

DOE 3304.1A
6-23-92

THIS PAGE MUST BE KEPT WITH DOE 3304. 1A, EMPLOYMENT OF EXPERTS AND CONSULTANTS.

DOE 3304. 1A, EMPLOYMENT OF EXPERTS AND CONSULTANTS, HAS REVISED DOE 3304.1 TO REFLECT ONLY ORGANIZATIONAL TITLE AND ROUTING SYMBOL EDITORIAL REVISIONS REQUIRED BY NOTICES IN THE SEN-6 SERIES. NO SUBSTANTIVE CHANGES HAVE BEEN MADE AT THIS TIME. HOWEVER, THIS ORDER WILL UNDERGO SUBSTANTIVE CHANGES IN THE NEAR FUTURE. IF YOU HAVE ANY QUESTIONS ABOUT PROVISIONS OF THE ORDER, PLEASE CONSULT APPROPRIATE STAFF MEMBERS IN THE OFFICE OF PERSONNEL. DUE TO THE NUMBER OF PAGES AFFECTED BY THE REVISIONS, THE ORDER HAS BEEN ISSUED AS A REVISION.

U.S. Department of Energy
Washington, D.C.

ORDER

DOE 3304.1A

Approved: 06-23-92

This directive was reviewed and certified as current and necessary by (Enter Name), (Enter Title) Director, Office of Management, Budget and Evaluation/Chief Financial Officer, XX-XX-XXXX.

SUBJECT: EMPLOYMENT OF EXPERTS AND CONSULTANTS

1. PURPOSE. This Order provides guidance and instruction on the employment of experts and consultants in the Department of Energy, including the conditions which must be satisfied to justify such appointments, specific forms and clearances required prior to appointment, and documentation required to determine and control the appropriate use of expert and consulting services.
2. CANCELLATION. DOE 3304.1, EMPLOYMENT OF EXPERTS AND CONSULTANTS, of 10-17-80.
3. DEFINITIONS.
 - a. Expert. A person whose knowledge and mastery of the principles, practices, techniques, problems, and methods of a professional, scientific, technical, or other field are clearly superior to those of most competent persons in that activity; and whose attainment is such that he or she is viewed as an authority by other persons in the profession or activity. An expert provides services which cannot be performed satisfactorily by someone not an expert in the field and when such knowledge and special abilities are not available within the Department of Energy.
 - b. Consultant. A person who serves as an advisor to a Departmental officer as opposed to an officer or Departmental employee who carries out the Department's duties and responsibilities. He or she provides views or opinions on problems or questions posed by the Department of Energy, but neither performs nor supervises the performance of operating functions. A consultant is ordinarily an expert in the field in which he or she advises, but the expertness may be based on broad administrative, professional, or technical experience which enables him or her to furnish advice that is considered valuable by the Department.
 - c. Temporary Employment. Employment on programs, projects, problems, or phases thereof which require only temporary service for 1 year or less (full-time or part-time).
 - d. Intermittent Employment. Work on programs, projects, problems, or phases thereof, which is accomplished on an occasional or irregular basis. When an expert or consultant works more than

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one-half of a service year, that is if he or she is paid for all or any part of a day for more than 130 days in a service year, such employment automatically ceases to be intermittent and becomes temporary.

- e. Working Day. A calendar day on which work is performed for 1 hour or more.
- f. Service Year. A 12-month period starting with the first date of appointment.
- g. Special Government Employee. An expert or consultant retained, designated, appointed, or employed with or without pay for 130 or fewer days during any period of 365 consecutive calendar days.
- h. Supervisory Employee. Public Law 95-91 defines various categories of Departmental officers and Employees as "supervisory" and spells out special conflict of interest provisions which apply to them. This designation covers any expert or consultant appointed under 5 United States Code 3109 for more than 90 days in any service year and compensated at a rate equal to or in excess of GS-16, step 1.

4. POLICY.

- a. The Department of Energy will employ experts and consultants to improve Departmental services and operations, by providing specialized opinions or professional or technical expertise which does not exist, or is not available within the Department of Energy, or by performing personal services which are not of a continuing nature and which could not be performed by a Departmental employee in a competitive or other continuing full-time position. The services needed must be of such a nature that they can be met by temporary (1 year or less) or intermittent employment. Expert and consultant appointments will not be used to fill continuing full-time jobs.
- b. Selection of experts and consultants will be made without regard to nonmerit factors, such as age, sex, race, religion, politics, or national origin, unless such factor is an integral requirement of the work to be performed.
- c. All expert and consultant appointments must comply with the laws and regulations governing dual compensation, dual employment, conflict of interest, waiver of compensation (if applicable), security determination, and patent requirements; and with the policies, guidelines, and procedures set forth in the Federal Personnel Manual Chapter 304 and office of Management and Budget Circular No. A-120, of 4-14-80.

