

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



June 30, 2009



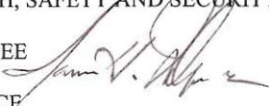
Department of Energy
Washington, DC 20585

June 30, 2009

MEMORANDUM FOR THOMAS P. D'AGOSTINO
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FROM: DR. JAMES H. MCGEE 
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CAREER OPTIONS STUDY GROUP

SUBJECT: Protective Force Career Options Initiative Report

On March 31, 2009, the Department of Energy (DOE) Chief Health, Safety and Security Officer commissioned a study 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." Accordingly, a Study Group was formed consisting of senior leaders of the National Council of Security Police and senior technical staff from the National Nuclear Security Administration, the Office of Environmental Management, the Office of Nuclear Energy, and the Office of Fossil Energy. Overall leadership and staff support was provided by the Office of Health, Safety and Security. This effort represents the first time in DOE where protective force union leadership has teamed with program office management in such a joint effort.

The task presented to the Study Group was to find ways to overcome the problems that prevent protective force (PF) members from working to a normal retirement age and building reasonable retirement benefits. The guiding assumptions were that this must neither compromise security performance nor ignore current budgetary constraints. The options that emerged were designed to enable continuation to a normal retirement age by remaining in the PF, going on to another job within DOE that builds upon PF experience, or transitioning to a non-DOE career which builds upon their PF experience.



The 29 recommendations presented in the attached study are offered for your consideration. The first 14 are achievable mostly within existing management structures and anticipated budgetary constraints; the remaining 15 are much more challenging, and would require currently unbudgeted resources or changes to existing contract vehicles. As noted within the report, the collective hope of the Study Group is that management will act quickly on the most manageable recommendations, while taking the more challenging ones under advisement for action as resources and circumstances permit.

Attachment

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.”¹

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

¹ Citing resource limitations, the Office of Science determined that it could not play an active role in the study.

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.

The options presented in this study are just that—options for senior management consideration. While the Study Group membership believes that enactment of all or most of its recommendations would achieve the most for PF members, these were not conceived, nor are they presented, as an “all or nothing” package. The collective hope of the Study Group is that management will act quickly on the most manageable recommendations, while taking the more challenging ones under advisement for action as resources and circumstances permit. The most important outcome will be to make a strong start and then maintain the momentum.

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.
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.

ENHANCED CAREER LONGEVITY AND RETIREMENT OPTIONS FOR DOE PROTECTIVE FORCE PERSONNEL

Recommendations from the Protective Force Career Options Initiative Study Group

1.0 Introduction

On March 31, 2009, the Chief Health, Safety and Security Officer (HSS) of the Department of Energy (DOE) commissioned a study to examine “realistic and reasonable options for improving the career opportunities and retirement prospects of PF members while maintaining, within current and anticipated budgetary constraints, a robust and effective security posture.” With the support of both DOE line management and the leadership of the National Council of Security Police (NCSP), a Study Group was assembled under the leadership of the HSS. In addition to HSS technical and administrative support, the group consisted of a delegation of senior NCSP leaders and senior security representatives from the National Nuclear Security Administration (NNSA), the Office of Environmental Management, the Office of Nuclear Energy, and the Office of Fossil Energy. Citing resource limitations, the Office of Science determined that it could not play an active role in the study. Input from DOE field elements and the protective force (PF) contractor community was channeled through the representatives of the various program offices. The use of the terms “DOE” and “the Department” in this document is meant to refer to all DOE elements including NNSA. The term “NNSA” is reserved for comments specific to that organization.

The terms of the assignment recognized that the Department had conducted a number of studies and reviews of these issues since 2004, and that the available data to inform the development of options was considerable. Instead of simply developing more data, the task was to exploit existing knowledge to identify actionable recommendations for senior management consideration. For this reason, the terms of the assignment also envisioned a report consisting of a concisely articulated series of such recommendations, to be completed within 60 days. The following report is presented by the Study Group in fulfillment of these terms of assignment.

The period of performance for this study took place at the same time as a major legislative effort on the part of the NCSP to bring about the Federalization of the DOE PFs, along with a retirement plan for PF members comparable to that enjoyed by the various federal law enforcement entities. Although this Study Group was commissioned several months after NNSA and HSS signaled their desire to continue with the existing contract PF structure, it was conceived without reference to the NCSP federalization initiative; this study is in no way intended to impinge upon that effort. It is instead simply meant to ensure that the Department moves forward in a timely manner to alleviate the accumulating concerns of its PF personnel.

2.0 Background

In 2004, the DOE launched an initiative to improve the overall effectiveness of its PFs and to improve the working environment and career opportunities for PF members. The terrorist attacks

of September 11, 2001, provided the original impetus for this so-called “elite force” initiative. As part of a larger process of improving the security provided to nuclear weapons, components, and special nuclear materials, DOE recognized that PFs needed to take on a more paramilitary (as opposed to industrial security) posture. This required comprehensive action to improve both the technical basis of PF response and the tactical skill of PF members. At the same time, the initiative also recognized that efforts to increase the professionalism of the PFs should be accompanied by comparable efforts to improve the professional status and career environment of PF members.

The Department has had considerable success since 2004 in improving the individual and collective tactical capabilities of its PFs. Although various tactical enhancements remain incomplete, DOE now deploys an impressive array of advanced technical capabilities and increased firepower. Protection strategies benefit from significant hardening of many fixed fighting positions and through the deployment of highly-capable armored fighting vehicles, all integrated through improved command, control and communications (C3) capabilities. The ability of PF members to effectively employ advanced weapons and equipment has benefited from improvements in training and an increasing emphasis on regular tactical exercises and performance tests. All of these developments are informed by a more sophisticated tactical doctrine.

These significant improvements in tactical and technical capability, however, have not been accompanied by correspondingly significant improvements in the career opportunities afforded PF members, nor in terms of the circumstances that contribute to career longevity. PF personnel face two distinct, but closely related challenges in attaining an adequate retirement. The typical retirement age in contemporary American society is 60-65 years, and it typically takes 40-45 years to accumulate a reasonable retirement “nest egg.” But the physical demands of being a PF member mean that men and women in their mid-forties find it increasingly difficult to maintain their level of fitness to do the job; moreover, an injury can bring a PF career to an abrupt close at any age.

There are two potential pathways to resolving the career progression and injury challenges facing PF personnel. One is some form of comprehensive retirement scheme (“20-year retirement”) similar to those of other federal law enforcement entities; this has been discussed as a component of various Federalization proposals, or, at a minimum, in conjunction with major revisions of existing contractual arrangements governing PF administration. Any solution of this scope would undoubtedly require significant changes in the existing systems of governance for DOE security and thus would require correspondingly significant legislative action, as well as additional appropriations to cover transitional costs. As noted previously, the NCSP is currently pursuing such action with its congressional representatives.

The second pathway involves closely examining actual security response needs in relationship to the physical and medical requirements placed upon PF members to ensure that the requirements are appropriate to the tactical response tasks. It also involves looking at ways to open up alternative career paths for PF personnel who find it increasingly difficult to meet the physical and medical requirements. The goal for this pathway is to enable PF members to continue productive careers well beyond the point where current physical performance requirements become an insuperable barrier. The current study focuses upon this second pathway.

