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**Office of Worker and Community Transition**  
*United States Department of Energy*

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**Fifth  
National  
Stakeholder  
Workshop  
Summary Report**

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**Oakland, California**

**April 9-11, 1997**

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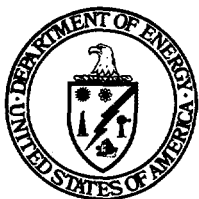


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## Department of Energy

Washington, DC 20585

April 23, 1998

To April 1997 Workshop Participants:

The Department of Energy's Office of Worker and Community Transition held its Fifth National Stakeholder's Workshop on April 9-11, 1997, in Oakland, California. There were 325 people in attendance, making this Workshop the best attended of all previous stakeholder workshops.

These workshops are an opportunity for the Department to highlight elements of Departmental policies and to identify areas needing more formal policy. Most importantly, these workshops bring together local elected officials, union representatives, community representatives, contract managers and Department of Energy staff in one location to discuss the intersecting issues accompanying the dramatic change in the Department's activities. The format of this Workshop focused on discussions of best practices and lessons learned in the process of obtaining an effective and efficient work force.

The April 1997 Workshop also addressed a wide range of work force restructuring and community transition issues critical to the future success of the Department. Two important elements of the meetings were reviewing progress made on the challenges identified during the March 1996 stakeholder's meeting in Atlanta, Georgia, and identifying areas needing priority attention during the early months of the second Clinton Administration. A *Meeting Summary Report* is enclosed in this mailing for your information. On June 16, 1997, we mailed a comment response document capturing what we believed were the most important insights and next steps resulting from this Workshop (Appendix B). We have strived to accomplish the commitments identified within this document and will discuss the status at our next National Stakeholder's Workshop on June 17-18, 1998.

If you have any questions concerning the enclosed document, please contact Laurel Smith at (202) 586-4091. Again, thank you for your time and support of our activities in the mutual interest of resolving complex work force and community transition issues. I look forward to seeing you at our next National Stakeholder's Workshop in Alexandria, Virginia.

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



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## **FIFTH NATIONAL STAKEHOLDER WORKSHOP SUMMARY REPORT April 9-11, 1997 Oakland, California**

### **INTRODUCTION**

On April 9-11, 1997, the Department of Energy's (DOE) Office of Worker and Community Transition convened its fifth National Stakeholder Workshop at the Oakland Marriott City Center in Oakland, California. There were 325 people in attendance, making this Workshop the best attended of all previous stakeholder workshops. The Workshop addressed a wide range of work force restructuring and community transition issues critical to the future success of the Department. Two important elements of the meeting were: 1) reviewing progress made on the challenges identified during the March 1996 stakeholder's meeting in Atlanta, Georgia; and 2) identifying areas that needed priority attention during the early months of the second Clinton Administration.

The format of the Workshop included several plenary sessions and a number of small group discussion sessions. The small group sessions focused on topics related to labor issues, work force restructuring, work force planning, community transition, and employee concerns. 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;
- Community Reuse Organizations: Recent Accomplishments;
- Privatization: Policy, Practice and Potential Pitfalls;
- Department of Energy's Integrated Training Initiatives;
- Congressional Perspective on Work Force Restructuring; and,
- Privatization and the Ten Year Plan

Bob DeGrasse, the Director of the Office of Worker and Community Transition (the Office), led the welcome and introductions of the plenary. He emphasized the significance of the Workshop



in shaping the Office's agenda and activities for the future, and encouraged participants to discuss their expectations and concerns.

Dr. Klaus Berkner, Deputy Director for Operations, Lawrence Berkeley National Laboratory, gave the opening remarks. He summarized the work force restructuring activities at the Lab and described the lessons learned.

Bob DeGrasse followed Dr. Berkner with a presentation on the commitments fulfilled by DOE and a summary of future initiatives. He briefly discussed the Department's direction under Secretary of Energy Federico Peña, who's emphasis is on building close communications and trust between DOE, field offices and contractors. Mr. DeGrasse also described resource tools that are available for contractor employees.

Mr. Dan Cudaback of the Eastern Idaho Economic Development Council and Mr. Mike Grauwelman of Miamisburg Mound Community Improvement Corporation presented overviews of their respective Community Reuse Organizations, including organization descriptions, lessons-learned, and recommendations for future activities.

Jane Monhart, Acting Director of DOE's Office of Contract Reform, gave a presentation on DOE's privatization efforts, including a brief overview of a report issued by the Department's Privatization Working Group. She emphasized that privatization means different things to a lot of people. Jan Chavez, Deputy for the Advanced Mixed Waste Treatment Project at the Idaho Operations Office, U.S. Department of Energy, provided a detailed overview of the second largest privatization effort in the complex: the Advanced Mixed Waste Treatment Project at the Idaho National Engineering and Environmental Laboratory. John Meese, President of the Metal Trades Department, AFL-CIO spoke on his views of privatization. Chuck Bernhard, Manager, Allegheny Teledyne, Oak Ridge Office, ended the session with a presentation on the community perspective of reindustrialization.

Deborah Swichkow, Deputy Director, Office of Worker and Community Transition, opened a Plenary Session on the Department's Integrated Training Initiatives by describing the genesis of the integration training initiative and listing its objectives. John Merwin, Manager of Human Resources, Fernald Environmental Restoration Management Company, spoke on the development of the training initiative and summarized the steps of the Work Force Training Integration Model which is currently being piloted at Fernald. John Haberthy of Lockheed Martin Utility Services spoke about his role as the Grievance Committeeman, Benefits Representative and Workers Compensation, Benefits Representative with the United Plant Guard Workers of America Local 66 in Piketon, Ohio. Donna Campbell, Dean of Math Science and



Health Science at Columbia Basin College, spoke next, describing the college's experience with the Hanford Site. Susan Haas, Vice President for Corporate Relations, Nevada Test Site Development Corporation, was the final presenter. She spoke about a cooperative agreement currently under discussion between the International Brotherhood of Teamsters and the Nevada Test Site Development Corporation to design and provide on-site training programs for the Bechtel Nevada work force.

Butler Derrick, former South Carolina Congressman, spoke on the congressional view on work force restructuring. Specifically, Congressman Derrick focused on work force restructuring and community transition activities at the Savannah River Site.

Jim Owendoff, Principal Deputy Assistant Secretary for Environmental Management, U.S. Department of Energy, spoke on the Department's status in terms of its environmental clean-up effort since its mission has shifted from weapons production to a landlord function, and how it relates to environmental management's Ten Year Plan. The development of the Ten Year Plan was also discussed.

### **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 Wednesday, April 9, discussion groups included the following topics:

- Impact of Work Force Restructuring on Remaining Employees;
- Community Transition: Program Assessment Strategy;
- Job Opportunity Bulletin Board System Enhancements; and,
- Work Force Information System - Overview and Demonstration.

The second session focused on the following topics:

- Role of Supervisors and Employee Assistance Programs in Work Force Restructuring;
- Discussion on Employee Concerns;
- Supporting Local Communities;
- Work Force Information System - Overview and Demonstration Repeated; and,
- Changes in the DOE Weapons Complex: Defense Program's Stockpile Stewardship and Management Final Programmatic Environmental Impact Statement.



The third session, held on Thursday, included the following topics:

- Employee Assistance Programs - Focus Group;
- Revisions to the Interim Planning Guidance for Contractor Work Force Restructuring;
- Property Disposition: Leveraging the Excess; and,
- Legal Issues in Privatization and Outsourcing.

The fourth and final session included the following topics:

- Outplacement Tracking Best Practices and Outplacement Successes;
- How to Get From Here to There...;
- Violence in the Workplace; and,
- Revisions to the Policy and Planning Guidance for Community Transition Activities.

Following the Closing Plenary Session on Friday, April 11, the group as a whole identified eight issues for further discussion. The approach was to look at each issue in terms of what were concerns and what worked well. The eight issues that were identified were: human resources; privatization/outsourcing; community reuse; information systems; training initiatives; planning guidance; and labor concerns/issues.

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 or e-mail your request to:

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**TUESDAY, APRIL 8, 1997**

**WORKSHOP KICK-OFF SESSION**

**Speakers: Felix Ortiz, Albuquerque Operations Office, U.S. Department of Energy  
Dr. Charlie Emery, Sandia National Laboratory  
Don Blanton, Sandia National Laboratory**

Felix Ortiz, Industrial Relations Chief, Albuquerque Operations Office, Department of Energy (DOE), began the session by providing a brief overview of some of the initiatives currently underway within the Department, such as contract reform, performance-based contracting, strategic planning, and laboratory partnering. These initiatives require new approaches to doing business and necessitate that people work together positively and cooperatively. The speakers, Dr. Charlie Emery and Don Blanton, have a demonstrated track record at two sites in developing plans that can be understood and communicated by all the parties involved.

Charlie Emery is the Vice-President for Human Resources at Sandia National Laboratories, with over 33 years in developing comprehensive human resource programs in industry, government facilities, and higher education. He holds a B.S. degree from West Virginia Wesleyan College, an M.A. degree from Western Michigan University, and an Eh.D. in Personnel and Higher Education Administration from West Virginia University. Don Blanton is the Director of Human Resources, Energy and Environment, Sandia National Laboratories. He has 21 years of management experience and is recognized for leading positive cultural change and building a customer focused, team-based organization. He holds a B.S.B.A. in Marketing from Western Carolina University and an M.B.A. in Management from Western Carolina University.

Dr. Emery began his presentation by emphasizing the importance of collaboration during downsizing. The success of the Sandia/Albuquerque experience could not have occurred without the involvement of all parties, particularly union leadership. Great emphasis was placed on up-front planning and to ensure that thoroughness of the planning occurred, the Malcombe Baldrige criteria were applied afterwards as a process evaluation.

Dr. Emery then set the stage for the current work force realignment environment. Each year, the sites are faced with many issues such as declines in budget, reduction of flexibility due to more programmatic direction, and lack of sponsorship of CRADAs. In addition, changing customers under "Work for Others", skill mix changes, make/buy decisions, and the effects of reengineering, all result in people-skill imbalances and the need to reduce the contractor work force.



Next, Mr. Blanton discussed the process used at Sandia National Laboratories in Albuquerque. Sandia began its work force realignment process one year prior to having to do its first involuntary separation. Guiding principles were developed. These principles concerned balancing business and individual needs, shared responsibility, recognition of employees as corporate-wide resources, corporate ownership of realignment issues, and the role of *relative peer* performance.

Agreement on the process was developed early, prior to the release of data. Principal responsibility for realignment issues was assigned to the line managers, not human resources, and communication strategies to all stakeholders were developed. Town meetings and videos in the hallways were implemented at the site and organizations within the community, such as the Credit Union, were kept informed. Particular emphasis was placed on keeping the Congressional delegations informed so there would be no surprises.

A formalized internal Work Force Realignment Policy provided a framework and overall consistency. A Realignment Board, made up of all VP Divisions, along with a 3-step process, were established consisting of: (1) an annual staffing plan "call"; (2) analysis of the lab-wide roll-up data; and (3) a plan tailored to address the size and nature of the problem was developed. Dialogue with the Department and divisions was ongoing.

A key element of the realignment methodology was the use of comparisons within peer groups. The purpose was to address specific peer groups impacted by business drivers. A matrix was developed within peer groups to conduct paired comparisons among employees. Employees were rated on job knowledge, transferability of skills, overall performance, work practices, teamwork customer focus, integrity/ethics respect for individual, and other. After each employee was rated, the results were reviewed by the Review Board. This process ensured that surplus candidates were evaluated based on fairness, compliance and consistent policy application.

Key success factors in this process were: (1) timely communication; (2) executive management ownership; (3) partnership with DOE and across internal organizations; (4) a formalized, consistent process; and (5) data-driven decisions. In using the Baldrige criteria, an important finding was the need to tie the realignment announcement with the corporate strategic plan.

## QUESTION AND ANSWER SESSION

**Q:** Is everyone in a Peer Group at the same pay level?

**A:** No, people being compared have "like or similar" work.



**Q: Was an adverse impact analysis conducted?**

**A: Yes, prior to review by the Review Board.**

**WEDNESDAY, APRIL 9, 1997**

## **PLENARY SESSION**

### **WELCOME AND INTRODUCTIONS**

**Speaker: Robert W. DeGrasse, Jr., Office of Worker and Community Transition,  
U.S. Department of Energy (DOE)**

Bob DeGrasse, the Director of the Office of Worker and Community Transition (the Office), at the Department of Energy, opened the meeting by welcoming participants and thanking them for their continued involvement in issues that are challenging to the Department. Although some of the topics and action items may have been raised at previous workshops over the past three years, Mr. DeGrasse emphasized the significance of the workshop in shaping the Office's agenda and activities for the future, and encouraged participants to discuss their expectations and concerns. He then introduced Dr. Klaus H. Berkner of Lawrence Berkeley National Laboratory.

### **OPENING REMARKS**

**Speaker: Dr. Klaus H. Berkner, Lawrence Berkeley National Laboratory**

Dr. Klaus H. Berkner, Deputy Director for Operations, Lawrence Berkeley National Laboratory, began his presentation with a organization chart of Berkeley Lab circa 1992 which showed the relationship of the different technical areas to the administrative staff. When work force restructuring began, there were 2,600 FTE's involved with five Energy Research Program Offices. Years of "checkers checking the checkers mentality" had resulted in a process driven support culture - within LBNL, DOE and their interactions.

Because Berkeley Laboratory is an ER-multi-program lab, there is no single budget line. Each project and program must successfully compete based on scientific/technical excellence and cost effectiveness. As the Federal budget for research programs decreased, it became necessary to restructure so that the same mission could be accomplished against the budget constraints.

Dr. Berkner stated that a new vision was needed. Between 1991 and 1992, the following goals were defined: (1) rebuild an accountable, cost-effective, and responsible line management organization; (2) partner with DOE - helping each other get the job done; and (3) streamline job



processes - removing hands-off steps, focusing decision-making, and reducing the "checkers" in favor of strong, respected delegations.

Berkeley Laboratory entered into a partnership with the Oakland Operations Office, DOE, and the Boston Regional Support Office (DOE), to begin infrastructure team building. Tools that were used included efficiency pep talks/training, motivational retreats, re-engineering of processes and a re-organization of the laboratory support structure. A seven-point vision statement was developed which emphasized performance evaluation, outcome-based management assessment, definition of DOE's role, contractor responsibility and accountability, and consolidated management activities to achieve cost effectiveness.

Between 1992 and 1994, a work-out in Operations was conducted. Processes, such as with the clerical and administrative support staff, were streamlined. Peak load staffing was halted, cross-organizational work assignments were implemented, and a roadmap for distributed administrative service centers was introduced. This resulted in administrative functions within operations being consolidated between November 1992 and October 1994.

The Lab reorganized along business lines: authority was pushed down in line management; system improvements in the areas of electronic time reporting, procurement, HR information systems and business computing occurred; outsourcing of functions like employee assistance, police, and the printing plan were introduced; the support staff were cross-trained; and expectations for performance was raised.

The moment of truth for determining how successful they had been came in the Spring of 1995. The FY96 budget looked grim. At a May 1995 Operations Management Retreat, it was resolved to cut costs 25% without loss of service and that the pace of the cuts would be determined by budgets. An 18% reduction in all discretionary overhead functions (including the directorate) was targeted. One hundred sixty-five positions in overhead areas were eliminated.

In preparing for RIFs, standard existing Lab policies were followed. For each lay-off unit, there was a freeze on hires and promotions, volunteers were encouraged, involuntary RIFs were identified by seniority, and severance was determined at one weeks pay per year of service (up to 26 weeks).

As core overhead costs were reduced, it became necessary to invest in new infrastructure systems to set the stage for further reductions. An investment was made in high-tech MIS systems to eliminate multiple data bases and get accurate information to those who needed it. A uniform database technology for Administrative Systems (Oracle) was adopted.



Administrative and business support principles were also developed. A small core group for central corporate policy and standardization was established. To eliminate peak-load staffing, cross-functional infrastructure teams were established to meet programmatic project initiatives and a secondary workforce of "just in time experts" were created to augment career staff. Performance was addressed through uniform and consistent standards, skill levels, and performance expectations for all staff and managers.

An Environmental, Safety and Health (ES&H) organization evolved which, through line accountability, wove ES&H responsibilities throughout the work. A small, central ES&H staff of multi-skilled professionals was distributed through the workplace in the field. The goal was to internalize safe behavior through awareness and defining expected and respected behavior.

Dr. Berkner closed his presentation by summarizing three common themes of the realignment at Berkeley Laboratory: (1) provide services closer to the customer; (2) stop providing services that can be provided cheaper and better by outside suppliers; and (3) keep the pressure on "make or buy" process.

## **COMMITMENTS FULFILLED AND FUTURE INITIATIVES**

**Speaker: Robert DeGrasse, Office of Worker and Community Transition**

Bob DeGrasse began his presentation by briefly discussing the Department's direction under Secretary of Energy Federico Peña who was recently confirmed by the Senate. Secretary Peña's emphasis is on building close communications and trust between DOE, field offices and contractors. He expects line managers to be responsible for their programs, and he does not want to be surprised by reading about events in the local paper prior to being briefed. Next, Mr. DeGrasse described the resource tools, such as TRANSITIONS and JOBBS, that are available for contractor employees.

Mr. DeGrasse reiterated the objectives and expectations he had for the workshop. Feedback plays a big role in determining the priorities of the Office. As with previous workshops, DOE hopes to use the input to set an agenda for future actions and to prioritize activities.

Next, the accomplishments in the area of work force restructuring were described. The Department is saving \$2.5 billion annually in outlays, which translates into a one-time investment of \$680 million. Mr. DeGrasse noted that the overall objective of section 3161 is to ensure that involuntary separations are minimized to the extent possible. About 78 percent of all separations since 1993 were through attrition or voluntary separation programs. The average



cost with benefits was under \$25,000 per position eliminated and, counting attrition, under \$17,000.

In the area of DOE prime contractor employment, Mr. DeGrasse displayed a chart depicting the Department of Energy prime contractor employment trends from FY 1988 to FY 2000. In 1992, the Department employed the largest number of contractor employees, nearly 149,000. Now, the Department is projecting the number of contractor employees will be decreased to 91,000 by FY 2000. The trends in employment figures, Mr. DeGrasse explained, illustrate the nature of the changes in the Department's missions. Programs that "stand still," he cautioned, will not likely meet challenges ahead.