- d. Consultants will not be used in performing work of a policy, decisionmaking, or managerial nature which is the direct responsibility of agency officials.
- e. Expert and consulting services will normally be obtained only on an intermittent or temporary basis; repeated or extended arrangements are not to be entered into except under extraordinary circumstances.
- f. Expert and consulting services will not be used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures.
- g. Former Government employees, per-se, will not be given preference in expert or consulting service arrangements.
- h. Expert and consulting services will not be used under any circumstances to specifically aid in influencing or enacting legislation.
- i. Grants and cooperative agreements will not be used as legal instruments for expert or consulting service arrangements.

5. RESPONSIBILITIES AND AUTHORITIES.

- a. Headquarters and Field Elements (Excluding the Office of the Inspector General and the DOE Field Offices).
 - (1) The Head of the Immediate Headquarters Employing organization Utilizing Expert or Consultant Services is responsible for:
 - (a) Initiating the request for services and certifying that the proposed utilization is in compliance with governing regulations; and
 - (b) Initiating the quarterly review and providing the quarterly reports required by this Order.
 - (2) Director of Administration and Human Resource Management, or his/her designee, is responsible for final approval of expert and consultant appointments.
 - (3) Director of Executive Resources Management. Office of Personnel, is responsible for:
 - (a) Completing the quarterly review, including directing any action necessary to correct deficiencies noted in the review;

- (b) Certifying an appropriately documented record of each quarterly review which is to be retained for examination by the Office of Personnel Management;
 - (c) Administering the oath of office and executing appointment affidavits for Headquarters experts and consultants.
- (4) Heads of Field Elements are responsible for:
- (a) Administering the oath of office and executing appointment affidavits for experts and consultants employed in their respective organizations;
 - (b) Concurring on the certification that expert or consulting services are necessary and in compliance with governing policies and regulations; and
 - (c) Assuring that the quarterly review is completed and submitted on a timely basis to the Executive Resources Management Division.
- b. DOE Field Offices and Office of the Inspector General.
- (1) The Head of the Immediate Employing Organization Utilizing Expert or Consulting Services is responsible for:
- (a) Initiating the request for services and certifying that the proposed utilization is in compliance with governing regulations; and
 - (b) Initiating the quarterly review and providing the quarterly-reports required by this Order to the Manager of the DOE Field Office, or the Inspector General, as appropriate.
- (2) The Manager of Each DOE Field Office and the Inspector General. are responsible in their respective organizations for:
- (a) Approving expert and consultant appointments;
 - (b) Completing the quarterly review, including the direction of any action necessary to correct deficiencies noted in the review;
 - (c) Certifying an appropriately documented record of each quarterly review which is to be retained for examination by the Department's office of Personnel or the Office of Personnel Management; and

(d) Providing for the administration of oaths of office and the execution of appointment affidavits for their respective organizations.

c. Higher Level Approval.

- (1) Should any approving official under paragraph 5a or 5b, above, be at the organizational level sponsoring (initiating) the request for consulting services, written approval of such consulting service arrangements will be required from a higher level official.
- (2) Written approval of all consulting service arrangements during the fourth fiscal quarter will be required at the second level above the organization sponsoring the activity.

6. PROCEDURES.

a. Initial Appointment.

- (1) Authority. Section 623 of Public Law 95-91 authorized the Department of Energy to use section 3109 of title 5, United States Code, to employ experts and consultants temporarily (1 year or less) or intermittently without regard to the civil service and classification laws. Inherent in this authorization are the following basic requirements:
 - (a) Positions must be bona fide expert or consultant positions;
 - (b) Persons employed must be experts or consultants qualified to perform the duties of the positions; and
 - (c) Services must be of such nature that the Department can meet the need by temporary (1 year or less) or intermittent employment.
- (2) Preappointment Clearances and Forms Required.
 - (a) DOE F 3304.1, "Approval of Expert or Consultant Employment Request," must be certified and approved by the appropriate authorized officials (see paragraph 5, above). Attachment I is an example of this form.
 - (b) SF-171, "Personal Qualifications Statement," or resume showing the proposed appointee's qualifications, experience, and earnings record must be attached to the DOE F 3304.1.

