

On page 12, revise the table as follows:

| Current OTD Profile | | | |
|--------------------------|--------------|----------------|--------------|
| POSITION TYPE | ONBOARD | TO BE FILLED | EOD TBD |
| EXECUTIVE | 6 | 1 | 0 |
| SENIOR LEADER | 0 | 1 | 0 |
| ENGINEER | 61 | 0 1 | 4 |
| PDP | 2 | 0 | 2 |
| SITE REPRESENTATIVES | 10 | 0 | 0 |
| ADMINISTRATIVE SUPPORT | 2 | 0 | 0 |
| TOTAL | 81 | 2 | 6 |

Justification

The creation of an additional senior level position within the Office of the Technical Director has not been sufficiently justified. The position description vaguely describes various internal advisory and research duties. Similarly, the organization assessment which prompted the creation of the proposed new position says almost nothing about what the individual will do. The assessment provided a single sentence indicating the individual will be a fulltime senior technical resource devoted to high priority technical issues. Given that every member of our technical staff – all 80 of them, give or take – are or should be fulltime technical resources dedicated to high priority technical work, the justification in the organizational assessment is insufficient.

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Amendment by Board Member Sean Sullivan to Yellow Folder Doc#2016-300-038, FY 2017 Staffing Plan

Doc Control#2016-300-038B

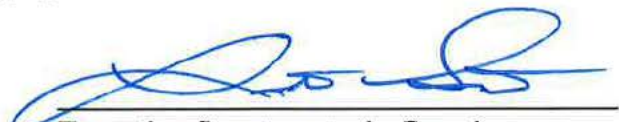
The Board, with Board Member(s) Sean Sullivan, Bruce Hamilton *approving*, Board Member(s) none *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) Joyce L. Connery, Jessie H. Roberson, Daniel J. Santos *not participating*, have voted to disapprove the above document on November 4, 2016.

The votes were recorded as:

| | APRVD | DISAPRVD | ABSTAIN | NOT PARTICIPATING* | COMMENT | DATE |
|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|----------|
| Joyce L. Connery | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11/04/16 |
| Jessie H. Roberson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11/03/16 |
| Sean Sullivan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11/04/16 |
| Daniel J. Santos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 11/03/16 |
| Bruce Hamilton | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11/03/16 |

*Reason for Not Participating:

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.


Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

cc: Board Members
OGC
OGM Records Officer
OTD

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

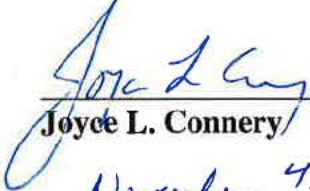
FROM: Joyce L. Connery

SUBJECT: Amendment by Board Member Sean Sullivan to Yellow Folder Doc#2016-300-038, FY 2017 Staffing Plan

Doc Control#2016-300-038B

Approved _____ Disapproved _____ Abstain _____
Recusal - Not Participating

COMMENTS: Below _____ Attached _____ None



Joyce L. Connery
November 4, 2016

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

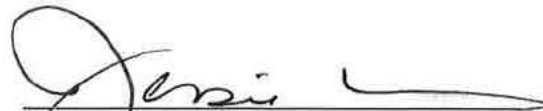
SUBJECT: Amendment by Board Member Sean Sullivan to Yellow Folder Doc#2016-300-038, FY 2017 Staffing Plan

Doc Control#2016-300-038B

Approved _____ Disapproved _____ Abstain _____

Recusal - Not Participating X

COMMENTS: Below _____ Attached _____ None X



Jessie H. Roberson

Nov 3, 2016

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Sean Sullivan

SUBJECT: Amendment by Board Member Sean Sullivan to Yellow Folder Doc#2016-300-038, FY 2017 Staffing Plan

Doc Control#2016-300-038B

Approved X Disapproved _____ Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

The amendment eliminates the proposed addition of a technical staff senior leader.

The creation of an additional senior level position has been insufficiently justified. The proposed position description vaguely describes various internal advisory and research duties. Similarly, the organizational assessment which first proposed the position says almost nothing about what the individual will do. The assessment provided a single sentence indicating the individual will be a fulltime senior technical resource devoted to high priority technical issues. Given that every member of our technical staff – all 80 of them, give or take – are or should be fulltime technical resources dedicated to high priority technical work, the provided justification is insufficient.

