

## EPA Inventory of Commercial and Inherently Governmental Activities

GUIDE TO INVENTORY SUBMISSION  
MARCH 2006

The guidance presented below provides the instructions for Environmental Protection Agency (EPA) Program and Regional offices (hereinafter referred to as Offices) to use in compiling their “2006 Inventory of Commercial and Inherently Governmental Activities” (commonly referred to as the FAIR Act Inventory, or simply the Inventory). When all data are combined, the full FAIR Act Inventory will serve as the data set for responding to various reporting requirements including, but not limited to, the FAIR Act and the Annual Report to Congress (commonly referred to as the Commercial Activities Report). The 2006 Inventory will identify full-time equivalents performing functions that are either (1) inherently governmental or (2) commercial, as defined by the FAIR Act of 1998.

The 2006 FAIR Act Inventory shall be completed using the instructions for each data field as provided in this guidance. There are **6 Exhibits** that will lend additional guidance and clarification on the specific fields within the database. For the 2006 Inventory, EPA will use the Lotus Notes data collection tool (system) simplifying the data collection process. The procedure inputs will be guided by use of drop down menus containing pre-determined data identifiers (e.g., city and state, position title, job series, function codes, and justifications, etc.) in FY 2006. Also an instruction manual is provided to further assist in using the Lotus Notes data collection tool. If you need additional assistance, please contact **Melanie Gooden at 202-566-2222**.

When the Office of Competitive Sourcing (OCS) compiles the information submitted by Offices into the final Inventory, it will account for FTEs so that the Agency aggregate total matches the total presented in the 2006 Enacted Operations Plan Budget (Enacted Op Plan or Op Plan). For 2006, each office must reconcile their FTEs reported in the Inventory with the 2006 Enacted Op Plan. As with the 2005 Inventory, OCS will provide the 2006 Op Plan information for each office. Also, OCS will look at consistency in the application of Function, Status, and Reason codes (explained below) across the Agency.

### **FUNCTION CODES -**

Function codes serve as a means to categorize similar or related services, tasks, functions, etc. into groupings that describe the general nature of what takes place in Agency work centers. A primary purpose of function codes is to allow Agency management to evaluate how our human resources are being used when compared to the Strategic Plan, workforce planning and mission needs. Function codes also allow, OMB and the public to gain a glimpse into how EPA is using its people as well. Offices are encouraged to code a position by the function performed predominantly, however, recognizing that we often have multiple responsibilities up to three function codes may be assigned to a single position.

The 2006 list of available function codes are those that were used by the Agency in the 2005 process and are summarized at Exhibit 1. Each function code is specifically defined to

terminologies and descriptions germane to EPA<sup>1</sup>. The list of function code definitions can be found at Exhibit 2. The data collection tool drop down menu includes only those function codes provided in Exhibit 1. If a function code is not shown on the drop down menu, and is not shown at Exhibit 1, it cannot be used. If an Office believes that none of the function codes included on the drop down menu applies, the FAIR Coordinator should contact OCS for approval to use another. Offices are strongly encouraged to use the function codes available on the drop down menu. No function code can be created or used if it is not on the OMB-approved list (refer to OMB guidance for additional choices (<http://www.whitehouse.gov/omb/procurement/fair/2004functioncodes.html>)).

## **STATUS CODES –**

Status codes identify functions, services, tasks, etc. as either Commercial (C) or Inherently Governmental (I). Definitions of both C and I are included at Exhibit 3. As stated above, function codes describe the kind of work being performed. Status codes reflect an assessment of whether the work is Inherently Governmental, that is, does it meet the criteria set forth in the definition found in OMB Circular A-76? If it does not, by default, the position/activity is coded commercial. By itself a function code is neither inherently governmental (I) nor commercial (C) (see discussion below under Status Codes), but it does contribute toward an accurate assessment of whether work being performed is “I” or “C.” Accurately describing and categorizing the services that Agency personnel perform is a critical first step in assessing “I” or “C” status.

By means of a simplified example, assume there is a position with the responsibilities to process, research, and approve Government grants. The position spends 35% of its time processing grants, 45% researching, and 20% approving. Researching and processing grants are commercial in nature, while approving grants is an inherently governmental function because it commits the government to spend appropriated tax dollars. While the function code may be the same for all tasks, different components of the position should be coded according to the appropriate commercial or inherently governmental status. Thus the position in this example would be coded L200 80% “C,” 20% “I.”

OCS has provided criteria to determine the appropriate status/reason code within the data collection tool. The criteria are based on the FAIR Act, OMB Circular A-76, supplementary guidance issued by OMB in memorandum serial number M-06-08, and review comments received from OMB regarding previous Inventory submissions. The data collection tool will automatically generate the appropriate status/reason code based on the chosen criteria. The FAIR Act of 1998 and OMB Circular A-76 require written justifications for any positions that

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<sup>1</sup> The FCW met throughout FY04 to refine the list of function codes most applicable to the Agency and then to define those that did apply in the context of EPA missions, functions, services, and tasks. In the past, function code definitions were provided by OMB and emanated from DOD. This made it difficult to make reasoned judgments about the applicability of specific function codes in given situations. By defining function codes using terminologies and descriptions more germane to EPA, we can more readily categorize the services that we perform and in the end make more defensible assessments about our services in terms of their inherently governmental or commercial nature.

are determined to be inherently governmental in nature. Guidance on written justifications is provided below.

## **REASON CODES –**

Reason codes are only applied to functions with a status code of “C”. Reason codes indicate whether a commercial activity has been exempted from consideration for competition by the Agency, has been competed, is being competed, or is suitable for consideration for competition. Reason codes to be used in the 2006 Inventory are shown at Exhibit 4. Based on the selection of the “Status/Reason Criteria” from the drop down menu (Exhibit 6), a reason code will be applied to a particular position. For commercial activities exempted from consideration for competition by the Office Assistant Administrator or Regional Administrator or designee has, reason codes are used to clarify rationale for Government performance of those commercial activities. The definitions shown in the table at Exhibit 4 are self-explanatory. Be sure to include *ALL FTEs* in the 2006 inventory and consider all reason codes. OCS will assist in identifying FTEs that have already been competed and/or are currently under study.

When an FTE is coded “Exempt from Competition” in the Inventory it means that Senior Management, no lower than the Deputy Assistant Administrator/Deputy Regional Administrator level of an Office, made a deliberate determination that a particular commercial FTE would be excluded from being considered for competition because it represents too great a risk to the Agency or because of overriding strategic workforce planning needs AND a written justification was prepared to support that justification. Guidance on the preparation of written justifications is provided below.

Please note: If a position was previously determined to be commercial and suitable for competition but not selected for competition during the Agency’s competition planning cycle, it is still commercial, suitable for competition.

**Additionally, in recognition of the level of authority required to meet the criteria for designation as “inherently governmental” the Agency will identify all GS-08s and below as commercial in nature.**

## **JUSTIFICATIONS –**

In accordance with the FAIR Act and OMB Circular A-76, functions determined to be inherently governmental (I) or commercial but exempt from competition (C with reason code A (C/A)) must be justified in writing. OCS has provided criteria to determine the appropriate Status/Reason Code within the data collection tool. The criteria are based on the FAIR Act, OMB Circular A-76, supplementary guidance issued by OMB in memorandum serial number M-06-08, and review comments received from OMB regarding previous Inventory submissions. The data collection tool will automatically generate the appropriate status/reason code based on the chosen criteria. Those justifications must be submitted to OCS, along with the overall Office inventory submission for compilation into the Agency inventory. The status reason code criteria

for inherently governmental functions contained in the data collection tool will generate a sufficient justification to support the Agency's initial inventory submission to OMB. Should additional information be required to respond to inquiries, OCS will request it as needed.

Commercial activities, exempted from consideration from competition will require summary level written justifications. The status reason criteria generated by the data collection tool provide the general basis for the exemption but cannot explain why it represents a substantial risk or how a determination was made regarding the "sufficient number" of FTE needed to maintain core-mission knowledge. Each Office must provide a summary level justification that addresses the commercial activities designated as exempt from competition. The justification should include an explanation for sufficient number. When explaining the rationale for the ratio, consider approximately what percentage of a function is currently provided by contractors, what are the risks of outsourcing too much of the function, what percentage would endanger the Agency's ability to fulfill its' core mission and when would this occur. Also if these positions are being reserved for career progression, how does it fit in the EPA's Human Capital Plan?

OCS will compile and submit the Agency's overall inventory and justifications to the Agency's Competitive Sourcing Official (CSO) for approval prior to submission to OMB. Exhibit 4 includes guidance and format to help ensure the justifications submitted by the Agency can withstand scrutiny by OMB, our employees and unions, and the private sector, all of which can challenge the characterizations of the activities being performed by our employees in the inventory and the supporting justifications.

#### **AGENCY STRATEGIC PLAN –**

We have included entries linking the functions, services, tasks, etc. that are being performed throughout the Agency to the Annual Strategic Plan (ASP). Office inputs must relate to goals and objectives as described in the ASP. This will not be part of the Agency's inventory submission to OMB, but rather will be used for internal Agency purposes. As indicated in the cover memo to this guidance, our intent in collecting this information is to help provide the Agency with a clearer picture of the activities performed by our federal workforce; to capture the alignment of Agency resources with its mission; and, to enable management to make more strategic decisions on potential candidates for Competitive Sourcing activities.

OCS will review your submissions and may seek additional information and/or modifications from offices prior to submitting to OMB.

## Data Fields in the OMB Inventory Template

| <b>ORGANIZATIONAL UNIT</b>                             |  |   |
|--|--|---|
| Agency/Bureau  | Agency/Bureau Code is pre-populated.   | Environmental Protection Agency (EPA) code is:<br><b>020-00</b>             |
| Organizational Unit Abbreviation                       |  | 15-char limit   |
| <b>LOCATION</b>  |  |   |
| State  | Select Two letters Abbreviation used by the US Postal Service from the pull-down list.           | Blank when the location is <b><u>NOT</u></b> in the United States           |
| City   | Select City Name from pull-down list.  |   |
| Country  | Enter US or spell out all other countries  |   |
| <b>STATUS OF FULL-TIME EQUIVALENT EMPLOYEES (FTES)</b> |  |   |
| FTEs   | Indicate FTE percentage for each function totals to:<br>Full-time FTE = 1<br>1/4 FTE = .25, etc. | <i>See note below.</i>  |
| Activity Function Code                                 | Select a Function Code for each applicable Status Code from the drop-down list.                  |   |
| Status   | Select<br><br><b>C</b> – Commercial or;<br><b>I</b> – Inherently Governmental                    | The data element allows agencies to submit a single Year 2006 Report to OMB |

|   |  |   |
|---|--|---|
| Reason Code   | Enter the Reason Code for the Commercial Activity (Status Code “C”) functions only – reason it is subject or not subject to cost comparison or direct conversion | Reason Codes appear in 2006 FAIR Act Memorandum to agency heads.  |
| <b>ADDITIONAL INFORMATION</b>                           |  |   |
| Year that activity first appeared on the FAIR Inventory | OCS will enter year. Initial value was 1999. Applies only to Commercial Activities – Required by FAIR Act.   | Blank when the Status (above) is Inherently Governmental (I)  |
| Year of Performance Decision                            | OCS will enter year when a performance decision resulting was reached resulting from an A-76 cost comparison (standard or streamlined study)                     | This applies only to FTEs that have already undergone a competitive sourcing study where there was an in-house performance decision. This should be blank for FTEs other than when the Status (above) is commercial (C) and the reason code is D. |
| Agency Strategic Plan                                   | Enter goal and objective (i.e., 1.1, 2.1, 3.2, 4.3, 5.2, Cross-Goals, etc.)  | Pre-populated and can be changed using the drop-down list.  |
| <b>CONTACT INFORMATION</b>                              |  |   |
| Contact Last Name                                       | Enter name of person responsible for activity or contact person for commercial and inherently governmental status.   | 20-char limit   |
| Contact First Name                                      |  | 15-char limit   |
| Contact Prefix  | Optionally enter Miss, Mr., Ms., Mrs.  | 5-char limit  |
| Contact Suffix  | Optionally enter Jr., Sr., II, III   | 5-char limit  |
| Contact E-Mail  |  | 35-char limit   |
| Contact Phone Number                                    |  | 20-char limit   |

**Additional Note:**

**FTEs** – The total number of FTEs provided by Offices must reconcile against the FY 2006 Enacted Op Plan. Offices must provide a separate written explanation if the FTEs listed on their inventory submission (both commercial (all reason codes) and inherently governmental) do not match the FTE levels in the 2006 Enacted Op Plan. OMB requires a 25% minimum of time for each function performed.

