SCIENTIFIC INTEGRITY POLICY OF THE DEPARTMENT OF LABOR (DOL)

A. Purpose

This policy establishes expectations and procedures required to maintain scientific integrity at the Department of Labor (DOL or The Department). This policy aims to ensure the integrity of all aspects of scientific activities including proposing, conducting, reviewing, managing, and communicating about science and scientific activities, and using scientific products.

B. Background

Data, evidence, and other scientific information are central to the development and iterative improvement of sound policies, and to the delivery of equitable services and programs, across every area of the government. The 2022 National Science and Technology Council (NSTC) Report of the Scientific Integrity-Fast Track Action Committee (SI-FTAC) (2021 Task Force), *Protecting the Integrity of Government Science*,[1] found that strong scientific integrity policies and practices bolster the ability of federal agencies to protect government scientific research and findings.

The Task Force Report summarizes recent foundational Executive branch actions on scientific integrity, including the 2009 Presidential Memorandum,[2] the 2010 Office of Science and Technology Policy (OSTP) Memorandum,[3] and the 2021 Presidential Memorandum.[4] The requirements within this policy are derived from these foundational actions, the collective experience of federal agencies, and the informed engagement of stakeholders both inside and outside of government.

The mission of DOL is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights. The DOL mission is carried out by a variety of sub-agencies and offices (DOL agencies) covering policy, workforce development, enforcement, statistics, and benefits. DOL has a responsibility to protect the integrity of scientific information that is produced, communicated, and used across DOL agencies to better carry out its mission.

C. Definition of Scientific Integrity, Scientific Integrity Official, Chief Science Officer, and Scientific Integrity Council

DOL adopts the following Official Definition of Scientific Integrity:

> *Scientific integrity is the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity.*

The 2021 Presidential Memorandum instructs all Federal agencies to designate a senior career employee as the agency's Scientific Integrity Official (SIO) to oversee implementation and iterative improvement of scientific integrity policies and processes.[4]

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[1] A Report by the Scientific Integrity Fast-Track Action Committee of the National Science and Technology Council. "Protecting the Integrity of Government Science." January 11, 2022.

[2] Presidential Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity. March 9, 2009. The White House.

[3] Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity. December 17, 2010. Office of Science and Technology Policy.

[4] Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policy Making. January 27, 2021.

This designation empowers the SIO with the independence necessary to gather and protect information to support the review and assessment of scientific integrity concerns. The memorandum further instructs agencies, like DOL, that fund, conduct, and oversee scientific research to designate a Chief Science Officer (CSO). The CSO is a high-ranking career official who serves as the principal advisor to the Secretary of Labor on Scientific Issues. The CSO and SIO are supported by a Scientific Integrity Council comprised of career employees representing each DOL agency. The Scientific Integrity Council assists the SIO in implementing and improving scientific integrity policies and processes.

D. Effective Date and Policy Amendments

This policy is effective when adopted. DOL will review this policy every two years. The SIO will oversee amendments to this policy and communicate them to the Director of OSTP and post them to DOL's Scientific Integrity web page no later than 30 days after adoption.

E. Applicability & Scope

Scientific integrity is the responsibility of the entire DOL workforce. All DOL workforce must follow this policy when, as part of their DOL responsibilities, they propose, conduct, review, manage, supervise, or communicate about scientific activities or use scientific information in decision making for DOL. All parties who engage or assist in scientific activities for DOL must uphold the principles of scientific integrity established by this policy. Express requirements will be set forth in individual agreements, contracts, statements of work, memoranda of understanding, charters, cooperative agreements, and grants and other related documents and/or established via issuance of a separate rule or other policy.

F. Authorities

Pursuant to the 2021 Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking, and consistent with the 2009 Presidential Memorandum on Scientific Integrity and the 2010 Memorandum from the White House Office of Science and Technology Policy on Scientific Integrity, all federal agencies must establish a scientific integrity policy. This policy is established in accordance with:

1. The America COMPETES ACT, as amended.
2. Pub. L. No 115-435, Foundations for Evidenced-based Policymaking Act of 2018
3. Pub. L. No 106-554 --- The Information Quality Act of 2000
4. 67 FR 8451 --- OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies
5. 70 FR 2664 --- OMB Final Information Quality Bulletin for Peer Review
6. 65 FR 76260-76264 --- Federal Policy on Research Misconduct
7. Pub. L. 101-12 --- The Whistleblower Protection Act (WPA) of 1989, as amended
8. 41 USC § 4712 --- The National Defense Authorization
9. 5 CFR § 2635 --- Standards of Ethical Conduct for Employees of the Executive Branch as Amended

