



Society of Professionals, Scientists, and Engineers, Affiliated with University Professional & Technical Employees (UPTE), Communications Workers of America (CWA) Local 9119, AFL-CIO
Jayne Tonowski, President ♦ Jim Wolford, President-elect

SENTINEL

News For LLNL
Professionals, Scientists, and Engineers

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From the President

Welcome to this issue of the Sentinel devoted to topics concerning transition of the management contracts at Los Alamos National Laboratory (LANL) and Lawrence Livermore National Laboratory (LLNL). Pictured below are the SPSE officers who are working very hard on your behalf during these transitional times. By transition, I refer to the management contract for LLNL being up for bid and the privatization of Los Alamos National Laboratory. These changes may negatively impact our working environment and impair our ability to fulfill the Lab's mission. SPSE needs all employees to understand the issues facing the Laboratory and help mitigate the impacts of the transition. One powerful way to help is by becoming a member of SPSE. Your dues money will



*Left to right top row Sue Byars, Bill Smith, and Bruce Kelly
Bottom row Jim Wolford, Jayne Tonowski and Jeff Colvin*

help defray the costs of research and lobbying activities regarding the transition. By joining SPSE your voice adds strength to the message that employees matter to the Lab's mission. As you read the articles in this issue you will learn how the transition is impacting employees and how SPSE is working for a positive outcome. I urge you to complete and return the application for membership located at the end of this publication. Membership in SPSE is open to all UC employees not already represented by another union. ■



RFP for LLNL Set to do Permanent Harm to the Lab and its Employees

Ignoring the entreaties of SPSE and UPTE and several key members of Congress, National Nuclear Security Agency (NNSA) in early May issued a draft Request for Proposals (RFP) for the management contract for LLNL that is nearly identical to the final LANL RFP. Just like our colleagues in New Mexico, we will soon no longer be University of California (UC) employees. Instead, you will be taken over by a private company, and thus lose future earnings of service credit in your UC pension. All of us will become disposable "at will" employees of the newly created private company.

SPSE and UPTE continue to believe that privatization of the weapons labs is a direct assault on intellectual freedom that will only work to undermine the national security mission of the labs. We strongly oppose the NNSA's course of action, and have submitted comments to NNSA on the draft RFP. The following is the summary of our RFP comments; the complete text can be seen on our web site, www.spse.org. ■

RFP Comments From SPSE/UPTE

The Society of Professionals, Scientists, and Engineers (SPSE), which is affiliated with University Professional and Technical Employees (UPTE) Local 9119 Communications Workers of America (AFL-CIO), is an independent employee organization representing scientists, engineers, and other professionals employed by the Lawrence Livermore National Laboratory (LLNL).

SPSE offers the following comments on NNSA's draft RFP for the contract for LLNL.

Summary:

1. Extend the deadline for RFP comments until 5 August 2006, the bid award date until December 2007, and the transition period until 1 June 2008. We (and others) have some great ideas and lessons learned from the LANL process but need more time to make them robust. LLNL and LANL are different labs, offering different perspectives but also having different site profiles, as they should be else they would be duplicative. This in turn compels a different RFP.
2. Write the RFP to encourage bids of a different nature from the LANL process. Do not "disallow" an LLC bid, but do not de facto "require" an LLC bid as was done in the LANL process. Given the language in the Pre-Solicitation presentation on "Complex 2030",¹ there is a unique chance for LLNL to move quickly to a site with a much lower safety and nuclear materials security profile than LANL. Expediting the removal of CAT I/II SNM from LLNL, together with a minimal hazard future for Site 300 could make the case for an LLC much less compelling, and perhaps obviate the perceived need for a for-profit style RFP.²
3. Require Pension Reciprocity³ of both the old and new contractors proper. This obviates the need for the confusing "TCP1 vs. TCP2" nomenclature and choice. This will avoid the requirement for employees to transfer their UCRP assets from UC / State of CA to an LLC Start-up company if they hope to retain "substantially equivalent" benefits. In other words, there shall be no requirement or plan to move UCRP funds to TCP1 or any location other than their current location.
4. Require "substantially equivalent" benefits for transferring employees, retirees, and future retirees for the length of the contract, not just one year.
5. Explicitly disallow "At Will" employment status. The LANS employment application, while evading the words "At Will", contains concisely "At Will" language. In a private for-profit firm in the spirit of free market capitalism, "At Will" may (or may not) be a good choice. However, as an NNSA nuclear weapons lab, *the purpose of LLNL is to certify the nuclear stockpile in the absence of nuclear testing.* Examples of the disastrous effects of de facto "At Will" range from Pearl Harbor to Challenger to Columbia, where employees were afraid to bring up known deficiencies for fear of losing their jobs. In our business it is a mistake we cannot make even once, because as recently stated by a Fellow of the AIAA, "If you don't test, you won't know." And we don't test. There are direct analogies to both Challenger and Columbia waiting in the stockpile. To the extent that employees are free to express a diversity of scientific opinion and evidence regarding stockpile certification, we can deal with and preclude these Challenger and Columbia analogies in our stockpile. If "At Will" consumes the nuclear design certification business, we will never know – until perhaps one day when it is too late. ■

¹ See "Complex 2030" Briefing on the NNSA RFP Website, Slide 17 etc.

² For example, New Mexico Institute of Mining and Technology operates an explosive test facility in a university environment; this relatively low safety and physical security profile could enable non-LLC entities to credibly bid on LLNL with a similar model for Site 300 testing.

³ See "Supporting Comments, Pension Plan" just below

SPSE Wins Two Grievances on Appeal to UC

When SPSE files a grievance on behalf of a member and the Lab rejects the complaint as not grievable under Lab policy, we appeal the Lab's decision to University of California Office of the President (UCOP) when we believe the Lab is improperly applying the grievance policy. UCOP has routinely backed the Lab, and rejected our appeal. But recently UCOP, in two separate cases, not only did not reject our appeal but granted the remedy we sought in the grievance. In one case a wrongfully terminated employee was re-instated, and in another case a written warning that was sent to an employee via email was rescinded.

We do not know why UC has finally met their responsibility to hold Lab management accountable, but we certainly welcome the change. ■

SAVING OUR PENSIONS: ONE SMALL VICTORY

Meanwhile, SPSE and UPTE have scored a small but significant victory in turning back UC's proposal to separate out the assets of LANL employees in UCRP into a separate "spin off" pension plan. UC advertised this proposal as being necessary to ease the transfer of UCRP assets for transitioning employees to the new management contractor at LANL. However, had this proposal been implemented, it would have left LANL retirees in a pension plan with no active members and a much smaller asset base than the much larger UCRP. This ill-advised proposal was opposed by Senators Domenici and Bingaman, the Chairman and Ranking Member of the Senate Energy Committee that oversees the DOE budget, and by the DOE. The Senators' and DOE's opposition certainly played an important role, but we believe what finally pushed UC back from the brink was the UPTE lawsuit against them (see next story). Approximately three weeks after filing the suit, UC dropped the proposal for the spin-off plan. ■

Pensions
Pensions



SAVING OUR PENSIONS: THE BATTLE CONTINUES

UPTE and CWA lawyers advised us that the action of the new Los Alamos labs management contractor, LANS, requiring employees to give up further assets in UCRP in order to be guaranteed continued employment at the Lab is a possible violation of federal law. Accordingly, UPTE and several of its members at Los Alamos filed suit against UC and LANS in California Superior Court in Oakland. The following is the Press Release we issued at simultaneous press conferences in Los Alamos and Livermore on the day the suit was filed. ■

PRESS RELEASE

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Los Alamos National Laboratory Privatization of Employees' Pensions Endangers National Security

As a result of the privatization of the Los Alamos National Laboratory, the Department of Energy and the University of California will transfer all 10,000 employees at the nation's largest and most prestigious nuclear weapons research facility from university employment to private employment controlled by a consortium of defense contractors and the University of California. This move jeopardizes decades of accrued pension benefits and any future job security for the thousands of professionals and employees who have made the work of Los Alamos so highly regarded. After years of security and safety incidents that focused congressional and media attention on the Los Alamos Lab, these changes will make a difficult situation worse.

