AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

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7d.260497

March 17, 2009

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U.S. Department of Energy
FOIA/Privacy Act Officer
1000 Independence Avenue, S.W.
Washington, D.C. 20585
telephone number: (202) 586-5955
fax number: (202) 586-0575

Sir/Madam:

Re: FOIA Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (hereinafter "FOIA") Joe Goldberg (hereinafter the "Requestor") hereby requests that he be provided with the following information in the possession of your federal agency (hereinafter the "Agency"). The Requestor is a citizen of the United States and requests the information sought for non-commercial reasons. The Requestor hereby requests that the information and documents herein demanded be provided to the Requestor within thirty (30) days of the date of this communication.

The Request is as follows:

1. A list, containing position titles (not individual names) and position locations of civilian employees employed by the Agency who the Agency has designated as "exempt" from the Fair Labor Standards Act (hereinafter "FLSA").

2. The list, as designated in #1, above, is limited to those Agency employees who are (or at any time during the period designated by #3, below) members of a collective bargaining unit (hereinafter "CBU") of the American Federation of Government Employees (hereinafter "AFGE") recognized as the exclusive representative for any group of employees of the Agency (hereinafter referred to as "Designated Positions")

3. The information, as designated in #1 and #2, above, is limited to the time period of March 16, 2006, through the date of the production by the Agency to the Requestor of the information sought by this request (hereinafter referred to as the "Production Date") for the Designated Positions during any period of time from March 16, 2006, through the Production Date.

4. The Requestor further requests a copy of the Position Description (hereinafter referred to as the "PD") as well as any predecessor PD's (going back to March 16, 1999) of any

Joe

FOIA-2009-000235

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Designated Position referred to in #1-3, above. This request is limited to the dates March 16, 2006, through the Production Date (except as to the predecessor PDs).

5. The Requestor further requests a copy of the Agency's employee evaluation plan (including critical performance elements) for each Designated Position as well as any predecessor evaluation plan (with critical performance elements) of any Designated Employees referred to in #1-3, above. This request is limited to the dates March 16, 2006, through the Production Date (with the exception of the predecessor employee evaluation plans which shall be provided from March 16, 1999, through the Production Date).

6. The information, as designated in #1-5, above, may be furnished in either hard (paper copy) or in a digital format readable by either Microsoft Excel © or Microsoft Word ©. A key shall be provided by the Agency to allow the information received to be interpreted unless the information, as provided, is clearly self-explanatory. The Agency shall certify that the information and documents provided in response to this Request are true and accurate copies of the information and/or documents they purport to be.

Should the Agency claim that any of the information sought is privileged or not subject to disclosure, the Agency shall provide all of the information sought that it does not claim is prevented from disclosure. The Agency shall specifically identify any information it seeks to withhold from disclosure and identify, with specificity, the grounds for the withholding of the specific information that it is withholding from disclosure.

As to the information in #1-6 the Requestor hereby requests that any fees anticipated by the Agency pursuant to 5 U.S.C. § 552(a)(4)(A) be waived, as the production of the information requested is in the public interest. The proper payment of federal employees under the FLSA is required, as a matter of law (5 U.S.C.§ 207) and citizen review of the federal governments compliance with law is in the public interest and of interest to the general public. The information sought will be used for non-commercial purposes.

The information shall be provided to the Requestor at the address listed below:

Joe Goldberg
10th Flr.
80 F St. N.W.
Washington, D.C. 20001

The contact information for the Requestor is, telephone number 202/639-6425 and email at goldbj@afge.org.

I look forward to a timely acknowledgement of this FOIA request and the Agency's timely response.

Sincerely,

Joe Goldberg
Assistant General Counsel