EXHIBIT 1

**Function Codes**

| <b>Function Code</b>          | <b>Function Code Text</b>                           |
|-------------------------------|---|
| <b>Personnel Management</b>   |   |
| <b>B000</b>                   | <b>Personnel Administrative Support</b>             |
| <b>B100</b>                   | <b>Classification</b>                               |
| <b>B200</b>                   | <b>Employee Development</b>                         |
| <b>B300</b>                   | <b>Staffing Reviews</b>                             |
| <b>B302</b>                   | <b>Manpower Research and Analysis</b>               |
| <b>B400</b>                   | <b>Employee Relations</b>                           |
| <b>B401</b>                   | <b>Benefits Reviews and Analysis</b>                |
| <b>B500</b>                   | <b>Labor Relations and Support</b>                  |
| <b>B501</b>                   | <b>Agency Equal Employment Opportunity Reviews</b>  |
| <b>B502</b>                   | <b>Negotiated Dispute Resolution</b>                |
| <b>B701</b>                   | <b>Personnel Operations Management</b>              |
| <b>B920</b>                   | <b>Personnel Social Action Program Operations</b>   |
| <b>B999</b>                   | <b>Other Personnel Activities</b>                   |
| <b>B000</b>                   | <b>Personnel Administrative Support</b>             |
| <b>B100</b>                   | <b>Classification</b>                               |
| <b>B200</b>                   | <b>Employee Development</b>                         |
| <b>B300</b>                   | <b>Staffing Reviews</b>                             |
| <b>B302</b>                   | <b>Manpower Research and Analysis</b>               |
| <b>B400</b>                   | <b>Employee Relations</b>                           |
| <b>Finance and Accounting</b> |   |
| <b>C000</b>                   | <b>Administrative Support</b>                       |
| <b>C110</b>                   | <b>Management Headquarters—Financial Management</b> |
| <b>C301</b>                   | <b>Accounts Payable</b>                             |
| <b>C302</b>                   | <b>Travel Processing</b>                            |
| <b>C304</b>                   | <b>Accounts Receivable</b>                          |
| <b>C307</b>                   | <b>General Accounting</b>                           |
| <b>C308</b>                   | <b>Financial Report Generation</b>                  |
| <b>C309</b>                   | <b>Cost Accounting</b>                              |
| <b>C310</b>                   | <b>Payroll Processing</b>                           |
| <b>C312</b>                   | <b>Payments Issuance Support/Processing</b>         |
| <b>C313</b>                   | <b>Financial Systems Support</b>                    |
| <b>C314</b>                   | <b>Financial Management and Program Planning</b>    |
| <b>C315</b>                   | <b>Financial Management Operations</b>              |



| <b>Function Code</b>                                      | <b>Function Code Text</b>                              |
|---|--|
| <b>C316</b>   | <b>Financial Systems Development and Planning</b>      |
| <b>C400</b>   | <b>Budget Support</b>                                  |
| <b>C401</b>   | <b>Financial Analysis</b>                              |
| <b>C403</b>   | <b>Financial Program Management</b>                    |
| <b>C404</b>   | <b>Business Performance Reporting</b>                  |
| <b>C406</b>   | <b>Cost Analysis</b>                                   |
| <b>C409</b>   | <b>Property Oversight</b>                              |
| <b>C501</b>   | <b>Internal Auditing</b>                               |
| <b>C999</b>   | <b>Other Financial Management Activities</b>           |
| <b>Regulatory and Program Management Support Services</b> |  |
| <b>D000</b>   | <b>Administrative Support</b>                          |
| <b>D100</b>   | <b>Regulatory Activities Support</b>                   |
| <b>D101</b>   | <b>Regulatory Economists/Statisticians</b>             |
| <b>D200</b>   | <b>Data Collection and Analysis</b>                    |
| <b>D400</b>   | <b>Compliance Surveys and Inspections</b>              |
| <b>D410</b>   | <b>Compliance Operations</b>                           |
| <b>D411</b>   | <b>Compliance Assessments</b>                          |
| <b>D501</b>   | <b>Customer Services</b>                               |
| <b>D502</b>   | <b>Administrative Reviews</b>                          |
| <b>D700</b>   | <b>Systems Design, Testing and Certification</b>       |
| <b>D701</b>   | <b>Program Marketing and Outreach</b>                  |
| <b>D702</b>   | <b>Program Planning and Support</b>                    |
| <b>D704</b>   | <b>Program Monitoring and Evaluation</b>               |
| <b>Environment</b>  |  |
| <b>E000</b>   | <b>Administrative Support</b>                          |
| <b>E100</b>   | <b>Hazardous Waste Management</b>                      |
| <b>E101</b>   | <b>Environmental Restoration Analysis</b>              |
| <b>E102</b>   | <b>FIFRA/FDCA Risk Analysis</b>                        |
| <b>E103</b>   | <b>TSCA Risk Analysis</b>                              |
| <b>E104</b>   | <b>Environmental Clean-up Services</b>                 |
| <b>E110</b>   | <b>Management Headquarters—Environmental Security</b>  |
| <b>E120</b>   | <b>Environmental and Natural Resource Services</b>     |
| <b>E200</b>   | <b>Solid Waste Data Collection/Analysis</b>            |
| <b>E250</b>   | <b>Response to Hazardous Material Mishaps</b>          |
| <b>E300</b>   | <b>Pollution Prevention</b>                            |
| <b>E400</b>   | <b>Air Pollution Data Collection/Analysis</b>          |
| <b>E401</b>   | <b>Clean Air Act Pollution Prevention</b>              |
| <b>E500</b>   | <b>Water Data Collection/Analysis</b>                  |
| <b>E501</b>   | <b>Clean Water Act Compliance/Pollution Prevention</b> |

| <b>Function Code</b>   | <b>Function Code Text</b>  |
|--|--|
| <b>E502</b>  | <b>Safe Drinking Water Act Compliance/Pollution Prevention</b>                   |
| <b>E503</b>  | <b>Occupational Safety, Health and Environmental Compliance</b>                  |
| <b>E600</b>  | <b>Environmental Planning/NEPA</b>   |
| <b>E602</b>  | <b>Environmental Impact Statement Reviews</b>                                    |
| <b>E700</b>  | <b>Resource Conservation and Recovery Act Compliance/Pollution Prevention</b>    |
| <b>E800</b>  | <b>Multimedia Compliance/Pollution Prevention</b>                                |
| <b>E801</b>  | <b>Trusteeship</b>   |
| <b>E999</b>  | <b>Environmental Security Issues</b>   |
| <b>Procurement</b>   |  |
| <b>F000</b>  | <b>Administrative Support</b>  |
| <b>F200</b>  | <b>Contracting (Operational)</b>   |
| <b>F300</b>  | <b>Contracting (Analysis)</b>  |
| <b>F310</b>  | <b>Management Headquarters—Procurement and Contracting</b>                       |
| <b>F320</b>  | <b>Contract Administration and Operations</b>                                    |
| <b>F399</b>  | <b>Other Procurement and Contracting Activities</b>                              |
| <b>Social Services</b>   |  |
| <b>G103</b>  | <b>Library Operations and Management</b>   |
| <b>G905</b>  | <b>Public Outreach and Information Services</b>                                  |
| <b>Health Services</b>   |  |
| <b>H010</b>  | <b>Management Headquarters—Health Services</b>                                   |
| <b>H402</b>  | <b>Industrial Hygiene Reviews and Analysis</b>                                   |
| <b>Investigations</b>  |  |
| <b>I415</b>  | <b>Non-field Technical Support to Criminal Investigations</b>                    |
| <b>I416</b>  | <b>Non-Field Administrative Support Criminal Investigations</b>                  |
| <b>I440</b>  | <b>Management Evaluations/Audits</b>   |
| <b>I510</b>  | <b>Personnel Security Clearances and Background Investigations</b>               |
| <b>I520</b>  | <b>Criminal, Counter Intelligence, and Administrative Investigative Services</b> |
| <b>I999</b>  | <b>Other Audit and Investigative Activities</b>                                  |
| <b>Grants Management</b>                                       |  |
| <b>L000</b>  | <b>Administrative Support</b>  |
| <b>L100</b>  | <b>Application Services</b>  |
| <b>L101</b>  | <b>Application Reviews and Evaluations</b>                                       |
| <b>L102</b>  | <b>Independent Grant Review Appeals</b>  |
| <b>L200</b>  | <b>Grants Monitoring and Evaluation</b>  |
| <b>Research, Test, Development, and Evaluation (RTD&amp;E)</b> |  |
| <b>R000</b>  | <b>Administrative Support</b>  |
| <b>R110</b>  | <b>Management Headquarters—Research and Development</b>                          |

| <b>Function Code</b>   | <b>Function Code Text</b>   |
|--|---|
| <b>R120</b>  | <b>Science and Technology</b>   |
| <b>R140</b>  | <b>Management and Support to R&amp;D</b>  |
| <b>R660</b>  | <b>RDT&amp;E</b>  |
| <b>R999</b>  | <b>Other S&amp;T and R&amp;D Management and Support Activities</b>                    |
| <b>Installation Services</b>                                     |   |
| <b>S000</b>  | <b>Administrative Support</b>   |
| <b>S200</b>  | <b>Installation, Base, or Facility Management</b>                                     |
| <b>S210</b>  | <b>Building Management</b>  |
| <b>S500</b>  | <b>Management of Law Enforcement, Physical Security and Security Guard Operations</b> |
| <b>S716</b>  | <b>Motor Vehicle Operation</b>  |
| <b>S731</b>  | <b>Supply Operations</b>  |
| <b>S740</b>  | <b>Transportation Management Services</b>   |
| <b>S744</b>  | <b>Fleet Management Services</b>  |
| <b>S753</b>  | <b>Facility Security Management</b>   |
| <b>Other Non-Manufacturing Operations</b>                        |   |
| <b>T600</b>  | <b>Real Property Management</b>   |
| <b>T804</b>  | <b>Architect-Engineering</b>  |
| <b>T806</b>  | <b>Printing and Reproduction</b>  |
| <b>T807</b>  | <b>Visual Information</b>   |
| <b>T813</b>  | <b>Engineering and Technical Services</b>   |
| <b>T833</b>  | <b>Civil Engineering &amp; Analysis Services</b>                                      |
| <b>T834</b>  | <b>General Engineering &amp; Analysis Services</b>                                    |
| <b>T835</b>  | <b>Chemical Engineering &amp; Analysis Services</b>                                   |
| <b>T836</b>  | <b>Electrical Engineering &amp; Analysis Services</b>                                 |
| <b>T841</b>  | <b>Geological Analysis</b>  |
| <b>Education and Training</b>                                    |   |
| <b>U000</b>  | <b>Administrative Support</b>   |
| <b>U506</b>  | <b>Inspection (IG) Training</b>   |
| <b>U610</b>  | <b>Law Enforcement Training</b>   |
| <b>U620</b>  | <b>Management of Civilian Institutional Training, Education, and Development</b>      |
| <b>U630</b>  | <b>Acquisition Training, Education, and Development</b>                               |
| <b>U800</b>  | <b>Training Development and Support</b>   |
| <b>Communications, Computing, and Other Information Services</b> |   |
| <b>W000</b>  | <b>Administrative Support</b>   |
| <b>W100</b>  | <b>Management Headquarters—Communications, Computing and Information</b>              |
| <b>W210</b>  | <b>Telephone Systems</b>  |

| <b>Function Code</b>                        | <b>Function Code Text</b>   |
|---|---|
| <b>W220</b>                                 | <b>Telecommunication Centers</b>  |
| <b>W299</b>                                 | <b>Other Communications Systems</b>                                     |
| <b>W310</b>                                 | <b>Computing Services and Data Base Management</b>                      |
| <b>W410</b>                                 | <b>Information Operations and Information Assurance/Security</b>        |
| <b>W499</b>                                 | <b>Other Information Operation Services</b>                             |
| <b>W501</b>                                 | <b>Report Processing/Production</b>                                     |
| <b>W601</b>                                 | <b>Information Technology Management</b>                                |
| <b>W824</b>                                 | <b>Data Processing Services</b>   |
| <b>W826</b>                                 | <b>Systems Design, Development and Programming Services</b>             |
| <b>W829</b>                                 | <b>Client Services</b>  |
| <b>W999</b>                                 | <b>Other ADP Functions</b>  |
| <b>Force Management and General Support</b> |   |
| <b>Y000</b>                                 | <b>Administrative Support</b>   |
| <b>Y105</b>                                 | <b>Management Headquarters—Defense Direction and Policy Integration</b> |
| <b>Y150</b>                                 | <b>Classified Activities</b>  |
| <b>Y199</b>                                 | <b>Other Management and General Support Activities</b>                  |
| <b>Y210</b>                                 | <b>Management Headquarters—Operation Planning and Control</b>           |
| <b>Y215</b>                                 | <b>Operation Planning and Control</b>                                   |
| <b>Y220</b>                                 | <b>National Mobilization and Emergency Preparedness Management</b>      |
| <b>Y403</b>                                 | <b>Paralegal</b>  |
| <b>Y405</b>                                 | <b>Management Headquarters—Legal Services</b>                           |
| <b>Y415</b>                                 | <b>Legal Services and Support</b>                                       |
| <b>Y510</b>                                 | <b>Budget and Financial Program Management</b>                          |
| <b>Y515</b>                                 | <b>Public Affairs Program Activities and Operations</b>                 |
| <b>Y620</b>                                 | <b>Legislative Affairs</b>  |
| <b>Y720</b>                                 | <b>Historical or Heraldry Services</b>                                  |
| <b>Y815</b>                                 | <b>Administrative Support Program Management</b>                        |
| <b>Y820</b>                                 | <b>Administrative Management and Correspondence Services</b>            |
| <b>Y840</b>                                 | <b>Directives and Records Management Services</b>                       |
| <b>Y999</b>                                 | <b>Other Functions</b>  |

## EXHIBIT 2

### 2006 EPA Function Code Definitions

#### **(B000, C000, D000, E000, F000, L000, R000, S000, U000, W000, Y000, I416) – Administrative Support**

This function includes timekeeping services, travel services, personnel services, mail and message services, facilities maintenance and security services, equipment and minor property, procurement services for office supplies, furniture and equipment, filing systems management, office reception functions, office management functions, office technical manual (TM) libraries management, oversight and control of office suggestion programs, preparation and distribution of reports from available Agency data sources, oversight and maintenance of office project funds, preparation and management of approved lists/forms, preparation and management correspondence, Contracting Technical Representative duties, and office software training.

