

Guidance For NOAA Employees
Regarding Implementation and Interpretation of DAO 219-1

On March 29, 2007, the Department of Commerce issued a new Administrative Order, DAO 219-1, establishing the policy for Department employees engaging in public communications. This guidance provides employees with information as to how NOAA will implement and interpret certain key provisions of the Order.

Each of NOAA's Line Offices has unique roles, responsibilities and duties, and as such, is encouraged to use the Order's flexibility to continue its practices. NOAA supports robust discussion about its science and an open dialogue with the public and the media. These guidelines will help ensure the results of the agency's research are widely shared.

Exemptions for certain disclosures

- The Order does not apply to disclosure of information under the terms of the Whistleblower Protection Act or the Federal Service Labor-Management Relations Act.

Brief Definitions (see DAO 219-1 for complete definitions)

- **Public Communication**: Any communication intended for, or reasonably expected to have, broad distribution outside the U.S. government.
- **Fundamental Research Communication**: Public Communication prepared as part of your job regarding the products of basic or applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community. Matters of policy, budget or management are not considered Fundamental Research Communications.
- **Official Communication**: Public Communication, including news releases, that is prepared as part of your job. An Official Communication involving science or similar research material is not a Fundamental Research Communication, but the science involved cannot be altered by public affairs.
- **Non-Official Communication**: Public Communication that takes place and is prepared non-officially (off duty and without government resources).
- **Non-Official Communication of Interest**: Non-Official Communication that is a matter of official interest to the Department because it relates to an employee's job, area of expertise or duties.

Overview: What's New?

Fundamental Research Communications

- DAO 219-1 explicitly allows researchers to publicly discuss the results of basic or applied research in science or engineering – termed “Fundamental Research Communications” -- without prior approval from NOAA’s Office of Communications. This includes media interviews.
- In these discussions or interviews, you may draw scientific conclusions from your research. If your conclusion could be misunderstood as an official NOAA position when it is not, you should say that it is your individual conclusion and not the view of the Department or NOAA.
- You are encouraged, but not required, to use your public affairs specialist to facilitate interviews. If a member of the media requests an interview on a Fundamental Research Communication through public affairs, and you agree, the Communications Office will facilitate the interview.

Media Interviews

- You are no longer required to submit anticipated questions and answers prior to media interviews unless requested to do so by public affairs.

Appeals

- You will get clear written feedback about decisions made under the Order. You may appeal decisions with which you disagree. A ruling on your appeal should be made within two business days. Any scientific appeals will be decided by a senior career employee.

News Releases

- News releases submitted for review will undergo an approval process not to exceed four business days when practicable (a goal of two business days at the respective line office and two business days at NOAA headquarters.)

Overview: What's The Same?

- NOAA’s Office of Communications can help you prepare for and make the most of your media interview or other public speaking opportunity.
- You must continue to work through your public affairs specialist for Official Communications intended for the news media, such as news releases, news conferences, and media interviews. This does not apply to Fundamental Research Communications.

- NOAA public affairs materials are Official Communications; however, public affairs specialists may not alter the substance of the science contained in the news release. The researcher has the right to review edits to public affairs materials and will be consulted before the communication is delivered.
- All media interviews must be “on the record” unless advised otherwise by your public affairs specialist.
- You are not required to speak to the news media.

