



Department of Energy
Washington, DC 20585

AUG 20 2012

MEMORANDUM FOR DISTRIBUTION

FROM: SANDRA L. WAISLEY *Swaisley*
DEPUTY ASSISTANT SECRETARY FOR
HUMAN CAPITAL AND CORPORATE SERVICES

SUBJECT: Delegation of Personnel Management Authority to
Office of Environmental Management Field Managers

This memorandum delegates authority effective September 1, 2012, for Office of Environmental Management (EM) field managers, listed in the distribution of this memorandum, pertaining to relocation, retention, and recruitment incentives; permanent change of station (PCS) benefits; and special act awards for Senior Executive Service (SES) and Excepted Service (EJ, EK) employees.

Relocation, Retention, and Recruitment Incentives

Within your available funding, you have the authority to approve relocation, retention, and recruitment incentives for all EM field General Schedule (GS) employees at your respective sites, in accordance with EM policy, up to 15 percent for 1 year. However, I encourage you to consult with me first about any proposed incentives to ensure that the EM Program is following guidance issued by the Department of Energy's Chief Human Capital Officer and the National Nuclear Security Administration's Associate Administrator for Management and Budget in August 2011 (Attachment 1). That memorandum states that incentives for calendar year (CY) 2012 are limited to the cumulative dollar amount distributed during CY 2010. Annually, my office will conduct a review of all EM field GS incentives that are less than 15 percent to ensure that all rules and regulations were complied with and documentation properly prepared. Relocation, retention, and recruitment incentives equal to and above 15 percent must be authorized by my office. SES, including Limited Term SES, Senior Scientific and Professional (SL) and Senior Technical (ST) positions, and Excepted Service incentives will require approval from EM senior leadership, the Under Secretary for Nuclear Security, and the Department's Senior Management Review Board (SMRB).

Permanent Change of Station

You have the authority to approve the following PCS relocation allowances for eligible employees that must be paid or reimbursed per departmental policy:

1. Transportation and per diem for employee and immediate family member(s);
2. Miscellaneous moving expenses;



3. Sell or buy residence transactions or lease termination expenses;
4. Transportation and temporary storage of household goods; and
5. Relocation Income Tax Allowance.

In addition, EM's policy is to reimburse the following discretionary relocation allowances as part of a PCS relocation package:

6. House hunting per diem and transportation, employee and spouse only;
7. Temporary quarters subsistence expenses; and
8. Personal owned vehicle shipment.

The EM Consolidated Business Center (EMCBC) budgets for and administers field-related PCS orders, and the EMCBC Director has authority to authorize these PCS orders. As appropriate, field managers who have received Headquarters approval to recruit should coordinate with EMCBC before the approval and initiation of PCS orders.

Field manager recommendations for the following discretionary benefits are to be submitted to the Deputy Assistant Secretary, Human Capital and Corporate Services, for approval. These benefits will be considered for key managerial positions, key senior safety subject matter experts, and senior or lead field oversight positions for sites closing within 1-2 years:

- Home Sale Program Relocation Services,
- Property Management Services, and
- Home Marketing Incentive.

Special Act Awards

In addition, the Chair of the Executive Resources Board delegates to the SMRB the authority to review and approve special act awards to career SES, SL, ST, EJ, and EK members for individual and group awards, no matter the monetary amount. Special act award packages requiring SMRB review should be provided to the EM Office of Human Capital and Corporate Services and include the current performance plan and documentation of other awards received in the fiscal year. Headquarters award packages are reviewed by the EM Awards Committee and EM senior leadership and, if approved, provided to the SMRB for review. Field award packages are reviewed by EM senior leadership and, if approved, provided to the SMRB for review.

Until we receive guidance from DOE's Human Capital Office for SES and non-SES awards for fiscal year (FY) 2013, please assume 5 percent for SES and 1 percent for non-SES employees in FY 2013 similar to what was executed in FY 2012. The split for SES personnel is 4.75 percent of the aggregate career SES salary as of September 30, 2012, for performance awards and 0.25 percent for special act/service awards. The non-SES split is 0.75 percent of the aggregate career non-SES salary as of September 30, 2012, for performance awards and 0.25 percent for special act/service awards. The

non-SES awards do not need to come through Headquarters for approval, but field offices are responsible for staying within their approved field award allocation provided by EM's Office of Budget.

