WHC-SP-1141

Revision 1

UC-900

General Counsel's Office FY 1996 Site Support Program Plan WBS 6.10.5

S. R. Moreno

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**Westinghouse
Hanford Company**

P.O. Box 1970
Richland, Washington

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Approved for Public Release

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General Counsel's Office

FY 1996 Site Support Program Plan

WBS 6.10.5

WHC-SP-1141, Rev. 1

S. R. Brechbill
Office of Chief Counsel
U.S. Department of Energy
Richland Operations Office

9/27/95
Date

S. R. Moreno
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Westinghouse Hanford Company

9/25/95
Date

RELEASE AUTHORIZATION

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**This document was reviewed following the
procedures described in WHC-CM-3-4 and is:**

APPROVED FOR PUBLIC RELEASE

WHC Information Release Administration Specialist:

Chris Willingham

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9/20/95

Program Mission

The General Counsel's office provides legal counsel to all levels of WHC management; administers the ethics program; oversees the intellectual property program; coordinates all WHC investigative activity and supports WHC activities to ensure compliance with all applicable federal, state, and local laws, DOE directives, contractual provisions, and other requirements.

In so doing, the Office of General Counsel supports the Hanford site mission of transforming the Hanford site into an environmentally attractive and economically sustainable community

Description of Activities

ACTIVITY TITLE	DESCRIPTION
Intellectual Property	<p>To manage intellectual property administration in areas such as inventions/patents, copyrights and trademarks, and business sensitive/proprietary information; to advise WHC personnel on all intellectual property matters; to support software licensing and the technology transfer, work for others/isotope sales programs; to prepare and negotiate assignee, international and other agreements; to assist the Office of General Counsel and other organizations; and to interface with DOE-RL and WEC intellectual property attorneys on intellectual property matters as required.</p>
Business Conduct Office	<p>The Business Conduct Office was established as part of the Office of General Counsel to conduct investigations and reviews of internal company matters and serve as the central point of contact for coordination of company investigations. It has oversight and responsibility for conducting investigations of matters pertaining to fraud, waste and abuse of government funds, materials and equipment, and the reporting and interface with the U.S. Department of Energy Office of Inspector General. As well, the Business Conduct Office assists the Office of General Counsel with investigative expertise in support of litigation matters involving the company.</p> <p>Additionally, the Business Conduct Office serves as the company point of contact for clarification and interpretation of business ethics matters, conducts ethics training, and resolves conflict of interest determinations for the company.</p>
Litigation/Procurement	<p>Litigation and litigation management Pension Government contracts Taxes Price-Anderson Amendments Act Technology Transfer Freedom of Information Act and Privacy Act General legal advice</p>

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Labor	<p>The Office of General Counsel provides legal advice and representation to the company in all labor and employment areas including National Labor Relations Board, Equal Employment Opportunity Commission, State of Washington Human Rights Commission, Federal Department of Labor, State of Washington Department of Labor and Industries and State of Washington Employment Security Department (Unemployment).</p> <p>In addition, matters relating to collective bargaining (negotiating, labor agreement interpretation, grievances, arbitrations), unemployment compensation, equal employment opportunity, wage and hour, age, sex, national origin, disability and race discrimination, employee protection provisions, internal human resources policies including disciplinary procedures, pensions/benefits, and layoff notices.</p> <p>The office also assists outside counsel in state and federal court litigation involving labor and employment law (research, discovery, trial, briefs).</p>
Environmental Law	<p>Review and analyze environmental issues. Identify and propose viable courses of action to maintain environmental compliance and achieve WHC programmatic objectives. Provide aggressive, yet cost-effective representation of WHC in environmental litigation and negotiations.</p> <p>Represent OGC on the Executive Committee of the Central Environmental Committee (CEC). The CEC provides a means for WHC programs to discuss environmental compliance issues in open forum. The CEC provides for sharing of ideas, techniques and plans for the resolution of issues and concerns.</p>

