



NCSP

National Council of Security Police

As many of you are aware, the GAOⁱ report on Department of Energy Protective Force is published to the public. The Department of Energy / NNSA has begun to work on its implementation plan of the Protective Force Options Study Groups recommendations, one of which is a Federal Law Enforcement Like, or Military like retirement plan that allows SPOs to hire in younger, and leave younger with enhanced benefits. It allows a proper use of Human Capital (you and me, the Protective Force Member). There have been multiple news articles about the GAO report, and it has recently been included in a publication, covering National Security Issues^v. They have 90 days from the publication date of the GAO report, which is February 1st 2010 to provide to the Committees on Armed Services of the Senate and House of Representatives, their plan to implement the recommendations of the Committee.

There is a hearing tentatively scheduled for March 3rd that will focus on the GAO report and the Protective Force Options Committee report and bring into focus the issues surrounding the working conditions and career options, longevity or lack thereof for the Protective Force member. We have been advised that the NCSP will be called to testify during this hearing.

The last meeting of the committee was January 26th and 27th in Germantown, MD. The Department briefed us on their progress to that date on their required implementation plan. To that date they had varying stages of completion of several of the items of the committees study. The NCSP has submitted to them our recommendation of the retirement plan. The plan submitted to the DOE / NNSA in summary is a plan that virtually mirrors that of Federal Law Enforcement officers, qualified under the definition of "Law Enforcement Officer" in the Federal Register. Below is a summary of that recommendation:

Legislative Mandate

The Department of Energy is directed to establish regulations, orders, rules, and policies which require that Protective Force contractors and subcontractors (at any tier) provide certain minimum terms and conditions of employment applicable to armed and unarmed protective force personnel.

- 1. For all current (employed on _____) and all newly hired unarmed and armed protective force personnel, a Defined Benefit Pension Plan which contains eligibility and benefit features that are comparable to the enhanced retirement benefits for a special 20-year retirement under the FERS Retirement System, commonly referred to as the Law Enforcement Retirement Plan. The essential, although not exhaustive, features of eligibility and benefits are as follows:*

- A) *Retirement Eligibility: 20 service years and age 50 or 25 service years regardless of age.*
 - B) *Monthly retirement benefit: 1.7% x high - 3 salary x first 20 years of service plus 1.0% x high 3 x years and months of service over 20 years plus other benefits available under the FERS Law Enforcement Retirement Plan. Specifically the FERS Special Retirement Supplement. The special retirement supplement (also known as the FERS supplement) commonly referred to as a Social Security Bridge is unique to FERS. It substitutes for the Social Security part of your total FERS benefits. The purpose of the supplement is to provide a level of income before Social Security eligibility.*
 - C) *Annual cost of living adjustments to benefit levels.*
2. *Retiree medical coverage patterned after retiree medical coverage provided to Federal employees.*
 3. *Viable career longevity options for employees who cannot meet the medical and/or physical fitness standards required for armed and unarmed protective force personnel.*

There are a total of 29ⁱⁱ recommendations contained in the Committees report. All of those 29 issues contribute to the career longevity and career path of the Protective Force officer. Although some are of more importance than others, it was our intent to attempt to be as far reaching as possible in our effort to create a clear path of career longevity and career options for all Pro Force members.

I want to make sure everyone knows, that as previously reported in late 2009 the Armed Services Committee has indicated to us that in light of several issues found in the GAO report, before they will consider any legislation to Federalize Protective Force Members they want to legislatively compel the Department to correct these issues under the current contract model. They specifically state that in consideration of the fact that Senior DOE / NNSA officials and Senior NCSP officials have mutually identified numerous issues concerning Protective Force career longevity and benefits the Department must take action to correct these issues. This does not mean that the possibility of Federalization is a “dead issue”; this simply means that we have been asked to consider another possibility, or path to fixing our issues. We cannot deny the advice and pathway provided to us from the Armed Services Committee. They are the Committee that is responsible for the Departments funding requests and they have committed their support in correcting these issues, starting with the language included in the 2010 Defense Authorization Act, items of special interestⁱⁱⁱ. Whether one or all of us see this as positive or negative, to ignore this would put us back at square one. We are in the best position we have ever been in to influence our working conditions and career longevity.