In his discussion of work force restructuring activities, Mr. DeGrasse elaborated on the changes in the Department's restructuring environment and the challenges they pose. The Department is placing an increased emphasis on developing long-term strategic plans. The Stockpile Stewardship Environmental Impact Statement and the Office of Environmental Management's Ten Year Plan were examples cited. The Department is continuing to move away from using such contracting mechanisms as the managing and operating concept, and instead, incorporate the managing and integrating concept. Contracting changes are underway at Mound site in Ohio and Oak Ridge in Tennessee.

Mr. DeGrasse explained the Department's desire to increase budget stability. This, he said, will require a reduction of 7,000 contractor employees over the next several years. Mr. DeGrasse also acknowledged that there are now reduced opportunities for early retirement programs and voluntary separation programs. Restructuring activities must be tailored to the work force changes needed for the long-term. There is the view that too many "good people" are leaving the Department without consideration of, or planning for, future requirements.

Mr. DeGrasse then discussed the Department's new approach to restructuring. The approach evolved from, in large part, the Work Force Restructuring Guidance issued in February 1996, and results of a meeting on contractor downsizing held in October 1996 in Washington, D.C. with key contract management and Department officials. The Department is placing more of an emphasis on transactional decision-making at the secretarial level which is reducing the time it takes to approve restructuring plans. Further, the Department is emphasizing the policy of planning before a work force restructuring plan is developed. It is imperative to invest up front by taking a serious, hard look at how work force restructuring is going to be accomplished, what the needs are, obtain stakeholder input, and then restructure accordingly.



With regard to community transition accomplishments, Mr. DeGrasse provided a brief overview on economic development activities. The Office has assisted in creating over 5,000 jobs, creating or expanding 1,000 businesses, and reusing property at nine sites.

Mr. DeGrasse described the Office's new responsibility: the Asset Sales Program. This program evolved from the Strategic Alignment Initiative and is designed to divest the Department of unneeded property. The program's three main objectives are to: 1) provide revenue to the Treasury from the sale of such unneeded items; 2) reduce landlord costs; and 3) foster educational and community benefits. The Department does not want to hold onto unnecessary buildings and equipment, which are taking dollars from other needed programmatic functions. Currently, the Department is identifying where the assets are in the system, and developing speedier options for disposal.

The Office's budget for FY 1998 is \$70.5 million. Mr. DeGrasse described the budget discussions with the Office of Management and Budget. The Department's original request was for \$62 million, and OMB reduced it by \$24 million because of uncosted obligations. But because of OMB's budget reductions in the Environmental Management program and Defense Programs, the Department would incur more transactional costs than expected, such as for severance packages and other costs involved in reductions. Subsequently, OMB increased the funding level for the Office to cover these additional costs.

In conclusion, Mr. DeGrasse summarized three specific new Departmental challenges that also affect the Office of Worker and Community Transition: the Environmental Management Program's Ten Year Plan; the consolidation of the nuclear weapons complex, and the implementation of the Privatization Report, which was recently issued for public comment. He viewed the Ten Year Plan and the Department's privatization efforts as the most challenging.

Mr. DeGrasse then asked participants to express their expectations for the workshop and any concerns they might have.

A question was asked concerning how the Department plans to handle the disposal of property.

Mr. DeGrasse explained that the Department's disposal policy is currently fragmented and resides primarily in three Offices: the Office of Field Management (real property); the Office of Human Resources (personal property); and the Office of Worker and Community Transition (economic development). The Department plans to streamline these activities in consultation and close communication with the DOE field offices and community representatives. He noted the Department had already returned \$15 million in assets to the U.S. Treasury.



A union representative from Hanford suggested the Department needs to hold a national meeting with DOE officials, labor representatives, and DOE contractors. Privatization and outsourcing should be on the agenda. The participant emphasized that unions recognize the budget constraints the Department faces. He also conveyed a spirit of partnership, explaining unions want to become advocates of the program, not adversaries. Mr. DeGrasse said that last year he tried to organize such a meeting among the three groups but was unable to do so. He said he still hoped to accomplish this task.

Another union representative acknowledged the difficulties and challenges the Office has had to face in managing the Department's downsizing. Although the unions and the Department have had "competing differences," the representative commended the Office for its "extraordinary" efforts over the past four years and called for a round of applause.

A final question was asked concerning the status of outsourcing Environmental Management's transportation activities. Mr. DeGrasse responded that he did not know about the initiative and would have to provide an answer later.

## **SMALL GROUP DISCUSSIONS - CONCURRENT SESSION 1**

### **1A. IMPACT OF WORK FORCE RESTRUCTURING ON REMAINING EMPLOYEES**

**Moderator: Dr. Marilyn Balcombe, Oak Ridge Institute for Science and Education**

**Speakers: Dr. Les Boden, Boston University**

**Dr. Eileen McNeely, Boston University**

Dr. Marilyn Balcombe, an Industrial Psychologist with the Oak Ridge Institute for Science and Education, and currently on detail to the Office of Worker and Community Transition, opened the session by briefly discussing her own experience as a "survivor" of downsizing in the DOE complex. Ten years ago, job security was never an issue. Today, that is not the case. Over the past three years, more than 30,000 positions have been reduced throughout the DOE complex. Although as a psychologist she is called upon to provide unbiased, professional assistance, it has not been easy to see friends and colleagues leave. Feelings of sadness, frustration, depression, anger or vulnerability are likely experienced by the individual no matter who they are. The session focused on how downsizing has impacted remaining employees both at the individual level and organizational level. Dr. Balcombe gave an overview of the two Boston University studies on the impact of downsizing on the remaining work force - one longitudinal study will be



carried out at multiple sites; and the other will be a case study at one site. She then introduced the researchers responsible for the studies.

Dr. Les Boden, School of Public Health, Boston University, explained the aims of the studies are to: 1) describe the consequences of downsizing; 2) determine the characteristics of the program that intensify adverse affects and those that mitigate adverse affects; and 3) provide guidance about program design.

Dr. Boden first discussed findings from previous research. Though there is not a lot of research on the impacts of those who remain, there is a significant amount on the issues, such as economic insecurity and job strain, they face. How does the survivors' work change? The research cited shows the workload often increases, the more experienced workers leave, and the impacts, in general, are uneven. Also quite prevalent is a greater amount of insecurity due to possible unemployment and the need to leave the community to find work, and worse health among employees. Also cited was the DOE Displaced Worker Survey, which tracked FY 1995 separations. Of the involuntary layoffs, 82 percent wanted to work full-time, yet of these, only 33 percent were working full-time at the time of the survey.

Effects of downsizing vary with local economic conditions. For example, 40 percent of the displaced workers at Rocky Flats found full-time employment elsewhere. The proximity to Denver, which has a large industrial base, was helpful. In contrast, only 14 percent at Los Alamos found full-time employment. Previous research shows that the worst outcomes of downsizing are experienced in three categories of workers: those who are involuntary separated, blue collar and hourly workers, and those employees with a fairly long tenure.

Reactions to insecurity and reduced control also vary among employees. Anger, decreased job satisfaction, decreased organizational and job commitment, decreased trust, and increased job strain are possible reactions. Further, these reactions can produce: changes in productivity, work absence, grievances, accidents, workers' compensation claims, substance abuse, as well as heart attacks and other circulatory problems.

Dr. Boden stressed that he was providing an overall picture of previous research, and the findings do not mean that they will happen at all facilities. He then introduced the goals and methods of the Boston University study under his purview. The focus is on the individual, and involves research at five DOE sites experiencing downsizing in one form or another.

The first phase of the research involves identifying issues and problems using such qualitative methods as focus group sessions and individual employee interviews. About 20 to 25 people are



to be interviewed at each site. Dr. Boden noted that confidentiality is maintained. The individuals are with DOE, contractors, unions, and contractor management. The researchers want to hear what the employees have to say about downsizing, and learn from their experience in order to get a better understanding of what is going on at the site.

The second phase of the study is tailored toward obtaining more quantitative information for analysis. This includes observing administrative data such as sick leave, accident rates, health insurance, grievances, and use of employee assistance programs. The administrative data will measure some effects of downsizing. Then the researchers intend to develop and evaluate an intervention program targeted at the appropriate issues.

The sites selected for this Boston University study are: Idaho National Engineering and Environmental Laboratory; Los Alamos National Laboratory; Nevada Test Site; Pantex; and the Rocky Flats Environmental Technology Site. A mixture of characteristics contributed to site selection, including different kinds of work missions, rates of downsizing, and the proximity to metropolitan areas which affect opportunities for re-employment.

Dr. Boden provided some initial impressions from the research to date. Impacts of downsizing vary by site and individual. Many employees take great pride in their work, and many find uncertainty and insecurity difficult. The workload usually increases for the remaining employees. The experienced workers leave. Further, trust and loyalty may suffer. Dr. Boden concluded by emphasizing that the results of the study can add to knowledge from previous research, provide information more directly relevant to the Department, and help in the design of interventions that are more effective and better targeted.

Dr. Eileen McNeely, Research Assistant Professor, Boston University, School of Public Health, explained that her research is focused on how the organization is affected after downsizing and the ways in which adverse consequences can be mitigated. She opened by asking participants how many felt they were understood by their organization? Observing that no one responded positively, she pointed out that many programs are often geared toward people going out the door, and not toward what "survivors" are facing.

Sorting the impacts of downsizing encompasses three parts: the downsizing, the organizational climate and the impacts on the organizational climate - all of which yield a variety of outcomes. Organizational level effects involve organizational change and loss of resources. With regard to organizational change, Dr. McNeely described aspects in five areas: change in employment contracts; change in mission; job retrenchment; change among the workers' communication network; and formalization of policies, centralization of control, and rationalization. Employees



often have the view that their contract has been breached when downsizing occurs. In other words, the mutual understanding that good work will be rewarded, that "you will be promoted," and that the company will take "care of you" dissolves. The company's core mission usually becomes the main focus, and policies become more centralized and formalized leaving employees feeling "disempowered."

With regard to loss of resources, often the "best and brightest" are the ones who leave resulting in an institutional loss as well as loss of pride among the remaining employees. A hiring freeze usually is imposed, which also hampers the possibility of bringing in new skills. There are less resources going toward equipment and infrastructure needs, and less support is provided to (what are often called) "non-essential" programs or departments, such as business departments, human resources, etc. Remaining employees have the burden of increased workloads often not accompanied with the necessary experience or training to do the work.

Dr. McNeely then described individual level effects, which are: job insecurity; emotional reactions to loss; job overload, decreased control; and decreased job satisfaction. Because the breach of the employment contract is severe, employees not only feel angry, but are less willing to take risks. With the increased demand plus decreased control, employees experience additional job stress. Yet since there usually are so many ambiguities surrounding downsizing, employees do not know who to turn to for assistance.

The overall impacts of downsizing to the organization, Dr. McNeely summarized, include:

- increased turnover and less loyalty;
- decreased productivity, less risk taking;
- increased health and safety problems;
- increased grievances, employee complaints; and,
- increased absenteeism.

Two aspects make downsizing particularly fateful: 1) severity (whether layoffs are voluntary or involuntary, etc.); and 2) intensity (how fast layoffs occur, is there any advance notice, and the duration). "Is there a good way to downsize?" Dr. McNeely posed. She then introduced the four-level intervention model for mitigating the effects of downsizing:

- Level 1 - process interventions;
- Level 2 - grieving interventions, (involves a lot of team building exercises);
- Level 3 - empowerment interventions, (employees need to be empowered); and,



- Level 4 - systems interventions, (even if only one department is "downsized," this action will be felt across the organization).

Dr. McNeely concluded by discussing her research approach and purpose. A case study of one of the larger DOE sites will be conducted over a 12-month period in order to determine how survivors are coping in the face of downsizing. The researchers will collect empirical information about the impacts of downsizing on employees and the organization. The information sources include: organizational performance data, individual survey data, focus groups and interviews. The information will then be used to formulate a strategic plan to assist "survivors."

## QUESTION AND ANSWER SESSION

- Q. With regard to domestic issues and workplace violence, what are you finding? We have had two suicides at our site, and maybe downsizing has had an effect. This may sound harsh, but we see so much hostility that we often say, "Let's hope no one goes postal."**
- A.** Employee Assistance Program information at the research sites will be looked at by the researchers. This will include the kinds of programs addressing substance abuse, health of the employees, suicides, etc.
- Q. Where are you going to do the case study, Hanford, Oak Ridge or Savannah River? How do you determine which site, the lottery method? Do you check to see if you will get employee cooperation first?**
- A.** Yes, we intend to select one of those three sites, but no decision has been made yet.
- Q. What are you finding so far in your survey work? Are you finding any peaks of rage? Are we facing any meltdowns?**
- A.** We need to do the qualitative foot work still. At this stage, we don't have enough information. We have talked to people and we need to analyze what they have said. We need to do a focused, more scientific survey, which will occur at the end of the next stage.
- Q. But all I am asking for is your impressions to date. What have you learned so far? What are your initial impressions?**



- A. People have expressed concern about their safety. They are concerned people are taking shortcuts, going underground. There also appears to be a lot of fall out at home. We intend to look at community issues. But to date, we really have not done enough to honestly answer your question. We don't want to get into "impressions" because we have not done the analysis, which will take about another year and a half. We just don't know the answers. People often want us to give some rating on morale. We can say employees are under stress but that is not enough to take action or know what to do.
- Q. How were the five sites selected for the other study?**
- A. We looked at all the sites, and wanted a variety of characteristics for comparison, such as isolated vs. urban and small vs. large.
- Q. What are you finding with privatization and outsourcing? Does it have an impact on stress or moral?**
- A. We believe it is an issue, but, again, it is really too early to tell.
- Q. What are you doing with the information you have already collected?**
- A. We are currently in different stages of the study, looking at what people have told us. In the next stage, we will put together the surveys, which will better answer which groups of people are affected.
- Q. Are there any concerns or issues that need to be reported immediately? If you find any, what will you do?**
- A. If there are any critical issues, we will let people know about it. We are not shy.
- Q. But I am concerned about the timing of when the information from your research will be available. What value added does it have if it will be released three years from now? The reason to get information is to use it when it needs to be used.**
- A. We are in the middle of our study now. To do it right, it is going to take us about another year and a half. What interventions we get from this information, it is unclear how long it will take. It may be too late for those going through the process now.



- Q. You discussed intensity and severity. I suggest you add equity. Are people being treated equally and fairly? Should the burden be on human resources or first level supervisors, who needs training to carry out terminations? Also, I think you need to keep an eye on the skill mix, which may become uneven.**
- A. Good points. Idaho has had two restructuring actions and now has to hire in order to get some of the same skills back.**
- Q. I got laid off with another agency. That agency gave you a pink slip and said goodbye. No "thank you" for your years of service. So if you compare DOE to this agency, DOE is doing so much more.**

**1B. COMMUNITY TRANSITION: PROGRAM ASSESSMENT STRATEGY**  
**Speaker: Deborah Swichkow, Office of Worker and Community Transition, U.S. Department of Energy (DOE)**

The Office of Worker and Community Transition will conduct a program assessment of field organization's community transition activities. Deborah Swichkow, Deputy Director, Office of Worker and Community Transition (the Office), DOE, explained that the purpose of the assessment is to improve communication and understanding between the field and headquarters, validate program execution, identify areas for improvement, and document successes that can then be shared with other locations.

The Office intends to establish a performance measures process as a means to quantitatively measure the effectiveness of the community transition projects and activities sponsored by the Office. The rationale and approach to the minimum required performance measures for the program were explained. Proposed performance measures (i.e., job creation for displaced workers, job creation totals, job retention for displaced workers, job retention totals, and revenue generation) were presented for consideration and feedback. Several scenarios and examples were also presented. Ms. Swichkow facilitated extensive discussions to debate the pros and cons of the proposed performance measures. Many of the issues voiced reflected concern over the appropriateness of the performance measure for a specific site or region since the management, structure, and approach of community transition project(s) can vary greatly location to location. The overall conclusion was for each site to define each measure in consultation with the Office staff and make extensive use of the comments section of the quarterly report to explain reported measures. Additionally, the use of revenue generation as a performance measure was discouraged.



Following the performance measures discussions, an overview of the upcoming Program Assessment initiative the Office is undertaking was presented by Ms. Swichkow. Ms. Swichkow gave a status and the nature of the comments received by the Office thus far. She encouraged all participants to again review the program assessment package that was sent to them earlier this year. The purpose, benefits, and guiding principles of the initiative were also presented. The presentation closed with a description of the short-term schedule and questions and answers.

The comments, questions and answers, and suggestions are summarized in the following paragraphs by topic:

#### *Definition of Each Performance Measure*

Numerous questions were asked regarding the definition of each performance measure. Depending on the site and CRO, each performance measure can be interpreted differently. There was significant debate as to the appropriateness of including seasonal labor in job creation, accounting for jobs created when office funding only partially funded the projects, accounting for jobs created when funding was used for recruiting, dealing with proprietary data, etc. Several of the attendees suggested an effort to clearly define the performance measure might be useful.

#### *Job Creation*

Job creation is useful in supporting budget requests, and this performance measure is currently being used by the Economic Development Agency (EDA). One of the difficulties in using this performance measure is that the data may be proprietary; therefore, the data may need to be drawn from county or regional records.

#### *Revenue Generation*

Several concerns regarding this performance measure were presented. The primary concern was that revenue generation does not correlate to the performance of the CRO activities nor the return on investment of funds from the Office. An attendee emphasized the importance of metrics and went on to describe the need for performance measures to have meaning drawn from applicable data. Another concern was that revenue generation, gross sales, do not necessarily tie into the community and may not quantify wage differentials to different jobs replacing jobs lost.



### *Data Calls*

A comment was made that all data calls need to be evaluated and consolidated so not to duplicate other data calls. Additionally, some of the tenants do not keep records that would be needed to answer data calls for these performance measures; therefore, the organizations will need to develop that capacity. There was a final comment that the performance measures need to be useful and meaningful and must be performance measures that can actually be gathered.

### *Including CROs in Program Assessments*

The Office's program assessment is to assess the Field Office performance in the execution of community transition activities. The main focus of the assessment is Field Offices, and concern was voiced over whether CROs were included in the program assessment. The program assessment plan does contain specific questions for the CRO; therefore, there is an opportunity for the CRO to give feedback to the Office.

The Office will review the performance measures to evaluate the appropriateness of revenue generation as a performance measure. Through the quarterly reporting process, the Office will work closely with all DOE sites to assist with the definition of the performance measure for each site.

