



Office of Worker and Community Transition

United States Department of Energy

National Stakeholder Workshop Summary Report

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Atlanta, Georgia

March 13-15, 1996

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Department of Energy
Washington, DC 20585

May 31, 1996

To March 1996 Workshop Participants:

Thank you for your participation at our fourth Department of Energy Worker and Community Transition National Stakeholders' Workshop on March 13-15, 1996, in Atlanta, Georgia. Your support of this workshop was instrumental to the overall success of the event.

Enclosed is a copy of the **Meeting Summary Report** from the March workshop. We are currently in the planning stages for the next workshop, which I anticipate will be held in early 1997. I welcome your suggestions for topics that we might offer at that workshop. Once we finalize the details of the workshop, a draft agenda and information materials will be sent to you under separate cover.

If you have any suggestions for future workshop topics or have questions concerning the enclosed **Meeting Summary Report**, please call Laurel Smith at (202) 586-4091. We look forward to seeing you at the next national stakeholders' workshop.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob DeGrasse", is positioned above the typed name.

Robert W. DeGrasse, Jr.
Director, Office of Worker and
Community Transition

Enclosure

DISCLAIMER

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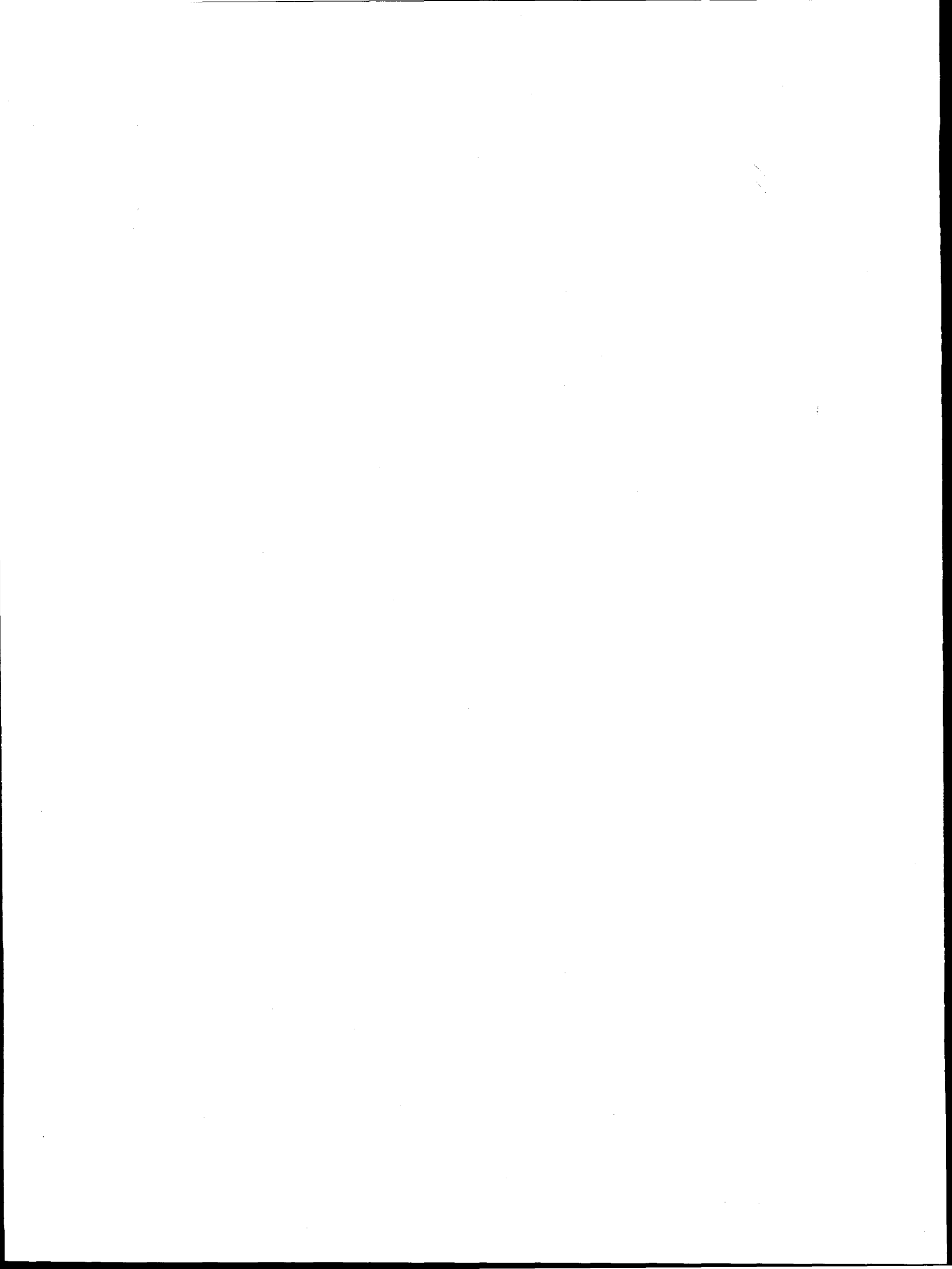
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AGENDA

TUESDAY, MARCH 12, 1996

2:00pm-5:00pm WORKSHOP REGISTRATION

WEDNESDAY, MARCH 13, 1996

7:30am-9:00am WORKSHOP REGISTRATION

PLENARY SESSION - CAPITAL BALLROOM SOUTH

9:00am-9:45am WELCOME AND INTRODUCTIONS

Speaker: Robert W. DeGrasse, Jr., Office of Worker and Community Transition

9:45am-10:00am OPENING REMARKS

Speaker: Ernest Chaput, Deputy Manager, Savannah River Operations Office

10:00am-10:30am BREAK

**10:30am-11:00am WORK FORCE PLANNING AND RESTRUCTURING:
ESSENTIAL TO MEETING THE NATION'S NEEDS**

Speaker: Thomas Grumbly, Under Secretary of Energy

11:00am-12:00pm QUESTIONS AND ANSWER SESSION

12:00pm-1:30pm LUNCH (ON YOUR OWN)

1:30pm-4:30pm NETWORKING, INFORMAL GROUP MEETINGS, AND EXHIBITS

THURSDAY, MARCH 14, 1996

8:00am-8:30am WORKSHOP REGISTRATION

8:30am-11:30am SMALL GROUP DISCUSSIONS - SESSION 1

(Will include a short break)

1A. Lessons Learned in Collective Bargaining Agreements - Capital Ballroom South

Session Organizer: Deborah Sullivan

Facilitator: Barry Lawson

Learn about innovative techniques used in collective bargaining to accomplish more with less during these difficult times of downsizing, budget reductions, and mission changes. Panel participants include labor, contractor, and DOE field office representatives who will discuss their experiences and share the lessons they have learned during the process. Insight into approaches (e.g., joint value statements, labor-management agreements, and facilitation) that have been successfully, or unsuccessfully, used to address several highly controversial issues and wide-spread concerns will also be discussed.



1B. Work Force Restructuring Guidance - Atlanta 1 & 2

Session Organizer: Terry Freese

Facilitator: Leslie Wildesen

The Revised *Interim Planning Guidance for Contractor Work Force Restructuring* was published in the *Federal Register* in March 1996 with an invitation to comment. This session will address the revised guidance, focus on changes from the April 1995 guidance, and discuss areas of potential additional revision.

1C. Work Force Planning - Atlanta 3 & 4

Session Organizer: Deborah Swichkow

Facilitator: Jeanne Crouch

This session will describe the requirements that all Department of Energy field organizations will be responsible for reporting to the Office of Worker and Community Transition in the Work Force Information System (WFIS). This session will also provide stakeholders with an opportunity to participate in the identification of WFIS data elements. All field organizations will be provided with a diskette of the WFIS contractor baseline database once the information has been finalized.

1D. Update on Community Transition Activities - Capital Ballroom Center

Session Organizer: Bob Baney

Facilitator: John Lynch

This session will present a proposed process that will permit peer review recommendations for funding among sites based upon available funds for that year. Information will also be presented on how the Office of Worker and Community Transition will work with the Environmental Management program to consider mortgage reduction as well as health risks in site cleanup. Guidance changes to community transition in the areas of community transition plans, roles, responsibilities, and performance measures will also be discussed. The focus of the discussion during the morning session will be the following issues: information to include in community transition plans submitted for funding; roles and responsibilities for Community Reuse Organizations, DOE field organizations, M&O contractors, and the Office of Worker and Community Transition; and the development of performance measures by which to judge the success of projects and to gauge DOE's return on investment.

11:30am-1:00pm LUNCH (ON YOUR OWN)

1:00pm-4:00pm SMALL GROUP DISCUSSIONS - SESSION 2
(Will include a short break.)

2A. Lessons Learned in Collective Bargaining Agreements - Capital Ballroom South

Session Organizer: Deborah Sullivan

Facilitator: Barry Lawson

This session will be a continuation of this morning's discussion of local approaches to issues facing labor-management relations.

2B. Best Practices in Work Force Restructuring - Atlanta 1 & 2

Session Organizer: Lew Waters

Facilitator: Leslie Wildesen

This session will focus on a presentation by the consulting firm of Star Mountain on current practices in site work force restructuring. A panel of representatives from DOE field industrial relations, labor organizations, and site contractors will comment on the points raised by Star Mountain and will invite comments from session attendees. The session will conclude by outlining a series of proposals for recommended best practices to be incorporated in future site work force restructuring.

2C. Best Practices in Work Force Planning - Atlanta 3 & 4

Session Organizer: Deborah Swichkow

Facilitator: Jeanne Crouch

This session will solicit the most effective methods for identifying the proper skills mix in the Department of Energy's contractor human resource management area. Several techniques for identifying best practices will be used, and active participation from attendees will ensure a dynamic working session.



2D. Update on Community Transition Activities - Capital Ballroom Center

Session Organizer: Bob Baney

Facilitator: John Lynch

This session will review guidance changes to community transition in the areas of facility modification, personal property, and intellectual property. The session discussion will emphasize the following topics: recommendations for community transition funding for facility modification when tied to strategic plans, cost benefits to DOE, and the steps to take when actual tenants have been identified; problem statements, ways to solve areas of personal property concerns, and a schedule for solving problems property issues; and intellectual property as a resource for the Community Reuse Organizations (CRO) and whether the *Hall Amendment* is the appropriate vehicle to secure this information.

4:15pm-5:00pm PLENARY SESSION - CAPITAL BALLROOM SOUTH

Worker Participation in Health and Safety

**Speaker: Tara O'Toole, Assistant Secretary for Environment, Safety, Health
Department of Energy**

5:30pm-7:30pm RECEPTION - CAPITAL BALLROOM NORTH

FRIDAY, MARCH 15, 1996

8:00am-8:30am PLENARY SESSION - CAPITAL BALLROOM SOUTH

8:30am-10:00am SMALL GROUPS DEVELOP PROPOSED ACTIONS AND COMMITMENTS
(Room assignments provided at morning Plenary Session)

10:00am-10:15am BREAK

10:15am-12:00pm PLENARY SESSION - CAPITAL BALLROOM SOUTH
Review of Actions and Commitments

12:00 noon MEETING CONCLUDES



INTRODUCTION

On March 13-15, 1996, the Department of Energy's (DOE) Office of Worker and Community Transition convened its fourth National Stakeholder Workshop in Atlanta, Georgia. Over 220 representatives from communities, labor organizations, state and local governments, industry, stakeholder organizations, and DOE field and headquarters organizations attended the workshop. The purpose of the workshop was to discuss the current policies and practices of the Worker and Community Transition program. The workshop provided an opportunity for dialogue both between the Department and some of its stakeholders and among stakeholders themselves. In all, the workshop helped the Office of Worker and Community Transition to develop strategies for meeting the challenges of its mission.

The format of the workshop included several plenary sessions and a number of small-group discussion sessions. The smaller sessions focused on topics related to collective bargaining, work force restructuring, work force planning, and community transition issues. The sessions provided a wide range of views on worker and community transition issues.

PLENARY SESSIONS

The plenary sessions of the workshop included presentations on the following topics:

- Welcome and Introductions;
- Opening Remarks;
- Work Force Planning and Restructuring;
- Worker Participation in Health and Safety; and
- Review of Actions and Commitments.

Bob DeGrasse, the Director of the Office of Worker and Community Transition, led the welcome and introductions section of the plenary. His presentation focused on the objectives of the workshop, the Office's public involvement activities, DOE's work force restructuring accomplishments, work force planning activities, labor relations activities, the process for developing community transition guidance, and the Office's budget.