3.0 Objective and Assumptions

The formal objective of this study is to identify options that, *without compromising the overall capability of our PFs*, enable PF personnel to have reasonable assurance of working to a normal retirement age by (1) continuing in the PF, (2) going on to another DOE job that builds upon their PF experience, or (3) transitioning, with the assistance of the Department, to a second career—ideally, one which also builds meaningfully upon their personal and professional development as a PF member. Furthermore, these options should include reasonable measures to improve job satisfaction for PF members at every stage in their careers.

Three basic assumptions inform this study. The study *first* assumes that DOE security budgets will remain essentially flat for the foreseeable future, and may actually decline in real dollars. *Second*, the study assumes no major changes in the governance of DOE PFs, either at the Federal or contractor levels. In other words, it seeks to ensure widespread support for immediate action on its recommendations by not challenging existing governance models. *Third*, this study assumes that the only way to achieve any of the above is to create access to a significant number of jobs suitable for PF members that do not entail the same level of physical capability required by the current physical fitness standards. As a corollary to this assumption, it presumes that this must be accompanied by measures to facilitate mobility between jobs.

In the final analysis, however, the Study Group also recognizes that some highly-deserving recommendations do require additional funding and/or some modification of existing PF governance. These recommendations are also presented, but are clearly identified as beyond the defined scope of the study, and are typically presented in the form of a request for further study. In the course of its deliberations, the group also identified a number of other “quality of work” issues that, while not directly related to either career progression or longevity, seem worthy of management attention. These issues and their associated recommendations are also included.

4.0 Recommendations

The Study Group developed a total of 29 recommendations. These recommendations are, with some exceptions, presented not in order of priority but rather in order of immediate feasibility, both from a practical and a budgetary point of view. Broadly stated, the first 14 recommendations were deemed to be largely achievable within existing management structures and anticipated budgetary constraints, while the remaining 15 each tended to require either currently unbudgeted resources or major changes to contracts or other structures. In some cases, however, maintaining a clear narrative required a different placement. In every instance, the Study Group’s assessment of a recommendation’s feasibility is discussed in the accompanying narrative. Some recommendations are presented singly, while others are grouped in order to simplify the supporting discussion.

Recommendations 1-3:

1. PF deployment strategies should be re-examined to ensure that appropriate Security Police Officer (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.

Discussion:

The common thread uniting each of these recommendations is the goal of maximizing, within the existing PF organizations and requirements, the number of positions that can be usefully filled by trained security personnel who either (a) can no longer meet current offensive combatant requirements or (b) can no longer meet current defensive combatant requirements.

The first recommendation envisions a review of approved vulnerability analyses (VA) and site security plans to ensure that positions labeled “offensive combatant” actually require that level of physical capability. The goal should be to achieve a protection posture that, without sacrificing protection effectiveness, includes as many defensive combatant positions as possible. This is consistent with the Department’s established tactical response doctrine, which calls for what the military terms an “active defense.” It also recognizes that, since the new doctrine was first implemented, great strides have been made in the deployment of technology, advanced weapons, armored vehicles, armored fighting positions, and other tactical tools that can be effectively manned by defensive combatants. The immediate path forward should be to select representative sites that have been determined to have achieved a satisfactory level of protection effectiveness—particularly sites that have taken maximum advantage of the foregoing technical and tactical enhancements—and review the allocation of offensive and defensive combatants. This could be accomplished largely through a table-top review of existing VAs and security response plans.

The second recommendation recognizes that there are, at any given time, a significant number of necessary positions that do not require the use of armed SPOs. At the same time, the very fact that these positions frequently require an understanding of basic security practices makes them logical positions to be filled by personnel with a PF background, within the PF organizational structure. Examples of such positions include some access control posts and most, if not all, security escort jobs. Designating these positions as unarmed Security Officer (SO) positions, thus including them in the PF contract and collective bargaining structure, would create more positions for PF personnel who, either due to age or injury, are no longer capable of meeting even the defensive combatant requirements. A similar initiative has worked successfully within the Office of Secure Transportation for injured Federal Agents. To ensure the consistent and effective implementation of such practices across the Department, policy and line management procedures should be adjusted accordingly. Care must be taken to ensure that the SPOs who would benefit most from the availability of these types of positions are afforded such opportunities.

The third recommendation is an extension of the second, and might well even be combined with it. The distinction is that, while the jobs covered under the second might well lend themselves to conversion to SO positions, the positions envisioned under the third recommendation are not necessarily so. Moreover, these tend to be positions that require some level of specialized training. These positions include, for example, VA analysts, training specialists/instructors, alarm station operators, range support operations, armorers and weapons/equipment maintenance personnel, supply/logistics staff, and PF administrative support. All of these positions can be regarded as building upon the skill set and qualifications developed as a PF member, and all, save the VA analyst position, are typically part of the PF contract. Initial enactment of this recommendation should, in large part, be a straightforward function of line management emphasis within existing contract structures and competitive bidding processes. Maximizing the impact of this recommendation, however, may require modification to existing contracts with due consideration for merit principles.

These three recommendations are pivotal to achieving meaningful progress in the near term. They represent the most direct and readily available means of increasing the opportunity of PF personnel to continue working productively within the existing PF contract structure.

Recommendations 4-7:

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.)

Discussion:

While Recommendations 1-3 assume no changes in the current physical standards governing offensive and defensive combatants and the overall medical conditions governing PF employment, Recommendations 4-5 recognize that the current physical and medical standards, as enshrined in the Code of Federal Regulations (C.F.R.), may be outdated. Recommendations 6-7 address eliminating disparities between the physical performance requirements for PF personnel and the means available to assist these personnel in meeting those requirements, at whatever level such requirements may be established.

The foundation of the current physical fitness standards is a report entitled, “Physical Security—the Human Element,” otherwise known as the “Telfair Report.” This study has the virtue of having been expressly designed and validated as a foundation for physical fitness requirements for DOE PFs, and it remains the only formal study that fulfills that condition (more recent attempts

having been terminated prior to completion). But the Telfair Study also has a significant vice, namely the fact that it was completed nearly three decades ago, in 1982. Since then, and particularly since initiation of the post-9/11 series of security upgrades, radical changes have occurred in the tactical setting that governs DOE PF physical fitness requirements. In 1982 and for many years thereafter, PFs relied on handguns and rifles (sometimes shotguns), augmented by a small number of machine guns and submachine guns for close quarters battle. The greater proportion of response vehicles were unarmored, and thus required responders to dismount at a safe distance from an adversary and then make a tactical approach, often at great distance, on foot. Where armored vehicles were available, their primary role was to transport responders closer to the battle, whereupon those aboard would dismount and fight on foot. “Hardened” fighting positions were often scarcely hardened or particularly well-suited for fighting, so much so that many were eventually deleted from response planning or, as force-on-force exercises repeatedly demonstrated, were abandoned by SPOs in favor of informal, improvised, but tactically more sound locations.

At most sites today the situation is completely different. New facilities have been constructed with defensive positions fully integrated into the facility design. Other facilities have been upgraded with an array of tactically effective and protected positions, where vehicle and personnel barriers have been designed to channel the adversary into established fields of fire. Automated, remotely-operated firing systems have become more common. Armored fighting vehicles are just that, vehicles with combined weapons and target identification systems that maximize the benefit of fighting from the vehicle as a crew, rather than simply riding to the general vicinity of the fight. Increasingly, intrusion detection and assessment systems, improved communications, and longer-range weapons enable the PF tactical teams to dominate the battlefield by fire, rather than chasing the adversary around it.