I would like to take a moment to clarify a few points from the GAO report and also to address a few issues that have been brought to my attention over the course of the last few weeks, and as a result of the GAO report. Let me start by answering a basic question:

Question: What is the NCSP?

Response: The NCSP, or National Council of Security Police is National organization comprised of constituent Unions representing Protective Force Members across the DOE / NNSA complex. We are an umbrella organization that seeks to further the cause of improving working conditions for all Pro Force members, irrespective of their site. We bring to the national stage, issues that are collectively of interest to Protective Force Members around the complex, and are important to, and commonly shared by all of us that work at DOE / NNSA sites.

Question: If we go Federal will I have to reapply for my job?

Response: In the GAO ^{iv} report, the NNSA service Center and the Office of Personnel Management submit to the GAO that in summary, if under current legislation Protective Force Members were converted to a Federally employed and mandated force, current employees would have to reapply for their jobs, and Veterans preference would be in force. This is due in part to their suggestion that under current legislation we would be classified as “Security Guard” and under current legislation, that specific job classification carries with it caveats that allow Veterans and current Federal employees to bid on those jobs before they go public.

The very important aspect of this statement that is left out is that, the NCSP has communicated to Congress and the Department of Energy that legislation WOULD have to be created in order to not only convert the Protective Forces to a Federal Force, but also to address ALL the issues of compensation, classification, employment and working conditions. This includes the GS rate of pay and step and grade. Our Congressional contacts recognize that this would be necessary and in the recent past the Congress has legislated changes to the Federal pay bands to do just what we have said. There are varying and different pay bands, steps and rates for many different law enforcement agents. The NNSA service Center and the Office of Personnel Management are opposed to any changes in the structure of DOE Protective Forces and of course their comments reflect their position. This is not new information to us. We knew well ahead of time that Legislation would be required, and that’s just what we have been working on. Congress is aware of the need to provide legislation should they decide Federalization is the key to repairing DOE Protective Forces issues.

I want to make sure that every Pro Force Member knows that the NCSP would NOT and has NOT supported any legislation that would not Grandfather ALL Protective Force Officers. We would not and have not submitted any legislative language that would not allow for our current members to stay in their positions and suffer no loss of employment.

Question: What is the Protective Force Options Committee and just what do they do?

Response: The Pro Force Options Committee is comprised of senior level Department of Energy and NNSA security policy and oversight personnel as well as National Council of Security Police senior delegates and representatives. The committees very existence is to further the movement to increase our benefits and modernize the orders and CFR that affect our working conditions daily. This Committee is the origin of the 29 recommendations to the Department. We are working on 3 fronts here to help enhance our working conditions and benefits. This includes retirement benefits and career paths and longevity.

The 1st front that we are working is the Congressional front. Whether its federalization or Contractor formats, we have to engage Congress because that is where the money comes from to enhance our working conditions and benefits no matter what the employment model.

The 2nd front is the Departmental front. We are involving ourselves with the very people responsible for policy, oversight and implementation because they are the ones holding the purse strings of the Contractors. We are working hard to help them understand what the Protective Force Officers career looks like under current conditions, and what it could and should look like with our proposed conditions of work. We want them to understand fully the complicated disparities that exist in our industry so that what we bring to the table will translate to the Secretary of Energy and back down all the way to the Contractors who employ us.

The 3rd front is the Contractors and the Collective Bargaining Table. No matter what the outcome we have to continue to engage the Contractors on a daily basis and at the Collective Bargaining table to make our issues known. We have to make sure we emphasize our issues and keep them top priority from this point forward if we are to have success.