## **1C. JOB OPPORTUNITY BULLETIN BOARD ENHANCEMENTS (JOBBS)**

**Speaker: Lew Henderson, BDM Federal, Inc.**

This session addressed recent enhancements to the Job Opportunity Bulletin Board System (JOBBS) database and the marketing strategy that will be employed to reach a broader spectrum of career placement specialists in both private and public sectors.

Mr. Lew Henderson, BDM Federal, Inc., presented a brief overview of the JOBBS database, including its purpose, features, and enhancements. Immediate enhancements include uploading JOBBS to the world wide web, and software improvements. Within the next three months, JOBBS will be further enhanced to include resume and want ad faxing capability.

Mr. Henderson noted that a brochure explaining the system, and a disk which allows the system to be adapted to a windows environment, will be distributed shortly. He continued his presentation by summarizing the results of a recently conducted survey of JOBBS users. This survey indicated that:



- only 20 of the Department's Management and Operating Contractors are regular JOBBS users;
- these 20 Management and Operating Contractors control over 35% of the employee base;
- 17 of these 20 users have Internet access; and,
- the majority of user problems are related to modem connections and upload issues.

For the remainder of the session, Mr. Henderson conducted a JOBBS demonstration and responded to questions from the participants.

### QUESTION AND ANSWER SESSION

**Q: How many resumes are currently on JOBBS?**

A: 847

**Q: What are the breakout statistics?**

A: Mr. Henderson demonstrated how to obtain these from the system.

**Q: Who places resumes on JOBBS?**

A: The Management and Operating Human Resource Office or the Outplacement Center.

**Q: What is JOBBS biggest problem?**

A: Want ads - they're not done as well as they could be.

**Q: Who should be pressured to ensure that the site is helping?**

A: The cooperation of the Human Resource Departments is needed. In addition, these Departments need to understand that JOBBS is designed to assist displaced workers, not to fill vacancies. In addition, there are ways to track whether resumes in the system match ads.

**Q. Do resumes come off after one year?**



A: Resumes are removed from the JOBBS database after one year. Requests to have resumes remain in the database can be made by calling (408) 642-6938.

**Q: Is a user ID needed to reach JOBBS?**

A: Not if one has Internet World Wide Web access to Telenet. The employee's union can provide a user ID employer class.

**Q: What is the capability for downloading multiple versus single want ads?**

A: Multiple downloads are possible using the bulletin board. Multiple downloads become more difficult off the World Wide Web, but upcoming software changes will make it easier.

**Q: Does JOBBS contain the same information for M&O and M&I contractors?**

A: Yes; and JOBBS also includes subcontractors with a business valued at \$500,000 or more.

**Q: What about information on Department of Defense (DOD) and Nuclear Regulatory Commission (NRC) jobs?**

A: Resumes are limited to the Department of Energy. The Department of Defense is not currently on the World Wide Web. However, there are links in place and ready for use once DOD and NRC are on the World Wide Web.

**Q: Are there any government jobs on the World Wide Web?**

A: There are links. Federal positions could be searched on the system by adding a separate search button.

**Q: Can the URL be added for Federal jobs?**

A: Yes.

**Q: Can a page be printed?**



A: No, but information from JOBBS can be saved, downloaded to a computer, and printed from there.

**Q: What is the reason for not printing directly?**

A: Software operations package do not have universal compatibility for printers. If all that is needed is a reference, just use the print screen button.

**Q: How do I get help?**

A: Call the help desk at (408) 642-6938.

**Q: Can I get help with my resume while on the Internet?**

A: Users may create a resume on-line or upload an already created resume. Resumes are available as a single-page summary for quick review and on-line searches; and a full resume for downloading.

**Q: Is there a spell checker to be used while creating on-line?**

A: There is one built into the system, but it can be difficult to use.

**Q: Who will receive the disks?**

A: Currently registered users and those on the JOBBS brochure distribution list.

**Q: How long has JOBBS been available?**

A: 14 months.

**Q: What's the biggest problem for JOBBS?**

A: Getting want ads.

**Q: Can jobs outside of DOE be reached?**

A: Only through job services for your geographic area.



**Q: What is the number one help question?**

**A:** "When are you going to change the user ID?"

**Q: When will the relational database be completed?**

**A:** Within the next three months.

#### **1D. WORK FORCE INFORMATION SYSTEM - OVERVIEW AND DEMONSTRATION**

**Speaker: Gloria Paige, Office of Worker and Community Transition, U.S. Department of Energy (DOE)**

Gloria Paige, Systems Administrator for the Work Force Information System (WFIS), began the session by presenting the background of the system. WFIS is being developed by the Office of Worker and Community Transition to replace other Headquarters' data bases on contractor employment. It will be the central location for the collection, processing, and dissemination of information on DOE prime contractors, subcontractors (teaming partners and 1st tier) and other designated contractor work force and human resource information. Requirements were identified by a Work Force Planning Committee consisting of representatives from Headquarters, Field Office, and Contractors and a "board of directors" (Headquarters and field managers). Four critical issue areas were addressed: data needs; data requirements; projections; and performance measures. WFIS will provide one consolidated source of contractor human resources information and reduce redundancy. WFIS is a summary level system.

Funding is being provided as follows:

- Office of Worker and Community Transition
  - WFIS software and database server
- Headquarters Organizations
  - Work stations and 3rd party query software
- Field/Operations Offices
  - Work stations, 3rd party software, training (travel funding), telecommunication software to communicate with Headquarters, and modems (if needed)
- Contractors
  - Telecommunication software to communicate with Headquarters, work stations, modems (if needed), 3rd party query software, and training (travel funding).



The server for the WFIS is located at DOE Headquarters on the HR-5 LAN. Access is through the Headquarters LAN, DOE Business Network (DOE/BN), or remote dial-in. For better performance from the field, the DOE/BN is the preferred means of access. Data collection will be accomplished through upload interface or data entry screens.

Continuity testing to verify that the NIC card in the WFIS server can see the NIC card in each work station using the TCP/IP address is being conducted. Currently, sixty-six stations have been identified. Testing of the chatter boxes will begin this week as well. Testing of the WFIS client/server connectivity will be performed at a later date.

Training will be conducted for all WFIS users - contractors, field office approvers, Headquarters and field office personnel. The objective is to enable full utilization of the WFIS application. Training will be hands-on classroom training with each session lasting 1 day. It will be conducted at two locations: Oak Ridge in November 1997 and Nevada in February 1998. There will be several sessions at each location. Proficiency in Microsoft Windows, version 3.1 or higher, or WordPerfect for Windows or Microsoft Word (version 6.0 or higher) are the only prerequisites.

Information collected from the contractors will consist of benefits, collective bargaining, compensation, employment, and hours. Ms. Paige explained how some current reports are being combined to reduce data collections and how other reports will continue as currently reported.

Ms. Paige responded to a number of questions throughout the presentation/demonstration. One question concerned whether contractors would have access to the DOE/BN. The answer is "yes" but access will vary from site to site. It is the responsibility of the users to determine if they have access and to supply this information by completing a WFIS Work Station Configuration Survey.

Another question concerned whether there will be standard reports and, if so, when will the sites know what the interface will be. A Handbook is being prepared. This will be a supplement to the new Department order which will provide answers to such questions as the definition of a "field" and provide necessary "code" and other instructions to be used when reporting. A draft will be provided to the Field and contractors for review and comment and is scheduled to be distributed early July. Additional reference documents that are available are the Requirements and Design Documents. Several people requested that they be sent the current Design Document.

The point was made that it will take lead time, perhaps two or three months to do data entry and that the sites will need information as soon as possible to begin this process. Ms. Paige stated



that the system was still in a development mode. When the system is close to being final, the necessary information will be sent. Initial pilot testing of the system is scheduled for November 1997.

Questions were also raised concerning security authorization. Detailed procedures will be developed, tested, and distributed. User IDs and passwords will be issued. A user ID request form will be sent soon. Each user will receive an ID and password, and must rekey a new password within a period of time. When entering WFIS the user will be required to relay his/her password. Ms. Paige also stated that the contractor's request form must have a Director's signature from their respective field/operation office.

A question was asked concerning record checking by facility/site. This will be done. Another question was raised on who should attend training. In addition to the users and approvers, it was recommended that an ADP person also attend.

The issue of including temporary employees in the COCS module as a new requirement was discussed since temporary employees have not been included previously. Temporary employees must be included. The definition of a temporary employee will be provided in the Handbook.

The interface to other applications, such as PeopleSoft, was discussed. WFIS has two methods for getting data into the system. The first method uses the data screens that are provided in the system. The second method utilizes an "upload Process" in which a file is either "CSV" (Comma Separated Value) format or "Fixed Length" format. An actual "interface" to an existing system, i.e., PeopleSoft, Cyborg, Integral will be necessary. These existing systems, or any other mainframe system will extract the necessary information in the file format described above. A programmer will need to write a program to extract this information from these systems using the database structures that will be provided. Once the original program is written for the extract, it can be used to generate a CSV or Fixed Length file which can then be uploaded in the Work Force Information System.

The contractor levels that will be in WFIS were discussed. The levels that will be included are prime, 1st tier subcontractors, and partners. The testing that will be done this summer will use the current contractors. A concern was raised with requiring contractors to provide information to WFIS if this is not part of their contracts, especially if the contract is firm/fixed price. It was suggested that this be reviewed and that future procurement packages include this requirement. Ms. Paige stated that this concern has been made known to Debby Swichkow and Bob DeGrasse. Future discussions with the Field/Operation offices on this matter will be held.



One site stated that they do not use B&R codes. Ms. Paige stated that if a site's primary funding office is not Defense Programs or Environmental Management, this information will be new.

Common Occupational Classification System (COCS) codes were discussed with regard to their use in the September 30 annual report of total base pay (DOE reimbursable). In this connection, COCS codes will be used at the "family" level, thereby breaking out base pay into nine general skill categories. This will be important information for providing an audit trail to demonstrate that reduced headcount is reflected in reduced outlay of pay.

A question was asked on whether the Department was going to require the subcontractors to agree to provide data to WFIS. For instance, some subcontractors are not currently reporting all of the data required for the six modules. It was suggested that a list of contractors by module be provided. A follow-up question concerned whether the Field Offices have the flexibility to "make the call" on who has to provide data. Ms. Paige will check on this.

WFIS data will be reported by the contractors directly to the WFIS server at Headquarters. There will be an approval button, by name. Only contractors can change the content data.

A concern that information is not getting to all parties at the Field/Operations Offices and contractors was expressed. Ms. Paige stated that a call will be going out to the field requesting a POC at each Field/Operations Office and contractor. In the future, this person will be responsible for assuring information is provided to all parties as well as being the POC for questions on other issues regarding the data received. These individuals names will be stored in WFIS.

In addition to her slides, Ms. Paige also distributed a fact sheet which provided additional information on WFIS.

## **SMALL GROUP DISCUSSIONS - CONCURRENT SESSION 2**

### **2A. ROLE OF SUPERVISORS AND EMPLOYEE ASSISTANCE PROGRAMS IN WORK FORCE RESTRUCTURING**

**Moderator:** Dr. Marilyn Balcombe, Oak Ridge Institute for Science and Education

**Speakers:** Dr. Howard Friedman, Oak Ridge Reservation

James Barber, Los Alamos National Laboratory

Sally Davis, Nevada Test Site



Dr. Marilyn Balcombe, Industrial Psychologist, Oak Ridge Institute for Science and Education, currently on detail to the Office of Worker and Community Transition, began by introducing the session's topics. The discussion is focused on 1) the unique pressures that supervisors face in implementing work force restructuring and ways to help them accomplish their dreaded task, which usually involves giving out bad news, and 2) the role of employee assistance programs. She then introduced the speakers.

Dr. Howard Friedman, a clinical psychologist supporting Oak Ridge's Y-12 and K-25 plants for Lockheed Martin Energy Systems, acknowledged that not many employees are comfortable discussing their concerns with the plant psychologist. He described, for example, how employees, when they spoke with him, would turn their badges over so their names cannot be read. At this time, however, with mission changes and downsizing resulting in increasingly more frightened and "de-incentivized" employees, the climate is changing to where there is more acceptance of an on-site psychologist. Folks are hurting enough that they get over their fear of calling "negative" attention to themselves.

Dr. Friedman then described the employer-employee "psychological contract." When someone is hired, he said, there is also a psychological contract made. In other words, there are expectations by both employee and employer. At Y-12 for example, there are still workers who believe their kids are going to work there. But in a downsizing situation, very few people realize the severity of their reactions to terminations. They experience a whole gamut of emotions and frequently see termination as an ultimate criticism of them.

Supervisors, Dr. Friedman emphasized, must understand these issues, but often do not. Terminations are difficult for them too. They have become friends with their workers and have developed mutual respect. The supervisor gets set up as the criticizer, and this may trigger over reactions on the part of the employee. There is little information on how supervisors should carry out this termination process and supervisors may not feel they have anywhere to turn. During terminations, supervisors often experience sleepless nights and increased anxiety. They feel the employee is not at fault, so then they focus on other circumstances and take more of the blame. They feel they are at fault and have failed their employees. Employers must prepare supervisors to carry out terminations without self-blame. Supervisors must also be allowed to vent off their frustrations as well.

Dr. Friedman elaborated on what a supervisor might face during termination time. He first described employee reactions. He brought out that the stress of receiving a termination notice is like the stress experienced when someone is diagnosed with a terminal disease. The employee



goes into shock and then becomes angry, with this anger possibly becoming a potential problem. After the shock and anger produced by the termination notice, an identity crisis may follow.

Supervisors also have emotional reactions. Often, they experience a period of self-pity, guilt, and ask: "What did I do wrong?" They may not only become compassionate, but they may also become hyper-compassionate. Dr. Friedman explained that the supervisor needs to avoid three basic feelings: anger, sorrow and indifference. Many supervisors have a tendency to get angry at the company for example. That, he emphasized, does not move the termination process along in a healthy direction. Showing sorrow also sends the wrong signal to the employee who might even believe that the termination notice was given in error. Indifference on the part of the supervisor is frequently viewed as an insensitivity. What the supervisor should do is show regret, compassion, and empathy. The supervisor cannot imply that something is wrong with the termination notice and should not find fault with the employee or the organization. Dr. Friedman concluded his presentation by showing a video developed by Boeing that illustrated the do's and don'ts for supervisor who have to give a "60-day notice." The video is titled "60-day Notice" and may be obtained from Boeing's Human Resources Department.

James Barber, an Employee Assistance Professional from Los Alamos National Laboratory, described the function of a human resources consulting firm that provides guidance to managers and assistance to employees affected by a reduction-in-force. He began his presentation by discussing the number of issues that come into play during a reduction-in-force. At Los Alamos, there are third and fourth generation employees who assumed they had a job until planned retirement. A reduction-in-force is difficult for these workers and families. Human resources is likely viewed as the "bad guy" and not as a resource.

He stated that Los Alamos has put a great deal of effort in providing services to reduction-in-force candidates. He briefly discussed the layoffs that affected about 75 people in 1985 and 1986. For that reduction-in-force, Los Alamos' Human Resources Division identified candidates and made a great effort at finding them work. This reduction-in-force was considered a success. But the laboratory had never downsized and that success, he said, is now contributing to a false sense of hope that "things will work out."

Next, Mr. Barber provided an overview of the kinds of re-employment counseling services his office obtains through the human resources consulting firm called Right Associates. The two main services the firm provides are the Reduction-in-Force Notification Information Session for managers and the Personal Career Transition Program for affected employees. Los Alamos also established a resource center, equipped with computers, job postings and regional newspapers, to assist employees.



The Reduction-in-Force Notification Information Session involves "notifier" training. Key session components include identifying and reviewing management responsibilities, discussing the steps managers should take in notifying employees and rehearsing a separation meeting using scripts and role playing. Mr. Barber then listed the basic steps recommended by the program:

- plan and rehearse;
- set the stage in general terms;
- announce the separation;
- present benefits;
- listen and be understanding;
- offer support;
- discuss logistics and facilitate the transition; and,
- introduce the reemployment program or counselor.

Mr. Barber next described the components of the "reduction-in-force employee package," which are: career transition workshops; job search assistance; human resources generalist assistance; counseling service; and benefits and medical assistance. In addition, World Wide Web sites, job fairs, consumer credit counseling, and financial institution advising are other available services.

In January 1995, the Employee Relations Office at Los Alamos established a Rapid Action Response Team to provide managers with viable options in the prevention of or in response to violence in the workplace. The team serves on an on-call basis and is available to managers on a moments notice. Mr. Barber elaborated on the Employee Assistance Program's support in the areas of stress management and violence prevention. Communities experiencing downsizing often see an increase in domestic violence.

Sally Davis, Director of the Employee Assistance Program at the Nevada Test Site, provided a chronological list of events and characteristics regarding the Employee Assistance Program and work force restructuring at the Nevada Test Site:

*Spring 1994* Ms. Davis characterized as the "Year of Fear." The site population was approximately 4,000. Contractors were EG&G Energy Measurements, Reynold Electrical & Engineering, and Raytheon Services. The Employee Assistance Program mostly counseled and participated in the rapid response team. There was an increase of stress management and use of the parent education program. Chief complaint: emotional problem.



Spring 1995 This time was, in her view, "The Year of Denial." There was a reduction of about 150 employees, including retirees. The population decreased to 3,800 employees. The Employee Assistance Program counseled and tested (psychological). The program also completed several courses on the "Source of Your Stress," which were not well attended. Chief complaint: marital and family.

Fall 1995 Ms. Davis called this time frame as "Transition Time." The Department of Energy awarded the Nevada Test Site contract to Bechtel Nevada Corporation. After the transition, the population downsized to 2,700 employees. The Employee Assistance Program was picked up as part of the contract.

January 1996 She dubbed this time as "Guarded Hope." Bechtel Nevada began the five-year contract with 2,700 employees. The Employee Assistance Program provided counseling and testing. The Employee Assistance Program Advisory committee was established, the Bechtel Eldercare Program was created. The Employee Assistance Program was slated to be outsourced. Chief complaint: emotional problems.

Summer 1996 Ms. Davis called this time frame "Disgruntled." There was a reduction-in-force of approximately 100 voluntary separations, bringing the site population to 2,600. The Employee Assistance Program counseled and tested (employment). The program provided increased services in the area of parenting education and changed stress classes. The program was again informed it would be outsourced. Chief complaint: marriage and family concerns.