Similarly, since the current medical conditions were last updated in the Federal regulation, significant strides have been made in rehabilitative medicine. In many instances, what were once clearly disabling conditions are no longer regarded as such. Moreover, similar strides have occurred with regard to the meaning of disability itself. Thus, for example, heart conditions that once condemned the sufferer to a sedentary lifestyle are now, with proper treatment, no longer so restrictively viewed. Even in extreme cases—such as when a soldier loses a limb in combat—the military increasingly focuses on preserving the utility of that soldier’s many other military skills, rather than simply regarding the soldier as unsuitable for further service. In many instances, this places the occupational medicine specialists in the DOE community in an invidious position, caught between the regulation and the more up-to-date expectations written into other legislation, such as the Americans with Disabilities Act (ADA).

Thus, both the medical and physical fitness standards inscribed in our regulations may be no longer consonant with the emerging standards of the 21st Century. While they have been a valid measure of individual physical and medical condition, these standards continue to be perceived as a barrier to making continued effective use of the training and experience invested in our PF personnel. Further, they could represent barriers to extending useful PF careers beyond episodes of illness or injury. For these reasons, the current physical and medical standards demand a comprehensive review as a basis for developing proposed standards that accurately reflect today’s actual physical and medical requirements for PF work. In this process, careful consideration should be given to the relative merits of continuing with a single (albeit revised and updated) standard without reference to age and/or gender versus a graduated age- and gender-biased

standard similar to that now being used by various other military and federal law enforcement elements. There are merits to each approach, which deserve more detailed analyses than were available to the Study Group. Regardless of which approach is ultimately favored, any meaningful solution must take into account the fact that the physical fitness regime necessary for a 45-year old to maintain required performance is likely to be much more demanding than that for a 25-year old. Proposed fitness programs should take this into account.

In the final analysis, however, the existing standards remain enshrined in regulation, and cannot be superseded by simple changes in policy or management practice. Furthermore, the steps required to realize a fundamental change in Federal regulations are challenging. The Study Group has been advised that HSS is in the process of revising 10 C.F.R. 1046 to ensure complete compatibility with the ADA. The consensus of the group is that, rather than wait until new fitness standards can be devised, developed, tested, and validated, the more expedient path would be to update the medical standards and then follow at a later date with another revision that would address the physical fitness standards. Therefore, since a considerable amount of time would be required to conduct further development and validation of new physical fitness standards, it may be desirable to move forward a revision that reflects only the new medical standards while development and human testing of physical fitness standards continue.

In the interim, the impact of the retention of the current fitness standards could be mitigated somewhat by the elimination of the requirement to move from prone to standing at the start of the 40-yard dash. That measure is supported by the expressed concerns of the DOE medical and safety community which point to data demonstrating a strong correlation between that movement and tendon/soft tissue injuries. Since the complexity of this task exceeds the resources of this Study Group and the time allotted for completing its deliberations, the immediate action on these recommendations must take the form of recommending that the ongoing revision to 10 C.F.R. 1046 be completed as expeditiously as possible and that it take fully into account the considerations outlined above.

Regardless of future updates to regulations and/or policy, if 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. Some have argued that maintaining physical fitness is a condition of employment, and therefore a personal responsibility; however, the realities of working 60+-hour work weeks and shifts that usually exceed 12 hours per day significantly complicate the maintenance of a regular fitness regimen during off-duty time. Many sites already have both mandatory and voluntary fitness and wellness programs, but sites vary widely in application, especially in terms of whether physical fitness is done onsite during duty hours, onsite during off time which is compensated, or off site during off time, also compensated. The wide diversity of programs is due in part to their being products of the collective bargaining process. The same is true of wellness programs where they exist. They largely consist of gym memberships, payment of some premium on unused sick days, and guidelines for healthy living.

Onsite, on-shift or compensated off-shift workouts – a minimum of two, and three per week if feasible – should be standardized. Type and rigor of workouts and runs should be tailored to individual conditions and to the SPO level – SPO-I, II, or III. To further advance the implementation of a workable, standardized wellness program, the Chief Medical Officer (CMO), Office of Health and Safety, could develop appropriate guidance, and participants could be incentivized with time off, extra pay for unused sick days, and/or free gym memberships,

as is the case in many such programs now. As a possible model for a path forward, the CMO should consider the elements of Appendix C as a pilot wellness program which is now being implemented at Pantex. Early assessments of participation and results have been positive. While increased expenditure for fitness and wellness programs runs counter to current budget constraints, this investment in the well-being of PF personnel may, in the long run, represent a means of minimizing the cost of hiring, screening, and training new personnel to replace those lost due to manageable health and fitness issues.

In the meantime, there are ameliorative actions that can be implemented without going through rulemaking or allocating additional resources for fitness/wellness programs. For example, in all instances where a determination for medical disqualification by the Site Office Medical Director (SOMD) is disputed by the PF member's private physician, an independent and qualified third party should be invoked to arbitrate the decision. That role could be filled by the SOMD from another site or contracted to another area physician. Provisions of this nature currently exist in some collective bargaining agreements, and can be proposed as standard language for future agreements. Additionally, further steps should be taken, again under the supervision of the CMO or a similarly qualified independent entity, to ensure consistency across the Department with respect to implementation of the waiver process by SOMDs.

Similarly, the aforementioned recommendations (1-3) to increase the emphasis on a force built around defensive combatants, with expanded numbers of SO and other physically less demanding positions, represent a means of bridging the gap until new physical fitness standards can be devised, validated, and moved through the regulatory process, and until resources can be identified to support implementation of more comprehensive fitness and wellness programs.

In the final analysis, resolving this nexus of physical fitness and medical issues comes down to how the Department protects its considerable investment in PF personnel. It costs the better part of \$100,000 to place a new hire on post at a typical site. At that rate, it takes only a little turnover to add up to significant costs, without regard to the intangible loss in site experience and tactical knowledge. It also comes down to a simple matter of fairness. If we are going to expect personnel to maintain, over the course of years, the requisite levels of physical fitness, we expect them to do their part by working out as often and as vigorously as necessary. But if the Department demands this level of commitment, then the individual deserves from the Department a corresponding commitment of time and resources. In the longer term, we have an obligation to ensure that the requirements themselves are appropriate to the work we expect our PF members to actually perform.

Recommendations 8-10:

8. Retirement/transition planning should be integrated into PF training.
9. The capabilities of the National Training Center (NTC) 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.

Discussion:

The first seven recommendations focus on measures designed to maximize the productive lives of PF members in their role as security professionals. Recommendations 8-10 recognize that eventually all PF members will face retirement and that many will need to retire while still capable of productive and rewarding second careers. It is in the Department's interest to promote retirement and career transition planning and training for several reasons. First, the knowledge that a solid retirement and/or second career awaits makes for a positive attitude on the part of individual PF members and higher morale for the PF as a whole. Second, to the extent that personnel choose to focus on second careers within DOE -- particularly in other DOE security disciplines -- the Department derives additional benefit from the years of experience accumulated during their PF careers.

A logical focal point for this process is DOE's own NTC. The NTC's mission is to promote effective performance in the safety and security disciplines through a combination of basic and advanced training programs designed with the Department's specific needs in mind. The NTC also has the capability of designing, as needed, new courses meant to address particular Departmental needs. The NTC's distance learning programs provide a vehicle for making such training more accessible and more convenient to PF personnel, who are already working demanding schedules and long hours at sites which, frequently, are not conveniently situated for attendance at conventional classroom-based programs.

