



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

April 10, 2009

Certified Mail

Mr. Richard McNulty
American Federation of
Government Employees
P.O. Box 144
Richland, Washington 99352

Dear Mr. McNulty:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2009-0026)

You requested, pursuant to the Freedom of Information Act (FOIA), information regarding annual performance awards and office moves for the U.S. Department of Energy (DOE), Office of River Protection (ORP). Each item of your request has been re-stated below and is followed by our response:

- 1) The amount of annual performance awards paid to Senior Executive Employees (SES) of ORP in Fiscal Year (FY) 2009 and the number of ORP SES employees who received annual performance awards in FY 2009.

\$34,419 and 3 SES employees

- 2) The amount of annual performance awards paid to supervisors of ORP in FY 2009 and the number of ORP supervisors who received annual performance awards in FY 2009.

\$57,563 and 11 supervisors

- 3) The amount of annual performance awards paid to federal ORP Bargaining Unit (BU) employees in FY 2009 and the number of ORP BU employees receiving said awards.

\$171,904 and 84 BU employees

- 4) The amount of funds ORP has budgeted/allocated for payment of all types of monetary performance awards (e.g., annual performance awards, on-the-spot awards, special act awards), non-monetary awards (e.g., Thank You Gift Program) payable in FY 2009.

ORP FY 2009 AWARDS POOL

| | |
|-------------------------------|------------------|
| Awards Pool Budget | \$621,946 |
| SES performance | 42,978 |
| Supervisory performance | 58,476 |
| Non-supervisory performance | 248,910 |
| Monetary – Supervisor and SES | 72,000 |
| Monetary – Non-Supervisors | 176,910 |
| Thank You's | 22,660 |
| Totals | \$621,934 |

- 5) Any guidance/direction ORP has received from DOE establishing funding requirements or funding limitations (budget or by allocation) payable in FY 2009 of monetary awards which are payable in FY 2009 funds.

During our search for documents we located several documents that may be responsive, however, the documents were originated by DOE Headquarters (HQ). Therefore, on March 17, 2009, we forwarded the documents along with your request to the HQ FOIA Office and asked that they respond directly to you with the determination. If you have any questions regarding this portion of your request, please contact Mr. Alexander Morris, FOIA Officer, Office of Information Resources, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-3159.

- 6) The amount of funds ORP has budgeted/allocated payable in FY 2009 for office moves for ORP federal employees.

\$75,000

- 7) A copy of any productivity study documenting the necessity for office moves in ORP in FY 2009.

We have conducted a through search and no documents were located. This search was conducted by those within the agency who are most familiar with the subject area of your request, in locations where documents would most likely be found.

- 8) A copy of the minutes from the Federal Employee Occupational Health and Safety Committee (FEOSH) established pursuant to 29 CFR 1910 which represents ORP federal employees for the period January 2007 through January 2009.

We have conducted a thorough search and minutes dated May 17, August 14, and November 13, 2007, were located and are enclosed. No other documents were located for the requested time period.

- 9) A copy of ORP's Program Direction Budget for FY 2009.

Enclosed is an Excel spreadsheet with the requested information. Information on this document that is not responsive to your request has been deleted.

- 10) The amount of funding ORP has budgeted and/or allocated for federal office moves and all monetary awards which has not been expended as of the date of this FOIA request.

Our response to item 6 responds to the first portion of this item for office moves. The following responds to monetary awards:

Budgeted: \$248,910
Spent YTD: \$ 31,250
Remaining: \$217,660

The undersigned individual is responsible for this determination. You have the right to appeal to the Office of Hearings and Appeals, as provided in 10 CFR 1004.8, for the adequacy of our search. Any such appeal shall be made in writing to the following address: Director, Office of Hearings and Appeals (HG-1), U.S. Department of Energy, L'Enfant Plaza Building, 1000 Independence Avenue SW, Washington, D.C. 20585-1615, and shall be filed within 30 days after receipt of this letter. Should you choose to appeal, please provide this office with a copy of your letter.

In addition you requested a waiver of fees for any information provided to you. As search, review and reproduction costs were minimal, a determination on your request for a fee waiver was not made. Should you have any questions regarding your request, please contact me on (509) 376-6288.

Sincerely,



Dorothy Riehle
Freedom of Information Act Officer
Office of Communications
and External Affairs

OCE:DCR

Enclosures

Minutes of the November 13, 2007 Federal Employee Occupational Safety and Health (FEOSH) Committee Meeting

Attendees: Pat Carier
Al Hawkins
Betty Hollowell
Jill Spargur
Rick Wible

Absent: Rick McNulty

Minutes:

Pat discussed recent Office of River Protection FEOSH training, completed as part of an All Hands meeting, and provided copies of the new FEOSH poster.

The Committee then brainstormed how we might structure an annual employee event focused on FEOSH and related safety improvement opportunities (a "safety awareness" day). Items discussed and actions taken included:

- Office ergonomics – We discussed how proactive or forceful we can be in requiring participation in a review of an individual's office setup and a recognized correcting issues may require funding for new furniture. The Committee agreed to offer the ergonomics service during the safety awareness day. (Was there a followup action?)
- Automated External Defibrillator (AED) and First Aid responder training – The Committee agreed to work a demonstration during an All Hands portion of the safety awareness day. Jill noted HAMMER offered a class with a certified instructor, who might be available. (Followup action?)
- Coordination with quarterly safety topic – Al agreed to contact Betty DeVere on this possibility
- Morning stretch – discussion included following the precedent set by other site organizations such as K-Basins. (No action assigned.)
- Health clubs – Al agreed to call Nancy Hieb on how participation has changed with the change in the reimbursement process. (This is another area we could push during the safety awareness day.)
- Union overview – Rick Wible agreed to discuss our proposal with Union leadership.
- Subject Matter Expert (SME) input – Pat and Jill agreed to solicit further safety awareness ideas from our SMEs (Paul Hernandez and John Cavanaugh, respectively).