Question: “I have been told that I will be too old to qualify for whatever plan the NCSP is working on”

Response: I can only assume this question comes from reading the GAO report where it is mentioned that under current law, Federal employees who meet the definition of Law Enforcement Officer for the purposes of enhanced retirement benefits are generally hired no later than their 37th birthday and retire under mandatory circumstances at age 57, unless certain but not uncommon circumstances exist. The NCSP has NOT written any legislative proposals nor would we support any legislation that would preclude a Pro Force member older than 57 or for that matter any age to continue his or her career should they elect to do so. Our work has been directed at allowing that same person to leave earlier and healthier should they choose to, rather than be forced to work even though it’s not in their best interest or the interest of the Department. Again, it is our intent that all these issues would be resolved through the legislative actions should Federalization be the path forward. Congressional representatives understand this issue and are aware of what would need to take place to correct it.

Question: Has there been any information or movement on the 80% shooting qualification requirements?

Response: The NCSP took a position against enhancing the shooting qualifications early in the process of creating the new qualification course. The Department’s basic assertion is that due to the shooting course configuration, and removing the 50 yard line aspect of the course there is an assumption that the course of fire is “easier” to qualify to, and there should be a zero net affect on the SPO. We have argued from the time this policy was being created until now that there is no need to enhance the qualification courses, especially in light of the already growing burden of training and the lack of additional “live fire” training that is being conducted. There are only so many man hours that the range can schedule, and only so many instructors etc. As a result of our continued discussions with HSS we have been advised that the office of Health Safety and Security is in the process of writing a memo that will place the enhanced qualification requirements on hold until such time as the Department can gather the information necessary to make a final decision on the appropriateness of the new course of fire.

Question: I hear that armored vehicles will be reclassified as defensive in the near future. Is this true? And if so, why?

Response: The NNSA has assembled a team of security subject matter experts from within the Department and from various other agencies and conducted what is known as a “Zero Based Security Review”. This review team went to various NNSA sites and reviewed job task analysis documents; security postures; Site Safeguards and Security Plans and overall manpower and staffing lists. They reviewed each job and compared what is asked of the job in correlation to how the job is classified, ie. Defensive Combative or Offensive Combative. The NNSA identified armored vehicles as positions that could be occupied by Defensive Combative Personnel, as supported by various Departmental documents. The NNSA has said that it intends to make sure that all jobs are appropriately classified based on what tasks the particular position is asked to do at all sites. Not just Y12, but all NNSA sites. We have been advised that there is the possibility that these jobs could be reclassified as Defensive jobs based on the utilization of the armored vehicle and how it plays into the overall tactical doctrine, site SSSP and application of the 470 order. The NNSA is in the process of writing a supplement to the 470 order and this will be the driver behind any changes such as these. This supplement is in draft form and has received comments from all parties of interest to include Unions representing Security Police. As of today, February 9th this is the latest information regarding this item of interest.

Question: Has there been any talk of removing the prone to standing aspect of the 40 yard dash qualification?

Response: We have provided to the DOE / NNSA evidence that the prone to standing aspect of the 40 yard dash has been a contributing factor in job related injuries for quite some time. The contractors themselves have provided information regarding the same such injuries at various sites and their opinion on the necessary changes to this aspect of the qualification course. The NNSA has indicated that they want to modify or remove the prone to standing action of the 40 yard dash since it has been clearly identified as a contributing factor to injuries sustained during the dash. Currently, they are investigating ways to do this. The physical fitness standards are enshrined in the Code of Federal Regulations, and under normal circumstances, changing, removing or modifying them requires a Congressional action and public hearings on the changes. The NCSP and the DOE / NNSA are currently investigating ways through our various Congressional associations to do this during the interim period between now and the eventual Congressional action and public hearings. It is our position, and I believe it to be the position of the DOE / NNSA and various contractors that this needs to be changed immediately as a means to avoid further Protective Force injuries.

Question: Has there been any discussion of modifying or changing the physical fitness standards for SPOs?