- (c) Conflict of Interest Forms as specified on page 9 under paragraph 7b, must be completed and approval obtained from the Assistant General Counsel for General Law prior to appointment.
- (d) Security Forms, as specified for type of clearance required, must be completed and approval obtained from the Director of Security Affairs.
1. Nonsensitive (no access to classified data required; no clearance required):
- a. SF-85, "Questionnaire for Nonsensitive Positions" (one copy);
- b. SF-87, "Fingerprint Card" (two copies); and
- c. SF-171, "Personal Qualifications Statement" (one copy).
2. Noncritical Sensitive (access to secret or confidential national security information; requires secret or confidential clearance). Same forms required as for Critical Sensitive.
3. Critical Sensitive (access to top secret or other restricted data; top secret or Q clearance required):
- a. SF-86, "Questionnaire for Sensitive Positions" (one copy);
- b. SF-87, "Fingerprint Card" (two copies); and
- c. DOE Form 5631.18, "Security Acknowledgement" (one copy).
- (e) SF-52, "Request for Personnel Action" (including appropriate remarks on the scheduled tour of duty, if part-time).
- (f) Waiver of Compensation, for those experts and consultants who choose to serve without compensation. A written agreement of such must be signed and submitted to the Department prior to appointment (see Attachment 2).

- (3) Appointment Offer. Attachment 3 is an example of a letter of appointment, designed for the employment of an expert or consultant. A copy of the Federal Register publication of the Departmental conduct of employee regulations must accompany the letter of appointment as well as the necessary clearance forms described under paragraphs 6a(2) and 6b(2), above, and "Employment Conditions for Experts and Consultants" (Attachment 4).
 - (4) Appointment Affidavit. In order to effect the appointment of an expert or consultant, SF-61, "Appointment Affidavits," must be signed by the appointee and the appropriate official (see paragraph 5, above) upon administration of the oath of office.
- b. Reappointment.
- (1) Types.
 - (a) Intermittent Appointments can be renewed year-by-year. When the appointee is in pay status more than 130 days (whole or part) in a service year, his or her employment is automatically considered temporary and becomes subject to the restrictions in the next paragraph.
 - (b) Temporary Appointments. An expert or consultant who has served under a temporary appointment may be reappointed to the same position only on an intermittent basis and the appointment must then be terminated if his or her service loses its occasional, irregular character.
 - (c) Different Appointments. At any time an expert or consultant may be given a new appointment, either intermittent or temporary, to a clearly different position which is in no way tied to his or her previous duties.
 - (2) Required Clearances for Reappointment. The same forms are required for reappointment as were necessary for initial appointment; except that, unless there is a change in security (upgraded requirement), no security forms are required.
- c. Termination. Appointments are terminated at the expiration of the appointment period or earlier upon completion of the work. The SF-52 for the termination must specify the total number of days worked during the service year, if the appointment was intermittent.

7. EMPLOYMENT CONDITIONS.a. Compensation.(1) Determining Pay.

- (a) Public Law 95-91, of 8-4-77, authorizes the employment of experts and consultants under 5 United States Code 3109 at a salary not to exceed the daily rate for grade GS-18. In conformance with the general agreement of 9-30-77 between the Department of Energy and the Civil Service Commission (now Office of Personnel Management), a Departmental expert or consultant will generally be compensated at a daily rate no less than that equivalent to GS-13 and up to and including the daily rate for GS-18. Individual compensation is determined on the basis of factors such as the rates and fees paid for comparable services when performed for other governmental or nongovernmental organizations, special qualifications of the appointee, the individual's daily rate of pay if customarily employed as an expert or consultant, the salary of positions in the competitive service with comparable duties and responsibilities, and related factors.
- (b) Experts and consultants who wish to serve without compensation must agree in writing, prior to accepting employment, to waive all claims against the Government resulting from such service. An example of a waiver is provided in Attachment 2.
- (c) Attachment 5 provides the current daily rates of pay.

(2) Pay Administration Consultants and experts are paid at the daily rate prescribed in the appointment action for services performed for and at the request of the Department of Energy.

