

[2/14/08]

The Department of Energy

National Nuclear Security Administration



Workforce Restructuring Plan

Lawrence Livermore National Laboratory

March 2008

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I. INTRODUCTION

A. EXECUTIVE SUMMARY

Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Section 3161) directs the Secretary of Energy, upon a determination that a change in the workforce is necessary at a Department of Energy (DOE) defense nuclear facility, to develop a plan for workforce restructuring in consultation with affected stakeholders. The objectives of such a plan are to minimize involuntary separations, reduce the social and economic impact of restructuring on individuals who are involuntarily separated, and mitigate the detrimental effects of restructuring on the surrounding communities.

This workforce restructuring plan (“Plan”) covers Lawrence Livermore National Security, LLC (the Contractor or LLNS), the management and operating contractor reporting to the Livermore Site Office and performing work at the Lawrence Livermore National Laboratory (LLNL or the Laboratory). It establishes the general framework within which any restructuring of the workforce at LLNL would be implemented. Once approved, this Plan will set the policy of the Department¹ for responding to the changing missions, and contractor structure at the Lawrence Livermore National Laboratory for fiscal year 2008 and beyond. Further modifications to this Plan may be made if circumstances require.

This Plan reflects the Department’s experience over the nearly fifteen years since the enactment of Section 3161. The benefits described in this Plan are consistent with the authority granted in Section 3161, the Departmental policy, and with appropriations provided by the Congress. Specific Contractor employment reductions, or workforce restructuring “programs,” will be developed as necessary, using this Plan as a guide and in light of the programmatic and other relevant factors of each restructuring.

As set out in detail below, the objectives of this Plan are to minimize the impact of restructuring on affected employees and the community to the extent practicable through:

- Internal transfers to jobs open in the Contractor workforce where employees can perform the work required with retraining, as practicable and consistent with the hiring benefits discussed below.
- Retraining assistance for internal job opportunities.
- Rehiring preference for any involuntarily separated employees meeting eligibility requirements.

¹ Unless specified otherwise, the terms “Department” and “DOE” as used herein refer to the Department of Energy, including the National Nuclear Security Administration (NNSA).

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- Outplacement assistance for eligible employees to maximize opportunities for external job placement when internal placement or retraining programs are not practicable.
- Consultation and coordination with the community and area stakeholders to assure that avenues of assistance are available for affected workers and that the objectives of Section 3161 are met.

B. PREFACE

LLNL is a multi-program national security laboratory managed and operated by LLNS for the Department of Energy's National Nuclear Security Administration (NNSA), since October 1, 2007. Established in 1952 to augment the nation's nuclear weapons design capability, LLNL has also been the source of major advances in nuclear weapons safety and performance. Today, LLNL plays a major role in the transformation of NNSA's nuclear weapons complex. The Laboratory also plays a primary role in supporting NNSA's mission to prevent the spread and use of nuclear weapons, as well as other weapons of mass destruction. LLNL has developed multidisciplinary expertise to meet vital needs in stockpile stewardship and nonproliferation and conducts programs in defense, homeland security, energy, environment, biosciences, basic science, and advanced technologies. Activities in these areas, often pursued in partnership with other laboratories, universities, and industry, enhance the competencies needed for LLNL's core national security missions.

This Plan seeks to meet the objectives of Section 3161 consistent with budget constraints and the mission needs of the NNSA. The objectives of the Plan are to:

- Minimize involuntary separations,
- Minimize the impact of restructuring on individuals who are involuntarily separated,
- Mitigate the detrimental impact of restructuring on the surrounding communities,
- Maintain the integrity of the core competencies required to carry out the missions of the Laboratory, and
- Restructure and reorganize LLNL operations as appropriate to support the Department's strategic objectives within available funding.

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II. ROLES AND RESPONSIBILITIES

A. STAKEHOLDER INPUT

Upon a determination that the workforce at a DOE defense nuclear facility should be restructured, Section 3161 requires DOE to develop a workforce restructuring plan in consultation with appropriate representatives of state and local governments, appropriate representatives of affected employees, and other affected Site stakeholders. DOE and NNSA are committed to ensuring stakeholder involvement in developing policies regarding workforce restructuring at LLNL and accordingly have:

- notified stakeholders and made the draft of this workforce restructuring plan available on the Livermore Site Office web site for comment;
- analyzed comments received; and
- revised the draft plan, as appropriate in light of stakeholder comments.