Response: The Protective Force Options committee made this issue one of their recommendations and identified the Code of Federal Regulations that mandate our physical fitness standards as an area that needs to be brought up to date and modernized. The DOE / NNSA have tasked personnel with the responsibility of conducting a study and presenting new ideas on creating a new physical fitness test. Many of you were around in the past several years when the Department was conducting human studies on a “confidence course” or “obstacle course” of sorts that was THEN intended to replace the current physical fitness tests. These employees will be looking at various other Agencies and Departments for input on creating a new fitness test. Discussions of the committee included trying to make the test more task or job specific and something that would be more in line with what an SPO is asked to do while on duty and what they would be asked to do should there be a security event at the sites. The NCSP identified the current medical and physical fitness requirements as one of the major contributing factors to decreased career longevity and career options within the Protective Force. When the medical and physical fitness requirements were brought about, there began to become a disparity between the previous industrial security model, and how that employee could work to a normal retirement age without those barriers in place, and the current paramilitary organization that is protecting the sites today. The Department and the NCSP agree that there is a need to modify the physical fitness and medical requirements of Security Police Officer while maintaining a capable and robust Protective Force. The medical requirements of the Code of Federal Regulations are currently being edited and brought up to date and into compliance with the Americans with Disabilities Act language. Many of the medical disqualifying factors that are included in the current language that were then “major medical complications” are now regular or “routine” medical issues that are easily corrected with minor surgery or medication. So, these issues are being addressed by the Department and we are continuing to pressure them for movement.

Question: Is there going to be a NNSA site specific patch and badge for our Uniforms?

Response: Yes, the NNSA has created and approved a final version of the NNSA standard Shoulder patch and badge. Site specific patches, for example, Training group patches will be allowed and will be approved locally by the responsible NNSA authority. This is a NNSA only initiative. DOE and its affiliate program offices were invited to participate however declined at this point. They will be in the style and color of the Army Combat Uniform.



Please let me know if you need or want any further information regarding NCSP initiatives.

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i **Nuclear Security: DOE Needs to Address Protective Forces' Personnel System Issues** Summary

The September 11, 2001, terrorist attacks raised concerns about the security of Department of Energy's (DOE) sites with weapons-grade nuclear material, known as Category I Special Nuclear Material (SNM). To better protect these sites against attacks, DOE has sought to transform its protective forces protecting SNM into a Tactical Response Force (TRF) with training and capabilities similar to the U.S. military. DOE also has considered whether the current system of separate contracts for protective forces at each site provides sufficiently uniform, high-quality performance across its sites. Section 3124 of PL 110-181, the fiscal year 2008 National Defense Authorization Act, directed GAO to review protective forces at DOE sites that possess Category I SNM. Among other things, GAO (1) analyzed information on the management and compensation of protective forces, (2) examined the implementation of TRF, and (3) assessed DOE's two options to more uniformly manage DOE protective forces.

Over 2000 contractor protective forces provide armed security for DOE and the National Nuclear Security Administration (NNSA) at six sites that have long-term missions to store and process Category I SNM. DOE protective forces at each of these sites are covered under separate contracts and collective bargaining agreements between contractors and protective force unions. As a result, the management and compensation--in terms of pay and benefits--of protective forces vary. Sites vary in implementing important TRF requirements such as increasing the tactical skills of protective forces so that they can better "move, shoot, and communicate" as a unit. While one site has focused on implementing TRF requirements since 2004, other sites do not plan to complete TRF implementation until the end of fiscal year 2011. In addition, broader DOE efforts to manage postretirement and pension liabilities for its contractors have raised concerns about a negative impact on retirement eligibility and benefits for protective forces. Specifically, protective force contractors, unions, and DOE security officials are concerned that the implementation of TRF's more rigorous requirements and the current protective forces' personnel systems threaten the ability of protective forces--especially older members--to continue their careers until retirement age. Efforts to more uniformly manage protective forces have focused on either reforming the current contracting approach or creating a federal protective force (federalization). Either approach might provide for managing protective forces more uniformly and could result in effective security if well-managed. Although DOE rejected federalization as an option in 2009 because it believed that the transition would be costly and would yield little, if any, increase in security effectiveness, the department recognized that the current contracting approach could be improved by greater standardization and by addressing personnel system issues. As a result, NNSA began a standardization initiative to centralize procurement of equipment, uniforms, and weapons to achieve cost savings. Under a separate initiative, a DOE study group developed a number of recommendations to enhance protective forces' career longevity and retirement options, but DOE has made limited progress to date in implementing these recommendations.

