

Office of Chief Counsel
Office of Science - Chicago Office

**Annual Performance Plan
Fiscal Year 2012**



Alan I. Handwerker
Chief Counsel

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Approved: _____

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OCC Revision History

TITLE: OCC Annual Performance Plan (APP)

POINT OF CONTACT: Gwendolyn Johnson, OCC

SCMS MANAGEMENT SYSTEM: Support for SC-CH – Quality Assurance and Oversight – SC Performance Planning and Evaluation, Procedure 1, Preparing and Reviewing the SC Annual Performance Plan (APP)

TO BE UPDATED: Annually

REVISION	DATE	REASON/DRIVER	DESCRIPTION
0		Support for SC-CH Annual Plan	Prepare OCC organizational performance plan
1	11/10	FY 2011 Annual Update	Update OCC organizational performance plan
2	10/11	FY 2012 Annual Update	Update OCC organizational performance plan

Executive Summary

The FY12 Office of Chief Counsel (OCC) Annual Performance Plan (APP) is a current best estimate of the level of legal and administrative services that OCC will need to provide to Office of Science (SC) and non-SC elements. This includes both General Law (GL) and Intellectual Property Law (IPL) support to other Operations and Field organizations. A large percentage of the FY12 Goals, Objectives and Measures are the same, or very similar to, those that OCC has been tracking for the past several years. This plan flows from and reflects the FY 2012 Goals, Objectives and Measures of the SC Chicago Office (CH).

Once again, the biggest manpower demands are reflected in supporting the SC Site Offices in award and administration of Laboratory Management and Operating (M&O) contracts and in supporting the Office of Acquisition and Assistance in awarding financial assistance and contract agreements. Other significant manpower demands are reflected in major SC-CH projects and activities that require OCC personnel support.

OCC Mission:

The mission of OCC is to provide a full range of timely and accurate legal services, to support the mission and responsibilities of SC and other customers. In addition, OCC provides complete intellectual property (IP) legal services to other DOE field elements, as assigned, and through the Freedom of Information Act Officer/Privacy Act Officer (FOIO/PAO), assures access to Government records consistent with national FOIA and Privacy Act requirements. OCC is composed of attorneys, paralegals, technicians, and administrative staff, who work together to achieve the mission and function of the Office. In SC-CH, the FOIO/PAO is a member of OCC. These personnel work proactively and collaboratively with customers, and to the maximum extent possible (consistent with their professional responsibilities) function as if they were an integral part of the DOE customer organization being provided the service.

I. Key Considerations

This APP is based on the following key considerations and assumptions.

1. The SC-Chicago Office (CH) is given responsibility to provide legal review of major M&O contract modifications and to support any M&O source evaluation boards or extensions, if necessary;
2. Other major actions that will require significant OCC support in FY12 include the LBNL 2nd site effort, and environmental issues at LBNL and other Laboratories.
3. Litigation and administrative proceedings will continue to consume from 1-2 FTE for at least the first half of FY12.
4. FOIA/PA requests resulting from public interest in Government spending will continue to increase in FY12.
5. Sufficient travel funds are provided for business and training;
6. IPL can continue to utilize support services contracts for patent processing and drafting support.
7. OCC is continuing to operate in FY12 with one less FTE than in the previous fiscal year.

II. Key Customers

The following are the principal external and internal customers of OCC:

EXTERNAL	INTERNAL
HQ General Counsel	The Manager/Office of the Manager
SC and Other HQ Elements	Office of Acquisition and Assistance (ACQ)
Site Offices	SC-CH Matrix Organizations
Other DOE Field Elements	SC-CH employees (in their official capacities)
Department of Justice (DOJ)	
Freedom of Information Act//Privacy Act (FOIA/PA) Requesters	

Site Offices: ASO, BHSO, BSO, FSO, PSO, AMSO

SC Laboratories: PNNL, LBNL, ANL, BNL, PPPL, FNAL, Ames Laboratory

Non-SC Field Elements/Laboratories (IPL): ID, INL, RESL, EMCBC, GO, NETL (including Albany Research Center), NREL, WAPA, BPA and ORP

Consistent with the SC-CH concept of "customer service," OCC personnel work proactively and collaboratively with SC-CH elements and other customers. This means that OCC personnel, to the maximum extent possible, consistent with their professional responsibilities, function as if they were an integral part of the SC-CH element being provided the service.