EM management is currently reviewing field Full Time Equivalent (FTE) ceilings for FY 2013. Once the approved FTE level by field office is released for FY 2013, field offices will be responsible for managing this authorized level in FY 2013 and must not exceed this FTE level regardless of available funds.

Please reference the following documents for governing Federal rules and regulations, and departmental and EM policies and requirements:

1. Delegation of Personnel Management Authority memorandum addressed the Deputy Assistant Secretary, Human Capital and Corporate Services, dated February 15, 2012, (Attachment 2);
2. Executive Resources Board Charter, dated March 24, 2011, (Attachment 3);
3. Title 5 Code of Federal Regulations Part 575 for recruitment, relocation, and retention incentives criteria, which is available at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div5&view=text&node=5:1.0.1.2.76&idno=5>;
4. *DOE Order 322.1, Pay and Leave Administration and Hours of Duty* (requirements for incentives), which is available at <http://www.directives.doe.gov>;
5. *DOE Manual 552.1-1, U.S. Department of Energy Travel Manual* (relocation requirements), which is available at <http://www.directives.doe.gov>;
6. DOE Handbook on Recruitment and Retention Incentives, which is available on the Chief Human Capital Office website;
7. Federal Travel Regulation, which is available at <http://www.gsa.gov/portal/content/104790>.

This delegation supersedes all previous EM delegations relating to personnel management. Please remember that audits by the Department and the Office of Personnel Management are conducted on personnel actions. Consult with me on any actions which are extremely controversial or precedent setting.

If you have any questions, please contact me at (202) 586-1665 or Ms. Melody Bell, at (202) 586-4595.

Attachments (3)

Distribution

Matthew S. McCormick, Manager, Richland Operations Office (RL)
Scott L. Samuelson, Manager, Office of River Protection (ORP)
David C. Moody, Manager, Savannah River Operations Office (SR)
Jose R. Franco, Jr., Manager, Carlsbad Field Office (CBFO)
William E. Murphie, Manager, Portsmouth/Paducah Project Office (PPPO)
Jack R. Craig, Director, Consolidated Business Center (CBC)
James R. Cooper, Deputy Manager for Idaho Cleanup Project (ID)
Mark M. Whitney, Assistant Manager for Environmental Management, Oak Ridge Office (OR)

cc: S. Bonilla, HC-1
D. Huizenga, EM-1
T. Mustin, EM-2
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M. Bell, EM-70
D. Crouther, EM-71
M. Holt, EM-73



EXECUTIVE CORRESPONDENCE

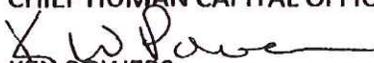
Department of Energy

Washington, DC 20585

MEMORANDUM FOR ALL DEPARTMENTAL ELEMENT HEADS

FROM:

MICHAEL KANE 
CHIEF HUMAN CAPITAL OFFICER


KEN POWERS

ASSOCIATE ADMINISTRATOR FOR MANAGEMENT AND BUDGET
NATIONAL NUCLEAR SECURITY ADMINISTRATION

SUBJECT:

Federal Employee Performance and Other Awards Guidance for
FY11 and FY12

The Offices of Personnel Management (OPM) and Management and Budget (OMB) issued a memorandum on Guidance on Awards for Fiscal Years 2011 and 2012 on June 10, 2011. OPM and OMB were requested by the President to evaluate performance awards and incentives for cost and effectiveness. The government-wide review indicated that awards were inconsistently applied, considered part of normal compensation, and do not accurately reflect the differences in performance levels within and across agencies. Coupled with the economic climate and shrinking budgets, the President's Management Council in coordination with OPM and OMB determined that it was necessary to place limits on performance and other awards for FY11 and FY12.

