



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

July 16, 2014

In reply refer to: D-B1

Dan Seligman
Columbia Research Corporation
PO Box 99249
Seattle, WA 98139

FOIA #BPA-2013-01449-F

Dear Mr. Seligman:

This is a final response to your request for records that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act, 5 U.S.C. 552. Your request was received on August 7, 2013. We regret the delay in response.

You requested:

1. "All communications between BPA and the U.S. Department of Energy ("DOE") since May 11, 2010 (when President Obama issued his memorandum "Improving the Federal Recruitment and Hiring Process") that describes BPA's compliance with the President's memorandum. This request includes progress reports on how BPA is (or is not) implementing the category rating system described in the memorandum.
2. All communications since January 1, 2012 between BPA and DOE regarding:
 - a. the revocation, withdrawal or suspension of BPA's hiring and position classification authority
 - b. the revocation, withdrawal or suspension of BPA's authority to perform competitive staff recruitments
 - c. the revocation, withdrawal or suspension of BPA's merit promotion authority
3. All communications since January 1, 2012, between BPA and the U.S. Office of Personnel Management regarding:
 - a. the revocation, withdrawal or suspension of BPA's hiring and position classification authority
 - b. the revocation, withdrawal or suspension of BPA's authority to perform competitive staff recruitments
 - c. the revocation, withdrawal or suspension of BPA's merit promotion authority
4. All communications since January 1, 2012, between BPA and DOE regarding the suspension of authority to take adverse actions against BPA employees (i.e., removal), [including] . . . a copy of the suspension notice(s) and the reasons for the suspension."

Response:

Regarding Item 1, BPA has released to you two "Category Rating" review documents under HQ-2014-01448-F. BPA has no responsive documents relating to communications with DOE on the May 11, 2010, Presidential memo *Improving the Federal Recruitment and Hiring Process*.

Regarding Items 2 through 4, BPA has located 44 pages of responsive records. We are releasing 16 pages in full, releasing 16 pages in part with redactions for non-responsiveness, Exemption 5, and/or Exemption 6, and withholding 12 pages in full. Redactions or withholdings of communications between BPA and OPM, including the 12 pages withheld in full, were made at the request of OPM.

We are withholding certain information pursuant to Exemption 5 of the FOIA (5 U.S.C. § 552(b)(5)). Exemption 5 protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." In plain language, the exemption protects privileged documents. The deliberative process privilege protects the decision-making processes of government agencies. Records protected under this privilege must be (1) pre-decisional – created before the adoption of an agency policy or course of action, and (2) deliberative – making recommendations or expressing opinions on a legal or policy matter. In this case, we assert Exemption 5 to protect discussions relating to proposed personnel actions and deliberative communications between OPM and BPA, or between the DOE and BPA. Exemption 5 redactions of communications between OPM and BPA were made at the request of OPM.

Exemption 5 also protects records that qualify as privileged under attorney-client privilege. This privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. The privilege encompasses facts provided by the client and opinions provided by the attorney. In this case, we assert Exemption 5 to protect a limited amount of communications between BPA staff and DOE attorneys on legal matters related to hiring and personnel issues.

Records protected by Exemption 5's pre-decisional and deliberative privilege may be discretionarily released. We considered discretionary release in accordance with the guidelines set forth in Attorney General Holder's March 19, 2009, FOIA Memorandum. Agencies may decline to discretionarily release material when they reasonably foresee that disclosure would harm an interest protected by the statutory exemption. The deliberative process privilege protects the decision-making processes of government agencies, and Exemption 5 encourages open, frank discussions on matters of policy and protects against public confusion and the premature disclosure of proposed policies. Disclosure of the redacted internal discussions would have a chilling effect on future BPA discussions and decisions, and we have determined that in this instance, a discretionary release of this material is not proper.

We are also withholding certain information pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)). Exemption 6 protects information in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." Exemption 6 requires balancing the public interest in the information against the individual privacy interest at issue. Here, we assert this exemption to redact the names of BPA staff identified as requiring certification training, and the names of BPA employees with proposed adverse personnel actions. We find no public interest in this information and therefore redact it under Exemption 6. Material that falls under Exemption 6 may not be discretionarily released; the right of waiver belongs to the individual, not to BPA.

Finally, we note that one attachment was not included in this release. In an email dated August 15, 2013, found on page 28 of the released documents, two attachments are listed: "BPA Audit Cover Memo" and "BPA HCMAP Audit Report." The Cover Memo is included in the released documents as pages 29-31. The HCMAP Audit Report has been omitted here because it was released to you as part of an earlier FOIA request.

Pursuant to Department of Energy FOIA regulations at 10 C.F.R. § 1004.8, you may administratively appeal this response in writing within 30 calendar days. If you choose to appeal, please include the following:

- (1) The nature of your appeal - denial of records, partial denial of records, lack of responsive records, or denial of fee waiver;
- (2) Any legal authorities relied upon to support the appeal; and
- (3) A copy of the determination letter.

Clearly mark both your letter and envelope with the words "FOIA Appeal," and direct it to the following address:

Director, Office of Hearings and Appeals:
Department of Energy
1000 Independence Avenue SW
Washington DC 20585-1615

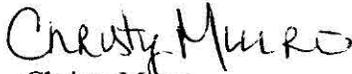
If you would like to appeal withholdings made at the request of OPM, you may direct your appeal to the following address:

U.S. Office of Personnel Management
Office of the General Counsel
1900 E. Street NW
Washington DC 20415-1300

There are no fees associated with this request.

Please contact Kim Winn, FOIA Specialist, at 503-230-5273 with any questions about this letter.

Sincerely,



Christy Munro
Freedom of Information/Privacy Act Officer

Enclosure: Responsive documents



Department of Energy

Washington, DC 20585

APR 2 2013

MEMORANDUM FOR WILLIAM K. DRUMMOND, ADMINISTRATOR
BONNEVILLE POWER ADMINISTRATION

FROM: 
KENNETH T. VENUTO, DIRECTOR
OFFICE OF HUMAN CAPITAL MANAGEMENT

SUBJECT: CORRECTIVE ACTIONS RELATED TO HIRING PRACTICES AT
BONNEVILLE POWER ADMINISTRATION

Pursuant to the request from the Department of Energy's Office of Inspector General (OIG), the Office Human Capital Management reviewed 20 delegated examining cases from Bonneville Power Administration (BPA). The cases were reviewed in response to alleged improper hiring practices taking place at BPA. The review revealed a consistent misuse of the category rating process, especially pertaining to the application and adjudication of veterans' preference, which resulted in a significant and disturbing number of illegal hires and violations of merit system principles for both veteran and non-veteran candidates.

Of the 20 cases reviewed, 17 were inconsistent with U.S. Office of Personnel Management's Delegated Examining Operations Handbook, Code of Federal Regulations, merit system principles, and veterans' preference laws.