- (a) The full daily amount is payable for services of 8 hours or more in 1 calendar day, including services performed on a Saturday, Sunday, or holiday; or if the individual's ordinary pursuits are effectively interrupted by his or her Departmental service for 6 hours or more of 1 calendar days in a pay period.
- (b) A consultant or expert will not be paid for more than 10 days in a pay period.

- (c) One-eighth of the daily rate is payable for each hour or major fraction thereof for service which is actually less than 6 hours in a workday.
 - (d) Time spent in authorized travel is payable as if it were service as provided in paragraphs 7a(2)(a) and (c), above, except that time during travel is not payable if travel begins after 6:00 p.m. on one day and ends before 8:00 a.m. the next day (local time in the travel zone), and travel performed on a Saturday or Sunday is not payable unless actual service is performed.
 - (e) No additional pay is provided for services or travel in excess of 8 hours in any 1 calendar day.
- (3) Dual Employment and Compensation Section 5533(a) of title 5, United States Code, provides that an employee shall not be entitled to receive pay from more than one position for more than an aggregate of 40 hours of work in any 1 week. Experts and consultants are exempt from this limitation when paid on a when-actually-employed- basis from more than one expert or consultant position in different agencies, if the pay is not received for the same hours of the same day or if pay consists of fees paid on other than a time basis.
- b. Conflict of Interest. The conflict of interest provisions for experts and consultants are contained in the Departmental Conduct of Employees regulation. The following is a summary of these reporting and related conflict of interest provisions:
- (1) Reporting Requirements.
 - (a) Experts and consultants paid at a rate of GS-16 and above (see attachment 5) serving for more than 60 days must complete a Standard Form 278, "Executive Personnel Financial Disclosure Report:"
 - 1 Upon appointment;
 - 2 On every 5-15 thereafter while serving the Department; and
 - 3 Within 30 days after termination of their appointment.
 - (b) Experts and consultants paid at a rate less than GS-16, serving without compensation, or serving less than 60, days, must complete a DOE F 3735.1, "Report of Financial Interests:"

- 1 Upon appointment;
- 2 On every 5-15 thereafter while serving the Department; and
- 3 Within 30 days after termination of their appointment.

(2) Participation Prohibitions. Experts and consultants may not:

- (a) Participate in particular matters in which, to their knowledge, they, their spouse, minor child, or profit or nonprofit enterprise with which they are concerned have a financial interest (prohibition may be waived, either individually or by regulation, if the interest is determined to be too remote and insubstantial to affect the individual's integrity in performance of Departmental job responsibilities; 18 United States Code 208).
- (b) Except in the discharge of official duties, represent anyone else before a court or Government agency in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest, and in which such experts and consultants have at any time participated personally and substantially in the course of their Departmental employment (18 United States Code 203 and 205).
- (c) Except in the discharge of official duties, represent anyone else before the Department of Energy in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest, and which is pending in the Department of Energy in which such experts and consultants serve (not applicable if the individual served 60 days or less during the past 365 days; 18 United States Code 203 and 205).

(3) Post Employment Provisions.

- (a) Former experts and consultants of the Department of Energy may not:
 - 1 Represent another person in matters involving a specific party or parties in which the United States is a party or has a direct and

substantial interest and in which they participated personally and substantially on behalf of the Government (18 United States Code 207(a)).

2 For 2 years after termination of a Departmental appointment, represent another person in matters involving a specific party or parties in which the United States is a party or has a direct and substantial interest, if the matters were pending within the area of their official responsibility during the final year of Government service (note that consultants seldom need to be concerned about this as they do not have "official responsibility," 18 United States Code 207(b)(i)).

(b) These provisions do not apply to matters relating solely to exchanges of technical information. Waivers are allowed in scientific and technical matters where it is determined that the national interest will be served by the participation of a former expert or consultant with outstanding scientific and technological qualifications in an otherwise prohibited matter.