Ernest Chaput, the Deputy Manager of the Savannah River Operations Office, gave the opening remarks. He summarized the work force restructuring activities at Savannah River, described the lessons learned, and discussed the challenges that all DOE sites face.

Tom Grumbly, the Under Secretary of Energy, gave a presentation on the importance of work force planning and restructuring. He emphasized the importance of using work force planning and work force restructuring as tools for moving the Department toward the right mix of skills, experience, and performance. He also noted that while DOE faces many challenges in meeting its budget, in downsizing, and in Section 3161 responsibilities, work force planning must be conducted with a combination of careful analysis and compassion.

Tara O'Toole, the Assistant Secretary of Environment, Safety, and Health, presented a discussion of worker participation in health and safety. She explained that DOE has set a goal of maintaining a sound safety culture through work planning, engagement of workers, and efficient review of work packages. She also described the approach and trials of DOE's Necessary and Sufficient Closure Process.

SMALL GROUP DISCUSSION SESSIONS

The small group discussions provided an opportunity for direct, informal dialogue among workshop participants on a wide range of issues. The first session of the Thursday, March 14, discussion groups included the following topics:

- Lessons Learned in Collective Bargaining Agreements;
- Work Force Restructuring Guidance;



- Work Force Planning; and
- Update on Community Transition Activities.

The second session focused on the following topics:

- Lessons Learned in Collective Bargaining Agreements;
- Best Practices in Work Force Restructuring;
- Best Practices in Work Force Planning; and
- Update on Community Transition Activities.

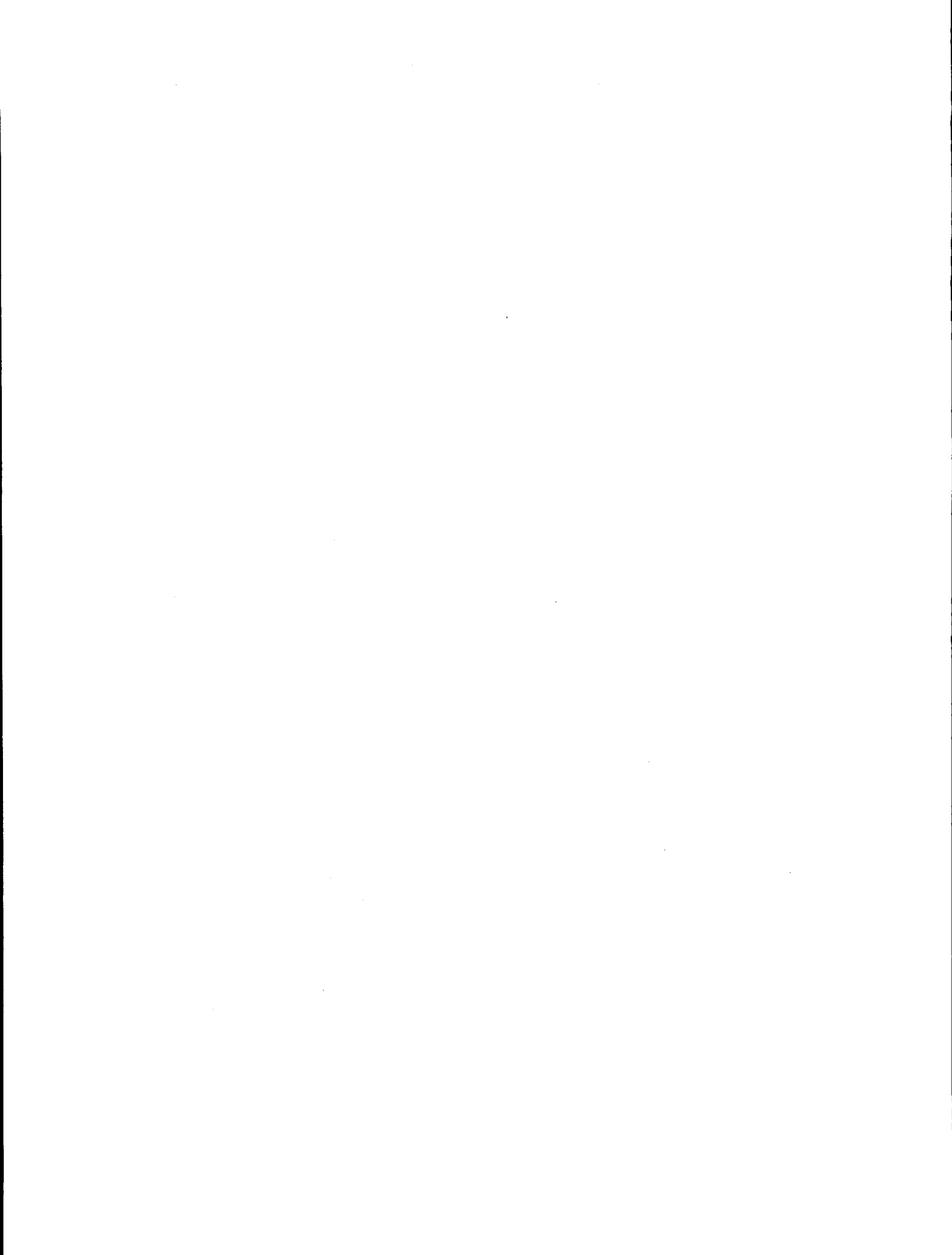
During the small group discussions on Friday, March 15, participants provided the following types of input:

- solutions to questions and problems raised during Thursday's sessions;
- issues that should be addressed by the Office of Worker and Community Transition; and
- recommendations to the Office.

Following the Friday sessions, the participants convened in a plenary session to discuss the points raised during that morning's session. The group as a whole compiled lists of issues to be resolved by the Department.

If you would like more information on the workshop format, or if you would like to obtain copies of handouts from the workshop, please call, fax, mail, or e-mail your request to:

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WEDNESDAY, MARCH 13, 1996

PLENARY SESSION

WELCOME AND INTRODUCTIONS

Speaker: Robert W. DeGrasse, Jr., Office of Worker and Community Transition

Bob DeGrasse, the Director of the Department of Energy (DOE) Office of Worker and Community Transition, opened the meeting by welcoming participants and thanking them for attending. He explained that the workshop is designed to be a working session in which participants can share experiences, information, and lessons learned and can work toward finding solutions to issues. During the workshop, Mr. DeGrasse noted, DOE hopes to set an agenda for future action, to get genuine feedback, and to prioritize actions. Transition has provided a new challenge to what has been a stable enterprise, he explained, but it also provides a chance for DOE and its stakeholders to build a shared vision of the future.

Mr. DeGrasse next described the public involvement activities and accomplishments of the Office of Worker and Community Transition. As a means for communicating with its stakeholders, the Office uses bimonthly program updates, the information exchange Internet home page and electronic bulletin board, and workshop summaries. At this workshop, the Office is distributing a draft Comment Response document, which provides specific answers to the issues raised during the September 1995 workshop in Albuquerque, New Mexico. In addition, workshop participants can provide feedback to the Office by completing the customer satisfaction questionnaire and the workshop evaluation form, both of which were distributed with workshop materials.

For work force planning activities, the Office has created a baseline work force database, the Work Force Information System (WFIS), which provides a common system for meeting requirements and classifying workers as DOE programs endeavor to determine their future work force needs. The Office has also developed an integrated work force planning process, identified requirements for the WFIS, and developed work force planning and restructuring performance measures.

In the area of work force restructuring, the Office published a revised *Interim Planning Guidance for Contractor Work Force Restructuring* in February 1996 that includes clarifications of the implementation of preference in hiring and a sample release for work force restructuring programs. The Office has also developed a *Report on Work Force Restructuring Plans Completed During Fiscal Years (FY) 1993 and 1994*, an evaluation of best practices in work force restructuring, and work force planning and restructuring performance measures.

In labor relations, DOE believes that problems can be solved most effectively through local negotiations. Tripartite councils of DOE, contractor management, and labor unions have proven useful in cases where the roles of the participants are clear and where DOE provides early information and opportunities to comment. Successes in collective bargaining include the agreement between the Building Trades and Los Alamos National Laboratory; the agreement to accelerate the Mound Plant shutdown; the ongoing Idaho negotiations; and the discussions regarding Savannah River privatization.

The Office of Worker and Community Transition is developing a guidance for community transition activities that will include definitions of criteria for approving grant proposals. DOE is partnering with the Economic Development Administration at the Department of Commerce and is evaluating ways to expedite decision-making in funding community transition activities. Overall, community transition is saving money for DOE by encouraging activities that prove to be more effective in saving money than minor adjustments to wages and benefits.

OPENING REMARKS

Speaker: Ernest Chaput, Deputy Manager, Savannah River Operations Office

Ernie Chaput welcomed participants on behalf of the Savannah River Operations Office and noted that in worker and community transition, DOE faces a need to establish ground rules and a need to share ideas and experiences across the complex. He provided information on Savannah River, explaining that since peak employment in 1993,



the site work force has been reduced by 9,000 employees, mostly through informal work force restructuring. Along with this significant reduction in resources, the site is faced with challenges to use concepts such as outsourcing, privatization, and benchmarking for meeting new requirements. The site was in a state of identity crisis two years ago, but is now planning for the long-term and has programmatic goals that will last decades. These goals include materials stabilization, environmental cleanup, foreign research reactor fuel management, and weapons stockpile support.

The primary lesson learned from Savannah River's restructuring is that DOE should find a way to balance the bottom line of business with compassion for the work force. DOE is under pressure to meet its requirements at the lowest cost, but it must also work to treat workers with fairness during times of change and uncertainty. Other lessons learned include the importance of flexibility; the importance of making decisions in a timely manner; the value of understanding the meaning of policies; the identification and response to needs for additional guidance; and the importance of minimizing constraints.

WORK FORCE PLANNING AND RESTRUCTURING: ESSENTIAL TO MEETING THE NATION'S NEEDS **Speaker: Tom Grumbly, Under Secretary of Energy**

In his keynote address, Tom Grumbly presented his vision of where and how the Department is headed in managing its work force. He began his presentation by noting that the Department has made progress in dealing with the problems inherited from the late 1980s and that DOE is approaching the endpoint of work force restructuring. He emphasized that with plans for DOE to be 25 percent smaller in the next five to six years, there is no turning back on work force restructuring issues. Downsizing, he explained, is part of our national responsibility, and it requires a corporate approach.

Mr. Grumbly then described the current work force structure. Since 1993, the Department has had approximately 25,000 prime contractor separations and 5,000 subcontractor separations. During 1993 and 1994, 80 percent of the separations were voluntary. Now that the Department has made these work force reductions, it must focus on developing the most effective skill mix for its work force.

In his discussion of work force restructuring activities, Mr. Grumbly defined work force planning as a proactive, corporate approach for predicting DOE's needs and for determining the appropriate knowledge, skills, and abilities for meeting those needs. To achieve this type of planning, the Department needs to revise its approach by demonstrating benefits and costs analytically and by showing that it is using corporate thinking. Work force restructuring plans should employ systematic planning, and contractors should be forthcoming in providing information on their workers. Work force planning will continue through 1996, at which point the Department will begin to implement the plans and move toward the endpoint of work force restructuring.

Mr. Grumbly introduced the topic of work force restructuring by describing two private-sector examples of restructuring. The Arizona Public Service Company had difficulties because it failed to focus on leadership behavior, managing the emotional impacts of change, and continual improvement. In contrast, the NYNEX Corporation used long-term, advance planning in dealing with its workers, thereby mitigating the social and economic impacts of work force reductions. Mr. Grumbly went on to compare DOE's approach to work force restructuring — and its approach to following the objectives of Section 3161 of the National Defense Authorization Act for FY 1993 — to best business practices. He stressed that DOE should pay attention to the interests of the work force as it strives to minimize the pain of further downsizing.

In conclusion, Mr. Grumbly stated that the Office of Worker and Community Transition's efforts have provided opportunities to redefine the way the government serves the Nation. He explained that the Office serves an important mission in meeting three challenges: the need to fulfill DOE's responsibilities under Section 3161, the need to complete DOE's downsizing, and the need to cope with budget changes.



QUESTION AND ANSWER SESSION

Q. When will the 120-day notice at Rocky Flats be released?

A. Tom Grumbly: Hopefully within the next week (March 18-22, 1996). There is a natural inclination to ask whether more work force restructuring at Rocky Flats is necessary, but it is part of stabilizing plutonium and meeting environmental objectives.