The common trend found in a majority of the cases reviewed was the process of changing the cut-off score for the Best Qualified list after the announcement was published. This practice is not acceptable or appropriate in any circumstance and has resulted in:

1. A substantial number of illegal appointments of non-veterans' preference hires.
2. A significant number of missed considerations for veterans' preference applicants and non-veterans' preference candidates. This is a direct violation of Merit Systems Principles, codified under Title 5 U.S.C. 2301 (b) (1) and (b) (2)

The extent of the discrepancies may reflect either a lack of technical human capital management (HCM) knowledge or a disregard for the applicable laws, regulations, and DOE policies. As a result, extraordinary measures must be taken to ensure that these errors are quickly rectified and that they do not re-occur in the future.

A corrective action plan must be developed and fully implemented for the cases we reviewed (see attached chart) within 90 days of receipt of this memorandum. Effective immediately, all outstanding and future BPA hiring actions stemming from delegated examining activities must be submitted to DOE HC (HC-11) for review and approval. No offer can be made until the relevant delegated examining case file has been reviewed and approved by HC-11. In addition,



BPA must immediately cancel any hiring action that has not yet taken place where a category rating cut-off score was changed after the announcement was published.

A longer term get well plan must be developed by BPA in partnership with HC-11. The plan must include the review of all delegated examining activities for at least the past 12 months and the development of proposed corrective actions for those cases found to be in violation. It also must address how BPA will close skill gaps in Federal HR basics, including delegated examining, and how the on-going work can be accomplished. This plan must be approved by my office and must be in place within 45 days. In addition, BPA must undertake the following actions:

- Effective immediately, make BPA HR IT systems including Avue accessible to HC staff.
- Provide HC-11 with data on all new BPA hires that were separated during their probationary period in FY-11, FY-12, and FY-13 to date. This must include the name of the individual and whether they were a veterans' preference or non-veterans' preference hire.
- Provide HC-11 with data on all new BPA hires in FY-10, FY-11, FY-12, and FY-13 to date. This must include identifying them as either a veterans' preference or a non-veterans' preference hire.
- Arrange for HR staff to undergo specialized delegated examining training from OPM and/or be detailed to work with experienced HCM specialists in the Department within 90 days of the date of this memorandum.
- Complete all required actions detailed on the attached chart. These actions must be submitted to HC-11 for review and approval prior to execution.
- Allocate sufficient resources (staff and funding) to ensure these actions are accomplished in a timely fashion.

I am obligated to take these actions on behalf of the Department. Failure to execute the aforementioned requirements may result in suspension of BPA's HR authority. My staff is available to provide guidance and assistance as you execute all corrective actions and improve staff technical competencies.

Should you have any questions or need clarification, please contact me directly or have your staff contact Loretta Robinson, Director, Human Capital Policy Division (HC-11), at (202) 586-9239 or loretta.robinson@hq.doe.gov.

Attachment

Bonneville Power Administration Violations Chart

BPA JOA # and Open and Closed JOA Dates	ORG BQ Cut-Off and RSA Altered Cut-Off Scores	Other Comments/Infractions	External Policies and Procedures BPA violated as a Result of RSA Altered Scores	BPA's Internal Policy Guidance Issue dates – This is used to measure if BPA was aware of potential MSP violations	Required Action(s)
(b) (6) 12/01/2010 12/15/2010	Original BQ score 90 RSA BQ 96 for GS-9, 100 for GS-11 and GS-12	TP veterans were bypassed and veterans' preference rights were violated. Need to verify if any of the NV candidates actually entered on duty. If so, this is an Illegal Appointment.	OPM (updated policy in DE handbook from 2000) Category Rating Policy dated May 2007	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Reconstruct entire case. Using the original BQ score of 90. Re-issue certificate and regularize the illegal hire of the non-veteran applicant, if applicable. Consult with HC-11 on required steps to regularize appointment. Offer priority consideration to remaining candidates.
(b) (6) O – 2/9/2011 C – 2/23/2011	Original BQ score 90 RSA BQ score changed to 100.	TP veteran was bypassed who scored 96. Other non-veterans were MSP were violated. Illegal Appointment – NV veteran HIRED.	OPM and DOE's category rating policy dated in November 2010 was not followed.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use	Reconstruct entire case. Using the original BQ score of 90. Re-issue certificate and regularize the illegal hire of the non-veteran applicant. Consult with HC-11 on required steps to regularize appointment.

Bonneville Power Administration Violations Chart

BPA JOA # and Open and Closed JOA Dates	ORG BQ Cut-Off and RSA Altered Cut-Off Scores	Other Comments/Infractions	<u>External</u> Policies and Procedures BPA violated as a Result of RSA Altered Scores	BPA's <u>Internal</u> Policy Guidance Issue dates – <i>This is used to measure if BPA was aware of potential MSP violations</i>	Required Action(s)
				Category Rating.	Offer priority consideration to remaining candidates.
(b) (6) O - 3/7/2011 C - 3/18/2011	Original BQ score 90 RSA BQ score 95 for GS-9 94 for GS-11 and 98 for GS-12	TP veterans were by passed on the GS-9, 11 and 12 categories. Although a TP vet was hired at the GS-9 level, there were other vets who missed consideration.	OPM and DOE's category rating policy dated in November 2010 was not followed. However, since a vet was selected, worst case scenario will be priority consideration at best.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Reconstruct entire case using the original BQ score of 90. Provide priority consideration to all veteran applicants who fall into the revised BQ categories.
(b) (6) O - 3/22/2011 C - 4/4/2011	Original BQ score 90 RSA BQ score 90	CP/CPS veteran(s) was omitted from cert due erroneous certification. Illegal Appointment – NV veteran HIRED.	OPM (updated policy in DE handbook from 2000) Category Rating Policy dated May 2007	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear	Although the RSA did not adjust the scores, there were CP and CPS veterans who did not make the cert due to adjudication errors and erroneous certification.

Bonneville Power Administration Violations Chart

BPA JOA # and Open and Closed JOA Dates	ORG BQ Cut-Off and RSA Altered Cut-Off Scores	Other Comments/Infractions	<u>External</u> Policies and Procedures BPA violated as a Result of RSA Altered Scores	BPA's <u>Internal</u> Policy Guidance Issue dates – <i>This is used to measure if BPA was aware of potential MSP violations</i>	Required Action(s)
				instructions on how to use Category Rating.	BPA must reconstruct case; place CP and CPS on revised certificate; regularize illegal hire; and provide priority consideration where applicable.
(b) (6) O - 5/18/2011 C – 5/26/2011	Original BQ score 90 RSA BQ score 96	TP, CP and CPS Veteran preference violation(s) and MSP for non-veteran applicants. Illegal Appointment – NV veteran HIRED.	OPM policy and DOE's category rating policy dated November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Reconstruct entire case. Using the original BQ score of 90. Re-issue certificate and regularize the illegal hire of the non-veteran, applicant. Consult with HC-11 on required steps to regularize appointment. Offer priority consideration to remaining candidates.
(b) (6) O - 6/1/2011	Original BQ score 90 RSA BQ score 99	TP Veterans preference violation(s) and MSP violations for non-vets. Multiple veterans	OPM and DOE's category rating policy dated in November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance	Reconstruct entire case. Using the original BQ score of 90. Re-issue certificate and regularize the illegal

