Region 4 U.S. Environmental Protection Agency Laboratory Services & Applied Science Division Athens, Georgia	
Operating Procedure	
Title: Testimony Evaluation	ID: LSASDPROC-1012-R1
Issuing Authority: Deputy Director, LSASD	
Effective Date: June 6, 2020	Review Due Date: June 6, 2024

Purpose

This Operating Procedure is specific to the Region 4 Laboratory Services & Applied Science Division (LSASD) to maintain conformance to technical and quality system requirements. This document describes how LSASD monitors and evaluates the testimony delivered by LSASD personnel.

Scope/Application

The requirements of this procedure apply to all personnel who perform work under the LSASD QMS. A portion of LSASD activities supports the environmental enforcement community through expertise in a variety of applications. This support can cover any aspect of the enforcement process from administrative to civil to criminal and can include testimony in depositions, hearings, and trials. In order to evaluate the effectiveness and reliability of the testimony presented, a monitoring and evaluation system has been developed. While this SOP may be informative, it is not intended for and may not be directly applicable to operations in other organizations. Mention of trade names or commercial products in this operating procedure does not constitute endorsement or recommendation for use.

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1.0 Procedure

1.1 Evaluation

The immediate supervisor will request evaluation(s) of an employee's testimony presented at a deposition, hearing, or trial in support of a litigated case. Each employee, who provides testimony, will be evaluated either once a year, or on each occasion if the employee testifies at a lesser frequency.

The immediate supervisor will request a testimony evaluation from a monitor who was present during the employee's testimony. The evaluation will be documented on the LSASD Testimony Evaluation Form (LSASD FORM-020). Multiple monitors may be requested for each occasion. If possible, to facilitate the evaluation procedure, the evaluation form will be provided to a monitor prior to a testimony. Examples of possible monitors include legal staff from EPA or U.S. Department of Justice, criminal or civil investigators, and technical peers. Areas covered in the evaluation include demeanor and performance under direct testimony and cross-examination, as well as the effectiveness of the presentations (e.g., technical knowledge, ability to convey professional or scientific concepts in understandable terms).

After receipt of the evaluations(s), the immediate supervisor and the employee will review the testimony evaluation(s). The review of each evaluation will be documented on the Testimony Evaluation Review Form (LSASD FORM-021). If no evaluation is conducted during the employee's testimony, the supervisor (or their designee) may evaluate the testimony after contact with a monitor or by using a transcript from the proceedings.

If an employee's testimony needs improvement, the supervisor, along with the employee, will develop a plan to address any areas identified as needing improvement, and document the completion of the plan.

1.2 Records

The immediate supervisor (or designee) will maintain records associated with testimony evaluations. Once monitoring is initiated, these records must include:

- Request for evaluation to be conducted by a monitor
- Response from a monitor, if received
- Record of the evaluation (LSASD FORM-020), if evaluation was completed
- Review of the evaluation with employee (LSASD FORM-021), if an evaluation was completed
- Plan to address areas identified as needing improvement (if required) and a record of completion of the plan.

In January of each year, if testimony was provided the previous year, immediate supervisors will provide the appropriate Quality Assurance Coordinator (QAC) with a summary record showing who testified in the previous calendar year, case identification information, and whether the testimony was evaluated. If no testimonies were presented no action is needed.

2.0 References

LSASD Employee Testimony Evaluation Form, (LSASD FORM-020, most recent version)

LSASD Testimony Evaluation Review Form, (LSASD FORM-021, most recent version)

3.0 Revision History

This table shows changes to this controlled document over time. The most recent version is presented in the top row of the table. Previous versions of the document are maintained by the LSASD Document Control Coordinator.

History	Effective Date
LSASDPROC-1012-R1, Testimony Evaluation, replaces SESDPROC-1012-R0 Updated naming convention due to agency re-alignment. Replaced System Manager with Quality Assurance Coordinator (QAC)	June 6, 2020
SESDDPROC-1012-R0, Testimony Evaluation, Original Issue	October 1, 2017