#### **B100 Classification**

This function includes the evaluation, establishment, and maintenance of a position classification program to determine appropriate pay systems, occupational grouping, title and grade of position. This function also includes serving as advisor to management on employee and organizational development.

#### **B200 Employee Development**

This function includes the development, coordination, and review of training programs involving outreach, recruitment, and placement within the Agency.

#### **B300 Staffing Reviews**

This function includes the review of numbers, types, and grades of employees or positions assigned to any organization, work project, or tour of duty while implementing Agency and federal laws to ensure compliance and fairness in the hiring, retention, and promotion process.

#### **B302 Manpower Research Analysis**

This function includes workforce and succession planning and analyses, manpower resources allocation in the development of recruitment and retention strategies, and organizational analysis studies. *\*It includes functions previously listed under function code Y530- Personnel, Community Activities and Manpower Program Management*

#### **B400 Employee Relations**

This function includes support for management and employees in preventing and resolving problems of individual relationships which arise out of or affect work situations, the exploration of probable causes, contributing factors, and possible course of action, and the advice and assistance regarding matters of communication, rights, grievances, appeals, and other actions useful in building constructive relations in the work environment.

#### **B401 Benefits Reviews and Analysis**

This function includes the guidance and consultation to employees, annuitants, survivors, and eligible family members on retirement, insurance, health benefits, and injury compensation.

#### **B500 Labor Relations and Support**

This function includes aid in resolving negotiation impasses, the administration and interpretation of Executive Orders, and other Federal and Agency policies and regulations, and implementation of grievance procedures which may involve binding arbitration.

#### **B501 Agency Equal Employment Opportunity Reviews**

This function includes the development, implementation, and enforcement of equal opportunity programs and policy under a variety of anti-discrimination laws, Executive Orders and Federal regulations. This function involves investigating and resolving allegations of discrimination, interpreting EEO laws, regulations and precedent decisions to eliminate illegal discrimination, and to remove barriers to equal employment. This function involves formulation, execution, and analyzing of plans, programs, and procedures that implement regulations and other regulatory activities. This function includes collections and analyses of data for management operations and policy formulation.

#### **B502 Negotiated Dispute Resolution**

This function involves mediation assistance to labor and management in the settlement or prevention of labor disputes connected with the formulation, revision, termination, or renewal of collective-bargaining agreements, and confidential services to employees and managers regarding conflict resolution and internal/external disputes.

#### **B701 Personnel Operations Management**

This function involves the development and implementation of comprehensive human resources management programs, the oversight of a variety of human resource activities, the administration of employee and labor relations program, and the negotiation of the Agency's collective bargaining agreement, the oversight, direction, and control for the employee development programs, personnel services, and performance management processes in the Agency, and the development and implementation personnel policies. This function includes policy guidance, program performance evaluation, approval of performance descriptions and performance standards for federal employees, oversight and control of various employee relations programs; and examinations of an employee's qualifications, eligibility for consideration for positions, promotions and demotions. *\*It includes functions previously listed under B700- Personnel Management Specialist, B710- Management Headquarters- Civilian Personnel, and B720- Civilian Personnel Operations.*

#### **B920 Personnel Social Action Program Operations**

This function involves the development, implementation, and oversight of programs which promote the equitable participation, recruitment, and advancement of special emphasis groups.

### **B999 Other Personnel Activities**

This function involves any other personnel activities not otherwise delineated in B (Personnel) functions areas.

## **C- Finance and Accounting**

### **C110- Management Headquarters- Financial Management**

This function includes the oversight, direction, and control of subordinate financial management organizations. This function includes mid- and long-range planning, programming, and development and issuance of policies and guidance, program performance review, analysis, and evaluation, and the allocation and distribution of resources. This function also includes financial management and program planning, financial systems development and planning, and financial program management.

### **C301- Accounts Payable**

This function involves process control, reconciliation and accounts payable reporting, and other accounting transactions for the Agency's programs.

**\*It includes functions previously listed under C300- Accounting Technicians**

### **C302- Travel Processing**

This function involves commitments and obligations of travel authorizations, payments on travel vouchers, and other travel transactions for the Agency's programs.

### **C304- Accounts Receivable**

This function involves financial transactions processing, preparation of reports, and analysis related to the establishment and maintenance of accounts receivables, collections processing and deposits, cost recovery collections, and the coordination of debt management and collections services with DoJ and Treasury. *\*It includes functions previously listed under C305- Collections, and C306- Customer Billings, and C402- Cash and Debt Management*

### **C308- Financial Report Generation**

This function involves the development of budgetary and financial reports and other related activities.

### **C309- Cost Accounting**

This function involves accurate costing among appropriations, cost analysis on accounting data for use in legal enforcement matters and court proceedings, the determination of allowable and allocable costs, the development of cost recovery actions strategy, and the development and implementation of Agency's policies, procedures, and guidelines for cost accounting.

**C310- Payroll Processing**

This function involves payroll processing and time and attendance records in the financial offices.

**C312- Payments Issuance Support/Processing**

This function involves certification of employee reimbursements, grants, commercial payments, the verification of all payments are legal, proper, and correct, and other payments.

**C313- Financial Systems Support**

The function involves the development and implementation of guidance, policy, and instructions for the use of the financial management database tracking & reporting systems. It also involves the development and maintenance of automated financial systems.

**C314- Financial Management and Program Planning**

This function involves the development, implementation, management, oversight, and control of Agency level financial program planning priorities, policy, guidance, and strategy, and financial planning operations.

**C315- Financial Management Operations**

This function involves the development and implementation of Agency level financial operations priorities, policy, guidance, and strategy; and the management, oversight, and control the Agency's financial operations.

**C316- Financial Systems Development and Planning**

This function involves the negotiations on behalf of the Agency on workgroups and councils regarding financial systems. This function involves the management and oversight of the Agency's modernization of mission critical financial systems. This function involves ensuring Agency compliance with Government regulations pertaining to Financial Systems design, development, implementation, operation and maintenance. This function includes contractor oversight; and the evaluation, accuracy and completeness of contractor estimates of current and future system costs under different scenarios and assumptions.

**C400- Budget Support**

This function involves the preparation of Agency budget guidance and subsequent budget recommendations; the development of recommendations regarding budget formulation, defense, resource allocation, and commission of Federal dollars; and the tracking of budget commitments, reports status of funds, analyzes budget data, and provides technical budget and personnel expertise.

**C401- Financial Analysis**

This function provides for economic benefit analysis, and ability to pay, in connection with penalty enforcement actions; the analysis of confidential financial documents; and the interpretation of the law and other legal authorities.



#### **C403- Financial Program Management**

This function involves determining Federal financial program priorities, policy, guidance, and strategy, and provides for technical assistance on financial management issues. This function involves the establishment and implementation of Agency's goals, objectives, and priorities in order to accomplish the Agency's mission. This function involves the development, coordination, and maintenance of the budget, financial, accounting, and reporting activities for the Agency; and the oversight of contracts and grants management processes.

#### **C404- Business Performance Reporting**

This function involves tracking, analyzing, and reporting on Agency's funds. This function provides for the advice to management officials on the financial status of the Agency's programs. *\*It includes functions previously listed in C405- Business Performance Analysis*

#### **C406- Cost Analysis**

This function provides for the analysis of Agency programs, projects, contracts, financial resources, and cost recovery information; the examination, analyzes, and interpretation of financial and accounting data, records, and reports. This function provides for the advice and assistance to management on financial and accounting issues.

#### **C409- Property Oversight**

This function provides for the financial oversight of acquisition, control, disposal of property, inventory analysis management, and financial accounting for property transactions. This function involves the development and implementation of policies and procedures regarding property, the support of property management contracts, shipping and receiving. *\*It includes functions previously listed under C303- Fixed Assets, and C408- Asset Management and Disposal.*

#### **C501- Internal Auditing**

This function involves conducting internal audits that are part of ensuring compliance with policies and procedures, and the review of financial records, policies, procedures, and practices, which assesses the financial conditions of the Agency.

#### **C999- Other Financial Management Activities**

This function provides for miscellaneous services not otherwise covered in other like function codes.

### **D - Regulatory and Program Management Support Services**

#### **D100- Regulatory Activities Support**

This function involves part of the regulatory deliberative, drafting and development process for establishing, approving, creating legally binding rules, proposed rules, directives, and notices; the interpretation and development of opinions, the implementation of policy for laws, Executive

Orders, treaties, and international agreements; and the direct support for regulatory activities regarding the content and application of Agency policy, such as supporting management, who approve or disapprove revisions and incorporating such into the Code of Federal Regulations.

*\* It includes functions previously listed under D102- Regulatory Audits.*

#### **D101- Regulatory Economists/Statisticians**

This function involves the statistical and economic analyses to support regulatory evaluation and the continued development of regulatory policies and strategies, and the development of regulatory performance goals, plans, and reports. *\*Statistical Analysis also includes functions previously listed under D300- Statistical Analysis, and D350- Economic Policy, which does not exist as an OMB function code.*

#### **D200, E200, E400, E500 - Data Collection and Analysis**

This function involves the development and review of Agency guidance for conducting risk assessments and the assessment of substances as a basis for risk-based decisions and actions, the collection, review, and analysis of data, documents, and assessments from grantees, contractors, and other parties, the oversight and quality assurance reviews of contractors' products; the coordination of peer review of documents and site assessments with other agencies; the assessment and design of site studies; and the communication of the scientific basis for site risk with the public and other stakeholders. *\*Data Collection and Analysis also includes functions previously listed under D201- Customer Surveys and Evaluations. This function code is to have the same definition as E200- Solid Waste Data Collection/Analysis, E400- Air Pollution Data Collection/Analysis, and E500- Water Data Collection/Analysis.*

#### **D400- Compliance Surveys and Inspections**

This function involves surveys and inspections to monitor compliance with environmental laws and other activities pertain to enforcement casework, writing permits for regulated municipalities, and working directly with the regulated community. This function includes options regarding enforcement actions leading to the imposition and collection of penalties against violators, while representing the Agency's interest in settlement negotiations and expert witness testimony. This function also involves the interpretation of regulations for compliance with environmental laws/regulations, required to conduct inspections, and determine compliance.

#### **D410- Compliance Operations**

This function involves establishing procedures to ensure effective and efficient implementation of statutory requirements; responding to inquiries from regulated community. This function includes critical follow-up regulatory information, and interpretations and compliance assurance with terms for international agreements, treaties, and federally funded projects. This function also involves evaluating and approving inspection reports and legal interpretations, recommends enforcement actions, conducting audits and settlement negotiations with regulated entities and case management; implementing federal laws and regulatory programs which are not delegated to the states; ensuring that strategies, enforcement, and compliance assistance priorities are incorporated into the Memorandum of Agreement (MOA); and the oversight of regulation of industry's use of natural resources.

#### **D411- Compliance Assessments**

This function involves the implementation of federal laws and regulatory programs which are not delegated to the states, participates and represents the Agency in negotiations in administrative settings, and consults with other EPA officials regarding discretionary decisions; the evaluation and approval of inspection reports and legal interpretations, recommends enforcement actions, conducts audits and settlement negotiations with regulated entities and case management; regulatory and policy development, regulatory interpretation, and compliance assurance and enforcement support; and the analysis of environmental compliance to develop policies and strategies.

#### **D501- Customer Services**

This function involves the development of EPA responses to Freedom of Information Act (FOIA) requests and to administrative appeals of denials of FOIA requests. *\*Customer Services also includes functions previously listed under D604 - Customer Service Contacts*

#### **D502- Administrative Reviews**

This function involves the daily operations of program offices in meeting the goals of community outreach programs, toxic release inventory programs, and customer service functions in responding to the needs of customers. *\*This function code should not be used by personnel who perform administrative support functions.*

#### **D700- Systems Design, Testing, and Certification**

This function involves the development and testing of automated systems for regulatory activities.