Bonneville Power Administration Violations Chart

BPA JOA # and Open and Closed JOA Dates	ORG BQ Cut-Off and RSA Altered Cut-Off Scores	Other Comments/Infractions	External Policies and Procedures BPA violated as a Result of RSA Altered Scores	BPA's Internal Policy Guidance Issue dates – This is used to measure if BPA was aware of potential MSP violations	Required Action(s)
C – 6/21/2011		scored as high as 97 but did not make certificate. There was a CPS veteran who was erroneously adjudicated and eliminated from consideration.		issued May 2012. Both policies provided clear instructions on how to use Category Rating.	hire of the non-veteran applicant, if applicable. Consult with HC-11 on required steps to regularize appointment. Offer priority consideration to remaining candidates.
(b) (6) O – 8/10/2011 C – 8/30/2011	Original BQ score 90 RSA BQ score 96	MSP violations of non-veterans.	OPM and DOE's category rating policy dated in November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Reconstruct entire case using original BQ score. Offer priority consideration to all of the non-veterans who are on the revised certificate.
(b) (6) O – 9/15/2011	RSA score changed to 97 – original BQ score was not noted in case file	TP Veterans preference errors.	OPM, BPA and DOE's category rating policy dated in November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance	Reconstruct entire case. Using the original BQ score of 90. Re-issue certificate and regularize the illegal

Bonneville Power Administration Violations Chart

BPA JOA # and Open and Closed JOA Dates	ORG BQ Cut-Off and RSA Altered Cut-Off Scores	Other Comments/Infractions	External Policies and Procedures BPA violated as a Result of RSA Altered Scores	BPA's <u>Internal</u> Policy Guidance Issue dates – <i>This is used to measure if BPA was aware of potential MSP violations</i>	Required Action(s)
C – 9/29/2011	Case was mentioned in OIG complaint. Reviewed case and correspondence.			issued May 2012. Both policies provided clear instructions on how to use Category Rating.	hire of the non-veteran applicant, if applicable. Consult with HC-11 on required steps to regularize appointment. Offer priority consideration to remaining candidates.
(b) (6) O – 7/1/2011 C – 7/15/2011	RSA score changed abnormally low to 87	The intention was for BPA to merge categories. Did not do it correctly and TP vet(s) left off of cert as a result – when BPA merged the categories, all vets in second category should have been at top of list. Illegal Appointment – NV veteran HIRED.	OPM and DOE's category rating policy dated in November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Reconstruct entire case. Upon merging certificate, all veterans should be at top of list. Since BPA did not get a Passover or objection approval, they must regularize the hire of the non-veteran, and provide priority consideration, where applicable. Consult with HC-11 for additional information.

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BPA JOA # and Open and Closed JOA Dates	ORG BQ Cut-Off and RSA Altered Cut-Off Scores	Other Comments/Infractions	<u>External</u> Policies and Procedures BPA violated as a Result of RSA Altered Scores	BPA's <u>Internal</u> Policy Guidance Issue dates – <i>This is used to measure if BPA was aware of potential MSP violations</i>	Required Action(s)
(b) (6) O – 6/29/2011 C – 7/12/2011	Original BQ cut off score 90 RSA changed cut off score to 100 for GS-12, 96 for GS-11 and 97 for GS-9.	CP and TP veterans and non-veterans were impacted by these adjustments. MSP violations on vets and non-vets. Illegal Appointment – NV veteran HIRED.	OPM and DOE's category rating policy dated in November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Reconstruct entire case. Using the original BQ score of 90. Re-issue certificate and regularize the illegal hire of the non-veteran applicant. Consult with HC-11 on required steps to regularize appointment. Offer priority consideration to remaining candidates.
(b) (6) O – 8/09/2011 C – 8/23/2011	Original BQ cut off score 90 GS-11 score adjusted by RSA to 98; GS-9 adjusted to 96	While some veterans were impacted, a CPS veteran was hired from certificate.	OPM and DOE's category rating policy dated in November 2010 was not followed. However, since a vet was selected, worst case scenario will be priority consideration at best.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Reconstruct entire case using the original BQ score of 90. Provide priority consideration to all veteran applicants who fall into the revised BQ category.
(b) (6)	Original BQ cut off score 90 RSA changed the cut	Veteran and non-veteran MSP violations.	OPM and DOE's category rating policy dated in	First Internal Guidance	Reconstruct entire case. Using the original BQ score

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O – 8/12/2011 C – 8/29/2011	off score for GS-9 to 98.	Illegal Appointment – NV veteran HIRED.	November 2010 was not followed. However, since a vet was selected, worst case scenario will be priority consideration at best.	issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	of 90. Re-issue certificate and regularize the illegal hire of the non-veteran applicant. Consult with HC-11 on required steps to regularize appointment. Offer priority consideration to remaining candidates.
(b) (6) O – 9/15/2011 C – 9/28/2011	Scores remained as originally determined.	However, a CPS, CP and TP veteran missed consideration due to erroneous adjudication of veterans preference. Illegal Appointment – NV veteran HIRED.	OPM and DOE's category rating policy dated in November 2010 was not followed. However, since a vet was selected, worst case scenario will be priority consideration at best.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Although the RSA did not adjust the scores, there were CP and CPS veterans who did not make the cert due to adjudication errors and erroneous certification. BPA must reconstruct case; place CP and CPS on revised certificate; regularize illegal hire; and provide priority consideration where

Bonneville Power Administration Violations Chart

BPA JOA # and Open and Closed JOA Dates	ORG BQ Cut-Off and RSA Altered Cut-Off Scores	Other Comments/Infractions	<u>External</u> Policies and Procedures BPA violated as a Result of RSA Altered Scores	BPA's <u>Internal</u> Policy Guidance Issue dates – <i>This is used to measure if BPA was aware of potential MSP violations</i>	Required Action(s)
					applicable.
(b) (6) O – 11/9/2011 C – 11/23/2011	Original BQ cut off score 90 RSA score changed for GS-7 100	TP Veteran and non veteran MSP violations were discovered. TP veterans had score of 98. Illegal Appointment – NV veteran HIRED.	OPM and DOE's category rating policy dated in November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Reconstruct entire case using the original BQ score of 90. Provide priority consideration to all veteran applicants and non-veteran applicants who fall into the revised BQ category. Regularize illegal appointment if applicable. Consult with HC-11 for guidance.
(b) (6) O – 12/28/2011 C – 01/19/2012	Original BQ cut off score remained the same.	However, a TP veteran appeared on cert as a non-veteran as a result a non-vet was selected. Illegal Appointment – NV veteran HIRED.	OPM and DOE's category rating policy dated in November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use	Reconstruct entire case. Using the original BQ score of 90. Re-issue certificate and regularize the illegal hire of the non-veteran applicant. Consult with HC-11 on required steps to regularize appointment.

