



U.S. Department of
ENERGY

Implementation Plan for the 29 Recommendations of the Protective Force Career Options Study Group

Report to Congress

January 2011

United States Department of Energy
Washington, DC 20585

Message from the Secretary of Energy and the Administrator of the National Nuclear Security Administration

The Conference Report of the Fiscal Year 2010 National Defense Authorization Act requests the Secretary of Energy and the Administrator of the National Nuclear Security Administration to develop a comprehensive, Department of Energy (DOE)-wide plan to implement the recommendations of the June 30, 2009, DOE Career Options Study Group report, *Enhanced Career Longevity and Retirement Options for DOE Protective Force Personnel*. Attached is the response to that request, entitled *Implementation Plan for the 29 Recommendations of the Protective Force Career Options Study Group (Report to Congress, December 2010)*.

The Department's plan is both comprehensive and directly responsive to the Conferees' specific concerns regarding DOE contractor protective force personnel issues. It addresses the 29 Study Group recommendations within the larger context of the Department's emerging direction for the future management of its protective force operations. It seeks to develop a path for definitively resolving current and anticipated career longevity and retirement issues, while maintaining a high level of security performance and operational efficiency. As an independent but complementary action, the Department will simultaneously conduct a Multi-Sector Workforce analysis to ensure that its management strategy for protective force operations is consistent with administration and Congressional requirements governing the composition of government workforces.

Pursuant to statutory requirements, this report is being provided to the following Members of Congress:

- **The Honorable Ben Nelson**
Chairman, Subcommittee on Strategic Forces
Senate Armed Services Committee
- **The Honorable David Vitter**
Ranking Member, Subcommittee on Strategic Forces
Senate Armed Services Committee
- **The Honorable Michael Turner**
Chairman, Subcommittee on Strategic Forces
House Armed Services Committee
- **Ranking Member**, Subcommittee on Strategic Forces
House Armed Services Committee

- **The Honorable Carl Levin**
Chairman, Senate Armed Services Committee
- **The Honorable John McCain**
Ranking Member, Senate Armed Services Committee
- **The Honorable Howard McKeon**
Chairman, House Armed Services Committee
- **The Honorable Adam Smith**
Ranking Member, House Armed Services Committee
- **Chairman**, Subcommittee on Energy and Water Development
Senate Appropriations Committee
- **Ranking Member**, Subcommittee on Energy and Water Development
Senate Appropriations Committee
- **The Honorable Rodney P. Frelinghuysen**
Chairman, Subcommittee on Energy and Water Development
House Appropriations Committee
- **The Honorable Peter J. Visclosky**
Ranking Member, Subcommittee on Energy and Water Development
House Appropriations Committee

If you have any questions or need additional information, please contact Betty A. Nolan, Senior Advisor, Office of Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,

Steven Chu
Secretary of Energy

Thomas P. D'Agostino
Administrator

Executive Summary

On June 30, 2009, the U.S. Department of Energy (DOE) Protective Force Career Options Study Group presented DOE senior managers with a report entitled *Enhanced Career Longevity and Retirement Options for DOE Protective Force Personnel*. Composed of DOE senior technical staff and the senior leadership of the National Council of Security Police, the Study Group represented an unprecedented initiative by the Department. The purpose of the Study Group was to examine, in the words of the Study Group report, “realistic and reasonable options for improving the career opportunities and retirement prospects of protective force members while maintaining a robust and effective security posture.” The Study Group charter strictly limited its activities to consideration of policy and programmatic issues affecting career longevity and retirement for contractor protective force members. In particular, this study addressed disincentives to contractor employee retention arising from Departmental policy and program direction. The Study Group was solely concerned with the contractor protective forces deployed at DOE fixed sites and focused particular attention on those sites where the primary mission is the protection of special nuclear material. The Study Group did not examine any aspect of the Office of Secure Transportation’s force of Federal agents, nor did it draw any specific connection between the recommendations and reducing the risk of work stoppages.

In its January 2010 report on protective force personnel issues, the Government Accountability Office (GAO) recommended that DOE immediately develop and execute implementation plans for those Study Group recommendations “involving little or no cost,” while simultaneously performing the necessary analyses to identify the most beneficial and fiscally responsible approaches to the remaining recommendations. Earlier, in October 2009, the Conference Report for the 2010 National Defense Authorization Act commented favorably on the Study Group’s work and requested the Secretary of Energy and the Administrator of the National Nuclear Security Administration to submit an implementation plan for the Study Group’s 29 recommendations. An implementation planning team, drawn primarily from Departmental protective force technical experts, was chartered to develop actions for each recommendation. Because of the breadth and depth of the actions and studies under consideration, the implementation planning effort subsequently expanded beyond the original core of protective force specialists to include such disciplines as human resources and contracting.

The implementation plan presented in this report responds to both the request made in the 2010 Conference Report and the parallel recommendations of the GAO report. It outlines the Department’s proposed actions in response to the Study Group’s 29 recommendations (which are listed in Appendix A). It should be emphasized that these actions are considered within a larger context of multiple current DOE security initiatives. The Department’s broader goal is to re-shape its protective operations in a manner consistent with the evolving nature of DOE security mission requirements, anticipated changes in the operational footprint of the DOE complex, and emerging programmatic priorities.

The Department's implementation plan groups its specific responses to the Study Group's 29 recommendations under five distinct, but mutually supportive, aspects. First, there are actions that emphasize a contractor **force structure alignment** designed, consistent with security performance requirements, to achieve an appropriate balance of offensive and defensive positions within the contractor force, with due consideration to the potential role of unarmed security guards as part of the overall force mix. Since these long-established regulatory classifications are explicitly associated with differing physical requirements, shifts in force composition have considerable significance for individual protective force members and for the Department's overall protective force structure.

Second, the plan proposes actions to **re-examine regulatory barriers**. These actions acknowledge that the current regulatory physical fitness and medical standards deserve careful reexamination in light of emerging tactical requirements and/or a contemporary "best-practice" understanding of the physical and medical needs of the job.

Third, the implementation plan considers a variety of measures to encourage protective force contractors and unions to more effectively tailor their existing **retirement and career transition** planning to the current needs of the contractor protective force. In doing so, the Department invites consideration of investment in human capital to the benefit of immediate contract performance and mission accomplishment without inserting itself into contractor-employee relationships.

Fourth, the plan proposes a more detailed analysis of **contract structures** and their impact on career advancement and pension portability issues. The purpose of this analysis is to identify potential barriers that may prevent protective force personnel from access to the career and pension portability options available within the larger DOE contractor community.

Finally, the implementation plan calls for detailed studies of a variety of **retirement options** currently available within the DOE security contractor community. The collective intent of these studies is to provide senior management with the comparative cost/benefit analyses necessary to make better informed decisions regarding the additional security benefit achieved by variations in retirement plans presented in future bids by prospective protective force contractors, again with a view toward improved long-term performance.