These limitations are based on when performance awards are paid; not the date of the end of the appraisal rating period. This distinction is important, because DOE's performance awards are paid out in the fiscal year after the ratings are accomplished, and; therefore, requires DOE to apply the FY12 rules for performance awards for this year. We cannot, as some have recommended, end the FY11 rating period early and pay out the awards this year.

In keeping with the direction from OPM and OMB on performance and other awards, the following guidance is in effect for FY11 and FY12:

1. It applies to all Federal employees of the Department, regardless of the pay plan - SES, ST, SL, EJ, EK, EN, GS, AD, WG, WB, NNSA pay banded positions, ARPA-E special rates, and any other special rates.

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2. Time-off awards, quality step increase (QSI) for GS employees or comparable pay adjustment for excepted service EJ and EK employees, group cash awards, suggestion and invention awards, on-the-spot awards and cash awards for job referrals are limited for FY11 and FY12 to the cumulative amount of time-off and quality step increases granted and the dollar amount distributed during FY10 (FY10 level).
3. Recruitment, relocation, and retention incentives are limited for CY11 and CY12 to the cumulative dollar amount distributed during CY10.
4. Senior Executive Service (SES) performance and special act/service awards:
 - a. SES pool will be 4.75 % of the aggregate career SES salaries as of September 30, 2011.
 - b. SES bonus guidance will remain the same as FY10:
 - i. All bonuses are discretionary.
 - ii. Average bonus for each Departmental Element should be \$10,000 (based on the number of SES receiving bonuses.)
 - iii. 5% bonus for "Meets Expectations" rating (discretionary)
 - iv. 7-8% bonus for "Exceeds" rating (discretionary)
 - c. FY11 individual SES Special Act/Service awards are limited to the FY10 level. (These awards must be paid out of FY11 funds.)
 - d. FY12 individual SES Special Act/Service awards are limited to .25% of the aggregate SES salaries as of September 30, 2011.
5. Non-SES performance awards:
 - a. Non-SES pool will be .75% of the aggregate non-SES salary as of September 30, 2011.
 - b. FY11 individual non-SES Special Act/Service awards are limited to the FY10 level. (These awards must be paid out of FY11 funds.)
 - c. FY12 individual non-SES Special Act/Service awards are limited to .25% of the aggregate non-SES salaries as of September 30, 2011.

More complete guidance concerning SES performance awards will be provided shortly.

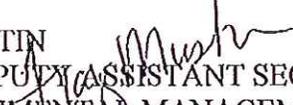
Please contact Sara Bonilla or Ken Venuto at 202-586-1234 for any questions or concerns.

**Department of Energy**

Washington, DC 20585

FEB 15 2012

MEMORANDUM FOR SANDRA WAISLEY
DEPUTY ASSISTANT SECRETARY FOR
HUMAN CAPITAL AND CORPORATE SERVICES

FROM: TRACY P. MUSTIN 
PRINCIPAL DEPUTY ASSISTANT SECRETARY
FOR ENVIRONMENTAL MANAGEMENT

SUBJECT: Delegation of Executive Resources Board and Personnel
Management Authority to Sandra Waisley, Deputy Assistant
Secretary for Office of Human Capital and Corporate Services

This memorandum serves as the delegation to the Deputy Assistant Secretary for Human Capital and Corporate Services, Office of Environmental Management, for specific personnel management authorities listed below. The following are effective with the date of this memorandum:

1. Approval authority for Executive Resources Board (ERB) actions (SF-52) through CHRIS Workflow; and
2. Approval for all 2012 Reorganization personnel actions (SF-52) GS-15 and below through CHRIS Workflow.

cc: D. Huizenga, EM-1
C. Trummell, EM-1
T. Mustin, EM-2
A. Williams, EM-2.1
S. Davenport, EM-3
M. Gilbertson, EM-10
K. Picha, EM-20 (Acting)
F. Marcinowski, EM-30
M. Moury, EM-40
J. Surash, EM-50
T. Tyborowski, EM-60 (Acting)
S. Waisley, EM-70



EXEC-2011-001382



Department of Energy

Washington, DC 20585

March 24, 2011

MEMORANDUM FOR THE SECRETARY

FROM:

 MICHAEL C. KANE 
 CHIEF HUMAN CAPITAL OFFICER

SUBJECT:

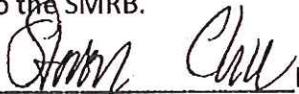
ACTION: Approve the Revised Executive Resources Board (ERB) Charter

ISSUE: Whether to approve a revised Executive Resources Board Charter that delegates more authorities to the Senior Management Review Board (SMRB).