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				Category Rating.	Offer priority consideration to remaining candidates.
(b) (6) O - 3/21/2012 C - 04/04/2012	Original BQ cut off score was 91 RSA score changed to 97	TP veterans violations occurred as a result of the adjusted scores. Illegal Appointment – NV veteran HIRED.	OPM and DOE's category rating policy dated in November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use Category Rating.	Reconstruct entire case. Using the original BQ score of 90. Re-issue certificate and regularize the illegal hire of the non-veteran applicant. Consult with HC-11 on required steps to regularize appointment. Offer priority consideration to remaining candidates.
(b) (6) O - 3/14/2012 C - 04/03/2012	Original BQ cut off score was 91 RSA changed score to 96	TP, CP and CPS veterans preference rights were violated. Illegal Appointment – NV veteran HIRED.	OPM and DOE's category rating policy dated in November 2010.	First Internal Guidance issued November 2010. Updated Internal Guidance issued May 2012. Both policies provided clear instructions on how to use	Reconstruct entire case. Using the original BQ score of 90. Re-issue certificate and regularize the illegal hire of the non-veteran applicant. Consult with HC-11 on required steps to regularize appointment.

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				Category Rating.	Offer priority consideration to remaining candidates.

****Key Terms:**

DE – Delegated Examining

BQ – Best Qualified

TP veteran – veteran applicant who receives preference and 5 points added to examining score

CP veteran – veteran applicant who has a service connected disability less than 30% and receives 10 points added to examining score

CPS veteran – veteran applicant who has a service connected disability of 30% or higher and receives 10 points added to examining score

OPM – Office of Personnel Management

RSA – Recruitment Strategy Advisor at BPA

O – Vacancy announcement opening date

C – Vacancy announcement closing date

JOA – Job Opportunity Announcement

Training schedule for recertification of BPA's DE unit staff

Below is the training schedule to meet OPM's requirement for recertification of BPA's delegated examining unit staff. Staff in Internal Operations and Integrated Strategy and Policy will be taking this same training. In addition to the required courses, HR staff will practice the material by conducting strength building exercises held between courses. This will reinforce the training material helping to ensure effective implementation of DEU responsibilities. Additional courses, listed below, are planned for FY 14 Q1, once recertification has been completed. Contracts with OPM are being put in place at this time to deliver the training on site.

Month FY & Qtr	Date	Course Sessions	Duration (Days)	Days of Week
Jun FY13 Q3	Jun 4-5	Basic Staffing – Session 1 (OPM)	2	Tues-Wed
	Jun 11-12	Basic Staffing – Session 2 (OPM)	2	Tues-Wed
	Jun 17-21	<i>Strength building exercises for Basic Staffing*</i>		
	Jun 24-28	Processing Federal Personnel Actions	5	Mon-Fri
Jul FY13 Q4	Jul 1-5	<i>Strength building exercises for PAR*</i>		
	Jul 9-10	Best Practices in Assessment Questionnaire Development (Job Analysis)– Session 1 ** (OPM)	2	Tues-Wed
	Jul 11-12	Qualifications Analysis** – Session 1 (OPM)	2	Thur-Fri
	Jul 16-17	Best Practices in Assessment Questionnaire Development (Job Analysis)– Session 2 (OPM)		Tues-Wed
	Jul 18-19	Qualifications Analysis – Session 2 (OPM)	2	Thur-Fri
	Jul 22-26	<i>Strength building exercises for J&Q Analysis*</i>		
Jul FY13 Q4	Jul 23-25	Delegated Examining Certification – Session 1 Senior Staff (Location is San Francisco) (OPM)	3	Tues-Thurs
Aug FY13 Q4	Jul 29- Aug 23	HCMAP Audit workload		
	Aug 27-29	Delegated Examining Certification – Session 2 (OPM)	3	Tues-Thurs
Sep FY13 Q4	Sep 3-5	Delegated Examining Certification – Session 3 (OPM)	3	Tues-Thurs
	Sep 9-13	<i>Strength building exercises for DE Cert*</i>		
Oct FY14 Q1	Oct 8	Merit System Principles and Prohibited Personnel Practices – Session 1 (OPM)	1	Tues
	Oct 9	Veteran's Preference Adjudication Session 1 (OPM)	0.5	Wed
	Oct 22	Merit System Principles and Prohibited Personnel Practices – Session 2 (OPM)	1	Tues
	Oct 23	Veteran's Preference Adjudication Session 2 (OPM)	0.5	Wed
	Oct 29-30	Federal Position Management	2	Tues-Wed
Nov FY14 Q1	Nov 04-08	Process Federal Personnel Actions – Session 2	5	Mon-Fri
Nov FY14 Q1	Nov 18-22	Principles of Classification	5	Mon-Fri

*Between courses, HCM management and staff will participate in exercises that will reinforce the course material.

** Best Practices in Assessment Questionnaire Development (Job Analysis) and Qualifications Analysis courses include KSA Development.

To: Decker, Anita J (BPA) - K-7[ajdecker@bpa.gov]; Drummond, William K (BPA) - A-7[wkdrummond@bpa.gov]
From: Fox, Roy B (BPA) - NH-1
Sent: Fri 5/24/2013 7:55:45 PM
Subject: FW: Suspension of BPA's Delegated Examining Authority
[Signed-dtd BPA Loss of Authority Memo.pdf](#)

This is DOE only acting. OPM has been clear that this is NOT a necessary action. There has been no communication with us beyond this memo.

-----Original Message-----

From: Venuto, Kenneth [mailto:Kenneth.Venuto@hq.doe.gov]
Sent: Friday, May 24, 2013 12:40 PM
To: Drummond, William K (BPA) - A-7
Cc: Gibbs, Robert; Decker, Anita J (BPA) - K-7; Amaral, David; Robinson, Loretta; Fox, Roy B (BPA) - NH-1
Subject: Suspension of BPA's Delegated Examining Authority

Bill,

Attached is a memorandum signed by me that suspends BPA's Delegated Examining Authority based on the results of the audit reviews conducted to date specifically related to this type of HR hiring activity at BPA. If your staff has any questions, they may contact either me at (202) 586-7138 or Loretta Robinson at (202) 586-9239.

Ken



Department of Energy
Washington, DC 20585

MAY 24 2013

MEMORANDUM FOR WILLIAM K. DRUMMOND, ADMINISTRATOR
BONNEVILLE POWER ADMINISTRATION

FROM: 
KENNETH T. VENUTO, DIRECTOR
OFFICE OF HUMAN CAPITAL MANAGEMENT

SUBJECT: TEMPORARY SUSPENSION OF DELEGATED EXAMINING ACTIVITIES FOR
BONNEVILLE POWER ADMINISTRATION

Pursuant to notification of possible Merit System Principles and Prohibited Personnel Practice violations reported to the Department of Energy's Office (DOE) of Inspector General (OIG), the DOE Office of the Chief Human Capital Officer (HC) conducted a review of various Bonneville Power Administration (BPA) hiring activities over the last year. In addition, the Office of Personnel Management (OPM) conducted a separate audit with the assistance of an HC accountability audit team. All the reviews revealed consistent improper hiring practices occurred, specifically in the application and adjudication of veterans' preference and misapplications of qualifications procedures. These practices have resulted in numerous inappropriate hires, violations of merit system principles, and violations of veterans' preference. As a result of the findings, it is necessary to suspend BPA's delegated examining authority, per Re-delegation Agreement Order No. 00-010.01-01.13A.