III. Key Functions

OCC services comprise four key functional areas: (1) *Providing Legal Services to the Department of Energy*; (2) *Counseling Individual Employees (in their official capacities)*; (3) *Administering FOIA and Privacy Act Programs*; and (4) *Protecting the Intellectual Property Rights of the Government*. The OCC GL and IPL Functional Directories disclose the lead and backup attorneys responsible for various OCC functions.

1. FY 2012 Specific Goals, Objectives, Measures and Targets

For FY12, SC-CH applies the following measures of performance for 12 objectives to the OCC organization, either through unique OCC functions or OCC-required contributions to overall DOE or SC-CH functions. Items that represent joint SC-CH and SC-OR objectives are noted as such, and OCC works with its SC-OR counterparts to achieve, to the extent possible, consistency between SC-CH and SC-OR functional efforts in that regard. Finally, as a service organization, OCC routinely contributes to the achievement of the other goals and objectives of all other SC-CH elements that are not specifically represented in the following table.

DDFO FY12 Goal	DDFO/SC-CH High Level Objectives	Organizational Measures	Organizational Targets
1. Get Back to Basics	DDFO Objective 1.1 - Focus on requirements-based work and eliminate inherently non-governmental type activities, and stream-line processes to increase efficiency and productivity	DDFO 1.1.1 - Review and benchmark work processes and sub-processes to identify those areas that could be streamlined in order to increase efficiency and productivity. Conduct a review of at least one critical/major process	By 9/30/12
	DDFO Objective 1.4 – Develop the federal workforce via available means, including as appropriate, Individual Development Plans, training and development assignments	DDFO 1.4.9 - Identify and support at least one rotational assignment opportunity	By 9/30/12
	SC-CH Objective 1.1 – Customer Service	SC-CH 1.1.1 – Continue to improve communications with our primary customers: DOE HQ and Site Offices	By 9/30/12
		SC-CH 1.1.2 – Continue to strive for excellence in customer service to obtain and analyze customer satisfaction and feedback	By 9/30/12
	SC-CH Objective 1.5 – Continue to educate employees on the importance of personal accountability for career advancement	SC-CH 1.5.2 – Ensure IDPs are up-to-date to include local and on-line training opportunities where feasible	By FY12 due date

DDFO FY12 Goal	DDFO/SC-CH High Level Objectives	Organizational Measures	Organizational Targets
	SC-CH Objective 1.10 – Save money and improve efficiency	SC-CH 1.10.1 – Conduct a self assessment to identify process improvements including cost saving methods and complete actions that may be required in a corrective action plan	By 9/30/12
		SC-CH 1.10.2 – Continue to work towards a paperless office	By 9/30/12
4. Drive Mission-Outcome-Oriented Policies and Implmentation Strategies, Internally and Across the Department	DDFO Objective 4.3 – Partner across the Department to drive development of innovative policy and practices, and implement mutually beneficial and fair solutions	*DDFO 4.3.1 – Contribute leadership and technical expertise to policy-focused councils, committees, working groups, etc. by participating on efforts to improve, revise or streamline DOE directives, rules, and regulations as appropriate	By 9/30/12
		**DDFO 4.3.2 - Have discussions between the OR and CH Chief Counsel concerning recurring important legal issues aommon among SC site offices.	Tri-annually in by 9/30/12
	SC-CH Objective 4.2 – Develop and maintain performance measures and workload indicators to support decision making of CH management	SC-CH 4.2.1 – Performance and workload data entered into MDSS	By the 15 th of each month