BACKGROUND: The current ERB charter requires nearly all Senior Executive Service (SES), actions be approved by the ERB. This includes such actions as establishment of positions, recruitment, some reassignments, and recruitment/relocation/retention bonuses for SES positions. To decrease the demand on the ERB, the revised charter would delegate to SMRB the management of all SES, except the establishment of and selections into Assistant Secretary and Principle Deputy Assistant Secretary positions. The SMRB would be required to provide the ERB periodic reports.

RECOMMENDATION: That you approve the revised ERB charter delegating some approval authority to the SMRB.

APPROVE:



DISAPPROVE: _____

DATE:

MAR 31 2011

ATTACHMENT: Executive Resources Board Charter



**DEPARTMENT OF ENERGY
EXECUTIVE RESOURCES BOARD CHARTER**

I. AUTHORITY

Each Federal agency is required by 5 U.S.C. 3393(b) to establish one or more Executive Resources Boards (ERB). By statute, the ERB must conduct the merit staffing process for career entry into the Senior Executive Service (SES). Pursuant to 5 CFR 412.104(d), the ERB must approve the development plans for each candidate participating in the agency's SES Candidate Development Program and the Presidential Management Fellows program.

The ERB is responsible for these statutory functions and other functions relating to the management of the Department's executive resources, as delegated by the Secretary. In addition to statutory requirements, the ERB has the following purposes:

- A. Consider and make recommendations to the Secretary/designee regarding executive personnel actions impacting the SES, Senior Level (SL), Scientific and Professional (ST), and Excepted Service EJ and EK positions, and incumbents or candidates for career and time limited appointments and assignments to these positions.
- B. Review current and proposed policies for adequacy (e.g., Diversity, Executive Development, Reduction-in-Force, etc.), ensuring that provisions are consistent with the Department's mission, strategic planning objectives, priorities, and goals established by the Secretary and statute. As appropriate, the ERB initiates new policy for the approval of the Secretary or his designee.
- C. Manage and allocate the Department's executive allocations.

In addition to the DOE ERB, the Department established an ERB for the National Nuclear Security Administration (NNSA) on July 10, 2001 with certain specific authorities as outlined in the NNSA Charter. The Office of the Inspector General has its own ERB, which has final authority for its executive allocations.

II. POLICY

Members of the ERB are appointed by the Secretary of Energy/designee.

The ERB consists of the following major components:

- A. The ERB is chaired by the Deputy Secretary or the Associate Deputy Secretary. Members are designated by the Chair. The Board manages all executive allocations (SES, SL, ST, EJ, and EK) within the Department and makes recommendations to the Secretary/designee on the selection of career executive level appointees. The ERB is accountable to the Secretary for execution of delegated functions. The decisions of the ERB are subject to approval of the

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EXECUTIVE RESOURCES BOARD CHARTER**

Secretary of Energy, unless the authority has been delegated to the Deputy Secretary or the Associate Deputy Secretary.

- B. Operational panels of the ERB consist of a cadre of nominated and trained Senior Executives and Presidential Appointees that chair the merit staffing panel functions. These panels review the executive qualifications of candidates for career appointments and provide recommendations to the selecting official.
- C. A Senior Management Review Board (SMRB) composed of senior agency officials with broad expertise and knowledge of DOE functions and operations. The Deputy Secretary has appointed the Chief Human Capital Officer as the Chair. The Chief Human Capital Officer, in consultation with the Chair of the ERB, appoints members. Members do not represent their assigned organizations, but serve as liaisons for specific organizational entities to provide a corporate approach to their assigned duties.