HC will conduct an additional review in June 2013, to complete the evaluation of personnel practices at BPA.

Title 5 U.S.C. § 2302(c) states "*The head of each agency shall be responsible for the prevention of prohibited personnel practices, for the compliance with and enforcement of applicable civil service laws, rules, and regulations, and other aspects of personnel management, and for ensuring... that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title.*"

As required by 5 C.F.R. § 250.203 (2) the Department is required to maintain the agency's Human Capital Accountability Program which includes the responsibility to:

- (iv) "*Measure and assess human capital management systems for mission alignment, effectiveness, efficiency, and compliance with merit system principles, laws, and regulations;*"
- and
- (vi) "*Ensure that action is taken to improve human capital management programs and processes and to correct deficiencies...*"



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The Department of Energy has been granted delegated examining authority from OPM and within that delegation is the requirement to ensure all offices within the Department carry out delegated examining functions within the parameters of Federal law and regulations. The OPM delegation to DOE states that should OPM revoke or suspend certification of delegated examining authority, the Department of Energy will not be permitted to fill positions using competitive examining procedures.

HC has a regulatory obligation to ensure all practices and policies throughout the Department comply with federal law. While the DOE Human Capital Management Accountability Program (HCMAP) audit of BPA is not complete, there is sufficient concern over the delegated examining process, that it is necessary to suspend BPA's delegated examining functions until the violations and inappropriate actions have been identified, corrective actions have been implemented, and the BPA Human Resources (HR) staff has been sufficiently trained and demonstrates the competence to resume the HR work.

Therefore, BPA must immediately cease execution of all delegated examining activities. Subject to my approval, BPA may enter into an agreement with another HR office with delegated examining authority or procure contractor services to conduct these activities. Additionally, BPA must undertake the following actions immediately:

- BPA must immediately cancel any hiring action that have not yet taken place where a category rating cutoff score was changed after the announcement was published.
- BPA staff must undergo specialized delegated examining training and/or be detailed to work with experienced Human Capital Management (HCM) specialists in the Department within 90 days of the date of this memorandum.
- BPA must arrange for either an independent contractor or other qualified federal human resources office, subject to my concurrence, to conduct an in-depth 100% review of all delegated examining cases from the last 12 months, and reconstruct each case by re-adjusting the Best Qualified score to the "pre-determined" category score of 90.0. Additionally, this review should identify all inappropriate appointments and prepare proposed strategies for regularizing; and provide priority consideration where otherwise applicable.
- The independent contractor and/or qualified human resources office shall provide regular status reports directly to the Human Capital Policy Division (HC-11) during the corrective action phase. All corrective actions or identified discrepancies in the report must be reviewed and approved by the Director, Human Capital Policy Division (HC-11) prior to execution of any transaction.
- BPA must develop and execute an effective process improvement plan to include the transfer of the current delegated examining workload to the selected contractor or HR

office and identify appropriate training and developmental opportunities for the staff. Monthly status reports on BPA's progress with regard to these mandates must be provided to HC-11 commencing one month from the date of this memorandum.

All required actions identified and any additional discrepancies identified during the contractor review must be completed not later than August 1, 2013.

Once the training of the staff and the corrective action plans have been completed, I will make a determination on the return of delegated examining authorities to BPA if (1) BPA demonstrates it has successfully corrected all identified discrepancies and (2) BPA HR staff demonstrates it has the knowledge, skills, and abilities to properly execute HCM responsibilities in accordance with applicable laws, rules, regulations and policies.

I am obligated to take these actions on behalf of the Department in order to protect the HR authorities delegated to the Secretary from the Office of Personnel Management. My staff is available to provide guidance and assistance as you execute all corrective actions and improve staff technical competencies.

Should you have any questions or need clarification, please contact me directly or have your staff contact Loretta Robinson, Director, Human Capital Policy Division (HC-11) at (202)586-9239 or loretta.robinson@hq.doe.gov.



Department of Energy

Washington, DC 20585

JUN 27 2013

MEMORANDUM FOR WILLIAM K. DRUMMOND, ADMINISTRATOR
BONNEVILLE POWER ADMINISTRATION

FROM: 
KENNETH T. AVENUTO, DIRECTOR
OFFICE OF HUMAN MANAGEMENT

SUBJECT: TEMPORARY SUSPENSION OF DELEGATED CLASSIFICATION
AND MERIT PROMOTION STAFFING ACTIVITIES

Pursuant to the temporary suspension of delegated examining activities effective May 24, 2013, the Office of the Chief Human Capital Officer (HC) conducted a Human Capital Management Accountability Program (HCMAP) audit from June 17th through June 21st 2013. Based on the preliminary findings of merit promotion case files and position classifications, an immediate temporary suspension of Bonneville Power Administration's (BPA's) merit promotion hiring and classification authorities is warranted, per Re-delegation Agreement Order No. 00-010.01-01.13A.

The vast majority of the merit promotion case files examined contained major errors, including but not limited to the following:

- Inappropriate use of essay questions which is in violation of Hiring Reform policies and the Department's delegated examining agreement with the Office of Personnel Management (OPM);
- Inappropriate use of selective placement factors that resulted in the screen out of otherwise qualified applicants;
- Discrepancies in applicant evaluations when determining specialized experience and inappropriate use of Subject Matter Experts (SME);
- Inappropriate management access to certificates.

The findings also indicated there is a wide spread misunderstanding in the application of classification standards, including the inappropriate use of "agency-wide" impact. In addition, multiple factor-level statements did not specify work examples to substantiate classification standards. There was no evidence that required evaluation statements were used.

HC has a regulatory obligation to ensure all practices and policies throughout the Department comply with federal law. While the DOE HCMAP findings are preliminary, there is sufficient

evidence that warrants the temporary suspension of BPA's merit promotion hiring and classification activities.

Therefore, BPA must immediately cease execution of all classification and merit promotion hiring activities effective on the date of issuance of this memorandum.

I am obligated to take these actions on behalf of the Department in order to protect the HR authorities delegated to the Secretary from the OPM. A more detailed audit report will be issued in the near future.

My staff is available to provide further assistance and guidance as you execute all corrective actions once the final audit report is issued. Should you have any questions or need clarification, please contact Loretta Robinson, Director, Human Capital Policy Division (HC-11) at (202) 586-9239 or loretta.robinson@hq.doe.gov.

To: Beard, Susan[Susan.Beard@hq.doe.gov]
From: Margeson, Jacilyn R (BPA) - LC-7
Sent: Wed 7/10/2013 1:21:25 AM
Subject: FW: Additional Suspension of Human Resources Authorities at BPA

(b) (5), (b) (6)



-----Original Message-----

From: Venuto, Kenneth [mailto:Kenneth.Venuto@hq.doe.gov]
Sent: Tuesday, July 09, 2013 2:21 PM
To: Drummond, William K (BPA) - A-7; Decker, Anita J (BPA) - K-7
Cc: Robinson, Loretta; Beard, Susan; Forte, Michele; Gibbs, Robert
Subject: Additional Suspension of Human Resources Authorities at BPA

(b) (6), (b) (5)



If you have any questions, you may contact me.