The NTC could approach these recommendations through several related initiatives. As a means of helping new PF officers to get off to a good start in retirement planning, the NTC could develop an introductory bloc of instruction for inclusion in the current Basic Security Police Officer Training course. This could then be reinforced by continuation training in retirement planning made available through a distance learning approach.

For PF members who wish to prepare for a second career in a less physically demanding DOE security discipline, the NTC could build upon its existing curriculum in the Professional Enhancement Program (PEP). PEP provides for two levels of qualification, a "professional diploma" awarded upon the fulfillment of the primary curriculum, and a "master diploma" awarded after completion of additional specialty courses and a mentorship requirement. Each professional training track consists of core, technical, and elective courses. Some tracks also include associated activities. Although currently these courses are, for the most part, routinely offered only at the NTC's Albuquerque campus, adaptation of these courses for delivery through the NTC's distance learning program would make the courses more accessible to SPOs, at a lower cost to the sites.

The NTC could also reconstitute, with modification, a concept similar to the retired Advanced Development and Professional Training (ADAPT) Program and work with the DOE Human Capital organization and unions to tailor the program to meet SPO needs. The ADAPT program model is well suited for coordination with other site-based human resource development programs and with special initiatives such as job fairs and internship programs. Additionally, the modified ADAPT program could be further developed as a train-the-trainer type program to assist the sites and unions in deploying "Development/Transition" officers. The role of the latter would be that of a counseling resource, and could likely be fulfilled as an ancillary duty by an experienced PF

member. Even without the support of the ADAPT program model, the designation of such officers would be a positive step toward enhanced career development and transition planning.

The NTC is currently funded to support the PEP. However, the distance learning (e-learning) program is in its infancy and would require further development to meet the requirements outlined above. The NTC either needs to develop the requisite capabilities in-house or procure enhanced e-learning capabilities from a DOE site (several have well-developed programs); a commercial vendor; or an academic institution in order to offer distance learning capabilities in a timely and effective manner. Current NTC funding and staffing levels do not support the proposed capability, although NTC has initiated a study to assess technical approaches and identify the most cost-effective solutions. Furthermore, the resurrection of an ADAPT-like program would also require additional personnel resources, both for start-up and for ongoing course management. Additionally, a determination may be required as to how many sites have computer labs, and procedures would have to be developed regarding how and when the SPO will be able to access the course network.

Recommendations 11-12:

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).

Discussion:

PF personnel must not only meet high levels of physical, medical and firearms qualification, but the vast majority must also be continuously evaluated under the HRP to ensure they maintain the highest standards of physical and mental reliability and suitability. Whereas medical, physical fitness and training criteria can largely be measured through objective yardsticks, there are indications that HRP enforcement has been used subjectively and punitively. The veracity of these allegations and, if true, the motivation behind them are topics for a separate study/investigation; however, there is no question that program implementation throughout the Department leaves little room for timely recourse for SPOs who suffer lost wages, diminished professional status among their peers, and demoralization due to HRP decertification based on arguable decisions.

Administrative errors that adversely affect an employee's ability to work are intolerable. Even more egregious is the abuse of necessary restrictions on employee behavior. Whether accidental or willful, the violation of laws and procedures designed to protect employees is wholly unacceptable. Provisions already exist to require correction of administrative errors in a timely manner, and there are formal prohibitions on the deliberate misuse of HRP processes. In many instances, employees feel that their recourse in these instances is unacceptably burdensome and time consuming. Yet these issues are increasingly reported as a source of concern on the part of PF members, one that adversely affects morale and, potentially, a qualified individual's ability (or willingness) to continue in the PF. Similarly, while there are fitness for duty circumstances that can reasonably require placing an employee in unpaid status, these circumstances should be

clearly documented and defensible in terms of both explicit requirements and accepted Departmental practice. For example, the immediate placement of an employee on unpaid status following a failure to qualify on the firing range is neither sanctioned by policy, nor followed as a matter of practice at most DOE sites.

The underlying issue in both of these recommendations is the difficulty encountered by employees in gaining, in a timely manner, either the attention of the appropriate reviewing officials (in the case of HRP abuse) or third-party review of excessively rigorous enforcement practices (such as placement in unpaid status without appropriate recourse). The Department should also give careful consideration to assuming direct responsibility for all aspects of HRP administration. For example, when an employee's contractor management (or individuals who report directly to contractor management) are allowed to review the information on an employee's Part 2 Questionnaire for National Security Positions HRP submissions, there is the potential for abuse. Many field organizations currently rely upon contractors to administer significant aspects of the HRP program, because they lack the Federal staff necessary to fully absorb these tasks. Such resource constraints, however, should not serve as obstacles to energetic oversight of such programs by the site offices or to the establishment of clear guidelines for prompt review by a Federal official before removal actions are concluded. In the longer term, migration of HRP management to Federal organizations is more consistent with the terms of the HRP program and should be considered.

Employees also desire assistance in identifying the correct Headquarters element for directing appeals to that level. This issue could be partly resolved through more detailed briefings to HRP members, both upon entry into HRP and periodically thereafter. In addition, this issue would also benefit from broader initiatives to promote routine communication between PF union leadership and the various policy and programmatic leaders at Headquarters. A potential solution to this aspect of the problem is presented in Recommendation 14, below.

Recommendation 13:

13. DOE M 470.4-3A, *Contractor Protective Force*, should be reviewed to ensure that requirements are supportable by appropriate training.

Discussion:

The immediate issue informing this recommendation is the need for more focused and frequent training in mission essential skills, and the perception, for example, that the current emphasis on a higher score on the new handgun qualification course comes at a time when personnel are receiving less opportunity to maintain the necessary (and highly perishable) skills. This specific concern is soluble within the context of the ongoing review of the new handgun standard, which is now in a trial period. However, the larger issue—ensuring that training and requirements are appropriately integrated—will remain. Ideally, we would be able to solve such discrepancies by simply increasing training resources and opportunities as performance requirements increase. The reality is that, in a time of increasing budget constraints, reduced training may have to be accompanied with lower performance requirements. This is certainly undesirable, but what is unacceptable is to impose performance requirements on PF members that are not matched by the training required to achieve and maintain such performance levels.

The current issues associated with DOE M 470.4-3A, however, are not limited to the particular case of handgun qualification. The role of the SPO-I defensive combatant has been discussed extensively under Recommendations 1-3. Moreover, the Office of Security Policy has been at pains in the last several years to emphasize that a strategy built around SPO-Is is consistent with established tactical response doctrine. But this may require continued emphasis as protection strategies begin to stabilize. Other examples might be a review of current implementation requirements for the wearing of body armor and the requirement that a counter sniper position be filled by an individual who is offensively qualified.

Such regular re-evaluation is viewed by HSS (specifically the Office of Security Policy) as an inherent part of its organizational mission, something to be done every day. Nonetheless, we are at a crossroads, where shrinking resources increasingly conflict with the desire for greater proficiency with a broader range of weapons and equipment. NNSA is developing a “zero-based” first principles review of PF policy to identify potential cost savings and risk management opportunities, a process which may align with several elements of this recommendation. A pilot site is under consideration, and a team of NNSA, HSS, and other program office representatives will initiate this task in the coming weeks. This activity, which also has implications for Recommendation 1, should be supported, perhaps with participation from representatives of this Study Group who understand the connection between the goals of the NNSA review and the need to identify the optimal offensive and defensive personnel mix. Simultaneously, a more detailed review of other similar policy issues could be undertaken, in coordination with the Office of Security Policy, by the extension of this Study Group as a standing committee.