The Department recognizes that these matters must be considered within a larger context described by (a) the President's March 4, 2009, "Memorandum on Government Contracting, (b) section 736 of Division D of the Fiscal Year 2009 Omnibus Appropriations Act (Public Law 111-8), (c) the July 29, 2009, Office of Management and Budget (OMB) memorandum entitled "Managing the Multi-Sector Workforce," (d) the draft OMB policy letter of March 31, 2010, entitled "Work Reserved for Performance by Federal Government Employees," and (e) section 321 of the 2009 National Defense Authorization Act (Public Law 110-417). Collectively, these measures call upon agencies to more carefully consider how the Federal government uses contractors to ensure an appropriate balance to both protect the public's interest and serve the American taxpayer in a cost-effective manner. Although the Study Group report did not

directly address these matters in its 29 recommendations, its very existence was a response, in part, to the conclusions drawn by the Department following an extensive consideration of these issues during the period 2004-2009. In parallel with any action related to these 29 recommendations, the Department will continue in the coming months to study the potential implications of a “Multi-Sector Workforce” as they apply to DOE protective forces. Any actions taken in response to the Study Group recommendations will take the interim and final results of the Department’s proposed Multi-Sector Workforce analysis into account, as appropriate.

Further, the Department is aware that the Federal government Interagency Security Committee recently issued (on April 12, 2010) national standards for physical security (primarily worker protection) for Federal facilities. These new national standards apply to DOE as well as other Federal agencies. The Department is reviewing these standards and assessing their potential impact on current and future DOE requirements for armed guards. Preliminary review indicates that, to the extent that the Interagency Security Committee standards may affect DOE protective force operations, any impacts are more likely to be at administrative and research facilities, rather than the nuclear weapons complex and nuclear weapons legacy locations.

The Department’s implementation plan adheres to the request of the conferees and the GAO, offering aggressive action where appropriate while undertaking the careful study of those items that raise potentially significant cost or structural issues. No element of the implementation plan should be regarded as a commitment to either a significant redirection of funds or an additional budget request. Where further study is deemed essential, the timelines for completion are ambitious; the Department intends to solve problems, not defer them indefinitely, and it means to solve identified problems comprehensively rather than piecemeal. The Department also recognizes that much in this implementation plan will take time to achieve. With this in mind, the Department will also seek to identify interim actions to advance the progress of improvement as rapidly as possible.



Implementation Plan for the 29 Recommendations of the Protective Force Career Options Study Group

Table of Contents

I.	Legislative Language.....	1
II.	Introduction.....	1
III.	Background.....	2
IV.	Implementation Plan.....	4
	IV.1 Force Structure Alignment (Study Group Recommendations 1, 2, 3, 6, 7, 13, 20, 29).....	4
	IV.2 Re-examine Regulatory Barriers (Study Group Recommendations 4, 5, 11, 12)	10
	IV.3 Retirement and Career Transition (Study Group Recommendations 8, 9, 10, 14, 21, 22, 23).....	14
	IV.4 Contract Structures (Study Group Recommendations 22, 24, 26, 27).....	15
	IV.5 Retirement Options (Study Group Recommendations 15, 16, 17, 18, 19, 25)	17
V.	Conclusion.....	19
	Appendix A: List of 29 Recommendations.....	A-1
	Appendix B: Acronym List.....	B-1

I. Legislative Language

Excerpt from “The Conference Report for the National Defense Authorization Act for Fiscal Year 2010,” pages 902-3.:

... "Department of Energy protective forces

[The conference report discussion concludes by stating:]

[T]he conferees direct the Secretary of Energy and the Administrator of the National Nuclear Security Administration to develop a comprehensive, DOE-wide plan to identify and implement the recommendations of the [Protective Force Career Options] study group. This implementation plan should be submitted with the plan required to be submitted by section 3124...."

II. Introduction

The Conference Report on the 2010 National Defense Authorization Act requested that the Secretary of Energy and the Administrator of the National Nuclear Security Administration (NNSA) submit to the United States Senate Armed Services Committee, Subcommittee on Strategic Forces, a comprehensive, U.S. Department of Energy (DOE)-wide plan to identify and implement the 29 recommendations of the DOE’s Protective Force Career Options Study Group (hereinafter referred to as the Study Group). These recommendations were contained in a June 30, 2009, report entitled *Enhanced Career Longevity and Retirement Options for DOE Protective Force Personnel*.

In addition to presenting the Department’s response to the subcommittee request, this Implementation Plan is also the Department’s formal response to the two “Recommendations for Executive Action” identified in the January 29, 2010, Government Accountability Office (GAO) report entitled *Nuclear Security: DOE Needs to Address Protective Forces’ Personnel System Issues*. In it, the GAO urged DOE to carefully consider various personnel issues associated with the Department’s management of its contractor protective forces. GAO also acknowledged the work of the Study Group, and its two formal recommendations were directly linked to the Study Group’s 29 recommendations. The first of GAO’s recommendations called for DOE to “develop and execute implementation plans” for actions identified by the Study Group as involving little or no cost. The second called upon DOE to plan and perform the necessary research to identify the most beneficial and financially feasible approaches for enacting those Study Group recommendations that “may involve substantial costs or contractual and organizational changes.”

The Department’s implementation plan for the 29 recommendations of the Study Group is presented in the following pages. This implementation plan is presented as the formal response by DOE and NNSA to the Conference Report on the 2010 National Defense

Authorization Act and the recommendations of the GAO report. The Department's actions in response to the 29 recommendations are consolidated under five main headings in Section IV of the report: (IV.1) force structure alignment; (IV.2) re-examination of regulatory barriers; (IV.3) contractor employee retirement and career transition planning; (IV.4) contract structures; and (IV.5) contractor retirement options. Under each heading, the plan summarizes the issues involved in the original recommendations and presents a "path forward" for addressing these issues. While the plan focuses upon comprehensive, long-term solutions to these issues, it also takes up, where appropriate, interim actions designed to achieve near-term improvement.

III. Background

To effectively secure the significant national security assets entrusted to its care, the DOE maintains a substantial contractor protective force. All DOE fixed-site protective forces are managed by contractors or subcontractors, and all references in this report to "protective forces" should be understood to mean "contractor or subcontractor protective employees." This contractor-based approach stands in contrast to the system employed by the NNSA Office of Secure Transportation (OST), in which armed Federal agents (also commonly referred to as "couriers") are responsible for the movement of nuclear weapons and special nuclear material within the continental United States. The missions of the fixed-site contractor protective forces include the protection of nuclear weapons and weapons components; special nuclear material; classified matter; and a workforce that includes uniquely qualified scientists and technical personnel. Although DOE Headquarters elements provide policy, guidance, and programmatic oversight of these forces, the greater portion of line management responsibility for protective force operations is devolved, first to the Federal management organizations at each DOE site, and second to the particular protective force contractor organizations that are charged by the Department with the actual conduct of protective force operations. This decentralized approach traditionally has resulted in considerable variation in the manner in which DOE protective force activities are implemented at individual sites.