The SMRB meets on an ad hoc basis as requested by the Chair of the ERB and provides recommendations to the ERB on executive resources issues, as deemed appropriate by the ERB Chair. These include selection recommendations of participants to the DOE Candidate Development Program and the Presidential Management Fellows and their development plans; review of recruitment plans; and formulation of executive resources recommendations and policy for the Department. The SMRB also ensures that provisions are consistent with the Department's statute, mission, strategic planning objectives, priorities, and goals. The SMRB shall keep the ERB informed of its actions.

- D. The Chair of the ERB may establish additional ad hoc boards to perform a variety of responsibilities to facilitate the successful accomplishment of ERB business.

The Chair may, except as specified elsewhere in this charter, not further delegate his/her authority without the written approval of the Secretary of Energy.

The Human Resources Director, Office of Chief Human Capital Officer serves as executive secretary to the ERB and provides advisory, technical, and administrative support to carry out the responsibilities of the ERB, SMRB, and ad hoc boards.

III. RESPONSIBILITIES OF THE ERB

The ERB is composed of the Chair and the appointed members. As delegated by the Secretary of Energy, the Chair is the Appointing Authority for ERB decisions. The major responsibilities of the Chair of the ERB include:

- A. Establishing and selecting heads of departmental elements and Principal Deputy positions by career SES;
- B. Reviewing and/or approving other actions as referred by the SMRB; and

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- C. Addressing other related matters as determined appropriate by the Chair.

The ERB may delegate certain of the above authorities to the SMRB or other designee, as appropriate.

IV. RESPONSIBILITIES OF OPERATIONAL PANEL ERB MEMBERS

The Operational Panel members are responsible for the merit staffing functions with the purpose of reviewing the executive qualifications of candidates for career appointments, and providing selection recommendations to the selecting official. Operational Panel members are identified by the senior management of the organization filling a senior position.

V. RESPONSIBILITIES OF SMRB

The Deputy Secretary has appointed the Chief Human Capital Officer as the Chair. The Chief Human Capital Officer in consultation with the Chair of the ERB appoints members.

The Chair of the ERB delegates to the SMRB the following functions:

- A. Manages and assigns all SES, limited term SES, ST, SL, EJ, and EK allocations throughout the Department, including NNSA;
- B. Establishes new positions, abolishments, reassignments, and selection into career SES, and limited term SES, ST, SL, EJ, and EK positions;
- C. Approves transfers from other agencies or reinstatement into the SES, ST, or SL;
- D. Approves pay setting (e.g., initial, as a result of a reassignment to a position of higher responsibilities, promotions, etc.) for SES, ST, SL, EJ, and EK;
- E. Approves performance based pay adjustments for ST, SL, EJ, and EK;
- F. Approves SES, limited term SES, ST, SL, EJ, and EK recruitment/relocation/retention allowances and dual compensation waivers;
- G. Approves all proposals to grant nonperformance based incentive awards to SES, SL, ST, EJ, and EK, unless the Head of the Departmental Element has written delegation from the SMRB to approve;
- H. Approves details of Departmental and Non-Departmental career employees into SES, SL, ST, EJ, and EK;

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- I. Manages the SES Candidate Development Program and the Presidential Management Intern Program, including approval of each candidate's development plans and conversion to career status;
- J. Approves sabbaticals and long-term training for career SES, SL, and ST;
- K. Gives priority consideration for surplus SES, ST, SL, EJ, or EK members or SES, ST, SL, EJ, or EK members affected by a Reduction-in-Force;
- L. Reviews SES, ST, and SL disciplinary and performance-based actions, e.g., involuntary removal or suspension actions;
- M. Assigns (detail, transfer to International Organizations, etc.) any SES, SL, ST, EJ, or EK outside of the Department;
- N. Approves all Intergovernmental Personnel Assignments consistent with attached criteria;
- O. Approves requests from heads of DOE elements (and other field organizations with personnel authority) for employee assignments – those at GS-15 level and below, or equivalent – to the White House, Executive Office of the President, and Congress;
- P. Authorizes heads of DOE elements (and other field organizations with personnel authority) to request national interest determinations from the Secretary of State when details and transfers to public international organizations will last more than five years;
- Q. Reviews results of Performance Management Review Board (PRB); arbitrate PRB decisions with management; identify areas of concern; and reports the PRB results to the Deputy Secretary; and
- R. Refers any SES, ST, SL, EJ, or EK action it deems necessary to the ERB for review and/or approval.