On March 15, the University of California and LANS, LLC (the new private company controlled by UC and Bechtel) notified employees that they must forfeit further accrual of their University of California pensions if they want to keep their jobs with the privatized Los Alamos National Security, LLC.

The Department of Energy has already begun the privatization of the other nuclear weapons research facility run by UC, the Lawrence Livermore National Laboratory (LLNL). Legislators and DOE officials anticipate that the thousands of LLNL employees also will be privatized by October 2007.

The Los Alamos and Livermore Lab employees are members of Communications Workers of America Local 9119, University Professional and Technical Employees.

The typical and appropriate solution to this type of transition would involve establishing "reciprocity", whereby employees could retain their vested benefits under the University's retirement plan while accruing added service credit and added benefits at LANS. Instead, employees are faced with a Catch-22 dilemma: they must either transfer all of their vested assets into the new and untested LANS plan, which provides far less retirement security than the University's plan, or freeze their University pensions and be punished by being placed in a radically diminished LANS plan.

Further, employees who select to freeze their current pension and keep those funds with UC have grave concerns about UC's statements that it plans to spin off this portion of the retirement plan. This could lead to chronic under-funding of this pension plan unless UC resolves its current conflict with the Department of Energy as to which entity is responsible for the viability of such a spin off fund. Adding insult to injury, employees are being required to make their impossible choice immediately, before UC decides whether to go through with the spin-off.

Thousands of employees have begun the process of retiring rather than lose their pensions. After years of mismanagement that led to security breaches and financial malfeasance, employees have lost their commitment to the mission of the national lab. This drain of talented professionals puts the mission of the Los Alamos program — and national security — at great risk.

"Employees are being coerced into making decisions that will cause irreparable harm," warns Manny Trujillo, UPTE/LANL President. "Employees are being spoon fed little to no information that is often erroneous, causing confusion and frustration," he added.

CWA and UPTE-CWA members are very concerned that this move is causing irreparable harm to the Department of Energy laboratory that plays such a pivotal role in national security. Employees at Los Alamos Lab perform countless critical tasks, such as keeping the U.S. nuclear stockpile safe, detecting nuclear threats from oil fields in Iraq to airports in Belarus, and computing for the human genome project.

UPTE-CWA is filing a lawsuit today challenging the legality of forcing current UC employees to make the truly impossible and coerced pension decisions described above. ■

“AT WILL”: WHAT DOES IT MEAN?

Many employees have asked us what is meant by “at will” employment status. We think we could hardly define it better than how LANS defines it on their application for employment that all transitioning Los Alamos employees were required to sign:



“The employment relationship with Los Alamos National Security, LLC at Los Alamos National Laboratories is by mutual consent. This means that employees have the right to terminate their employment at any time and for any reason. Likewise, LANS reserves the right to discontinue employment. I understand that LANS will take employment actions, consistent with its policies and procedures, as it deems necessary in its determination to establish and maintain a workforce of the size and capabilities required to achieve its mission and business objectives. I understand that, if I accept the offer of employment, I will be subject to these policies and procedures, which may change from time to time. Further nothing in these policies and procedures is intended to create an express or implied contract for employment. No promise or guarantee modifying the nature or terms of my employment will be binding upon LANS unless made in writing by the President of LANS.”