DOE protective forces are armed and trained at a level commensurate with the assets they protect and the potentially grave threats to the physical security of those assets. The forces are organized and trained along paramilitary lines and are equipped with armored vehicles and weapons comparable to those employed for similar defensive purposes by the nation's military armed forces. The performance expectations for individual protective force members are correspondingly high. These expectations have evolved over the years from what was once essentially an industrial security mission to one that is now capable of combating the current terrorist threat. This evolution has been accompanied by periodic efforts to re-examine the administration of protective force operations and to ensure that the Department's expectations of protective force personnel are fair and reasonable.

On March 31, 2009, the Department undertook its most recent major review of these issues through the chartering of the Study Group to examine "realistic and reasonable options for improving the career opportunities and retirement prospects of protective force members, while maintaining a robust and effective security posture." The Study Group was established in

response to several emerging concerns. First, individual protective force members and their union representatives perceived an increase in physical performance expectations without a corresponding increase in on-shift physical training opportunities. Second, the movement from defined benefit to defined contribution pension plans for newly hired employees, coming at a time of heightened economic uncertainty, left protective force members increasingly concerned about their retirement prospects. Third, significant variations from site to site in the career opportunities available to protective force members contributed to a growing concern about inequitable treatment within the protective force ranks. These and other issues led the National Council of Security Police (NCSP), the umbrella organization representing many site protective force unions, to call for the federalization of the protective forces along lines similar to the Federal law enforcement model applied to the NNSA OST couriers.¹

DOE, including NNSA, considered just such an option at the end of 2004. Although the 2004 study had endorsed federalization as the best model “in principle” for the organization of DOE protective forces, the same study also pointed to significant practical barriers to such a decision, including potential disadvantages for current protective force members in transitioning to Federal employment.² In 2008, an NNSA-sponsored study of this issue explored strengths and weaknesses of various contractual and federalization options, but left the practical and financial barriers to federalization unresolved.³ On January 13, 2009, the Department’s management formally concluded that it was not in the Department’s best interest to continue pursuit of the federalization option.⁴ At the same time, however, these leaders recognized that the issues that led the NCSP to pursue federalization still deserved careful consideration. On June 30, 2009, the Study Group reported the results of its deliberations in the form of 29 recommendations for consideration by DOE senior leaders.

The 29 recommendations addressed a broad range of contractor career longevity, retirement, and quality-of-work issues. Some of the recommendations dealt with matters that protective force contractors and their employees needed to address between themselves; some arose from Departmental policy and could only be changed at the policy level; others would require

¹ The particular emphasis was upon the combination of defined contribution and defined benefit plans characteristic of the current Federal Employee Retirement System, accompanied by the 20-year retirement model afforded to the OST Federal Agents.

² The position papers supporting this recommendation are attachments to (1) Memorandum to Deputy Secretary Kyle E. McSarrow from Linton F. Brooks and Glenn S. Podonsky, “Review Options for the Protective Force,” August 31, 2004, and (2) Memorandum to McSarrow from Brooks and Podonsky, “Review Options for the Protective Force: Phase II,” October 22, 2004. Overall conclusions calling for implementation of protective force performance upgrades, coupled with the decision to defer, pending further study, any action on federalization, are included in (3) Memorandum to McSarrow from Brooks and Podonsky, “Implementation of an Elite Protective Force,” January 4, 2005.

³ The two studies are: Systematic Management Services, Inc., *Comparative Analysis of Contractor and Federal Protective Services at Fixed Sites*, March 6, 2008, and Systematic Management Services, Inc., *Comparative Analysis of Contractor and Federal Protective Forces at Fixed Sites – Cost Analysis and Modeling*, June 6, 2008.

⁴ See memorandum to Deputy Secretary Clay Sell from Thomas P. D’Agostino and Glenn S. Podonsky, “Path Forward on the Utilization of a Federalized or Contractor Organizational Model for NNSA Fixed Site Protective Forces,” January 13, 2009.

changes in Federal regulations; while still others would require significant changes in existing contracts and in the parameters through which DOE governs the implementation of contracts. A number of the recommendations overlapped; solutions to some of these would diminish or obviate the need for action on others. The Study Group recognized that not all of its recommendations carried the same weight, and accepted the idea that the most important Departmental actions were those relating to large-scale matters. The Study Group called for action in those areas where results were readily achievable, while explicitly acknowledging that the only proper action for the more complex or potentially costly recommendations was additional detailed study. In these cases, no further commitment to action would be made until senior management could carefully review the results of the Study Group's analytic process. This same approach was largely carried over in the two recommendations of the January 2010 GAO report.

Since the Study Group report was presented, the Department has initiated action on the most readily attainable of the 29 recommendations, to the degree that they can be appropriately implemented without additional study and within existing resources. The Department has begun to define the terms of analysis for those matters requiring further examination. The results of this activity are presented in this Implementation Plan.

IV. Implementation Plan

The Implementation Plan treats the Study Group's 29 recommendations thematically, under five main headings. For reference purposes, the recommendations most closely aligned with each heading are enumerated alongside the title of each section. However, it should be emphasized that the Implementation Plan presented in the following pages treats the recommendations collectively rather than individually. Taken together, completion of the actions offered in this plan will accomplish the purposes that the Study Group called for in its report. The original 29 recommendations from the Study Group report are presented in Appendix A.

IV.1 Force Structure Alignment (Study Group Recommendations 1, 2, 3, 6, 7, 13, 20, 29)

IV.1.1 Summary of Recommendations

The several recommendations grouped under the general heading of "force structure alignment" are unified by concerns regarding the extent to which DOE policy and program direction have: (1) combined to create barriers to the most effective utilization of existing protective force personnel; (2) complicated the task of creating the most useful personnel mix as the nuclear weapons complex evolves; (3) unnecessarily discouraged trained and experienced protective force members from remaining with their organizations; and (4) complicated interactions among the different elements of the protective force community.

Recommendations 1, 2, and 3 dealt directly with various aspects of force composition, particularly with the perceived impact of the DOE's Tactical Response Force (TRF) Policy and other recent developments. A unifying concern in these three recommendations was the need for additional consideration of potential human capital issues in the implementation of policy, particularly the retention of contractor protective force personnel with useful knowledge and experience who could no longer meet the protective force physical and medical requirements.

Recommendations 6, 7, 13, and 20 dealt with the implications for individual protective force members of a perceived disconnect between TRF policy, which called for the implementation of training shifts or elements to ensure adequate attention to maintaining tactical and physical proficiency, and program direction, which appeared to reduce opportunities for firearms training while exchanging formal on-duty physical fitness programs for informal off-duty activities. The common feature of these recommendations was the understanding that if the Department establishes a performance requirement for its contractor protective forces, then it should provide the resources necessary to meet the requirement. If providing such resources proved to be infeasible, then the requirement should be adjusted accordingly.

Recommendation 29 responded to two divergent needs: first, the Department's desire to improve cost efficiency through more energetic pursuit of standardization across the DOE protective force enterprise; and second, the desire to ensure that, wherever reasonable, this initiative was carried out in a manner that contributed to an enhanced sense of professionalism—and concomitant morale improvements—for members of the contractor protective forces.

