

The



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Message

Energy Employees Compensation Program Coordinates Energy, Labor Efforts

Part of DOE’s commitment to the health and safety of its current and former workers is conscientious compliance with the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The EEOICPA was passed by Congress in 2000, and amended in 2004, to compensate eligible employees and former employees of DOE and its contractors and subcontractors, and to compensate certain survivors of such individuals, for occupational illness and death arising from work in covered DOE and atomic weapons employer facilities or beryllium vendors. HSS is responsible for managing this program for DOE.

DOE’s primary responsibility under EEOICPA is to provide records related to workers and historical DOE facility operations to the National Institute for Occupational Safety and Health (NIOSH) and to the Department of Labor (DOL) in support of claims, site profiles, and Special Exposure Cohort evaluations. DOE provided 21,858 records packages in 2007 and 16,800 records packages in 2008 to both DOL and NIOSH. To date, DOL has paid out more than \$4 billion to more than 48,000 claims.

Under EEOICPA, the DOL Energy Employees Occupational Illness Compensation Program (EEOICP) is responsible for conducting outreach, developing claim information, adjudicating claims, and providing compensation payments. NIOSH, in support of the EEOICPA, conducts dose reconstructions for individual claims and establishes a process for considering classes of workers for inclusion in a Special Exposure Cohort to facilitate their claims. To date, NIOSH has completed more than 18,000 dose reconstructions on behalf of cancer claimants.

HSS Initiatives

One of DOE’s priority initiatives is to interface between the DOL EEOICP and the DOE Former Worker Medical Screening Program

(FWP). This interface presents an opportunity for expanded success. DOE HSS staff regularly travel to meetings between EEOICP managers and workers to provide information about the opportunities available for compensation and continuing medical care to those who might be eligible.

In addition, DOE held five meetings with DOL to help improve communication and coordination between DOE sites and the DOL District Offices. DOE encourages all its sites to work directly with DOL to ensure that DOL has the most accurate and current information on the site. One example of DOE top management’s involvement is the significant effort of the Hanford Office’s management and the dedication of the Hanford staff to ensure that the massive amounts of individual records and operational information related to the facility are provided to NIOSH and DOL in a fair and timely manner.

DOE has made great progress in implementing EEOICPA and has set ambitious performance targets for providing prompt, accurate individual records and facility operational information to NIOSH and DOL. DOE’s goal is to ensure that workers and their families receive prompt adjudication decisions by DOL.

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HSS Achievements

DOE's achievements under EEOICPA demonstrate that DOE remains proactive in providing worker and facility records and data to DOL to help in their decision-making and in support of the administration of the EEOICPA. DOE continues to maintain a "covered facilities database," a database of over 343 facilities whose employees are eligible for benefits under EEOICPA and the "covered periods" during which employees would need to have worked in order to receive these benefits.

DOE also funds and coordinates records retrieval activities at all DOE sites to support the claims adjudication process for individual claims submitted by current and former DOE Federal and contractor workers under EEOICPA. Records requests include requests from DOL for employment verification (~6,500/year) and claimants' work history and possible exposures (~7,500/year), and requests from NIOSH for dose reconstruction

For More Information on the EEOICP

Eleven DOL Resource Centers across the Nation are currently part of EEOICP serving as outreach to help workers and their families apply for benefits. To learn more about the resource centers, go to: <http://www.dol.gov/esa/owcp/energy/regs/compliance/roles.htm>

EEOICP has established Special Exposure Cohorts (SECs) for certain classes of employees to facilitate their claims. To learn more about these special groups of employees and whether you fit into one of the categories of the SECs, go to: <http://www.dol.gov/esa/owcp/energy/regs/compliance/law/SEC-Employees.htm>.

See also the HSS website, <http://www.hss.doe.gov>.

support documentation (~4,000/year). DOE also funds and coordinates large-scale records retrieval activities for all DOE sites to support DOL, NIOSH, and the Presidential Advisory Board's EEOICPA-related activities, including DOL Site Exposure Matrix projects, the Advisory Board's research and evaluation of Special Exposure Cohort petitions, and technical reviews of NIOSH site profiles.