Submission of Materials

- With respect to Fundamental Research Communications, Official Communications, and Non-Official Communications of Interest, you should continue to follow current practices in your organization regarding review and, where required, approval of materials. If your organization has no current practice, you should submit materials to your immediate supervisor. Your immediate supervisor may re-delegate approval authority as appropriate.
 - For example, with respect to Fundamental Research Communications, if your organization has an existing practice of allowing publication of scientific papers subject only to the peer review process, then submitting a scientific paper to that peer review process is sufficient for these purposes.
 - Also, note that only review, not approval, is necessary for Non-Official Communications of Interest. Any comments or conclusions by the reviewer are only advisory in nature. In other words, NOAA will not prohibit your Non-Official Communication of Interest, although you do remain responsible for compliance with applicable laws and regulations.
- With respect to Official Communications, you must submit materials in a “timely manner.” Sections 8, 9. “Timely manner” for this purpose should typically be at least five business days prior to the communication being delivered.
- With respect to Fundamental Research Communications and Official Communications, the reviewing official must complete a review in a “timely manner.” Sections 7-9. “Timely manner” for this purpose should typically be no more than five business days after the communication is submitted for review.
- The review of Non-Official Communications of Interest is limited to matters of official interest to NOAA that relate to your job or area of expertise or duties as a NOAA employee. For example, the review requirement does not apply to a letter to the editor by a NOAA employee commenting on the Census Bureau’s plans for the upcoming census.
- Routine materials that are Non-Official Communications of Interest will be reviewed within two business days. The Order requires that review of Non-Official

Communications of Interest be completed within fourteen days. The reviewer may not disapprove a Non-Official Communication of Interest, but she or he may note one of the issues for which you remain responsible listed below. If the reviewer does not respond by the fourteenth day, you are free to proceed with the communication. You remain responsible, however, to ensure you are not improperly releasing information otherwise protected from disclosure (e.g., classified information; Privacy Act information), violating applicable ethics regulations or statutes, or improperly attributing your personal views to the Department (or creating a public perception of that).

Official Communications with the Media

- With respect to Official Communications intended for the media (which do not include Fundamental Research Communications), you should submit materials to the appropriate line office or subject matter public affairs specialist as the appropriate official to receive materials for review.
- Your public affairs specialist is listed here by line office and subject matter: <http://www.publicaffairs.noaa.gov/reporters.html>.
- Only spokespeople designated by the NOAA Office of Communications are authorized to speak on behalf of NOAA and the Department in an official capacity regarding matters of policy, budget, or management. The NOAA Office of Communications will designate such spokespeople.
- Employees involved in approved media events (news conferences, interviews) or approved news releases should promptly respond to media questions. Questions about policy or regulatory actions, budget and management issues must be referred to the designated public affairs specialist.
- If you are contacted by the media with regard to Official Communications, you must notify your public affairs specialist before responding so the specialist can decide whether he or she needs to be involved in the interview.
- Note that these requirements apply only to Official Communications with the media, not Fundamental Research Communications.

Application to Weather and Other Public Safety Information

- The Order's requirements regarding prior review of Official Communications do not apply to emergency-related communications or dissemination of routine weather or public-safety related communications. You may engage in these types of communications without obtaining prior approval.
- In an emergency, particularly where there is an imminent risk to life or property, you may make an Official Communication related to the emergency without obtaining prior approval.

- National Weather Service employees and others in NOAA who have public safety or incident response duties may communicate routine weather and other public safety information (e.g., weather events, hazard response operations, and marine mammal strandings) without obtaining prior approval.

Employees' Appeal Rights

- Your immediate supervisor determines if a communication is a public communication, and if so, the type of public communication. The supervisor will determine the nature of the communication in a timely manner. Section 12.01. For this purpose, "timely manner" should typically be within one business day.
- If you disagree with a decision made under the Order, you may appeal the decision in writing within 45 days.
- With respect to all appeals under Section 12, NOAA has designated the Assistant Administrator or the Corporate Office Director for the employee's office as the official to receive and decide the appeal. For scientific appeals under Sec. 12.02, if the designated official is not a career employee, the most senior career employee below the designated official is designated to receive and decide the appeal.
- An explanation of an appeal's resolution will be provided in writing to all interested agency parties.
- If the employee is dissatisfied with the appeal's resolution, an additional appeal may be made to the Office of the Under Secretary.

Effective Date

- This guidance is effective immediately for all non-bargaining unit employees. Organizations with bargaining units must ensure that all labor relations obligations have been met in the implementation of these interim guidelines, and NOAA's Office of Communications will assist accordingly to address those requirements.
- If you have questions, or need clarification regarding these guidelines or the DOC policy, please email your public affairs specialist listed here by line office and subject matter: <http://www.publicaffairs.noaa.gov/reporters.html>.