IV.1.2 Background and Action Rationale

The 9/11 terrorist attacks ushered in a period of profound change in DOE security policy. In the immediate aftermath of the attacks, the Department responded to heightened threat perceptions largely by increasing the number of protective force members deployed to protect its facilities. At first, over a sustained period, the increased protective force presence came from very high levels of overtime duty for personnel; then, more gradually, a significant number of new hires were deployed. The problem of providing sufficient personnel was magnified by the dramatic reduction in protective force numbers during the 1990s. This so-called "peace dividend" decrease, officially reported at approximately 42 percent for the period from 1992 to 1996, was identified as cause for alarm in the late 1990s, but compensatory new hiring had just begun when the 9/11 attacks occurred.

Threat perceptions reached their peak with the promulgation of the 2004 Design Basis Threat. At that juncture it became clear that the Department could not sustain a protective system that relied solely on large numbers of protective force personnel armed and equipped in the manner prevalent before 9/11 and deployed in a manner that essentially represented a mere numerical "thickening" of the protective force posture first established during the 1980s. The cost of adding so many protective force personnel exacerbated labor costs (the most expensive

segment of the Department's annual recurring security costs) without a proportionate improvement in security system effectiveness. The need for a fresh approach became clear.

Accordingly, the Department turned in a different direction. It placed proportionally greater emphasis on "shaping the battlespace" by investing in measures to increase the effectiveness of its physical security systems, chiefly by investing in improved intrusion detection technology and in hardening both its target locations and defensive positions. It acquired better weapons and armored fighting vehicles, intended to maximize the effective firepower and survivability of each individual protective force member. Finally, recognizing that greater individual tactical proficiency and more effectively integrated tactical response would be needed to implement these measures, the Secretary of Energy initiated what first came to be known as the "elite force" doctrine. As refined over a period of several years, this became official Department policy under the TRF rubric.

Although significant effort was devoted to clearly presenting the new TRF doctrine to DOE field elements and protective force contractor managers, the initial implementation of TRF was beset with misunderstandings, and many contractor protective force members became gravely concerned about the future terms of their employment. These misperceptions aggravated relations between the Department and its protective force contractors, on the one hand, and the membership of the protective force unions on the other. As the GAO noted in its January 2010 report on protective force issues, these concerns contributed to the protective force strike at the DOE Pantex Plant in 2007.

This situation was further aggravated by a perceived reduction in the number of unarmed security officer positions at various sites and the parallel tendency for sites to increasingly employ low-wage, unarmed individuals as "security escorts." Protective force members had always considered such duties as reasonably belonging to security professionals and viewed them as a path to continuing employment within their contractor organization when they could no longer meet the physical and/or tactical requirements for armed protective force duty. Although stepping down to an unarmed position would reduce the wages of the average officer, it would allow them to continue to accumulate service years in defined benefit retirement plans or to make useful contributions to defined contribution plans, which were becoming more common.

The Study Group report took this history into account, even as it noted the Department's continuing efforts since 2007 to correct misunderstandings about the balance of offensive versus defensive combatants required by TRF policy. It also observed that even with these corrections, Departmental policy and program direction continued to send contradictory signals. For example, TRF policy envisioned achieving greater efficiencies—specifically limitations on long-term expansion of protective force numbers—through greater emphasis on training and reductions in tactically inessential "convenience posts." The centerpiece of this new emphasis was the creation of training relief elements to ensure adequate on-shift opportunities for more tactical and physical fitness training. However, this policy evolution

soon became part of a larger competition for security resources, which in turn led to frequent changes and widespread differences in the implementation of training relief elements.

Once again, the immediate message sent to the contractor organizations and protective force members was mixed. The Department's actions were viewed as increasing its performance demands while diminishing its emphasis on the necessary training. The Study Group recognized that the apparently mixed messages were unintended, but stressed the need for resolution. The Study Group concluded that the most desirable action, from the standpoint of both job performance and the Department's investment in the training and experience of veteran protective force members, was to reinforce the Department's tactical training, physical fitness, and wellness programs. The Study Group also acknowledged that strengthening these programs would likely incur additional cost, which would have to be justified through more rigorous analysis. As an alternative, the Study Group encouraged more creative approaches to creating on-shift training and physical conditioning opportunities within existing duty shifts and post assignments. It further acknowledged that the Department was already reexamining training priorities to ensure that training resources were shifted to support the new mix of weapons and equipment.

Finally, as the NNSA pursued a major initiative to standardize common use items and procurement of such items (ranging from ammunition to uniforms) across its sites, the Study Group drew attention to an opportunity to link standardization with long-standing desires by protective force members to be identified as part of a larger national security enterprise. Allowing input from protective force members into the selection of a common uniform and identifying credential, among other proposed items for standardization, appeared to offer a cost-neutral means of contributing to overall morale and, however symbolically, counteracting the perception that the Department had become largely indifferent to the interests and concerns of protective force members.

IV.1.3 Proposed Action(s)

While the Study Group observed that the Department's post 9/11 security initiatives had contributed to misunderstandings and a deterioration of protective force labor relations, it also noted that solutions were at hand. The broad-based resolution of the issues related to force structure and tactical priorities was under way and had already demonstrated positive results. The Office of Health, Safety and Security (HSS) was engaged in a complete rewrite of the Department's security directives, including the directives governing protective force operations. The program offices were also engaged in major efforts to ensure more effective and consistent policy implementation. These included, most notably, the NNSA-initiated Zero-Based Security Review (ZBSR) and its simultaneous standardization initiative, along with similar efforts by other programs. Thus, the Department's implementation plan for this category of Study Group recommendations consists largely of: (1) building on these initiatives, particularly with respect to their personnel management implications; (2) pursuing the initiatives in a more integrated manner; and (3) ensuring that the sources of past misunderstandings and future anxieties are taken fully into account as the Department shapes its long-term security strategy.

The goals of ensuring effective tactical performance while protecting older personnel from potentially career-ending job reclassifications are not inconsistent. As vulnerability assessment (VA) capabilities have matured and sites have continued to harden structures, upgrade physical security systems, and outfit protective forces with advanced and longer-range weaponry, protection system analyses have confirmed that security force success and survivability can be enhanced through a greater emphasis on more static, defensive postures, coupled with flexible, armored vehicle-borne response teams and a limited number of special response teams for recapture operations. These additional analyses support the conclusion that the measures first pursued to promote a more cost-effective and sustainable emphasis on an “active defense” can also permit—and perhaps even encourage—a force composition that keeps older protective force members serving productively.

The key ingredient in achieving these goals is completion of the Department’s ongoing security system optimization initiatives. For example, the NNSA’s ZBSR has undertaken, across the entire weapons complex, a thorough review of VAs, application of risk management principles, and implementation of tactical doctrine in order to drive program efficiencies while maintaining security effectiveness. The Office of Nuclear Energy also conducted a ZBSR-like activity at the Idaho National Laboratory in March 2010, and the Office of Environmental Management’s Hanford Site, in conjunction with HSS, has conducted a review with some ZBSR-like features. In each case, the effort has generated valuable insights into future protective force performance requirements. By participating in these efforts, HSS likewise has gained insights that are being applied to the current reexamination of security policy.