The Plan will be transmitted to Congress and posted on the Livermore Site Office website.

B. DOE and NNSA RESPONSIBILITIES

DOE and NNSA are responsible for establishing workforce restructuring policy and developing the Section 3161 Plan. The Contractor shall obtain prior DOE and NNSA approval for any workforce restructuring separation programs involving more than 100 employees within a twelve-month period (see procedures outlined below, pages 6-7). The Livermore Site Office will evaluate the Contractor's implementation of this Plan. Consistent with its obligations under Executive Order 11246 of September 24, 1965, as amended by Executive Order 12086 of October 5, 1978, DOE and NNSA will particularly scrutinize any proposed involuntary workforce restructuring actions involving fifty or more employees within a twelve-month period for possible disparate impact on minorities and other protected classifications of employees.

C. THE ROLE OF NNSA CONTRACTORS

1. The Employers

While the Contractor is not specifically identified as a stakeholder by Section 3161, it cannot realistically be excluded from the process of developing workforce restructuring policy. The information it supplies is used to evaluate the existing workforce and to determine the need for restructuring. The Contractor, not DOE or NNSA, is the employer of any workers who may be affected by workforce restructuring activities and as such has responsibilities to those employees. The Contractor must terminate the employment of separating employees and it is also the Contractor that must implement the workforce restructuring Plan developed by DOE and NNSA. The Contractor may also be party to collective bargaining

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agreements covering some employees. The Contractor sponsors and is responsible for the management and administration of pension and benefit plans covering its employees.

The Contractor will perform its own workforce planning consistent with the DOE Section 3161 Plan. Subject to DOE and NNSA approval, the Contractor's workforce restructuring plans may also be multi-year restructuring action plans, which may need to be revised and updated periodically.

2. Communications

Timely and accurate communication with employees is essential. The Contractor is expected to comply in all respects with the requirements of DOE and NNSA orders and guidelines regarding announcement of workforce restructuring actions. Contractors are expected to communicate information regarding workforce restructuring to the employees before releasing any information to the news media. The Contractor will ensure that all information intended for release to internal or external audiences is consistent with all legal and contractual requirements, including any applicable personnel policies.

III. PLANNING

A. PLAN APPLICABILITY

This is an open-ended Plan without a termination date. Unless amended, withdrawn, or replaced, it will provide the guidelines for all future workforce restructuring actions involving operations conducted at LLNL. The benefits described in this Plan are subject to the availability of funds. It is DOE, and NNSA, policy that Displaced Worker Medical Benefits (described below) and outplacement assistance benefits (as provided by the State of California) are available to eligible displaced employees; however, changes in this policy may be made depending on the circumstances of the restructuring actions and availability of funds. All involuntarily separated employees who meet applicable eligibility requirements will be entitled to the Section 3161 rehiring preference set forth below. Any "enhanced benefits" requested by the Contractor (i.e., benefits above and beyond those legally required) are subject to NNSA approval and the availability of funds. Although this Plan applies to contractor and subcontractor employees, it does not necessarily provide all of them with the same benefits.

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B. TIMING OF NOTIFICATION OF WORKFORCE RESTRUCTURING

Advance notification of intent to implement workforce restructuring actions should be provided as early as possible to maximize notification to the workforce and the community, with an objective of 120 days notice to employees and the community for development of a workforce restructuring plan prior to the involuntary separation (other than for cause) of employees.

Any involuntary separation will also be conducted consistent with DOE and NNSA orders and guidelines, applicable laws, regulations, and policies. If the Worker Adjustment and Retraining Notification (WARN) Act is applicable to a particular involuntary workforce restructuring program, affected employees will be given written notice consistent with the applicable legal requirements prior to their separation.

DOE and NNSA recognizes that any planned reduction in employment levels at LLNL could cause a high level of anxiety within the workforce. To minimize this anxiety, the Contractor will communicate frequently, openly, and honestly with employees.