- **Steering Committee involvement – Pat agreed to set a meeting with the Steering Committee to ask for their input and support when our overall approach has firmed up.**

The Committee suggested February 14, 2008 as the target date for the safety awareness day, possibly with a management-provided healthy lunch. Pat will set the next Committee meeting based on progress of the efforts noted above.

**Pat Carrier
Chair, Occupational Health and Safety Committee**

Minutes of the August 14, 2007 Federal Employee Occupational Safety and Health (FEOSH) Committee Meeting

Attendees: Pat Carier
Al Hawkins
Rick McNulty
Rick Wible

Absent: Betty Hollowell
Jill Spargur

Visitors: John Cavanaugh

Minutes:

The minutes of the previous meeting were reviewed and approved. Al noted we did not have a formal appointment letter in place for Pat and agreed to put one into the system. Rick McNulty presented a safety topic based on recent personal experience.

The Committee discussed selecting a Chair. Pat agreed to serve in this position and he was confirmed by acclamation. Al agreed to serve as Committee secretary.

The Committee discussed a number of actions in the context of the new Integrated Performance Plan safety standard. Regarding the requirement to adhere "...to established emergency response procedures..." Rick McNulty recommended management formally adopt the emergency plans for all buildings with DOE staff in residence (if not already done) and make these available on an intranet site. Rick also suggested coupling this to a requirement the employee follow emergency instructions in buildings he/she might visit.

Regarding the requirement to "...report potential safety violations or unhealthy working conditions..." Rick recommended adopting an office safety based checklist as an acceptable standard. Al provided a strawman from previous Federal Building inspections. Rick agreed to head a subcommittee to develop a recommended checklist and invited input from Committee members.

The Committee recognized both emergency response and inspection required periodic training. Pat also questioned what emergency response instruction new employees received. (Al will followup with HR on this question.)

Pat agreed to schedule the next Committee meeting and to arrange a meeting with the Steering Committee (RL and ORP Deputy Managers) to solicit their input on, and endorsement of, proposed actions.

Pat Carier
Chair, Occupational Health and Safety Committee

Minutes of the May 17, 2007 Federal Employee Occupational Safety and Health (FEOSH) Committee Meeting

Attendees: Betty Hollowell
Rick Wible
J.J. Spargur
Rick McNulty

Absent: Al Hawkins
Bill Taylor

Visitors: Mike Weiss (RL Deputy Manager)
Connie Nottingham, Labor Relations

Minutes:

The primary purpose of this meeting was to adopt a new operating charter for the Committee, elect a new Committee Chairman, and discuss meeting with the RL/ORP Management Steering Committee.

Rick McNulty, outgoing Chairman, welcomed the new Committee members. Rick briefly reviewed the working history of the Committee, including the past Committee's recommendations to management to restructure the Committee from 10 members to 6, and to create a new Management Steering Committee (Shirley Olinger, ORP and Mike Weiss, RL) which the Committee could interface with and make recommendations to.

Rick provided some FEOSH background material to the Committee members on the DOE FEOSH Program, DOE Order 440.1, the local RL/ORP FEOSH Program, and OSHA FEOSH requirements contained in 29 CFR 1960.

Rick presented a draft revised Committee Charter previously authorized by the outgoing Committee of which Rick McNulty and Al Hawkins are the only remaining members. The Charter revisions primarily deal with the downsizing of the Committee from 10 to 6 members, and the creation of an interface with the new Management FEOSH Steering Committee.

After some discussion, the Chairman concluded that the quorum necessary to adopt the Charter was present. The Committee members read through the draft Charter section- by- section with some limited discussion. By a unanimous vote, the Committee voted to approve the Charter (attached).

After some discussion, the Committee requested that Rick remain Chairman until August 2007, the scheduled timeframe set by the Charter to select a new Chairman from the management representatives, two of whom were not present for the meeting. Rick agreed.

The Chairman suggested that Bill Taylor's appointment to the Committee as a management representative was inconsistent with the Committee's Charter which provides "Safety and health manager(s) should be excluded from Committee membership." Bill is the ES&Q Director for ORP. The Chairman agreed to discuss a replacement for Bill with the Steering Committee. The purpose of this specific exclusion is to protect the independent oversight function of the Committee on health and safety issues. Bill can assist the Committee as a health and safety technical advisor however.

After some discussion, the Committee agreed to delay meeting with the Management Steering Committee until after the election of a new Chairman in August. The scheduling of the next meeting was also deferred to give management the opportunity to appoint a new management representative.

Rick McNulty
Chairman, Occupational Health and Safety Committee

| | | |
|--|----------------------------------|--|
| | FY 2009 Omnibus Allocation | |
|--|----------------------------------|--|

River Protection

Salaries and Benefits
Travel (Approved by CCB)
Support Services (Approved by CCB)
Other Related Expenses (App by CCB)

| |
|----------|
| \$20,012 |
| \$542 |
| \$2,866 |
| \$2,263 |

Total
Projected FTE Usage
Average Salary (fully loaded)

| |
|----------|
| \$25,683 |
| 115 |
| \$223 |