The SMRB may only delegate the above authorities after approval by the Chair of the ERB.



Steven Chu, Secretary of Energy

MAR 31 2011

Date

SENIOR MANAGEMENT REVIEW BOARD (SMRB) REVIEW
of
INTERGOVERNMENTAL PERSONNEL ACTIONS (IPA)

An Intergovernmental Personnel Action (IPA) is a temporary transfer of skilled personnel between the Federal Government and State or local governments; institutions of higher education; Native American tribal governments; and eligible non-Federal "other organizations," including Federally Funded Research and Development Centers. IPAs are effected for purposes of mutual concern to the Department and the participating non-Federal entity and should serve a sound public purpose.

IPA assignments can be used to achieve a number of objectives:

- Strengthen the management capabilities of Federal agencies; State, local, and Native American tribal governments; and other eligible organizations;
- Assist in transferring and using new technologies and approaches to solving governmental problems;
- Involve State and local officials in developing and implementing Federal policies and programs; and
- Provide program a developmental experience that will enhance a Department of Energy (DOE) employee's performance in his or her regular job.

I. The SMRB shall review all requests for IPA assignments in accordance with DOE Manual 321.1-1, Intergovernmental Personnel Actions. The SMRB will ensure that IPA requests are for sound public purposes and further the goals and objectives of the participating organization. Assignments should not be requested primarily to meet the personal interests of employees, circumvent personnel ceilings and contractor support limitations, or avoid unpleasant personnel decisions. Because the work to be performed while on assignment is mutually beneficial to the participating organization, both parties should share assignment costs unless a compelling reason is otherwise provided. It is anticipated DOE will not fund more than 85 percent of the salary and benefits of an IPA assignment. Waiver of overhead costs may not be accepted as cost sharing.

II. Requests for IPA assignments shall be submitted by the losing or gaining organization to the Office of the Chief Human Capital Officer (OCHCO), which manages the approval process.

Documentation must include:

- A. Optional Form 69;
- B. Justification for the IPA including certification of the Dash 1 or equivalent and plans to transition work at the end of the assignment;
- C. Cost comparison of the IPA to a Federal employee, if applicable;

- D. Cost comparison of permanent change of station to temporary travel, if applicable;
 - E. Employer Certification form;
 - F. Memo to the losing organization outlining the details of the agreement; and
 - G. If assignment will be on wholly reimbursable basis, include a statement explaining why the organization cannot participate in cost sharing. If the assignment is on a partial reimbursable basis of less than 15 percent, include a statement explaining the organization's inability to assume the full 15 percent share.
- III. OCHCO will forward the IPA request for review and concurrence of the Office of the Chief Financial Officer (OCFO) and the Office of the General Counsel (OGC). When concurrences are obtained from OCFO and OGC, the request shall be submitted to the SMRB.
- IV. The SMRB shall review the documentation for sufficiency and evaluate the overall benefits and cost to the Department. The SMRB will also consider other options in lieu of the IPA, such as filling the assignment as a term or permanent Federal position. The SMRB may request additional information from the gaining/losing organization to use in its deliberations.
- V. The SMRB shall approve IPAs; however, any IPA that meets one of the following conditions must be approved by the Deputy Secretary:
- A. The salary of the individual is over \$250,000 per year (not including benefits);
 - B. The IPA is for an extension past the initial two years;
 - C. DOE assumes costs of less than 85 percent;
 - D. There are unusual circumstances related to fringe benefits, travel, or transportation;
 - E. Terms of service are atypical (e.g., professor will continue to perform oversight responsibilities while employed full-time by DOE);
 - F. If the SMRB proposes an alternative option to an IPA assignment that is not accepted by the DOE organization; or
 - G. Any other situation which the SMRB believes should be approved by the Deputy Secretary.