

2007

JOB SECURITY & EMPLOYMENT



Questions and answers

LLNL job security and employment with the new contractor

Will all LLNL employees be considered “new” employees when the contract changeover occurs?

No. The Request for Proposal (RFP) for LLNL states that “new employees” are those employees hired by the new contractor on or after the first day of the basic term of the contract and who are not Transferring Employees or Inactive Vested Transferring Employees.

After we transition to the new contractor will our current employee status (career or flex-term) be maintained or do we all become at-will employees?

We do not know how the new contractor will define employment categories, including appointment duration and rights and protections, going forward.

The RFP states the NNSA requirements for Workforce Transition as follows: “Subject to the availability of funds, the Contractor shall offer employment to all employees... who are in good standing.... Subsequently, the Contractor shall exercise appropriate managerial judgment regarding employee retention and job assignments.” The new contractor is not required to make offers to employees in key personnel positions.

“Career” and “flexible term” are current LLNL employment categories that differ in both duration and rights and protections, as defined by the Laboratory’s Personnel Policies and Procedures. Most indefinite career employees are hired for an indefinite term, and after successful completion of the probationary period (if applicable) can be released only for reasonable cause (such as poor performance or misconduct), layoff (lack of work or lack of funds), or medical separation. Flexible term employees are hired for a maximum of six years, and can be released at any time, with or without cause — i.e., “at will.” More information will be provided as soon as it is available.

I’d heard that for all Lab employees who accept the job offer from the new contractor that there is a one-year

period before these employees become “at will” employees. Is that correct? If not, under what conditions can the new contractor release an existing employee after the contract change?

The RFP does not specify or require that employees be “at will.” The new contractor will determine what kinds of policies and procedures will apply to employees. The RFP does not specify under what circumstances or at what point in time a contractor can decide to release employees, whether for lack of funds or any other reason. It is to be expected that the new contractor will want to develop policies and practices designed to attract and retain a top-quality workforce. More information will be provided as soon as it is available.

The RFP talks about offers being made to employees in “good standing.” Can you elaborate on what in “good standing” means?

The phrase “in good standing” is not defined in the RFP for LLNL. While we do not know the specifics of how it will be interpreted at this time, we can tell you how the LANS/LANL team defined it:

Employees in ‘good standing’ are those individuals who are on the UC payroll as of May 31, 2006, except:

1. Employees who have been notified of UC’s intent to terminate their employment for cause per AM 112, ‘Discipline Policy and Procedures,’ or
2. Employees who have notified UC of their “intent to terminate.”

We cannot say if this interpretation will be the same for Livermore. We will work closely with the incoming contractor to define the term for LLNL. More information will be provided as soon as it is available.



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What can we anticipate as the strategy for flex-terms under the new contract?

We expect that flex term employees in good standing will receive job offers. At this time, we do not know how the new contractor will define employment categories, including appointment duration and rights and protections.

To minimize disruption during transition, flex-term employees whose sixth-year end-date falls between Jan. 1, 2007, and Jan. 1, 2008, will be automatically extended one year. This adjustment does not change the Laboratory's existing policy for managing the flexible workforce.

The decision on whether to extend individual flex-term appointments that end after Jan. 1, 2008 will be made by the new contractor and the management team in place at that time. Flex-term appointments were created to provide staffing flexibility. Our current policies state that a flex-term appointment may be terminated at any time. As with all staffing decisions, funding is a factor. More information will be provided as soon as it is available.

Will the new contractor be obligated to offer employment to post-docs and employees between assignments (EBAs)?

Post docs are considered term appointments, and EBA's are considered career appointments. According to the RFP "subject to the availability of funds the contractor shall offer employment to all employees of the predecessor contractor who as of the start of the contract period of performance are in good standing and have LLNL career or term appointments..."

I am currently an 80 percent-time employee. Will the contract change affect my ability to continue to work part-time?

Current personnel policy permits part-time appointments. At this time we do not know how the new contractor will define employment categories or what specific policies the new contractor may implement.

Will the Lab Associate program be retained under the new management?

At this point in time we do not know if all employment categories will remain the same. The new contractor will make that determination at some point after transition. According to the RFP for LLNL, all employees in good standing who have LLNL "career" or "term" appointments on Sept. 30, 2007 will receive an offer.

What is the anticipated impact of transition on Multi-Location Appointments or MLA's? Are these arrangements in danger of being terminated?

These collaborations are very important to both UC and LLNL. As part of the transition project, a cross-organization work group, which will review potential transition impacts on multi-location appointments (MLAs), has been formed to prepare for discussions with the new contractor. More information will be provided as soon as it is available.

Will transferring employees have priority or seniority in filling vacant positions created by the retirement of other employees?

Employment policies will be reviewed by the new contractor and more information will be provided when it becomes available.

If you retire from UC, will you be given priority in the new hire process?

The rehiring of retired LLNL employees will be at the sole discretion of the new contractor, based on business needs and fiscal considerations.

If I retire in June and the program wants me to come back and work during the summer to help train my replacement, can I hire back into LLNL as a retiree?

Re-hired retirees will be considered external hires. All hires after June 1, 2007, will require exceptional approval at the Deputy Director level and may require discussion with the incoming contractor as well. During formal transition, hiring will be limited to strategic hires.