Q. What is DOE doing to help local governments develop job opportunities?

A. Tom Grumbly: The Office of Worker and Community Transition is working on this issue. The Hanford Request for Proposals (RFP) contains a clause that companies must bring non-DOE work with them to the area. DOE is also working at other sites to encourage large companies to invest their own money in the community to create an incentive for other companies to move into the area.

Bob DeGrasse: DOE is using the Department of Defense Office of Economic Adjustment as a model. It is difficult to develop additional job opportunities in areas where there is little industry other than DOE.

Q. How is DOE going to ensure that displaced workers get retraining and hiring preference in new companies?

A. Bob DeGrasse: The recently released *Interim Planning Guidance for Contractor Work Force Restructuring* includes incentives for contractors across DOE to use displaced workers for new work.

Q. It seems that in terms of receiving benefits related to work force restructuring, DOE's production work force is being favored over its construction work force. When will DOE recognize its obligation to the construction work force?

A. Tom Grumbly: It is difficult for the Department to find a global solution to collective bargaining concerns, so it approaches grievances site by site. Davis-Bacon Act issues are best decided on a project-by-project basis, but DOE does need to get a better understanding of the law. It is important for DOE to communicate with labor unions regularly and to work with unions to settle things amicably.

Bob DeGrasse: DOE is evaluating what benefits are appropriate for construction workers. At this point, preference in hiring and six weeks severance pay are the only benefits for construction workers referenced in the current guidance.

Stakeholder comment: Other national policies — such as those set by the Department of Labor — should be identified site by site. DOE and contractors would be able to accommodate all kinds of workers and to include workers from the whole spectrum when hiring.

Q. Can DOE establish a national privatization liability account similar to the one at the Hanford site? This would reduce impact at the sites and could include sources of funding other than cleanup funds.

A. Tom Grumbly: President Clinton is proposing a government-wide reserve for the FY 1998 budget. The government should endeavor to fund innovative projects that will bring new sources of capital to areas and will create jobs.

Q. Now that the Clinton Administration has set a policy of allowing some tax breaks in Superfund cleanup, can this moratorium be applied to the defense nuclear community?

A. Tom Grumbly: This idea may not be feasible, but DOE will consider it. The Clinton incentive applies only to sites that are not on the National Priority List for cleanup, so it may not be broad enough to include government sites.



Q. Will DOE create a funding incentive for privatization?

A. Tom Grumbly: In the FY 1998 budget, there will be over \$100 million earmarked for projects using private capital. DOE still needs to explain the merits of this idea to Congress and to identify budget authority for privatization projects. Resources are in high demand now, so DOE must move forward quickly.

Comment: DOE needs to educate Congress and the media about its progress and goals in worker and community transition.

A. Tom Grumbly: The benefits of the Office of Worker and Community Transition have been high. This performance should be demonstrated to people outside of DOE. In addition, DOE should work to eliminate any unfairness and abuse in the implementation of work force restructuring or community transition programs.

Bob DeGrasse: Strong fundamentals and performance should be emphasized in communication with Congress and the media.

Q. DOE has a policy of only supporting employee spinoff companies when the work does not involve an administrative function. Can this policy be changed?

A. Bob DeGrasse: DOE will look into the incentives for spinoff companies.

Stakeholder comment: Different sites may have mechanisms to encourage entrepreneurship. At Pacific Northwest National Laboratory, for example, employees can use laboratory resources to determine the viability of their strategies and can take an entrepreneurial leave of absence for up to one year.

Stakeholder comment: Hanford has incentives for employee spinoff companies. Interested employees should contact the procurement officers at their respective sites for information on what is available at those sites.

Q. In the FY 1997 budget, there is a fund for new capital projects. Is this fund strictly for environmental work? Will it be broadened to include unrelated industries that are part of the economic diversification of a site?

A. Tom Grumbly: The strategy in the FY 1997 budget is mortgage reduction. The fund may be governed by regulatory agreements, so DOE may have to work with regulators to determine possible uses. There is also an extra fund set aside for new capital projects. There is an excess of budget authority in the Environmental Management (EM) budget, so DOE is trying to find a way to leverage this funding.

Comment: Communities are grateful for being included in worker and community transition activities. The work force and the community can complement each other in developing small projects and infrastructure changes that will have a large impact on economic issues.

Bob DeGrasse: DOE particularly needs to encourage more community involvement in the privatization and outsourcing discussions.



THURSDAY, MARCH 14, 1996

SMALL GROUP DISCUSSION SESSION 1

1A. LESSONS LEARNED IN COLLECTIVE BARGAINING AGREEMENTS

Session Organizer: Deborah Sullivan, Office of Worker and Community Transition,
Department of Energy

Facilitator: Barry Lawson, Barry Lawson Associates

Barry Lawson, the session facilitator, opened the session by suggesting a structure for the dialogue. He explained that the morning and afternoon sessions would be structured into panels, so that for each panel, there would first be a series of panelists' presentations and then a question-and-answer session. In the morning session there were two panels, which addressed collective bargaining experiences at Los Alamos National Laboratory in Los Alamos, New Mexico, and at the Mound Plant in Miamisburg, Ohio. Mr. Lawson introduced the panelists and moderated the question and answer session following each panel. The participants in the session represented local and national labor unions, contractors, and the Department of Energy (DOE), both headquarters and field organizations.

During the first panel, representatives from the Department of Energy, the Los Alamos National Laboratory (LANL), Johnson Controls World Services Inc. (JCI), and the Building Trades Council presented their views of a collective bargaining process to address proposed changes in facility management at Los Alamos National Laboratory.

Felix Ortiz, from DOE's Albuquerque Operations Office, emphasized that DOE is prohibited from interfering with the collective bargaining process and that DOE is required to maintain a third party arm's length relationship with both contractor management and contractor employees. At Los Alamos, DOE's initial response to the proposed change in work classification was to state that the issue should be resolved at the bargaining table. Because some building trades representatives believed that their only recourse was to resolve the dispute through litigation, however, the Albuquerque Operations Office was prompted to take a more active role in labor-management relations. Consequently, DOE/Albuquerque committed to sponsor a quadpartite session to encourage communications among DOE, LANL, JCI, and labor unions. In DOE's view, the quadpartite session was very useful for all parties.

Bob Patterson from the Facilities, Security and Safeguards Division at LANL, provided the Laboratory's view of the proposed changes in facility management. He explained that the drivers for change at LANL were aging, fragile facilities; the lack of a single entity for facility management; diffused accountability; and an awkward, time-consuming work process. In the new paradigm proposed by LANL, technical organizations would be responsible for the work, 20 facility management units would be responsible for the operation of all facilities, and there would be shared responsibility for institutional issues by the Facilities, Security and Safeguards (FSS) Directorate. To adapt to this new paradigm, changes at LANL would include the reengineering of central organizations to provide support and the decentralizing of control and capabilities across the site. LANL proposed two actions: to reengineer the key processes to eliminate middle men and to negotiate a maintenance worker classification. The Building Trades resisted these actions, and after DOE initiated the quadpartite approach, facility management has evolved to the point of a tentative agreement that will provide flexibility and that facilitates broad teaming. Mr. Patterson explained that during the course of this collective bargaining process, LANL learned that communication is essential to successful relationships and that all parties should act to keep the process moving forward.

Kent Wolford, from JCI, explained that JCI knew a change was imminent and wanted to be responsive to LANL, its customer. JCI made efforts to resolve issues before the Collective Bargaining Agreement was re-opened. At the beginning of the process, he noted, the four parties had widely different perspectives: JCI was trying to accommodate LANL through a maintenance worker concept; labor unions were trying to support the interests of their members; DOE was remaining neutral; and LANL was trying to meet DOE's expectations. The parties' ideas evolved into a maintenance team concept. The maintenance team concept became the basis to start the quadpartite negotiations, and the labor unions have been very proactive in the discussions. Thus far, the company has reached agreement with all but three of the unions. In conclusion, Mr. Wolford noted that all of the issues have not been resolved, but that all parties are making progress through improved communication.



Rick Blea, from the New Mexico Building Trades Council, began his presentation by noting that for workers, every change translates into a drop in wages. He emphasized that training and worker skills must be considered, for safety's sake, whenever there is an attempt to improve or streamline a work process. At Los Alamos, the concept of work in facility management has evolved from that of the handyman to the general maintenance worker to the resident maintenance team, and this evolution represents progress in the collaboration among the four groups. During the evolution, the labor unions' chief concern has been that unskilled, untrained workers should not do work that union craftsmen are required to have a license of competence to perform, and have traditionally done. In the view of the unions, this notion should not be violated in the interest of potential cost savings because it is essential to value and safety. Mr. Blea noted that he is optimistic that negotiations will continue to progress and that the four parties have become partners.

Questions after this panel focused on the crafts represented by the Building Trades Council, the flexibility of the new work system, the origin of the maintenance team concept, and the role of DOE in outsourcing issues. Participants in the discussion emphasized the importance of communicating, the value of taking account of other parties' perspectives, and the significance of true tripartite collaboration. Several participants commented that as soon as issues of change arise, all parties should begin to work together openly.

During the panel on the Mound Plant, representatives of DOE's Ohio Field Office, the Oil, Chemical, and Atomic Workers International Union (OCAW), and the United Plant Guard Workers of America (UPGWA) described the evolution of the labor-management partnership for the site's cleanup mission. George Gartrell, from the Ohio Field Office, explained that Mound was one of the first DOE sites to shut down and that the site has gone from 2,500 employees to less than 1,100 employees. The site's budget continues to decrease and there is a draft Request for Proposals (RFP) out to replace the contract that will expire in September, 1996, and the site expects to have 200 additional layoffs during 1996. In this dynamic period, both salaried and hourly employees have been unhappy. As a result of a consultant's recommendation, DOE, OCAW, UPGWA, and EG&G (the current contractor at the site) have worked together and have developed a memorandum of understanding that is currently being incorporated into contracts. Under this agreement, current workers have been promised guaranteed employment and constant salary levels through 1999.

Michael Gibson, from OCAW, explained that one frustration for labor unions is that as DOE buildings are leased to the Miamisburg Mound Community Improvement Corporation, the private-company construction contractors hired to modify the buildings do not abide by OSHA safety regulations. Now that DOE has worked to change the safety culture at the Mound Plant, this practice does not seem appropriate to construction workers who are following the original standards.

Questions to the panelists centered on the nature of the guarantee of employment, the preference in hiring requirements of the new contract, and the issues surrounding possible future privatization of work at the Mound Plant. Mr. Gartrell explained that the employment guarantee applies to OCAW and guard workers and is contingent on a Mound budget that can support 223 workers for environmental management (EM) projects. If the EM program does not receive a budget large enough for Mound to employ this number of workers, the employment guarantee of the agreement will be negated; this is unlikely, however, because the EM budget is not likely to decline in the near future. Mound employees are not guaranteed employment after cleanup at Mound has been completed. The new contract will include some preference in hiring requirements to address the issue of displaced workers. As for privatization, it has been stopped until the new contractor begins work, but some privatization may be conducted under the new contract.

Several members of labor unions commented that unions need assurances — or guarantees — of work if they are going to make concessions. Participants emphasized that regardless of how work is assigned, unions need buy-in from DOE or they will have no incentive to offer their members. If DOE is trying to accomplish its work more competitively, some participants noted, it should still be able to include current workers. In fact, there may be additional costs associated with maintaining safety standards in the current system, but that does not mean that the system is not competitive.



After the question and answer session, Barry Lawson thanked the participants for their input and thanked the panels for their presentations. He concluded the discussion by inviting workshop participants to attend the afternoon labor issues session.

1B. WORK FORCE RESTRUCTURING GUIDANCE

Session Organizer: Terry Freese, Office of Worker and Community Transition,
Department of Energy

Facilitator: Leslie Wildesen, Environmental Training and Consulting International, Inc.

This session focused on the revised *Interim Planning Guidance for Contractor Work Force Restructuring* which was published in the *Federal Register* on March 5, 1996, with an invitation for comment. The session reviewed changes from the April 1995 guidance and discussed areas of potential additional revision.

Leslie Wildesen, the session facilitator, opened the session by suggesting a structure for the dialogue and the desired results of the session. She then turned the session over to Terry Freese, the session organizer, who provided highlights of the revised guidance, asking the participants to raise issues for discussion. The highlighted areas were divided into four major topics: legal issues related to the guidance; preference in hiring; displaced workers medical benefits; and restructuring plans. He stressed the ever-increasing need for organizations to link their work force planning with their work force restructuring. He also stated that more emphasis must be placed on the survivors left in the organization after a reduction in the work force. Within the major topic areas, Mr. Freese then asked four participants to speak to their experiences regarding implementing the guidance.