Along with these significant accomplishments, DOE continually strives to strengthen outreach to current and former workers and

their families to increase awareness of the EEOICPA. DOE continues to participate in DOL and NIOSH Town Hall meetings and NIOSH Advisory Board meetings, provide information, and answer questions about DOE's responsibilities under the statute. DOE works on a weekly basis with DOL and NIOSH to ensure that they and their contractors receive the information and support they need from DOE sites and to facilitate interviews with current and former workers. DOE is also coordinating outreach efforts with NIOSH and DOL to better serve the workers. ■

Organizational Sustainability Is Key to Continuing Effectiveness

HSS is researching organizational sustainability as part of its efforts to ensure the Department's continuing effectiveness in reliably achieving its mission in an increasingly global and diverse business climate. Sustainability is a management model intended to allow an organization to systematically evaluate its ability to reliably achieve its mission within a framework of changing internal and external conditions. It allows senior executives to capture a full and integrated view of its operations, factoring in economic, safety, environmental, and social needs. HSS research found that sustainability has been used by other highly reliable organizations over the past 15 years, either to propel a successful business

to even greater success, or to turn around struggling business units. Dow Jones recognizes sustainability as an "investable" concept, as exemplified by the 1999 establishment of the Dow Jones Sustainability Index. Thus, the concept of sustainability as a management approach is now well entrenched in successful complex industrial organizations in both the U.S. and abroad.

Evaluating sustainability for use within DOE is relevant and appropriate because the Government Accountability Office, the National Academy of Sciences, and numerous other organizations have identified several sustainability issues impeding DOE's mission progress. Two top-

level issues significantly impacting mission success are:

- DOE has too few effective mechanisms in place to determine whether its programs generate desirable and sustainable results
- DOE, along with all other Federal agencies today, operates under an antiquated governance model based on concepts and priorities from the 1940s through the 1970s.

Sustainability pilot studies to date have substantiated the need for DOE to shift its management attributes within each of the 12 elements shown in Figure 1. The management shift aligns DOE's governance model and addresses the nation's strategic initiatives more effectively.

Recommended Shift

Sustainability Elements	Mgmt. Attributes to shift <i>From</i>	Mgmt. Attributes to shift <i>To</i>
Infrastructure	Repair and maintain	Mission readiness
Human Capital	Retirement management, wrought human capital rules/process	Skills recruitment and development, Portability enabling
Acquisition, Procurement, Supply Chain Management	Equity, value	Product quality, delivery, efficiency, efficacy
Security	Protecting, compartmentalizing, avoiding breaches	Risk reduction, flexible solutions, asset protection
Legal and Licensing	Compliance	Outcomes, mission success
Environmental Stewardship	Regulatory	Sustainable lifecycle, footprint, and legacy reduction
Safety	Compliance	Outcomes, mission reliability
Mission and Markets	Situational unawareness	Adaptive, productive, benefit public good
Business Systems	Based upon 1970's concepts (e.g. focus on transactional compliance, pre information age)	Utilizes 21 st century concepts (connectivity, concurrent with security, adaptable, flexible)
Leadership and Organizational Transformation	Compartmentalized operations, hierarchical	Teamwork, competency, shared fate
Stewardship, Good Governance, Reputation	Regulatory approach, risk avoidance	Collaboration, shepherd success, mission progress, reliability
Science, Technology and Innovation	Short term applied technology, compartmentalized	Strategic national needs, collaborative, basic science and research

Figure 1. Current and Recommended Management Attribute Shift for Each Sustainability Element

DOE’s mission is driven by eight national strategic initiatives largely calling for science-driven development of new technologies critical to the nation’s global competitiveness, energy independence, and national security. Each of these components not only plays a role in the American

high standard of living, but more importantly, they are directly tied to the sustainability of the nation. It is therefore crucial to put a mechanism in place to allow for a holistic view of DOE’s mission progress and the barriers that impede success.

As envisioned for DOE, sustainability is an organized management approach for developing, implementing, and evaluating strategies for optimizing the impact of DOE’s mission relative to its resources.