UPCOMING SPSE BOARD MEETINGS

Thursday, July 6	Noon – 1:00 p.m.	Building 125, Jade Room
Thursday, July 20	Noon – 1:00 p.m.	Building 125, Jade Room
Thursday, July 27	Noon – 1:00 p.m.	Building 125, Jade Room

JOIN SPSE

Membership is open to all UC employees that are not represented by another union:

To join SPSE, complete and return this form. The form below authorizes payment of \$25.00 per month dues to be paid by payroll deduction to SPSE. Be sure to sign on *6. If you do not wish to have automatic deduction do not fill out the * items and you will be billed quarterly.

Name (please print) _____ Employee Number _____

Job code _____ L-Code _____ Extension _____ E-mail _____

Home Address _____ City _____ Zip Code _____

Signature _____ Date _____ Home Telephone _____



**EMPLOYEE ORGANIZATION MEMBERSHIP
PAYROLL DEDUCTION AUTHORIZATION**
UPAY 669 (10/80)

**PLEASE
PRINT
OR
TYPE**

CAMPUS LLNL	LOC	EMPLOYEE I.D. *1 Must be entered	DATE *2
ACTION ON THIS FORM TO BECOME EFFECTIVE ON THE PAY PERIOD BEGINNING:			DATE ASAP
MONTHLY DEDUCTION			
LAST NAME, *3	FIRST,	MIDDLE INITIAL	ENROLL AMOUNT
DEPARTMENT EMPLOYED AT U.C. *4		REGULAR DUES RATE: \$25.00	X
TITLE AT U.C. *5		MAXIMUM DUES: \$25.00 per month	
ORGANIZATION NAME (INCLUDING LOCAL NAME AND NUMBER) Society of Professionals, Scientists, and Engineers			
TOTAL			

I authorize The Regents of the University of California to withhold monthly or cease withholding from my earnings as an employee, membership dues, initiation fees and general assessments as indicated above.

I understand and agree to the arrangement whereby one total monthly deduction will be made by the University based upon the current rate of dues, initiation fees, and general assessments. I ALSO UNDERSTAND THAT CHANGES IN THE RATE OF DUES, INITIATION FEES AND GENERAL ASSESSMENTS MAY BE MADE AFTER NOTICE TO THAT EFFECT IS GIVEN TO THE UNIVERSITY BY THE ORGANIZATION TO WHICH SUCH AUTHORIZED DEDUCTIONS ARE ASSIGNED AND I HEREBY EXPRESSLY AGREE THAT PURSUANT TO SUCH NOTICE THE UNIVERSITY MAY WITHHOLD FROM MY EARNINGS AMOUNTS EITHER GREATER THAN OR LESS THAN THOSE SHOWN ABOVE WITHOUT OBLIGATION TO INFORM ME BEFORE DOING SO OR TO SEEK ADDITIONAL AUTHORIZATION FROM ME FOR SUCH WITHHOLDINGS.

The University will remit the amount deducted to the official designated by the organization.
This authorization shall remain in effect until revoked by me - allowing up to 30 days time to change the payroll records in order to make effective this assignment or revocation thereof - or until another employee organization becomes my exclusive representative.

It is understood that this authorization shall become void in the event the employee organization's eligibility for payroll deduction terminates for any reason. Upon termination of my employment with the University, this authorization will no longer be in effect.

This authorization does not include dues, initiation fees and general assessments to cover any time prior to the payroll period in which the initial deduction is made.

Payroll deductions, including those legally required and those authorized by an employee are assigned priorities. In the event there are insufficient earnings to cover all required and authorized deductions it is understood that deductions will be taken in the order assigned by the University and no adjustment will be made in a subsequent pay period for membership dues, initiation fees and general assessments.

EMPLOYEE SIGNATURE *6	DATE
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FOR UNIVERSITY USE ONLY

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	X1			6	G•
	X1			6	G•

RETENTION: 1 YEAR AFTER INACTIVE - ACCOUNTING OFFICE