Kenneth T. Venuto
Director, Office of Human Capital Management Office of the Chief Human Capital Officer Department of Energy
(202) 586-7138

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To: Decker, Anita J (BPA) - K-7[ajdecker@bpa.gov]
From: Venuto, Kenneth
Sent: Thur 7/11/2013 1:03:10 AM
Subject: RE: Additional Suspension of Human Resources Authorities at BPA

Anita,

I've been completely absorbed with the HRD conference. I've gotten your phone messages but my packed schedule and the time difference haven't given me a reasonable opportunity to get back to you. I'll try to carve some time out of a similarly packed schedule tomorrow to call you. If not, I will find some time on Friday, because the conference ends COB tomorrow.

Ken

-----Original Message-----

From: Decker, Anita (BPA)
Sent: Wednesday, July 10, 2013 5:51 PM
To: Venuto, Kenneth
Subject: RE: Additional Suspension of Human Resources Authorities at BPA

Hi Ken - just checking in. Is there a good time to call you? I've left a couple of messages and am just following up.

Thanks,
Anita

Anita J. Decker
Chief Operating Officer
Bonneville Power Administration
ajdecker@bpa.gov
503-230-5105

-----Original Message-----

From: Decker, Anita J (BPA) - K-7
Sent: Tuesday, July 09, 2013 2:45 PM
To: 'Venuto, Kenneth'
Subject: RE: Additional Suspension of Human Resources Authorities at BPA

Just tried to call you.

Anita J. Decker
Chief Operating Officer
Bonneville Power Administration
ajdecker@bpa.gov
503-230-5105

-----Original Message-----

From: Venuto, Kenneth [mailto:Kenneth.Venuto@hq.doe.gov]
Sent: Tuesday, July 09, 2013 2:36 PM
To: Decker, Anita J (BPA) - K-7
Cc: Robinson, Loretta; Forte, Michele; Beard, Susan; Gibbs, Robert; Drummond, William K (BPA) - A-7
Subject: RE: Additional Suspension of Human Resources Authorities at BPA

(b) (5), (b) (6)

-----Original Message-----

From: Decker, Anita (BPA)

Sent: Tuesday, July 09, 2013 5:30 PM

To: Venuto, Kenneth

Cc: Robinson, Loretta; Beard, Susan; Forte, Michele; Gibbs, Robert; DRUMMOND,WILLIAM K

Subject: RE: Additional Suspension of Human Resources Authorities at BPA

Ken,

Is this the memo you're referring to? There is no mention of either (b) (6) or (b) (6) Is there a memo I didn't see?

Thanks,
Anita

Anita J. Decker

Chief Operating Officer

Bonneville Power Administration

ajdecker@bpa.gov

503-230-5105

-----Original Message-----

From: Venuto, Kenneth [mailto:Kenneth.Venuto@hq.doe.gov]

Sent: Tuesday, July 09, 2013 2:21 PM

To: Drummond,William K (BPA) - A-7; Decker,Anita J (BPA) - K-7

Cc: Robinson, Loretta; Beard, Susan; Forte, Michele; Gibbs, Robert

Subject: Additional Suspension of Human Resources Authorities at BPA

(b) (6), (b) (5)



If you have any questions, you may contact me.

Kenneth T. Venuto

Director, Office of Human Capital Management Office of the Chief Human Capital Officer Department of Energy

(202) 586-7138

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To: 'Venuto, Kenneth'[Kenneth.Venuto@hq.doe.gov]
Cc: Robinson, Loretta[Loretta.Robinson@hq.doe.gov]; Forte, Michele[Michele.Forte@Hq.Doe.Gov]; Beard, Susan[Susan.Beard@hq.doe.gov]; Gibbs, Robert[Robert.Gibbs@Hq.Doe.Gov]; Drummond,William K (BPA) - A-7[wkdrummond@bpa.gov]
From: Decker,Anita J (BPA) - K-7
Sent: Tue 7/9/2013 9:42:37 PM
Subject: RE: Additional Suspension of Human Resources Authorities at BPA

Ken,
Wow - we are stopping. We got the message -- I was only asking if there was another memo. Is it possible to consider that I am just asking to make sure we have everything. I do not have some other intent!!!!
Anita

Anita J. Decker
Chief Operating Officer
Bonneville Power Administration
ajdecker@bpa.gov
503-230-5105

-----Original Message-----

From: Venuto, Kenneth [mailto:Kenneth.Venuto@hq.doe.gov]
Sent: Tuesday, July 09, 2013 2:36 PM
To: Decker,Anita J (BPA) - K-7
Cc: Robinson, Loretta; Forte, Michele; Beard, Susan; Gibbs, Robert; Drummond,William K (BPA) - A-7
Subject: RE: Additional Suspension of Human Resources Authorities at BPA

(b) (5), (b) (6)

-----Original Message-----

From: Decker, Anita (BPA)
Sent: Tuesday, July 09, 2013 5:30 PM
To: Venuto, Kenneth
Cc: Robinson, Loretta; Beard, Susan; Forte, Michele; Gibbs, Robert; DRUMMOND,WILLIAM K
Subject: RE: Additional Suspension of Human Resources Authorities at BPA

Ken,
Is this the memo you're referring to? There is no mention of either (b) (6) or (b) (6) Is there a memo I didn't see?

Thanks,
Anita

Anita J. Decker
Chief Operating Officer
Bonneville Power Administration
ajdecker@bpa.gov
503-230-5105

-----Original Message-----

From: Venuto, Kenneth [mailto:Kenneth.Venuto@hq.doe.gov]
Sent: Tuesday, July 09, 2013 2:21 PM

To: Drummond, William K (BPA) - A-7; Decker, Anita J (BPA) - K-7
Cc: Robinson, Loretta; Beard, Susan; Forte, Michele; Gibbs, Robert
Subject: Additional Suspension of Human Resources Authorities at BPA

(b) (6), (b) (5)



If you have any questions, you may contact me.

Kenneth T. Venuto
Director, Office of Human Capital Management Office of the Chief Human Capital Officer Department of
Energy
(202) 586-7138

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comment card

To: 'Daniel.Poneman@hq.doe.gov'[Daniel.Poneman@hq.doe.gov]
From: Drummond,William K (BPA) - A-7
Sent: Thur 7/11/2013 3:00:25 AM
Subject: Re: For your immediate action

Dan;

Just got home and saw your calls. Call at your convenience.