10. 5 USC 10 --- The Federal Advisory Committee Act
11. 5 CFR 735, Employee Responsibilities and Conduct
12. 2017 Human Subjects Rule (Federal Register /Vol. 82, No. 12 /Thursday, January 19, 2017 /Rules and Regulations). Activities Deemed Not to Be Research: Public Health Surveillance
13. PPD 19 -– Protecting Whistleblowers with Access to Classified Information, 2012
14. M-20-12 --- OMB Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices
15. 44 USC 3561 et seq. -- The Confidential Information Protection and Statistical Efficiency Act of 2018
16. The Paperwork Reduction Act (PRA) of 1980 (P.L. 96-511 and codified at 44 USC 3501 and following; reauthorized and amended in 1986 by P.L. 99-500 and 1995 by P.L. 104-13)
17. Statistical Policy Directive No. 1— Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units. OMB issued its latest statistical policy directive on December 2, 2014.
18. Statistical Policy Directive No. 2— Standards and Guidelines for Statistical Surveys. Issued by OMB in September 2006
19. Statistical Policy Directive No. 3— Compilation, Release, and Evaluation of Principal Federal Economic Indicators, first issued in the 1970s and strengthened in 1985
20. Statistical Policy Directive No. 4— Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies
21. OMB issued the *Final Information Quality Bulletin for Peer Review* on December 16, 2004.

G. Exceptions

The DOL Scientific Integrity Policy does not create any right or benefit, substantive or procedural, enforceable in law or equity by any party against the United States, its departments, agencies, or entities, its officers, employees or agents, or any other person. It shall be implemented consistent with applicable law and shall not be interpreted in a manner that conflicts with the rights of employees under applicable collective bargaining agreements. Enforcement activities and the formulation of agency rules, orders, policy, budget or management documents and training materials are not scientific activities or scientific products. However, the use and representation of science in these documents should preserve scientific integrity.

H. Definitions

Chief Science Officer (CSO) is a high-ranking career official, designated by the Secretary of Labor, who serves as the principal advisor to the Secretary of Labor on scientific issues, and to whom the SIO reports directly on matters involving scientific integrity at DOL.

DOL Agencies include ASP, BLS, EBSA, ETA, EXECSEC, ILAB, MSHA, OALJ, OASAM, ODEP, OFCCP, OLMS, OPA, OSEC, OSHA, OWCP, SOL, VETS, WB, and WHD.

DOL Workforce includes all DOL employees, contractors, political appointees, trainees, interns, and advisory committee members.

Inappropriate Interference is improper, scientifically unjustified intervention in the conduct, management, communication, or use of science, including by political officials or others motivated by partisan political considerations. This includes censorship, suppression, fabrication, or distortion of scientific products; inappropriate engagement or participation in peer review processes or inappropriate interference in the management of Federal Advisory Committees; and other efforts to inappropriately influence scientific activities or products for partisan, ideological, personal, or other unfair advantage. Actions that validly fall within the discretionary authority of DOL officials, such as setting research priorities or deciding how scientific activities will shape a policy decision, do not constitute inappropriate interference.

Loss of Scientific Integrity is the failure to comply with the Scientific Integrity Policy or adhere to the principles of honesty, objectivity, and transparency; professional practices; and ethical behavior when conducting, managing, and communicating about science, scientific activities, and scientific products.

Objectivity is the quality of being explicit, unbiased, honest, and impartial.

Retaliation, per 5 U.S.C. § 2302(b)(8), is taking, failing to take, threatening to take or threatening to not take "a personnel action with respect to any employee or applicant for employment because of any disclosure of information that the employee or applicant reasonably believes evidences (i) any violation of any law, rule, or regulation or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs." Per Pub. L. 112-199 § 110

Science is the pursuit and application of knowledge and understanding of the natural and social world following a systematic methodology based on evidence. Examples of these endeavors at DOL include basic science, applied science, program evaluation, engineering, technology, economics, social sciences, statistics, and the scientific information derived from these endeavors.

Scientific Activities are activities that involve the application of well-accepted scientific methods and theories in a systematic manner, and includes, but is not limited to, data collection, statistical analysis, surveying, experimentation, study, research, economic analysis, forecasting, predictive analytics, and modeling. Enforcement activities, the formulation of agency rules, orders, policy, and budget or management documents are not science or scientific

activities or scientific products; however, the use and representation of science in these documents and activities should preserve scientific integrity.

Scientific Integrity is the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate interference preserve scientific integrity.

Scientific Integrity Council is an advisory body comprised of career employees representing each DOL agency that assists the SIO in implementing the DOL Scientific Integrity Policy and processes.

Scientific Integrity Official is a senior career employee designated by the Secretary of Labor as DOL's lead to oversee implementation and iterative improvement of scientific integrity policies and processes consistent with the provisions of the 2021 Presidential Memorandum.

Scientific Product is the results of scientific activities, including the analysis, synthesis, compilation, or translation of scientific, statistical, and economic data into formats for the use of DOL or the public. Enforcement activities, the formulation of agency rules, orders, policy, and budget or management documents are not science, scientific activities, or scientific products; however, the use and representation of science in these documents should preserve scientific integrity.

Scientist is an individual in the DOL workforce whose responsibilities include collection, generation, use, or evaluation of scientific data, analyses, or products. It does not refer to individuals with scientific and technical training whose primary job functions are in non-scientific roles (e.g., policymakers, communicators, personnel in the Office of the Solicitor (SOL)).