#### **D701- Program Marketing and Outreach**

This function involves the development of information products, policies, procedures and outreach in support of the Agency's regulatory activities; and the management of the Agency's relationship with the media and making the public aware of EPA regulatory programs, aims, and goals. *\*Program Marketing and Outreach also includes functions previously listed under D705- Program Marketing and Outreach, and Y651- Identifying and Developing Consumer/Customer Information Services.*

#### **D702- Program Planning and Support**

This function involves the development of EPA policies, practices or procedures; strategic plans including performance goals, performance indicators, performance plans, program performance reports, strategies and justifications. This function provides for the primary direction of program activities, including the development of design and analysis of EPA organizational structure and function. This function involves the administration, plans, and management of government programs, projects and contracts, including acquisition, budgetary planning, resource allocations, interagency agreements, and the coordination with the Agency, state and non-governmental environmental pollution organizations.

#### **D704- Program Monitoring and Evaluation**

This function involves program monitoring and evaluation of regulatory activities, federal advisory committees, and monitoring the execution of regulatory programs and recommends program adjustments accordingly; and interpreting and executing Federal laws as they relate to regulatory activities. This function includes recommendations to management regarding strategic plans, goals, measures, and activities. *\*Program Monitoring and Evaluation also includes functions previously listed under D706- Program Monitoring, and D707- Program Evaluation.*

### **E – Environment**

#### **E100- Hazardous Waste Management**

This function involves the development of guidance to be used across the Agency pertaining to existing and new initiatives involving hazardous waste management, oil and hazardous substance emergency response/cleanup, underground storage tank pollution prevention and clean up, and chemical emergency prevention and preparedness; monitoring and evaluating state/local/tribal programs in meeting statutory, regulatory, or policy-driven performance standards, i.e., setting priorities for activities or agencies to be evaluated; conducting evaluation studies and interpreting findings; and implementing permits and corrective action requirements of RCRA. This function involves the oversight of contracts property, funds, manpower, and the purchase and/or disposal of government property related to hazardous waste programs; the oversight of international program priorities, including developing and implementing country and media strategic plans and projects, representing the Agency in relations with foreign government representatives, and representing the Agency at official foreign functions as pertains to hazardous waste management initiatives.

#### **E101 - Environmental Restoration Analysis**

This function involves facilitating the reuse and redevelopment of contaminated properties and areas related to Environmental Restoration programs including the establishing guidance, technical assistance and support, environmental cleanup recommendations and decisions, risk assessments, and assistance in the coordination of long-term scientific monitoring projects. This function involves the interpretation and development of legal opinions for implementing policy and regulations pertaining to Environmental Restoration; the development of Agency strategic plans; performance goals and indicators; and programmatic budget requests for the Environmental Restoration programs. This function involves the oversight, control, and accountability of Environmental Restoration program operations, including federally funded programs and projects, resource and contract management, as well as enforcement and compliance responsibilities; and the arrangement for the removal of hazardous substances, pollutants, or contaminants. This function involves remedial actions, and the oversight of cooperative agreements regarding Environmental Restoration projects and programs.

**E102 - FIFRA/FDCA Risk Analysis**

This function involves the development and application of enforcement policies and strategies under the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Drug and Cosmetics Act (FIFRA/FDCA), and the participation in enforcement negotiations in cases alleging FIFRA/FDCA violations. This function involves environmental cleanup recommendations as they relate to FIFRA/FDCA, integrative reviews and risk assessments, contract oversight as it relates to FIFRA/FDCA, and technical assistance and support to other Federal agencies.

**E103 - TSCA Risk Analysis**

This function involves the development of Agency policies, practices, directives, regulatory guidance, and/or procedures as they relate to TSCA risk assessments, the establishment strategic goals and objectives, and setting priorities as they relate to TSCA risk assessments, the coordination of site assessments with other federal, state, and local agencies, and the assessment of chemical contaminants for risk to ecological receptors. This function involves scientific expertise and technical oversight of TSCA related documents prepared by contractors, and determines the basis for risk assessments, and communications with community groups and other stakeholders regarding the scientific basis for the agency's assessment of site risks.

**E104 - Environmental Clean-up Services**

This function involves the development and implementation of enforcement policies and strategies with respect to liability under the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation and Liability Act (RCRA/CERCLA). This function involves representing the Agency in enforcement negotiations in RCRA/CERCLA cases, arranging for the removal of hazardous substances, pollutants, or contaminants, and provides for remedial actions; conducting response measures consistent with the national contingency plans which are necessary to protect the public health or welfare or the environment; and conducting laboratory audits and internal quality assessments. This function involves compliance with other federal statutes as they relate to RCRA/CERCLA; technical assistance, oversight, and support to other federal agencies; and oversight, control, and accountability of Superfund Remedial and Pre-remedial program operations. This function involves gathering and reviewing information; and identifying responsible parties and negotiates settlements to recover Agency costs; assisting in contract and grant administration oversight in support of Superfund programs; determining hazardous waste disposal; supporting Agency regulatory cleanup programs; and preparing responses to audit reports. This function includes advice or recommendations as appropriate in support of making determinations of liability under RCRA/CERCLA.

**E110 - Management Headquarters/Regions—Environmental Security**

This function involves the development and implementation of policies and guidance, Superfund, RCRA and other regulatory program requirements as they relate to Environmental Security. This function involves serving as the Agency representative for Environmental Security issues.

### **E120 - Environmental and Natural Resource Services**

This function involves the development and implementation of national and multi-media program priorities and strategic plans. This function involves establishing terms for international agreements; representing the U.S. and Agency interests in official negotiations; promoting planning and managing actions to restore quality and health of our national resources; acting as liaison with state and local officials; conducting risk assessments; and participating in interagency policy forums. This function involves contract or grant administration management. *\*This function is reserved for multi-media functions.*

### **E250 - Response to Hazardous Material Mishaps**

This function involves the implementation of the national contingency plan, the evaluation of the responses of other agencies and contractors, including activities related to homeland security; the development of response and cleanup policy; and the oversight of state and tribal programs to prevent, detect, and mitigate exposure to hazardous materials. This function involves clean-up operations of hazardous material spills and mishaps, and on-site and remote responses to hazardous mishaps under the federal radiological emergency response plan. *\*Response to Hazardous Material Mishaps also includes functions previously listed under E220- Safety.*

### **E300 - Pollution Prevention**

This function involves the development and implementation of Agency policies, procedures and guidelines in the pollution prevention program area. This function involves establishing relationships and acts as liaison with other Federal Agencies, State and Local authorities, private and international entities, foreign governments, and professional societies in order to ensure effective communication regarding the development of pollution prevention activities', policies, procedures, and regulations; and organizing and coordinating Environmental Management Systems to prevent pollution and ensure compliance with environmental rules and laws. This function includes technical assistance and support to administer contracts and/or grant activities.

### **E401 - Clean Air Act Pollution Prevention**

This function involves the development and implementation of policies and procedures to safeguard our nation's air resources due to emergencies and terrorist activities. This function involves the development, interpretation, and issuance of air pollution prevention policies, directives, guidance, strategies, and plans with respect to non-compliance, and the development of official Agency guidelines to clarify Agency regulations. This function involves the interpretation, development, and implementation of programs, actions, or policies pursuant to laws and international agreements. This function involves issuing permits and monitors air quality; determining the content and application of regulations and permits; reviewing, approving or disapproving state and local regulations controlling air pollution from commercial and industrial sources; and assisting foreign governments in developing environmental program priorities and international agreements.

### **E501- Clean Water Act Compliance/Pollution Prevention**

This function involves developing policies and programs under the Clean Water Act (CWA), establishes regulatory requirements, controls sources of pollution, and promotes planning and

management actions to restore water quality and water-shed health; interpreting, developing and implementing programs, actions, or policies pursuant to laws and international agreements; and developing and implementing policies and procedures to safeguard our nation's water resources due to emergencies and terrorist activities. This function involves reviewing, assessing, and issuing permits and monitoring water quality; determining the content and application of regulations and permits; and reviewing, approving or disapproving state and local regulations controlling water pollution from commercial and industrial sources.

This function involves establishing total maximum daily loads [tmdls] for water-bodies to control sources of pollution; assisting foreign governments in developing environmental program priorities and international agreements; and ensuring ensures compliance with statutory and regulatory environmental requirements under the Clean Water Act, the Clean Water State Revolving Fund, and the Total Maximum Daily Load regulations. This function involves representing EPA positions, decisions, and technical approaches to the public, private interests, stakeholders, local and state governments, and federal agencies; conducting peer reviews to ensure consistency with regional and national programs; and performing the management and/or oversight of delegated and non-delegated state programs. This function involves technical direction and oversight of contractors, including overseeing quality assurance of data from in-house and contractor sources; technical assistance in enforcement negotiations and security matters; and assistance to state and local governments for the construction of water, wastewater, and non-point source projects. This function involves reviewing and approving environmental impact statements from other entities, and approving or disapproving water quality standards.

#### **E502 Safe Drinking Water Act Compliance/Pollution Prevention**

This function involves oversight, control and accountability for federally funded projects, contracts, property, entitlements and grants; the development of policies and programs under the Safe Water Act (SWA), establishes regulatory requirements, controls sources of pollution, and promotes planning and management actions to restore water quality and water-shed health. This function involves the interpretation, development and implementation of programs, actions, or policies pursuant to laws and international agreements; and policies and procedures to safeguard our nation's water resources due to emergencies and terrorist activities. This function involves reviewing, assessing and issuing permits, monitoring water quality, and determining the content and application of regulations and permits. This function involves reviewing, approving or disapproving state and local regulations controlling water pollution from commercial and industrial sources, environmental impact statements from other entities; and water quality standards.

This function involves ensuring ensures compliance with statutory and regulatory environmental requirements under the Safe Water Act, and the Safe Water State Revolving Fund; assisting foreign governments in developing environmental program priorities and international agreements; representing EPA positions, decisions, and technical approaches to the public, private interests, stakeholders, local and state governments, and federal agencies; and conducting peer reviews to ensure consistency with Agency programs. This function involves technical assistance in enforcement negotiations and security matters; technical direction and oversight of

contractors, including overseeing quality assurance of data from in-house and contractor sources; assistance to state and local governments for the construction of water, wastewater, and non-point source projects; and the management and/or oversight of delegated and non-delegated state programs.

### **E503 Occupational Safety, Health and Environmental Compliance**

This function involves the development and implementation of Agency policies, procedures and guidelines for the occupational safety, health and environmental compliance programs and the environmental management systems; and the review, analysis, and evaluation of program performance. This function involves safety consultation services as they relate to occupational safety, health and environmental compliance programs; the oversight of contractors and grantees that perform safety and health functions. *\*It includes functions previously listed under E225-Occupational Health Services.*

### **E600 Environmental Planning/NEPA**

This function involves the interpretation of NEPA, ESA, and the Coastal Zone Management Act to direct Federal decision-making in federally funded projects; the development, interpretation, and implementation of national and international strategies, plans, resource allocations, and guidelines related to NEPA and Environmental Planning (EP). This function involves the development of international agreements and Congressional and audit responses. This function involves monitoring and evaluating the adequacy of national, international, state, local and tribal programs in meeting statutory, regulatory or policy driven performance standards; and representing the Agency during large incidents such as natural disasters and terrorist attacks. This function involves technical expertise on sustainable developments and environmental assessments, and administering contracts and/or grants.

### **E602 Environmental Impact Statement Reviews**

This function involves overseeing the development of Environmental Impact Statements; reviewing Environmental Impact Statements (EISs); and developing an official Agency position and associated comments which requires the application and interpretation of official EPA policy. This function involves developing options, recommendations, and justifications to ensure that the federally funded projects to comply with applicable federal statutes; and Agency responses to NEPA, related to Freedom of Information Act (FOIA) requests. *\*It includes functions previously listed under E601- Environmental Impact Statements.*

### **E700 Resource Conservation and Recovery Act Compliance/Pollution Prevention**

This function involves the oversight, control and accountability for federally funded projects, contracts, property, entitlements and grants; the development of policies and programs under the Resource Conservation and Recovery Act (RCRA); and the establishment of regulatory requirements, controls sources of pollution, and promotes planning and management actions. This function involves the interpretation, development, and implementation of programs, actions, or policies pursuant to laws and international agreements; and policies and procedures to safeguard our nation's resources due to emergencies and terrorist activities. This function involves reviewing, assessing, and issuing permits and monitoring compliance pursuant to



federal statutes; determining the content and application of regulations and permits; and reviewing, approving or disapproving state and local regulations controlling the release of hazardous substances from commercial and industrial sources.

This function includes technical assistance in enforcement negotiations and security matters; assistance to foreign governments in developing environmental program priorities and international agreements; and compliance assurance with statutory and regulatory environmental requirements under the Resource Conservation and Recovery Act. This function involves the management and/or oversight of delegated and non-delegated state programs, technical direction and oversight of contractors, including overseeing quality assurance of data from in-house and contractor sources; and representing EPA positions, decisions, and technical approaches to the public, private interests, stakeholders, local and state governments, and federal agencies.

### **E800 Multimedia Compliance/Pollution Prevention**

This function involves conducting compliance and pollution prevention using a multimedia approach; interpreting, developing, and implementing programs, actions, or policies pursuant to laws and international agreements; developing and implementing policies and procedures to safeguard our nation's resources due to emergencies and terrorist activities while using a multimedia approach. This function involves reviewing, assessing, and issuing permits; determining the content and application of regulations and permits, reviewing; and approving or disapproving state and local regulations controlling pollution from commercial and industrial sources. This function involves assisting foreign governments in developing environmental program priorities and international agreements; performing management and/or oversight of delegated and non-delegated state programs, and in-house and contractor sources; representing EPA positions, decisions, and technical approaches to the public, private interests, stakeholders, local and state governments; and federal agencies. This function includes assistance to state and local governments using a multimedia approach, and technical assistance in enforcement negotiations and security matters.

