

U.S. Department of Energy

Oak Ridge Operations

ORO O 350 Chapter V

DATE: 6-28-96

**SUBJECT: PAYMENT OF WAGES OR SALARIES TO COST-TYPE CONTRACTOR
EMPLOYEES WHEN ACCESS AUTHORIZATION IS SUSPENDED**

1. PURPOSE. This Chapter assigns responsibility and accountability and provides administrative and/or contractual guidance to Oak Ridge Operations (ORO) and its contractors for establishing uniformity concerning cost-type contractor and subcontractor employee pay status following DOE access authorization suspension to completion of appeal process. Nothing in this issuance changes any requirements contained in any DOE Order.
2. CANCELLATION. None.
3. APPLICABILITY. The provisions of this Chapter apply to ORO Principal Staff and cost-type contractors performing work for the Department as provided by law and/or contract and as implemented by the appropriate contracting officer.
4. RESPONSIBILITIES.
 - a. Director, Personnel Division.
 - (1) Provides guidance to contractors in developing a consistent approach in deciding when/when not to continue pay when access authorization is suspended.
 - (2) Notifies contractors of the Manager's decision to suspend a contractor employee's access authorization consistent with Title 10 CFR Part 710.10.
 - (3) Advises the contractors on issues of employee compensation.
 - b. Contracting Officers' Representatives.
 - (1) With guidance from the Director, Personnel Division, review for concurrence contractor determinations that suitable alternative work is unavailable for a contractor employee with suspension of his/her access authorization.
 - (2) Ensure that the provisions of this document are implemented by cost-type contractors within their area of responsibility.
5. REQUIREMENTS AND PROCEDURES. None.

6. REFERENCES. Title 10 CFR Part 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material," which describes procedures to be followed where there is a question regarding eligibility for DOE access authorization.
7. DEFINITIONS. None.
8. CONTRACTOR REQUIREMENTS DOCUMENT. See Contractor Requirements Document, Attachment 1 of this Order.
9. ATTACHMENTS.

Attachment 1 - Contractor Requirements Document.

CONTRACTOR REQUIREMENTS DOCUMENT

Contractors that are identified in paragraph 3 of this Chapter shall accomplish the following:

1. Upon suspension of access authorization, contractors shall choose one of the following three options:
 - a. Transfer the employee to a job position, if available, that he/she can reasonably be expected to perform, that is consistent with labor agreements, and does not require a DOE access authorization. This assignment must not reduce the employee's usual/basic compensation.
 - b. Place the employee on leave without pay when a corporate policy or site-specific contractor policy to do so is consistent with applicable law.
 - c. Place the employee on leave and continue employee's usual/basic compensation upon concurrence of the Manager that there is no work available for the employee.
2. Upon Office of Hearing and Appeals (OHA) rendering an opinion for revocation of access authorization:
 - a. If transferred to another position, the employee shall receive the wage or salary commensurate with the new position. This compensation shall continue until final disposition of the case under 10 CFR Part 710.
 - b. If not transferred to a new position, the employee shall be placed on leave without pay effective the date that written notification is received of OHA's opinion. The employee shall remain on leave until final disposition of the case.
3. Upon reinstatement of access authorization at the conclusion of the administrative review process, the employee shall be offered the same or comparable position as held prior to suspension of access authorization. The employee shall be compensated for any loss of earnings by reimbursement of the difference between the regular or basic pay and actual earnings, including earnings from other employment, during the suspension period.