I. Department of Labor Code of Scientific Conduct

The DOL workforce is expected to model behavior exemplary of a strong culture of scientific integrity by:

1. Disclosing scientific methods and data used in the development of scientific products, except as protected and/or exempt from disclosure by law, and communicating the results of scientific activities clearly, honestly, objectively, without selective reporting, and accurately;
2. Ensuring that DOL's scientific activities are of the highest quality and objectivity, and free from inappropriate interference;
3. Representing their own work fairly and clearly describing research methods and procedures;
4. Appropriately characterizing and acknowledging the intellectual contributions of others;
5. Honestly and thoroughly disclosing any conflicts of interest related to scientific activities and providing a recusal, disclaimer, or other notification as appropriate;

6. Avoiding bias and inappropriate interference;
7. Understanding and upholding the specific programmatic statutes that guide their work;
8. Considering different scientific views and scientific opinions on scientific and technical matters as a legitimate and necessary part of the scientific process;
9. Ensuring the free flow of scientific knowledge;
10. Accepting the affirmative responsibility to report to the Scientific Integrity Official any breach of this Scientific Integrity Policy.

J. Policy Requirements

I. Promoting a Culture of Scientific Integrity

DOL leadership at all levels will promote this policy and model behavior exemplary of a strong culture of scientific integrity.

This means creating an environment that fosters rigorous scientific inquiry and debate, values and supports the role of science in carrying out the DOL mission and protects scientists and the process of science.[3]

A strong culture of scientific integrity begins with ensuring a professional environment that is safe, equitable, and inclusive. Issues of diversity, equity, inclusion, and accessibility are an integral component of the entire scientific process, and attention to these issues can improve the representativeness and eminence of the scientific workforce, foster innovation in the conduct and use of science, and provide for more equitable participation in science by diverse communities. The responsible and ethical conduct of research and other scientific activities requires an environment that is equitable, inclusive, safe, and free from harassment and discrimination.

To instill and enhance a culture of scientific integrity, DOL will post this policy prominently on its website and take other measures to keep scientific integrity visible. DOL will develop and provide training for the DOL workforce.

DOL will apply this policy in a manner that is inclusive of different modes of science, such as citizen science, community-engaged research, participatory science, and crowdsourcing.[5] This may require expanded scientific integrity practices and expectations, such as granting communities more autonomy over research questions and research design, recognition of data and knowledge sovereignty, and inclusion of multiple forms of evidence, such as Indigenous Knowledge.[6]

[5] https://www.citizenscience.gov/about

[6] Indigenous Knowledge refers to a body of observations, oral and written knowledge, practices and beliefs that promote environmental sustainability and the responsible stewardship of natural resources through relationships between humans and environmental systems. (Indigenous Knowledge | OSTP | The White House)

II. Protecting Scientific Processes

Scientific Integrity fosters honest scientific investigation, open discussion, refined understanding, and a firm commitment to evidence. Science, and public trust in science, thrives in an environment that shields scientific data and analyses and their use in policymaking from inappropriate interference.

It is DOL's policy to:

1. **Prohibit inappropriate interference.** Prohibit inappropriate interference in the funding, design, proposal, conduct, review, management, evaluation, reporting, or use of scientific activities and scientific products.
2. **Prohibit inappropriate restrictions.** Prohibit inappropriate restrictions on resources and capacity that limit and reduce the availability of scientific products. Restrictions that occur within normal budgetary or priority-setting processes or with scientific or legal justification are not inappropriate.
3. **Protect workers.** Ensure employees and other covered entities can conduct scientific activities free from retaliation.
4. **Uphold accuracy.** Require reasonable efforts to ensure the accuracy of the scientific record and to correct identified inaccuracies.
5. **Demand honest representation of contributions.** Require that all contributions to scientific products are represented accurately and do not assume unauthorized and/or unwarranted credit for another's accomplishments.
6. **Support peer/independent review.** Conduct independent review of scientific activities, as feasible and appropriate.[7]
7. **Require compliance and protect resources.** Require that employees and other covered entities comply with DOL policies and procedures for scientific activities and protect federal research resources, including records of data and results that are entrusted to them.
8. **Prohibit misconduct.** Require those engaged in scientific activities adhere to the DOL Code of Scientific Conduct.
9. **Ensure disclosure of conflicts of interest.** Require those engaged in scientific activities to disclose any conflicts of interest to their supervisor or other appropriate DOL officials to determine whether a recusal, disclaimer, or other notification would be appropriate.
10. **Protect human subjects.** Require that research involving the participation of human subjects is conducted in accordance with applicable, established laws, regulations, and ethical considerations.
11. **Prevent scientific integrity violations.** Promptly address allegations of loss of scientific integrity and make concerted efforts to prevent violations of the scientific integrity policy, including those violations that have been shown to have a disproportional impact on underrepresented groups or weaken the equitable delivery of Federal Government programs.