Recommendation 14:

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.

Discussion:

As highlighted in several of the previous recommendations, many of the actions proposed in this report have both an immediate and a long-term follow-up dimension. The immediate actions should be just that—immediate steps undertaken at the appropriate management level. Ensuring proper follow-up of longer term actions will require consistent attention by a group consisting of personnel similar to that of the present group. Depending on the specific issues before the group, a task organization could be effected by adding subject matter experts from other fields; e.g., medical or safety. Union participation in the Protective Force Policy Panel could provide an additional avenue of communication. Both could serve as a means of facilitating rapid communication to the appropriate levels regarding issues as they surface, rather than waiting for them to work their way through a series of bureaucratic layers.

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.

Recommendations 15-19:

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 (COLA) 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.

Discussion:

The common intent of Recommendations 15-19 is to find ways of making existing retirement programs and benefits more consistent and more carefully tailored to the needs of PF workers. These recommendations recognize that the goal of current PF members is a retirement program similar to that enjoyed by military personnel and federal law enforcement personnel. Taken collectively, Recommendations 15-19 seek to close the gap between existing retirement plans and the military/federal law enforcement models.

These recommendations further assume that there should not be significant disparities between sites in the treatment of DOE PF personnel, and that each PF member is no less deserving of a good program than his or her comrades elsewhere. In addition, the understanding that today there are such disparities begs another fundamental question, namely: “If one program office, site, or contractor organization can afford a particular benefit, on what basis is it denied to those working elsewhere in DOE?” Finally, working toward greater standardization in these programs facilitates portability of benefits as a PF member moves between organizations and/or sites, thereby directly contributing to the expansion of career opportunities.

The current situation with respect to retirement benefit plans is complex, and the offerings for PF members across the Department vary widely. At present, there are both Defined Contribution Plans (DCPs) and Defined Benefit Plans (DBPs) in the DOE system. DCPs are, for all practical purposes, portable but sites differ in the percentages of matching funds and terms for vesting in the contributions. This presents challenges insofar as comparability of benefits. A second challenge is that, while DOE has been moving away from DBPs, they do still exist, are preferred by collective bargaining units, and will continue as the Plan itself and the funds in the Plan are made part of a contract when a site transitions from one contractor to another. To complicate the matter

further, the trend toward DCPs ignores the loss of public confidence in such plans as a result of the current financial crisis.

DOE is in the position of having to work with both DCPs and DBPs, and even if uniformity and portability could be achieved within each type, it still does not help an SPO who is leaving a job with a DBP and going to a site with a DCP. The current volatility of the market makes DCPs seem less attractive in the short term, regardless of the direction DOE would like to go. But there are also complexities within the DBPs currently in force that would affect how DOE constructs and standardizes future contracts.

As a possible area for DOE's consideration, many employers have in recent years converted their DBPs to "hybrid" plans that have some characteristics of both DBPs and DCPs. The most common of these is described as a "cash balance" plan, which looks like a DCP in that the accrued benefit is defined in terms of an account balance. The employer contributes an amount equal to a fixed percentage of wages, and pays interest on the accumulated balance.

COLAs can be written into contracts for DBPs. Obviously, this is not cost-neutral, but is basic fairness. Such adjustments could also be done for DCPs through a simple COLA element to salary that becomes part of the basis for the employer's matching percentage. Upon retirement, a COLA increase can be applied by the employer as a continuation of contributions, but that kind of provision would have to be recognized and indirectly funded by DOE as part of the contract's "fringe" element.

The future direction of retirement plan options will require further study specifically directed toward the following points:

- For sites where DCPs are, or will be, in force, standardizing vesting and employer match percentages in new contract provisions, with a COLA factor. This actually need not involve changing plans; the employee can keep the resources of his old plan static while joining the new contractor's plan, or he/she can roll over his account assets as long as there are provisions for standardized matching and vesting.
- For sites where DBPs remain, development and application of a points system where years of service and age are combined in some formula – perhaps one similar to the Federal Law Enforcement Officers Retirement System.

For the longer term, DOE must decide whether it will:

- Continue to operate both DCPs and DBPs, and if so, establish mechanisms to enable portability of one type of plan to another;
- Phase out DBPs, and establish mechanisms whereby benefit levels (including COLA increases) are transferred without damage to participants;
- Conversely, go with DBPs and establish uniform standards based on a credible points system that has a COLA post-retirement feature; or
- Move to hybrid cash balance plans, such as the Federal employee retirement system.

Certainly, the issues involved here cannot be solved by a very brief study on the part of this Study Group. The conundrum we face is that on one hand DOE is finding that DBPs vary widely in

terms of generosity, and that funding these through the prime contractors is costing much more than desired. Conversely, any move toward standardization that involves a loss of value or future benefit in the more generous plans will, of course, be met with resistance by the rank and file. The recent economic downturn has forced a nation-wide reconsideration of accepting risk in retirement planning.

One measure that would result in relief to many would be the provision of a “bridge” for those who are not yet 65 to enable qualification for Social Security and Medicare in the event they either cannot continue to work or can work only in a lower-paying position. The model that has been suggested for such a disability “bridge” is the Federal Law Enforcement employee program.

Also, as DOE considers what type of plan to emphasize, actions to facilitate and to expedite transfer of clearances and HRP status from one site contractor to a contractor at the same or another site would eliminate a persistent and unnecessary irritant for those who do wish to continue their careers elsewhere.

Recommendation 20:

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.

Discussion:

In two earlier recommendations (7 and 13) the Study Group noted that there are disparities between current training opportunities and job performance requirements. In those recommendations the group asserted that, if we cannot afford training that is sufficient to the task, then, in fairness, we must consider reducing the requirements. It may well prove that either a reduction in performance standards or the elimination of certain types of training is the only way to achieve a cost-neutral solution to this problem.

The most pressing issue is the status of training shifts, one of the central elements in the implementation of the Tactical Response Force (TRF). Despite the emphasis given to this measure and its vital role in ensuring that SPOs achieve and maintain the necessary levels of tactical and physical proficiency, some sites still have not been able to implement proper training shifts, while others that have training shifts now find themselves under increasing budget pressure to eliminate or curtail them. Similarly, the TRF concept also placed heavy emphasis upon increasing the frequency and rigor of force-on-force performance exercises. Where this has been accomplished, the improvements in security effectiveness have been demonstrable. On the other hand, much-noted recent performance concerns at some sites have been directly attributable to a decline in such emphasis, and were only corrected when this emphasis was restored.

In addition to the obvious relationship between training and the maintenance of necessary marksmanship and tactical skills, there is a more subtle but nonetheless significant relationship between training and PF motivation and morale. The Department has recruited its PF personnel with the promise that they will be part of something vital to the national security: the protection of nuclear weapons and material, classified information, and the lives of a population of scientific and technical talent that is critical to maintaining our strategic deterrent and finding solutions to a

vast and novel array of problems in the energy sciences. Yet the routine tasks that mark the day-to-day existence of PF members are enervating and tedious. PF officers look forward to the moments when they can train to perform their emergency tactical duties and when they are tested during a force-on-force exercise. We recruit these officers with a promise that they will perform an important national security mission; we lose them when we treat them as “rent-a-cops.”