Bill

----- Original Message -----

From: Poneman, Daniel [mailto:Daniel.Poneman@hq.doe.gov]
Sent: Wednesday, July 10, 2013 07:45 PM Pacific Standard Time
To: Drummond,William K (BPA) - A-7
Cc: Woods, Gregory <Gregory.Woods@Hq.Doe.Gov>; Knobloch, Kevin <Kevin.Knobloch@Hq.Doe.Gov>; Gibbs, Robert <Robert.Gibbs@Hq.Doe.Gov>; Markovitz, Alison <Alison.Markovitz@Hq.Doe.Gov>
Subject: Re: For your immediate action

Bill: Tried your cell. Please call me this evening. Thanks. DP

----- Original Message -----

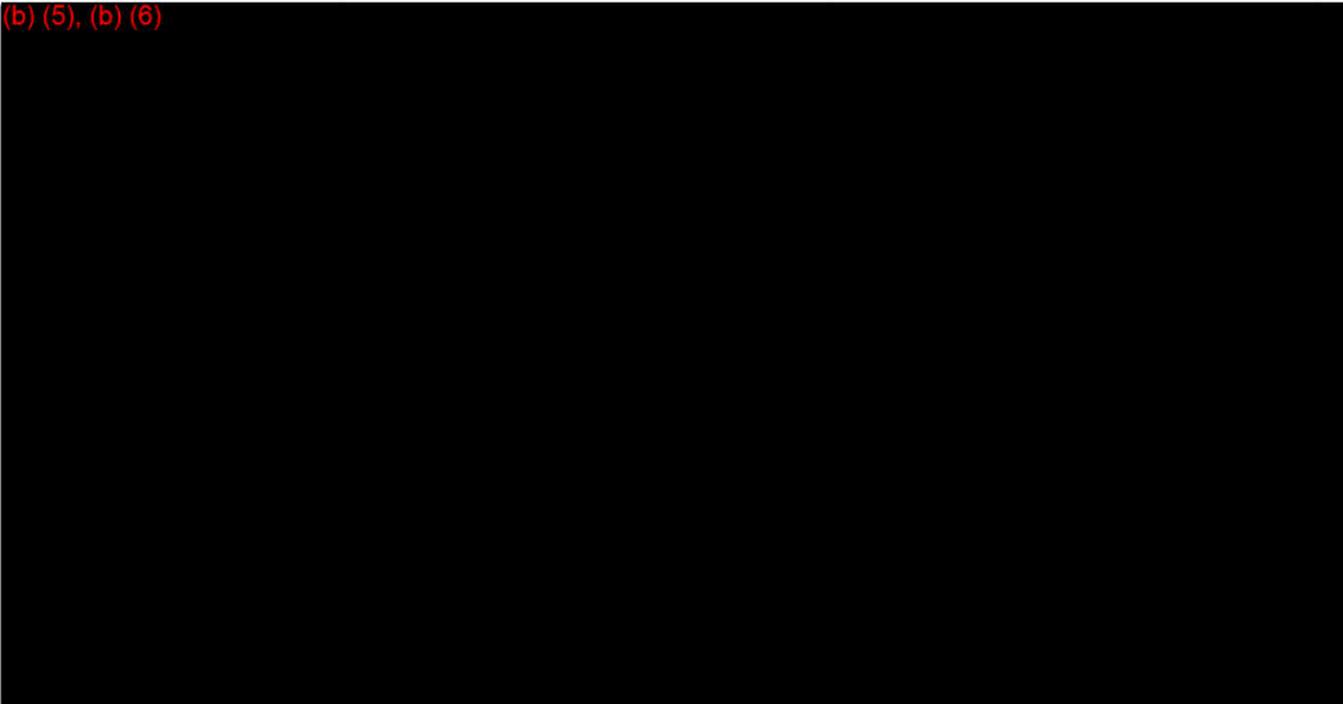
From: DRUMMOND,WILLIAM K
Sent: Wednesday, July 10, 2013 10:29 PM
To: Poneman, Daniel
Cc: Woods, Gregory; Knobloch, Kevin; Gibbs, Robert; Markovitz, Alison
Subject: RE: For your immediate action

Dan,

(b) (5)

A large black rectangular redaction box covers the majority of the text in this section, starting below the '(b) (5)' label and extending across the width of the page.

(b) (5), (b) (6)

A very large black rectangular redaction box covers the entire bottom half of the page, starting below the '(b) (5), (b) (6)' label and extending to the bottom edge.

(b) (5), (b) (6)



(b) (5)



Bill

William K. Drummond
Administrator
Bonneville Power Administration
(503) 230-5103
wkdrummond@bpa.gov

-----Original Message-----

From: Poneman, Daniel [mailto:Daniel.Poneman@hq.doe.gov]
Sent: Wednesday, July 10, 2013 3:36 PM
To: Drummond, William K (BPA) - A-7
Cc: Woods, Gregory; Knobloch, Kevin; Gibbs, Robert; Markovitz, Alison
Subject: For your immediate action
Importance: High

Bill:

(b) (5)



Daniel B. Poneman
Deputy Secretary
U.S. Department of Energy

(202) 586-5500

To: Harris, Nancy L (BPA) - DKC-7[nlharris@bpa.gov]; Helwig, Heidi Y (BPA) - DKE-7[hyhelwig@bpa.gov]; Baskerville, Sonya L (BPA) - DKN-WASH[slbaskerville@bpa.gov]
From: Cogswell, Peter (BPA) - DK-7
Sent: Thur 8/15/2013 6:47:15 PM
Subject: FW: BPA HCMAP Audit Report and Temporary Suspension Memorandum
[BPA Audit Cover Memo.pdf](#)
[BPA HCMAP Audit Report.pdf](#)

For our conversation. Do not share.

-----Original Message-----

From: Andrews, Claudia R (BPA) - K-7
Sent: Thursday, August 15, 2013 9:28 AM
To: Cogswell, Peter (BPA) - DK-7; Johnson, G Douglas (BPA) - DKPM-7
Subject: Fw: BPA HCMAP Audit Report and Temporary Suspension Memorandum

----- Original Message -----

From: Venuto, Kenneth [mailto:Kenneth.Venuto@hq.doe.gov]
Sent: Wednesday, August 14, 2013 02:07 PM Pacific Standard Time
To: Mainzer, Elliot E (BPA) - D-7
Cc: Andrews, Claudia R (BPA) - K-7; Hairston, John L (BPA) - N-4; Telles, Frances (WAPA) <telles@wapa.gov>; Gibbs, Robert <Robert.Gibbs@Hq.Doe.Gov>; Robinson, Loretta <Loretta.Robinson@hq.doe.gov>; Waldmann, George <George.Waldmann@hq.doe.gov>; Clinton, Rita <Rita.Clinton@Hq.Doe.Gov>; Smith, Chelsea <Chelsea.Smith@Hq.Doe.Gov>
Subject: BPA HCMAP Audit Report and Temporary Suspension Memorandum

Elliot,

Attached is the final report on BPA's Human Capital Management Accountability Program (HCMAP) audit conducted by HQ HCM audit staff and a memorandum that suspends all of BPA's remaining HR delegated authorities as result of the overall audit findings. We do look forward to working with BPA on the long road to recovery in performing fully compliant HR activities as soon as possible.