[7] See OMB Bulletin for Peer Review M-05-03

III. Ensuring the Free Flow of Scientific Information

Honest, open, and timely communication of DOL science plays a valuable role in building public trust and understanding of DOL work. DOL will support scientific integrity in the communication of scientific activities, findings, and products. Scientific products will be disseminated to the extent allowed by law and policy, consistent with data privacy, information sensitivity, classification standards, and responsible communication of scientific information. It is DOL's policy to:

1. **Make scientific products available to the public.** Facilitate the free flow of scientific products, consistent with privacy and classification standards. Adhering to Open Government requirements, DOL assumes that data are publicly available by default and will, whenever possible, expand and promote access to scientific and technological information by making it available freely to the public in an online digital format.
2. **Provide knowledgeable, objective spokespeople.** In response to media requests about the scientific aspects of their work, agencies will offer knowledgeable spokespersons who can describe scientific activities and/or scientific products in an objective and nonpartisan fashion. This does not include describing the policy implications of the work. DOL scientists should coordinate media queries or opportunities (e.g., requests for interviews or requests for submissions of written commentary) with their immediate supervisors and public affairs offices, including the DOL Office of Public Affairs and Office of the Solicitor as appropriate, in accordance with the applicable policies of their respective agencies/staff offices.
3. **Encourage dissemination of science.** Where appropriate, ensure that DOL scientists may communicate the results of their scientific activities (data and results) objectively without inappropriate interference, while at the same time complying with DOL policies and procedures for planning and conducting scientific activities, reporting scientific findings, and reviewing and releasing scientific products. Release and dissemination of scientific products must adhere to all applicable DOL policies and procedures. DOL employees must refrain from making or publishing public statements in their official capacities that could be construed as being judgments of, or recommendations on, DOL or any other Federal Government policy, unless they have secured appropriate prior approval to do so. Such communications must remain within the bounds of their scientific or technological findings, unless specifically otherwise authorized. (Also see ***VII. Professional Development for Government Scientists***)
4. **Reject inappropriate interference.** Ensure that scientific findings and products are not suppressed, delayed, or altered without scientific justification due to inappropriate interference.
5. **Resolve disputes ethically.** Ensure that mechanisms are in place to resolve disputes that arise from DOL agencies' decisions to proceed or not to proceed with proposed interviews or other releases of public information or related activities involving the agencies' scientific activities or products.

6. **Accurately represent scientific findings.** Ensure that the work and conclusions of research conducted, funded, or supported by the Federal Government are accurately represented in DOL communications. This includes ensuring that scientific information is accurately represented in responses to Congressional inquiries, testimony, and other requests, and accurately represent scientific activities in DOL social media communications. If documents significantly rely on a DOL scientist's research, identifies them as an author, or represents their scientific opinion, then where legally permissible and appropriate, the scientist(s) must be given the option to review the scientific content of proposed documents. Social media managers are responsible for correcting any errors related to DOL's scientific activities posted to DOL's social media accounts.
7. **Prohibit inappropriate alteration of scientific findings.** Require that DOL officials, including public affairs officers, not alter, nor direct a DOL scientist to alter, a presentation of their scientific findings in a manner that would knowingly compromise the objectivity or accurate representation of those findings, nor affect a change in presentation without concurrence of the principal scientist.
8. **Prohibit censorship and suppression.** Require that technical review and clearance processes of scientific products include provisions for timely and predictable clearance as appropriate and expressly forbid inappropriate interference.

IV. Supporting Decision Making Processes[8]

DOL is a recognized leader in the Federal Government for its evidence-building institutions, with strong capabilities in statistics, program evaluation, performance measurement, policy analysis, and data governance. DOL invests in evidence-building activities to ensure that accurate, timely, and objective data inform our mission: "To foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights." It is DOL's policy to:

1. Ensure the quality, accuracy, and transparency of scientific information used to support policy and decision making including:
    a. Use scientific information that is subject to well-established scientific processes.
    b. Ensure that scientific data and research used to support policy decisions undergo review by qualified experts, where feasible and appropriate, and consistent with law and policy. [9]
    c. Reflect scientific information appropriately and accurately and ensure that it is free of misinformation; and
    d. Make scientific information considered or relied on in final agency determinations publicly available online and in open formats, to the extent practicable and consistent with applicable laws and policies.

[8] See "Protecting the Integrity of Government Science.", especially Chapter 2 for a discussion of the range of factors considered during policymaking.

[9] *See* Office of Management and Budget. "Final Information Quality Bulletin for Peer Review." *Federal Register*. Doc. 05-769, January 14th, 2005

2. Where legally permissible and appropriate, enable DOL scientists to provide recommendations to and answer questions from DOL policymakers and managers when policy and management decisions involve the science for which they are the subject matter expert to ensure that the science is accurately represented and interpreted.
3. Ensure the accuracy of communication of the science upon which a policy decision is based.
4. Ensure that the SIO, with input from the other scientific officials and in consultation with the Office of the Solicitor, develops a transparent mechanism for DOL scientists to express differing scientific opinions in internal deliberative documents for decisionmakers. When a DOL employee who is substantively engaged in the science informing a DOL policy decision disagrees with the scientific data, interpretations, or conclusions that are to be relied upon for that decision, the employee is encouraged to express that opinion complete with rationale and in writing. The differing scientific opinions of DOL scientists, if any, will be represented in the internal deliberative documents for the decision maker's consideration.