Some funding for these needs may be found through rationalizing other types of PF-related expenditures. For example, an initial analysis performed by NNSA suggests that by standardizing ammunition purchase contracts across the Department, larger sites could realize annual savings in excess of \$500,000, with smaller sites also achieving proportional savings. Such savings might logically be applied toward additional live fire and tactical training. There are also a variety of annual training requirements that have little or nothing to do with the actual PF mission. These, too, should be scrutinized closely.

At the very least, we must protect the current levels of funding devoted to training and performance testing. Wherever possible, we must continue to find ways to increase such funding. If we fail to do this we are, in effect, placing a tax upon our PF members; a tax paid in personal time expended to maintain required skills and physical fitness, a tax collected even as we send the message that we attach no particular value to the mission they are sworn to perform. Ultimately, we will drive the best officers away, and, in the end, will have squandered all that we have achieved since 9/11.

Recommendations 21-24:

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.

Discussion:

Each of these recommendations is relatively straightforward. Individually, they would improve the ability of PF members to prepare themselves for a productive second career. Collectively, they could go a long way toward resolving the challenges faced by personnel as they reach their mid-forties, a time when SPOs typically can be expected to struggle with medical and fitness qualifications or experience increased risk of career-limiting injuries. However, none of these recommendations can be accomplished without new funding.

The retraining fund and the loan program could be offered in some mix, with the priorities going to those who are primarily the victims of downsizing or site closures. This initiative could be operated in conjunction with the jobs register so that some knowledge of the types of vacancies there are likely to be on DOE facilities can help drive the type of retraining that DOE funds. That is, operating with a set premise that qualified SPOs will have priority on other site jobs to the

degree possible, then given the training to work those jobs. Obviously, on sites where closure or downsizing is occurring across the spectrum of contractors, some retraining funds or loans will need to be applied without regard to rehiring for DOE or DOE contractor positions.

As a potential support mechanism for this initiative the NTC, in cooperation with the sites, could sponsor and administer a central web page with employment links to all DOE contractors.² This site could hold all known job openings across the complex, and would serve as one-stop access for openings across the complex for the contractors. This should be a corporate effort and be maintained on the HSS website, with appropriate links provided on other organization's web sites; e.g., NNSA's.

These four options should be considered as one consolidated career support and advancement program, beneficial not only for each PF member but also, through the retention of personnel who have already demonstrated trustworthiness and ability to work hard within the DOE community, beneficial to the Department as a whole. It will also translate into an obvious morale boost for aging SPOs as their battle to meet qualification standards becomes more difficult. There undoubtedly will be additional costs associated with these actions, particularly in the start-up phase; however, in the long term, there may also be savings associated with improved retention of cleared personnel with transferable experience and a demonstrated willingness to learn useful new skills. A points system might be implemented to provide for such consideration while avoiding some of the issues typically associated with preferential hiring. In such a system, points would be awarded when a PF member undertakes and completes professional qualification in a discipline of direct value to DOE. Points could also be awarded for clearance, other job-related training (Radiation Worker, etc.), and demonstrated loyalty (years of quality service). With careful calibration, such a system would enable the Department to enact a system wherein SPOs with long service could be offered preferential hiring consideration over external applicants.

At each site, the designated PF career development counselor (see Recommendation 10) could serve as the direct liaison with the site "Career Center" (names of such centers vary from site to site). At some sites career centers also assist in providing connections to local training resources. For example, at the Savannah River Site (SRS), operations contractors have an alliance with a local technical college to provide training for new specialized positions. Site career centers typically have information on available retraining funds and student loan programs provided by Federal, state, or site contractor providers. Career centers could also provide access to local site as well as national jobs databases. Site career centers were popular in the early nineties when the DOE community was experiencing significant downsizing and site closures. The operating principle for this recommendation is to build, as far as possible, upon established structures and practices of proven worth.

² A website, Jobs Opportunity Bulletin Board System (JOBBS), has been designed for use by contractors and contractor employees and may suffice. JOBBS website can be found at <https://www.jobbs.energy.gov>

Recommendation 25:

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.

Discussion:

This recommendation is designed to incentivize those who can maintain a high level of fitness and proficiency for a reasonable number of years – which most Study Group members considered to be closer to 20 than to 30 in an SPO II or III position.

For the down-categorization situation, a workable model might first have as its goal retaining qualifications as long as possible, but then rewarding the tenure of those qualifications. For example, someone who works for 10 years as an SPO III but is then compelled through age or injury to drop down from that position might continue to receive 50 percent of Special Response Team differential pay, with graduating increases of 5 percent annually for service time up to 20 years, when the full pay differential would be retained. The same principle could work for an SPO II, or even for an SPO I having to assume an SO position. This option could be implemented as a cost-neutral recommendation if appropriate collective bargaining trade-offs are negotiated.

SPOs who have reached a milestone in tenure with 20 years or more of dedicated service to the Department should be able to enjoy at least a reasonable measure of income security. The fact that some sites have implemented programs of this nature demonstrates that there are no inherent barriers to achieving this for PF officers everywhere. For example, Wackenhut Services, Inc. - Oak Ridge has developed a methodology to take care of SPOs who have met this milestone of service without reducing their pay for any reason. DOE should fund credited continuous service to SPOs who achieve a notional “career” status through tenure at any DOE facility. Funding along these lines, with the date of service the same as the date of hire (and with inclusion of previous comparable service at other sites) would create a powerful incentive for newly-hired SPOs to stay in the system. Applicability of previous service credit should also be considered for work performed at other sites where SPOs were let go due to site closure or reductions in force associated with large-scale mission changes. Indeed, in this and other measures, the lessons learned in managing closure at major sites such as Rocky Flats deserve careful study for the guidance they provide in taking care of dedicated personnel who outlasted their missions.

Providing a reasonable income security cushion is not just a length-of-service issue. Illness or injury can occur at any point in an SPO’s career, and they should not be penalized financially for duty-related events that adversely affect their employment status. In clearly specified circumstances, DOE could fund and support establishment of a grace period to enable readjustment of their finances; a reasonable goal would be a transitional period of at least 12 months. The impact of a sudden loss of income is potentially an issue at any age, but is particularly acute for personnel in their forties, who are at a critical juncture in their lives in terms of growing families, aging parents, education expenses and unpredictable financial burdens (e.g., health care issues) tend to converge. A sudden, sharp pay reduction, for whatever reason, will likely prove catastrophic. Preventing such disasters is not simply the right thing to do for the employee; in an environment where potential adversaries are known to target our most vulnerable personnel for exploitation, taking care of our own is also a contribution to security.

Effective action to alleviate these problems is possible within the DOE system. At some sites it already exists, and it works well. One model for preventing such a catastrophe is a provision known as “Red Circle Pay,” which can be found at Oak Ridge. Another is the Income Protection Plan Program found at the Hanford Facility. Red Circle Pay is applied to any PF employee who has achieved 25 years of service; they cannot be reduced in pay for any reason while employed. The SPO’s 25 years of service reflect both loyalty and dedication to the Department, and should be rewarded as such. The “save pay” model should be refined and examined for feasibility and system-wide applicability. Its costs may be mitigated through the collective bargaining process, in that a program such as the one suggested here could be at least partially funded through the reduction of other incentives.

Recommendations 26-27:

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.

Discussion:

The objective of these recommendations is to achieve advantages similar to those that exist where the site Management & Operations (M&O) contractor incorporates the PF as proprietary, thereby facilitating career movement within the organization.