Walt Lips, of the DOE Office of Defense Programs, gave a presentation on the specific changes regarding hiring preference contained in the guidance. He stressed that many of the current changes in the guidance are a direct result of feedback received at the September 1995 National Stakeholders Workshop held in Albuquerque, New Mexico, and were developed by a working group of headquarters and field representatives. One change in the guidance is that preference in hiring should be honored by all prime contractors, and by subcontractors whose contracts equal or exceed \$500,000 in value. Members of the audience raised concerns that the language should more clearly state that *all* subcontractors whose contract for DOE work equals or exceeds \$500,000 should honor the preference. Mr. Lips agreed to clarify the language.

The Department developed the Job Opportunity Bulletin Board System (JOBBS) to simplify the implementation of hiring preference by eligible individuals, and by contractors and subcontractors. Mr. Lips stated that the Department would like JOBBS to be the registrar to track the hiring preference for eligible employees. He strongly encouraged sites, employees, and companies to use the system. The guidance states that each field office is responsible for developing procedures to implement the hiring preference, including how JOBBS will be used, and those procedures should be posted where other materials of worker interest are normally posted.

Thomas DePriest, Attorney-Advisor at DOE, discussed the legal considerations related to the guidance and the *Voluntary Separation Payment Program General Release and Waiver* contained in Appendix F of the guidance. The waiver was implemented to provide consistency, and to satisfy Congressional scrutiny and the specter of judicial review. Intended to be used by all sites, the waiver assures that all separating employees receive similar treatment. In exchange for the enhanced benefit packages employees receive in a voluntary separation program, the Department must obtain from the separating employees a release of claims related to their employment and separation. Departures from the model must be approved by the Department, including the Office of General Counsel. An employee has the right to consider this agreement for a period of at least forty-five (45) days prior to entering into this waiver. Employees also have the right to revoke the agreement for a period of seven (7) days following the original signing of the waiver. Participants were generally concerned about the implications of the fifty-two (52) day waiting period and expressed that such a delay in implementing a voluntary separation could be costly and may drive sites to proceed with involuntary separations due to the time constraints.

Participants raised many questions related to the waiver. These included:

- What if an employee wants to waive the signing of the General Release and Waiver? Does s/he have the right to sign something less than the official waiver (i.e., waiving the 45-day waiting period)?



- If the separating employee does not fall within a protected class (such as age), can s/he decline signing the waiver?
- If the prime contractor has a provision for voluntary separations in its contract, is it still bound by the 52-day waiting period?
- What if an employee wants to sign the waiver on the first day of the window of opportunity and then leave immediately? Can s/he sign, wait 7 days, and then leave?

Mr. DePriest stated that he needed further clarification and guidance from the Office of General Counsel on these points and would research the answers for the sites.

Joel Cote, Assistant Manager for Business and Human Resources at the Savannah River Operations Office, was asked to discuss the guidance from a field perspective. Mr. Cote stated that with initial downsizing, DOE is eliminating excess personnel, and work force restructuring can be easily implemented. But with continued downsizing and budget cuts, there comes a time when continued voluntary programs could result in separating people whose skills are still required. When a site gets to this point, it must come up with an excellent strategic vision of what it wants to look like in 5 or 10 years, program by program. Work force planning and restructuring must be more focused, implementation selected and targeted reductions. As Mr. Cote explained, the restructuring of the future will be far more restrictive in the use of voluntary separations to assure that critical skills and core competencies are maintained. Mr. Cote also expressed concern about losing the best performers in an organization because they can always find work elsewhere. In his opinion, planning and restructuring involve a tough process, requiring discipline, a clear definition of current status, a designated future path, and a determination to stay on that path.

L. Bonita Patterson, Division Manager for Job Development at Kaiser-Hill Rocky Flats, also shared lessons learned and a field perspective on implementing the guidance. At Rocky Flats, previous "open to all" voluntary separations intended to eliminate excess personnel but resulted in reductions in critical skills that could not be reacquired. The critical skills that were lost negatively impacted the site's ability to get work done. In the future, work force restructuring plans will have much greater alignment between skills, affected positions, and dollar savings. Rocky Flats will be more selective about the employees allowed to take the voluntary separation and will exercise greater management prerogative. Rocky Flats now expects great resistance from employees because they are not used to having a work force restructuring plan in which an employer can reject applicants for the voluntary separation. In addition, future plans will be communicated to employees early in the planning process.

At the conclusion of Ms. Patterson's discussion, many participants asked questions or made comments. These involved the issues of how to keep critical skills employees, how to decide from among a large number of applicants for a voluntary separation, and the extent to which Section 3161 applies to non-defense program sites.

Mr. Freese then asked participants for feedback concerning the value or lack of value of other allowable benefits, including tuition assistance and relocation allowances.

The issue of tuition assistance generated a discussion containing a wide variety of differing opinions and concerns. Some participants did not see tuition benefits as a means to retrain for an entirely new job or to complete a four-year degree program, while others took the opposite view. Many participants also expressed a concern that the requirement to stretch the allowable \$10,000 over a four-year period was not advantageous to employees who want to attend short-term education programs, which are typically quite costly. Many participants viewed the \$10,000 as sufficient for tuition expenses, while others did not.

Others expressed that the tuition assistance benefit appeals differentially to workers based on seniority, with younger employees viewing tuition assistance as a major incentive and older workers who do not intend to further their education viewing it more neutrally. In other cases, however, blue collar workers who may not have considered themselves candidates for education have taken advantage of the tuition assistance and consider it an excellent way to improve their prospects.



Participants also made several recommendations to DOE. Some participants suggested that DOE sites make arrangements with local and regional universities and schools for pre-payment or tuition deferment. One participant asked whether a site that expects to undergo restructuring in the near future can start using Section 3161 tuition benefits now. Another participant suggested that sites consider a "cafeteria-style" array of benefits that employees may pick and choose from depending on their individual situations. The group agreed that the primary objective of tuition assistance is to make displaced workers marketable as quickly as possible by focusing on getting them back to work, not spreading out the dollars.

Mr. Freese concluded the tuition assistance discussion by suggesting that sites may want to consider more flexibility in the application of the tuition assistance benefit, particularly because most field operations offices know the employees and their needs better than headquarters does. Each site should look at the demographics of its work force, and if more workers are interested in educational benefits, the site should consider offering a more generous package. On the other hand, if no need is identified, the site could eliminate the benefit all together. The Department is interested in creative solutions to the tuition assistance benefit. Mr. Freese advised, however, that if the sites want to deviate substantially from the prescribed guidance, they should explain their approach to the Department. He also stressed that although the guidance suggests that the tuition assistance benefit consist of \$10,000 spread over a four-year period, sites should not interpret that as the only option.

Mr. Freese then asked participants about the relocation allowance contained in the guidance. He was interested to see how widely it is being used and whether DOE should consider expanding it to include all relocations to new jobs. Many participants thought that a large percentage of the employees affected by the Department's downsizing do not want to relocate to another DOE site and therefore do not utilize the benefit. Several participants asserted that expanding the benefit made sense at their particular sites. Mr. Lips then interjected that the relocation allowance was geared to very select groups, those people who had hiring preference to go to other DOE sites, and he argued that DOE should not change the spirit of the guidance.

The session concluded with several questions related to the implementation of the *Interim Planning Guidance for Contractor Work Force Restructuring* and the *Voluntary Separation Payment Program General Release and Waiver*. Mr. Freese made a commitment to answer participants' questions concerning issues and questions raised during the session.

1C. WORK FORCE PLANNING

Session Organizer: Deborah Swichkow, Office of Worker and Community Transition,
Department of Energy

Facilitator: Jeanne Crouch, Environmental Training and Consulting International, Inc.

Jeanne Crouch, the session facilitator, opened the session by reviewing the session agenda, and participants then introduced themselves. Session participants included representatives of the Department of Energy (headquarters and field), contractors, and labor unions. Debby Swichkow, from the Office of Worker and Community Transition and the session organizer, was then introduced.

Ms. Swichkow began her remarks by reviewing the speech given by Tom Grumbly, the Under Secretary of Energy, at the March 13 plenary session of the workshop. Mr. Grumbly emphasized the increased importance DOE is placing on the ability to conduct effective work force planning. It is important that DOE: 1) take an analytical approach to predicting work force trends; 2) think corporately with complex-wide approaches; and 3) demonstrate the return on its investment both in work force restructuring and community transition. There is also a need for increased integration of planning and restructuring and for more cooperation between headquarters, the field, and contractors.

Ms. Swichkow described the Work Force Information System (WFIS), the DOE work force planning effort that has been underway for over a year. The Office of Worker and Community Transition has completed Phase I of the WFIS and is currently in Phase II. Since the last workshop, the Phase I query database has been completed, a WFIS Board of Directors consisting of the Assistant Managers for Administration has been established, and the requirements and data elements for Phase II have been identified. Among the issues approved by the Board of Directors are the WFIS mission statement and objectives, system requirements, the level of data collection (aggregate), and the adoption



of the Common Occupational Classification System (COCS) as the job classification system to be used by all DOE contractors. Performance measures for work force planning have also been developed and will be reviewed by the Board during June.

Pamela Dahne, from KPMG Peat Marwick LLP, was then introduced. KPMG is assisting the Office in the design of the WFIS. Ms. Dahne described the current database, which was developed during Phase I. This database is a PC ad hoc query and reporting tool that is housed in the Office of Worker and Community Transition and can provide aggregate summaries of information at the field and state level. Ms. Dahne also provided examples of some of these reports.

Ms. Dahne then discussed Phase II of the WFIS. The WFIS will consist of the following five modules: 1) current work force structure and future restructuring numbers and costs; 2) Equal Employment Opportunity (EEO) information for the Office of Economic Diversity; 3) employment distribution information for Defense Programs and Human Resources; 4) information related to labor contract negotiations; and 5) contractor compensation and benefit information. The implementation of the system in the Fall of 1996 will mean fewer data calls from headquarters, consistency in the total number of contractor employees, and better corporate information for DOE. Ongoing activities include closure on the level of collection and reporting for COCS, the establishment of a COCS Revision Board, and the integration of work force planning criteria into the restructuring plans.

Throughout the presentations, participants asked questions about the information that formed the basis for the Phase I and Phase II databases and whether providing information for these systems would impose an additional burden on the contractors. Information in Phase I is based on the employee distribution by program system collection. Information in Phase II is based on currently collected reports, work force restructuring plans and updates, and the COCS. Every effort has been made to consolidate, when feasible, duplicate reported data. In addition, one participant asked how far back information would be collected. The information in the WFIS may go back as far as 1988, but it may not be consistent due to integration of M&O contractors.

Ed Stahlman, from Pacific Northwest National Laboratory, a developer of the COCS, discussed the revisions to COCS. The COCS is currently in its third revision, and a COCS Revision Board is being established to enable revisions to occur as needed. Some participants noted that it is difficult to determine how detailed job categories need to be if DOE does not know how the information will be used. In April 1996, the Board of Directors will address the issue of whether to collect and report job classification information at the nine-family level or at the level of 89 job categories.

Participants expressed concern that collecting aggregate-level information in the WFIS at the aggregate level compromises the integrity of the data and limits the ability to "slice and dice." An example of this problem is trying to determine an average salary at a site. If the information provided to headquarters by separate M&O contractors is already an average, then it is not possible for headquarters to determine the average accurately. Participants also asked Ms. Swichkow about WFIS implementation costs. She explained that the Office of Worker and Community Transition would pay for software development, communications software, database server, the communications server, and initial training.

In closing, Ms. Swichkow thanked participants who had supported, through the various subcommittees, the development of the WFIS. Several session participants then requested additional information on work force planning efforts.

1D. UPDATE ON COMMUNITY TRANSITION ACTIVITIES

**Session Organizer: Bob Baney, Office of Worker and Community Transition,
Department of Energy
Facilitator: John Lynch, Independent Consultant**

In this session, Debby Swichkow, from the Office of Worker and Community Transition, provided some introductory remarks, which included an explanation of the proposed changes to the *Interim Guidance for Community Transition Activities* and the relationship of recent activities, such as the community transition focus group. She observed that a change has occurred in the relationships of the various parties involved with community transition and that headquarters had now become more of an ombudsman within the program.