V. Ensuring Accountability

DOL is committed to addressing allegations and concerns about scientific integrity. In order to facilitate this process, and in consultation with DOL's Office of the Solicitor, it is DOL's policy to:

1. Provide clear guidance on how to formally and confidentially report concerns and allegations of Scientific Integrity Policy violations. Those who report concerns and allegations need not be directly involved or witness a violation.
2. Encourage and facilitate early informal or formal consultation with the SIO to seek advice on preventing a situation of concern, to determine if it is a potential violation of the Scientific Integrity Policy, and to ascertain if it should be referred elsewhere in DOL for resolution or prevention.
3. Ensure that the SIO, together with the Scientific Integrity Council, as applicable, drafts procedures to respond to allegations of compromised scientific integrity in a timely, objective, and thorough manner. These procedures will include the following steps: an initial assessment and review, a fact-finding process, an adjudication or determination including description of remedies and preventative measures to safeguard the science, an appeals process, follow-up to track implementation of remedies, and reporting.
4. Ensure that procedures document the necessary aspects for each step of the process including burden of proof, any necessary determination of intentionality, reporting and the roles of the SIO and DOL staff in the process.
5. Ensure that the SIO, together with the Scientific Integrity Council, makes the necessary referrals for handling violations of other DOL policies and procedures related to allegations of loss of scientific integrity.
6. In instances of a violation allegation, ensure correction of the scientific record, the implementation of recommendations to prevent such allegations in the future and, as appropriate, referral to existing DOL procedures for the enforcement of administrative actions when allegations of a loss of scientific integrity are substantiated.

VI. Protecting the Scientific Workforce

To ensure the protection of government scientists and other covered entities from retribution and in consultation with DOL's Office of the Solicitor, it is DOL's policy to:

1. Select and retain candidates for scientific and technical positions based on the candidate's scientific and technical knowledge, credentials, experience, and integrity, and hold them and their supervisors to the highest standards of professional and scientific ethics including those described in the DOL Code of Scientific Conduct.
2. Promote diversity, equity, inclusion, and accessibility in the scientific workforce and to create safe workspaces that are free from harassment and discrimination. Support scientists including, but not limited to, Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality; and advance the equitable delivery of Federal programs.
3. Protect those individuals who report allegations of the loss of scientific integrity in good faith, as well as those employees and other covered entities alleged to have caused the loss of scientific integrity, from prohibited personnel practices (as defined in 5 USC 2302(b)).
4. Prevent supervisors and managers or other DOL leadership from exerting inappropriate interference over DOL scientists in the development of scientific products.
5. Comply with whistleblower protections, specifically:
    a. Following the requirements of the Whistleblower Protection Act of 1989, and its expanded protections enacted by PL 103-424 and the Whistleblower Protection Enhancement Act of 2012;
    b. Recognizing the National Defense Authorization Act's expansion of certain whistleblower protections to employees of Federal Government contractors, subcontractors, and grant recipients. 41 USC 4712; and,
    c. Prohibiting supervisors from taking, failing to take, or threatening to take or fail to take any action affecting an employee's eligibility for access to classified information in reprisal for making a protected disclosure, in accordance with Presidential Policy Directive 19.

VII. Supporting Professional Development for DOL Scientists

DOL scientists and other employees and covered entities involved in scientific activities are encouraged to interact with the broader scientific community as part of their official duties, in a manner that is consistent with and authorized by applicable federal rules of ethics, job responsibilities, and to the extent that is practicable given the availability of funding to support such interactions and any budgetary or mission related restraints. This includes:

1. Encouraging timely publication of research such as in peer-reviewed, professional, scholarly journals, DOL technical reports and publications or other appropriate outlets;

2. Encouraging the sharing of scientific activities, findings, and materials through appropriate avenues including on digital repositories;
3. Encouraging attendance and presentation of research at professional meetings including workshops, conferences, and symposia;
4. Permitting service on editorial boards, as peer reviewers, or as editors of professional or scholarly journals;
5. Permitting participation in professional societies, committees, task forces, and other specialized bodies of professional societies, including removing barriers to serving as officers or on governing boards of such societies;
6. Permitting government scientists to receive honors and awards for contributions to scientific activities and discoveries, and to accrue the professional recognition of such honors or awards; and
7. Permitting scientists to perform outreach and engagement activities, such as speaking to community and student groups, as part of their official duties.

VIII. Federal Advisory Committees (FACs)

Federal Advisory Committees (FACs) are an important tool within DOL for ensuring the credibility, quality, objectivity, and transparency of DOL science. DOL will adhere to the Federal Advisory Committee Act and develop policies, in coordination with DOL's Office of the Solicitor and the General Services Administration. Recruitment protocol will be consistent with guidance on lobbyists serving on FACs, for convening FACs tasked with giving scientific advice, consistent with the following:

1. The recruitment process for new FAC members should be as transparent as practicable. DOL should, when practicable and appropriate, announce FAC member vacancies widely, including notification in the Federal Register with an invitation for the public to recommend individuals for consideration and for self-nominations to be submitted.[10]
2. Professional biographical information (including current and past professional affiliations) for appointed committee members should be made widely available to the public (*e.g.*, via a website) subject to Privacy Act and other statutory/regulatory considerations. Such information should clearly illustrate the individuals' qualifications for serving on the committee.[11]
3. The selection of members to serve on a scientific or technical FAC should be based on expertise, knowledge, and contribution to the relevant subject area. Additional factors that may be considered are availability of the member to serve, diversity among members of the FAC, and the ability to work effectively on advisory committees. Committee membership should be fairly balanced in terms of points of view represented with respect to the functions to be performed by the FAC.[12] The selection process should be overseen by career officials.