(4) Additional provisions Applicable to "Supervisory Employees." Experts and consultants of the Department of Energy who serve more than 90 days in a calendar year are considered equivalent to Departmental supervisory employees under section 601(a) of the Department of Energy Organization Act, and:

- (a) Must file a Form DOE-460, "Report of Prior Employment," at the time of appointment;
- (b) May not participate for 1 year after terminating employment with an energy concern in a Departmental proceeding involving the former employer (except for a generally applicable rulemaking);
- (c) May not, for 1 year after beginning Departmental service, participate in a matter for which they had official responsibility or participated personally and substantially within the prior 5 years for a former energy concern employer;
- (d) May not, for 1 year after termination of a Departmental appointment, make any appearance or attendance before or communication (written or oral)

to the Department of Energy with the intent to influence the Department of Energy with regard to any particular matter pending before the Department of Energy; and

- (e) Must file a DOE Form GC-461, "Report of Employment - Former Supervisory Employees," with an energy concern, on 5-15 following the end of each of the first 2 calendar years after termination of a Departmental appointment.
- (5) General Standards of Conduct. Experts and consultants are special Government employees of the Department of Energy and as such:
- (a) Shall refrain from any use of Government employment which is or gives the appearance of being motivated by the desire for private gain;
 - (b) Shall not use any inside information obtained as a result of a Departmental appointment for private personal gain either by direct action or recommendations or suggestions to others;
 - (c) Shall not use their Government position in any way to coerce, or give the appearance of coercing, another person to provide a financial benefit to them or any person with whom they have family, business, or financial ties; and
 - (d) Shall not receive or solicit from persons having Departmental business, anything of value as a gift, gratuity, loan, or favor while serving the Department of Energy or in connection with such service.
- c. Travel. An expert or consultant employed intermittently will be allowed travel and other expenses while away from his or her home or regular place of business, including per diem in lieu of subsistence while en route and at place of Departmental employment in accordance with the Federal Travel Regulations. Where the individual's residence or regular place of business is in the same metropolitan commuting area as the Departmental official work place, the normal cost of commuting between the home and regular place of business will not be reimbursable, nor will per diem or other subsistence payments be made.
- d. Earning Leave. Only those experts and consultants employed full-time or on a part-time basis with a regularly scheduled tour of duty prearranged in advance of employment, are entitled to earn annual and sick leave under the Annual and Sick Leave Act of 1951,

as amended, 5 United States Code 6301. The SF-52, "Request for Personnel Action," must specify what the regularly scheduled tour of duty will be for part-time appointments.

- e. Death or Disability Compensation Experts and consultants are covered by the Federal Employees' Compensation Act (compensation for death or disability), 5 United States Code 8101, each time they are called to perform a Departmental service. Any occupational injury occasioned by a Departmental service should be reported immediately to the head of the office which utilizes the individual's services.
 - f. Health Benefits and Life Insurance Experts and consultants are not eligible for group life insurance or health benefits coverage unless such employment follows, without a break in service of more than 3 calendar days, service in positions in which they were entitled to such coverage and provided that their earnings in each pay period will be sufficient to meet the employee's share of the premium costs.
8. Reports. Quarterly reviews of expert and consultant employment are required by the Departmental agreement with the Civil Service Commission (Office of Personnel Management) to assure that in each case: a. the duties performed are still those of an expert or consultant, b. time limits are being observed, c. documentation is kept current, and d. duties of record are actually being performed. Organizations employing experts and consultants will complete for each incumbent expert or consultant a quarterly report, Attachment 6. Quarterly reports must be submitted to the approving official (see paragraph 5, above) by the 15th day of the month following the end of each calendar quarter. An appropriately documented record of the review signed by the approving official must be retained for 2 years or until examined by the Office of Personnel Management (whichever comes first).

BY ORDER OF THE SECRETARY OF ENERGY:



DOLORIS L. ROZZI
Director of Administration
and Human Resource Management

APPROVAL OF EXPERT OR CONSULTANT EMPLOYMENT REQUEST

DOE F 3304.1
(6-79)

U.S. DEPARTMENT OF ENERGY
APPROVAL OF EXPERT OR CONSULTANT EMPLOYMENT REQUEST

1. Name of expert or consultant:

DR. **GEORGE S. KNOWTALL**

<p>2. Organization: Assistant Secretary for ABC Office of Regional Electric Power Coordination and Reliability</p>	<p>9. Regular employment (position, component, and location): Professor Conservation University Conservation, Texas</p>
<p>3. Action Requested</p> <p>(a) <input type="checkbox"/> Expert (b) <input checked="" type="checkbox"/> Appointment <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Extension</p>	
<p>4. Rate of pay: \$157 Per Day</p>	<p>10. Home address (city, state, and zip code): 1234 Energy Lane Conservation, Texas 79701</p>
<p>5. Nature of Appointment:</p> <p><input type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input checked="" type="checkbox"/> Intermittent</p>	
<p>6. Period for Which Services Are Desired</p> <p>2-25-80 _____ To _____ 2-24-81</p>	<p>11. Duty Station (where services are to be performed): Midland, Texas</p>
<p>7. Estimated Number of Days to be Worked 30</p>	<p>12. FOR USE OF APPROVING OFFICE ONLY</p>
<p>8. Number of Days Worked Under Present Appointment (If Extension Only): N/A</p>	<p>C.O.I. Clearance Approved _____ Security Clearance Approved _____</p>