Recommendations

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Recommendations for Executive Action

Recommendation: To better align protective force personnel policies and systems with DOE's security requirements for Category I SNM sites, the Secretary of Energy should promptly develop implementation plans and, where needed, undertake additional research for the DOE study group's 2009 recommendations to improve career longevity and retirement options for protective force personnel. Specifically, for actions such as reviewing the appropriateness of training that the study group identified as low or no cost, unless DOE can state compelling reasons for reconsideration, it should develop and execute implementation plans.

Agency Affected: Department of Energy

Status: In process

**ii ENHANCED CAREER LONGEVITY AND RETIREMENT OPTIONS FOR DOE
PROTECTIVE FORCE PERSONNEL**

Recommendations from the Protective Force Career Options Initiative Study Group

EXECUTIVE SUMMARY

On March 31, 2009, the Office of Health, Safety and Security (HSS), the National Nuclear Security Administration (NNSA), the Office of Environmental Management, the Office of Nuclear Energy, the Office of Fossil Energy, and the National Council of Security Police (NCSP) came together in a joint effort to examine “realistic and reasonable options for improving the career opportunities and retirement prospects of protective force (PF) members while maintaining, within current and anticipated budgetary constraints, a robust and effective security posture.”ⁱⁱ

A Study Group was formed consisting of senior representatives from each of the foregoing organizations, under the leadership of HSS. Taking advantage of the significant personal experience represented by the Study Group membership and the numerous recent studies of the issues involved, the Study Group focused not on assembling new data, but instead upon formulating a series of practical recommendations for management consideration. The primary focus was upon actions that could take place within existing budgets and without substantial change to existing PF governance. However, in the course of its deliberations the Study Group also developed some potential actions that would require either additional funding or other changes. It became clear from the outset that many worthwhile considerations for PF career enhancement necessarily require tangible investments in human capital. Instead of simply “pigeonholing” these items, the group developed them as recommendations, but with the clear annotation that they transcended the original terms of its charter. The study took place in parallel to a larger initiative by the NCSP to gain legislative support for the comprehensive transformation of the Department of Energy (DOE) PFs via Federalization. The study did not consider the issues associated with Federalization and was in no way intended to impinge upon the NCSP’s legislative effort.

The study resulted in 29 recommendations. These recommendations addressed issues ranging from the classification of Security Police Officers (SPOs) as “offensive” or “defensive” combatants, through the implementation of current physical and medical requirements, to proposals for a large-scale revamping of the retirement structure for both disability and age-related retirements. It included a number of measures aimed at increasing the employment options available for PF members who, through age or injury, are confronted by a premature end to their PF careers. The study also addressed a variety of “quality of life” issues for PF members, including matters such as arrest authority and uniforms and equipment. The recommendations are grouped thematically, but, broadly speaking, the first 14 are viewed by the Study Group as appropriate to existing budgets and structures, while the last 15 will require some additional resources, some change in governance, or both.

One central theme emerged from the study, namely that the expectations placed upon PF personnel should be clearly related to job requirements and that, wherever demands are placed upon an individual’s tactical skills and physical capabilities, those demands should be matched by training opportunities sufficient to support the maintenance of these capabilities.

The potential contribution of these recommendations in improving the longevity and career potential of individual PF members will be obvious. Less evident, but no less significant, is the potential contribution to the Department and its programs. Every positive step toward improving the career environment of PF members improves morale. It contributes to making our forces more efficient and effective. By creating incentives for individuals to enter upon a PF career and then remain in the DOE security community for a lifetime of service, the Department minimizes the significant costs associated with hiring, vetting, and training PF members.