The early guidelines for community transition activities were developed at a high level within the Department as a means to get the program started quickly. However, the program has matured to the point where the guidance can be revised to reflect areas of responsibility and accountability among the Community Reuse Organizations (CRO), the DOE Field organizations and Headquarters.

Recent external assessments by General Accounting Office (GAO) and the Inspector General added focus by identifying some weaknesses in the community transition program. Those reviews particularly noted a lack of criteria for funding decisions and a lack of performance measures to evaluate the success of program activities. The findings of these external assessments and stakeholder input at the September 1995 Workshop led the Office of Worker and Community Transition to create a focus group on community transition. The focus group has nine working groups and is relying on the stakeholders to help identify the issues/barriers and develop solutions.

Ms. Swichkow stated that the focus group's progress to date has been favorable. The Office of Worker and Community Transition will need input from the entire community transition working group on the review of the preliminary draft revised guidance. The first preliminary draft of the guidance will be available soon for review by the CROs and DOE field offices, and the Office of Worker and Community Transition has set a target date of July 1996 to publish it in the *Federal Register*.

A primary feature of the new guidance will be an expanded definition of roles and responsibilities. The guidance will involve an effort to clarify the relationships among headquarters, field offices, and the CROs. Processes for both approval of proposals and review of funding requests will be clearly defined. The guidance will also contain evaluation criteria, time lines for the different processes, performance measures, and audit requirements. Funding guidance should be issued far enough in advance to permit funding early in a CRO's fiscal year. The funding process will also include a third-party review by the Economic Development Administration at the Commerce Department, which will examine the proposals using the same criteria as those used by DOE.

Dave Dillman, from the Tri-Cities Industrial Development Council (TRIDEC), presented the results of the working group on strategic planning, using many examples from the experience at Hanford in Washington State. Mr. Dillman noted that because TRIDEC had been in existence for more than 30 years, some elements could not be a model for every community. He did emphasize that in developing any CRO, there are some elements of importance across the complex. Above all, it is essential to have all members — including representatives from business, contractors, community, and labor — work on the issues together. Everyone needs to be involved from the start.

Mr. Dillman also clarified the reason for preparing the community transition plan. In general, it provides a benchmark for how the community should prepare for transition. To be most useful, it should be global and as simple as possible. Without a plan, a community would not be able to address the community's needs systematically and, as a practical matter, would not be able to justify their proposals for financial assistance to DOE or other funding sources.

A key element of Hanford's community transition plan has been the completion of a SWOT (strengths, weaknesses, opportunities, and threats) review. This review revealed that even though workers wanted to transition to jobs in comparable industries, Hanford is located in an agricultural area, and comparable jobs did not exist. The analysis then focused on finding methods to bring in replacement employment, although the analysis also recognized that complete replacement probably would not be possible. One strength the analysis revealed was the abundance of equipment available at the Hanford Site. This equipment is scheduled for a walk-through soon, and prospective reusers of equipment will be required to locate in the Tri-Cities area.

A technology inventory also indicated that commercialization is a slow process. Although some technology has been developed during clean up, capitalization assistance is also needed in the community to help businesses grow.

As plans are being completed and proposals are being prepared based on those plans, it has become obvious that DOE and the CROs need to communicate across the complex to produce uniformity in interpretation. All parties must remember that the primary goal of the community transition effort is creating jobs. To achieve that goal, the planners must look within the community for resources that can get involved without creating or relying on anything new. The proposals that are submitted to DOE for funding must stand alone on being good for the community. While reducing landlord costs is a positive extra benefit, such a benefit will not be adequate to justify a proposal for funding.



Dan Cudaback, from the Eastern Idaho Economic Development Council, assisted in the presentation on the planning process. He described the DOE and communities as partners navigating the program through field and headquarters oversight in order to achieve program objectives.

Mr. Cudaback first explained the situation at Idaho, where circumstances are different from those of CROs located near urban areas. The majority of the Eastern Idaho Economic Development Council's funding comes from private sources, so the CRO is fully aware of the corporate culture. Because the facilities and personal property at the Idaho National Engineering Laboratory (INEL) are not readily adaptable to other uses, the site has emphasized reusing people instead of facilities and equipment. Recognizing that there is no magic solution to their problems, the Council has tried to build relationships within the CRO and its dealings with DOE based on mutual respect. The Council has emphasized a willingness to listen to each other and have embraced credibility based on performance.

In establishing the CRO, the Eastern Idaho Economic Development Council considered the role the local DOE manager played in providing assistance as a major benefit. Besides helping establish the CRO, the site manager sits on the economic development board and the CRO board. When it meets, the CRO tries to have all parties in attendance. The concept the CRO and the site are trying to follow is one of full partnership from the beginning. As partners, they recognize their respective roles and views and try to listen to each other.

The Office of Worker and Community Transition has recently emphasized the audit of the projects that receive funding. All projects should be conducted in accordance with the requirements identified in OMB Circulars A-128 and A-133. Audits should be set up to evaluate performance, financial elements, and management of the grants. While DOE expects that all funding will be managed prudently, in the future there will be requirements beyond those of Circular A-133. A possible model may be a process used by Department of Transportation which involves an oversight review.

DeAnne Butterfield of the Rocky Flats Local Impacts Initiative provided a brief update of the meetings of the focus group's peer review working group. She indicated that the panel thought funding priority should be based both on need and merit. Ms. Butterfield then reviewed the handout material depicting the criteria developed by the working group. Based on need, the large, remote sites of Hanford, Savannah River, and Idaho ranked the highest, while the lowest-ranking sites were small and located in or near urban areas. She also noted that the criteria could be weighted to reflect present or future priorities of the program.

A further benefit of the peer review process, other than providing recommendations for funding, is providing support to the DOE for future budget requests. A backlog of quality projects could provide support for continued funding of the program.

Ms. Butterfield noted that to maintain credibility, a CRO needs to commit all the resources needed to make a proposal work when the proposal is submitted, rather than waiting until it is approved. In addition, in order to be the most useful, fiscal targets should be sent out to the field as soon as possible after the President's budget request.

Another central topic of the session was reprioritization. The motive behind reprioritization is to make surplus material available to the community as soon as possible. An existing impediment to this is the sometimes low priority of processing property, especially personal property, for transfer. The proposed solution was for the CRO to establish a revolving fund to help process excess equipment. As equipment was processed and any readiness work performed, it could be transferred or sold. If sold, proceeds of the sale could be returned to the revolving fund to process additional equipment. When transfer of all desired equipment is accomplished, the balance of the revolving fund would go to the U.S. Treasury.

There are still several unresolved issues that the team recognized. These include receiving official policy review and approval of the process, obtaining recognition from Congress that this is not augmentation of appropriations, and determining a need for interim reimbursement to the treasury from the fund. The balance between competing demands (i.e., selling assets to reduce the deficit and Hall Amendment transfers) would also still need to be developed at each site.

At this point in the agenda, the discussion session broke for lunch and agreed to return for the afternoon session, which would begin with a discussion of performance measures.



SMALL GROUP DISCUSSION SESSION 2

2A. LESSONS LEARNED IN COLLECTIVE BARGAINING AGREEMENTS

Session Organizer: Deborah Sullivan, Office of Worker and Community Transition,
Department of Energy

Facilitator: Barry Lawson, Barry Lawson Associates

Barry Lawson, the session facilitator, opened the session by describing the structure of the discussion. He explained that the session would be structured into a panel presentation, an individual presentation, and a comment period. The panel addressed collective bargaining at DOE's Idaho Operations Office, and the individual presentation provided an overview of activities conducted by the Sheet Metal Workers' International Union. Mr. Lawson introduced the panelists at the beginning of the panel, moderated the question and answer session following the panel, and moderated the comment period. The participants in the session represented local and national labor unions, contractors, and the Department of Energy (DOE), both headquarters and field organizations.

The panel consisted of representatives of the Idaho Operations Office, the Oil, Chemical, and Atomic Workers Union (OCAW), Lockheed Idaho Technologies Company (LITCO), the Eastern Idaho Building Trades, and the Laborers' International Union of North America. The topic of the presentations was the collective bargaining that took place after OCAW filed a lawsuit against DOE alleging that DOE had violated Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 in the course of its privatization activities. Through two agreements between the Idaho Operations Office and OCAW — the *DOE Idaho Direct Procurement Agreement* and the *Section 3161 Restructuring Plan Understanding* — the issues were resolved without litigation. As a result of negotiations among the parties, language on privatization and outsourcing was amended in the LITCO contract and DOE agreed to assume some obligations.

Bob Bardsley, from the Idaho Operations Office, provided the DOE perspective on the two new agreements. He explained that the direct procurement agreement is designed to provide additional employment securities for those affected by new outsourcing activities. According to the agreement, the union will receive advance notification of any outsourcing solicitations and OCAW will have an opportunity to view the draft solicitations and to provide comments. In addition, the agreement will include preference in hiring clauses, successorship language, dispute resolution process information, and language on taking back workers. The wages and benefits clause of the agreement states that workers will receive equivalent wages and comparable benefits for the first year and that DOE will supplement differences in wages/benefits. The *Section 3161 Restructuring Plan Understanding* states that work force restructuring plans will include a skills and needs inventory; union involvement in any voluntary separation programs; an understanding of hiring preference language; flow-down provisions for preference in hiring; and a preference in hiring appeals process.

Terry Perez, a representative of OCAW, described the events leading up to the tripartite negotiations. He explained that workers had concerns when LITCO first began its contract because cuts in benefits were announced and because the contract included guidance for the outsourcing of 50 percent of OCAW work in the Site Services Area. When the 120-day work force restructuring notice was issued in December 1994, Idaho did not have a restructuring plan in place. Workers' discontent continued through the January 1995 early retirement incentive and the March 1995 voluntary separation, and OCAW filed its lawsuit against DOE in May 1995. Negotiations between OCAW and LITCO produced a contract that began January 1, 1996. Under this contract, workers will be involved start-to-finish in privatization. Currently, there is an expedited arbitration provision, and there will be a joint LITCO-OCAW cost/benefit analysis. Mr. Perez emphasized that these results could have been accomplished much more easily if all three parties had worked cooperatively from the start. Through this experience, OCAW has learned the lesson that affected parties must be involved as true partners in decisions before the decisions are made.

Tom Heiserman, the Vice President for Human Relations at LITCO, provided more information on the contract negotiations between LITCO and OCAW. The OCAW contract had been scheduled to end in May 1995, and negotiations for the new contract began in January 1995. At that point, the big issue surrounding the contract was privatization. At the time OCAW filed its lawsuit, there were rumors of a national DOE privatization policy, and LITCO was waiting to see whether such a policy would be issued. LITCO and OCAW representatives went to Washington, D.C. to resolve the issues and to continue negotiations.



R. D. Maynard, from the Eastern Idaho Building Trades, discussed the Building Trades view of the Idaho negotiations. He noted that when the *Idaho's Work Force Restructuring Plan* first came out, Building Trades did not pay much attention. Later, however, the Building Trades became involved under the assumption that because they are not intermittent workers and should therefore be included in Section 3161 provisions, they should receive the same treatment as operations workers. As a result, the Building Trades worked with OCAW and the Office of Worker and Community Transition to establish its role and to resolve ambiguities with worker protections. OCAW and the Building Trades are still working to establish their respective roles and to cooperate on work issues.

Tom Biscup presented the views of the Laborers' International Union of North America on the negotiations at Idaho. He began by stating that DOE should have listened to the concerns of LIUNA earlier and should have involved them in the negotiations over settlement of the lawsuit. LIUNA continues to have concerns over the *Idaho Work Force Restructuring Plan*, the Settlement Agreement, and the Agreement between OCAW and LITCO. Mr. Biscup also expressed concerns over discussions regarding division of work opportunities at the site. Although some progress has been made over LIUNA's concerns, systemic problems related to Davis-Bacon/Service Contract Act, work assignments, and Section 3161 remain. Among other things, DOE should amend its processes to allow all unions to have input early on and to provide for procedural and substantive due process rights with respect to Davis-Bacon/Service Contract Act determinations.

Questions for the panel included how DOE will pay the difference in wages if a new contract does not offer workers equivalent wages and why DOE has decided that privatization should be handled site by site and not through a national policy. Panel members explained that LITCO is not covered by Section 4C of the Service Contract Act, so DOE took on the responsibility to cover any possible difference in wages. As for privatization, it is useful to negotiate privatization agreements locally because each site is unique. Also, when the parties at a site cooperatively reach privatization agreements, the resulting agreements have the approval of all and can be implemented. If one site's privatization policy seems relevant to other sites, it can certainly be used as a model, but this will be done informally.