Ken

Kenneth T. Venuto
Director, Office of Human Capital Management
Office of the Chief Human Capital Officer
Department of Energy
(202) 586-7138

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Department of Energy

Washington, DC 20585

AUG 13 2013

MEMORANDUM FOR ELLIOT E. MAINZER, ACTING ADMINISTRATOR
BONNEVILLE POWER ADMINISTRATION

FROM:


KENNETH T. VENUTO, DIRECTOR
OFFICE OF HUMAN CAPITAL MANAGEMENT

SUBJECT: TEMPORARY SUSPENSION OF ALL DELEGATED HUMAN RESOURCES
AUTHORITIES FOR BONNEVILLE POWER ADMINISTRATION

Pursuant to 5 CFR 250, the Department of Energy, Office of Human Capital Management (DOE HCM) conducted a Human Capital Management Accountability Program (HCMAP) audit of the Bonneville Power Administration (BPA) the week of June 17, 2013. The detailed report, dated August 13, 2013, providing the results of that audit is attached. In summary, BPA received an overall evaluation of Not Met in three out of the four key areas of human resources (HR) activity (Strategic Alignment, Leadership and Knowledge Management, and Talent Management), and received only a Partially Met in the other key area (Results-based Performance Culture).

This audit is the culmination of a number of associated reviews conducted by the DOE HCM staff of BPA's HR activities during the past several months, including the review triggered by an Office of Inspector General (OIG) Complaint. The actions taken to date as a result of these reviews are chronicled as follows:

- On April 2, 2013, DOE HCM sent a memorandum to BPA directing that all outstanding and future BPA hiring actions stemming from delegated examining activities be submitted to DOE HCM for review and approval before proceeding due to the significant number of veterans' preference violations the DOE HCM audit staff identified in support of an OIG investigation.
- On May 24, 2013, DOE HCM sent a memorandum to BPA temporarily suspending BPA's delegated examining authority based on an additional review of BPA hiring cases by DOE HCM's audit staff supporting an independent audit by OPM of BPA HR activities, conducted the week of April 22, 2013. The DOE HCM staff found improper hiring practices specifically associated with the application and adjudication of veterans' preference and the improper application of qualifications procedures.
- On June 21, 2013, DOE HCM sent a memorandum to BPA temporarily suspending BPA's classification and merit promotion hiring authorities based on the preliminary findings identified on BPA's tri-annual HCMAP audit (subject of the attached report) conducted the week of June 17, 2013. In a vast majority of BPA's merit promotion cases, DOE HCM's audit staff found



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inappropriate use of essay questions and selective placement factors, discrepancies in applicant evaluations, and inappropriate management access to certificates.

- On July 9, 2013, DOE HCM sent an e-mail to BPA temporarily suspending BPA's authority to take any further adverse actions against BPA employees as a result of potential violations of whistleblower protection.

The totality of the findings from these reviews, including those outlined in the attached HCMAP audit report, reveal a troubling number of errant personnel practices between FY 2010 and FY 2013 in which BPA did not properly follow applicable laws, regulations, or DOE policies. The extent of the issues reflects a broad lack of knowledge and understanding of the laws, regulations, and DOE policies applicable to the proper management of a Federal workforce, not only by BPA HR staff, but by BPA management as well.

The DOE HCM staff identified some possible contributing factors to this situation during the course of their audits and reviews that warrant additional consideration and attention. These are as follows:

- Over the past few years, BPA has chosen to hire individuals without any prior Federal HR knowledge or experience into key HR management positions and in HR staff specialist positions.
- BPA has chosen not to disseminate or follow written DOE orders and policy guidance, as well as any verbal direction from proper HR authorities in DOE Headquarters, associated with the implementation and execution of Federal HR activities.
- BPA has been slow in implementing an effective automated hiring process, thus having to rely on cumbersome paper-based manual processes. Moreover, BPA's current automated HR systems are either not connected to or not well integrated with the DOE automated HR systems resulting in a lack of transparency of BPA HR activities and challenges in obtaining timely and accurate data. This will also hinder the efficient completion of the enormous workload associated with reconstructing errant hiring cases and executing proper corrective actions.

As a result of the issues identified, all remaining HR authorities delegated to BPA per DOE Re-delegation Order No. 00-010.01-01.13A are hereby temporarily suspended. All BPA HR activities, ranging from the processing of personnel transactions to performance management and employee and labor relations, must be reviewed and approved by DOE HCM before BPA can proceed. George Waldmann and Loretta Robinson will act as the approving authorities for DOE HCM. This suspension will remain in place until such time as BPA's HR staff is properly trained, HR procedures consistent with Federal regulations and DOE policies are established, and BPA can clearly demonstrate the ability to properly execute compliant HR activities under Title 5.

Going forward, there are numerous corrective actions that will need to be taken, many of which are outlined in the attached audit report. The level of effort needed to complete all required corrective actions is monumental and the road to full recovery will be extremely challenging. The entire DOE HCM staff is committed to helping BPA achieve fully complaint HR activities.

Should you have any questions or need clarification, please contact me directly at (202) 586-7138 or have your staff contact Loretta Robinson, Acting Director, Office of Strategic Planning and Policy at (202) 586-9239.

From: Margeson, Jacilyn R (BPA) - LC-7

To: LCP

Subject: FW: Clarification on BPA Temporary Suspension of Adverse Actions

Date: Wednesday, July 17, 2013 11:02:21 AM

-----Original Message-----

From: Andrews, Claudia R (BPA) - F-2

Sent: Wednesday, July 17, 2013 10:12 AM

To: Margeson, Jacilyn R (BPA) - LC-7; Roach, Randy A (BPA) - L-7

Subject: Fw: Clarification on BPA Temporary Suspension of Adverse Actions

----- Original Message -----

From: Venuto, Kenneth [<mailto:Kenneth.Venuto@hq.doe.gov>]

Sent: Wednesday, July 17, 2013 09:31 AM Pacific Standard Time

To: Mainzer, Elliot E (BPA) - D-7; Andrews, Claudia R (BPA) - F-2

Cc: Robinson, Loretta <Loretta.Robinson@hq.doe.gov>; Carter, Jennifer C

<Jennifer.Carter@Hq.Doe.Gov>; Hairston, John L (BPA) - N-4

Subject: Clarification on BPA Temporary Suspension of Adverse Actions

It has come to my attention that there may be some questions at BPA about the scope of the temporary suspension of authority to take adverse actions against any BPA employees contained in my July 9, 2013 e-mail to William Drummond and Anita Decker. The suspension of this authority pertains of all BPA employees and includes all actions from proposed removal to counseling letters. All such actions under consideration must be reviewed and approved by the Office of Human Capital Management in Headquarters, by either Loretta Robinson at (202) 586-9239 or Jennifer Carter (202) 586-9407.

Loretta Robinson also discussed much of this with John Hairston on Monday, July 15, and will reach out to him for any needed clarification.

If you have any questions, please don't hesitate to contact me.

Kenneth T. Venuto

Director, Office of Human Capital Management Office of the Chief Human Capital Officer Department of Energy

(202) 586-7138

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