Among the initial products expected from these various initiatives are the clarification and revision of protective force configuration and deployment strategies. These revised strategies are being analyzed and tested through a series of tabletop exercises and follow-on performance testing to ensure full compliance with DOE’s Graded Security Protection policy while maintaining high security system effectiveness. Preliminary results, particularly those from the extensive NNSA ZBSR effort, have already validated the TRF assumption that a substantially defensive protection posture at our most critical facilities can achieve the desired results and will require proportionally fewer “offensive combatants” in the overall force mix. This effort will be further informed by an HSS security policy initiative to supplement existing DOE tactical doctrine with a Defensive Planning Technical Standard. Finally, HSS will integrate the results of both the NNSA ZBSR and the similar reviews by other DOE program elements into ongoing updates of overall Departmental security policy.

While these initiatives have emphasized achieving the most effective force configuration for armed tactical response at sites that have special nuclear material, they will also more precisely identify which protective force posts and patrols do not require armed personnel. These posts thus can be filled, often at lower cost to the Department, by unarmed security officers whose physical fitness and medical requirements are significantly less than those mandated for armed protective force personnel and could also accommodate protective force members who can no longer meet the higher physical standards. The Department, under HSS leadership, has

initiated a parallel analysis of how the recently issued (April 2010) Federal government Interagency Security Committee national standards for physical security at Federal facilities may affect the protective force configuration (e.g., proportions of armed and unarmed personnel) at DOE facilities, particularly at those where the primary protection interest is not special nuclear material, but personnel, information, and property.

The Department also proposes to use the results of the foregoing analyses to inform its efforts to appropriately balance protective force performance/training requirements and training opportunities. The Department acknowledges that its strong emphasis upon the maintenance of physical readiness and highly-perishable tactical skills should be matched by a similar emphasis upon reconciling essential training with other operational priorities. For example, DOE is re-exploring how contractors can bring useful training—particularly training focused on perishable firearms and tactical skills—to post and patrol locations; the revised training directives system will provide greater latitude for using simulators, which are already available to most contractor protective force organizations. The Department is simultaneously examining the extent to which increased expectations for some skills, such as operation of machine guns or other crew-served weapons, may be offset by devoting less time to other previously required training. The Department will also re-examine whether any economies achievable through standardization, particularly economies of scale from common purchasing of such items as ammunition and uniforms, can be redirected to support training priorities.

The Department believes that the information generated by these various force structure initiatives will form a critical part of its planned Multi-Sector Workforce (MSWF) analysis of contractor protective forces. Both efforts will assist senior managers in determining near- and long-term priorities for force structure and composition. DOE views this as a long-term, broad-based effort. *However, it should be emphasized that wherever the Department identifies defensible foundations for immediate improvements, it will undertake appropriate near-term changes in policy and program direction.*

The specific actions and proposed time lines necessary to complete the foundational analyses and appropriate adjustments to protective force structure, composition, and deployment strategies are numerous and diverse. Much of the work must be done concurrently rather than consecutively. *Subject to the unpredictable impacts that interrelated actions will have on each other*, the Department will work toward completing the following actions by May 31, 2011:

- Analyze, test and validate security configurations and protective force composition for its enduring Category I facilities. Promote implementation of a standardized approach for correctly aligning force structure and composition with protection strategies (e.g., proportions of offensive and defensive combatants).
- Conduct a comprehensive job task analysis (JTA) for protective force positions based on mission-essential tasks, the previously described analyses, and the testing of security configurations and desired force composition. The JTA will inform decisions about future individual and team training requirements, including both tactical and physical/medical fitness requirements.

Once the review of Category I facilities is complete and the JTA results are available, the following actions will be undertaken to complete the re-examination of protective force requirements and operations:

- Use the JTA results as a basis for additional studies of performance optimization initiatives. These may include, but are not limited to, re-examination of firearms and tactical training resource allocations and existing fitness/wellness programs.
- Integrate the results of the foregoing analyses and the MSWF into the future missions, structure, and composition of the Department's protective force operations.
- Where appropriate, DOE may undertake interim actions consistent with the preliminary results of the above analyses.

IV.2 Re-examine Regulatory Barriers (Study Group Recommendations 4, 5, 11, 12, 28)

IV.2.1 Summary of Recommendations

The previous group of recommendations called for the integration of protective force personnel policy issues into a larger set of DOE and NNSA security initiatives. Similarly, this next group of recommendations called for the inclusion of particular contractor protective force personnel considerations into a larger, comprehensive review and revision of security policy that the HSS Office of Security Policy had already initiated. This policy review was undertaken to ensure that the DOE protective force regulations were properly aligned with the current and anticipated future requirements of the Department's security mission, and is intended to take into account the results of the various analyses previously described in Section IV.1.

The Study Group recommendations considered under this heading were largely concerned with the need to revisit DOE physical fitness and medical standards in light of anticipated contractor protective force performance requirements. They endeavored to address the potentially adverse interpretations of the current standards' effect on protective force career longevity and to ensure that, going forward, the Department's standards would be both operationally relevant and sensitive to impacts on personnel. A related concern pertained to differences in local interpretation and application of personnel security and human reliability program (HRP) standards that protective force members considered discriminatory.

In addition to recommendations pertaining to DOE policy and regulations governing physical and medical fitness, the Study Group report also included a recommendation (Recommendation 28) that called for a re-examination of the DOE arrest and deadly force authorities. This issue involves not simply regulations, but also specific language in the Atomic Energy Act and the DOE Organization Act, and it was already on the Department's security management agenda. The Study Group recognized that these issues were important to

protective force contractor management, to individual protective force members, and to their union leaders. The recommendation reflected the Study Group's desire to give greater impetus to the advancement of this issue, and to indicate that these concerns were shared by all elements of the DOE security and contractor protective force communities.

IV.2.2 Background and Action Rationale

Protective force union leaders and some contractor protective force managers have noted the extent to which the DOE protective force physical performance standards depart from those followed by the military and other law enforcement and security entities. They have contended that the current standards and associated performance tests needed to be re-examined, particularly those that showed a tendency to cause injuries resulting in lost work hours and, in some instances, long-term physical damage and potential liability concerns. The previously discussed controversy surrounding reclassification of large numbers of protective force personnel from defensive to offensive combatants—thus driving these personnel to face more rigorous physical tests—argued for a reconsideration of the existing physical fitness standards.

DOE policy analysts have also concluded that a re-examination is merited, although their departure point differs. They note that the implementation of the “active defense” strategy associated with DOE TRF policy, now being validated through the NNSA's ZBSR and other similar Departmental initiatives, justifies a fresh look at individual protective force physical fitness requirements. Current protective force tactical response considerations are being reshaped fundamentally by the deployment of improved long range weapons, armored response vehicles, longer range detection/assessment capabilities, and physical obstructions designed to channel attackers into pre-established “kill zones.” This technology-driven defense concept may ultimately prove to require fewer physical demands for a larger proportion of tactical responders, whose primary response duty becomes delivery of long range fire from fixed positions or as turret crew of armored vehicles.