January 1997 This time was, in her view, appropriately named "Anger and Relief." Another reduction in force occurred, but this time the layoffs were involuntary. The site population was reduced by 480 employees, decreasing the total population to about 2,100 to 2,200 employees. The Employee Assistance Program continued counseling and testing. The program participated with Star Access in assisting displaced workers. Depression articles were distributed and hotlines were established. The Wellness Program was laid off and the Employee Assistance Program was due to be outsourced by April 1. Chief complaint: marriage and family concerns.

Spring 1997 Ms. Davis characterized as "Disgust, Resentment, Distrust and Fear." The Nevada Test Site population is remaining the same, for the moment. The Employee Assistance Program is counseling and has increased the frequency of stress courses. The program will now be maintained. At an all hands meeting, management announced there would be no more outsourcing and no more personnel reductions this year. But such



concerns as low employee moral and additional personnel cuts (about 200) that are to occur in FY 1998 were not addressed. Chief complaint: emotional problems.

After going over these chronological events and characterizing the climate of work force reductions at the Nevada Test Site, Ms. Davis described what she viewed as losses during the transition: information networks established over the years, common levels of humanity, and a sense of permanent security, which she acknowledged doesn't exist anywhere in America today. There is now less interference with the customer, and more multi-tasking and cross training, and people are not used to this. The Employee Assistance Program's status is still uncertain, but will continue providing employees with what they need. She concluded, "We are saved--for now."

## **2B. DISCUSSION ON EMPLOYEE CONCERNS**

**Facilitator:** Barry Lawson, Lawson and Associates

**Speakers:** Richard Fein, Office of Employee Concerns, U.S. Department of Energy  
Phyllis Hanfling, DOE Office of Dispute Resolution, U.S. Department of Energy

This session provided a discussion of the establishment of the Office of Employee Concerns (OEC) as a part of the Secretary of Energy's whistleblower initiatives. The speakers also discussed OEC's relationship to DOE and contractor employee concerns programs, its roles and responsibilities with respect to complaints of whistleblower reprisal and conflict resolution, and resources available for the resolution of disputes through the Department's Office of Dispute Resolution.

Mr. Barry Lawson, Lawson and Associates, opened the session by outlining the format, and noting that a video would be shown at the session's end. Mr. Lawson then introduced Department of Energy speakers Richard Fein, OEC, and Phyllis Hanfling, Director, Office of Alternative Dispute Resolution (ADR).

Richard Fein began his presentation with a brief background and history of the Office. He stated that OEC was established in September, 1996 in recognition of the need to establish a formal system where employee issues could be brought forward and addressed. As such, the Office provides help to employees who do not know "where" to bring their concern, are concerned or fearful of reprisal, have been through the system and are unhappy with the response they have received, or have concerns not covered by existing systems. Mr. Fein emphasized that the Office strives to complement rather than replace existing systems, to ensure full and timely responses,



and to foster an environment that promotes open discussion between employees and management.

Mr. Fein concluded his presentation by stressing that OEC is also responsible for developing overall policy and program requirements, identifying and coordinating training needs, and acting as a conduit for sharing information and experiences by blending existing requirements with best practices.

Two questions were asked of Mr. Fein:

**Q: Were cases considered "closed" because issues transferred to other organizations or because the cases were resolved?**

**A:** It's a mix. Some cases, for example, were transferred to an existing program, such as the Office of Equal Employment Opportunity for processing, thereby rendering them closed by the Office of Employee Concerns. Others were referred for investigation, but the Office of Employee Concerns retained control over resolution efforts.

**Q: How can cases be settled when DOE will not allow enforcement of settlement agreements that require employees to cease commenting on DOE or contractor practice?**

**A:** DOE does have a policy that employees should be allowed to speak out about problems they know about. This does not interfere with the settlement of all other issues between the parties.

Ms. Phyllis Hanfling began her presentation by defining ADR as "Alternative" or "Appropriate" Dispute Resolution. She explained that ADR is a new way to manage conflict by using a set of tools and a neutral third party for resolving disputes, thereby providing an alternative to litigation or violence. She stressed that interest-based negotiation forms the basis of ADR by separating people from the problem, focusing on interests rather than positions, inventing options for mutual gain, and using objective criteria. She also stressed the importance of knowing the alternatives -- Best Alternative To a Negotiated Agreement (BATNA) and Worst Alternative To Negotiated Agreement (WATNA). Ms. Hanfling demonstrated these points by engaging the participants in an exercise that illustrated a best alternative (BATNA) solution. After the exercise was completed, Ms. Hanfling contrasted the BATNA solution with a worst alternative (WATNA) solution -- a strike.



Ms. Hanfling continued her presentation by noting that negotiations may fail because of miscommunication, lack of information, emotion, poor negotiating skills, timing, lack of trust, imbalance of power, crisis management, personality conflict, vindication, multiple parties, or differing perceptions of strength of position. She listed various types of ADR, and such advantages to mediation as time, money, and resource savings that create "win-win" solutions. In addition, she summarized the factors considered in selecting the type of Alternate Dispute Resolution and noted the advantages of using ADR in prevention and early intervention of dispute. Ms. Hanfling concluded her presentation by showing how mediation works in the EEO Complaint Process System and by explaining the Headquarters Pilot DOE Mediation Service.

At the end of Ms. Hanfling's presentation, Mr. Lawson stressed three points with regard to mediation: making sure that there is agreement on the definition of the problem; developing a way of helping others solve their problems; and being committed to following through.

#### **QUESTION AND ANSWER SESSION:**

- Q: The Office of General Counsel advised that there is no privacy or confidentiality in disputes. Why?**
- A:** Because privacy or confidentiality could prevent a problem from moving forward and being addressed, and that could have serious implications, especially with regard to health and safety.
- Q: In cases where employees represented by union members bypass their union representatives, why doesn't DOE send the employee to the Union and arbitrate?**
- A:** DOE cannot get involved in labor/management disputes. Many times union employees come with an issue not covered by the union or under their contract. That may require DOE to coordinate and work with the employee and labor representatives, thereby facilitating communication. Other times unions have no right to or interest in pursuing a dispute. Under those circumstances, DOE may become involved.
- Q: Statistically, which employees come to your organizations more for problem resolution -- DOE, contractor, others?**
- A:** Most of the help sought has been from Contractor employees.
- Q: Were all of these cases first reported to the Office of Employee Concerns?**



A: Yes.

**Q: Have the number of concerns escalated with DOE closures?**

A: No. There does not seem to be a significant increase. Tracking has just begun on whistle blower issues, and those have been consistent as well.

**Q: When an issue taken to management is "stalled" and results in a tripartite committee, how do you resolve the employee suspicion that the answer is skewed to prevent the employee from raising the issue to Washington? How do you work with management when it is their goal to avoid involvement from Washington?**

A: The major reason for the Employee Concern Program is to neutralize the lack of trust and confidence among involved parties. By being a neutral party, this Office becomes an advocate for resolution, and mediation is not a challenge.

## **2C. SUPPORTING LOCAL COMMUNITIES**

**Moderator: Jeanne Crouch, Environmental Training and Consulting International (ETCI)**

**Speakers: Jeff Finkle, National Council for Urban Economic Development (CUED)  
Dan Cudaback, Eastern Idaho Economic Development Council (EIEDC)  
Lawrence Young, Community Reuse Organization of East Tennessee (CROET)  
David Dillman, Sparhawke, Inc.**

Jeanne Crouch, ETCI, moderator for the session, described the purpose of the session as an opportunity for Community Reuse Organizations (CROs) to listen to and share lessons learned on community transition activities. After reviewing the agenda and establishing the approach for the session, it began with a presentation of case study information.

Jeff Finkle, National Council for Urban Economic Development, presented a summary of the lessons learned from several case studies CUED is developing. Mr. Finkle explained CUED provides communities with best practices studies, problem solving, and analysis of findings. For the Department of Energy, CUED provides site examination and a Departmental complex-wide perspective on community transition activities. Mr. Finkle stated that CUED has provided organizational assistance and strategy improvement assistance to various DOE sites. He also stated that the purpose of economic development is to enhance the quality of life by advancing



private enterprise, making productive use of local resources, creating high-quality jobs, and enlarging the community or regional tax base. When analyzing a community in terms of economic development potential, community and regional factors include: capital, labor, education, technology base, infrastructure, economic base public services, local regulations, and economic development programs and tools. Mr. Finkle presented numerous statistical comparisons between CROs. Financing of economic development initiatives and use of DOE funds to augment other financing mechanisms were discussed. Mr. Finkle emphasized the need for sufficient capitalization and use of due diligence in investing in viable businesses. He concluded that: 1) CROs have varied approaches to economic adjustment; 2) all approaches should capitalize on the region's skilled labor; 3) rural communities need employment to be stable; and 4) a broad-based strategy is needed to address the varied situations at DOE sites.

Dan Cudaback, Eastern Idaho Economic Development Council (EIEDC), discussed the lessons-learned experienced by the Idaho community reuse organization. Mr. Cudaback explained that the DOE Idaho site is very different from others in the complex. The Idaho site accounts for nearly half of the regional gross product and DOE physical assets are 50 miles into the desert. There is very little market for those assets and the region is in relative stability since agriculture and the remaining DOE mission is stable. He continued to explain that the primary problem is the lack of diversity, the lack of physical assets with which to build diversity, and the community inertia created by the continuing DOE mission. For EIEDC, the solution to the regional economic development challenges is to fundamentally restructure the regional economy; a very daunting task. His advice is to:

- anticipate discontinuity by remaining flexible;
- beware of unrealistic expectations;
- do not underestimate the importance of and difficulty in establishing and maintaining coalitions;
- emphasize communication to inform, to stay involved, and to educate; and,
- achieve balance between appropriate risk and organizing for the long haul.

Mr. Cudaback presented four lessons learned: 1) avoid politicalization of the economic development process at all costs; 2) keep work force activities and community transition integrated; 3) develop a vision; and 4) keep perspective by using rational time periods for activities.

Lawrence Young, Community Reuse Organization of East Tennessee (CROET), continued the session with a presentation detailing the reindustrialization of Oak Ridge in Tennessee. The vision of the Oak Ridge Reservation is to develop "an integrated science, technology, and



education complex operated in partnership with the private sector - supporting a dynamic regional and national economy." Mr. Young explained that CROET wants to transform into a defederalized, industrial operation by 2010, and CROET plans to involve multiple private-sector participants in a brownfield industrial park consistent with sustainable development concepts. The primary elements of reindustrialization include: integration of private and government sector stakeholders; a broad-based community reuse organization; the encouragement to support the local and regional economy; and activities that remain consistent with the 2010 vision. He emphasized the need for flexibility; this includes assuming some risk to be competitive. After presenting some details as to the location and statistics of the Oak Ridge Reservation, he stated that available resources (equipment, facilities, etc.) drive what CROET can and cannot do. Finally, Mr. Young outlined other initiatives underway, such as small business programs, a telecommunications facility, and a 1000 acre greenfield industrial site.

The final speaker, David Dillman, Sparhawk, Inc., presented the enterprise formation company concept. Mr. Dillman explained that an enterprise company initiative tries to organize specific workers expertise and form a company, thus taking a capability and forming it into a service to market to perspective employers or as an established employee-owned business. An enterprise formation company performs business functions including market research and analysis, planning, incorporation and capitalization, initial proposals and contract negotiations, and business services such as accounting, human resources, and compliance. Mr. Dillman further explained that an enterprise formation company focuses on performance-based contracts, uses non-financial assets (short-term DOE contracts, government furnished property, strategic alliances) to the maximum, retains an equity share of the company, and functions as a Chief Financial Officer for enterprise groups formed. The enterprise formation company Process consists of five items: 1) an evaluation of the appropriateness of skills for the enterprise effort; 2) assign most placeable candidates to headhunters for placement; 3) market of enterprise groups for outplacement as teams, 4) use community colleges to add value where talent is lacking; and 5) form an enterprise company. To illustrate this concept and process, Mr. Dillman explained the Partnership Environmental Technology Education (PETE) experiment at Hanford (a pilot project is being funded by the Office of Worker and Community Transition) identified potential commercial markets for current and future displaced workers. Lessons learned included the following:

- individual outplacement should be done by professionals;
- timing is crucial so be aware of on-site developments;
- good ideas do not stay secrets long, so pursue them;
- you may bring a good idea to the table but there may be resistance to it;
- equity investors expect control;



- enterprise formation company equity sharing provides employees comfort and confidence, and;
- a CEO may need to be recruited (the enterprise formation company is never the CEO).

## QUESTION AND ANSWER SESSION

**Q: What is meant by stakeholder consensus?**

**A:** To have a successful CRO initiative, a reuse plan needs to be developed and adopted by the community (stakeholders) in general. In other words, the CRO needs to speak with one voice in the community. This is not always achievable, but those CROs that are quickest to get consensus between stakeholders are most successful.

**Q: What is the relationship between EIEDC and the new M&I contractor?**

**A:** The site specific reuse efforts are the concerns of the DOE Idaho field manager and the M&I; the remainder of the community is the CRO's concern. It is unclear where the community and site line is, but DOE/M&I and the community work closely together.

## **2D. WORK FORCE INFORMATION SYSTEM - OVERVIEW AND DEMONSTRATION (Repeat)**

**Session Speaker: Gloria Paige, Office of Worker and Community Transition, U.S. Department of Energy**

Gloria Paige, Systems Administrator for the Work Force Information System (WFIS), began the session by presenting the background of the system. WFIS is being developed by the Office of Worker and Community Transition (the Office) to replace other Headquarters' data bases on contractor employment. It will be the central location for the collection, processing, and dissemination of information on DOE prime contractors, subcontractors (teaming partners and 1st tier) and other designated contractor work force and human resource information. Requirements were identified by a Work Force Planning Committee consisting of representatives from Headquarters, Field Office, Contractors, and Labor and a "board of directors" (Headquarters and field managers). Four critical issue areas were addressed: data needs; data requirements; projections; and performance measures. WFIS will provide one consolidated source of contractor human resources information and reduce redundancy. WFIS is a summary level system.

Funding is being provided as follows:



- Office of Worker and Community Transition
  - WFIS software and database server
- Headquarters Organizations
  - Work stations and 3rd party query software
- Field/Operations Offices
  - Work stations, 3rd party software, training (travel funding), telecommunication software to communicate with Headquarters, and modems (if needed)
- Contractors
  - Telecommunication software to communicate with Headquarters, work stations, modems (if needed), 3rd party query software, and training (travel funding).

The server for the WFIS is located at Headquarters (Forrestal Building) on the HR-5 LAN. Access is through the Headquarters LAN, DOE Business Network (DOE/BN), or remote dial-in. For better performance from the field, the DOE/BN is the preferred means of access. Data collection will be accomplished through upload interface or data entry screens.

Continuity testing to verify that the NIC card in the WFIS server can see the NIC card in each work station using the TCP/IP address is being conducted. Currently, sixty-six stations have been identified. Testing of the chatter boxes will begin this week as well. Testing of the WFIS client/server connectivity will be performed at a later date.

Training will be conducted for all WFIS users - contractors, Headquarters and field office personnel. The objective is to enable full utilization of the WFIS application. Training will be hands-on classroom training with each session lasting 1½ days. Initially, training will be conducted at two locations - Oak Ridge in November 1997 and Nevada in February 1998. There will be several sessions at each location. Proficiency in Microsoft Windows, version 3.1 or higher, or WordPerfect for Windows or Microsoft Word (version 6.0 or higher) are the only prerequisites.

Information collected from the contractors will consist of benefits, collective bargaining, compensation, employment, and hours. Ms. Paige explained how some current reports are being combined to reduce data collections and how other reports will continue as currently reported.

Ms. Paige responded to a number of questions throughout the presentation/demonstration. One question concerned whether contractors would have access to the DOE/BN. The answer is "yes" but access will vary from site to site. It is the responsibility of the users to determine if they have access and to supply this information by completing a WFIS Work Station Configuration Survey.



Another question concerned whether there will be standard reports and, if so, when will the sites know what the interface will be. A Handbook is being prepared. This will be a supplement to the new Department order which will provide answers to such questions as the definition of a "field" and provide necessary "code" and other instructions to be used when reporting. A draft will be provided to the Field and contractors for review and comment and is scheduled to be distributed early July. Additional reference documents that are available are the Requirements and Design Documents. Several people requested that they be sent the current Design Document.

The point was made that it will take lead time, perhaps two or three months to do data entry and that the sites will need information as soon as possible to begin this process. Ms. Paige stated that the system was still in a development mode. When the system is close to being final, the necessary information will be sent. Initial pilot testing of the system will occur in November 1997.

Questions were also raised concerning security authorization. Detailed procedures will be developed, tested, and distributed. User IDs and passwords will be issued. A user ID request form will be sent soon. Each user will receive an ID and password, and must re-key a new password within a period of time. When entering WFIS, the user will be required to relay his/her password. Ms. Paige also stated that the contractor's request form must have a Director's signature from their respective field/operation office.

A question was asked concerning record checking by facility/site. This will be done. Another question was raised on who should attend training. In addition to the users and approvers, it was recommended that an ADP person also attend.

The issue of including temporary employees in the COCS module as a new requirement was discussed since temporary employees have not been included previously. Temporary employees must be included. The definition of a temporary employee will be provided in the Handbook.

The interface to other applications, such as PeopleSoft, was discussed. WFIS has two methods for getting data into the system. The first method uses the data screens that are provided in the system. The second method utilizes an "upload Process" in which a file is either "CSV" (Comma Separated Value) format or "Fixed Length" format. An actual "interface" to an existing system, i.e., PeopleSoft, Cyborg, Integral will be necessary. These existing systems, or any other mainframe system will extract the necessary information in the file format described above. A programmer will need to write a program to extract this information from these systems using the database structures that will be provided. Once the original program is written for the extract, it



can be used to generate a CSV or Fixed Length file which can then be uploaded in the Work Force Information System.

The contractor levels that will be in WFIS were discussed. The levels that will be included are prime, 1st tier subcontractors, and partners. The testing that will be done this summer will use the current contractors. A concern was raised with requiring contractors to provide information to WFIS if this is not part of their contracts, especially if the contract is firm/fixed price. It was suggested that this be reviewed and that future procurement packages include this requirement. Ms. Paige stated that this concern has been made to Debby Swichkow and Bob DeGrasse. Future discussions with the Field/Operation offices on this matter will be held.

