



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

EXECUTIVE OFFICE

JAN 28 2015

In reply refer to: A-7

MEMORANDUM FOR ELLIOT E. MAINZER, ADMINISTRATOR and CHIEF EXECUTIVE OFFICER,
BONNEVILLE POWER ADMINISTRATION

THROUGH:

CLAUDIA R. ANDREWS *Claudia R. Andrews*
CHIEF OPERATING OFFICER, BONNEVILLE POWER ADMINISTRATION

JOHN L. HAIRSTON *John L. Hairston*
CHIEF ADMINISTRATIVE OFFICER, BONNEVILLE POWER ADMINISTRATION

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CHIEF COMPLIANCE OFFICER, COMPLIANCE AND GOVERNANCE (ACTING),
BONNEVILLE POWER ADMINISTRATION

FROM:

BRIAN E. CARTER *Brian E. Carter*
HUMAN RESOURCES OFFICER, BONNEVILLE POWER ADMINISTRATION

SUBJECT:

DIRECTIVES EXEMPTION APPROVAL MEMORANDUM

PURPOSE: To document BPA's requirement for an exemption from DOE Order 321.1, *Employment of Experts and Consultants*.

BACKGROUND: BPA has not traditionally followed DOE Order 321.1, *Employment of Experts and Consultants*; however, BPA is not explicitly exempted from the Order. This memo documents the rationale for requiring an exemption.

JUSTIFICATION: The Order maintains a system of controls and oversight necessary for the Department to assure compliance with 5 USC 3109 and 5 CFR Part 304, both relating to the employment and of experts and consultants. However, the Bonneville Project Act expressly provides that "The Administrator, the Secretary of the Army, and the Secretary of Energy, respectively, are also [in addition to provisions allowing the appointment of physicians] authorized to appoint, *without regard to civil-service laws*, such experts as may be necessary for

carrying out the functions entrusted to them under this chapter. See 16 USC Chapter 12B, Section 832i(b) (2006) (emphasis added). Given that the purpose of the Order is to assure compliance with civil-service laws that the Administrator is not subject to with respect to the appointment of experts, BPA should be exempt from the Order.

RECOMMENDATION: Recommend that you approve this exemption document.

Elliot E. Mainzer, Administrator and Chief Executive Officer, Bonneville Power Administration

APPROVE:  DISAPPROVE: _____ DATE: 11-24-16

CONCURRENCES/ CONSULTATIONS: Rita Clinton
Director, Office of Human Capital Policy, Accountability and Technology

cc:

Janet Herrin

Senior Advisor, Power Marketing Administration, Department of Energy