Apparently at some point the Board established a senior leader position for a different office within the agency, and it has been suggested that having once established the position the Board may not now eliminate it. The direction sought by the amendment is unquestionably within the authority of the Board. The statute plainly provides that the Board may hire such staff as considered necessary. While the executive functions of employee appointment are assigned by statute to the Chairman, the division of responsibilities between the Chairman and the Board is well settled. The Chairman advertises, screens applicants, selects particular individuals for hire and otherwise administers the appointment process. The Board determines the appropriate number and classification of staff. The vehicle for the Board's determination is the staffing plan.

The Board has repeatedly used the staffing plan to make these determinations, although every instance to date has resulted in the enlargement of the staff. It is absurd to suggest that the Board may enlarge the staff but not reduce it.

Moreover, the senior leader position has not been filled during my four years on the Board, and it is not clear to me that it has ever been filled. In this instance, to suggest that the Board may not prevent the Chairman from hiring a senior leader is to suggest that the Board may not stop the enlargement of the staff. Clearly, that cannot be so.

//s//
Sean Sullivan

11/4/16

Date

Lotus Smith

Subject: Notational Vote: Doc#2016-300-038B Amendment by Board Member Sean Sullivan to
Yellow Folder Doc#2016-300-038, FY 2017 Staffing Plan

From: Daniel J. Santos

Sent: Thursday, November 03, 2016 12:55 PM

To: Lotus Smith <[REDACTED]>; Shelby Qualls <[REDACTED]>

Subject: RE: Notational Vote: Doc#2016-300-038B Amendment by Board Member Sean Sullivan to Yellow Folder
Doc#2016-300-038, FY 2017 Staffing Plan

Not Participating since the Board had no formal role in the reorganization.

From: Lotus Smith

Sent: Thursday, November 03, 2016 12:17 PM

To: Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson

<[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>

Cc: ExSec <[REDACTED]>

Subject: Notational Vote: Doc#2016-300-038B Amendment by Board Member Sean Sullivan to Yellow Folder Doc#2016-
300-038, FY 2017 Staffing Plan

This email is an electronic record of Notational Vote. Voting ballot will follow shortly. Also, accepting
electronic votes.

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Members of the Board

SUBJECT: Amendment by Board Member Sean Sullivan to Yellow Folder Doc#2016-300-038, FY 2017
Staffing Plan

DOC#2016-300-038B

Office Directors have provided their input

Approved _____

Disapproved _____

Abstain _____

Recusal – Not Participating _____

COMMENTS:

Below _____

Attached _____

None _____

Lotus Smith
Executive Secretary
Office of the Chairman

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: Amendment by Board Member Sean Sullivan to Yellow Folder Doc#2016-300-038, FY 2017 Staffing Plan

Doc Control#2016-300-038B

Approved X Disapproved _____ Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

This Amendment removes from the FY2017 Staffing Plan a proposed new senior level position within the Office of the Technical Director.

A plain and straightforward reading of the Board’s enabling statute shows that the Board has the authority to deny this proposed new position.

42 U.S.C. § 2286 (c) (2) states (with emphasis added):

“... the Chairman shall be the chief executive officer of the Board and, *subject to such policies as the Board may establish*, shall exercise the functions of the Board with respect to---

“(A) the appointment and supervision of employees of the Board”

Further, 42 U.S.C. § 2286b (b) (1) states:

“The Board may, for the purpose of performing its responsibilities under this subchapter-

“(A) in accordance with section 2286(c)(7), hire such staff as it considers necessary ... but not more than ... 130 full-time employees.”

While Section 2286(c)(7) provides that the Chairman *must* obtain Board approval to appoint or remove the three office directors, the statute does not in any way *preclude* the Board, should it choose to do so, from directing the Chairman in the hiring or removal of *other* employees or the creation, re-classification, or elimination of other positions, in this case through a Board-approved Staffing Plan. Had Congress intended the Chairman to have complete and

unconstrained authority over these personnel matters, it would not have included the words, "... subject to such policies as the Board may establish ...," or it would have established a single administrative head in lieu of a Board.

As to the question of whether the new position is actually needed, the answer is arguably subjective, but for an organization as small as is DNFSB, prudence would dictate that the current structure of senior leadership in the Office of the Technical Director is sufficient and optimal.

I therefore approve.


Bruce Hamilton

3 NOV 2016
Date