One site stated that they do not use B&R codes. Ms. Paige stated that if a site's primary funding office is not Defense Programs or Environmental Management, this information will be new. Further information will follow.

Common Occupational Classification System (COCS) codes were discussed with regard to their use in the September 30 annual report of total base pay (DOE reimbursable). In this connection, COCS codes will be used at the "family" level, thereby breaking out base pay into nine general skill categories. This will be important information for providing an audit trail to demonstrate that reduced headcount is reflected in reduced outlay of pay.

A question was asked on whether the Department was going to require the subcontractors to agree to provide data to WFIS. For instance, some subcontractors are not currently reporting all of the data required for the six modules. It was suggested that a list of contractors by module be provided. A follow-up question concerned whether the Field Office has the flexibility to "make the call" on who has to provide data. Ms. Paige will check on this.

WFIS data will be reported by the contractors directly to the WFIS server at Headquarters. There will be an approval button, by name. Only contractors can change the content data.

A concern was expressed that information is not getting to all parties at the Field/Operations offices and contractors. Ms. Paige stated that a call will be going out to the Field requesting a point of contact at each Field/Operations Office and contractor. In the future, this person will be responsible for assuring information is provided to all parties as well as being the POC for questions on other issues regarding the data received. These persons names will be stored in WFIS.



In addition to her slides, Ms. Paige also distributed a fact sheet which provided additional information on WFIS.

## PLENARY SESSION

### COMMUNITY REUSE ORGANIZATIONS: RECENT ACCOMPLISHMENTS

**Facilitator:** Jeanne Crouch, Environmental Training and Consulting International (ETCI)

**Speakers:** Mr. Dan Cudaback, Eastern Idaho Economic Development Council (EIEDC)

Mr. Mike Grauwelman, Miamisburg Mound Community Improvement Corporation (MMCIC)

Two presentations were made during this plenary session. Dan Cudaback of EIEDC and Mike Grauwelman of MMCIC presented overviews of their respective organizations including organization descriptions, lessons learned, and recommendations.

Mr. Cudaback categorized the EIEDC as a performance-based model for regional economic development, a region of diverse communities and in need of diverse responses. The facilities at the Department of Energy site were normally involved in DOE production, design, and engineering; many of the facilities are currently contaminated. DOE and its predecessor agencies have provided the significant employment in the region for over 50 years. EIEDC is a private initiative created to respond to the economic impacts of the Idaho National Environmental Engineering Laboratory (INEEL) downsizing. Mr. Cudaback explained the purpose of the EIEDC is to replace the high quality jobs in the community and to assist with the fundamental redirection of the economy in the Idaho region surrounding the DOE Idaho site.

Mr. Cudaback emphasized that the EIEDC is a region-based CRO that has instituted a performance-based approach--job-oriented performance measures evolving toward more rigorous standards of wages, tax base, standard of living, and targeted measures of overall community health. Again, EIEDC structures its program to diversify the economy in the region.

Mr. Grauwelman followed with an overview of the DOE Mound site including a geographic description, facilities located there, and community statistics. He described Mound as a unique site possessing an extensive Destructive Test Capability, one of three in the world and the only one open to commercial work. The impact of DOE downsizing equated to a loss of 2,500 jobs,



economic activity, advanced technologies, high-tech talent, and a national investment. This is a significant human impact, both economic and social.

The City of Miamisburg acted as a transition leader. The Mound Reuse Committee was established and Miamisburg Mound Community Improvement Corporation (MMCIC) staffs that reuse organization. The reuse committee handles much of the public involvement aspect while MMCIC focuses on economic development. Mr. Grauwelman described MMCIC as a resource broker, a conduit for transition of real estate and equipment assets. Mr. Grauwelman then explained a center piece of the MMCIC activities is the Mound Advanced Technology Center (MATC). The MATC is a marketing platform billed as a center to deal with the total solutions for manufacturing.

To continue to succeed and to establish a path to the community vision, Mr. Grawelman stated the comprehensive reuse plan needs to tie reuse and environmental clean-up standards together. Results of the Mound approach are the following:

- community spoke with one voice, clear and consistent;
- community established firm basis for negotiating issues; and,
- community interests implemented with a business approach.

Mr. Grauwelman stated two challenges that require continued work: 1) DOE partnerships require persistence, perseverance, and patience to remove the inherent barriers to change; and 2) volunteer boards require time and care.

## QUESTION AND ANSWER SESSION

**Q: Is there a continuing DOE mission at INEEL?**

**A:** The DOE site mission is mainly spent nuclear fuel activities, an agreement to the year 2045. Most of the work will be completed within the first 12 years. This will perpetuate the diversification inertia, but it does give the community a chance to diversify.

**Q: Is the Mound program where it was planned to be?**

**A:** Much of the time is spent on quickly emerging issues associated with obtaining leasing authority, DOE's expediting the reconfiguration process, and navigating the path through the new areas of this complicated process. Generically, CRO activities require extensive



time investment with little time to see where the program is overall. There are also no past experiences upon which to measure this unique effort.

**THURSDAY, APRIL 10, 1997**

**PLENARY SESSION**

**PRIVATIZATION: POLICY, PRACTICE AND POTENTIAL PITFALLS**

**Moderator: Barry Lawson, Lawson and Associates**

**Speakers: Jane Monhart, Office of Contract Reform, U.S. Department of Energy**

**Jan Chavez, Idaho Operations Office, U.S. Department of Energy**

**John Meese, AFL-CIO, Metal Trades**

Bob DeGrasse, Director of the Office of Worker and Community Transition, opened the session by informing participants that Elizabeth "Betsy" Moler, currently head of the Federal Energy Regulatory Commission, had been nominated by the Clinton Administration to be Deputy Secretary of Energy. Barry Lawson, the session moderator, introduced the session topic and speakers.

Jane Monhart, Acting Director of the Department of Energy's Office of Contract Reform, started her presentation by giving a brief overview of the report recently issued by the Department's Privatization Working Group and emphasizing that privatization means a lot of different things to a lot of people. She then read the Department's definition: "Privatization is the substitution, in whole or in part, of private market mechanisms and entities for one or more of the traditional government roles of developer, financier, builder, owner, operator." Although the Department has historically relied on the private sector, more functions are now being transferred out of the Department to the private sector, and the traditional management and operating contract is being replaced by the management and integrating contract.

The Department's privatization efforts, Ms. Monhart explained, are focused in three areas: asset sales, transfer of functions, and contracting out. The reasons for privatizing are to: sharpen mission focus, save money, and improve performance. Vice President Gore's mandate to "deliver common sense government" also influenced the Department's privatization efforts as well as the Blair House papers that, in part, state that "Privatization gets the private sector competing for a range of assets or activities that the government no longer needs to own or perform. Outsourcing creates price and performance competition, and can be reversed if government organizations later show they can do it cheaper or better."



Ms. Monhart stated that a number of legitimate concerns with privatization exist. Decisions are rarely straightforward. Labor views privatization as a way to restructure and downsize the work force. Who regulates safety and health is often questioned and, in some cases, ambiguous. Actual savings are not easily calculated. Moreover, there are also finance concerns for organizations which may have to pour significant amounts of money as an "up front" investment before any financial gains are incurred. It takes money to make money.

The Department is embracing privatization as a strategic management tool, and is using it where cost-effective and appropriate, Ms. Monhart explained. To do this, the Department developed seven principles that are to be considered when making a decision to privatize:

- use privatization strategically;
- benefit taxpayers and balance risks and rewards between government and contractors;
- competitive, innovative ideas have to help ensure success;
- stakeholder involvement is key; affected persons should be involved;
- worker and community transition assistance is essential;
- environment, safety and health responsibilities are critical and must be fully addressed;
- and;
- there is a need for a new way of doing business.

Ms. Monhart next provided examples of recent Department privatization initiatives. The Hanford Waste Tank Storage privatization effort is a prime example where the contractor is taking on more risk from the government. British Nuclear Fuels Limited, Inc., is paying to construct the vitrification facility, and the Department of Energy is paying for the services rendered. The sale of precious metals is another privatization example. The Department's first sale in 1995 garnered \$3 million. During phase II of this initiative, no sales occurred and the Department is studying why not. Phase III is currently underway. It involves the sale of precious metals recovered from material identified as surplus by 17 sites. Privatizing the National Institute for Petroleum and Energy Research was also cited. This action, Ms. Monhart reported, is providing the Department with a savings of \$25 million over the next five years. She then displayed a graph depicting the Department's potential privatization projects by type and functional area. The majority of projects slated for privatization (129 out of 231) are landlord functions.

In conclusion, Ms. Monhart reviewed several recommendations made by the Department's Privatization Working Group:

- integrate privatization into strategic and annual planning;



- establish internal mechanisms, e.g. business executive committee, to ensure high-level focus;
- consult with stakeholders as early as possible;
- seek innovative ways to enhance business expertise;
- structure deals that will attract the business community;
- support new opportunities for affected workers and communities;
- address environment, safety and health issues early; and,
- develop approaches for recovering costs of asset sales.

Jan Chavez, Deputy for Advanced Mixed Waste Treatment Project at the Idaho Operations Office, provided a detailed overview of the second largest privatization effort in the complex: the Advanced Mixed Waste Treatment Project at the Idaho National Engineering and Environmental Laboratory. First, she described the context from which the project was established and provided background on the amount of waste contamination that needs to be addressed. Among the factors influencing the Idaho Operations Office's decision to consider privatization approaches were:

- increasing budget problems related to the deficit;
- the mandate under Al Gore calling for a government that works better and costs less;
- the Department's Contract Reform Initiative, which began in 1993, and recommended among other items, the increased use of fixed price contracts where it makes sense; and,
- Federal responsibility to the taxpayer.

The Idaho National Engineering and Environmental Laboratory has 65,000 cubic meters of stored transuranic (40,000 cubic meters) and alpha (25,000 cubic meters) contaminated mixed waste. Over 95 percent of this waste came from Rocky Flats in 1970's and early 80's. The alpha mixed waste, by regulation, cannot be disposed at WIPP. This waste requires treatment to Resource Conservation and Recovery Act Land Disposal Restrictions. Moreover, Idaho cannot dispose of mixed waste. The transuranic mixed waste is destined for disposal at the Waste Isolation Pilot Plant. None of the boxes in which the waste is stored meets the WIPP waste acceptance criteria. Some of the containers have PCB's, liquids, and ignitable wastes that also must be dealt with before shipment to WIPP.

The Idaho Operations Office also must meet several requirements. The waste has to be removed from the state safely and cost effectively. The 1995 DOE and Navy Settlement Agreement with the state of Idaho requires all of the transuranic mixed waste to be out of the state by 2018. Further, the Operations Office must adhere to the Federal Facility Compliance Act Site Treatment Plan.



Ms. Chavez then compared and contrasted the traditional contracting approach to this work to the privatized approach. Under the traditional approach, the management and operating contractor was going to:

- retrieve the waste, identify and segregate the alpha from the transuranic and treat them separately;
- build and operate a two-phase treatment facility;
- build a new characterization facility to characterize 10 percent of the transuranic waste destined for WIPP; and,
- build 11 more RCRA storage modules for retrieved and/or treated waste.

The life-cycle cost estimate for the traditional approach was \$1.647 billion, and the waste would be disposed by the year 2021.

Under the privatized approach, the Idaho Operations Office purchased feasibility studies in 1994 soliciting private sector approaches to treat only the alpha mixed wastes. Based on the studies and private sector recommendations, DOE concluded that the transuranic and alpha waste should both be treated to Land Disposal Restrictions. This approach was beneficial because it eliminated the: time consuming and expensive segregation step; line item treatment facility; separate characterization facility; and need for 11 storage modules because the waste volume is reduced. Moreover, the alpha waste becomes transuranic, therefore allowing for disposal at WIPP. Using a privatization approach, DOE-ID believed disposal could occur by 2013, eight years earlier than the traditional approach. The life-cycle cost estimate was \$820 million, resulting in a cost savings of \$827 million.

Ms. Chavez next described the procurement put in place for the Advanced Mixed Waste Treatment Project. The key elements that DOE sought were:

- 1) **Performance-based contract** incorporating the following objectives: treat the 65,000 cubic meters of alpha and transuranic waste to meet WIPP waste acceptance criteria, RCRA Land Disposal Restriction, and required TSCA standards; begin treatment no later than 2003; target completion for 2015; all waste treated by 2018.
- 2) **Reduce waste volume** (by at least 65 percent) and **life-cycle costs**. The Idaho Operations Office issued a request for proposals in September 1995 and the final in January 1996; held a pre-proposal conference in March 1996; and awarded a prime, fixed-price contract to a team of contractors lead by British Nuclear Fuels Limited, Inc. in December 1996. On costs and savings, Ms. Chavez said the price for treatment and supporting services for



the waste, plus the DOE and management and operating supporting costs is \$1.009 billion. The cost savings/avoidance is \$670 million in 1996 dollars. Escalated, that is \$1.351 billion over the life of the project.

Ms. Chavez also discussed lessons learned from this procurement. Dialogue with stakeholders is imperative. There is a need to talk to labor and regulators early on in the process. The life-cycle cost analysis process is important to understand. Rushing the procurement is inefficient. Ms. Chavez recommended that a draft request for proposal be issued, a pre-proposal conference be held, and stressed that use of negotiations is critical. Ms. Chavez stated that a sealed bid procurement for a complex project such as this is a mistake.

She concluded her presentation by describing some of the challenges. Fixed-price contracting requires a change in the way DOE, the management and operating contractors, and the oversight and regulatory bodies perform their work. There are many challenges on projects that require private sector financing, and construction of capital assets. There are also a lot of liability and budgeting problems.

John Meese, President of the Metal Trades Department, AFL-CIO, opened by making it clear he had no formal presentation and lightheartedly remarked that not everyone in the room would necessarily agree with what he had to say. Adding another touch of humor, he noted: if two people agree then one is not necessary. He then presented his views of privatization.

Everybody, he began, has their own definition of what privatization is. Privatization is often based on saving money and not necessarily fairness. As an example, he questioned whether NASA astronauts were really reassured that their contracts were going to the lowest bidder. He also cited the British experience, the government of St. John. Over time, he cautioned, the environment should be re-evaluated to be sure privatization is still smart. He said he was not there to knock privatization, but wanted to emphasize that privatization should be carefully governed. People, he said, are just as important as profit. Mr. Meese then made several key points:

- any new work should adhere to Davis-Bacon and Service Contract Act requirements;
- proposals should use the going rates;
- collective bargaining agreements should be recognized. If there is no collective bargaining agreement, the contractors and government still have to comply with the law for government work;
- the privatization process, at a minimum, should be union neutral;



- prevailing rates should be used, sometimes the most likely privatization work is the highest margin work;
- consider all three partners;
- If contractors take on more risk, then the government should pay them for doing so. Profit is not a consideration, the best deal is. If the contractor comes in with an innovative idea that turns out to be the best deal for the government, so what if the contractor makes 18 percent in profit. If that was the best deal the government could get, then the amount of profit should not be a consideration; and,
- Do not lose sight of employees. There should be nothing lost. Profit should not be made on backs of employees.

In conclusion, Mr. Meese called for partnering in privatization efforts. Together, the Department, unions and contractors can collectively find the best solutions. An equal share by all three players can be envisioned, but everybody must play a part.

Chuck Bernhard, from Allegheny Teledyne at Oak Ridge, presented a community perspective on reindustrialization using the Cummings Research Park in Huntsville, Alabama, as a model. First, he described the situation a community dependent on the federal government faces when budgets are cut, and missions change from production to cleanup. Then he described how key community assets (i.e., workforce and skill base, education system, land, facilities, infrastructure, economic development organizations, and community leadership) need to be harnessed to develop reindustrialization goals. Mr. Bernhard suggested that the goals be geared to:

- create sustainable development;
- replace jobs as cleanup projects downsize;
- apply existing skills to new products and activities;
- use existing facilities where prudent; and,
- involve stakeholders to the maximum extent possible.

Elaborating more on stakeholder input to reindustrialization, he suggested that a wide variety of groups should be brought into the process: private industry, Department of Energy, universities and community colleges, economic development organizations, chambers of commerce, labor, and community reuse organizations. All eight of these groups, he emphasized, are needed to reshape the community.

Next, Mr. Bernhard discussed how the Cummings Research Park was established. Teledyne began the park with 150 acres in 1962 and today it is now the second largest research park in the world, with 3,800 acres. (Research Triangle in North Carolina is the largest.) Development of



the park was in direct response to the recognition by local business leaders that the Huntsville economy was too vulnerable to fluctuations in government contracting. He displayed a graph illustrating the fluctuations in the U.S. space and defense industries.

Cummings Research Park currently employs 26,000 people. Among the companies established there are ADTRAN, AVEX Electronics Inc., COLSA, Grumman, Lockheed Martin, Motorola, Rockwell International and SAIC. Mr. Bernhard also reported that Huntsville has the highest annual income in the southeast. He reiterated the importance of getting the university, government, business and labor community working together. A key criteria for a successful research park, in his view, is assembling and packaging what you have and then marketing it. The greatest growth of new businesses in a community, he said, often occurs when government funding decreases. Lessons learned are that new businesses grow employees who don't want to leave, and they get their start with government contracts then supply services to the private sector. The entire community must focus on this.

Mr. Bernhard concluded his presentation by leaving the audience with several points:

- the Cummings Research Park model should be followed at Department of Energy sites and in host communities;
- focus should be on existing assets (human and physical) that the Department has that can be successfully transitioned to support new private, commercial activities;
- any new managing contractors should be required to make firm commitments to new non-DOE jobs;
- up-front comprehensive site and facility planning is needed; and,
- support and involvement of the community leadership, stakeholders and labor is absolutely critical to success.

Then he emphasized the bottom line: Focus on JOBS, JOBS, JOBS!

## QUESTION AND ANSWER SESSION

**Q. To Ms. Chavez: how did you integrate NEPA into your privatization process?**

**A.** We carried out a feasibility study, and had a categorical exclusion to NEPA. A record of decision was issued in 1995 for the entire site. After a contractor was selected for this project, then additional EIS work was required - a supplemental EIS for treatment will be conducted.



