

03-05-97

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**SUBJECT: USE OF MANAGEMENT AND OPERATING CONTRACTOR AND
NATIONAL LABORATORY EMPLOYEES FOR SERVICES IN THE WASHINGTON,
D.C., AREA**

1. **OBJECTIVES.** To provide requirements for Headquarters use of employees from Management and Operating (M&O) contractors and National Laboratories, and to establish limitations on payments to those employees whose assignments to Headquarters exceed 365 days.

The assignment of M&O contractor employees, which is construed to cover National Laboratory employees as well, should be consistent with the Energy Policy Act of 1992. This Notice is issued in an effort to help the Department better manage and control the authorization of these assignments.

2. **CANCELLATIONS.** None.
3. **APPLICABILITY.** The provisions of this Notice apply to all DOE managers authorized by the Assistant Secretary or organizational head to request and/or approve the assignment of M&O contractor and National Laboratory personnel at Headquarters. The Notice applies to all M&O contractor and National Laboratory employees on assignment to Headquarters program offices in the Washington, D.C., area except for personnel under Intergovernmental Personnel Agreements.
4. **REQUIREMENTS.**
 - a. Assignments shall be for the stated purpose of providing technical expertise associated with the stated mission of the employee's M&O or National Laboratory and shall not be made to provide any of the following:
 - (1) services to compensate for reductions in support service contracting;
 - (2) administrative or management support services;
 - (3) performance of functions reserved to Federal employees (rather, the assigned employee will serve only in an advisory and/or analytical capacity to provide technical expertise for programmatic activities when such expertise does not exist locally)

- b. If the Assistant Secretary, or equivalent, grants an exception to the 365-day limitation, payments to the affected employee for any additional tax burden caused by the extended assignment shall not be allowed in accordance with DEAR 970.3102-16 (c) (4).
- c. Prior to the authorization of an assignment of a critically skilled M&O contractor or National Laboratory employee (defined as an employee whose specific technical expertise and experience are critical to DOE operations or programs, and whose absence would cause a significant negative impact on schedules, program achievement, and/or the ability to do business), the DOE authorization authority shall do the following:
 - (1) implement a process for management, approval, inventory, and control of the assignment, including periodic evaluation of employee tasks to ensure compliance with this policy;
 - (2) evaluate each program request for assignment of the M&O contractor and National Laboratory employees;
 - (3) provide a copy of this policy statement to the M&O or National Laboratory employee;
 - (4) inform the head of the contributing field organization when contractor personnel are being assigned to DOE Headquarters;
- d. The DOE authorization authority shall maintain and make available to the Assistant Secretary for Human Resources and Administration, upon request, a current M&O Contractor and National Laboratory Employee Inventory that provides, at a minimum:
 - (1) the contractor's name,
 - (2) the gaining and contributing organizations,
 - (3) the assignment start and end dates,
 - (4) the critical skill or field of expertise, and
 - (5) the assigned task description.

5. RESPONSIBILITIES.

- a. DOE Authorizing Authority. Approve the assignment of an M&O contractor or National Laboratory employee to Headquarters program offices in the Washington, D.C., area for a period not exceeding 365 days.
- b. Cognizant Assistant Secretary or Equivalent. Approve in writing assignments exceeding 365 days.

6. CONTACT. For assistance regarding this directive, contact the Office of Management Systems, phone number (202) 586-1148.

BY ORDER OF THE SECRETARY OF ENERGY:



ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration

CANCELED