C. WORKFORCE PLANNING

DOE, NNSA and the Contractor will continually review the skills mix necessary to carry out future missions at the Laboratory and how those skills compare to those of the existing workforce. Uncertainties regarding mission, as well as the skills that will be needed to accomplish future missions, make detailed, long-range planning and projections extremely difficult.

1. Skills Inventory

The Contractor will maintain an inventory of the skills of its workforce and update it annually. The skills included in the inventory are those that employees already possess and can readily demonstrate. The Contractor will complete an updated skills inventory and assessment of skills needed prior to any workforce restructuring involving employee separations. Employees should be encouraged to ensure that the information available accurately reflects all of their education, retraining, certifications, etc.

In order for the skills inventory to be of maximum benefit to the employee and the Contractor with respect to transferring, retraining, and staffing projections, the inventory should be expressed in terms of the skills required to meet evolving mission requirements, as stated in occupational categories.

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2. Assessment of Available Skills Relative to Skills Requirements

The Contractor will prepare and maintain a rolling three-year workforce assessment reflecting: 1) projected workforce skills requirements, 2) the current composition and inventory of the skills of the workforce, and 3) the feasibility of retraining existing employees to meet changing mission requirements. The assessment will be expressed in terms of occupational categories. Showing present employment levels and future skills requirements based on projected missions and budget estimates for the three-year period, the assessment will be updated at least annually.

3. Workforce Planning and Restructuring Strategy

DOE and NNSA are responsible for approving the overall workforce restructuring plan for LLNL. The Contractor is responsible for implementation of DOE workforce restructuring policy, oversight of restructuring affecting its workforce, and any specific workforce restructuring programs conducted under this Plan. Attrition will be managed to minimize the need for involuntary separations. The Contractor will identify, review, and document any skills mismatches, excesses or deficiencies according to skill classification prior to conducting a voluntary or involuntary separation program. **The Department strongly disapproves hiring from the outside that has the effect of “backfilling” the positions of individuals separating as part of either a voluntary or involuntary separation program.**

IV. WORKFORCE RESTRUCTURING PROGRAMS

When a voluntary or involuntary separation program is planned, the Contractor will be expected to fully satisfy its obligations toward any labor organization representing its employees, and will also be expected to adhere to applicable personnel policies for non-bargaining unit employees. Prior to conducting a separation program, the Contractor will give union officials representing any affected bargaining units notice of the action contemplated and comply with any obligations under the National Labor Relations Act as it relates to bargaining in the situation, as well as with any procedures set out in their collective bargaining agreements.

A. GENERAL PROCEDURES FOR WORKFORCE RESTRUCTURING

Consistent with applicable Departmental guidance, prior Livermore Site Office approval is not needed for any restructuring activities involving separations of fewer than 100 employees in the aggregate over a twelve-month period. However, even in cases where approval is not required, the following procedures will be used to notify DOE and NNSA of any restructuring actions:

- If the restructuring involves fewer than 10 employees being separated, the Contractor will notify the Livermore Site Office Contracting Officer of each restructuring action by e-mail.

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- If the restructuring involves the separation of 10 and up to 100 employees over a twelve-month period, the Contractor will notify the Livermore Site Office Contracting Officer by formal letter.
- For all restructuring actions, the Livermore Site Office Contracting Officer must be given at least 15-days notice.
- All notices must contain pertinent information such as reasons, costs, dates, and numbers.
- Congressional and other stakeholders will be notified.
- Any payment of enhanced benefits beyond those already approved in the Contractor's prime contract must be approved by the Livermore Site Office Contracting Officer and the Office of Legacy Management.

Changes in the nature or structure of the Contractor's workforce which may affect 100 or more employees within a 12-month period require the advance approval of the Livermore Site Office Contracting Officer. The Contractor must provide such information as directed by the Contracting Officer or his or her designee to enable compliance with Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 and pertinent DOE and NNSA guidelines and requirements.