- Q. To Ms. Monhart: How do you determine costs are reduced with your privatization efforts? Are there good studies?**
- A. Headquarters does not do an overall analysis. We don't have good analyses. Cost studies are done on a project-by-project basis. When we go forth with a privatization decision, we do a cost/benefit analysis throughout the project.
- Q. To Ms. Monhart: When you do your cost estimates, what assumptions, rule, policy, or guidance is applied? The unions had to litigate at Idaho to get a cost model. This will be a tortuous process for DOE if it has to do this on a site-by-site basis.**
- A. We have not spelled out any guidance. We have developed principles.
- Q. There are competing debates as to just what the savings will be. What are the rules of the game? Do you decide to privatize if it costs seven bucks less? Are wages and benefits included in the equation? Are savings realized by cutting wages and benefits, is that the driver?**
- A. I don't know how a policy can address all assumptions. Stakeholders must be involved in these issues.
- Comment: An important measure and objective DOE should include in its decision making is the extent privatization action will convert job skills to other markets. A privatization effort at Kirkland Air Force Base where work force skills were transferred to the pharmaceutical and chemical industries was cited as a successful example.
- Q. To the panel: I am still confused as to the definition of privatization, outsourcing and reindustrialization.**
- A. Privatization for the Department means the substitution, in whole or in part, of private market mechanisms and entities for one or more of the traditional government role. Outsourcing is contracting out services. Reindustrialization is reuse of facilities or functions for private purposes.



## PLENARY SESSION

### DEPARTMENT OF ENERGY'S INTEGRATED TRAINING INITIATIVES

**Moderator:** Leslie Wildesen, Environmental Training and Consulting International (ETCI)

**Speakers:** Deborah Swichkow, Office of Worker and Community Transition, U.S.

Department of Energy

John Merwin, Fernald Environmental Restoration Management Company (FERMCO)

John Haberthy, United Plant Guard Workers of America, Local 66, Ohio

Donna Campbell, Columbia Basin College

Susan Haas, NTS Development Corporation

Debby Swichkow, Deputy Director, Office of Worker and Community Transition (the Office), convened the session by describing the genesis of the integration training initiative. During an Office retreat last summer, as presentations were made by different Program Managers, it became evident that there was little understanding of how programs related. As a result, an effort was initiated to increase integration of the Office's programs. A Work Force Integration Team was established with the objective to identify, develop, and propose improvements to current site-level communication, coordination, and information sharing processes that support work force planning, restructuring, community transition, and the involvement of labor and other stakeholders. A workshop was held in Washington, D.C., on October 23-24, 1996 which brought together identified stakeholder participants. One of the results of the Conference was the identification of site-level training as an area for additional study.

The objective of the integrated training initiative was to improve the development of site-specific training to address the requirements of both retained and displaced workers in the areas of training, retraining, education, and continuing education. Key elements include: (1) access timely and accurate information concerning future missions and current future work force skills; (2) the ability to link these efforts with existing resources such as C2NET, local universities, CRO's, labor and other contractor/consultants; and (3) implementation of a planning process that serves as a foundation for work force restructuring, work force planning and training.

As a result of better integrated training, it is anticipated that the knowledge about work force skills necessary to carry out current and future site missions will increase. In addition, community efforts to create/retain jobs focusing on projected displaced worker skills will improve, the number of off-site job vacancies being filled with displaced workers will increase, and that there will be a reduction in the number of involuntary separations.



Two integrated training site visits have been conducted: Cincinnati, Ohio on January 30, 1997, and Augusta, Georgia on March 18, 1997. Attendees at both locations included representatives of the DOE Field Office, contractors, the Community Reuse Organization, unions, the academic community, and Headquarters (Office of Worker and Community Transition, and Defense Programs).

The results of the site visits have been encouraging. An integrated work force training model is being piloted at Fernald, and there is a better appreciation of each entities' requirements and capabilities. In addition, ways to consolidate restructuring information, academic capabilities, and job opportunities have been identified and approaches for financing college courses have been shared.

John Merwin, Manager, Human Resources, Fernald Environmental Restoration Management Company (FERMCO), was then introduced. Mr. Merwin began by describing the initial approach to work force restructuring (1992-1993) as "throwing money" at the problem without conducting much analysis. Rather than solving the problem, this approach encouraged people to stay at the facilities for as long as possible. Because the facilities failed internally to address key issues such as work scope priorities, work force planning, communications, funding levels, and training impacts, an "implosion" resulted. A process was needed which would address and integrate all of these issues. The result was the development of the Integrated Training Initiative.

The Integrated Training Initiative is based on four key elements: estimating funding levels, identifying work scope priorities, establishing a time frame for implementation, and conducting ongoing communications between the contractors and DOE. When these have been completed, work force planning becomes the priority and can be conducted rigorously and systematically.

The first step in work force planning is to conduct an analysis of the contractor staff by knowledge, skills, and abilities (KSA's). After these are determined, future skills are then identified and an analysis of the "gap" between them is defined. A work force restructuring plan, incorporating all of these elements and considerations, can then be prepared. Training integration, the final step, provides a "checklist" that incorporates and interrelates the steps. The knowledge and experience gained at each step becomes the foundation for building the next step in the process and ensures that all stakeholders have been included.

Mr. Merwin closed by summarizing the steps of the Work Force Training Integration Model which is currently being piloted at Fernald. The model is intended to be generic enough to be used at any site but also provide enough guidance to demonstrate that an auditable evaluation has



been conducted. Mr. Merwin also addressed some of the practical problems, such as how to pay for tuition assistance, that are encountered in implementing integrated training. At Fernald, "backside billing" has been instituted. This has significantly increased the number of people who are taking educational courses.

John Haberthy, Security Inspector, Lockheed Martin Utility Services, was then introduced. Mr. Haberthy is currently serving as the Grievance Committeeman, Benefits Representative and Workers Compensation Benefits Representative with the United Plant Guard Workers of America (UPGWA), Local 66, in Piketon, Ohio. He began by describing his personal experience with restructuring. He had worked at Fernald but as a result of the downsizing had to move to Portsmouth. His goal is to work closely with all the entities at the sites to give people opportunities, not just a job. As downsizing occurs, the goal is to help people in a number of ways: first, try to keep jobs on the site; second, transition the employee to another job; and third, make the employee marketable for the outside world.

Mr. Haberthy then described an example of what the local union can do. In his role as a union representative, he has worked closely with Lockheed Martin to implement ACE/PONSI, an educational program to help employees obtain academic credit. Companies should consider participating for a number of reasons: it is a way to save thousands of dollars; the training staff can incorporate the faculty team's valuable insights; it causes participants to work harder; and recommendations go into a national register. Organizations at Portsmouth that are currently involved are the company, the union, and Lockheed Martin utility services.

The next presenter was Donna Campbell, Dean of Math Science, Dean of Health Science, Columbia Basin College, who described the College's experiences with the Hanford Site in Richland, Washington. Ms. Campbell has over 24 years of experience with community colleges, working with the community and with specific training at the sites. In the past, community colleges have been reactive in providing training, program support, and student support. As the Hanford mission changed, the mission of Columbia Basin also changed. The program that they offered became more flexible and able to respond rapidly. An example of this flexibility is the ability to meet the needs of weekend and shift workers by offering courses at 4:00 a.m. and to do more training on-site.

However, issues and barriers exist. Communication is a challenge - who at the site and at the college should be interacting. There is a need for access to information, for example, what are the needs for specific kinds of personnel, are there new skills/programs required to meet the needs of the site, and who in Human Resources has the most current accurate information regarding hiring needs? An important consideration is to include the community college in the



work force planning process. It is also important to know what support is available to students and programs such as scholarships, internships, tuition reimbursement and equipment.

The Columbia Basin program has been affected by the downsizing at Hanford. There have been program closures, decreased scholarship support, decreased tuition reimbursement for students, and a decrease in training for site contractor/employees.

In closing, Ms. Campbell stated that community colleges are available to help DOE and its contractors meet the educational and training needs of the site. Working together, they can overcome any existing or new barriers.

The final presenter was Susan Haas, Vice-President for Corporate Relations, Nevada Test Site (NTS) Development Corporation. Ms. Haas described a cooperative agreement currently under discussion between the International Brotherhood of Teamsters (IBT) and the NTS Development Corporation to design and provide on-site training programs for the Bechtel Nevada work force.

Under the agreement, the NTS Development Corporation would provide surplus equipment and facilities and administer funds. The IBT would develop curriculum and course materials, and provide instructors, students program audits, and records maintenance. The goal is to utilize test site resources and provide training in skills needed in the community. Examples that were cited were convention set-up and warehousing. The local CRO would also assist in making surplus facilities and equipment available.

Types of training for today and tomorrow were described. Training proposed for today was radcon, hazardous waste, truck maintenance, transportation specialist, and safety and health. Future training would include commercial drivers license, truck mounted boom crane, and power industrial truck operator.

### **SMALL GROUP DISCUSSIONS - CONCURRENT SESSION 3**

#### **3A. EMPLOYEE ASSISTANCE PROGRAMS: FOCUS GROUP**

**Facilitator: Eileen McNeely, Boston University**

This focus group was targeted towards personnel working directly in an Employee Assistance Program (EAP). The facilitated discussion allowed participants to identify current critical issues with EAPs. The areas discussed included the impact of downsizing on EAPs, the types of



assistance provided by EAPs during downsizing, EAP program needs, and areas for further discussion.

Downsizing has had a major impact on EAPs from a clinical perspective, as well as an organizational perspective. EAPs often deal with the emotional issues of the displaced worker and the remaining employees. Some of the concerns faced by remaining employees include the uncertainty people feel about the future--they often feel like the system is in "free fall." The reorganization that often accompanies a downsizing has created a lot of stress for employees; people have increased, often excessive, workloads and they are often asked to do jobs that they are not familiar with. Restructuring has also created "division in the ranks" as people compete for dwindling resources. Remaining employees have a lot of fear about losing their jobs; this creates a lot of stress and has a negative impact on employees' health. This fear also creates suspicions among employees about whether the use of the EAP will be held against an employee in the next round of cuts. Trust between employer and employee is very low and this affects EAP utilization. There is also a denial by upper management of the internal problems that remain after the workforce restructuring. EAP personnel also see a need for managers to become more sensitive to their employees during the RIF process.

EAP personnel expressed frustration because they know EAPs are a valuable resource in mitigating the impact of downsizing, but some are not getting support from their management to do so. EAPs have restricted budgets and minimal management support at some sites. Some EAPs have experienced downsizing within their own program. There are no dollars for training and attending conferences. The attendance by EAP personnel at the Oakland meeting was negatively affected by the lack of travel funds for EAP directors. There is also some movement to outsource the EAP function at several sites. Some felt that outsourcing would be detrimental because an external vendor would not be familiar with the DOE culture and contractor environment, especially during such a critical time. Another major concern was that at some sites there is a perception that EAP is not an integral tool in mitigating the effects of downsizing. There is no recognition of the role that an EAP could play in implementing the downsizing.

The group also discussed the types of assistance that the EAP provides during downsizing. The EAPs provide emotional support to employees. They provide emotional reassurance, validation of the feelings associated with downsizing, and the acknowledgment of the crisis in one's life. The EAP also provides individuals with knowledge and training for dealing with change and stress. They help employees understand their capabilities, and provide a "lighted path" for the change process. EAPs also provide support to the organization by assessing the level of organizational distress and counseling management in communicating sensitively with employees who are displaced and those employees who remain.



The EAPs also discussed the needs of their programs. All agreed that they needed top-level buy-in. DOE Headquarters must champion the involvement of EAPs in mitigating the adverse impacts of downsizing for the employees and the organization. This is most critical when there are few resources available to deal with issues of the remaining workforce and some sites are considering cutting EAP services. Contractor management and employees also need information about EAPs to understand how these programs can help them.

Areas for further discussion include the question of which role is most appropriate for the EAP during downsizing, an individual focus, a clinical focus, or an organizational, consulting focus. Another question concerned the impact of a "surveillance culture" (at DOE) on the ability to diagnose and treat psychological and social problems in the workplace.

The group agreed that having DOE contractor EAP professionals meet periodically will only enhance the effectiveness of the EAPs and enrich the level of support provided to the contractor organizations.

### **3B. REVISIONS TO THE INTERIM PLANNING GUIDANCE FOR CONTRACTOR WORK FORCE RESTRUCTURING**

**Moderator:** Leslie Wildesen, Environmental Training and Consulting International (ETCI)

**Speakers:** Terry Freese, Office of Worker and Community Transition, U.S. Department of Energy

**Dom Sansotta, Richland Operations Office, U.S. Department of Energy**

The session was convened by Terry Freese, Deputy Director, Office of Work and Community Transition, Department of Energy. Mr. Freese began by stating that three iterations of the work force restructuring guidance have been issued and from each iteration there had been lessons learned. The guidance is intended to be non-prescriptive and feedback from stakeholders is requested.

Mr. Freese then described the way restructuring has been done. Initially, there were large, episodic reductions which were often budget driven. The announcements of several thousand reductions occurred at one time with long periods of no adjustments, despite project ebb and flow. Voluntary incentive programs predominated. 78% of all separations occurred between 1993 and 1996 and frequently were not well targeted. Each site often had multiple plans. New plans were developed for each episodic reduction which resulted in confusion about which plans applied.



Final plans were frequently approved after restructuring. This undercut stakeholder input and resulted in the plans becoming more implementation reports than plans. The uncertainty about long-term size and structure of the work force made it seem that there was "no light at the end of the tunnel" and undercut the ability to conduct long-term work force planning.

Changes have been made in the restructuring environment. Long-term strategic plans have been developed, e.g., the Stockpile Stewardship Programmatic EIS, the Environmental Management Ten Year Plan, and several sites are moving to closure in five to ten years. There have been changes in contracting mechanisms, such as performance-based incentive contracts and increased utilization of outsourcing and privatization when cost and performance are justified.

There has been increased budget stability which has resulted in work force changes being more driven by project completion and mission shift. The projected budgets through 2002 are relatively flat with changes in skill mix increasing and gross reductions being less significant. Opportunities for voluntary separation programs have been reduced. Skill mix requirements increasingly demand precise targeting in separations and repeated offerings have reduced participation levels. In fiscal year 1997, 43% of the separations are forecast to be voluntary with only 18% being incentivized.

A new approach to work force restructuring is to have a single work force restructuring plan for each site which is in place to cover restructuring requirements as they occur. The plan can be amended as the situation demands, and it allows stakeholder consultation prior to implementation.

The new approach provides increased flexibility and responsibility with the Field Office and contractor. Implementation is based on Headquarters notification rather than additional approval, work force management can be a performance measure for contract incentive, and there is better integrated restructuring with mission performance. This reduces the delay that impacts mission performance.

Efforts have also been initiated to address treatment of workers who are affected by outsourcing and privatization. Means to utilize skills and experience of the incumbent work force and appropriate benefits for changes in terms and conditions of employment are being defined.

Incentives are being targeted to program requirements and are being integrated with skill mix requirements. Benefits are being balanced with program costs, and there is pre-separation use of education benefits to achieve voluntary separation or promote retention.



Restructuring is being coordinated with community transition. Community planners are being provided with data on availability of worker skills. Activities that can transition communities from reliance on DOE to other customers are being defined.

The next speaker was Dom Sansotta, Industrial Relations Manager at the Hanford Site. Mr. Sansotta's objective was to provide his Field perspective on what to do for managing equitable treatment for the workers.

In 1993, the Hanford site employed a high of 19,000 employees. This number has now been reduced to 12,000 through two rounds of restructuring involving separation programs, both voluntary and involuntary. The bottom line is that Headquarters must be more responsive and also let the sites have more autonomy with the restructuring process. A broad policy should be established which would let the sites "run with it" and not have to ask permission at every aspect of the program.

The nature of restructuring has changed. Section 3161, enacted to address defense complex reconfiguration, is no longer the major driver. There has been implementation of contract reform and there is site closure/project completion. The drivers now are: contract reform, outsourcing, reengineering, contract changeout, project completion, and site closure.

Based on experience over the past few years, the Department needs to be concerned with safety, employee morale, cost management, and security. Restructuring has a taxing influence on the work force which causes stress and greater instances of domestic and workplace violence. More attention needs to be paid to job site security.

What should DOE's role be? In the past, DOE has been very process oriented. This has caused substantial delays in the issuance of work force plans or approval of separation programs since the site had to rejustify their activities. Delays of implementation are costly. DOE should establish expectations and should hold the contractor accountable. Judgements should be based on results, not process.

The basic principles of 3161 do not pose an undue burden on DOE. In fact, they are or should be a matter of good business practice. However, the manner in which DOE has implemented 3161 is the problem. There is a need to get back to the basics and to have early and meaningful communication with stakeholders. The field pretty much agrees with the DOE objectives as outlined by Terry Freese. But, DOE Headquarters needs to make sure the objectives become real. Plans at each site that face substantial restructuring should be streamlined. Contractors



should have flexibility and not have to provide mandated benefits above what the competitive environment permits. DOE-Headquarters would be notified only for significant separations.

Mr. Sansotta closed with a quote by Al Alm, DOE Assistant Secretary for Environmental Management, which stated "one of the central tenants of achieving success in government is that effective public managers must adjust programs rapidly to reflect changed priorities." Mr. Sansotta feels that this quote is not only applicable to the Ten Year Plan but also to restructuring.

A question was then asked if there was any real activity on sunseting. Mr. Freese replied that there was no activity in this legislative session. There is a basic, fundamental approach which states a commitment to deal fairly with people. This will not change.

Mr. Sansotta stated that from a 3161 point-of-view, these requirements are cumbersome on the field. We have "created a monster." Again, he stated, 3161 is not the problem, it's what's been done with it that's the problem.

A labor representative stated that 3161 was created without DOE support and was passed with bipartisan support. The legislative history has involved a number of bills. 3152 was a precursor at Rocky Flats and focused on the contracting mechanism. Contract reform and 3161 were woven together 5 years ago.

Mr. Freese stated that there has been a change of scope. Restructuring is considerably larger and more complex. There is a requirement for policy guidance with more flexibility. There has been a big change since the start of the year with an increased willingness on the part of DOE not to play "hide the ball" until a final announcement was made on employment reductions. Consequently, when there was an announcement, then the site had to immediately implement. Now there is more dialogue on where the Department is going over the next two years. This dialogue is now part of the public record.

A lively discussion then followed. Participants stated that there needs to be common sense on the scope of a change. For example, if a change is 41-45 workers for a voluntary separation, this should be left to the site. However, if a change causes a significant impact in funding, that would need approval.

A union representative from Fernald stated that early communication and early involvement by labor when terminations occur would be good. He emphasized that there should be an effort not to manage labor but, instead, partner.