DDFO FY12 Goal	DDFO/SC-CH High Level Objectives	Organizational Measures	Organizational Targets
	SC-CH Objective 4.4 – Provide effective legal representation to resolve judicial and administrative claims in the best interest of the Government	**SC-CH 4.4.1 – Litigation deliverables submitted within assigned deadline	100%
	SC-CH Objective 4.5 – Complete responses to FOIA and PA requests within statutory/regulatory timeframes	**SC-CH 4.5.1 – Ensure on-time SC-CH FOIA/PA responses in FY12	90% within 20 business days of receipt of valid FOIA request, or within 30 days if unusual circumstances extension allowed by statute
	SC-CH Objective 4.6 – Satisfy established customer service standards	**SC-CH 4.6.1 – Customer service standards are met as described in the OCC Customer Service Plan	100%
		**SC-CH 4.6.2 – Conduct offsite customer visits	Quarterly
	SC-CH Objective 4.7 – Protect the intellectual property interests of the Government	**SC-CH 4.7.1 – Patent applications processed on behalf of DOE	25
		**SC-CH 4.7.2 – Inventions processed to final disposition	750
	SC-CH Objective 4.8 – Contribute to the overall timeliness of DOE actions	**SC-CH 4.8.1 – Complete all GL reviews within the customer deadline	90%

NOTE: *Denotes Joint SC-CH and SC-Oak Ridge (OR) Measure
 **Denotes measures applicable to OCC only

2. OCC Workload Indicators, FY12 Projections, and FY06-FY11 Trending Chart

	FY06	FY07	FY08	FY09	FY10	FY11	FY12 Projected
Major M&O Prime Contract Actions				*4	4	1	8
Other Major Actions				*37	25	8	25
Litigation and Administrative Proceedings				*18	19	15	15
GL Procurement & Other Reviews				*461	586	526	500
GL Directives/SCMS Reviews	17	10	56	*15	7	4	8
GL 450 Reviews	187	187	180	172	179	174	170
IP WFO Reviews	254	183	179	205	149	175	150
IP CRADA Reviews	84	76	45	68	71	56	60
IP Contractual Agreement Close-outs	1367	1547	1602	1555	949	958	1000
IP New Contractual Agreement and Mod Reviews	**6799	**7342	**6800	**6968	6687	6591	6000
IP Procurement Reviews					**1021	441	500
IP Copyrights	32	28	38	32	29	56	30
Invention Disclosures Received	1409	1380	1288	1359	1360	1785	1400
Inventions Disposed	1025	913	1192	1043	559	1143	750
Patent Applications Filed	22	22	31	25	34	31	25

	FY06	FY07	FY08	FY09	FY10	FY11	FY12 Projected
Patent Application Amendments Filed		39	44	41	45	48	40
Confirmatory Licenses Submitted	514	591	357	487	368	669	400
Waiver Statements of Considerations Forwarded	46	20	23	29	50	46	40
SC-CH FOIA/PA Requests Received	54	35	54	48	64	76	60
SC-CH FOIA/PA Requests Processed	57	42	53	50	70	75	60

*The numbers for FY09 and forward utilize the GL Workload Indicator and Action Tracking System Code descriptions set forth in the tables in Attachments 2&3. Because in FY08 and prior, different subject descriptions were applied to those Workload Indicators, trending no longer can be effective for those fiscal years and instead has commenced with FY09 for those categories.

**For FY05 – FY09 the category “IP New Contractual Agreement and Mod Reviews” included IP procurement reviews. Beginning in FY10, “IP Procurement Reviews” became a separate workload indicator.

OCC Customer Service Standards from OCC Customer Service Plan

Standard	Measure	Target
I. Professionalism, customer responsiveness, and Timeliness		
<p>OCC will meet deadlines and provide timely advice, both written and oral.</p>	<ul style="list-style-type: none"> • Average IPL review of Work For Others Agreements, Cooperative Research and Development Agreements (CRADAs), and Joint Work Statements • Percentage of above IPL reviews under 3 days • Percentage of OCC-GL and IPL action items complete within 3 days or customer time limit, whichever is longer • Percentage of Office of Government Ethics Form 450 (Confidential Financial Disclosure Form) reviewed within 30 days of receipt of complete information • Percentage of ethics opinions issued within 14 days of request and receipt of complete information from requester • Percentage of litigation deliverables submitted within assigned time limit • Percentage of SC CH on-time FOIA/PA responses (within 20 business days of time limit or within 30 days if unusual circumstance extension allowed by statute) 	<p>less than 3 days</p> <p>90%</p> <p>90%</p> <p>100%</p> <p>100%</p> <p>100%</p> <p>90%</p>