Recommendations:

1. PF deployment strategies should be re-examined to ensure that appropriate SPO skill sets and response capabilities (e.g., offensive vs. defensive capabilities) are matched to current response plan requirements in a manner that maximizes reliance on defensive combatants.
2. Anticipated requirements for security escorts and other security-related unarmed positions (including current outsourcing practices) should be reviewed and procedures implemented to maximize work opportunities for unarmed PF members (SOs).
3. Unarmed PF-related work should be identified as part of the career path for PF personnel.
4. Measures should be adopted to minimize the impact of current physical fitness standards upon career longevity, and these standards should be reviewed against current job requirements.
5. Revisions to current medical requirements should be developed to ensure that existing medical conditions do not represent (given the current state of the medical arts) unreasonable barriers to career longevity.
6. So long as expectations remain for PF personnel to meet explicit medical and fitness standards, then reasonable means to prepare for testing and evaluation should be provided by the Department.
7. Existing “fitness/wellness” programs should be expanded to help SPOs maintain and prolong their ability to meet physical fitness requirements and to achieve medical cost savings that result from maintaining a well managed program. (This recommendation is not offered as cost-neutral.)
8. Retirement/transition planning should be integrated into PF training.
9. The capabilities of the National Training Center should be employed to facilitate career progression and job transition training.
10. PF organizations should be encouraged to appoint “Career Development/Transition” officers to assist personnel in career path and transition planning.
11. Strong actions should be taken to correct Human Reliability Program (HRP) administrative errors and to rigorously enforce existing prohibitions against using HRP in a punitive manner.
12. Contractor policies and actions that lead to PF members being placed in non-paid status without appropriate review or recourse should be closely monitored (and, where necessary, corrected).
13. DOE M 470.4-3A, *Contractor Protective Force*, should be reviewed to ensure that requirements are supportable by appropriate training.
14. To encourage future communication regarding the issues considered in this study, the life of the present Study Group should be extended as a standing committee and union participation in the DOE HSS Protective Force Policy Panel should be ensured.

Except where specifically noted, the preceding 14 recommendations were viewed by the Study Group as largely cost neutral and achievable within existing governance structures. The remaining 15 recommendations are acknowledged to involve additional program costs—in some instances potentially substantial costs—and may also require changes to existing management and contractual approaches.

15. Existing defined contribution plans should be reviewed in order to identify methods to improve benefits, to ensure greater comparability of benefits from one site to the next, and to develop methods to improve portability of benefits.
16. Consistency in retirement criteria should be established across the DOE complex (e.g., a point system incorporating age and years of service or something similar).
17. The potential for incorporating a uniform cost-of-living allowance into defined benefit retirement programs based on government indices should be examined.
18. Portability of service credit between PF and other DOE contractors should be explored. This could be directed in requests for proposals for new PF contracts.
19. Potential actions should be explored to create a reasonable disability retirement bridge for PF personnel when alternate job placement is unsuccessful.

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20. Job performance requirements (such as firearms proficiency) should be supported by training sufficient to enable PF members to have confidence in meeting those requirements.
 21. A retraining fund should be created to assist personnel with job transitions/second careers.
 22. A centralized job register should be established to facilitate identification of job opportunities across the complex.
 23. Consideration should be given to sponsoring a student loan program to assist PF members in developing second careers.
 24. The Department, as a matter of policy and line management procedure, should establish the position that SPOs be considered for job placement within each respective site's organizational structure prior to a contractor engaging in off-site hiring.
 25. "Save pay" provisions should be included in collective bargaining agreements to cover specified periods when a PF member must be classified to a lower paying position because of illness, injury, or aging.
 26. DOE should explore the potential for facilitating partnerships among the various contractor organizations in order to broaden employment opportunities for aging or injured personnel, and to encourage PF personnel seeking alternative career paths to actively compete for such opportunities.
 27. Where possible, the Department should review its separate PF prime contracts and convert them to "total" security and emergency management contracts.
 28. PF arming and arrest authority should be reviewed with the objective of enhancing the capabilities of SPOs.
 29. Where possible, equipment, uniforms, weapons, badges, etc., should be standardized throughout the Department.

iii *Reports*

The conferees direct that all reports requested by this or any other act and that address the programs and activities funded by the fiscal year 2010 Atomic Energy Defense funds, should be provided to the congressional defense committees in addition to any committees specifically specified in the provision or requirement directing such report.