Program Objectives

Funded

- Expand the scope of preventive law seminars.
- Implement a litigation management database.
- Tighten log controls on procurement requests for legal information.
- Promote a strong safety consciousness and maintain an injury-free work environment.
- Meet the needs of our internal and external customers in a timely manner.
- Anticipate where federal and state environmental requirements will impact WHC programs and activities and help develop feasible compliance options.
- Be proactive in finding ways to balance business goals and legal risks.
- Conduct prompt, thorough and objective investigations and reviews.
- Report all matters of fraud, waste and abuse to the Office of Inspector General within required time periods and as required by DOE Order.
- Develop and implement an effective and proactive business ethics program for WHC.
- Continue extraordinary accomplishments when presenting WHC's position to government agencies in response to charges/allegations which result in "no cause" to proceed determinations by the agencies (where applicable).
- Continue the excellent settlement record in state and federal lawsuits.
- Coordinate labor and employment policy with all site contractors.
- Continue to provide legal advice which prevents lawsuits/filings in the first place and results in a very low litigation expense.
- Coordinate environmental issues with other site contractors.
- Work proactively with legal departments of other site contractors and DOE on common issues.

Unfunded

- Promptly respond to requests filed under the Freedom of Information Act and the Privacy Act.

Planning Assumptions

Compliance with all applicable federal, state and local laws, DOE directives, contractual provisions and other requirements.

Program Constraints

- Ensuring that employees and management learn to recognize the requirements of the law as it pertains to matters of fraud, waste and abuse, or conflicts of interest and timely reporting these matters as required by DOE Orders.
- The respective roles of DOE-RL and WHC on the Hanford Site limit WHC options in addressing environmental issues. For example, DOE-RL's RCRA responsibilities generally are for policy, programmatic, funding and scheduling decisions, as well as general oversight. The responsibilities of WHC are more limited. Environmental compliance must be answered through regular communication with responsible management on specific problems.
- While greatly improved, the DOE implementation of NEPA remains cumbersome and time-consuming. DOE is currently revising DOE Order 5440.1E regarding the DOE NEPA Compliance Program. Programs managed by WHC including privatization efforts are often unduly delayed while awaiting NEPA decisions. DOE-RL (and therefore WHC) compliance with NEPA may be perceived as being obstructionistic when complying with all NEPA requirements.
- Conflicting direction in major program areas.
- Imposition of Contract Reform into a system whose rules have not changed and at times are inconsistent.
- Changing paradigms -- facilitating transitions, be it in outsourcing or reductions in force, and ensuring that ongoing operations continue to be conducted in compliance with all legal and policy requirements.
- Restrictions on budget and manpower will reduce preventive law mission.

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Planned Staffing (Full Time Equivalent)				Note: Job Family Only After 1997				
Job Family	Number							
Job Category		1996	1997	1998	1999	2000	2001	2002
MANAGERS								
First line								
General/executive	M020	5	5					
Project/Program								
Other								
Subtotal		5	5	5	5	5	5	5
ADMINISTRATIVE/OTHER PROFESSIONALS								
Accountant/auditor								
Architect								
Buyers/Procurement								
Communications								
Compliance Inspectors								
Computer Sys Analyst								
Cost Est/ planner/ sch								
Health Physics								
Industrial Hygiene								
Lawyers	P100	3	3					

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Planned Staffing (Full Time Equivalent)				Note: Job Family Only After 1997				
Job Family	Number							
Job Category		1996	1997	1998	1999	2000	2001	2002
Personnel/labor Relations	P110	2	2					
Physicians								
Physician Assistant/Nurse								
Safeguard & Security								
Tech Writers & Editors								
Trainers								
Other								
Subtotal		5	5	5	5	5	5	5

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Planned Staffing (Full Time Equivalent)				Note: Job Family Only After 1997				
Job Family	Number							
Job Category		1996	1997	1998	1999	2000	2001	2002
GENERAL ADMIN/SECRETARY/CLERK								
Admin Assistant								
Office Clerk (Gen)	G020	1	1					
Office Clerk (Special)	G040	3	3					
Secretaries								
Typist/Word Processor								
Other								
<u>Subtotal</u>		4	4	4	4	4	4	4
TOTAL FTEs		14	14	14	14	14	14	14