13. Description of Services Required:
Evaluate existing electric power system validity studies and provide advice to the Director, Office of Electric Power Coordination and Reliability on the use of alternate validity test models, solution methods, and techniques for DOE use in conducting power simulation/reliability studies.

14. Justification for this Expert/Consultant Action and Qualifications of Candidate as Related to Need for Appointment:
Dr. Knowtall is recognized as a national authority on electric power systems and techniques and has developed a computer program for simulating and valuating electric power problems. His work in the development of power supply test and valuation models has won him numerous awards and letters of recognition throughout the electric power industry.

(Continued on Reverse)



George S. Knowtall
Name of Expert/Consultant

APPROVAL OF EXPERT OR CONSULTANT EMPLOYMENT REQUEST

In approving the filling of this (Consultant/Expert) position without regard to the laws and regulations governing appointments in the competitive civil service, and in approving the rate of pay set for this position without regard to the classification and pay laws, I have considered the requirements of law (5 U.S.C. 3 109) relevant Comptroller General decisions, the instructions of the Office of Personnel Management, and the agreement between the Department of Energy and the US. Civil Service Commission (now the Office of Personnel Management) that spells out the conditions under which Consultant/Experts may be appointed without the prior approval of the Office of Personnel Management

More specifically, I have satisfied myself that

the position is necessary.

the position is a "Consultant/Expert position" as defined by FPM Chapter 304.

(check blocks 1 or 2 below, as appropriate)

1. the work of this Consultant

- (a) is temporary in nature (e.g. will not exceed one year, and requires irregular or occasional services
- (b) requires a high level of expertness not available in the regular work force.
- (c) is of a purely advisory nature, and
- (d) does not include the performance or supervision of operating functions

2 the work of this Expert

- (a) is temporary in nature (e.g. will not exceed one year, and requires irregular or occasional services
- (b) requires a high level of expertness not available in the regular work force.
- (c) requires the services of an authority in the field of _____

this authority is the most appropriate appointing authority for meeting the Department's needs

the proposed appointee's qualifications meet the definition of Expert or Consultant in FPM Chapter 304

the daily rate intended to be paid the proposed appointee is commensurate with the level of the work he is to perform and his qualifications for the work, and

the documentation of this action is in compliance with the rules and regulations of the Office of Personnel Management and With the Department's policies and directives.

CERTIFIED	Signature	<i>J. A. DeBus</i>	Date
	Title (Typed)	Director, Office of Regional Electric Power Coordination and Reliability	1 - 15 - 80
CONCURRED	Signature	<i>Hy R. Lenz</i>	Date
	Title (Typed)	Assistant Secretary for ABC	1-16-80
APPROVED	Signature	Director of Administration and	Date
	Title (Typed)	Human Resource Management	

DEPARTMENT OF ENERGY
WALVER OF COMPENSATION

I understand my service to the Government of the United States as an expert or consultant for the _____ is on a gratuitous basis, without compensation. I agree to release the Government of the United States from any claims or demands for compensation for services performed under this appointment.

Signature of Proposed Appointee

Date

Signature of Witness

Date

LETTER OF APPOINTMENT

Dear Dr. Knowtall:

The Department of Energy appreciates your willingness to serve as:

an expert on an intermittent basis
 a consultant on a part-time basis
 on a full-time basis

and requests that you complete the enclosed forms. The nature of your services will be: Evaluate existing electric power system validity studies and provide advice to the Director, Office of Electric Power Coordination and Reliability, on the use of alternative validity test models, solution methods, and techniques for Departmental use in conducting power simulation and reliability studies.

The period of this appointment is from 02-25-80 to 02-24-81
Specific requests for your services will be made as the need arises.

You will: receive compensation of \$ 157 per day
 serve without compensation.