From a career options standpoint, the most advantageous contract situation for PF personnel is the proprietary force, structured within an M&O contract. That situation provides a great deal of flexibility for personnel to move among various functional areas governed by the contract while maintaining the consistency of benefits and overall workforce structure. These recommendations would have the most impact where the PF operates as a subcontract to the M&O or as a direct contract to DOE. Those are the instances where the establishment of viable partnerships would contribute not only to cross-pollination, but also to broadened career opportunities. Where the PF is separate from the M&O contractor, the grouping of all security and emergency management (EM) functions into a “total security” contract would permit PF personnel to compete on an equal footing with other employees for those non-SPO security/EM functions when the ability/desire to qualify for PF duties no longer exists. These “partnerships” should be encouraged and, where possible, required. As noted previously, even in competition for non-security-related positions, an officer’s security clearance, radiation worker training, and general site experience are sufficiently valuable that DOE may find it less expensive to fund any other necessary retraining. This is particularly true when the alternative is a new hire from outside the complex. The same points system approach outlined above (Recommendations 21-24) would also serve as a model for this process. Additionally, where the PF contractor differs from the site M&O, incentives should be developed to encourage contractors to establish such partnerships.

An approach that has proven successful at Pantex was the development of a Case Worker Program for SPOs who are disqualified for failing the physical fitness standard or weapons qualifications, or had medical disqualifiers. When entering the Case Worker Program, employees are assigned a case worker who assists them in applying for job placement within the plant through the contractor's job bidding system, and coordinates with the appropriate specialists to provide the employee with needed information regarding impact to benefits, salary structures, job bidding procedures, and bargaining unit seniority implications. The contractor puts the employee in a limited duty status until all avenues outlined in 10 C.F.R. 1046 have been explored. Assignment to the Case Worker Program is for a period not to exceed 120 calendar days unless a request for an extension is approved by the contractor.

Recommendation 28:

28. PF arming and arrest authority should be reviewed with the objective of enhancing the capabilities of SPOs.

Discussion:

The purpose of this recommendation is to encourage the review of DOE PF arming and arrest authority, with the objective of establishing, with a single basis in law and regulation, a uniform arming and arrest policy for the entire Department. This should be designed to address the full range of responsibilities that could be confronted by an SPO while in the performance of duty, which is not available in the current arming and arrest authority.

Current interpretation of section 161.k. (Carrying of Firearms) of the Atomic Energy Act (42 United States Code (U.S.C.) 2201.k.) limits application of DOE arming and arrest authority to crimes against property and only to those facilities that existed under the Atomic Energy Commission. This interpretation has led to a situation wherein there is no provision for arrest for serious crimes against persons. Facilities established under the Energy Research and Development Administration (ERDA) or subsequently DOE, have had to request separate legislation. Because of this interpretation, section 661 of the DOE Organization Act (42 U.S.C. 7270a.) was enacted to provide arming and arrest authority for PF officers of the Strategic Petroleum Reserve (SPR). Section 661 includes the protection of persons, thereby affording a broader authority for officers of the SPR than section 161.k. provides to officers protecting nuclear assets. PF personnel at nuclear facilities as well as other non-nuclear facilities require the same authorities provided specifically to SPR PF members by section 661. This inconsistency, coupled with the reluctance of some Federal and contractor managers to permit PF personnel to exercise the existing authorities, has sometimes led to confusion in potential deadly force situations. Such confusion undermines the confidence of PF officers in the performance of their most critical duties, which is both dangerous and detrimental to morale.

Many SPOs believe that lack of broader arrest authority diminishes their professional status in comparison with the rest of the law enforcement/security community. The provisions of 10 C.F.R. 1047 address the potential for PF personnel to become authorized state peace officers or otherwise deputized by the particular state to make arrests for state criminal offenses. The procedures vary by jurisdiction, but this option remains viable for those sites that choose to apply it. Local commissions have worked to the mutual benefit of the sites and communities where such

commissions exist, so the practice should be broadened. In this regard, the SRS Law Enforcement Division could provide a model for the DOE complex. The Division has K-9 units (with various capabilities) and traffic officers. Their arrest authority for violations of state law derives from being either a special state constable or, after attending the South Carolina criminal justice academy, becoming a certified police officer. K-9 officers must also attend a K-9 school and become certified through the United States K-9 Police Association. Arrests and court cases are handled in the legal jurisdiction of the county in which the offense occurred. This model allows a site the ability to handle a problem when it arises anywhere on the installation, from entry points to the most critical areas. It permits the disposition of criminal activity, whether against people or property, without undue delay, and it adds another dimension to the ability of the site for pursuit and recovery.

The major benefit in this recommendation is to the Department and not to the individual SPO, since the recommendation undertakes to resolve a potentially serious issue, one with both security effectiveness and liability implications. The tangible benefit for the SPO is that it would ease the post retirement path into local law enforcement positions, particularly those with nearby agencies that would not require uprooting his or her family.

Recommendation 29:

29. Where possible, equipment, uniforms, weapons, badges, etc., should be standardized throughout the Department.

Discussion:

A degree of standardization now exists, at least with primary weapons. In the near term, there appears to be greater profit in exploring standardization's benefits as applied to lesser items. For example, the active PF personnel represented in the Study Group called attention to the difference in uniforms across the complex, noting that while some uniforms promote the professional image of the PF, others tend to diminish it. They further noted that contractor logos also tend to detract from the perception, among both the site population and in interaction with offsite agencies, that the wearer is a true professional security officer. The increasing tendency among sites to adopt the current Army Combat Uniform (ACU) illustrates some of the benefits to be realized by standardization. This is a versatile uniform suitable for most TRF facilities and identifies the SPO as a member of a professional paramilitary force. Some largely administrative sites (for example, the DOE Headquarters facilities) are exceptions where the ACU is not appropriate to the setting. The elimination of prominent corporate identifiers or logos, a practice already followed at some DOE sites, would also contribute to the perception that our PFs are part of a single security enterprise.

NNSA has recently embarked upon an initiative to standardize Safeguards & Security (S&S) items of equipment and to implement a common procurement mechanism. The Office of Defense Nuclear Security has formed a "Security Commodity Team" (SCT), which consists of contractor and federal security professionals representing all NNSA and participating DOE programs and sites. The purpose of the SCT is to analyze the current state of the enterprise as it pertains to S&S equipment and operations; to identify opportunities to gain economic and operational efficiencies through standardization; to select specific items of equipment to standardize; and to implement a

strategic sourcing process using the NNSA's Supply Chain Management Center (SCMC) for market research, procurement strategy, solicitation of proposals, and award of commodity agreements which will be incorporated into electronic catalogs from which sites may order. As presently configured, the SCMC procurement mechanism will be made available to NNSA contractors only; however, contracts may be structured to allow for DOE sites to utilize it through separate, but parallel vehicles.

While every S&S item is open for consideration, the standardization of uniforms, patches and badges emerged during this study as a particular priority for PF members. The uniform, after all, is a key ingredient in morale and *esprit de corps*. However, the direct cost savings attributable to bulk buys/large contracts would also be beneficial and, in the long run, would undoubtedly offset at least part of the initial investment. The overall benefits of equipment standardization have been demonstrable whenever they have been implemented in the Department. The failure to standardize on more significant items, including weapons and vehicles, has resulted more from a deeply fragmented procurement system rather than any perceived problems with the concept of standardization itself.

5.0 Conclusions – The Stages of a Protective Force Career

The men and women who choose to serve their country as members of the DOE's PFs come from many different backgrounds and have many different reasons for making this career decision. This diversity should serve as a caution against facile generalizations regarding why they do what they do, and why they decide to no longer do it. There are, however, several common aspects that are readily evident.