Consistent with its obligations under Executive Order 11246 of September 24, 1965, as amended by Executive Order 12086 of October 5, 1978, DOE will particularly scrutinize any proposed workforce restructuring actions involving fifty or more employees in a twelve-month period for possible disparate impact on minorities and other protected classifications of employees.

B. SELF-SELECT VOLUNTARY SEPARATION PROGRAM (SS VSP)

Self-Select Voluntary Separation Programs (SS VSPs) minimize the number of involuntary separations needed to accomplish workforce restructuring without excessive cost, and mitigate the impact on affected employees. Accordingly, when workforce restructuring is necessary, the Contractor, in consultation with the Livermore Site Office, should consider the use of a SS VSP before consideration is given to conducting an Involuntary Separation Program (ISP). Employees in skills classifications that have been identified as having more employees than needed, or whose voluntary separation would prevent an involuntary separation, may be offered the opportunity to volunteer for separation from employment. The Contractor will reserve the right to decide whether to accept the applications submitted. Contractor employees who submit applications to participate in a SS VSP will be selected based upon their verified eligibility to participate, as well as continuing mission requirements and other factors. Employees whose applications are accepted as being in the best interest of the employer will receive the same severance pay that they would have received had they in fact been involuntarily separated, together with DOE Displaced Worker Medical Benefits, as described below.

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C. INVOLUNTARY SEPARATION PROGRAM (ISP)

If it is necessary to restructure the work force at LLNL, efforts will be made to minimize the number of employees involuntarily separated. Non-represented employees will be identified for involuntary separation consistent with applicable personnel policies and on the basis of neutral and objective factors to be determined at the time of the involuntary separation program. Examples of factors that may be relevant are documented individual performance, seniority, the need for the individual's skills taking into account retraining possibilities, and the number of individuals with the required skills. Critical skills are not determined solely by job classification, but rather by the skills needed to accomplish continuing site missions. The transferability of skills across organizational entities, the impact of attrition, and the diversity of work experience as it relates to the overall strategic direction at the Laboratory may also be considered, as appropriate. Application of these factors to individual employees will be documented. Employees who are not covered by collective-bargaining agreements will receive severance pay in accordance with the Contractor's personnel policies.

Represented employees covered by collective bargaining agreements will be identified for involuntary separation in accordance with any requirements in their collective bargaining agreements and will receive severance pay as provided by the severance provisions of those agreements.

Any selection or evaluation of employees which is associated with any workforce restructuring action must comply with all applicable laws, including those pertaining to equal employment opportunity and diversity, and with applicable Contractor personnel policies.

V. ASSISTANCE AND BENEFIT PROGRAMS

A. RETRAINING PROGRAMS

1. Objectives

As this Plan has repeatedly emphasized, DOE and NNSA believe that retraining is vital to accomplishing many of the objectives of this Workforce Restructuring Plan, including: (1) minimizing loss of vital skills and knowledge, (2) minimizing negative impacts to the surrounding communities and affected employees, and (3) minimizing, to the extent practicable, the need for involuntary reductions in the workforce.

2. Retraining for Retained Employees

Once impacted individuals have been notified, the Contractor may conduct a "closed job fair" specifically for impacted individuals to bid on funded vacancies at the Laboratory. Successful bidders who meet the minimum requirements of an

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existing opening may be provided retraining to become proficient in their new position.

B. DOE Displaced Workers Medical Benefits Program

Management and operating contractor employees who separate from employment voluntarily or involuntarily (other than for cause) and who were eligible for medical insurance coverage under the Contractor's plan at the time of separation from employment are eligible for medical coverage under the DOE Displaced Workers Medical Benefits Program (DWMBP), provided they are not eligible for coverage under another plan, e.g., another employer's group health plan, the Contractor's Retiree Medical Plan, a spouse's medical plan, or Medicare. During the first year following separation, the Contractor will continue to pay the employer portion of the medical premium share and the employee will be billed for the employee portion of the applicable monthly premium, depending on the type and level of coverage the employee has at separation. During the second year after termination, the employee will be responsible for one-half of the full Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) rate for this coverage and the Contractor will pay the remainder. Beginning in the third year and continuing thereafter, the separated employee will be responsible for paying the full COBRA rate.