### **E801 Trusteeship**

This function involves the development of Regional tribal environmental planning and training programs; the administration of Tribal/Environmental grant programs; and the interpretation of EPA statutes and regulations for the tribes. This function includes technical expert assistance to the tribes on various environmental programs; assistance with the identification of environmental priorities and the creation of environmental programs; reports on tribal environmental needs, priorities, and concerns; and consultation services and conflict mediation between program offices and the tribes. This function involves coordinating annual strategic planning process between the Agency and tribes; scheduling and organizing tribal conferences; and acting as liaison with tribal members and environmental tribal staff to develop programs to protect the health of the tribes.

### **E999 Other Environmental Security Activities**

This function involves representing EPA in various international environmental enforcement organizations and works with other countries to develop and enhance their environmental

enforcement capabilities; working with other federal agencies and foreign governments on a variety of import/export issues and represents EPA in the development of environmental requirements in international trade agreements; and overseeing state and local programs regarding environmental security activities.

## **F- Procurement**

### **F200 - Contracting (Operational)**

This function involves reviewing requirements, preparing solicitations, analyzing proposals, negotiating, and monitoring contract performance and costs for pre- and post award activities. *\*The activities above are limited to Contract Specialist/Contracting Officer duties. This includes manager and team leader activities associated with the above activities.*

### **F300 - Contracting (Analysis)**

This function involves the development of guidance material for Agency contracting personnel (i.e., publishing information material to inform, clarify, and explain regulatory and policy changes). This function involves proposal or contract cost and price analysis, financial analysis and rate negotiations. *\*This includes manager and team leader activities associated with the above activities. This function is to be used by the Regions and Labs.*

### **F310 - Management Headquarters - Procurement and Contracting**

This function involves managing the direction of EPA's acquisition system through implementation of the unique acquisition policies, regulations and standards of the EPA. *\*These activities are associated with the EPA's Senior Procurement Executive duties. This function may be used by the Headquarters' offices including OARM, RTP and Cincinnati Finance Offices.*

### **F320 - Contract Administration and Operations**

This function involves monitoring contractor performance, quality assurance and use of property, inspection and acceptance of goods/services, and documents contractor performance. *\*These activities are associated with Contracting Officer Representative (COR)/ Project Officer (PO). It excludes Contracting Officer and Contract Specialist. This includes manager and team leader activities associated with the above activities. It includes functions previously listed under F100- Quality Assurance.*

### **F399 - Other Procurement and Contracting Activities**

This function involves procurement and contracting activities not covered by other function codes such as the processing of Freedom of Information Act (FOIA) requests in response to specific procurements and the operation and oversight of EPA's Purchase Card Program. *\*These activities are also associated with award and administration of purchase orders and micro-purchase (\$2500 and under) in the principle offices. This includes manager, team leader and possibly junior resource officer activities associated with the above activities.*

*It includes functions previously listed under F400- Quality Assurance.*

## **G- Social Services**

### **G103 Library Operations and Management**

This function involves the development of Library policy and procedures, priorities and strategies, assesses support alternatives and determines a course of action for support services in managing a Library. This function involves the oversight of contractors; and the evaluation and determination of resource requirements, acquisition needs, and budget requests required for the operation of library services. This function involves technical assistance and research services on legal matters and microfilming and general library and docket services. *\*It includes functions previously listed in G102- Librarian Services, G104- Technical/ Professional/Legal Library Information Services, G105- Recreational Library Operations, and Y850- Microfilming and Library Services.*

### **G905 Community Relations**

This function involves representing the Agency to the public in community related matters such as public meetings; developing information products, policies, procedures and outreach in support of the Agency's regulatory activities; and managing the Agency's relationship with the media and making the public aware of EPA regulatory programs, aims, and goals. *\*Functions similar to D701 - Program Marketing and Outreach, except G905 provides educational services for the public, where D701 is inter governmental educational services.*

## **H- Health Services**

### **H010 Management Headquarters Health Services**

This function involves developing program priorities, health and safety policies, strategic plans, and determines budget priorities; analytical and management support to the operations of the Headquarters/Regions health unit and fitness center; and serving as the project officer for the U.S. Health Service contract.

### **H402 Industrial Hygiene Reviews and Analysis**

This function includes ensuring that employees comply with the health, safety and environmental regulations, including conducting industrial hygiene assessments and guidance to employees.

## **I- Investigations**

### **I415 Non-field Technical Support to Criminal Investigations**

This function involves performing technical analyses to support criminal investigations; evaluating information for investigations, settlements, negotiations, and trials; collaborating on enforcement and investigative matters that involve chain-of-custody issues in the handling of evidence; and representing the Agency at case management negotiations and hearings on legal matters, executes warrants, and conducts criminal investigations.

### **I440 Management Evaluations/Audits**

This function involves managing audit services, and oversees internal and external audits; reviewing processes, analyzing and evaluating audit recommendations and prepares audit responses; tracking audit reviews and congressional inquiries; reviewing policies and Agency guidance and coordinates audit reviews and information requests; coordinating activities under the Federal Managers' Financial Integrity Act (FMFIA); developing implementation plans that detail corrective actions for selected programs; and performing Quality Assurance reviews.

*\*It includes functions previously listed under I110 - Management Headquarters-Audit, and I430- Performance Audits.*

### **I510 Personnel Security Clearances and Background Investigations**

This function involves managing the Agency personnel security processes and programs, which includes developing, issuing and implementing security policies and procedures.

### **I520 Criminal, Counter Intelligence, and Administrative Investigative Services**

This function involves developing leads, pursues cases, and works with national, state, and local law enforcement to prosecute violators of environmental crimes; developing national investigative procedures to ensure uniform, fair, and appropriate enforcement responses to violations; planning, developing, and coordinating investigative efforts; oversees and determining all operational aspects of criminal investigations, and testifies in grand jury proceedings. This function involves determining the liability for hazardous materials, maintaining surveillance and performs undercover work; advising attorneys in and out of court; and conducting investigations. *\*It includes functions previously listed under Y410- Criminal Investigation.*

### **I999 Other Audit and Investigative Activities**

This function involves participation in all actions related to suspension and debarment of contractors and assistance participants government-wide.

## **L- Grants Management**

### **L100 Grants Management and Administrative Support**

This function involves monitoring and evaluating the adequacy of national and state/local/tribal programs in meeting statutory, regulatory or policy requirements; establishing criteria for evaluation of grant programs; and interpreting evaluation findings. This function includes technical assistance in development of grant programs and applications.

### **L101 Application Reviews and Evaluations**

This function involves establishing, determining, and interpreting grant policies, directives, and guidance regarding grant programs; reviewing and evaluating grant applications for compliance with EPA and federal grant regulations and guidance; preparing Federal Register notices for competitive grant awards; developing grant guidelines and decisions related to grant eligibility, and determines funding requirements; planning, administering, and managing Federal programs for states/tribes/local governments, and other entities; and negotiating implementation of grant programs. *\*This function pertains to pre-award activities.*

### **L102 Independent Grant Review Appeals**

This function involves representing the government's interests in negotiations and hearings, and making final decisions for corrective actions related to grant appeals, audits, and on-site reviews.

### **L200 Grants Monitoring and Evaluation**

This function involves conducting or participating in desk reviews or on-site visits to assess the recipient's compliance with programmatic or administrative requirements as stated in the assistance agreement; reviewing drafts and final products produced by recipients; performing grant closeout activities; and overseeing and monitoring grantee performance. *\*This function pertains to post-award and closeout activities.*

## **R - Research, Development, Test, and Evaluation (RDT&E)**

### **R110 Management Headquarters/Regions Research and Development**

This function involves establishing research and development policy, procedures and guidance as it relates to human health and the environment.

### **R120 Science and Technology**

This function includes the development of scientific policy for national environmental programs, and technical assistance to the Agency's scientific Advisory Board.

#### **R140 Management and Support to R&D**

This function involves monitoring and evaluating adequacy of state/local/tribal research and development programs in meeting statutory, regulatory or policy driven performance standards; overseeing; and controlling the Agency's scientific research operations. This function includes scientific and technical support to the Agency; and setting and evaluating priorities in order to conduct scientific evaluations and interpret findings. *\*It includes functions previously listed under R100- Theoretical Research.*

#### **R660 Applied Research**

This function involves conducting research, development; test and evaluation in order to encompass all basic and applied research, advanced technology development and associated operations; and analyzing scientific data leading to the development of the Agency's policies and procedures.

#### **R999 Other S&T and R&D Management Support Activities**

This function includes technical support to the Agency's scientific programs through research and development, health and safety, and other miscellaneous activities.

### **S- Installation Services**

#### **S200 Installation, Base, or Facility Management**

This function involves the oversight to the operations and maintenance of the Agency's facilities; and miscellaneous facility services not otherwise included in other similar function codes. This function involves managing, instructing or working with other Federal Agencies on the operation, maintenance, and use of Federal facilities and equipment; and developing and implementing Federal and Agency policies regarding the use of facilities and supplies and equipment. *\*It includes functions previously listed under R900- Operation and Maintenance of Physical Plant, and S999 - Other Installation Services. \*Oversight of functions performed by S210 - Building Management.*

#### **S210 Building Management**

This function involves managing contracting services for building maintenance and operations; overseeing administrative services supporting mail service, dock deliveries, and stockroom activities; janitorial services; lawn maintenance, operations and maintenance; and utility operations; planning programs and funding for minor construction, maintenance and repair of government buildings and associated grounds, building space management, procurement and allocation of furnishings of occupied space, and moving and handling of office furniture and equipment; the oversight of facility safety and environmental services ensuring staff safety and OSHA compliance; and developing policy and procedures regarding environmental management systems. *\*It includes functions previously listed under S499- Other Building and Housing Management Services, S715 - Office Equipment Maintenance and Repair, T999- Other Non-*

***Manufacturing Operations, and Z992- Minor Construction, Maintenance and Repair of Buildings and Structures Other Than Family Housing.***

**S500 Management of Law Enforcement, Physical Security and Security Guard Operations**

This function involves managing and overseeing Agency security service programs and develops security policies for the Agency's operating locations; and managing law enforcement, physical security and security guard operations for Agency facilities, either with in-house staff or through oversight of on-site security services contracts. *\*It includes functions previously listed under S510- Law Enforcement, Physical Security, and Security Guard Operations.*

**S716 Motor Vehicle Operation**

This function involves transportation services for senior Agency leadership.

**S731 Supply Operations**

This function involves the orders, inventories, storages, distributions and utilization of supplies, equipment or materials for consumption or disposal; and the maintenance of records for the acquisition, distribution, consumption and disposal of supplies, equipment or material.

*\*It includes functions previously listed under S733- Building Services, S742- Inventory Analysis and Management.*

**S740 Transportation Management Services**

This function involves the management of transportation operations for the Transit Subsidy program.

**S744 Fleet Management Services**

This function involves the management and oversight of government vehicles, including fleet acquisition, assignment, tracking operations, and disposition.

**S753 Facility Security Management**

This function involves the development and implementation of Agency policies, procedures and guidelines relative to physical security at EPA facilities nationwide. This function involves making sure that adequate security procedures are in place, while providing for operational support, compliance monitoring, and the development of corrective action plans when security issues are identified. This function involves programs security access controls for employees and contractors and issues credentials for facility access.

**T- Other Non-Manufacturing Operations**

**T600 Real Property Management**

This function involves analyzing and determining real property requirements for the Agency; interacting with GSA and other entities to negotiate the lease or purchase of real property;

overseeing construction requirements in contracts/leases; and reviewing construction documents and leases to determine the appropriateness of construction methods and products proposed.

***\*It includes functions previously listed under Z199- Other Real Property Program and Project Management Activities.***

#### **T804 Architect Engineering**

This function includes planning and directing construction projects; technical advice; and resolving issues on space utilization and planning.

#### **T806 Printing and Reproduction**

This function involves supporting printing and reproduction services; negotiating and interacting with the Government Printing Office (GPO) for the purchase of printing services and print-related items; and contract management and/or services for the maintenance of copier machines.

***\*It includes functions previously listed under Y860- Printing and Reproduction Services.***

#### **T807 Visual Information**

This function includes creating and/or overseeing televised, videotaped, radio broadcasted productions, for photographic coverage and visual documentation of Agency events; and other similar activities. ***\*It includes functions previously listed under Y570- Visual Information Program Activities and Operations.***

#### **T813 Engineering and Technical Services**

This function includes monitoring and evaluating the adequacy of state/local/tribal programs in meeting statutory, regulatory or policy driven performance standards; scientific and technical evaluation including risk assessments and analysis of environmental projects and Geographic Information Systems (GIS); developing and conducting for training and advice on scientific policies, procedures, and guidelines; and verifying technical information submitted by other entities that support regulatory actions or decisions adhere to federal guidelines.