Mr. Freese stated that the Department is working to make a streamlined process work. There is on-going dialogue between Headquarters and the sites. Information that is received can then informally be "floated around the building". A goal is to encourage employees to call the Department before calling a Congressperson.

Mr. Freese was asked if there is a risk averse policy. He replied that there was not.

A question was asked concerning how the contractors were to do innovative things, such as with education assistance, when the budget is reduced. Mr. Freese replied that approaches could provide pre-separation assistance in a way that reduces separation costs.

A contractor from Hanford asked how the sites will be able to move from the "monster" that is created by 3161 to a pure commercial environment. Mr. Sansotta replied that a pure commercial environment is not likely. However, given a more streamlined 3161 approach, contractor efforts should reflect a more commercially oriented environment.

A DOE person from Oak Ridge expressed frustration with the "mother-may-I" relationship between the sites and Headquarters, especially with the Office of General Council. Submissions from the Field are "tweaked to death."

A question was asked if there is a movement to look at the waiver situation. There are competing objectives with the new way of contracting. Mr. Freese replied that part of the review of the guidance involved providing more flexibility. They are trying to provide protection against people being let go and then re-hired.

There are two versions of the waiver. There is a distinction between voluntary and involuntary. There is no guidance on site or complex-wide restructuring. A person would have to relocate to game the situation. Mr. Freese made a commitment to carry forward the concerns expressed in this session.

Mr. Freese was asked if a restructuring plan can go to stakeholders before it goes to Headquarters. He replied that would be addressed in the guidance. The concern is the definition of a "draft." It is difficult for Headquarters to say "no" when stakeholders have seen it.

One participant stated that it would be valuable if the role of the Office of General Council could be eliminated. In the past, a broad waiver had been developed but its scope had, over time, been reduced. It was felt that waivers need to be the prerogative of Headquarters and the Office of Worker and Community Transition.



### **3C. PROPERTY DISPOSITION: LEVERAGING THE EXCESS**

**Moderator: Jeanne Crouch, Environmental Training and Consulting International (ETCI)**

**Speakers: Ed Gilliland, National Council for Urban Economic Development**

**Rich Aiken, Office of Worker and Community Transition, U.S.**

**Department of Energy**

**Ed Patenaude, Pinellas Area Office, U.S. Department of Energy**

**Bill Rutherford, Richland Operations Office, U.S. Department of Energy**

Jeanne Crouch, ETCI, facilitated the session and began the presentations by discussing the agenda and session procedures.

The first speaker was Rich Aiken of the Office of Worker and Community Transition, a member of the Asset Disposition team. Mr. Aiken explained that the results from a baseline inventory indicated that there is a large asset inventory held by DOE, substantial costs associated with these holdings, few disposition paths for reducing these holdings, and obstacles and lack of incentives to reducing these holdings. There are multiple goals for asset disposition: 1) support budget deficit reduction goals by contributing \$15 million each year for five years; 2) reduce cost of operating DOE facilities by leveraging unneeded assets; and 3) assist economic development efforts by working cooperatively with local officials.

Mr. Aiken described the asset disposition program's two strategies. The first strategy is to improve the inventory and disposition process by meeting the Congressional request for a report on available inventory and potential revenues. The report is expected to be completed in May 1997. The second strategy is to present a legislative package for asset management pilots. The pilots are designed to pay for themselves, but the budget process is not designed to off-set the cost of the pilots with sale of assets. The goal is to reduce DOE asset maintenance costs and not revenue generation for other DOE projects; this is a very controversial issue. DOE is asking for the legislative authority to retain and reinvest sales revenues on asset disposition related expenses. Mr. Aiken concluded by stating that excess asset holders represent a large liability to DOE and take away from the core DOE missions and that asset disposition requires innovative approaches to break the barriers to reducing assets not being used by DOE.

Ed Gilliland of the National Council for Urban Economic Development (CUED) presented a briefing on the issues and barriers to asset disposition. The purpose of CUED's asset disposition activities are to facilitate discussion and communicate practices that work. Mr. Gilliland stated the key issues are balancing the federal budget and economic development, reducing lengthy



negotiations, handling the uniqueness of each site, and applying the lessons learned to other sites where appropriate.

The property being discussed is a wide spectrum of cost, value, and technical complexity. CUED examined property transfer that was done by lease, loan, title change, on-site or off-site. There are significant issues and barriers associated with these methods. Mr. Gilliland indicated that identification of excess inventory is difficult and consumes scarce resources to track the inventory, but this is critical to effectively pursue transfer of property. Other difficulties included pricing location to location, marketing assets, security issues, economic development screening for local and regional CRO support, and others. Mr. Gilliland gave examples such as the pricing issues associated with Hanford extrusion press disposition that was the catalyst for Hanford establishing a disposition process; conflicting requests experienced at Mound and Mound's establishment of guidelines to reconcile requests between CRO requests and other DOE sites requests; and contamination issues such as those experienced by Pinellas. Regulatory and legislative authority remain issues though asset disposition language is contained in the National Defense Authorization Act of 1994 (The Hall Amendment), Atomic Energy Act, and the DOE personal property acquisition letter. Mr. Gilliland concluded with restatement of the main barriers: lack of regulatory authority, local pricing of assets, on-going clean-up of facilities and equipment, risk issues, and marketing investments.

Bill Rutherford of the DOE Richland Operations Office gave an overview of asset disposition from the Hanford site perspective. Mr. Rutherford stated that the rules and regulations that apply to asset disposition need to be interpreted site to site since each sites' issues and situation can be quite different. Hanford, for instance, is adjacent to Port of Benton; therefore, the port facility items of the Hall Amendment can apply to Hanford disposition activities such as the transfer of the 3000 area.

DOE Richland Operations also found advance coordination with stakeholders is advantageous, such as their coordination with labor unions on the transfer of gas stations on the Hanford site. Mr. Rutherford described close coordination with the CRO. In the case of Hanford, DOE and the CRO established a process for asset disposition in which the CRO is in line to see what is in the system and gets a chance to request the assets. Twenty-six businesses have benefitted the transfer of assets to the CRO. The CRO at Hanford sold \$15 million of assets in FY 1996 and 1900 items were gifted to schools.

Mr. Rutherford also presented a draft process for leasing excess land; the process begins with the Office of Economic Transition, information is exchanged with interested parties, lessees provide a formal notice of interest, lease negotiations occur, lease is reviewed and approved, and final



lease approval is given. Additionally, the Richland Transition Flowchart described the process that is used to look at excess buildings. Mr. Rutherford stated the objective is to decide if a building is suitable to lease or not; if not, the building will be demolished. Mr. Rutherford stated the Hanford Facilities reuse activities aim at getting the costs for facilities off the Richland Operations budget and if authority to retain proceeds is authorized, use proceeds to clean-up other facilities to make them marketable. Expected results could be a \$10.3 million reduction in operating costs over five years.

The final presentation on personal property disposition was given by Ed Patenaude of the Pinellas Area Office. Mr. Patenaude explained that the Pinellas Plant is a former DOE production plant currently managed by Martin Marietta Specialty Components, Inc. Until 1994, there were approximately 1,200 to 2,000 people employed at the 740,000 square manufacturing facility. In March 1995, the plant was sold to Pinellas County Industry Council, and the DOE mission is scheduled to end in September 1997. Mr. Patenaude stated that close to 100,000 property items, an acquisition cost of \$70 million, are to be disposed.

The release of the Pinellas property required tenacity and perseverance to get it through with existing legislative authority. Two new property groups were formed to handle property valued less than \$5000. Mr. Patenaude explained that the greater than \$5000 Pinellas process consists of reporting assets on the Reportable Automated Excess Property Systems (REAPS). A list of excess property is given to the CRO during screening and all property goes through a high risk screening process. Property to be transferred to a DOE site is done in accordance with standard procedure, and property transferred to a CRO is done via the "Economic Development Project Personal Property Transfer Document." Mr. Patenaude provided a copy of the *Economic Development Project Personal Property Transfer Document* to all attendees.

Mr. Patenaude completed his presentation with a presentation of a Property Adjudication Process flowchart in which the specific steps to excessing property, the items to be considered in justifying requests, the decision points, and the built in appeals process were explained. Mr. Patenaude provided copies of the Pinellas Plant Guidelines for transfer of property and other applicable documents.

## QUESTION AND ANSWER SESSION

**Q:** At what point is the community brought into the REAPS process?



A: This is controversial. The DOE priorities are: 1) DOE mission, 2) CRO, and 3) other federal facility. The DOE Site Manager can make a determination between 1 and 2, and the CROs can get a chance to tag property prior to entering into REAPS.

**Q: Who should new CROs contact to get assistance in setting up formal disposition processes?**

A: This is unique to a site. Contact the Community Transition representative at your DOE Site or Operations Office.

Comment: Call sites that have already gone through this such as Pinellas.

**Q: Are there plans to put together a lessons learned package?**

A: The DOE privatization report (*Harnessing the Market: The Opportunities & Challenges of Privatization*, DOE/S-0120, January 1997) contains information and case studies.

**Q: What is being done to get authorization to use proceeds from leases to repair and clean-up other buildings in preparation for leasing?**

A: Legislation has been submitted to Congress for consideration in the 1998 authorization and appropriation. Congress wants an annual opportunity to scrutinize the activities and the program's progress so only an annual authorization is expected.

Comment: In some cases the equipment and buildings are being held up in anticipation of future DOE sites not closing. The internal DOE organization is slowing the process of disposing of the excess; possibly the financial incentives will mitigate these problems.

### **3D. LEGAL ISSUES IN PRIVATIZATION AND OUTSOURCING**

**Moderator: Barry Lawson, Lawson and Associates**

**Speakers: Jean Stucky, Office of General Counsel, U.S. Department of Energy**  
**Reuben Guttman, Provost★Umphrey Law Firm**  
**Bob Martinez, Williams & Jensen**  
**Pat McNutt, Lockheed Martin Energy Systems, Oak Ridge**

Barry Lawson, the session facilitator, opened the session by introducing the speakers.



Jean Stucky, Office of General Counsel, Department of Energy, focused her presentation on the spectrum of legal issues the Department faces when privatizing. Three areas where issues will impact DOE privatization are: 1) section 3161 planning for changes in the work force; 2) collective bargaining; and 3) the procurement process. Ms. Stucky then provided an overview of the Department's and employer's responsibilities in these areas.

The Department, as stipulated by section 3161 of the National Defense Authorization Act for Fiscal Year 1993, must prepare a work force restructuring plan whenever there is a change in the work force. Although terminations are carried out by the employer, the Department is responsible for allocating section 3161 benefits, such as severance payments or retraining programs. With regard to collective bargaining, the contractor is the employer who has the obligation to negotiate collective bargaining agreements. The Department may provide facilitation and consultation, especially with regard to health and safety factors, but avoids control of substantive negotiations. Regarding the procurement process, even if there is no collective bargaining agreement, the Department plays a role in: adherence to applicable section 3161 work force plans and rehiring preference; consideration for right of first refusal for existing employees in privatized work to the extent they are qualified; and continuity of existing wages, pensions and other benefits.

Next, Ms. Stucky cited the Idaho privatization cost model as an example of a successful process for decision-making. Advanced notice of privatization for the union was anticipated. The union was provided the opportunity to be heard regarding relative costs. Privatization, the union urged, should not be based on reductions in hourly wages and benefits. The cost model also considered such non-economic factors as safety in making make-buy determinations. In conclusion, Ms. Stucky emphasized the importance of advanced planning, especially with regard to pensions and benefits, which can become quite complicated and require a significant amount of cash.

Pat McNutt, Deputy General Counsel for Lockheed Martin Energy Systems at Oak Ridge, began by explaining that work force reductions often trigger an increase in lawsuits. She focused her presentation on measures a contractor can take to avoid lawsuits in the context of four main claims: 1) claims of discrimination; 2) claims for violation of ERISA section 510; 3) claims for severance pay; and 4) common law employee claims.

Claims of discrimination are the most common. Among the steps that can be taken to avoid these type of claims when downsizing are:

- offer alternatives, such as voluntary reduction in force, retirement incentives;
- develop and follow a well-defined lay-off procedure;



- document and communicate justification for layoffs;
- identify surplus positions; and,
- identify impacted job groups.

Ms. McNutt also discussed what not to do when outsourcing. Do not base outsourcing on impermissible factors. She cited *EEOC v. Pacific Southwest Airlines*. Pacific Southwest Airlines decided to outsource its skycap unit to reduce costs. The skycap employees were all black. Previous company layoffs had an adverse impact on blacks. The court enjoined the airline from outsourcing the skycap unit. Ms. McNutt also warned contractors against participating in subcontractor's hiring decisions. She cited *Caponigro v. Navistar International Transportation Corporation*. Navistar closed two accounting facilities to reduce costs, laid off most of the employees, and outsourced the work to a subcontractor which, in turn, hired predominantly younger workers. Navistar's former employees filed an age discrimination class action lawsuit against the company. The court dismissed the case concluding that 1) Navistar was not involved in the subcontractor's hiring decisions and 2) there was no statistical evidence of discrimination.

Next, Ms. McNutt described claims for violation of ERISA, section 510 and how to avoid them. section 510 prohibits discharge of employees for purpose of interfering with ERISA benefits. section 510 violations occur when the purpose of a layoff is to reduce benefit costs. She cited *Gavalik v. Continental Can Company* - a case in which the company laid-off employees close to vesting, thus violating Section 510. Ms. McNutt did point out, however, that no section 510 violation occurs when the purpose of a lay-off is to reduce operating costs. She cited *Andres v. Ford Motor Company*. In a reorganization, Ford sold a division and realized significant pension savings. Former employees claimed the purpose of the reorganization was to reduce benefit costs. The court, however, dismissed the case ruling that section 510 generally does not apply to lay-offs arising from a reorganization unless the plaintiffs show that the decision to close the business unit was motivated by the desire to avoid benefit costs. To avoid section 510 claims, she reiterated base lay-off decisions on well-defined, legitimate selection criteria.

With regard to claims for severance pay, which may be triggered when there is a transfer of employment, Ms. McNutt emphasized that the employer's policy should clearly define when severance pay is payable and the replacement contractor should offer comparable terms and conditions of employment. She concluded her presentation by listing several steps for avoiding common law employee claims:

- do not supervise and direct subcontract workers;
- do not give work assignments to subcontract workers;



- do not select, hire, or fire subcontract workers;
- require subcontractors to provide tools, equipment and on-site supervision; and,
- benefit plans should exclude de facto employees.

Robert Martinez, Partner of Williams & Jensen, described the events and issues regarding the development of a privately-operated solid waste disposal facility and sanitary landfill on the Savannah River Site. In 1988 and 1989, eight South Carolina counties established a consortium, called the Three Rivers Group, to find a location to handle the counties' solid waste disposal problems. In 1990, the Group gave into the "not-in-my-backyard" process and approached the Savannah River Site. Under South Carolina law, the Department of Energy and the Three Rivers Group were able to establish a separate venture to implement this deal. In July 1995, the state issued a permit for a sanitary landfill and a solid waste technology center. In spring 1996, the unions raised concerns over Davis-Bacon requirements because Savannah River land was managed by the Federal government. The Three Rivers Group, however, believed Davis-Bacon did not apply because it was going to be a privately-run landfill. On June 10, 1996, unions filed a lawsuit claiming Davis-Bacon wage rates should apply. The unions argued that the Department of Energy and the Three Rivers Group were trying to formulate a relationship to avoid Davis-Bacon requirements. The nature of the relationship, a joint venture, meant that federal dollars were indeed involved.

In November 1996, Foster Wheeler was notified as the low bidder. The Three Rivers Group considered itself independent, the venture was not being funded by the federal government, and held to the position that wage rates should be based on local industry and current market prices. Moreover, if they used Davis-Bacon wages, the bond issuers would not support the project. The Department of Labor ruled that Davis-Bacon did not apply and a permit for construction was issued. In December 1996, the union filed an appeal. This was going to prevent the project from moving forward. Foster Wheeler decided to meet with local representatives of the union and negotiate an agreement. The end result was the incorporation of wages lower than Davis-Bacon prevailing rates on SRS, but higher than market prices outside SRS. The union subsequently dropped the appeal.

The major lesson learned, Mr. Martinez emphasized, after all these expensive litigation costs, is that the parties needed to sit down and talk these issues out early on, which most likely would have resulted in an agreement at that time before going to the courts. As a practical matter, he believed no sanitary landfill would have been established if Davis-Bacon wages were used. Although the work was on Federal land, the funding was entirely private, and therefore, the courts would most likely continue to rule against use of Davis-Bacon wages.



As an aside, Mr. Martinez also pointed out that OSHA coverage is another potential problem. Again, he used the Three Rivers Group project as an example because it was unclear what entity regulated health and safety issues at the site: the Department of Energy, the State or the Department of Labor. The State has no authority on a Federal site, yet there were non-federal employees working on a Federal site. There was an apparent hole in the regulations. The Department of Labor eventually took authority but this, he concluded, is still an issue.

Reuben Guttman, Managing Partner of Provost Umphrey Law Firm (D.C.), began by noting that it is hard to talk about laws when engaged in work force restructuring actions. The laws don't tell you how to do it. They tell you what not to do. Section 3161 of the National Defense Act for Fiscal Year 1993, he remarked, gives the Secretary of Energy a broad range of authority.

Mr. Guttman then described the situation of an electrician at the Mound Plant in Ohio and how this person has been impacted by the facility closing, as well as the outsourcing and privatizing of activities. The electrician, who has been exposed over the years to toxins and radionuclides, had a pension and life-time health insurance with the management and operating contractor. Now that may not necessarily be the case. He used the illustration to begin his point on privatization, the need for considering employees and analyzing cost savings.

Consider, Mr. Guttman asked, why you privatize and does it make sense. He noted that as far back as 1993 when DOE came up with the Environmental Restoration Management Contract at Hanford and Fernald, he had asked for the cost analysis. Mr. Guttman also discussed Lockheed Martin's privatization efforts at the Idaho National Engineering and Environmental Laboratory, and the lack of cost savings analysis.

After discussing these examples, Mr. Guttman concluded that there needs to be a cost model and a policy decision made by the Department. Privatization should not be used as an opportunity to cut wages and benefits. He also suggested contractors should consider employee leasing as an option for meeting section 3161 objectives. Employee leasing involves establishing a pool of employees who are on the payroll of one contractor, but then are used by other site contractors for specified tasks. This allows employees to accrue health benefits, pensions and severance packages.