<p>II. Communication and Accessibility</p> <ul style="list-style-type: none">-OCC staff will return telephone calls and e-mails promptly.-OCC staff will listen to our customers' concerns, will be courteous, professional and treat our customers with respect.-OCC staff will acknowledge our mistakes and prevent the same mistake in the future.-OCC written and oral communications will be clear, accurate, and address our customer's problem or question.-OCC staff will be accessible to our customers, whether face-to-face, by telephone or email.-OCC staff will keep our customers informed of the status of ongoing issues.-OCC will provide our customers with information regarding OCC services and who to contact if our customers have a question, problem, or concern.-OCC staff will keep our customers informed of new developments and trends in various areas of the law. <p>III. Quality of OCC Services</p> <ul style="list-style-type: none">-OCC will deliver quality products and services that meet or exceed our customers' needs and expectations.-The knowledge and skill set of the OCC staff will meet or exceed the needs and expectations of our customers.-The OCC staff will be open to new ideas.-The OCC staff will provide creative problem solving for customer problems, create win-win solutions, provide viable alternative solutions, follow through, and learn from the experience.-OCC staff will identify problem situations up-front and propose workable solutions or options to resolve those problems before they arise.-The OCC staff will actively seek to understand our customers' business needs in order to serve them right the first time.-OCC will provide the types of legal services our customers need.	<ul style="list-style-type: none">• Percentage of OCC Customers satisfied or very satisfied (95%)• Percentage of M&O and non-M&O Board/Panel Chairmen satisfied or very satisfied with OCC support (100%)
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FY 2012 Indicator/Measure Data Source and Correlation

Workload Indicators	Data Source	Data Code	Measures
Major M&O Prime Contract Actions	Action Tracking System (GL)	M&O	Chair Satisfaction
Other Major Actions		MAJ	Chair Satisfaction
Litigation/ Administrative Proceedings		LIT	% On-time
GL Procurement & Other Reviews (including Locals)		REV	% On-time
GL Directives/SCMS Reviews		DIR	
GL 450 Reviews	Ethics Monitoring		% < 30 days Opinions < 14 days
IP WFO Reviews	Action Tracking System (IPL)	WFO	<ul style="list-style-type: none"> • % On-time • Avg Rev Time • % < 3 days
IP CRADA Reviews		CRA	
IP Procurement Reviews		CR	
Copyrights		CYR	
Invention Disclosures Received	PATMIS		Inventions processed to final disposition
Inventions Disposed			
Patent Applications Filed			Patent applications filed on behalf of DOE
Patent Application Amendments Filed			
Confirmatory Licenses Submitted			
Waiver Statements of Consideration Forwarded			
SC-CH FOIA/PA Requests Received	FOIA Xpress Tracking System		% On-time
SC-CH FOIA/PA Requests Processed			

OCC-GL Action Tracking Codes

	Code	Workload Indicator	Subject Description:
Ongoing/Long-Term Actions	M&O	Major M&O Prime Contract (PC) Actions	PC-Related Source Evaluation Boards (SEBs) PC Extensions Major PC Modifications (Mods) Other Major PC-related Actions
	MAJ	Other Major Actions	M&O Contractor Subcontracts (incl. related IRBs/CRBs) Local Contract-Related SEBs Local Contract Terminations Source Evaluation Panels (SEPs) Funding Opportunity Announcements (FOAs) Environmental Assessments (EAs) Site Lease Renewals and Mods Alternative Financing of Facilities Long-term Real Estate Transactions
	LIT	Litigation/ Administrative Proceedings	Equal Employment Opportunity (EEO) Merit Systems Review Board (MSPB) Security Administrative Reviews (AR) Federal Tort Claims (FTCA) Support to U.S. Attorney on Litigation Contract Disputes/Protests Discovery Freedom of Information Act (FOIA) Appeals

One-Time/Short-Term Actions	REV	Procurement Action & Other Reviews (including Locals)	Contracts and Mods Financial Assistance Agreements and Mods Non-major M&O Procurement Actions Independent Review Boards (IRBs) (Non M&O) Contract Review Boards (CRBs) (Non-M&O) User Agreements Other Agreements Short-Term Real Estate Transactions Memoranda of Understanding (MOUs) Interagency Agreements (IAGs) Legal Opinions and Issue Memoranda Other One-Time/Short-Term Reviews
	DIR	Directives/ SCMS Reviews	Directives (O, M, N, or P) Regulations SCMS Procedures