If an employee is eligible for coverage from another employer or a spouse's employer, but that employer's coverage contains a pre-existing condition limitation, the employee will be allowed to continue to receive benefits under the DWMBP for the pre-existing condition until the limitation period with the new employer is satisfied. Similarly, the employee may continue coverage under the DWMBP during any waiting period before coverage under a new plan is effective.

Alternatively, terminated employees may elect to continue medical coverage under COBRA. Employees will be provided a separate notice of COBRA benefits.

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C. HIRING PREFERENCE

1. The Section 3161 Rehiring Preference for Eligible Separated Employees

To the extent practicable and in accordance with applicable legal requirements, involuntarily separated regular employees who meet the eligibility requirements contained in this Plan will receive the Section 3161 rehiring preference in filling vacancies for which they are qualified or, to the extent practicable under the circumstances, for which they may become qualified. Employees will not be considered to have involuntarily separated for purposes of the Section 3161 rehiring preference if they are separated as a result of: (1) termination for cause; (2) voluntary separation from employment at LLNL; (3) the normal completion of a contract; or (4) privatization or outsourcing where the employees laid off are offered comparable compensation with the new contractor. Additionally, to retain eligibility for the preference, individuals must recertify annually through the use of the form at Appendix A. Eligibility for the Section 3161 rehiring preference will be consistent with the Planning Guidance for Contractor Workforce Restructuring dated December 1998.

Regular employees are individuals employed for an indefinite period with no specified ending date. Such employees include full-time and part-time employees. To be classified as a qualified, eligible employee under Section 3161, regular employees must have been:

- Employed at a DOE defense nuclear facility on or before September 27, 1991;
- Employed at LLNL in a full-time or part-time regular capacity on the date a workforce restructuring notice was given for a specific workforce reduction; and
- Involuntarily separated (as discussed above).

Intermittent employees are individuals employed in situations that result in repeated periods of employment and unemployment, (e.g., most construction trades). To be qualified as eligible for the Section 3161 rehiring preference, intermittent employees must have been:

- Employed at any DOE defense nuclear facility on or before September 27, 1991;
- Must have worked at such a facility within the 180 days preceding an applicable workforce restructuring notification;
- Must have worked at a DOE defense nuclear facility a total time, including time worked prior to September 27, 1991, equivalent to having

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worked 40 hours per week from September 27, 1991, through the date of the notification, or have actually worked the industry standard of full-time from September 27, 1991, through the date of the notification; and

- Must have been adversely affected by the announced restructuring at LLNL within a reasonable period of time (one year). This includes the interruption of a project before its anticipated completion, or the completion of the assignment or project without prospect for a follow-on assignment at the site where the employee had a reasonable expectation of a follow-on assignment.

Contractors engaged in operations at LLNL will implement the Section 3161 rehiring preference in accordance with LLNL's Contractor Preference in Hiring Procedure (See Appendix B, "Contractor Preference in Hiring Procedures"). Websites such as the Job Opportunity Bulletin Board System (JOBBS) will be utilized through the Contractor's employment department and other outplacement sources to assist eligible individuals in locating vacancies within the DOE AND NNSA complex for which they may be qualified. JOBBS can be found at <https://www.jobbs.energy.gov/jobbs/bbs/index.cfm>.

In addition to the Section 3161 rehiring preference, the Contractor's own rehiring policy is to provide a hiring preference to all career indefinite employees, including those hired after September 27, 1991.

2. Subcontracts and Implementation of the Section 3161 Rehiring Preference

New subcontractors and sub-tier contractors which (with any contract options) exceed \$500,000, except subcontracts for the purchase of supplies, equipment or property, will be required by contract language to accord hiring benefits to displaced employees consistent with this Plan and the requirements of applicable procurement laws.

In order to ensure that hiring benefits requirements are inserted into subcontracts, DOE and NNSA have developed a model clause (48 CFR (DEAR) 952.226-74) to be used as the basis for developing applicable provisions in its solicitations for new contracts and subcontracts at LLNL. Subcontractors are required to maintain adequate documentation to support hiring decisions, and insert hiring benefits requirements into their subcontracts.