There is, therefore, widespread consensus that the time has come for a re-examination of the tactical assumptions upon which the current physical fitness regulations are based. The fact that such re-examination also opens the door to potential cost efficiencies (such as a redirection of tactical and fitness training resources) also commends it to DOE analysts. The key feature of the Study Group's recommendation in this area was the call to conduct a comprehensive JTA that fully reflects current and anticipated physical performance requirements for protective force personnel. The follow-on to this recommendation would necessarily be a similarly thorough and objectively defensible translation of validated requirements into proposed future regulations governing physical fitness requirements and associated performance testing procedures.

Before the Study Group issued its recommendations, DOE had already initiated a review of 10 Code of Federal Regulations (C.F.R.) 1046 medical conditions to align the medical regulations governing DOE contractor protective forces with the latest iteration of the Americans with Disabilities Act of 1990. The relevance of the 10 C.F.R. 1046 medically disqualifying conditions

has recently been challenged by protective force union leaders, by contractor managers, and by DOE's own policy analysts. Collectively they draw attention to an emerging disparity between these medical policy requirements and the state of current medical capabilities as they apply to potentially disabling injuries or illnesses. Advances in medical treatment mean that some disqualifying medical conditions under 10 C.F.R. 1046 are now treatable in a manner that should permit Security Police Officers (SPOs) to successfully continue to perform their primary duties without danger to their overall health or any degradation in their ability to perform under routine and emergency conditions. For example, some heart arrhythmias and lesser categories of diabetes, once regarded as disqualifying, are now treatable in a manner that would allow a return to or continuation of full duty.

In formulating its recommendation concerning medical regulations, the Study Group recognized that this existing effort could also serve the purpose of ensuring that protective force career longevity objectives received appropriate consideration as this review (and any subsequent proposed rulemaking action) went forward.

Another aspect of the Department's broad effort to update regulatory requirements was the personnel security community's examination of implementation issues in the DOE HRP. Although this larger programmatic review addresses a wide variety of HRP issues, the Study Group's Recommendation 11 took particular note of inconsistencies in the application of its policy on controlled substances. Since HRP administrative determinations carry the potential for unpaid suspensions or even employment separations, this issue was one of considerable concern. Additionally, the perception had arisen that contractor organizations were playing a far greater role in the administration of HRP than was warranted under Federal regulations, and this perception, in turn, led to situations in which protective force personnel came to believe that HRP disqualifications were sometimes being applied for reasons not justified in government policy.

The Study Group recommended two courses of action in connection with this nexus of issues. First, it emphasized the need to ensure that these matters were fully addressed in the ongoing broader programmatic review of HRP policy. Second, it called for the immediate issuance of a management statement, reiterating that DOE would not tolerate instances of HRP misuse and further reiterating that Department policy sanctioned suspensions without pay only after appropriate due process. The Study Group understood that this policy statement was largely ameliorative, meant simply as a cautionary reminder to program administrators while the long-term programmatic review went forward. Given the potential sensitivity of this issue, however, the Department also plans to conclusively resolve the HRP allegations by conducting an in-depth, complex-wide study of HRP program administration, and will specifically address the question of potential over-reliance on contractor organizations in the administrative review process.

In a separate recommendation (Recommendation 12) the Study Group addressed the more general question of situations in which personnel might be placed in unpaid status—particularly an extended unpaid status—during HRP reviews and other situations, such as a failure to pass a

firearms qualification test. In this instance, the Department offered a cautionary reminder concerning the need for such actions to be closely monitored by the responsible DOE field and Headquarters elements. It also took the opportunity to reemphasize that there is no *Departmental* requirement that personnel be placed in unpaid status pending resolution of such issues. In the case of firearms qualifications, for example, the Department only requires that failing personnel be disarmed pending successful requalification.

Finally, the Study Group took note (in Recommendation 28) of continuing concerns about the interpretation of DOE arming, arrest, and deadly force policy. These concerns have been expressed by DOE policy makers, contractor managers, protective force union representatives, and such external stakeholders as the GAO, although each element brings a different perspective to the issues involved. The Department recognizes that these issues are particularly challenging and that their definitive resolution would require consideration of potential revisions to the language of the Atomic Energy Act and the DOE Organization Act. The Department proposes to review any such future initiatives to ensure that the Study Group's concerns are duly considered before recommending action. The Department also acknowledges that the entire subject of arming, arrest, and deadly force policy is intimately related to questions of inherently governmental functions and other matters relevant to the MSWF analysis, and will ensure that these analyses are also properly integrated.

IV.2.3 Proposed Action(s)

The Department will undertake several mutually supportive actions to address these recommendations. The overall goal of these actions is to ensure that physical and medical requirements, HRP disqualifications, and arming, arrest, and deadly force authority are properly related to job performance and that, to the extent Department policy is interpreted as providing the basis for removing individuals from protective force work (either temporarily or permanently), the Department's position is firm, defensible, and, above all, completely transparent to all stakeholders. The Department's goal is to complete the studies by June 30, 2011, and to undertake implementation as soon as possible thereafter.

In support of the potential revision of physical fitness requirements:

- Initiate JTA development through the establishment of a memorandum of agreement with an appropriate independent agency (Office of Personnel Management is currently regarded as the preferred choice).
- Upon HSS's receipt of the completed JTA, analyze JTA results and develop an appropriate physical readiness standard and testing requirements, as well as protocols for validating such requirements.
- Develop proposed updates to physical readiness standards and testing requirements, and present them for staff-level review and concurrence by Departmental elements and ultimately for senior management approval.
- Initiate the rulemaking submission.

In support of the potential revision of medical requirements:

- Complete the proposed revision to 10 C.F.R. 1046 (currently in progress under HSS auspices). Expected completion date to be determined.
- Submit rulemaking proposals either separately or as part of a larger Departmental package.

In support of the clarification of current HRP policy intent and the potential revision of HRP policy (as part of the broader programmatic review of 10 C.F.R. 712):

- Issue memoranda affirming existing Departmental policy with regard to misuse of HRP and placement of personnel in unpaid status.
- Conduct a complex-wide study of potential HRP enforcement issues and submit the results for consideration in the overall programmatic review of HRP regulations.

In support of the re-examination of arming, arrest, and deadly force authority issues:

- Conduct a review and provide the results to senior management for action.

IV.3 Retirement and Career Transition (Study Group Recommendations 8, 9, 10, 14, 21, 22, 23)

IV.3.1 Summary of Recommendations

These recommendations addressed concerns that: (1) because of their rigorous job duties, protective force members have more concerns about continuing employability than most other categories of DOE employees; (2) DOE's investment in protective force members' knowledge, skills, and abilities would justify efforts to retain these valuable employees if, through age or injury, they can no longer continue in their original duties; and (3) protective force contractors at different sites provide different types and levels of retirement planning, sometimes leading to individual and union concerns.

IV.3.2 Background and Action Rationale

The Study Group originally had four aims in developing this group of recommendations. First, it recognized that many members of the contractor protective forces had a strong interest in continuing their security careers when they could no longer meet the physical or medical requirements associated with protective force work, whether through age or injury.

