speak to a span of control issue.

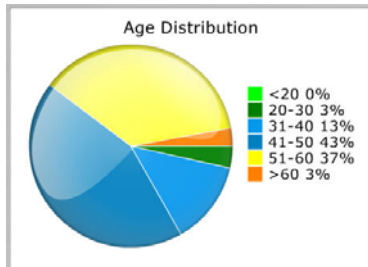
## Comparison to LANL Data



Just under half, or 49 percent, of Ombuds' visitors are female. This is 14 percent more females than found in the Laboratory population overall.

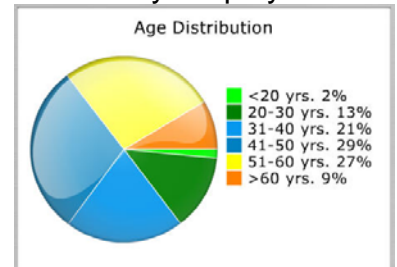


### Ombuds Visitors

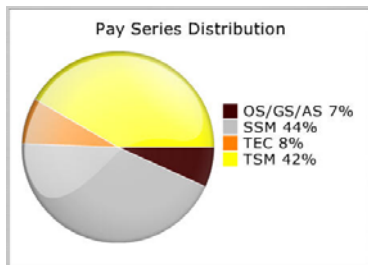


Employees above 40 years of age are more likely to use Ombuds than employees below 40 years of age. Hence, Ombuds has fewer visitors below 40 and more visitors above 40 than what the Laboratory distribution would suggest.

### Laboratory Employees

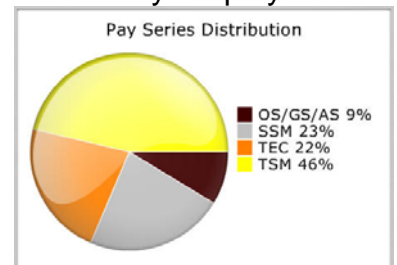


### Ombuds Visitors

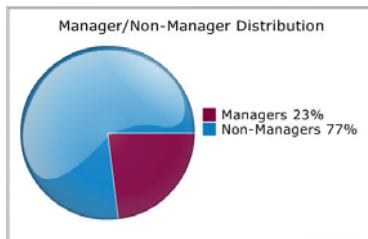


SSMs are more likely to use Ombuds than TECs. The numbers of TSM and the OS/GS/AS Ombuds visitors are very close to what the Laboratory distribution would suggest.

### Laboratory Employees

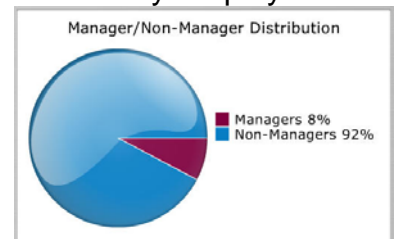


### Ombuds Visitors

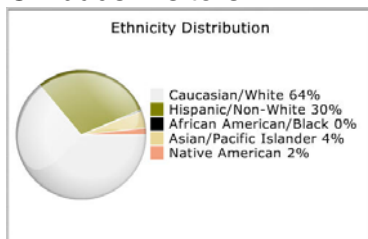


Managers visiting the Ombuds Office for conflict resolution assistance have steadily increased over the years, representing 23 percent of the visitors to the office in FY07. Compare this number to the Laboratory as a whole, where 8 percent are managers.

### Laboratory Employees

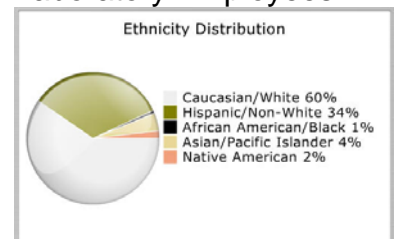


### Ombuds Visitors



The ethnicity of the Ombuds' visitors is a very close match to what the Laboratory distribution would suggest.

### Laboratory Employees



### Ombuds Visitors

### Laboratory Employees

## Ombuds Services

Ombuds provides a confidential resource for exploring informal resolution of any workforce concerns raised by Lab employees, contractors, or the community. Ombuds uses a variety of approaches in addition to the regular Ombuds consultations (covered in FY07 Statistics above):

### Technology Transfer Ombuds

The Tech Transfer Ombuds Program was established by Federal statute as outlined in 42 U.S.C. Section 7261c, and has been in operation at the Laboratory since 1999. Under DOE guidelines, the Tech Transfer Ombuds Program serves as a focal point for the public and industry in resolving complaints with the Laboratory regarding technology partnerships, patents, and technology licensing. The Tech Transfer Program promotes the use of collaborative alternative dispute resolution techniques to facilitate speedy and low cost resolution of complaints.