Department of Energy protective forces

In section 3124 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), the Comptroller General was directed to submit to Committees on Armed Services of the Senate and the House of Representatives a report on the management of the protective forces at the Department of Energy (DOE).

Section 3124 also directed the Secretary of Energy to review the Comptroller General report, and submit no later than 90 days after receiving the Comptroller General report, the results of that review including any additional options, to the Committees on Armed Services of the Senate and the House of Representatives.

The report was completed in August 2009, and will be formally published shortly. The report identified a series of issues and concerns with the management of the DOE protective forces. These issues include rigid physical fitness and other requirements and the relationship these requirements have to recruitment, hiring, training, retirement, retention, and health care. In addition the report found significant differences amongst the sites as to how the forces were managed, trained, and compensated. Other issues were identified, including varying hot pursuit policies and varying law

enforcement authorities.

After September 11, 2001, the requirements for security at the DOE facilities with Category I nuclear materials were increased significantly. The conferees note that the effect of the new requirements has placed many of the members of the DOE protective force in a situation where they will not meet the physical and other requirements long before they reach retirement age.

Of the many issues identified in the Comptroller General's report that should be addressed by the DOE, the disconnect between the physical demands and requirements of the protective forces on the one hand, and the retirement program on the other is the most problematic. Each of the relevant sites has seen increased injury and attrition rates. Because recruiting, hiring, training, and obtaining clearances for the protective forces is a time consuming and costly process, increased attrition rates will drive up the overall security costs. The conferees are concerned that the attrition rate is connected to the changes in the requirements and the lack of a career path that reflects these requirements.

DOE is aware of the problem and earlier this year assembled a group with representatives from each of the relevant DOE offices to examine "realistic and reasonable options for improving the career opportunities and retirement prospects of protective force members while maintaining, within current and anticipated budgetary constraints a robust and effective security posture." This study group made 29 recommendations to address the issues in the protective forces. The conferees believe that DOE needs to take seriously the concerns raised in the Government Accountability Office report and the recommendations of the study committee to ensure that the protective forces are able to carry out reliably their responsibilities to prevent nuclear material and nuclear weapons from being stolen or worse. To that end, the conferees direct the Secretary of Energy and the Administrator of the National Nuclear Security Administration to develop a comprehensive, DOE-wide plan to identify and implement the recommendations of the study group. This implementation plan should be submitted with the plan required to be submitted by section 3124, as discussed above. The conferees recognize that the protective forces fall under a wide array of contractual mechanisms. The conferees do not believe, however, that the different contractual mechanisms are the problem; rather it is the lack of clear, uniform, and realistic guidance and policy from DOE to the various contractors who manage the protective forces that is at the root of the problems.

iv Finally, if protective forces are federalized, OPM officials told us that current members would not be guaranteed a federal job. According to those officials, current members would have to compete for the new federal positions, and thus they risk not being hired. Nonveteran members are particularly at risk because competition for federal security guard positions is restricted to those with veterans' preference, if they are available. According to NNSA Service Center officials, veterans groups would likely oppose any waiver to this hiring preference. Thus, if the protective forces were to be federalized, the department might lose some of the currently trained and experienced personnel.