[10] Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity, Section III, 1., Use of Federal Advisory Committees. December 17, 2010. Office of Science and Technology Policy.
[11] *Id* at 2.
[12] *Id* at 3.

4. Except when prohibited by law, DOL should make all conflict-of-interest waivers granted to committee members publicly available.[13]
5. Whenever possible, DOL should engage members of scientific and technical FACs as Special Government Employees to further transparency goals.
6. Except when explicitly stated in a prior agreement between DOL and a FAC, all reports, recommendations, and products produced by FACs should be treated as solely the findings of such committees rather than of the U.S. Government, and thus are not subject to intra- or inter-agency revision.[14]
7. DOL must comply with current standards governing conflict of interest as defined in statutes and implementing regulations.

K. Scientific Integrity Council/Other Scientific Integrity Officials

DOL will establish a Scientific Integrity Council comprising senior DOL career employees and chaired by the Scientific Integrity Official. The Scientific Integrity Council will provide oversight for the implementation of the Scientific Integrity Policy at DOL; act as liaisons for their respective DOL agency, including being available to address questions or concerns regarding the policy; and assist with ongoing assessments, updates and amendments to the policy, processes and training. The Scientific Integrity Official together with the Council will draft a Scientific Integrity Council Charter outlining criteria for selection as a member; roles, responsibilities, and duties of members; and the frequency of meetings.

L. Procedures

The Scientific Integrity Official in conjunction with the Office of the Solicitor and other DOL career officials will draft procedures outlining how DOL implements its scientific policy. These procedures will be completed within one year of the release of this policy. The procedures and any updates made to them will be prominently posted on DOL's website.

M. Roles and Responsibilities

Scientific Integrity is everyone's responsibility. The scope of responsibility and work carried out is unique to each DOL agency. The following DOL officials and personnel have specific scientific integrity roles and responsibilities:

I. *Secretary of Labor*

1. Provides leadership for DOL on scientific integrity such as leading through example, upholding scientific integrity principles, and regularly communicating the importance of scientific integrity.

[13] *Id* at 4.
[14] *Id* at 5.

2. Ensures that all DOL activities associated with scientific and technological processes are conducted in accordance with the policy.
3. Ensures all supervisors and managers comply with the scientific integrity policy and hold violators accountable.
4. Takes violations of scientific integrity policies as seriously as violations of government ethics rules and issues appropriate consequences.
5. Designates the Deputy Assistant Secretary for Policy in the Office of the Assistant Secretary for Policy (OASP), a senior employee with access to a high concentration of social scientists, scientific knowledge, and research, as the Chief Science Officer.
6. Supports the Chief Science Officer's role as advisor on scientific issues.
7. Designates DOL's Chief Evaluation Officer, a senior career employee who has access to a broad range of scientific knowledge and research, as DOL's Scientific Integrity Official.
8. Ensures that the Scientific Integrity Policy considers, supplements, and supports DOL plans for forming evidence-based policies, including the evidence-building plans required by 5 U.S.C. 312(a) and the annual evaluation plans required by 5 U.S.C. 312(b).
9. Provides adequate resources and funding to implement this policy including staffing, monitoring, evaluation, reporting, and training.
10. Supports and respects the Scientific Integrity Official's independence, recommendations, and designation of and DOL compliance with corrective scientific actions when violations of this policy are substantiated.

II. DOL Agency Heads

1. Ensure that scientific activities within their agencies are conducted in accordance with the policy.
2. Serve as advisors to the Secretary of Labor on scientific issues related to their agency and ensure that their agency's research programs are scientifically well-founded and conducted with integrity.
3. Designate a career employee to serve as the representative on the DOL SIC. Designate a career official responsible for the oversight and implementation of the policy – who may be the same person designated as the agency member of the SIC.
4. Adhere to DOL's policies and procedures related to scientific integrity.

III. Chief Science Officer

1. Serves as the principal advisor to the Secretary of Labor on scientific issues and ensures that the DOL's research programs are scientifically and technologically well-founded and conducted with integrity.
2. In cooperation with the SIO, oversees the implementation and improvement of policies and processes affecting the integrity of research funded, conducted, or overseen by DOL, as well as policies affecting the federal and non-federal scientists who support the research activities of the DOL, including scientific integrity policies.

3. Supports the SIO's designation of and DOL compliance with corrective scientific actions when violations of this policy are substantiated. Assistance may be sought from the National Science and Technology Council Subcommittee on Scientific Integrity in cases of disagreement.
4. Ensures DOL establishes clear administrative actions for substantiated violations of scientific integrity policies, designating responsibility for each aspect of accountability.