#### **T833 Civil Engineering & Analysis Services**

This function involves civil engineering services and project management oversight for major Agency construction projects; civil engineering services that support environmental compliance and enforcement programs; risk assessments and analysis of environmental projects.

#### **T834 General Engineering & Analysis Services**

This function involves general engineering services and project management oversight for major Agency construction projects; general engineering services that support environmental compliance and enforcement programs; and risk assessments and analysis of environmental projects.

#### **T835 Chemical Engineering & Analysis Services**

This function involves chemical engineering services and project management oversight for major Agency construction projects; chemical engineering services that support environmental



compliance and enforcement programs; and risk assessments and analysis of environmental projects.

#### **T836 Electrical Engineering & Analysis Services**

This function involves electrical engineering services and project management oversight for major Agency construction projects; electrical engineering services that support environmental compliance and enforcement programs; and risk assessments and analysis of environmental projects.

#### **T841 Geological Analysis**

This function involves geological analysis in support of environmental projects.

### **U - Education and Training**

#### **U506 Inspection (IG) Training**

This function involves managing the Agency's Inspector General training program as mandated by Congress through the National Enforcement Training Institute (NETI); and the oversight of the design of core and specialized IG courses and their delivery to IG staff personnel.

#### **U610 Law Enforcement Training**

This function involves managing the Agency's enforcement training program through the National Enforcement Training Institute (NETI); overseeing the design of core; and specialized enforcement courses. This function includes specialized classroom training in criminal environmental law enforcement.

#### **U620 Management of Civilian Institutional Training, Education, and Development**

This function involves managing the Agency's Outreach Academy and developing plans, goals, and policies for the efficient and effective operation of this project; evaluating instructors of various courses prior to selecting the class offerings for the Outreach Academy; monitoring and evaluating the Outreach Academy instructor's performance; collaborating with stakeholders and federal and state regulators to identify training needs; and developing training programs, schedules, and budget projections. *\*It includes functions previously listed under U301-Training Management.*

#### **U630 Acquisition Training and Development**

This function involves designing, developing, and delivering instructional support for federal and EPA acquisition training courses.

#### **U800 Training Development and Support**

This function includes developing training services in support of Agency training programs; ensuring that policies and procedures are in compliance with Agency training regulations,

standards, and guidelines; technical assistance and training to private and federal entities; and training and certifying Agency personnel for Federal assistance management using Federal and Agency specific assistance laws, regulations and statutes. *\*It includes functions previously listed under U500- Professional Development Training.*

## **W - Communications, Computing, and Other Information Services**

### **W100 Management Headquarters Communications and Computing**

This function involves advising senior Agency officials on the management and program activities which involves the design, development and implementation of information systems requirements, applications, and policies; monitoring and controlling information management systems; reviewing, analyzing, and evaluating systems and contractor performance and products; conducting and reviewing mid- and long-range planning and programming actions related to information management systems; managing Agency information management programs and facilities; and allocating resources information management programs and activities. *\*It includes functions previously listed under Y550- Information and Telecommunications Program Management. This function is apart of the Agency's IT – Commercial, Suitable for Competition, Application & Systems Management Component.*

### **W210 Telephone Systems**

This function involves managing and overseeing the operations of various Agency phone network resources, phone services, and contract services. *\*This function is apart of the Agency's IT – Commercial, Suitable for Competition, User Provisioning & Support Component.*

### **W220 Telecommunications Centers**

This function includes administering, planning, and managing the Agency's telecomm infrastructure; help desk services such as moves/adds/changes, break/fixes, installation; troubleshooting; user assistance; local training; problem tracking, resolving and diagnosing; software and hardware maintenance and repair; and, backup and recovery operations. *\*This function is apart of the Agency's IT – Commercial, Suitable for Competition, User Provisioning & Support Component.*

### **W299 Other Communication Systems**

This function involves managing and overseeing the operations of various Agency communication services such as teleconference services, cellular services, video conference services; and any services other than telephone systems. *\*This function is apart of the Agency's IT – Commercial, Suitable for Competition, User Provisioning & Support Component.*

### **W310 Computing Services and/or Data Base Management**

This function involves overseeing contractors and contractor products; performing procurement and contracting services; managing monetary transactions; developing program and budget requests for desktop PCs and ADP equipment; product evaluations; and COOP/Disaster Recovery actions.

This function involves *Network Administration* which includes designing, developing, testing, and quality assurance, configuration, installation, integration, maintenance, and/or administration of cable plants and network systems (Local Area Networks, Wireless Area Networks, Metropolitan Area Networks, and internet/intranet systems); maintaining physical network architecture and infrastructure; configuring and optimizing network servers; analyzing network workloads; monitoring network performance; diagnosing problems; ensuring proper load balancing; developing backup and recovery procedures; installing, testing, maintaining, and upgrading network operating systems software; installing new or modified hardware/software; managing accounts, network rights, and access to systems and equipment; monitoring the performance, capacity, serviceability, and recoverability of installed systems; implementing security procedures and tools; resolving hardware/software interface and interoperability problems; and maintaining systems configuration and inventory.

This function involves *Database Management* which includes analyzing and defining data requirements and specifications; designing, developing, implementing, modifying, and managing databases; defining and developing data flow diagrams; building and maintaining data dictionaries; developing physical data models, and data mining/data warehousing; maintaining the CERCLIS database (and other data bases) for the Superfund program and ensuring the integrity of the data; extracting data from applications and other documents; identifying erroneous or unusual data; collecting and storing environmental data.

This function involves *Web Site Development and Maintenance* which includes designing and maintaining web sites; monitoring web site functionality, security, and integrity; and linking and integrating web sites with associated databases and digital document libraries. **\*It includes functions previously listed under W399- Other Computing Services, W500- Data Maintenance, W825- OMB Maintenance of ADP Equipment, and Y540- Maintenance and Logistics Program Management. \*This function is apart of the Agency's IT – Commercial, Suitable for Competition, Application & Systems Management Component.**

### **W410 Information Operations and Information Assurance/Security**

This function involves the development and implementation of Agency information security plans, policies, and procedures. This function involves performing risk assessments of information technology systems; monitoring networks and systems for compliance with Agency information policies, and surveys security problems; conducting security audits, and proposes resolution; reporting security incidents to the Agency central information office; serving as local-level Information Security Officers; maintaining security integrity for computer technology and help desk operations, intranet services, and telecom networks; and overseeing IT support

contracts. *\*This function is apart of the Agency's IT – Commercial, Suitable for Competition, User Provisioning & Support Component.*

#### **W499 Other Information Operation Services**

This function involves maintaining information systems in support of Freedom of Information Act (FOIA) requests; developing and implementing guidance associated with environmental information systems; and collecting, developing, and maintaining geospatial information, products, services, and systems. *\*It includes functions previously listed under W430- Mapping and Charting, and W440- Meteorological and Geophysical Services, M316- Geospatial Information Production, and M318- Geospatial Information Acquisition and Processing. This function is apart of the Agency's IT – Commercial, Suitable for Competition, Application & Systems Management Component.*

#### **W501 Report Processing/Production**

This function involves developing and generating reports that are consistent with Agency systems requirements. *This function is not apart of the Agency's IT – Commercial, Suitable for Competition Studies.*

#### **W601 Information Technology Management**

This function involves developing Agency information technology (IT) policy and establishing internal IT procedures and protocols, including strategic planning; preparing and evaluating IT/ADP budgets; developing and approving statements of work, requests for proposals, and delivery/contract orders for information services. *\*It includes functions previously listed under W600 - Data Center Operations. This function is apart of the Agency's IT – Commercial, Suitable for Competition, Application & Systems Management Component.*

#### **W824 Data Processing Services**

This function involves data processing services in support of Agency enforcement and investigation requirements. *This function is apart of the Agency's IT – Commercial, Suitable for Competition, Application & Systems Management Component.*

#### **W826 Systems Design, Development and Programming Services**

This function involves *Software and Application Development* which includes analyzing system requirements; writing code, tests and debugs applications; assuring software quality and functionality; writing and maintaining program documentation; developing compilers, assemblers, utility programs, and operating systems; evaluating new software applications, new systems, and programming technologies; and developing implementation plans pertaining to system-wide commercial off the shelf (COTS) software. *\*This does not include program management of acquisition systems coded F310.*

This function involves *Systems Analysis* which includes conducting needs for analyses to define opportunities for new or improved applications; identifying requirements; conducting feasibility studies and trade-off analyses; defining systems scope and objectives; developing overall functional and technical requirements and specifications; evaluating and recommending sources

for systems components; and, ensuring the integration and implementation of applications, databases, networks, and related systems. *\*It includes functions previously listed under W827-Software Services. This function is apart of the Agency's IT – Commercial, Suitable for Competition, Application & Systems Management Component.*

#### **W829 Client Services**

This function involves help desk services such as moves/adds/changes, break/fixes, installation; trouble-shooting; user assistance; local training; problem tracking, resolving and diagnosing; software and hardware maintenance and repair; and, backup and recovery operations. *\*This function is apart of the Agency's IT – Commercial, Suitable for Competition, User Provisioning & Support Component.*

#### **W999 Other ADP Functions**

This function involves encompassing IT services provided by Agency resources not included in other related IT function codes. *\*This function is apart of the Agency's IT – Commercial, Suitable for Competition, User Provisioning & Support Component.*

### **Y - Force Management and General Support**

#### **Y105- Management Headquarters/Regions- Direction and Policy Integration**

This function involves the direction and policy integration performed at the highest levels of the Agency to include the Administrator, Assistant Administrators, Deputy Assistant Administrators, Regional Administrators, Assistant Regional Administrators, and Deputy Regional Administrators. This function involves planning, formulating, and integrating policy, and directs ongoing activities and security affairs; developing and directing the Agency's budget, financial management, and strategic and annual planning processes as well as performance measurement and accountability functions; developing Agency policies, directives, and regulatory guidance and determines the Agency's mission and program priorities; directing Agency employees who work in programs that regulate industry and commerce, pursue courses of action, and require approval authority & accountability for programs, projects, property, funds expenditures, overall fiduciary responsibility, and direction of Agency employees; approving assistance and acquisition agreements, program goals and objectives, contractual documents, cooperative agreements, non-procurement transactions, and memorandums of understanding; establishing Agency policies, directives, and regulatory guidance to include decisions concerning the content and application of regulations. *\*Function code to be used by AA's, DAA's, RA's, DRA's, ARA's, and the Administrator.*

#### **Y150- Classified Activities**

This function involves performing actions and support services that are withheld for reasons of national security; serving as principal advisor to the President, the Agency Administrator and senior management officials on the Agency's activities and programs; speaking for the

Administration, and is expected to reflect those philosophies in meetings with the media, government officials, business leaders, and outside groups; and budget planning, execution, and program analysis to accomplish Agency missions and functions.

#### **Y199- Other Management and General Support Activities**

This function involves advice, assistance and policy recommendations to Agency administrators, senior agency officials, and program managers; developing plans and options for senior level decision making; and representing administrators at meetings with other senior Agency leaders and other government organizations. *\*Function code to be used by Special Assistants, Senior Advisors, and political appointees.*

#### **Y210- Management Headquarters/Regions- Operation Planning and Control**

This function involves the oversight, direction, and control for policy, human resources, program management, budget and financial management, and strategic planning and implementation; the leadership, oversight, control and direction over Agency program priorities, goals and objectives as it relates to the Agency's mission; the implementation implements program priorities, budget requests and allocations in support of the Agency's mission; and serving as principal advisor to the Agency's Administrators. *\*Function code to be used by Office Directors, Associate Directors, Deputy Office Directors, Division Directors, and Deputy Division Directors. It includes functions previously listed under Y240- Management Headquarters-Manpower Management.*

#### **Y215- Operation Planning and Control**

This function involves the oversight, direction, and control for policy, human resources, program management, budget and financial management, and strategic planning and implementation at management levels not listed under function codes Y105, Y199, and Y210. *\*Function code to be used by any supervisory positions not listed in function codes Y105, Y199, or Y210. (i.e., Branch Chiefs, Section Chiefs).*

#### **Y220- National Mobilization and Emergency Preparedness Management**

This function involves formulating and executing plans, programs, and procedures for domestic, national and homeland security emergency preparedness; coordinating and publishing emergency preparedness plans; coordinating homeland security emergency response activities; developing operational contingency plans, evacuation plans, and remedial action programs; working with local and state emergency preparedness agencies to develop emergency plans, and implementing federal Emergency Planning and Community Right to Know regulations; contracting oversight to contract guards that protect the facility, and ensuring that the facility is able to fulfill its role as both a principal and secondary Continuity of Operations Plan relocation site to Agency Offices; and supporting on-site Agency activities of Emergency Response Teams and Agency laboratories that provide emergency services to States and local governments during disasters, environmental emergencies and terrorist incidents. *\*Reserved for COOP and OEP Operations.*

### **Y403- Paralegal**

This function involves analyzing the legal impact of legislative developments and administrative and judicial decisions, opinions, determinations and rulings on Agency programs; conducting research for the preparation of legal opinions on matters of interest to the Agency; performing legal analysis of requests for information under the provisions of various acts; supporting the development of Agency-related legal opinions and conducting enforcement related negotiations affecting public health and the environment, Agency business operations and Agency relationships with the public, its regulatory partners, and the regulated community; and determining the Agency's responses to Freedom of Information Act requests and determining whether documents should be released or withheld.