After the panel, Jim Worthington, from the Sheet Metal Workers International Union, described sheet metal activities, emphasizing the need for better communication among DOE, contractors, and labor unions. The Sheet Metal Workers sometimes represent both building trades and metal trades, and the business agents from all DOE sites meet twice per year to discuss issues at DOE sites. Mr. Worthington noted that in the course of work force restructuring and privatization decisions, people making decisions should maintain contact with the workers performing daily activities.

Following Mr. Worthington's presentation, participants discussed general issues related to collective bargaining agreements. One of the principal topics raised was the possibility of arranging a national meeting of tripartite groups (DOE, contractors, and labor unions). Participants explained that the tripartite system is the key to resolving collective bargaining issues and that the three groups need to work together, communicate, and take responsibility in order to reach solutions. If the tripartite groups can meet to discuss these issues, it may be possible for them to determine an unofficial national approach. Bob DeGrasse, Director of the Office of Worker and Community Transition, offered to sponsor a meeting on work force issues and explained that while it may not be feasible to develop a national policy, the tripartite groups can work to share information on approaches to work force issues. Mr. DeGrasse also invited participants to provide suggestions on agenda topics and issues that may be considered at such a national meeting.

Other central topics of the discussion were fair treatment of building trades under Section 3161, concerns about labor standards boards, and privatization and outsourcing practices. On the topic of labor standards boards, several participants expressed frustration that labor standards determinations are different at different communities and that at some sites, labor unions are not involved in labor standards determinations early enough in the process. At many sites, labor standards decisions seem to be slanted toward DOE's interests. Sites that have had success with labor standards have found that early sharing of information, honesty among parties, and early involvement of labor unions are important.



With respect to privatization and outsourcing, many participants expressed the view that in some cases, privatization may be more expensive than the current system, particularly when it results in a compromise of safety and quality. Many participants pointed to the implications for worker safety inherent in privatization and cautioned that DOE and contractors should consider those implications carefully. In addition, participants noted, allowing outside groups to adhere to different worker safety standards may give outsiders an unfair cost advantage. In these cases, DOE should act to enforce the same standards, a practice that meets the spirit of Section 3161 by encouraging the use of existing employees and existing unions.

Other comments focused on the need for better and earlier wage determination on projects, the role of workers as members of communities as well as members of labor unions, and the possibility of streamlining training for workers. Some participants asked whether DOE and its contractors could examine the costs and benefits of using excess funds and pension funds to offer workers early retirement. In addition, a participant relayed the value of participating in the National Council of Security Inspectors, which has discussed security concerns, Section 3161 concerns, and special downsizing-related concerns with DOE.

Throughout the discussion, participants emphasized that communication is essential to collective bargaining. Early and honest information from DOE and contractors helps labor unions to be part of the solution, and to be a partner in resolving problems. With earnest attention to communication, all parties can bring their strengths to the table and can cooperate to deal with tough decisions. The session concluded with comments on the possibilities for labor, DOE, and contractors to collaborate for the purpose of solving problems and making better, more acceptable decisions.

2B. BEST PRACTICES IN WORK FORCE RESTRUCTURING

Session Organizer: Lew Waters, Office of Worker and Community Transition,
Department of Energy

Facilitator: Leslie Wildesen, Environmental Training and Consulting International, Inc.

Dr. Lew Waters, from the Office of Worker and Community Transition, opened the session by introducing himself and suggesting a broad set of guidelines to structure the dialogue. He introduced Leslie Wildesen, the session facilitator, and David Fee of Star Mountain, a presenter. Dr. Waters also explained that the session, and Mr. Fee's presentation, would be divided into two sections: the first dealing with people who had been separated from a site; the second dealing with the survivors who remain after restructuring.

Ms. Wildesen then introduced herself and made further suggestions on ground rules. She gave a stated outcome for the session of a prioritized list of best practices that would be appropriate for DOE to focus on. Ms. Wildesen also introduced the panelists.

David Fee began the first half of his presentation with background information on himself and on Star Mountain's experience with best practices. He stated that he wanted his presentation to invoke thoughts and feelings on the realities of work force restructuring. Mr. Fee noted that the national trend is toward downsizing: 29 percent of American firms are projected to downsize in 1996, and more than 50 percent of all American companies downsized in the last five years. He stated that the three components of successful restructuring are: 1) realistic and strategic organizational planning; 2) vision, mission and values-based human resource planning and development; and 3) open and frequent communication.

In terms of the separating employees, Mr. Fee stated that the most commonly used best practices were aimed at minimizing the need for involuntary separations and providing incentives — e.g., severance, education, relocation — for voluntary separations. Early retirement, as another method, reduces the need for layoffs and opens up jobs. As for helping those individuals at risk, education programs and outplacement services have been most successful. In outplacement services, the range of services that were particularly beneficial were career assessment, resume preparation, and entrepreneurship training, particularly for those individuals who received a severance package.

Mr. Fee then focused on unusual best practices, which he defined as successful practices that are creative, innovative, and often unique to an organization. Some of these were child-care assistance, salaried job searches, job shows,



temporary services, and an appeals process for employees who perceived that they are unfairly being separated. Mr. Fee also discussed flexible separation incentives, a common practice with large companies. He stated, furthermore, that on average, the government offers severance packages that surpass those available in the private sector.

Mr. Fee concluded the first half of his presentation by emphasizing the importance of communication and the ways that managers can work to keep in regular contact with their employees. Surveys are one key tool for communication. He gave the example of Chemical Bank, which surveys its surviving employees once a month on issues of productivity and morale. In addition, Mr. Fee noted, advocacy for displaced employees should be a continual process.

Bill Truex, from the Oak Ridge Operations Office, began the comments by the panelists. He stated that Oak Ridge is in the process of implementing the third stage of its downsizing plan. The Oak Ridge Operations Office has been able to use a variety of programs to effectively implement its downsizing. In particular, the early retirement option has been more successful than anticipated. Mr. Truex then noted that Oak Ridge has learned from the popularity of early retirement, explaining that DOE should be careful what it offers because people may take the Department up on its offers.

Mr. Truex went on to mention that the third stage at Oak Ridge now deals with a significant number of involuntary layoffs. The new plan includes the implementation of a new process, a Reduction-in-Force (RIF) Review Board. The RIF Review Board's purpose is to ensure that the future of the workforce is addressed and that any action in downsizing is specifically explained. The experience with the plan has been good, but some employees still feel unfairly selected.

James "Kip" Phillips, from the Oil Chemical & Atomic Workers International Union, spoke next. He stated that employee leasing was a best practice option that was missing from Mr. Fee's slides. From his point of view, "lip service" is the biggest hurdle in work force restructuring. In successful restructuring, all communication among parties must be honest and direct. Mr. Phillips stated that the one factor needed for downsizing is enhanced early-outs. Even though this approach may result in the loss of valuable workers, it is more fair to the interest of those leaving. He then questioned whether the term *best practices* refers to the benefit to the contractor or to the employee. He went on to note that the enhanced early retirements at Hanford were very successful. In conclusion, he stated that only problem with the use of education as a best practice incentive was that some sites are not located near facilities for higher education.

Dom Sansotta, from the Richland Operations Office, was the next panelist to speak. His main point was that when DOE downsizes, it needs to think of the workers. It was important, in his view, to think of the survivors because they are watching to see what managers are doing. Mr. Sansotta also focused on four principles in downsizing: 1) manager ownership of the broad process; 2) stakeholder involvement; 3) purposeful downsizing; and 4) managers' communication of their vision to the employees. It is the employees who must understand the downsizing process. Employees sue because they feel like they are being treated unfairly, not because they feel like they are being treated illegally.

John Clabaugh, from AlliedSignal Inc. (the prime contractor at Kansas City), was the next panelist to speak. He agreed with and supported what the other panelists had said, and he added that he believes a communication package is absolutely critical to the success of a downsizing effort. The employees need early information on what is expected to happen, and they need to know before anyone on the outside does. The survivors also need to have a good understanding of what is happening, so that they are not just waiting for the other shoe to drop. When survivors are not provided with information, productivity suffers.

Marilyn Balcombe, with the Oak Ridge Institute for Science and Education, was the last panelist to speak and focused on the views of the displaced worker. In the communications area, she explained that surveys she had conducted had revealed that many employees believed that they had not had input to decisions about their circumstances. That, to Ms. Balcombe, revealed a potential problem with perception: there seems to be a conflict between what is being communicated and what is being received. It is vital that a restructuring plan be communicated effectively to employees. Another finding of the survey was that workers who took early retirement and wanted to



work again were very surprised and unhappy to encounter unexpected hurdles such as age discrimination, external compensation, and benefit packages that were considerably less than that of their previous job. According to the survey data, some people found outplacement services ineffective in finding a job. Ms. Balcombe also strongly encouraged sites to include employee assistance professionals in planning and implementing their restructuring activities. In conclusion, Ms. Balcombe explained that the tracking system for some restructuring programs was not very sophisticated, and as a result, 1995 data are projected to be more accurate.

After a short break, Mr. Fee continued his presentation, focusing on the survivors of restructuring. These employees are surrounded by change, he said, and they need to learn how to deal with that while also dealing with the challenge to accomplish more work with fewer people. He cited change transition workshops and retraining programs as effective best practices. Mr. Fee also noted that surviving employees could be re-qualified for new jobs, such as clean-up support and hazardous waste management. Mr. Fee then discussed workers' emotional states and psychological responses to separation, which commonly include anger and lack of motivation. He looked at explanations of why some managers may not communicate. Some managers behave this way as a result of fear, and many claim that they themselves do not know the details of restructuring. This behavior only serves to complicate the situation. Strengthening intergroup connections is key, and this can be accomplished through activities such as weekly luncheons or family meetings. The basic truth is that an increased amount of activity for the survivors is critical.

Mr. Truex responded by explaining that basic skills enhancement is an example of how Oak Ridge continues to pay attention to those who remain after restructuring. It is important, however, to examine the drivers behind training and skills enhancement and to make sure that DOE is targeting its resources to the people who need them. Mr. Phillips followed, agreeing that communication to the survivors seems to be very difficult, particularly because no one wants to be the bearer of bad news.

Mr. Sansotta stated that the current conditions at Hanford are stressful: morale is at an all time low, absenteeism is high, and employees feel like there is an axe hanging over their heads. Because survivors are watching, worrying, and wondering, he emphasized, it is important for DOE to treat displaced workers with genuine concern. He also stated that it is important for DOE to be an advocate of the work force. Too often it seems that the people making the decisions are focusing on dollar signs rather than human beings.

Mr. Clabaugh stressed that although DOE needs to move quickly in work force restructuring, people need a chance to vent. One bad practice he has observed is communicating bad news to large groups of people. It is more effective to interact with smaller, more intimate groups.

Ms. Balcombe concluded the question and answer period. Most importantly, she noted, it must be recognized that survivors suffer from guilt. In the area of communication, she explained that when managers wait for final details before releasing information, people tend to make up information, which leads to excessive gossiping and rumors. For this reason, it is important to supply clear, early information. Ms. Balcombe also supported the concept of establishing smaller intervention groups and allowing people to vent in a comfortable situation (i.e., with 10 people present, not 300). Finally, she stated that both displaced and surviving workers need to be treated humanely. With this in mind, DOE may consider training managers on how to communicate information about downsizing.

An open discussion followed the last panelist's presentation. Eileen McNeely, a researcher from Boston University, introduced herself and discussed a five-year intervention study that the University is going to conduct on the health effects of DOE downsizing. She asked participants for comments and suggestions on appropriate sites.

The comments that followed focused on the need for DOE to think strategically. Many participants expressed the opinion that DOE should consider all of the pieces and how they can be assembled to make a new social contract during this time of change. The work force could be monitored routinely, and the climate continuously assessed. In particular, violence in the work place is a possibility, and it needs to be addressed. For example, one participant described a public meeting in which an employee said, "this place needs a post office solution." Lawrence Livermore National Laboratory has set up a crisis assessment team to focus on violence and disturbances, and it has produced a pamphlet to make managers aware of the potential for violence in the work place.



In the discussion's conclusion, Terry Freese from the Office of Worker and Community Transition, stated that DOE hopes to see the light at the end of the downsizing tunnel in a few years, but there are forces that are out of the Department's control. In a politically sensitive world, and with uncertainties of funding from Congress, it is difficult for DOE to conduct work force restructuring using some best practices. It is important for all parties to remember that the government is not like a private business, and some differences in the challenges of work force restructuring are dramatic.