D. OUTPLACEMENT SERVICES

To mitigate the impact of involuntary reductions in force, the Contractor will provide employees identified for involuntary separation with access to skill assessments, assistance with resume creation, training in interview techniques, job market information, resource libraries, and automated job listings. Additional outplacement assistance will be provided during the notice period based on available funding.

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Employees should also seek assistance from state employment services. Individuals can find information about state-sponsored education and training, career assistance, and current vacancies through the California Employment Development Department (EDD) website: www.caljobs.ca.gov. California EDD Service offices in the Livermore area are located at 39155 Liberty St, B200, Fremont, CA. Initial filing for unemployment can be done on the California EDD website: <https://eapply4ui.edd.ca.gov>.

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APPENDIX A –

STATEMENT OF INTEREST IN MAINTAINING SECTION 3161 EMPLOYMENT ELIGIBILITY

Name: _____
FIRST Middle Last

Social Security Number: _____ - _____ - _____

Address: _____
Street/Apartment Number

City State Zip Code

Telephone Number: () _____ - _____ () _____ - _____
HOME WORK

Date of Lay-Off resulting from Workforce Restructuring: _____
Month/Day/Year

Employer: _____

Position(s) held: _____

Job Classification Codes (COCs): (See attached form) _____

Education: (Last level completed and discipline) _____

Are you willing to relocate for employment? _____ YES _____ NO _____ MAYBE

I hereby request that my name be placed on the Section 3161 Preference in Hiring List for the Lawrence Livermore National Laboratory (LLNL) and be considered for any job opportunities that may arise for which I am qualified. I also certify that I have not been terminated for cause from employment by a Department of Energy contractor or subcontractor while performing work at a Department of Energy site. I understand that I am required to inform LLNL Staffing as to my preference status and that I am required to submit a hard copy of my resume with this application.

I ALSO UNDERSTAND THAT IN ORDER TO RETAIN PREFERENCE IN HIRING STATUS, I AM REQUIRED TO COMPLETE A NEW FORM ANNUALLY TO MAINTAIN MY PREFERENCE STATUS.

SIGNATURE DATE

SEND COMPLETED FORM TO: [INSERT CONTRACTOR INSTRUCTIONS]

APPROVED:

LLNS DATE HIRE DATE SEPARATION DATE

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APPENDIX B – LIVERMORE SITE OFFICE CONTRACTOR PREFERENCE IN HIRING PROCEDURES

Pursuant to the *Interim Planning Guidance for Contractor Workforce Restructuring*, eligible employees involuntarily separated from employment (except if terminated for cause) at Lawrence Livermore National Laboratory or other DOE AND NNSA sites may be eligible for preference in hiring. Where qualifications are approximately equal, eligible individuals will be given preference in hiring consistent with applicable law, regulation, or executive order, and collective bargaining agreements. The *Interim Guidance for Contractor Workforce Restructuring* that was established in 1993 and modified in 1998 provides the basic instruction for workforce restructuring implementation. This guidance can be found at the DOE Office of Legacy Management website at <http://www.lm.doe.gov/benefits/restructuring/restructuring.htm>.

Initially, and on an annual basis thereafter, eligible individuals must certify on the Statement of Interest in Maintaining Section 3161 Employment Eligibility, their desire to retain their hiring preference through the contractor's employment department. Web sites such as Job Opportunity Bulletin Board System (JOBBS) will be utilized through the contractor's employment department and other outplacement sources to assist eligible individuals in locating vacancies within the DOE AND NNSA Complex for which they may be qualified. JOBBS can be found at <https://www.jobbs.energy.gov/jobbs/bbs/index.cfm>

In order to be eligible, individuals must meet the requirements as identified below:

Regular employees are individuals employed for an indefinite period with no specified ending date. Such employees include full time and part time employees. To be classified as a qualified, eligible employee under Section 3161, regular employees must have been:

- Employed at a DOE defense nuclear facility on or before September 27, 1991; and
- Employed at the Lawrence Livermore National Laboratory in a full-time or part-time regular capacity on the date a workforce restructuring notice was given for a specific workforce reduction; and
- Involuntarily separated (other than for cause).