IV. Scientific Integrity Official

1. Oversees implementation and iterative improvement of scientific integrity policies and processes providing leadership, acting to champion scientific integrity, and serving as the primary DOL-level contact for questions regarding scientific integrity and ensuring scientific integrity activities and outcomes are appropriately monitored and evaluated.
2. Leads training and outreach initiatives to facilitate employee awareness and understanding of this policy.
3. Serves as a neutral point of contact for receiving scientific integrity questions and concerns and allegations of loss of scientific integrity.
4. Conducts an initial assessment of allegations and submitted materials, following established procedures, to determine whether the allegations pertain to loss of scientific integrity and their appropriate handling. Provides independent oversight of DOL responses to allegations of loss of scientific integrity referred for an inquiry or investigation, including:
    a. Reviewing reports of allegations and their disposition; and
    b. Maintaining a status report of responses to allegations as a means of monitoring the progress toward resolution.
5. Leads efforts to update this policy and any accompanying guidance, as appropriate.
6. Reports to the Chief Science Officer on matters involving scientific integrity.
7. Coordinates with the Office of Inspector General (OIG), the Office of the Solicitor, and other offices, as necessary.
8. Reports to OIG any potentially criminal behavior related to waste, fraud, or abuse that is uncovered while responding to an allegation of loss of scientific integrity and coordinates with OIG as appropriate.
9. Keeps the Chief Science Officer informed on the status of the implementation of this policy and any compliance concerns, as warranted.
10. Chairs the Scientific Integrity Council and delegates responsibilities to participating members of the Scientific Integrity Council, as needed.
11. Publishes an annual scientific integrity report as described below.
12. Leads efforts to improve this policy and scientific integrity initiatives overall including developing and implementing a plan to regularly monitor and evaluate ongoing scientific integrity activities and outcomes.
13. To the extent possible, contributes to high level discussions and strategic planning on the recruitment, retention, development, and advancement of scientists—especially scientists

from underrepresented communities—to help ensure that scientific integrity is appropriately and carefully considered.

V. Scientific Integrity Council Members

1. Assist the Scientific Integrity Official in implementing and improving DOL's scientific integrity policies and processes.
2. Provide oversight for the implementation of the Scientific Integrity Policy at DOL.
3. Act as liaisons to provide advice on scientific integrity matters and receive reports of violations for their respective DOL agency unit.
4. Assist with training and policy assessment, updates, and amendments.
5. Address any questions or concerns regarding this policy.

VI. Managers and Supervisors

1. Comply with and ensure agency and employee compliance with the Scientific Integrity Policy and listen, advise, and report allegations of loss of scientific integrity and take action as appropriate.
2. Uphold the principles contained in this policy, including the DOL Scientific Code of Conduct.
3. Lead through example by upholding scientific integrity principles and communicating the importance of doing so.
4. Report any knowledge of potential losses of scientific integrity to the Scientific Integrity Official or Scientific Integrity Council members.
5. Consult, as appropriate depending upon the nature of the allegation, with the Scientific Integrity Official, human resources officer, contracting and grant personnel, Office of Legal Counsel, OIG, and SOL.

VII. Employees and other covered entities

1. Be aware of the principles contained in this policy including the DOL Code of Scientific Conduct and how the policy applies to their duties.
2. Comply with this policy, including the DOL Code of Scientific Conduct.
3. Report to the Scientific Integrity Official or Scientific Integrity Council members any knowledge of loss of scientific integrity.

N. Monitoring and Evaluating Scientific Integrity Activities and Outcomes

DOL through the SIO and the Scientific Integrity Council, will develop and implement a plan that defines policy implementation goals and activities. The plan will be used to regularly measure, monitor, and evaluate ongoing scientific integrity activities and outcomes. The plan will include a roadmap of activities and expected outcomes, the steps and methods needed to assess the processes and outcomes, the methods and metrics used to evaluate the activities and outcomes, and how the data will be analyzed on a regular basis and used for ongoing

improvement of scientific integrity processes, procedures, and policies. Members of the SI Council will coordinate planning and reporting activities within their respective agencies.

The plan will include, at a minimum, qualitative and quantitative metrics for agencies to collect and report as identified in *A Framework for Federal Scientific Integrity Policy and Practice* Chapter 2 entitled *Metrics and Measurement Methods for Scientific Integrity Activities and Outcomes* and Chapter 3: *Critical Metrics for Regular Assessment and Iterative Improvement of Agency Scientific Integrity Policy Implementation*.[15]

The plan will also include a timeline for implementation and frequency of data collection, analysis, review, recommendations, and implementing recommendations. Monitoring and evaluation results, recommendations, and policy/procedure changes based on results will be reported to DOL leadership and will be made available to DOL staff and the public in a timely manner.

Reporting. The Scientific Integrity Official, with input from the Scientific Integrity Council, is responsible for generating and making prominently available on the DOL's public facing website an annual report to DOL leadership on the status of scientific integrity within DOL, per the January 27, 2021, Presidential Memorandum. The report will highlight scientific integrity successes, accomplishments, or progress across DOL such as any new scientific integrity hires, training, enhancements to scientific integrity policies, etc. The report will identify areas for improvement and develop a plan for addressing critical weaknesses, if any. It will report on progress toward achieving the critical metrics[16] identified in Chapters 2 and 3, including comparisons to the same metrics from prior years to show trends over time, whenever feasible. It will also include the number of formal administrative investigations, inquiries and appeals involving alleged or actual deviations from the scientific integrity policy and outcomes. Annual Reporting will summarize cases overall, which may include anonymized individual closed scientific integrity case summaries, where feasible. These summaries may be posted in a timely manner after completion of inquiries and/or incorporated into the annual report. The identities and non-essential information about complainants, respondents, witnesses, and others involved in the investigations must be protected.