Your paycheck will be sent to your residence.

It is understood that you or the Department of Energy may terminate your services at any time by giving written notice.

The enclosed description of employment conditions for experts and consultants of the Department is a part of this letter of appointment; it applies to this appointment and any extensions thereof.

Please indicate your acceptance of this appointment by completing the enclosed documents and returning them in the self-addressed envelope to this office.

Confirmation of your appointment may be made either orally or in writing. If you have any questions, or if we may be of any assistance to you, please contact Mr. Personnel type on 586-0000.

Please retain this letter of appointment for your files.

Sincerely,

(Personnel Officer)

Enclosures:

Employment Conditions for Experts and Consultants of the Department of Energy
Department of Energy Regulations on Conduct of Employees

(Enclosed also are 1 forms to be completed by the expert or consultant)

EMPLOYMENT CONDITIONS FOR EXPERTS AND CONSULTANTS
OF THE DEPARTMENT OF ENERGY

1. Pay. Pay at the rate prescribed in the Letter of Appointment is paid for services performed for and at the request of the Department.
 - a. The full daily amount is payable for services of 8 hours or more in 1 calendar day, including services performed on a Saturday, Sunday, or holiday; or if your ordinary pursuits are effectively interrupted by your Departmental service for 6 hours or more of 1 calendar day.
 - b. A consultant or expert may not work more than 10 days in a pay period.
 - c. One-eighth of the daily rate is payable for each hour or major fraction thereof for service which is actually less than 6 hours in a work day.
 - d. Time spent in authorized travel is payable as if it were service as provided in paragraphs 1a and c, above, except that time during travel is not payable if travel begins after 6:00 p.m. on one day and ends before 8:00 a.m. the next day (local time in the travel zone), and travel performed on a Saturday or Sunday is not payable unless actual service is performed.
 - e. No additional pay is provided for services or travel in excess of 8 hours in any-1 calendar day; and if you are employed on an intermittent basis, you cannot be given holidays off with pay, or paid a premium rate for work on a holiday or otherwise be compensated at an overtime rate.
2. Deductions. Your pay, if any, is subject to deduction as indicated by a check mark for:
 - (X) Withholding for Federal Income Tax, and any State or local income tax as prescribed by applicable State or local law.
 - () Tax under the Federal Insurance Contributions Act (Social Security).
 - () Civil Service Retirement. (Applicable only for those employed without a break in service of more than 3 calendar days from a position subject to civil service retirement).
 - () A sum equal to the amount being paid under civil service annuity (based on hourly computation) for the same hours that you are serving under this consulting appointment.

Note: If you are a retired member of the uniformed services, contact your finance center to determine if your retirement pay will be affected by this reemployment.

3. Travel. If your employment is intermittent, you will be allowed travel and other expenses while away from your home or regular place of business, including per diem in lieu of subsistence while en route and at place of Departmental employment in accordance with Federal Travel Regulations. Where your residence or regular place of business is in the same metropolitan commuting area as the official Departmental work place, the normal cost of commuting between your home and regular place of business will not be reimbursable, nor will per diem or other subsistence payments be made.
4. Death or Disability Compensation. You are covered by the Federal Employees' Compensation Act (compensation for death or disability), 5 United States Code 8101, each time you are called to Departmental service until you cease performance of said service. Please report immediately to the head of the office which utilizes your services any occupational injury occasioned by Departmental service.
5. Health Benefits. Consultants and experts are not eligible for health benefits coverage unless such employment is full-time or part-time with a regular tour of duty and follows, without a break in service of more than 3 calendar days, service in which already enrolled (Federal Personnel Manual Supplement 890-1, Subchapter 54-4).
6. Life Insurance. Consultants and experts are not eligible for group life insurance unless such employment is full-time or part-time with a regular tour of duty, and follows without a break in service of more than 3 calendar days, service in which they were insured (Federal Personnel Manual Supplement 870-1, Subchapter 5-2).
7. Leave. If you are an intermittent consultant or do not have a prearranged tour of duty, you are not entitled to earn annual and sick leave under the Annual and Sick Leave Act of 1951, as amended, 5 United States Code 6301. If you have a regular tour of duty prearranged in advance, you are entitled to earn annual and sick leave.
8. Security Requirements. It is understood that you agree to conform to all security regulations and requirements of the Department; to be responsible for safeguarding the classified matter which may be in your possession in connection with your Departmental service.
9. Conduct. It is understood that you will become familiar with and agree to conform to the provisions of Department policy and regulations regarding conduct of employees including conflicts of interests and the filing of statements of employment and financial interests and postemployment reports.