Second, the Study Group recognized that protective force work experience provides desirable background knowledge and skills. The Department can benefit from encouraging such personnel to transition to other security work within the DOE Federal or contractor security communities.

Third, the Study Group suggested that second careers outside the security disciplines could also benefit the Department, if protective force personnel developed appropriate non-security skills in demand at their sites. For such personnel, the Department would already have paid for such things as security background investigations, general employee site training, and safety training, and would have made other significant investments in site knowledge. The Study Group believed that these substantial prior investments would justify appropriate transitional skill training and could potentially provide a net cost benefit to the Department in comparison with hiring from outside. The Study Group also recognized that such opportunities for continuing employment might serve as a performance incentive for contractor protective force members.

Finally, the Study Group recognized that a partial, but potentially significant, counter to union concerns about the contractor retirement systems at the various DOE sites could lie in the contractors' encouraging timely retirement planning for protective force members and early, consistent personal investment in defined contribution plans. Plan participation among DOE protective force members reaches very high levels at sites where the contractor has an active program for retirement planning and personal investment. The Study Group called on DOE to strongly encourage such contractor programs.

The DOE implementation planning team initially regarded all of these as laudable objectives, worthy of careful consideration. However, in attempting to translate these worthy objectives into concrete proposed actions, the team repeatedly encountered significant resistance, particularly in that many of the Study Group's recommended actions appeared to extend beyond the Department's authority and intruded unacceptably into the employment relationship between the protective force contractors and their bargaining unit employees. The Department continues to believe that promotion of retirement planning and career transition, particularly to other jobs of value to the departmental mission, is a desirable end. At the present time, however, the Department sees no clear way to pursue such activity within the context of formal policy and DOE action proposals as originally defined by the Study Group's 29 recommendations. Instead, it will simply encourage its contractor management teams and protective force union leaders to work together to promote these objectives.

The Department will also continue to study these matters, in conjunction with contractor management and union leaders. In this connection, attention is drawn to Recommendation 14, which called for the extension of the Study Group as a standing committee in which matters such as this could continue to be explored in an environment of mutual cooperation. This recommendation was implemented in the summer of 2009 subsequent to the submission of the original Study Group report, but work by this standing committee has largely been held in abeyance while the Department worked on the requested implementation plan for the 29 recommendations. Going forward, the Department intends to expand participation in the standing committee to incorporate significant representation of protective force contractor management as well as NCSP representatives, as a means of promoting the cooperation envisioned above. Further, the Department will remain open to suggestions regarding ways in which it can appropriately play a role in support of these objectives.

IV.3.3 Proposed Action(s)

No Departmental policy actions are proposed for these recommendations. As noted above, the Department will confine its role to encouraging positive interaction between its contractors and protective force bargaining unit members in these matters.

IV.4 Contract Structures (Study Group Recommendations 22, 24, 26, 27)

IV.4.1 Summary of Recommendations

In these recommendations, the Study Group called for a re-examination of the Department's protective force contract structure and the relationship between protective force contracts and other site operations and support contracts. As with the previous group of recommendations, legitimate concerns were subsequently raised about how the original recommendations were expressed. Specifically, although the actions associated with the recommendations were generally "take these matters under consideration for further study," the actual statement of the recommendations appeared to presuppose an outcome. The Department emphasizes that it has interpreted the recommendations based on the supporting text of the Study Group report, rather than the actual statement of the recommendations themselves. In this light, the Department proposes *further study* of: (1) the extent to which its contracting practices place protective force members at an unfair disadvantage in terms of job mobility, in comparison with employees of other site contractor organizations; (2) the extent to which it can appropriately encourage contractor organizations to establish partnerships to facilitate movement across different organizations at a site; and (3) the extent to which future protective force contracts can be structured to take into account the career progression needs of protective force personnel, while ensuring compatibility with other essential contracting performance objectives.

IV.4.2 Background and Action Rationale

The Study Group noted that aging protective force members, as well as those who are prematurely experiencing adverse physical effects caused by occupational requirements, may face limitations to their careers that are not typically shared by other site contractor employees. The Study Group identified remarkable disparities among sites in terms of the opportunities that are available to protective force members who seek to transition to other career fields while maintaining employment at their respective sites. At those sites where the protective force is managed as a component of a larger Management and Operations contract, existing human resources policies offer inclusive preferential hiring procedures for displaced employees regardless of job classification. The issue for these employees is not the preliminary hurdle of receiving consideration for a job, or the post-hire dilemmas associated with a change in retirement or benefits plans. The issue is simply one of developing the alternate skills to enable them to compete successfully for a non-protective force position. In this instance, many of the existing contractor human resources policies include tuition reimbursement procedures, so the overall barriers are matters of job availability awareness, career planning, and preparation.

In contrast, where protective force services are procured through a direct prime contract to DOE or subcontracted by the site operations primary contractor, the ability to seek employment across contractor lines varies widely, and in some cases is severely limited by structural reasons unrelated to the individual qualifications of the potential protective force applicant. In essence, the ability of personnel to move into jobs with other contractors is governed by that contractor's individual hiring policies. However, it is also the case that various site contractors, frequently with the agreement and support of DOE managers, develop procedures to facilitate movement between different organizations at the same site.

Thus, the opportunities for job mobility vary widely across the DOE complex, and sometimes even at individual sites. In one instance, the Study Group identified a DOE-sanctioned barrier that was applied to protective force contractor employees, but not to other contractor staff. This barrier was inconsistent with larger Departmental objectives, and appropriate senior Federal management at that location was made aware of the situation.

Since the Department already has an acknowledged capability to encourage employment partnerships in its contracting strategies, it is reasonable to propose additional study of the ways and means of extending this capability to protective force personnel. Similarly, since the Department has a precedent for considering involuntarily displaced employees during a workforce restructuring action (the Cold War Workers Program) or as a result of job-related incapacitating illness (the Beryllium Worker Program), it appears reasonable to suggest additional study of how similar approaches might be adapted to assisting protective force personnel who face potentially career-ending, job-related injuries or significant age-related employment barriers. However, in all such instances it must be emphasized that the study objectives should extend beyond the matter of desirability for protective force careers, and must include potential cost benefit to the taxpayers and to the Department.

IV.4.3 Proposed Action(s)

The Department proposes additional study of these issues along the lines suggested above. Specifically, it proposes the formation of a study team composed of appropriate DOE protective force and procurement professionals. The Department points out, however, that it is already re-examining its contracting practices, and those results must inform any analyses that focus on protective force-related issues. Accordingly, the first proposed action is the formation of the study team, to take place no later than December 1, 2010. Subsequent milestones and the overall completion date will be left for the study team to determine, subject to management approval. The Department will also continue to encourage both its protective force and its operations contractors to explore ways of overcoming barriers to job mobility.

IV.5 Retirement Options (Study Group Recommendations 15, 16, 17, 18, 19, 25)

IV.5.1 Summary of Recommendations

These recommendations addressed the persistent concern among career-oriented protective force personnel that they will be unable to continue to maintain their protective force employment qualification requirements long enough to accumulate a reasonable retirement income. Collectively, the recommendations call for a comprehensive examination of all aspects of this issue. Again, the Department notes that regardless of the particular language of a specific recommendation, the overall intent, clearly expressed in the Study Group report, is that these matters be subjected to appropriately detailed study so that the Department's senior managers can determine whether, and to what extent, the Department can accommodate such measures into its overall operational, procurement, and budgetary strategies.