The benefits of sustainability are:

1. Provides a good construct for looking at issues of governance within public/private partnerships
2. Identifies critical information needed to assess performance
3. Assures management performance
4. Provides data to help target definitive corrective actions
5. Identifies and removes barriers/constraints. ■

HSS Promotes Contractor Awareness of 10 C.F.R. 851 Implementation

Recognizing that workers are the Department’s most valuable asset, DOE’s worker health and safety program mission is to ensure that every worker at every DOE site returns home each day healthy and unharmed. Title 10 C.F.R. Part 851, *Worker Safety and Health Program*, codifies the requirements of DOE Order 440.1A, *Worker Protection Management for DOE Federal and Contractor Employees*, and, as a Federal regulation, now governs the

development and implementation of contractor worker health and safety programs. The Rule requires DOE contractors to provide their workers with a safe and healthful workplace, and it establishes a baseline set of standards requiring Department-wide compliance, imposing civil penalties for contractors that fail to comply with these regulations.

To help ensure effective implementation, HSS convened

Focus Group meetings over the past two years, composed of senior HSS managers, labor union representatives, and DOE stakeholders. These interactions identified several initiatives and activities to promote successful implementation of the Rule and continuously improve the Department’s health and safety performance. The labor unions, in particular, provided an important perspective on worker safety and health matters.

Upcoming Activities

Argonne National Laboratory
ES&H and Emergency
Management Inspection, June
2009

Bonneville Power Administration
Cyber Security Inspection, June
2009

Office of Secure Transportation
Safeguards and Security
Inspection, June 2009

Security Protection Officer Team
Competition (SPOTC), June 1-4,
2009

Multi-Site Security Technology
Deployment Review, Nevada Test
Site, June 23-25, 2009

Performance Test Working Group
(PTWG) Meeting, Savannah
River Site, July 8-9, 2009

Institute of Nuclear Materials
Management (INMM) 50th
Annual Meeting, Tucson, Arizona,
July 12-16, 2009

Readiness Review Workshop,
Oak Ridge, July 28-30, 2009

Savannah River Site ES&H
and Emergency Management
Inspection, August 2009

Idaho National Laboratory
Safeguards and Security
Inspection, August 2009

Los Alamos National Laboratory
Cyber Security Inspection,
August 2009

Integrated Safety Management
(ISM) Conference, August 2009

In conjunction with the labor unions, HSS determined that worker involvement in the identification and control of hazards in the workplace requires further refinement and improvement, notwithstanding the prior gains. Moreover, although DOE workers understand the substance of the Rule, the Department must promote workers' understanding of the specifics of the Rule and their rights under it. HSS asked Departmental elements and contractor organizations for prompt attention to these two issues. To enhance further awareness, HSS has committed to:

- Encourage and assist field and program offices to provide additional support, resources, or both to identify and enhance the implementation efforts, where needed, and increase worker awareness of their rights and responsibilities.
- Conduct a series of site visits to solicit feedback on 10 C.F.R. Part 851 implementation, focusing on group meetings with workers and unions concurrent with other ongoing HSS activities (e.g., Voluntary Protection Program [VPP] evaluations, regulatory compliance reviews, and independent oversight inspections).
- Implement the memorandum of understanding between HSS and the National Institute of

Environmental Health Sciences to improve training through collaboration with the labor unions and contractor management.

In addition to these combined efforts to increase worker awareness, it is critical to evaluate progress. The HSS independent oversight function has recently increased its effort to assess worker understanding of 10 C.F.R. 851 rights and responsibilities as part of their inspections. HSS will assist DOE program and field offices through training and mentoring that focuses on enhancing the effectiveness of routine inspections conducted as part of their contract oversight responsibilities. The HSS enforcement function will also increase its field presence and engagement in activities assessing contractor compliance with 10 C.F.R. Part 851 and their Worker Safety and Health Programs. Finally, HSS will work with the National Academy of Public Administration to develop a collaboration tool to allow HSS to obtain direct input on a range of activities, including direct worker feedback.

HSS encourages everyone to identify opportunities for continual improvement of our safety program. Collaboration among Department personnel, contractors, unions, and workers will enhance the Department's success in ensuring the rights of every employee to a safe and healthful workplace. ■

Solicitation of Comments, Questions, and Suggestions

HSS welcomes your thoughts about our newsletter. Please send or phone comments, questions, or suggestions to:

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