O. Scientific Integrity Policy Intersections with Related and Supporting Policies

Scientific integrity officials should be aware of policies and programs that intersect with the development of the culture of scientific integrity within DOL. Scientific Integrity Officials, where possible, will be involved in the development or revision of the broader set of policies and practices that affect the culture and applicability of scientific integrity within DOL.

[15] https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf

[16] The metrics may be collected every other year.

Related Policies that Can Intersect with Scientific Integrity

Diversity, Equity, Inclusion, and Accessibility (DEIA) in Addressing and Strengthening Scientific Integrity and the Disproportional Impact of Scientific Integrity Policy Violations on Underrepresented Groups. Policies, practices, and agency culture to promote diversity, equity, inclusion, and accessibility in the scientific workforce and federal workforce at large and to create safe workspaces that are free from harassment and discrimination are foundational for achieving a culture of scientific integrity. Because of existing power structures, racism, sexism, discrimination, and other forms of bias in the workplace, scientific integrity and DEIA policies may intersect in many places. Similarly, scientific integrity entails greater transparency into research processes and policy-making outcomes. DOL will review and address all potential Scientific Integrity Policy violations, including those that have a disproportionate impact on underrepresented groups or weaken the equitable delivery of DOL programs.

Public Access. Policies and practices that help to ensure that publications, data, and other outputs of government-funded research are equitably and publicly available to other researchers, innovators, students, and the broader public, including underserved communities, consistent with the 2022 OSTP *Memorandum on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research*.

Human and Animal Subject Protections. For the protection of human subjects of research and clinical investigations, requirements for federal departments or agencies (conducting or supporting) as applicable, are provided in the Federal Policy for Protection of Human Research Subjects (the Common Rule) outlined in 45 C.F.R. §§ 46.101-46.124 and the FDA Policy for the Protection of Human Subjects outlined in 21 C.F.R. §§ 50, 56, 312 and 812.

To protect the welfare of animals used in research or other activities conducted or supported by federal departments or agencies, compliance with the federal regulations and policies governing animal care and use is required, including regulated species under the United States Department of Agriculture Animal Welfare Act (AWA) and regulations (AWAR), the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy) administered by the National Institutes of Health, Office of Laboratory Animal Welfare and the Guide for the Care and Use of Laboratory Animals.

Scientific Integrity with Research Security. Scientists are encouraged to interact with the broader scientific community as well as to engage with collaborators with a commitment to a shared research environment of openness, transparency, honesty, equity, fair competition, objectivity, and democratic values. However, some foreign governments are working vigorously in contradiction with these values to acquire, through both licit and illicit means, U.S. research and technology. Research security policies, such as the National Security Presidential Memorandum 33 (NSPM-33) and subsequent Guidance for Implementing NSPM-33, must harmonize with scientific integrity policies by both guarding against foreign abuses and protecting intellectual property rights, while ensuring the scientists maintain honesty, objectivity, transparency, and professional and ethical behaviors.

Foundations for Evidence-Based Policymaking Act ("Evidence Act"). Scientific integrity is a foundational component of Federal policies and data infrastructure investments supporting

information quality, access, protection, and evidence building and use. The Evidence Act, also anchored in scientific integrity, called on agencies to strategically plan and organize evidence building, data management, and data access functions to ensure an integrated and direct connection to data and evidence needs. Title II of the Act – the OPEN Government Data Act - requires federal agencies to make public data assets available online, using open standards, machine-readable, open formats, and without restrictions (other than intellectual property rights) that would impede use. The metadata associated with open government data assets is made available through the Federal Data Catalogue at data.gov. Title III – the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018 - requires agencies to enable statistical agencies to uphold their fundamental responsibilities to provide timely, relevant, credible, and objective data and statistics and to maintain public trust. Agencies should consult OMB's implementing guidance (including OMB M-19-23, OMB M-20-12, OMB M-21-27, and Statistical Policy Directive 1) to ensure that scientific integrity policies and procedures complement and reinforce related requirements of the Evidence Act. Agency Learning Agendas and Annual Evaluation Plans, required by the Evidence Act, are posted on agency websites and linked at Evaluation.gov.

Notification and Federal Employee Antidiscrimination and Retaliation Act ("No FEAR Act"). Federal agencies are required to be held accountable for violations of antidiscrimination and whistleblower protection laws. Under the No FEAR Act, agencies must pay for settlements, awards or judgments against them in whistleblower and discrimination cases out of their own budgets.

Dual Use Research of Concern. The United States Policy for Oversight of Life Sciences Dual Use Research of Concern stipulates that additional review is required for scientific research that could be directly misapplied to pose a significant threat with broad potential consequences to public health and safety, agricultural crops and other plants, animals, the environment, materiel, or national security.