Work Breakdown Structure Dictionary	Westinghouse Hanford Company <u>GENERAL COUNSEL</u> Part I – Summary (Dollars in 000's)						FY 1996 Indirect Program Plan Rev. # 0 26– Aug– 95		
Cost Account Number 1MDD04	Cost Account Title GENERAL COUNSEL						Proposed Rate: (Rated Service Pool Only)		
SMS WBS Number 6.10.5	SMS Title GENERAL COUNSEL						Funding Source:		
RL SMS Program Manger	SR BRECHBILL						G&A X		
Cost Account Manager	SR MORENO						SWS		
WHC SMS Program Manager	SR MORENO						OST		
Financial Manager	LC BRANDT						DOH		
Responsible Analyst	MA HINCHEE						MGT PRO		
							POOL		

TYPE OF FTE	FY 1996 Approved Funding Full– Time Equivalents (FTEs)			FY 1996 Unfunded Full– Time Equivalents (FTEs)			FY 1996 Baseline Full– Time Equivalents (FTEs)		
	Exempt	Non–Exempt	Bargaining	Exempt	Non–Exempt	Bargaining	Exempt	Non–Exempt	Bargaining
Organizational	10	4	0	1	1	0	11	5	0
Support							0	0	0
TOTAL FTEs	10	4	0	1	1	0	11	5	0

COST ELEMENTS	FY 1996 Approved Funding Budget	FY 1996 Unfunded Budget	FY 1996 Baseline Budget
Labor – Regular	832.8	104.8	937.6
Labor – Overtime	0.0		0
0 Total Labor	832.8	105.0	937.8
1 Materials	2.0		2
2 Purchased Services	255.2	20.0	275.2
3 Other Hanford	10.0		10
Subtotal Originated Costs	1,100.0	125.0	1225
4 Site Services	140.3		140.3
5 Internal Charges	8.4		8.4
6 IRM Support	51.4		51.4
7 Overheads	0.0		0
8 Revenue	0.0		0
TOTAL DOLLARS	1,300.1	125.0	1425.1

SIGNATURES	
Financial Analyst: <u><i>MA Hinclee</i></u>	Date: <u>8/30/95</u>
CAM: <u><i>Sheverson</i></u>	Date: <u>8/20/95</u>

BASELINE APPROVAL	
<u><i>RM Pritchard</i></u>	Date: <u>8/30/95</u>

COST ACCOUNT NARRATIVE SUMMARY

The General Counsel Office provides legal knowledge and direction for the WHC site. The workscope includes labor issues, environmental issues, litigation, and investigations.

APPROVED FUNDING BUDGET:Activity Detailed Description

FY 1996

FTEs

Dollars

The General Counsel Office (GCO) consists of 1 General Counsel, 1 assistant General Counsel, 3 investigators, 5 specialist attorneys (i.e., environmental, labor, etc.), and 4 non-exempt clerical support.

14.0

832.8

Non-labor costs include occupancy, 132k, telephones, 26k, dosimetry, 8k, and computer assessments, 22k. The remaining costs, 62k, are miscellaneous costs such as travel, training, and publications.

0.0

250.3

Total Activity Cost

14.0

1,083.1

Activity Detailed Description

Outside Legal Fees are those fees paid to outside legal firms for their support and expertise in legal matters.

0.0

217.0

Total Activity Cost

0.0

217.0

Total Approved Funding Budget

14.0

1300.1

UNFUNDED BUDGET:Activity Detailed Description

A legal Assistant and 1 Secretary, currently on the GCO staff, are unfunded.

2.0

125.0

Total Activity Cost

2.0

125.0

Total Unfunded Budgets

2.0

125.0

Total Approved Funding & Unfunded Budgets

16.0

1,425.1