New officers tend to gravitate toward PF work because it offers potential satisfactions similar to a military career, but without a military career's most significant liability. Specifically, it allows security police officers to dedicate themselves to a vital national security mission, to immerse themselves in the challenges of preparing for combat—very high stakes combat—*without having to undergo repeated overseas deployments*. Although our PFs draw from many sources, one of the most common in recent years consists of those who, having served in the military for one or two enlistments—and often through one or two lengthy overseas deployments—have decided that they want to combine their soldiering with going home every night to a wife or husband and children. For these individuals, typically in their mid to late twenties, mastering basic PF skills comes easily, and the physical demands are undaunting. Their career priorities tend to focus upon having a good income and translating that income into establishing a comfortable life for themselves and their new families, and they tend not to focus on issues of retirement. To the extent that their new PF career offers frustrations, these arise from the need to reconcile the daily tedium of working a post or patrol with the challenge and excitement of always being prepared for battle. PF officers soon learn to live for their training days on the range, and above all for the excitement of periodic force-on-force tactical exercises.

In the second stage of a PF career these challenges continue, but now are joined by others. These PF members have invested a decade at least in this career, and have gained a significant level of mastery—and job satisfaction—as a security professional. But age begins to make its first encroachments. The demands of maintaining physical fitness increasingly collide with the body's unwillingness to recover from punishment. Worse, the very fact that the individual now has

invested heavily in this career choice makes the prospect of a career-ending injury more deeply threatening. The officer approaches a crossroads; one route leads to a commitment to remaining in the DOE security community, the other to regrouping and leaving for entirely different work before it's too late.

For those who choose to continue pursuit of a PF career, the associated dilemmas quickly become acute. Now in their forties, they find that the physical fitness demands become harder to sustain. They are ever more conscious that a serious injury, illness, or the development of a limiting health condition may lead virtually overnight to the end of their chosen career. Even those who avoid such decline, injury, or illness become progressively more oppressed by the prospect. Now comes the point where they regret having taken the path to remain with DOE or where they wish that there was some way, within their increasingly limited physical capabilities, of continuing to put their years of DOE security experience to productive use and of continuing to build upon the income and benefits accumulated during years of service. What they fear above all else is being out on the street, still a decade or more shy of being able to afford a comfortable retirement. Understandably, some might well come to question a system that makes the most of their best years and then unceremoniously casts them aside.

The existing career progression for PF members was never intended to confront them with such painful choices. The various factors that have led to this situation each came about, individually, as someone's good idea. The current physical and medical requirements were not drawn out of thin air. Existing benefits packages evolved in a system where the Department was trying to do its best for its employees, within a myriad of legal, contractual, and budget issues. Indeed, even now the Department demands, and its PF contractors provide, disability and retirement benefits that are comparable and in some cases superior to those of many other DOE Federal and contract workers. The problem lies in the fact that neither the nuclear material handler nor the machine operator is asked, at 45 or 50, to complete a distance run or a timed 40-yard dash as a condition of continued employment. It is out of this combination of circumstances that an unintended cruelty arises.

But good intentions and a lack of imagination are no excuse for perpetuating the dilemmas confronted by today's older PF members. Instead, good intentions must be matched by creativity and a willingness to look at old problems in new ways. The Study Group believes that its various recommendations, great and small, fulfill these conditions. We believe a Department that cares about its employees and values the very special role played by its PFs should give these recommendations the most careful consideration.

The better part of a decade has elapsed since September 11, 2001. It is easy to forget that one of the reasons terrorists have consistently opted not to attack our nuclear facilities is the perception that these targets are simply too well-defended. Absent this perception, we might well have witnessed a nuclear catastrophe. Since 9/11, and only after great effort and expenditure, DOE has built a security system capable of sustaining that deterrent value, a system commensurate with the profound consequences of failure. We have upgraded facilities to make them more secure, and we have deployed new weapons and technologies, but, above all, we have built this new security

system around the most professional and tactically capable PFs the Department has ever deployed. We now have the opportunity, once and for all, to do the right thing for the people we rely on to deter one of the gravest threats to our nation.

Appendices

Appendix A – Study Group Charter from Chief Health, Safety and Security Officer

Appendix B – Protective Force Career Options Study Group Members

Appendix C – A Sample of a Wellness Program

Appendix A

Study Group Charter from Chief Health, Safety and Security Officer



Department of Energy

Washington, DC 20585

March 31, 2009

MEMORANDUM FOR DISTRIBUTION

FROM: GLENN S. PODOMSKY
CHIEF HEALTH, SAFETY AND SECURITY OFFICER
OFFICE OF HEALTH, SAFETY AND SECURITY

SUBJECT: Protective Force Career Options Initiative

As you know, since 2004 the Department has conducted a number of studies and reviews to address issues associated with protective force operations and administration. Several of these studies have addressed issues related to career progression, longevity, and retirement options for protective force personnel. Discussion of these options has centered upon determining if fixed sites would be better served with a modification to the existing contractor model or the conversion to a federalized protective force.

In January 2009, the Administrator, National Nuclear Security Administration, and I signed a memorandum to the Acting Deputy Secretary concluding that federalizing the protective force was not a viable option in the current environment. This decision, however, was not meant to foreclose further action to improve the situation of protective force members. On the contrary—the leadership of the Department is committed to exploring every feasible protective force career option and is further committed to developing both near- and long-term actions on behalf of the protective forces. We need to consider every aspect of the issue, and while giving due consideration to previously proposed actions, we also need an open mind for fresh approaches. This will require the collective insight of the senior technical staff of the Department's security community.

To this end, I am commissioning Dr. Jim McGee, Office of Security Technology and Assistance, within the Office of Health, Safety and Security, to lead a study 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. I have directed Dr. McGee to assemble a study team consisting of senior representatives from each of the program offices and from the National Council of Security Police. I ask for your support in this important initiative.

Our goal is to take the information developed through previous studies and, where necessary undertake, limited additional data collection, and use it to develop a strategy for providing a stable protective force in which each member has a real career path.



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We do not envision a prolonged effort; our goal is to present this strategy to senior leadership by the end of May.

The attached project plan provides greater details concerning our goals, assumptions, and anticipated level of effort. We encourage wider distribution of this letter and the project plan within your respective organizations, at Headquarters and in the field. If you have further questions about the project, please contact Dr. McGee, of my staff, at (202) 586-1666.

Attachment

Appendix B

Protective Force Career Options Study Group Members

Protective Force Career Options Study Group Members

Mike Stumbo, Pantex, National Council of Security Police
Jason Brown, Y-12, National Council of Security Police
Randy Lawson, Y-12, International Guards Union of America
Harvey Key, WSI-SRS, United Professional Pro-Force of Savannah River
Leo Salazar, Pantex, Pantex Guard Union
Martin Hewitt, WSI-SRS, United Professional Pro-Force of Savannah River
Erin Day, ORNL, International Guard Union of America
Rex Harding, SRS, National Council of Security Police
Steve Wanzer, National Nuclear Security Administration
Marshal Skinner, National Nuclear Security Administration
Don Barnes, Office of Nuclear Energy
Ross Kelly, Office of Emergency Management
Mark Matarrese, Office of Fossil Energy
Jim McGee, Office of Health, Safety and Security
Al Nettleingham, Office of Health, Safety and Security
Karen Wilburn, Office of Health, Safety and Security