



Department of Energy

Washington, DC 20585

JUL 01 2013

U.S. Department of Energy Memorandum of Understanding between the Office of Legacy Management and the Office of the General Counsel and Amendment of October 2011 Memorandum of Understanding between the Office of Legacy Management and the Office of Environmental Management Consolidated Business Center

I. Purpose

The Office of Legacy Management (LM) and the Office of the General Counsel (GC) enter into this Memorandum of Understanding (MOU) that serves as the Service Level Agreement between LM and GC to set forth the authorities, responsibilities and procedures for the provision of legal services concerning LM field employees in the following areas:

- 1) Labor relations;
- 2) Personnel law;
- 3) Administrative litigation (including Equal Employment Opportunity, Merit Systems Protection Board and the Federal Labor Relations Authority);
- 4) Denial of Security Clearance appeals; and
- 5) Federal court litigation arising from the above matters.
- 6) Ethics and reviews of Office of Government Ethics filings or reports.

This MOU also amends the October 2011 MOU between LM and the Office of Environmental Management Consolidated Business Center (EMCBC), copy attached.

II. Background

LM is charged with missions that encompass managing the department's post-closure responsibilities and ensuring the future protection of human health and the environment; managing the records of LM's sites and making them accessible for future data needs; ensuring that the pension and post-retirement benefit commitments for contractor personnel at closed sites are satisfied; and where possible, facilitating beneficial reuse of closed sites.

GC's mission is to provide legal services to the Department.

EMCBC's mission is to provide centralized business support services in the areas of financial management, logistics, information resources management, human resources, technical services, contracting/procurement, and legal services.



Currently, GC provides legal services for LM headquarters matters and the EMCBC provides comprehensive legal services to LM for field-related operational and programmatic activities.

III. Scope

This MOU serves to modify the existing MOU between LM and EMCBC to move the responsibility for providing certain legal work for LM from EMCBC to GC. It also provides that a proportionate amount of the funding of these services be paid to GC instead of EMCBC.

IV. Agreements and Responsibilities

The Parties agree that EMCBC Office of Legal Services will function as field legal counsel to LM, providing legal representation, attorney and paralegal support as required, to address legal matters as they arise from LM Field-related operational and programmatic activities with the following exceptions: (a) labor relations; (b) personnel law; (c) administrative litigation (including Equal Employment Opportunity, Merit Systems Protection Board and the Federal Labor Relations Authority); (d) Federal court litigation arising from (a), (b) and (c); and (e) Office of Government Ethics filings and reports. GC will provide legal representation, attorney and paralegal support as required, to address the legal matters excepted in the previous sentence.

All other provisions in section IV of the October 2011 MOU between LM and EMCBC remain in full force and effect.

V. Programmatic Responsibility

LM is the Departmental Element responsible for all actions within its area of functional responsibility. LM is responsible for all management decisions and programmatic direction pertinent to any and all LM legal matters handled pursuant to this MOU.

VI. Financial Responsibility

The provisions of section VI of the October 2011 MOU between LM and EMCBC remain in full force and effect with the exception that instead of the funding level being at \$500,000, it will be at \$485,000 and will include applicable travel expenses

LM agrees to provide Program Direction funding for salaries and benefits via ATAAPS to GC at \$15,000 per Fiscal Year for GC to carry out the legal representation provided for in this MOU. Any and all costs associated with LM support will be funded by LM. Expenses incurred by GC in support of the legal representation provided for in this MOU, including such items as travel, court

reporters and transcripts will be arranged for and paid for by LM in addition to the \$15,000 per fiscal year payment. LM will provide GC funding to support its requirements as close as possible to the beginning of each Fiscal Year. GC will provide LM with a quarterly report of funds expended in support of LM requirements to include a description and purpose for any LM related travel and balance of any funds that remain available. GC will incur no cost in support of meeting LM requirements contained in this MOU absent adequate advance funding.

VII. Terms of Understanding

The terms of this MOU may be renegotiated or cancelled at any time at the initiative of any party, following at least 30 day written notice to the other parties.

VIII. Administration

Nothing in the MOU shall be construed as obligating the parties to expend funds or involve the United States Government in any contract or other obligation for the future payment of money in excess of appropriations authorized by law and administratively allocated for this work. Conflicts between the parties concerning the procedures in this MOU, programmatic or fiscal responsibility for legal matters that cannot be resolved at the operational level will be referred to the next higher level, as necessary, for resolution.

IX. Office Contacts

Office of Legacy Management

Barbara McNeal Lloyd Director, Business Operations
Office of Legacy Management
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585
Phone: 202-586-7388

Office of the General Counsel

Susan F. Beard
Assistant General Counsel for General Law
Office of the General Counsel
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585
Phone: 202-586-1522

Office of Environmental Management Consolidated Business Center

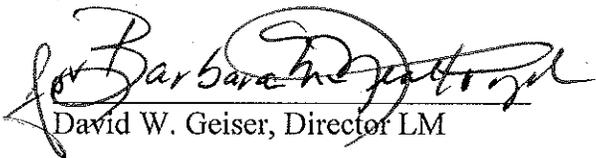
Jack R. Craig
Director,
Office of Environmental Management Consolidated Business Center
U.S. Department of Energy
250 E. 5th St., Suite 500
Cincinnati, OH 45202
Phone: 513-246-0460

Mell Roy
Chief Counsel
Office of Environmental Management Consolidated Business Center
U.S. Department of Energy
250 E. 5th St., Suite 500
Cincinnati, OH 45202
Phone: 513-246-0585

X. Approval

Jack R. Craig, Director EMCBC

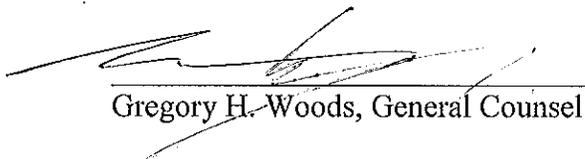
Date



David W. Geiser, Director LM

7/1/2013

Date



Gregory H. Woods, General Counsel

7/9/2013

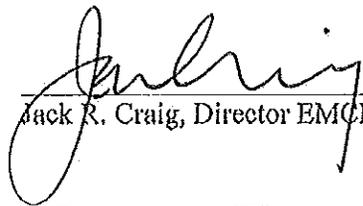
Date

Office of Environmental Management Consolidated Business Center

Jack R. Craig
Director,
Office of Environmental Management Consolidated Business Center
U.S. Department of Energy
250 E. 5th St., Suite 500
Cincinnati, OH 45202
Phone: 513-246-0460

Mell Roy
Chief Counsel
Office of Environmental Management Consolidated Business Center
U.S. Department of Energy
250 E. 5th St., Suite 500
Cincinnati, OH 45202
Phone: 513-246-0585

X. Approval



Jack R. Craig, Director EMCBC

7/1/2013
Date



David W. Geiser, Director LM

7/1/2013
Date

Gregory H. Woods, General Counsel

Date