The following text summarizes the best practices on Work Force Restructuring discussed in the session:

Key Points:

- The work force is currently stressed to the maximum
- "Humane concern" is needed -- employee welfare over dollar signs
- Three tenets: think and plan strategically, structure humanely, and communicate constantly
- Very critical: "communicate, communicate, communicate" and "communicate honestly"
- Perception is reality -- people will rumor what they don't know; lawsuits often result from people who feel they were treated unfairly -- whether they were or not
- Planning is vital so people can understand in advance what is happening and make their own plans accordingly

Four Principals:

- Take ownership of the problem, process, etc.
- Involve stakeholders at the earliest possible time and throughout the process
- Implement boldly and with purpose
- Success results from a combination of planning, process and communication

Best Practices Discussed--Separating Employees:

- A review, appeals or arbitration board for employees who perceived that they are unfairly being separated
- A process that includes employee leasing, setting up temporary employment companies or forming new companies to keep separating workers usefully employed -- at least until they find other jobs
- Coordination with colleges, labor organizations, private industry for job retraining or further education
- Techniques for stakeholder involvement:
 - guidance group(s) for the plan
 - separate "working group" to develop stakeholder criteria
 - throughout the process: public meetings, small group meetings, written comments, newsletters, manager briefings, etc.
- Reality "therapy": how things are in the off-site work environment (i.e., different wages and benefits levels)
- Involve a variety of employment assistance professionals early in the restructuring process; use them for manager and supervisor training and for the employee's family as well, both before and after separation

Best Practices Discussed--Survivors:

- Retraining to accomplish more work with fewer people
- Humane treatment of departing workers -- survivors will be watching
- Substantial filling of available on-site jobs with existing workers, with or without retraining
- Continuous surveying and monitoring of survivors
- Particular attention to anger and guilt, low morale, absenteeism, violence and sabotage
- Be an advocate of the remaining workforce
- Offer chances for survivors to give expression of their feelings
- Deal with emotions and comments in smaller groups
- Create relationships between DOE and the prime contractors to address survivors' needs
- Human Resources or Industrial Relations staff need to "champion" change



2C. BEST PRACTICES IN WORK FORCE PLANNING

Session Organizer: Deborah Swichkow, Office of Worker and Community Transition,
Department of Energy

Facilitator: Jeanne Crouch, Environmental Training and Consulting, Inc.

Jeanne Crouch, the session facilitator, opened the discussion by reviewing the agenda and asking participants to introduce themselves to the group. Session participants included representatives of the Department of Energy (headquarters and field), contractors, and labor unions. Debby Swichkow, the session organizer and program manager for work force planning, then gave a presentation on work force planning.

Ms. Swichkow began by reviewing Tom Grumbly's speech from Wednesday, March 13, emphasizing Mr. Grumbly's focus on the need for an analytical, corporate approach to the Department's work force planning activities and the importance of cooperation among DOE Headquarters, DOE Field organizations, and contractors.

Ms. Swichkow then presented the 10-step work force planning process that was developed by the Work Force Projections Subcommittee of the Work Force Planning Committee. The subcommittee was led by Walt Lips of DOE's Office of Defense Programs. The 10 steps of the work force planning process are as follows:

1. develop a baseline assessment of the current work force composition;
2. analyze future work force based on strategic plans, program guidance, budgets, and contract reform strategies;
3. identify the need for work force change;
4. establish initial schedule for the work force restructuring plan;
5. determine future work force composition in terms of jobs and competencies;
6. compare current work force composition to future work force composition to identify shortages and excesses;
7. develop the following work force transition strategies: voluntary separation, transition of retained workers, and transition of separated workers;
8. develop implementation plan with actions and schedules;
9. implement plan;
10. evaluate results and improve the process.

Currently, sites provide work force planning information to the Office of Worker and Community Transition at Step 7 of the work force restructuring plan. In the future, the Office will review each restructuring plan for evidence that the work force numbers provided in the plans are based on analyses of both the current work force and the future work force, particularly at Steps 2, 3, and 5.

The participants then discussed the differences between Step 2 and Step 5. Step 2 should be an on-going process, and it has a long-term orientation. Step 5 is geared to the specific efforts of the work force restructuring plans and is shorter term.

Participants then discussed how the DOE Field offices and the contractors will need to interact to accomplish these steps. Representatives from various field offices stated that they will need guidance from headquarters in instructing their contractors. They also questioned the usefulness of the 10-step process. Representatives from DOE Headquarters explained that the 10-step process is necessitated by the requirements of Section 3161, which obligates the Department to perform a skills assessment before it separates, retains, or retrain people. In addition, the biggest driver of the work force planning process is the requirement to accomplish the mission.

The discussion then turned to the work force planning process. One participant noted that work force planning entails more than the 10-step process and must involve representatives from DOE contracts and procurement offices. In addition, some participants stated that to ensure that the planning expectations of the Office of Worker and Community Transition are adequately addressed, headquarters should provide training on the field's responsibilities in work force planning and how to fulfill those responsibilities.



The group then reviewed how Steps 1, 2, 3, and 5 are currently accomplished at some sites. Step 1, (the development of a baseline assessment of the current work force composition), involves a generic, high-level evaluation that begins with the review of existing job descriptions. Job skills are then identified using job classification systems such as the Common Occupational Classification System (COCS) and through a review of resumes, surveys of current practices, or electronic searches. Employee resumes are used only as a starting point for identifying job skills and qualifications because they may not reflect all the skills a person has or training that may have been completed. At this step, sites should avoid using too much detail, because additional information can be added once future needs are known.

As part of Step 2, (the analysis of future work force requirements based on strategic plans, program guidance, budgets, and contract reform strategies), many contractors indicated that DOE should identify future programmatic requirements. This will require guidance from headquarters and may include a determination of prospective work for others. During this step, contractors must evaluate current and future business lines to determine future needs and how to fulfill those needs (i.e., through use of full-time employees or outsourcing).

At Step 3, (identifying the need for work force change), any change from the baseline requires a 120-day notice. A first step at this point is to analyze the difference, if any, between Step 2 and current business. It is important to be aware that the current work force may have "hidden" skills that can meet future needs (i.e., skills between business lines).

Step 5, (the determination of future work force composition in terms of jobs and competencies), begins with the identification of specific jobs that are to be added or subtracted. Affected business lines must be assessed, and jobs with transferrable skills sets must be identified. These jobs and competencies are then grouped and sent to managers, who then assess the business impact and make a determination between future needs and the groupings.

A representative of a labor union stated that labor would like to be involved with the contractors at the beginning of the long-term planning process. If labor members know future needs, they can begin education and retraining early so that they can obtain the skills necessary for future work.

Ms. Swichkow closed the session by inviting participants to join the Planning Integration Guidance Group (PIGG), which will meet weekly through the month of April beginning on April 2, 1996. The PIGG will be developing the criteria and defining the key work force planning elements to be included in the work force restructuring plans. The Ohio Field Office has volunteered to be a pilot for the planning process.

2D. UPDATE ON COMMUNITY TRANSITION ACTIVITIES

Session Organizer: Bob Baney, Office of Worker and Community Transition,
Department of Energy

Facilitator: John Lynch, Independent Consultant

John Lynch, the session facilitator, opened the discussion by announcing that this session would be a continuation of this morning's discussion of community transition activities. The session's goal was to provide an overview of the findings of the various working groups of the Office of Worker and Community Transition focus group on community transition activities.

Jeff Murphy, from Lawrence Livermore National Laboratory and Laurel Smith, from the Office of Worker and Community Transition, discussed the development of community transition performance measures. The primary reasons for developing performance measures can be grouped into two categories:

- to document the results of the program and provide Community Reuse Organization's (CRO) with information about best practices and ways to improve the program; and,
- to demonstrate program effectiveness and assure continued support and funding.

The performance measures working group considered it best to suggest a loose framework of performance measures rather than a rigid framework to allow flexibility in adapting the measures to local situations. By having a framework, the Office of Worker and Community Transition would assure that the approach to developing and reporting accomplishments is consistent even though the substance of the accomplishments may vary.



The working group also determined that the suggested areas to measure are only suggestions and that the actual measures should be developed with input from CROs and DOE field offices with an emphasis appropriate to each site. Further, the suggested measures are not intended to be all-inclusive and each site will need to review their individual needs to ensure that they have included all important measures.

All attendees were requested to review the draft *Community Transition Performance Measures*. Comments on the draft measures should be submitted to Laurel Smith at the Office of Worker and Community Transition by the end of March 1996. The final performance measures will be incorporated into the draft *Interim Guidance for Community Transition Activities* which will be available for review in July 1996.

The working group on personal property found that the transfer of personal property has met with varying support and success throughout the DOE complex. As a result of this approach, the relative priority of competing uses for excess personal property is not uniformly managed. Some of the CROs propose being allowed to transfer personal property and retain proceeds for community transition purposes. In order for this proposal to be successful, all rights must transfer to the CRO with the property (i.e., there cannot be unreasonable reverter clauses).

The working group considered it necessary for personal property regulations to include the new acquisition letter provisions for community transition. The group also determined that the inherent conflict between the Office of Policy's goal to reduce the deficit by \$250 million and the community transition goal of transferring excess personal and real property must be resolved. While personal property regulations generally do contain the provisions for community transition in the acquisition letter, their successful implementation and resolution of any issues that arise will require active communication among the CROs, DOE Field Offices and Headquarters.

In order to assure that both community transition goals and deficit reduction goals can be satisfied, the working group expressed interest in coordinating with the Office of Policy. The working group found that both are valid goals and there must be a balance between the two.

In an innovative use of funding, the focus group also wanted to consider using funds from the Office of Worker and Community Transition to assist in property transfer, including paying for inventory, risk assessment, and assessment of other interests within DOE. The issue raised by this suggestion is that such uses of funding would replace landlord funds with Worker and Community Transition funds for actions that are properly the responsibility of the landlord. While not specifically prohibited, it seemed that the landlord should appropriately cover such costs and that only in certain situations — to be decided on a case-by-case basis — should Office of Worker and Community Transition funding be used.

On the topic of facility modification and reuse, Jim Cayce of DOE's Office of Field Management made a brief presentation and notified attendees on the publication of a document called *Resourceful Reuse - Planning Future Uses of DOE Sites: A Guide for Prospective Real Property Users*. That publication is intended to assist interested parties in their efforts to work with DOE personnel to reuse DOE's land and facilities. The guide raises and discusses the interrelated issues of reuse planning. Copies were made available to session participants, and additional copies can be obtained from Joan Glickman, Director of the DOE Future Use Project, (202) 586-5944.

Mr. Cayce also presented an examination of the potential for funding capital improvements either on- or off-site. He proposed that grants be considered for rehabilitation, modification, or improvement of real property or facilities only if the purpose is clearly for community transition. In applying this principle, it is important that the connection between the project and community transition is obvious and that community transition is not being used as a convenient justification for other purposes. If the proposal is for off-site activities, a clear connection needs to be established to the CRO and the community transition program.

Participants then briefly discussed the need for a more responsive real property disposal process through the General Services Administration, in its effort to revise the *Federal Property and Administrative Services Act of 1949*. In all cases of facility reuse, participants concluded, an economic analysis would be necessary to demonstrate that such cases are a worthwhile use of limited funds.



Paul Dickman, from the Albuquerque Operations Office, began his presentation on intellectual property by establishing that the authority exists to transfer DOE's intellectual property, which could include patents, copyrights, manufacturing data, and licenses. While limited in its application because of the frequently very specialized nature of DOE's intellectual property, there are some cases where transfer would serve community transition objectives.

There are still some undefined areas where further policy definition would be useful. For example, if a program is being stopped, can the intellectual property be leased out, even though the program may resume? Another case where policy would be useful is when patent ownership is essential for use of a piece of equipment. In such cases, a policy to combine the equipment and the patent would be useful.

Finally, in the area of roles and responsibilities, Debby Swickow had covered a large portion of this topic during her overview and general coverage of the changes in the *Interim Guidance for Community Transition Activities* during the morning session.

At the conclusion of the session, DOE representatives distributed a process diagram that showed the sequential roles in funding a project and asked for participants' comments on the process or the roles.