### **Y405- Management Headquarters/Regions- Legal Services**

This function involves the oversight and management of legal services; counseling and representing the Agency in a broad range of critical and unique areas affecting public health and the environment, Agency business operations, and Agency relationships with the public, its regulatory partners, and the regulated community; and establishing the Agency's legal interpretation on the issues presented. This function involves serving as the approving body for proposed settlements of enforcement actions initiated by the Agency's headquarters offices; issuing decisions under the authority delegated by the Agency Administrator; evaluating and monitoring contracts, grants and cooperative agreements entered into on behalf of Agency offices to ensure they further the Federal Laws and regulations regarding utilization of small and disadvantaged businesses in direct procurement acquisitions and indirect procurement assistance.

This function involves developing policies and regulations; interprets and executes small business laws; monitors procurement opportunities at the Federal, State, local and non-profit levels, including colleges and universities; and determining advancement of the economic and political interests of the Agency, as mandated by PL 95-50, with respect to small business investment. This function involves making legal and business judgments for all Agency suspension and debarment matters; developing proposed changes to legislation; and interpreting and developing legal opinions for Agency positions to support Agency legal policies on regulations. This function includes advice on complex and novel issues arising under statutes, regulations, executive orders, and other policy and guidance documents, legal advice and interpretations of Agency and non-Agency federal regulations and statutes; and devising options and analysis to be used to develop policy and regulatory guidance. *\*This function is to be used by General Counsel, Principal Deputy Counsel, Deputy Counsel, Associate General Counsel, Regional Counsels, and Deputy Regional Counsels. This function includes Management and oversight of Y415 functions.*

### **Y415- Legal Services and Support**

This function involves preparing cases for trial and/or the trial of cases before a court or an administrative body or persons having quasi-judicial power; rendering legal advice and services with respect to questions, regulations, practices or other matters falling within the purview of the Agency; conducting investigations to obtain evidentiary data; and preparing interpretative and administrative orders, rules or regulations to give effect to the provisions of governing statutes or

other requirements of law. This function involves drafting, negotiating or examining contracts or other legal documents required by the Agency's activities; drafting, preparing formal comments, or otherwise making recommendations with respect to proposed legislation; drafting and reviewing decisions for consideration and adoption by Agency officials; establishing the Agency's legal interpretation on issues presented; and making policy determinations and serving as the approving body for proposed settlements of enforcement actions initiated by the Agency's headquarters offices.

This function involves evaluating contracts, grants and cooperative agreements entered into on behalf of Agency offices to ensure they further the Federal Laws and regulations regarding utilization of small and disadvantaged businesses in direct procurement acquisitions and indirect procurement assistance; developing policies and regulations; interpreting and executing small business laws; monitoring procurement opportunities at the Federal, State, local and non-profit levels, including colleges and universities; and determining advancement of the economic and political interests of the Agency, as mandated by PL 95-50, with respect to small business investment. This function involves working closely with criminal investigators and other law enforcement officials to gather information and coordinate efforts on behalf of the Agency; interpreting and developing legal opinions and implements policy for laws, Executive Orders, treaties, and international agreements; counseling and representing the Agency in a broad range of critical and unique areas affecting public health and the environment, Agency business operations, and Agency relationships with the public, its regulatory partners, and the regulated community; devising options and analysis to be used to develop policy and regulatory guidance; and representing the Agency's interests at official functions, negotiations, and hearings on legal, labor, employment, cost recovery or investigative matters regarding regulations.

This function involves prosecuting and adjudicating administrative, civil judicial and criminal environmental enforcement matters and cases; and developing Agency responses to Freedom of Information Act responses and appeals, and develops comments on proposed state and federal legislation. This function includes recommendations to Congress for changes to governing legislation and comments to draft legislation and responses to Congress on matters concerning the Agency; advice on the development of National policy and guidance on the implementation of programs; guidance and counsel on legal aspects of existing and developing regulations that affect the implementation of the Agency mission to protect the human health and the environment; and legal advice and interpretations of Agency and non-Agency federal regulations and statutes. *\*It includes functions previously listed under Y400- Legal Services, and Y401- General Attorney's Services.*

### **Y510- Budget and Financial Program Management**

This function involves managing the Agency's financial management activities and programs; assisting in the assignment of budget resources to program priorities; monitoring the use of federal dollars; and planning, organizing, and carrying out information programs and activities in support of the financial programs of the Agency. This function involves reviewing the Agency's publications to ensure compliance to program and publication policy; funding certifying officers



for control over appropriated resources ensuring compliance with government funding policies and procedures; obligating grants and contracts expenditures, bankcard services, travel, and training; and overseeing the development, formulation and execution of Agency budgets. This function involves allocating resources, FTE's, and contract funds across the Agency; maintaining the oversight, control, and accountability of government operations, federally funded programs and projects, contracts, and federal property and funds; and tracking tracks the expenditure of resources and in the development of budget requests.

This function includes budget and financial leadership and control over programs and resources; management and operational guidance and oversight, develops and implements office policy and represents the office and its interests at Agency functions; and direct support to the Agency on Records of Decisions (ROD) for Institutional Controls language and Post ROD Authority Issues/Disputes. This function involves the administration of public trust funds, the management of Treasury accounts, the development of budget requests, and the commitment of the Agency's appropriations for the release prevention and release detection of underground storage tanks and cleaning up leaking underground storage tanks. This function includes recommendations for budget formulation and resource allocation in the development of President's Budget requests to the Agency Administrator, the Office of Management and Budget, and ultimately to the Congress; resource management duties such as FTE/function management and utilization, payroll ceiling management and utilization, and OIG and GAO liaison and audit resolution; and the oversight, control; and accountability of extramural and intramural funds. This function includes Funds Certifying Officers, certifying funding for financial execution in the Agency and approval officials for Agency credit card purchases. *\*This function is reserved for program budget formulation. It It includes functions previously listed under Y511- Budget Execution Support Services.*

#### **Y515- Public Affairs Program Activities and Operations-**

This function includes principal media advisors to the senior Agency officials on public affairs and communications aspects of the Agency's activities and programs; community information liaisons in emergency response situations; outreach for senior officials on program activities; liaisons for senior officials within and between Agency program offices; writing and editorial support to the Agency's internet web teams, and the development of official government and public relations statements and Government testimony and responses to Congress. This function involves writing materials which convey the Agency's official position to the public and/or Congress on Agency issues, briefing local and county elected officials about Agency programs; conducting public meetings or hearings, serving as the official government representative; overseeing support activities already contracted out such as logistical arrangements. This function involves advising management on matters of public information planning and strategy regarding EPA programs and goals and assisting in preparation of materials, and assisting senior officials in strengthening relationships with all staff members on major policy issues and decision processes. This function also involves the development and maintenance of PA-related computerized information, preparing reports, and recommending appropriate changes, and oversight of media relations in all matters involving the Agency's relationships with the news

media, and in disseminating information to the press. *\*It includes functions previously listed under S701- Public Affairs/Relations, and Y501- Management Headquarters-Public Affairs.*

#### **Y620- Legislative Affairs**

This function involves interface with Congressional and/or State legislative bodies in order to advise officials on proposed legislative actions, the development of official Agency and public relations statements for legislative affairs, and the communication of Agency information to elected officials. This function includes tracking, analyzing and summarizing relevant legislative actions; and tracking and reporting critical legislative events. *\*It includes functions previously listed under Y610- Management Headquarters- Legislative Affairs.*

#### **Y720- Historical or Heraldry Services**

This function involves the collection, evaluation, analysis, research, and presentation of historical information about the Agency, as well as the oversight of contractor support for development of the Agency's historical information database.

#### **Y815- Administrative Support Program Management**

This function involves the oversight, direction, and control of administrative support programs and offices, centers, and libraries through the development and the issuance of policies; and the analysis, evaluation, and review of performance criteria. This function includes coordinating all action items and communications, maintains control records on incoming correspondence, action documents, and automated correspondence tracking systems; presenting the views of senior Agency officials in correspondence and other communications with Agency managers and other individuals inside and outside the Agency; and advising management on the impact of policies being considered for implementation and recommends alternative policies which support the Agency's mission. *\*It includes functions previously listed under T700- Miscellaneous Program Management.*

#### **Y820- Administrative Management and Correspondence Services**

This function involves general administrative management duties, such as management and processing of forms; maintenance and control of administrative services contracts; travel charge card administration and management; other management record-keeping duties; and interpreting external correspondence and makes assignments for replies. This function involves reviewing EPA correspondence that will go to external parties for compliance with Agency policies, statutes, program priorities, etc; assuring that the correspondence is signed and sent with all necessary enclosures and attachments; determining Agency policy, regulation, direction, and strategy involving information resource initiatives; and managing the daily activities of the Agency's most senior officials, channeling and screening information directly to senior officials, Program Advisors, and Special Assistants.

This function also involves reviewing incoming correspondence and documents and stays abreast of Agency correspondence policies and procedures; assisting Program Advisors and Special Assistants with special projects and prepares reports and memoranda; supporting personnel managing areas of correspondence control and Freedom of Information Act requests; and

working with senior analysts to analyze and determine policies, guidelines and procedures related to the release of FOIA information, and coordinating replies with high-level management while ensuring full understanding of Agency policy issuances by these officials. This function involves coordinating Agency FOIA activities, developing responsive answers to issues which have high visibility or require special sensitivity, coordination or control, and official Government public relations statements to include clarifications on Agency policies, practices or procedures, and Government testimony and responses to Congress. *\*It includes functions previously listed under Y829, which does not exist an OMB function code.*

**Y840- Directives and Records Management Services**

This function involves records management technical assistance to managers and staff; making determinations regarding the retention, archiving and disposal of Agency manual and electronic records, including records that contain confidential and restricted Agency information. This function involves maintaining directives and records management files and systems that are consistent with Agency and Federal policies and procedures (e.g., National Archives Records Administration); developing and distributing guidance related to records management policies and procedures that are specific to Agency programs; training Agency staff on the rules and regulations related to records management; coordinating Agency directives, orders, and congressional review actions; compiling comments and prepare Agency responses to policies, directives, and regulations; and overseeing contractor support. *\*It includes functions previously listed under Y830- Documentation Services, and Y880- Document Automation and Production Services.*

**Y999- Other Non-Administrative Functions**

This function involves providing miscellaneous senior management activities not otherwise included in other Y category function codes. *\*It includes functions previously listed under Y450- Maritime Activities.*

## **Definitions – Inherently Governmental / Commercial Activity<sup>1</sup>**

- I. Inherently Governmental.** An inherently governmental activity is “so intimately related to the public interest as to mandate performance by government personnel,” and that “these positions require the exercise of substantial discretion in applying government authority and/or in making decisions for the government.” These positions have the authority to bind the government to a course of action; to determine budget, priorities and policy; to significantly affect the life, liberty, or property of private citizens; or to exert ultimate control over the acquisition, use, or disposal of government property. The OMB A-76 Circular further clarifies that “not every exercise of discretion is evidence that an activity is inherently governmental”. In order to be considered inherently governmental, the discretion cannot already be “limited or guided by existing policies, procedures,...and, other guidance that (1) identify specified ranges of acceptable decisions or conduct and (2) subject the discretionary authority to final approval...by agency officials”.

Unless an employee has authority as defined above, they do NOT meet the definition of inherently governmental.

- II. Commercial Activities.** A commercial activity is a recurring service that could be performed by the private sector and is resourced, performed, and controlled by the agency through performance by government personnel, a contract, or a fee-for-service agreement. A commercial activity is not so intimately related to the public interest as to mandate performance by government personnel. Commercial activities may be found within, or throughout, organizations that perform inherently governmental activities or classified work.

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<sup>1</sup> Source of definitions – OMB Circular A-76, Attachment A

EXHIBIT 4

**2006 Inventory Commercial Reason Codes**

| <b>REASON CODES FOR<br/>COMMERCIAL ACTIVITIES INVENTORY</b> |  |
|---|--|
| <b>Reason<br/>Code</b>                                      | <b>Definition</b>  |
| A   | The Commercial Activity is not appropriate for private sector performance pursuant to a written determination. The Agency has exempted this function from competition resulting in no competition. |
| B   | The Commercial Activity is suitable for a Cost Comparison or Competition.  |
| C   | The Commercial Activity is the subject of an in-progress Cost Comparison or Competition.   |
| D   | The Commercial Activity is performed by a Most Efficient Organization (MEO) resulting from a Cost Comparison decision made within the past five years.   |
| E   | The Commercial Activity is pending an agency approved restructuring decision (e.g., closure, realignment).   |
| F   | Performance of the commercial activity by government personnel is required due to a statutory prohibition against private sector performance.  |

EXHIBIT 5

**Contracting Officer's Technical Representative (COTR) and Assistance Agreement Functions**

The coding of Contracting Officer's Technical Representative (COTR) functions and Assistance Agreement functions have been handled in an inconsistent manner, therefore the following guidance is provided to assist offices in preparing their 2005 Inventory submissions:

Contracting Officer's Technical Representative (COTR) functions are a commercial activity that EPA has determined is too great a risk to consider for competition. On May 25, 2005, the Office of Management and Budget (OMB) guidance identified COTR functions as commercial. In applying that guidance to EPA, the Agency notes that it is highly reliant on contractor support to meet mission requirements. Additionally, EPA has struggled historically with contract administration as a material and agency level deficiency. These deficiencies led the Agency to bring contracted work back in-house to avoid actual or perceived personal services. Although, the deficiencies were cleared in fiscal year 2000, EPA continues to monitor contract administration, particularly as it relates to the relationship between EPA and its contractors, to avoid future problems. Therefore, after careful consideration the Agency has determined to exempt these functions from competition. FTE performing COTR functions should be coded as commercial, but exempt from competition in the inventory. The Office of Competitive Sourcing (OCS) will provide the written justification required by OMB Circular A-76 for these exemptions.