IV.5.2 Background and Action Rationale

The Study Group report highlighted the dilemma facing protective force personnel who wish to make a lifelong career in this field. At the level of bargaining unit employees, the protective force has essentially the same physical performance expectations for 25-year-olds and 55-year-olds. Protective force union leaders (and, to a large extent, their contractor management counterparts) routinely note the contrast between the expectations written into DOE policy and the expectations of similar populations in the military and law enforcement communities. These other populations typically have fairly broad opportunities for promotion into less physically demanding work (which the military acknowledges directly in age-related physical standards) and, more fundamentally, typically offer retirement, with substantial benefits, after 20 to 30 years of service. Contractor protective force union leaders also routinely point out that in 1998 DOE chose to support a 20-year retirement model for its Federal nuclear material courier force and successfully sought legislation to bring it about.

The problem for DOE is that after years of periodically revisiting this problem, it still lacks the sufficiently detailed actuarial and cost studies it needs to substantiate a clear and analytically defensible position on the matter. Absent such studies, the Department is handicapped in charting future policy direction. It cannot compare various proposals, such as the unions' preferred 20-year retirement model, to any of the retirement options offered by its protective force contractors, nor can it build an effective business case for retaining the current plans, where differences are so great that some protective force members see them as examples of DOE-sanctioned discrimination. Moreover, the Department does not have sufficient data to determine whether adjusting contract parameters to accommodate changes in retirement systems would provide a cost benefit. The variability results from differences both in corporate plans and in benefits appropriately negotiated in collective bargaining agreements; the extent to which DOE accommodates such variation illustrates the absence of an overall Departmental policy for ensuring that protective force retirement plans are cost-effective and consistent with the Department's aims. The Study Group advocates consideration of the cost benefits

associated with incentivizing recruitment and retention of high-quality protective force employees through attractive career longevity opportunities.

IV.5.3 Proposed Action(s)

The issues associated with these recommendations are the most far-reaching and consequential of those raised by the Study Group. Because of their potential complexity and cost, they require a carefully considered response. *Specifically, they call for further detailed analysis before any potential actions can be appropriately discussed.* To help find the answers the Department is seeking, NNSA has commissioned an actuarial analysis of the design, costs, and feasibility of contractor development of more comparable and consistent retirement plans for protective force personnel. Through the NNSA Service Center, an actuary will conduct a cost and benefits comparability study on several separate protective force pension plans currently in place that incorporate Defined Benefit (DB) and Defined Contribution (DC) plan elements from representative protective force organizations across the Department. The actuary is currently collecting applicable data from the targeted sites, with a commitment to complete the study within 90 days of receiving the necessary site information. This study will include:

- Evaluation of the total current and projected cost to the Department to reimburse contractors for funding the retirement income benefits provided under these plans.
- Comparison of the levels of retirement income benefits provided under these plans at selected ages and lengths of service.
- Benchmarked results for the retirement income benefits against three sample plans: the Hanford Multi-Employer Plan applicable to the guards union (considered by union officials to be among the most attractive of the existing protective force plans); the Nuclear Material Couriers' plan; and a defined contribution plan similar to the ones offered to protective force personnel at the Los Alamos and Lawrence Livermore national laboratories.
- Estimated impact on projected reimbursement of contractor costs if the seven NNSA security defined-benefit and defined-contribution plans were to be modified on a prospective basis (future service only) so that all plans offer more consistent benefits. Estimates will be prepared for:
 - One alternative defined benefit plan that provides relatively uniform future benefit levels.
 - Future benefit accruals set to the level provided by the provisions of the Hanford Multi-Employer Plan applicable to the guards union.
 - Future benefit accruals set to the level provided by the Nuclear Couriers' Plan (selected because this Federal plan has long been extolled by contractor protective force union officials as the most appropriate and suitable plan for fixed site security forces).
 - A uniform defined contribution replacement plan (future service only).
- Identification of issues and the projected administrative/management cost savings anticipated from plan consolidation.

Upon completion of the study, NNSA, HSS, and the other Departmental program offices will review the results and collectively forward the study with appropriate recommendations to the Administrator and his DOE counterparts to seek final disposition on protective force retirement options. The results of such a detailed study of potential retirement option costs will also tie into the MSWF analysis that the Department will conduct as part of its overall analysis of the future direction of its protective force enterprise. The comparative cost data resulting from the aforementioned studies, specifically for an option resembling that currently provided to the nuclear material couriers, will be an essential element in establishing an overall comparative cost of potential multi-sector options.

V. Conclusion

The recommendations of the Department's Protective Force Career Options Study Group were the product of a unique initiative. The Study Group brought together a cadre of DOE senior technical staff with leaders of protective force unions, not to discuss particular problems at particular sites, but instead to identify broad-based, Department-level approaches to improving protective force career quality and longevity. Specifically, the Study Group was concerned with the challenges facing protective force members when age or injury cut short their ability to continue their careers to a reasonable retirement age and sought ways to alleviate these concerns within the framework of DOE's performance-based contracting model.

The Study Group's 29 recommendations addressed these matters from multiple standpoints. Several recommendations called upon the Department to re-examine the fundamental structure of protective force retirement benefits. Others looked at updating the Federal regulations governing protective force physical fitness requirements, with a view to generating new requirements that could more fairly and reasonably reflect the physical performance required of protective force members. Still others looked at the composition of protective forces and their relationship to larger contract structures. These large-scale recommendations were accompanied by a number of smaller-scale "quality-of-work" recommendations.

The Department understands the need to take action in those areas where it reasonably can and to carefully—but expeditiously—study those areas where policy concerns or potentially significant costs dictate prudence in selecting a path forward. The Department also understands that a meaningful strategy for examining these issues must take into account considerations from its (separately proposed) MSWF analysis of its contractor protective force. The Department is committed to a sustained effort to bring these matters to a successful conclusion.

Appendix A

The 29 Recommendations as Presented in the Study Group Report of June 30, 2009

1. Protective force (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 (security officers).
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 Manual 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 U.S. Department of Energy (DOE) Office of Health, Safety and Security Protective Force Policy Panel should be ensured.

Except where specifically noted, the Study Group viewed the preceding 14 recommendations 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 in 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.

Appendix B

Acronyms

C.F.R.	Code of Federal Regulations
DOE	U.S. Department of Energy
GAO	Government Accountability Office
HRP	Human Reliability Program
HSS	Office of Health, Safety and Security
JTA	Job Task Analysis
MSWF	Multi-Sector Workforce
NCSP	National Council of Security Police
NNSA	National Nuclear Security Administration
OMB	Office of Budget and Management
OST	Office of Secure Transportation
PF	Protective Force
SPO	Security Police Officer
TRF	Tactical Response Force
U.S.C.	United States Code
VA	Vulnerability Assessment
ZBSR	Zero-Based Security Review