Unlike organizational ombuds programs that are established by their respective institutions, the Tech Transfer Ombuds Program is mandated by Federal statute and the program was recently included in the Laboratory's Prime Contract. The Program reports data directly to the Secretary of Energy and Administrator for NNSA through the Office of Dispute Resolution on a quarterly and annual basis. We do this while preserving the confidential nature of our work.

Although the tech transfer ombuds cases represent only 2-3 percent of the total caseload, they can be high profile and have the potential for significant technology-related litigation and national press coverage. These cases also tend to be more labor intensive.

During FY07, Ombuds has consulted with the Tech Transfer Ombuds at other major institutions and with the Office of Dispute Resolution (at DOE headquarters) to help develop the program and to advocate for periodic complex wide conference calls and training in the area of intellectual property.

During FY07, Tech Transfer Ombuds provided services to the Laboratory and to industry in several areas by

- providing alternative dispute resolution services to parties in dispute
- facilitated the resolution of a concern between a high profile corporation and the Laboratory involving licensing fees
- providing assistance to LANL researchers with concerns associated with patent rights, and the patent application process at the Laboratory
- intervening to help ensure that adequate protection of intellectual property was established before an employee terminated from the Laboratory
- assisted a public institution and a private corporation in surfacing issues associated with intellectual property rights and Laboratory practices



- assisting external parties who were interested in technology-related collaborations with the Laboratory

## **Mediation Center**

Mediation is a structured but informal process in which neutral third parties help individuals resolve conflicts and rebuilt relationships. At the Laboratory, mediation is supervised by the Ombuds Office and conducted by trained employee volunteers. Our roster of mediators includes employees from all job series and directorates, as well as several Laboratory retirees. Many of our volunteers apply their mediation skills outside of the Laboratory as well, donating dozens of hours a year to mediation programs through the court system and nonprofit organizations.

Members of the mediator pool are also part of the Federal Executive Board's (FEB) Shared Neutrals Program. They have supported FEB efforts to provide mediation services to participating Federal & State Agencies throughout New Mexico, and have thereby contributed to FEB's annual cost savings of close to \$600K.

All Laboratory mediators adhere to the Model Standards of Conduct for Mediators, as approved by the American Bar Association, American Arbitration Association, and the Association for Conflict Resolution - an important step for the credibility of our program.

The mediation program processed 18 new mediations in FY07. As always, interpersonal conflict between and among individuals – peers, subordinate, and supervisors - was the type of concern most often addressed through mediation. Several employees also settled in mediation issues which would otherwise have been reviewed through a formal complaint process.

We continue to receive referrals for mediation from managers and supervisors whose subordinates are in conflict.

## **Community and Institutional Involvement**

Ombuds staff and volunteer mediators continue to be a resource for important institutional initiatives within the Laboratory, as well as for requesters in surrounding communities. The community involvement leverages the skills and knowledge obtained in ombuds and mediation work and thereby maximizes the Laboratory's investment in these workers.

Examples include:

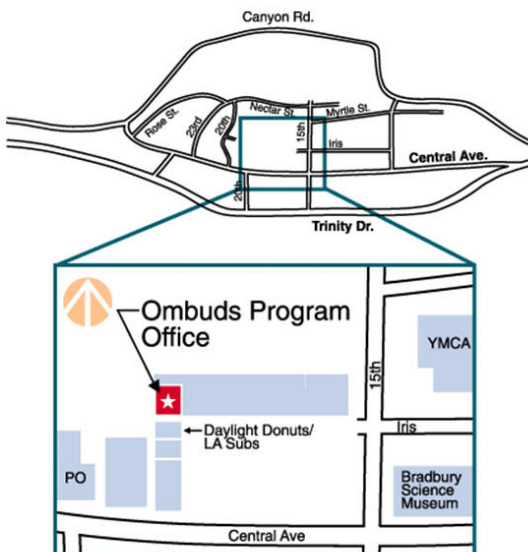
- Several facilitations or meetings convened by AD-level managers.
- Active participation in Labwide initiatives, such as the Critical Incident Stress Debriefing team, Six Sigma Project Lead, Student Programs Advisory Committee (SPAC), and executive coaching through the DDP and the PBL programs.
- Weekly presentations during New Hire Orientation, and presentations at the summer student orientations.
- As part of the Federal Shared Neutrals program, serving as mediation role-play coach for new government-sector (Federal & State) mediators in New Mexico.

## Conclusion

Ombuds contributes to the bottom line in terms of improving productivity and preventing costly litigation. Helping employees resolve conflict enables them to stay focused on the job and contributes to a safe, secure, and productive workplace.

In the Ombuds Office's 11-year existence, it has earned the trust of the workforce and is perceived as a valued employee benefit. An estimated 50 percent of the cases that come to Ombuds would otherwise have gone through formal channels, generating significant cost for the institution.

## Contact Information



Phone: 505-665-2837

Anonymous Help Line: 505-667-9370

The Ombuds office is located at  
114 Central Park Square  
in downtown Los Alamos