V *GAO PRESSES DOE TO ADDRESS*

PROTECTIVE FORCE PERSONNEL ISSUES

Reflecting the growing unhappiness of the Department of Energy's protective forces, the Government Accountability Office late last month urged the Department of Energy to accelerate progress to address career and longevity issues faced by the Department's security contractors or reconsider federalizing the workers that protect the nation's nuclear weapons sites. In its Jan. 29 report, *DOE Needs to Address Protective Forces' Personnel System Issues*, the GAO did not take a side in the debate about federalizing the guard force—an idea the Department officially abandoned last year—but it pressed DOE to enhance the longevity and retirement options faced by the Department's protective force personnel.

The Sept. 11, 2001, terrorist attacks brought about significant changes to the Department's protective forces as they morphed from an industrial security posture to more of a tactical response force to protect the DOE sites that house Category I/II nuclear materials, like Los Alamos National Laboratory, Lawrence Livermore National Laboratory, the Savannah River Site, the Pantex Plant, Idaho National Laboratory, the Nevada Test Site and the Y-12 National Security Complex. The change, however, brought with it an increase in the demands on officers, as well as an uptick in injury rates and attrition, driving up recruiting, hiring and training costs. Retirement benefits haven't changed, however, creating a disconnect that has drawn the attention of Congress for years, with lawmakers calling the disconnect "problematic" in the Fiscal Year 2010 Defense *Weapons Complex Monitor # Exchange Monitor* Publications, Inc. February 8, 2010 Authorization Act. "Protective force contractors, unions, and DOE security officials are concerned that the implementation of [tactical response force's] more rigorous requirements and the current protective forces' personnel systems threaten the ability of protective forces—especially older members—to continue their careers until retirement age," the GAO report said.

GAO Unhappy With 'Limited' Action

Specifically, the GAO criticized the Department for taking "limited" action on a series of recommendations to improve career longevity and protective force performance that were delivered last year by a study group chartered by DOE's Office of Health, Safety and Security. The group advocated a host of changes to Department policy that would more clearly define the necessary requirements for certain protective force jobs and make it easier for protective force officers to transition to less physically demanding jobs, both within protective force organizations or in the Department as a whole, potentially expanding the career paths for workers. The GAO said that revamping the management of the protective forces personnel or federalizing the force could result in effective security "if wellmanaged." Thus far, however, DOE has taken action on only one of the committee's recommendations—extending the life of the committee. The GAO said the Department and NNSA were in varying stages of reviews to advance the other 28 recommendations, and had standardized protective force personnel uniforms and the cloth shields used on the uniforms in response to part of one recommendation. The group categorized 14 of its 29 recommendations as "low" or "no-cost" actions, which included expanding fitness and wellness programs, reviews of training requirements and a study on maximizing the number of armed and unarmed positions that could be held by protective force officers when they can't meet more rigorous physical requirements. "The responsibility lies with DOE, working with protective force unions and contractors, to further develop and implement these initiatives and recommendations," the GAO said. "However, if DOE decides not to take meaningful actions or if its actions will not achieve the intended goals, an examination of other options, including the federalization of the protective forces, may be merited."

Issue Has Been ‘Studied to Death’

The Project on Government Oversight watchdog group also called on the Department to move quickly to address the problem. “It’s about time that DOE fixes this problem. It has been studied to death,” said POGO Executive Director Danielle Brian. “As the GAO concludes—if DOE doesn’t solve the problem satisfactorily, then the guard forces should be federalized.”

Randy Lawson, the president of the Oak Ridge chapter of the International Guards Union of America, said he was disappointed with the Department’s response to the recommendations and hinted at difficult negotiations when protective force bargaining agreements next expire at Oak Ridge, Pantex and Savannah River in 2012. “We’ve made it known to DOE that if they don’t get these problems fixed, the membership has told us if we can’t do something with defined benefit plans or career longevity, it’s going to be a tough negotiation,” Lawson said. “They’re already talking strike at all three sites.” Michael Kane, the NNSA’s Associate Administrator for Management and Administration, said the agency generally agreed with the GAO report and its recommendations, but said the report “does not give full credit to the Department for significant efforts taken to address protective force issues.”

- Todd Jacobson, *Weapons Complex Monitor* # ExchangeMonitor Publications, Inc