DAILY RATES OF PAY FOR EXPERTS AND CONSULTANTS

Public Law 95-91, of 8-4-77, authorizes the employment of experts and consultants under 5 United States Code 3109 at a salary not to exceed the daily rate for grade GS-18. Subject to the guidance for determining pay, as specified on page 8, paragraph 7a (1), the daily rate of pay for experts and consultants in the Department of Energy who are assigned work equivalent to the various grade designations is as follows:

<u>Advisory Grade Desiccation</u>	<u>Daily Rates</u>
GS-13	\$148
GS-14	\$175
GS-15	\$206
GS-16	\$242
GS-17	\$260
GS-18	\$278

While present experts and consultants may be recommended for adjustments in accordance with the above scale, an adjustment in midappointment should not be automatically recommended. Only if the higher compensation is considered appropriate for the current work assigned, the incumbent has demonstrated competence beyond the level anticipated at the time of appointment, and the frequency of need for the individual's services under the current appointment is sufficient to justify the increase, should an adjustment be recommended during the individual's service year. If the services of an intermittent expert or consultant are extended for an additional service year, the daily rate should be adjusted to the appropriate level at the time of reappointment. A recommendation for a pay adjustment is initiated by submitting an SF-52, "Request for Personnel Action," to the Executive Resources Management Division, Office of Personnel.

QUARTERLY REPORT, EXPERT OR CONSULTANT APPOINTMENT

DOE F 3304.2 (5-80)		FY <u>1979</u>	
U.S. DEPARTMENT OF ENERGY QUARTERLY REPORT EXPERT OR CONSULTANT APPOINTMENT		<input type="checkbox"/> 1st Quarter	
		<input type="checkbox"/> 2nd Quarter	
		<input type="checkbox"/> 3rd Quarter	
		<input type="checkbox"/> 4th Quarter	
1 Organization XYZ, Office of Technical Compliance		2. Name of Expert or Consultant: Susan R. Smart	
3 Period of Appointment 01-20-79 through 07-19-79		4. Estimated Number of Days to be Worked Under This Appointment 25	
5 Total Number of Days That Have Been Worked to This Date 15		6 Number of Days Worked in Quarter 10	
7 Title of Position <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Expert		6. Salary Rate: \$182 per day	
9 If terminated, Give Date		10 Total Salary Paid During Quarter \$1820.00	
11 The Following duties were Performed by the Expert or Consultant during his/her past 90 days Provided advice on statistical and probability methods applicable to XYZ productivity assessments.			
RECERTIFICATION			
<p>In verifying the continuance of this consultant or expert without regard to the laws or regulations governing appointments in the competitive Civil Service, and in verifying the rate of pay for this position without regard to the classification and pay laws, I have considered the requirements set forth in the DOE 3304.1 which spells out the conditions under which a consultant or expert may be appointed without the prior approval of the Office of Personnel Management. More specifically, I have satisfied myself that:</p> <p>(a) The position continues to be necessary</p> <p>(b) The position is still a "consultant" or "expert position" as defined in DOE 3304.1</p> <p>(c) The work remains temporary in nature, (i.e. it will not exceed 1 year, requires irregular or occasional services), and it requires a high level of skill most not available in the regular work force</p> <p>(d) If the consultant position, it continues to be of a purely advisory nature, and does not include the performance or supervision of operating functions</p> <p>(e) If an expert position, it continues to require the services of a <u>U.S. citizen</u> in the field of _____</p> <p>(f) The consultant or expert is performing in accordance with the duty statement for which hired; and</p> <p>(g) This <u>U.S. citizen</u> continues to be the most appropriate appointing authority for meeting the Department's need</p>			
12 Certification by Head of Immediate Employing Organization:			
Signature <u>Vera E. Propriety</u> Director, Office of Technical Compliance		Date <u>-12- 9</u>	
13 Certification by Head of Organizational Element:			
Signature <u>Robert S. Johnson</u> Assistant Secretary for XYZ		Date <u>- - 9</u>	
14 Certification by Approving Official or Delegated Representative:			
Signature _____		Date _____	
Director, Executive Res. Mgmt. Div.			