PLENARY SESSION

WORKER PARTICIPATION IN HEALTH AND SAFETY

**Speaker: Tara O'Toole, Assistant Secretary for Environment, Safety, and Health,
Department of Energy**

Tara O'Toole began her presentation by explaining that safety is an especially important concern during times of organizational change. With downsizing or restructuring, workers are faced with confusion and distractions that can impact safety. At Mobil Corporation, for example, accidents increased as soon as the corporation announced its intention to downsize. For this reason, it is now particularly important for DOE to emphasize a sound safety culture. DOE's goal is to maintain a workplace where prevention of accidents and protection of worker health and the environment are treated as paramount to accomplishing work.

Dr. O'Toole emphasized that in order to accomplish institutional change, DOE must work to change attitudes and behaviors throughout its organization. This means that there is both a necessity and a benefit in involving workers in identifying and eliminating hazards. With many discrete projects underway, uncertainties of the safety and health issues in tasks, and the unfamiliar nature of many tasks, DOE must focus on contract reform as a way of achieving institutional change. DOE is now inserting language in contracts that will (1) establish a single safety culture throughout all contractors and subcontractors and (2) require potential subcontractors to demonstrate that they have good safety and health records.

DOE is conducting several projects to improve its safety culture. It is developing systems for setting performance measures, so that DOE can track the records of contractors. Within DOE, the Environmental Management and Environment, Safety, and Health programs are collaborating on a safety initiative that will be implemented at sites.

Work force planning is the key to safety at DOE, and the Department is working to implement better hazard analysis and hazard control. Half of all accidents and all fatalities are the result of poor work planning, so improvements in this area are crucial to a better safety culture. One way to ameliorate the current work planning system is to change the way in which work packages are reviewed. Safety and health reviews should not be conducted at the end of the work package review, and reviews must directly incorporate the results of safety monitors. Enhanced work planning involves a core team of workers, supervisors, and technical experts. In particular, workers should be involved very early in the planning process. DOE's pilot projects in work force planning have demonstrated the efficiency of proper work package planning, by reducing package planning time from nine months to four months.

Next, Dr. O'Toole focused on DOE's Necessary and Sufficient Closure Process. This process is a disciplined way of tailoring safety requirements to the hazards of the job. The approach involves defining the work to be accomplished, assembling a team, and using the team to determine health and safety standards. Safety requirements must adhere to all Federal, state, and local requirements and laws. In this process, requirements determination must incorporate workers and experts on all levels and must have a sustained, coordinated effort to employ technical talent. As a result, different groups must find new ways of working together and must engage workers.

In conclusion, Dr. O'Toole described the essential components of an improved safety culture. DOE should have teamwork, ownership by the work force, and ways to mobilize expertise. There should be a more meaningful notion of work, and DOE should find a direct approach to the safety and health consequences of the past 50 years.

QUESTION AND ANSWER SESSION

Q. *As some sites transition from DOE work to commercial work, will DOE safety standards apply to commercial entities on DOE sites?*

A. The requirements will be different depending on the sites. DOE's Memorandum of Understanding with the Occupational Safety and Health Administration (OSHA) allows the transfer of Federal facilities to OSHA. The main issue is that sites should notify headquarters when privatizing, so that health and safety issues can be addressed early.



Q. *How can DOE make sure that third-tier and fourth-tier contractors apply the same health and safety requirements as prime contractors?*

- A. In new contracts, there will be a single set of expectations flowing down to all subcontractors. It is not acceptable to have subcontractors using different criteria, and DOE cannot allow a second-class safety culture to exist. In addition, there should be more cooperation in managing work, so that there is a central monitoring of activities at different units of a single site.

Stakeholder comment: The National Security Pilot Project at Rocky Flats is developing work packages with a single set of safety standards, and the new system has been successful.

Stakeholder comment: DOE needs to let workers get involved in setting safety and health requirements.

Q. *Can the new safety and health approach actually contain costs?*

- A. With an appropriate application of health and safety and defensible analytical arguments behind activities, the new approach *can* save money. There is an inherent tension between innovation in health and safety and the protection of workers; so DOE needs to examine practices and consider changes as necessary.

Q. *What should workers do when they observe violations of safety standards?*

- A. Workers should report violations to the contractor in error, to the prime contractor if no action is taken, or to Environment, Safety, and Health at headquarters if there is no response. With old buildings and a less experienced work force, lack of knowledge and uncertainties are high, so it is especially important to identify and prevent violations.

Comment: It has been useful for the Environment, Safety, and Health program to recognize that there is redundancy in work package planning and to try to eliminate that redundancy.



FRIDAY, MARCH 15, 1996

FINAL DISCUSSION SESSION

The following is a list of the issues for resolution during the final discussion sessions of the Worker and Community Transition Workshop. During these sessions, participants discussed a broad range of worker and community transition issues and developed recommendations on issues and activities for the Office of Worker and Community Transition. The small groups, whose members represented a random selection of meeting participants, offered participants a chance to review broad issues, to focus on a limited number of action items, and to propose answers to questions raised in Thursday's small group discussion sessions.

SMALL DISCUSSION SESSIONS

MAJOR ISSUES RAISED

General Issues

- There should be early, two-way communication that involves all players.
- The community, employees, and other stakeholders should be involved from the beginning of the process, during the planning stages.
- There is a need for more cooperation among interested parties.
- All actions taken should reduce the impact on the total community.
- When determining the cost effectiveness of privatization or outsourcing, the Department of Energy should understand the costs (safety, work quality, unemployment) of different options.
- The Department of Energy should examine contractors' overhead costs more carefully.
- The Department of Energy doesn't seem to have the tools to repair its system and to prepare for changes.
- The DOE field offices would like to receive information continually on what they can and cannot do, instead of waiting to find out at national workshops.
- The Department of Energy should publish success stories for all activities related to worker and community transition.
- The Department of Energy should enforce the use of a single set of safety standards across the complex.

Work Force Planning and Restructuring

- There should be a stronger, clearer connection between work force planning and work force restructuring.
- Discussions on work force planning and work force restructuring activities should be combined at national workshops and at headquarters and field meetings.
- Labor unions should be involved in identifying knowledge, skills, and abilities.
- The Department of Energy should explain more clearly how identification of knowledge, skills, and abilities fits into restructuring.



- The Department of Energy should train people in the field to conduct work force planning. Such training should include clear definitions of expectations and a clearer definition of missions.
- The Department of Energy should establish a benchmark for work force planning by examining successful practices in this area.
- It is not clear how much information headquarters really needs for the Work Force Information System.
- The Department of Energy needs to conduct an analysis of needs vs. skills
- The Department of Energy should clearly explain to the field that the new *Interim Planning Guidance for Contractor Work Force Restructuring* is not intended to be prescriptive.
- The new guidelines in the *Interim Planning Guidance for Contractor Work Force Restructuring* seem to make it more difficult for contractors to voluntarily release people.
- The Department of Energy should resolve the definition of vacancies by new contractors and subcontractors in order to enforce preference in hiring.
- There should be early involvement of all affected parties and stakeholders in work force restructuring.
- The Department of Energy should emphasize the use of the existing work force in privatization and outsourcing.
- The Department of Energy should encourage the use of existing employees to fill new positions whenever possible.
- There are hidden costs in privatization (e.g., cost of training new employees).
- There is a loss of productivity during times of restructuring. This creates additional costs and problems in health and safety.
- Success in work force restructuring is as much a function of the implementation and planning process as it is a function of the actual contents of restructuring packages.
- DOE's Office of General Counsel should reexamine the 45-day waiting period for workers who are voluntarily separating and should let workers leave earlier if they want to.
- The Department of Energy should pay more attention to issues surrounding survivors of work force restructuring.
- Sites should develop creative proposals for work force restructuring and should employ site-specific methods.
- There should be a clearly defined, agreed-upon implementation process for work force restructuring.
- The Department of Energy should offer enhanced early retirement to encourage more voluntary reduction-of-force. So far, DOE has done well in using voluntary and retirement incentives to downsize its work force.
- The Department of Energy should examine the utilization of the pension benefit as a cost-effective enhancement of restructuring.



- The Department of Energy should establish broader guidelines for tuition assistance benefits, and it should consider letting the unaffected (but possibly future-affected) work force receive these benefits.
- The Department of Energy should open education benefits to encourage the retention of employees.
- The Department of Energy should provide equal benefits for all workers.

Labor Interests

- Labor should be involved as a partner, not simply as a stakeholder.
- The Department of Energy should establish a national focus group for labor issues.
- Labor unions should participate in decisions on contracting methods and on all issues affecting workers.
- Labor unions should play a role in work force restructuring and work force planning.
- There should be a standard process for making labor standards decisions, perhaps one that complies with Department of Labor regulations.
- The Department of Energy should include Department of Labor representatives in future stakeholder workshops.
- Labor standards decisions should be issued earlier than they are currently.
- The Department of Energy should recognize and resolve wage differentials.
- The Department of Energy should encourage the use of tripartite forums as a means to discuss tough, major issues on a partnership basis.
- There should be a labor forum (like that held on Wednesday, March 13) included as part of all Worker and Community Transition national stakeholder workshops.
- Labor unions should be included in Community Reuse Organization activities.
- There should be fair treatment of the building trades under Section 3161. All employees should receive equal benefits.

Community Transition Issues

- Community Reuse Organizations (CRO) need to develop internal policies which justify their actions and membership.
- CROs should develop strategic plans in which they propose how to involve a broad range of stakeholders and they clearly define their objectives.
- There should be peer reviews of proposals for community transition funding.
- The Office of Worker and Community Transition should be an advocate within DOE for community transition issues that fall under the jurisdiction of other Headquarter organizations.



DOE Commitments and Responses to Major Issues Raised

After representatives of each of the three small group discussion sessions presented the issues raised at the morning's sessions, Bob DeGrasse responded to the workshop participants issues and concerns by offering the commitments listed below on behalf of the Department of Energy.

Work Force Planning and Restructuring

Bob DeGrasse stated that the Office of Worker and Community Transition will work to integrate work force planning and work force restructuring activities, noting that Terry Freese and Debby Swichkow will visit DOE sites to develop better implementation of this integration. A work force integration conference is scheduled during August in Washington, D.C. that will provide assistance to the Department's contractors in incorporating an analytical component into their restructuring plans, lessons learned from the planning process pilots at Oak Ridge and Ohio, as well as work force planning implications in the contract reform arena. In response to comments on work force restructuring, Mr. DeGrasse explained that DOE would examine the possibility of using excess pension benefits to provide voluntary early retirement packages.

Labor Relations

DOE will review the benefits offered to construction workers, to ensure that construction workers — especially those with a long history of working for DOE — are fairly treated. In particular, Mr. DeGrasse noted, DOE will examine the enhancement of three areas of benefits for construction workers: pension, medical, and education.

Mr. DeGrasse explained that the 45-day waiting period for voluntary separations is a legal issue. DOE does not want to stop its workers from taking other jobs, however, and the argument to waive the 45-day period was eloquently made.

With regard to other labor concerns, Mr. DeGrasse emphasized that DOE will serve as a source of feedback and will help improve communication among parties. While DOE's position is that there is not a single, national solution to collective bargaining issues, good communication can improve the economic situation at DOE sites, so it is important to encourage information sharing and interaction among labor groups. With this in mind, the Office of Worker and Community Transition will work to promote communication among tripartite groups, first by sponsoring a meeting in June or July of 1996 involving specialists from across the complex, then by exploring other ways to foster interaction.

In response to the comments made at this workshop, DOE will consider the following labor issues more carefully: the work force planning process, privatization, separating workers, and labor standards. DOE will seek the support of the contractor community and of DOE site management on these issues and will get their feedback before proceeding further. In particular, DOE will consider the concern of ensuring consistency in labor standards throughout the DOE complex. Finally, DOE will consider integrating organized labor into Community Reuse Organizations in a more formal way.

Community Transition Activities

In the area of community transition, Mr. DeGrasse noted that DOE and its stakeholders can move reuse forward more precipitously. It is important, he noted, for DOE to accomplish community transition efficiently, so that there will not be unnecessary delays or mistakes in the progress. The DOE Office of Field Management can play a role in facilitating communication and resolution on facility reuse issues, and the Office of Worker and Community Transition will work with that office on property issues. The Office is preparing revised guidance that will increase accountability in the field, headquarters and the Community Reuse Organizations by clarifying roles and responsibilities among program participants. It will serve as a means for expediting the decision-making process.

Mr. DeGrasse concluded by thanking participants for their efforts to find solutions to the many issues facing the Department and its stakeholders.



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