The Table entitled "Assistance Agreements" below is provided to guide Office in coding activities associated with Assistance Agreements.

| <b>ASSISTANCE AGREEMENTS</b>  |   |
|---|---|
| <b>ASSISTANCE AGREEMENTS ACTIVITIES - PROJECT OFFICERS</b>  |   |
| <b>Major Activity 1: Pre-Award</b>  |   |
| <i>Commercial Sub-Activities</i>  | <i>Inherently Governmental Sub-Activities</i>   |
| Perform assessment of recipient's technical capabilities required by the Policy on Assessing Capabilities for Non-Profit Applicants for Managing Assistance Awards.   | Determine adequacy of capabilities.   |
| Perform preliminary review of grant application packages for program related items such as statutory/regulatory compliance, program guidance or solicitation criteria; checking whether activities are in agreement with statutory authority, delegation of authority and program results code.               | Determine compliance.   |
| Perform and document cost review in the pre-award phase.  | Determine eligibility, allowability, allocability, and reasonableness.  |
| Prepare competitive announcement for review and approval by the Project Officer.  | Determine eligibility and compliance with all requirements. Approve competitive announcement.   |
| Receive, review and prepare initial analysis of proposals/applications for program related items such as statutory/regulatory compliance, program guidance or solicitation criteria; checking whether activities are in agreement with statutory authority, delegation of authority and program results code. | Determine eligibility and compliance. Determine applicant's adherence to EPA Order 5700.7, "Environmental Results Under EPA Assistance Agreements." |
| <b>Major Activity 2: Award/Amendment/Post-Award</b>   |   |
| <i>Commercial Sub-Activities</i>  | <i>Inherently Governmental Sub-Activities</i>   |
| Prepare the funding recommendation form in the Integrated Grants Management System. -   | Approve and sign the funding recommendation   |

| <b>ASSISTANCE AGREEMENTS</b>  |   |
|---|---|
| <b>ASSISTANCE AGREEMENTS ACTIVITIES - PROJECT OFFICERS</b>  |   |
| <u>Commercial, Exempt for competition (represents substantial risk to the Agency based on past Inspector General findings).</u>   | package.  |
| Perform both pre- and post-award advanced monitoring reviews, including on-site reviews, grants outputs and milestone tracking.   | Determine if findings from reviews indicate acceptable performance and make final determination on recommendation to correct deficiencies.  |
| Prepare the commitment notice, assigning accounting information for the award.  | Determine funding source.   |
| <b>Major Activity 3: Monitoring and Compliance</b>  |   |
| <i>Commercial Sub-Activities</i>  | <i>Inherently Governmental Sub-Activities</i>   |
| Monitor compliance in accordance with post-award monitoring procedures, including on-site reviews, grant output and milestone tracking. Document findings and recommend whether the recipient is in compliance with agreement conditions. Recommend whether grantee submittal of interim and final performance reports are in accordance with 40CFR S30.51 and 30.71. | Determine if findings from reviews indicate acceptable performance and make final determination on recommendation to correct deficiencies.  |
| Compile programmatic findings and comments from Project Officer and convey those, along with any administrative comments, to applicants, and check revised applications to insure that identified administrative and programmatic deficiencies have been addressed.   | Determine if findings from reviews indicate acceptable performance and make final determination on recommendations to correct deficiencies. |
| Receive and input into IGMS MBE/WBE reports and follow-up on delinquent reports.  |   |
| Review high-risk recipients' payment requests and supporting documentation.   | Approve payment.  |
| Review reports to evaluate whether they adequately address progress in achieving agreed-  | Acceptance of grantee performance. Make   |



|   |   |
|---|---|
| <b>ASSISTANCE AGREEMENTS</b>  |   |
| <b>ASSISTANCE AGREEMENTS ACTIVITIES - PROJECT OFFICERS</b>  |   |
| upon outputs and outcomes.  | determinations regarding recommendations to correct grantee deficiencies. |
| <b>Major Activity 4: Closeout</b>   |   |
| <i>Commercial Sub-Activities</i>  | <i>Inherently Governmental Sub-Activities</i>                             |
| Assess whether project is technically ready for closeout including whether all deliverables have been received. | Determine readiness for closeout.   |
| Prepare documentation in IGMS for no-cost time extension and grant closeout.                                    | Approve extensions or closeout.   |

| <b>ASSISTANCE AGREEMENT</b>  |  |
|--|--|
| <b>ASSISTANCE AGREEMENT ACTIVITIES - GRANTS SPECIALIST</b>   |  |
| <b>Major Activity 1: Pre-Award</b>   |  |
| <i>Commercial Sub-Activities</i>   | <i>Inherently Governmental Sub-Activities</i>  |
| Perform assessment of recipient's administrative capabilities required by the Policy on Assessing Capabilities for Non-Profit Applicants for Managing Assistance Awards. | Determine adequacy of capabilities.  |
| Perform and document cost review in the pre-award phase.   | Determine eligibility, allowability, allocability, and reasonableness.   |
| <b>Major Activity 2: Award/Amendment/Post-Award</b>  |  |
| <i>Commercial Sub-Activities</i>   | <i>Inherently Governmental Sub-Activities</i>  |
|  | Approve and sign the funding recommendation package.   |
| Perform both pre- and post-award Advanced Monitoring Reviews to include on-site reviews, grant outputs and milestone tracking.   | Determine if findings from reviews indicate acceptable performance and make final determination on recommendation to correct deficiencies. |
| Prepare documentation in IGMS for no-cost time extension and closeout.   | Approve extension and/or closeout.   |
| <b>Major Activity 3: Monitoring and Compliance</b>   |  |
| <i>Commercial Sub-Activities</i>   | <i>Inherently Governmental Sub-Activities</i>  |
| Monitor compliance in accordance with post-award monitoring procedures, including on-site reviews, grant output and milestone  | Determine if findings from reviews indicate acceptable performance and make final determination on recommendation                          |

| <b>ASSISTANCE AGREEMENT</b>   |   |
|---|---|
| <b>ASSISTANCE AGREEMENT ACTIVITIES - GRANTS SPECIALIST</b>  |   |
| tracking. Document findings and recommend whether the recipient is in compliance with agreement conditions. Recommend whether grantee submittal of interim and final performance reports are in accordance with 40CFR S30.51 and 30.71. | to correct deficiencies.                      |
| Receive and input into IGMS MBE/WBE reports and follow-up on delinquent reports.  |   |
| Review high-risk recipients' payment requests and supporting documentation.   | Approve payment.                              |
| <b>Major Activity 4: Closeout</b>   |   |
| <i>Commercial Sub-Activities</i>  | <i>Inherently Governmental Sub-Activities</i> |
| Perform closeout for final approval by Grants Specialist, including preparing warning letters, collecting Final Statistics Reports (FSRs), following up on missing items and preparing closeout letters.                                | Approve closeout.                             |
| <b>Major Activity 5: Training</b>   |   |
| Provide routine non-specialized training, excluding areas regarding policy issues and training for Project Officers.  |   |

EXHIBIT 6

**Justification Criteria and Format – Inherently Governmental and Commercial/Exempt**

| Number | Status Reason Criteria   |
|--------|--|
| 1      | Subjecting this FTE to competition creates a substantial risk to the Agency's ability to meet its mission.   |
| 2      | This FTE must be retained within the Agency to maintain a sufficient number of FTE to perform independent, day-to-day oversight of core Agency functions.  |
| 3      | This FTE must be retained in-house in order to maintain a sufficient number of trained and experienced FTE with historical knowledge to ensure continued performance of a core function.                               |
| 4      | This FTE must be retained in-house in order to maintain a sufficient number of specialized FTE with expertise of Agency systems and procedures.  |
| 5      | This FTE must be retained in-house in order to maintain a sufficient number of FTE to provide policy recommendations to the Agency's inherently governmental decision makers.  |
| 6      | This FTE must be retained in-house to meet strategic workforce planning needs of providing suitable candidates for career growth in mission critical areas of the agency.  |
| 7      | This FTE is currently filled by an individual with disabilities hired using Schedule A authority.  |
| 8      | This FTE is filled by a student intern as part of a formalized program for federal recruitment.  |
| 9      | Agency regulations and/or policy require this activity to be performed by a government employee.   |
| 10     | This FTE is commercial and suitable for competition. <i>(None of the criteria above is applicable, therefore it is suitable for consideration for competition).</i>  |
| 11     | This FTE is CURRENTLY being competed under a public-private competition.   |
| 12     | This FTE has PREVIOUSLY been competed under a public-private competition.  |
| 13     | Statutory restrictions require this activity to be performed by a government employee.   |
| 14     | This FTE is the final approval authority for establishing policy, strategy, program measures, and/or setting office priorities.  |
| 15     | This FTE is the final approval authority for materials/products that will be used to represent the Agency to the public.   |
| 16     | This FTE certifies invoices for payment (Funds Certifying Official).   |
| 17     | This FTE is a warranted Contracting Officer or Grants Approval Officer.  |
| 18     | This FTE represents the Agency in hearings, negotiations, or grievances and commits the Agency to a course of action for or against individuals or businesses in carrying out the mission or management of the Agency. |
| 19     | This FTE makes final determinations regarding the disposition of Agency assets or the use of Agency budgetary authority.   |
| 20     | This FTE is accountable for Agency compliance with Government regulations or policy and/or represents the Agency in court hearings, negotiations, and litigations.   |
| 21     | This FTE applies financial and enforcement discretion that may significantly affect the life, liberty, or property of private persons.   |
| 22     | This FTE exerts ultimate control over the acquisition, use, or disposition of Agency property.   |
| 23     | This FTE makes final determinations regarding eligibility, allowability, allocability, and/or reasonableness of activity.  |
| 24     | Makes final determination regarding eligibility and compliance with all requirements, policy and/or guidance.  |
| 25     | Approves and signs funding recommendations.  |
| 26     | Obligates the Agency to a course of action.  |

With the exception of numbers 10 through 12, the criteria set forth above explain why FTE are being withheld from consideration from competition by the Agency. FTE are withheld from competition because they are either inherently governmental or the Competitive Sourcing Official, or appropriate designee, has determined they will be exempted from consideration from competition. The FAIR Act of 1998 and OMB Circular A-76 require written justifications for all functions that are exempted from competition. These written justifications must be made available to OMB and the public upon request. OMB requires that justifications for functions determined commercial but exempted by the Agency from competition be submitted in conjunction with the annual FAIR Inventory submissions.

The criteria above establish the basis for the rationale to exclude FTE from competition but the strategic thinking can only be provided at the Office level. How did you determine what a “sufficient number” of FTE is? What is the “substantial risk” to the Agency? When explaining the rationale, please consider approximately what percentage of a function is currently provided by contractors, what are the risk of outsourcing too much of the function, what percentage would hinder the Agency’s ability to fulfill its’ core mission and when would this occur. If these positions are being reserved for career progression, explain how it fits in the EPA’s Human Capital plan. Do not simply define the activities that are associated with a function.

Written justifications should be short and to the point. No more than **two (2) pages** should be necessary to justify all exemptions from one Office. The OCS will review the Office submissions and provide feedback as necessary. Office justifications will be collated and submitted to OMB as a part of the Agency Inventory submission. See an example format below.

Example Justification Format

| <b>Function Code</b> | <b>Function Title</b>                         | <b>Status</b> | <b>Justification</b>   |
|----------------------|---|---------------|--|
| <b>B302</b>          | <b>Manpower Research and Analysis</b>         | <b>CA-06</b>  | This FTE must be retained in-house to meet strategic workforce planning needs of providing suitable candidates for career growth in mission critical areas of the Agency, because EPA has determined that a “skill gap” exists in our ability to perform Strategic Workforce Planning. Therefore these positions, X% of Y, have been identified as training positions, to address this gap and position EPA for future success.  |
| <b>F320</b>          | <b>Contract Administration and Operations</b> | <b>CA-01</b>  | Subjecting this FTE to competition creates a substantial risk to the Agency’s ability to meet its mission, because the activities under this function code are those performed by Contracting Officer’s Representatives and while currently corrected, the EPA has had material weaknesses in the area of contract oversight. Because of this history and continued sensitivities in contract administration, the Agency exempts these positions from consideration for competition. |