Terry Yellig, Partner of Sherman, Dunn, Cohen, Leifer & Yellig, represents the Building and Construction Trades Department for the AFL-CIO. The Building and Construction Trades, he began, is a group that is marked with short-term employment opportunities. The building and construction trade often does not require workers to develop steady, secure employment relationships. Once a project is built or constructed, their job is done and they move to the next



one. Mr. Yellig's job is to secure as many opportunities for these employees as possible, and he does this through enforcement of Davis-Bacon, the Service Contract Act, and Project Labor Agreements.

The Three Rivers Group project was again cited as an example of what not to do. Instead of going the litigation route, the Building and Construction Trades probably would have benefitted more by conveying to the Department of Energy its willingness to assist in the mission of building the landfill. On the other end, the Department could have adopted a policy for privatization opportunities on Federal land. DOE could have built into the lease or a memorandum of understanding a requirement that construction should be carried out in accordance with the Project Labor Agreement. In conclusion, Mr. Yellig encouraged the use of Project Labor Agreements over Davis-Bacon and the Service Contract Act in these instances. For the Three Rivers project, had there been a requirement in the lease document or a Project Labor Agreement at the beginning, the union would have never raised the issue of Davis-Bacon. He reiterated that DOE needs to develop such a policy.

#### QUESTION AND ANSWER SESSION

**Q: Because Foster Wheeler is a union contractor, did that help in reaching the negotiated agreement with regard to the Three Rivers project at Savannah River?**

**A:** Mr. Martinez responded that it did help.

**Q: (To Mr. Guttman) Could you expand on the employee leasing option.**

**A:** Mr. Guttman described aspects of employee leasing being used at Fernald by Fernald Environmental Restoration Management Corporation (FERMCO) and at Rocky Flats by Kaiser-Hill.

**Q: (To Ms. Stucky) How is the Federal Acquisition Streamlining Act affecting the Department's privatization and outsourcing activities?**

**A:** Ms. Stucky responded that those issues are currently being debated.

**SMALL GROUP DISCUSSIONS - CONCURRENT SESSION 4****4A. OUTPLACEMENT TRACKING: BEST PRACTICES AND OUTPLACEMENT SERVICES**

**Speakers: Cecelia Evans, StarAccess**  
**Lew Henderson, BDM Federal, Inc.**  
**Emily Nunn, Lockheed Martin Energy Systems**

Cecelia Evans of StarAccess began by indicating that StarAccess had been analyzing DOE employee tracking systems since August of 1996. After 14 sites were surveyed, it was clear that information was inconsistent across the sites. Some sites had complex tracking systems while others had only hard copy. Most sites tracked the process but had difficulty documenting the displaced worker's activity after they left the site. Lack of funding was cited as the most common reason for not establishing a long-term outreach program. Some employees feel it is an invasion of privacy to report about future employment. Others were simply bitter at the site for their recent separation. Ms. Evans felt the key was to bring the employees into the process earlier in hopes of increasing the probability of results in the future. The Fernald site offers \$25 to every employee who returns the exit survey. Savannah River provides an electronic card that tracks employee visits to the career center even after they have left the site.

She went through a series of issues that have been associated with outplacement services. She indicated timing is key. Employee orientation with the career center should happen sooner than later during times of downsizing. After a separation notice has been delivered, possibly one day after, she suggested beginning orientation of the services and resources available to the employee. Some sites chose to provide all the information in one package. She encouraged personal interaction because receipt of the information by mail has not proven to be beneficial. Finally, to further encourage participation, charge numbers need to be provided to employees for their time spent in the career center. The career center at Oak Ridge was noted as a good example of a fully-staffed, spacious, central clearinghouse for all outplacement services and information. Ms. Evans recommended a toll-free hotline and help desk for small sites who do not have the resources for a fully-staffed center.

Ms. Evans concluded by stating that StarAccess has developed an outplacement handbook for site managers. She noted that it was in draft form but that she could send a copy to anyone upon request.

Ms. Emily Nunn, Manager of the Oak Ridge Career Center, pointed to a "Teaming Concept" that involves participation by local and state officials, StarAccess the local site outplacement services



provide, business and community leaders, labor union and hiring companies. All these groups visit the center, have representatives at the center, lead workshops, or donate materials or furniture. She went through a list of the various services and workshops that are provided by the center. Ms. Nunn said experience has revealed that most displaced workers want to remain in the area, so the focus of job announcements is on the Knoxville area. Also, the center tries to list the non-advertised job opportunities that are obtained through its network of contacts. The center's web site ([www.ornl.gov/career](http://www.ornl.gov/career)) has been a popular resource for displaced workers. Ms. Nunn concluded her presentation with a series of "lessons learned." She suggested more communication, both internal and external, about the center. She recommended "notifier" training to supervisors before they deliver release notices to workers. Also, the Career Center staff needs to be listeners to a certain degree but must realize that you can't please everyone and you can't promise jobs. Finally, listen to employees for ways to improve the center's effectiveness.

When asked about the breakdown of the available jobs, Ms. Nunn indicated that one third are union jobs. A question regarding union participation at the career center followed. She said of the four active unions at the Oak Ridge site, only one participates in the center's program. The union representative spends one month at the center after a lay-off notice is distributed.

Lew Henderson of BDM Federal Inc., spoke next on the Job Opportunity Bulletin Board System (JOBBS), which is a forum for the Department of Energy to meet the requirements of section 3161 of the National Defense Authorization Act for Fiscal Year 1993. JOBBS is a tool for Department of Energy contractors to obtain information on job openings, and place resumes of displaced workers on-line. After a brief introduction of the system, Mr. Henderson noted that results of a January survey indicated that only 20 of the Department's Management and Operating Contractors are using the system. These users represent just over 35% of the Department's contractor work force. Efforts such as improved client software and uploading to the World Wide Web are underway in hopes of increasing system usage. He responded to a question regarding usage by stating that many contractors are downsizing anyway and feel they do not need it or they are comfortable using existing mechanisms such as local newspapers or internal networks. Also, some sites do not utilize the World Wide Web because of firewalls and security reasons.

A field representative inquired about how to get their site plugged into the system. He said the actual mechanics involve placing a job advertisement electronically or downloading a resume that matches the Common Occupational Classification System code of the position. Faxing the information directly to the system is also an option for those who cannot connect electronically. He also remarked that an effort to keep an updated list of human resource points of contact for



JOBBS is ongoing. A follow-on question regarded the responsible party for first finding the jobs then matching to the employees. Mr. Henderson indicated that some career centers download the jobs routinely each week but it varies among sites. He said the responsibility relies predominantly on the employees to be proactive in their job search.

Mr. Anderson concluded his presentation by stating that the current success rate for matching resumes to jobs is not great because most displaced employees are reluctant to relocate to another area. Mr. Henderson stated that resumes are removed at the end of one year.

#### **4B. HOW TO GET FROM HERE TO THERE...**

**Moderator: Barry Lawson, Lawson and Associates**

**Speakers: Ken Hedman, Bechtel Construction Company**

**Warren Anderson, MK-Ferguson, Oak Ridge Company**

**George Jones, Business Manager, Knoxville Building Trades**

**Robert Easdon, Kaiser-Hill Company**

**Lavonne Ritter, Federal Mediation and Consultation Service's  
Southwestern Region**

Barry Lawson, the session facilitator, opened the session by explaining that the various speakers were going to describe how they have put practical, labor-management strategies in place at their respective sites or companies. He then introduced the speakers.

Ken Hedman, Vice President and Manager of Labor Relations for Bechtel Construction Company, began by discussing how the United States is in a period of redefining labor-management relations. Unions are merging and contractors are consolidating. There are economic pressures related to globalization. In the past decade, 2.5 billion new consumers have entered the world economy, and they have little tolerance for old traditions or inefficiencies. There is a departure from the old traditions of business operations and new labor-management priorities are being established. Maintaining fringe benefits and reducing costs are becoming an increasing challenge. Labor-management issues, he said, are getting tougher to resolve. For instance, he suggested the Department of Energy needs to consider establishing a Blue Ribbon Panel on outsourcing and privatization.

Next, Mr. Hedman described the labor-management approach, called the National Labor Alliance, which Bechtel Construction established in 1992. The National Alliance is a collaborative model that incorporates five basis principles:



- craft ownership of safety;
- lower worker compensation costs;
- improved work practices;
- sharing successes (such as savings with the individual crafts); and,
- additional work.

A key program under the Alliance is the safe worker observation process which is designed to modify craft behavior, as opposed to emphasizing safety rules and regulations. The National Alliance approach was adapted locally at the Nevada Test Site. Mr. Hedman concluded his presentation by introducing Greg Glynn, Director of Labor Relations for Bechtel Nevada who discussed the local approach, called the Southern Nevada Labor Alliance.

The Southern Nevada Labor Alliance, known as the Alliance, is an umbrella, collective bargaining agreement between Bechtel Nevada Corporation, the Southern Nevada Building and Construction Trades Council, and the AFL-CIO and its affiliated unions, including culinary workers, paramedics and firefighters. Mr. Glynn explained the Alliance was established to promote labor and management cooperation. It is built on teamwork, he said, and works in conjunction with 31 existing project labor agreements between Bechtel and the unions. He then described the Alliance's four key principles:

- I. **Business development:** Market the Nevada Test Site and develop business opportunities. The goal is to create a sustainable future at the Nevada Test Site. Among the examples of newly established opportunities he cited were the hard-rock mining training school, the hazardous materials training center, a technology center, and the Kissler aerospace rocket project.
- II. **Safety and health:** Provide a safe, healthful work environment through Bechtel's zero-accident philosophy, as well as education and training programs. A performance-based safety program and a worker observation program have been established at the site.
- III. **Continuous improvement:** Improve productivity, quality, and work methods. A continuous improvement committee has been established to evaluate major issues and develop processes and procedures for improving productivity, quality and work methods.
- IV. **Craft incentives:** A fee sharing incentive program has been developed that rewards all craft employees for their contributions to the success of projects.

In addition, the Alliance has established several committees to address issues and support these



four principles. This includes a dispute resolution process committee that will develop a standard procedure for jointly resolving craft work assignment issues and will define the responsibilities of management and labor in the decision-making process. He concluded his presentation by reiterating the importance of partnering and cooperation in creating a sustainable future for the Nevada Test Site.

Warren Anderson, Industrial Relations Director for MK-Ferguson of Oak Ridge Company, and George Jones, Business Manager of the Knoxville Building Trades, made a joint presentation on the site's labor-management partnership program, called "Can-Do." First, they introduced their theme, "Separately we can't, together we can do!" which, they said, was the message they would convey throughout their presentation. They then described the establishment of the program and its purpose.

First, the company and the union had to build a foundation of trust, respect and honesty before any strong partnership could ensue. This, the two sides decided, required a common goal. They agreed they wanted to provide better work for the client, the Department of Energy. Establishing the partnership program was a three-year evolutionary process that turned adversaries to partners in the work place. The craft worker and union representative took ownership and empowerment over safety and health, construction costs, improved schedule performance and product quality. The company and union developed a program charter, including a mission statement and guiding principles. The program, Mr. Anderson and Mr. Jones explained, is separate and distinct from normal labor/management business conducted by the Project Labor Agreement between MK-Ferguson and the Knoxville Building Trades Council.

Next, Mr. Jones and Mr. Anderson took turns describing various aspects of the pre-construction planning, interaction between program committees, and some of the "can-do" results. They cited cost savings to work orders, decreased injury and illness rates, and less workers' compensation expenditures. People, Mr. Jones emphasized, "were not going home hurt." The two also reported a major site milestone: over 2,800,000 safe work hours between May 1995 and March 1997.

In conclusion, Mr. Jones and Mr. Anderson reiterated the importance of working together and made clear that is why their presentation was a duo. It has been a rather long journey, and it has taken trust and honesty to get the program going. If you want to establish a partnership program, they recommended, keep it simple, using a couple of key goals, and allow it to evolve and change, as needed.



Robert Easdon, Manager of Labor Relations for Kaiser-Hill Company, focused his presentation on Kaiser-Hill's experience with the transition from a management and operating contract to the new integrated management contract at the Rocky Flats Environmental Technology Site. Kaiser-Hill was awarded the new integrated management contract for Rocky Flats on April 4, 1995. As the company assumed its role as integrator, it also moved forward with the vision of improving relations with union leadership, and of reaching new agreements to allow for the maximum utilization of the represented work force. This vision, he said, included incorporating concerns from DOE, the Rocky Flats Office, the unions and the company as well as listening to employees. To change business operations and allow for increased flexibility in support of the site's new mission of cleanup, Kaiser-Hill wanted to achieve five key tasks:

- 1) Assume administration of the Project Labor Agreement;
- 2) Establish work assignment guidelines between the United Steelworkers of America, Local 8031, and the Colorado Building and Construction Trades Council;
- 3) Negotiate a decontamination and decommissioning agreement with the Steelworkers to facilitate closure;
- 4) Renegotiate a new Collective Bargaining Agreement with Steelworkers; and
- 5) Renegotiate the current Project Labor Agreement with the Building and Construction Trades.

Mr. Easdon then reviewed the progress that Kaiser-Hill made on these tasks. The company assumed administration of the Project Labor Agreement in January 1996. This, Kaiser-Hill believed, would improve cooperation among unions. The action allowed the company to update the protocol of who does what work. He said it took a lot on the unions' part to achieve.

Kaiser-Hill reached agreement on work assignment guidelines between the Steelworkers and Building Trades which allowed for consideration of the changing site mission, commercial practices, and prevailing practices; provided for clear definitions of maintenance and production work versus construction work; and delineated assignments for decontamination and decommissioning work between Steelworkers and Building Trades. To more effectively use the existing work force, Kaiser-Hill signed a D&D agreement with the Steelworkers in March 1996. Unless D&D is part of construction project, Steelworkers will do the work.

To be more cost effective, Kaiser-Hill still had to do more and recognized the outdated collective bargaining agreement needed changing. After five months of extension discussions, Kaiser-Hill and the United Steelworkers of America, Local 8031, came to an agreement in October 1996. The agreement reduced the number of job classifications; allowed the flexibility to handle peak work demands, and lay off when not in a peak; permitted union employees to participate in the



company performance incentive program; and allowed for the ability to privatize 40 FTE's per year, in addition to privatizing plant utilities and the analytical labs.

Finally, Kaiser-Hill decided to re-negotiate the Project Labor Agreement. The process started in February 1997. In concluding his presentation, Mr. Easdon reported the negotiations were expected to be completed by the end of April.

Lavonne Ritter, Commissioner for the Federal Mediation and Consultation Service's Southwestern Region, described the services her agency provides. The Federal Mediation and Consultation Service is an independent agency of the United States created by Congress in 1947 to resolve collective bargaining disputes which threaten the free flow of commerce; promote the development of sound and stable labor-management relations; and provide mediation and conflict resolution related services to its clients.

The primary focus of the agency's work is on labor-management relations, mediating contract negotiation disputes between companies and the unions representing their employees, and providing training in cooperative processes to help build better labor-management relations. Additionally, the agency was authorized under the Dispute Resolution Act of 1990 to share its expertise in all aspects of mediation, facilitation and conflict resolution with Federal, state, and local governmental bodies and agencies.

When Bechtel "rolled into" Nevada in January 1996, Ms. Ritter said something happened in southern Nevada, which is a right-to-work state. The company viewed the unions as adding value in the work place and wanted "their minds." As a result, the company brought the unions in. The Southwestern Region of the agency, Ms. Ritter reported, will be adding another mediator to the staff some time in the future.

To assist management and labor in improving their relationship so they can learn to work together on issues of mutual interest as a team instead of adversaries, the Federal Mediation and Consultation Service offers a range of preventive mediation services, which are broadly defined as collaborative union-management processes. These services address improving the labor-management relationship through better understanding and communication; organizational effectiveness and employment security; and community relations. Mediators guide the parties through an assessment of the quality and development of their relationship and identify areas which need improvement. After analyzing the assessment, the mediator recommends appropriate skill and processes that will assist in addressing the particular problem. That recommendation may include customized skills training in such areas as alternative bargaining processes, conflict management, or team building, to name a few.



Ms. Ritter also reported that agency's Alternative Dispute Resolution practice is receiving wider attention and use. The Negotiated Rulemaking Act of 1990 authorized the agency to use its mediation services to improve government operations.

In conclusion, Ms. Ritter said she was very happy to see Bechtel build mutual respect and working with the unions to build an organizational vision together for the future.

At the end of the session, a union representative expressed his opinion about privatization activities at the Rocky Flats Environmental Technology Site. He cited a recent initiative in which, he said, the Department "gave away" work valued at \$25 million. He suggested that DOE needs a "reality check" regarding these efforts. He also called for action: "Let's start moving dirt, metal and bomb parts," he said, "that is what we do. We don't need psychologists and facilitators. Let's 'talk turkey' rather than 'wear flowers in our hair'."

#### **4C. VIOLENCE IN THE WORKPLACE**

**Speaker: Todd Conklin, Los Alamos National Laboratory, U.S. Department of Energy**

The session was convened by Dr. Marilyn Balcombe, Industrial Psychologist for the Oak Ridge Institute for Science and Education, currently on detail to the Office of Worker and Community Transition. Dr. Balcombe stated that previous sessions had dealt with the impact of downsizing on employees and supervisors. This session, "Violence in the Workplace," would further the discussion of the impact of downsizing. She then introduced Todd Conklin, Senior Training Specialist, Training and Development, Los Alamos National Laboratory. Mr. Conklin has served in the Human Resource and Reliability Management and Training areas for the last 10 years and has a reputation for presenting a creative and humorous approach to sensitive and difficult topics. He holds a Bachelor's Degree in Communications from Southwestern College in Kansas and a Master's Degree in Interpersonal Communications from Fort Hays State University.

Mr. Conklin began his presentation with a series of questions concerning violence in the workplace and whether the people who perpetuate violence really want it to occur. Causes for violence were discussed. Among those suggested were downsizing and RIFs, revenge for a policy change, divorce, harassment, frustration, loss of power and control, medical, and being passed over for a promotion. The loss of a promotion is more likely to trigger violence than a RIF because it causes the loss of money and prestige.



There are 100,000 work place crimes per year involving offenses with handguns. Homicide is the third leading cause of death at work. Among women, it is the number one cause.

Mr. Conklin based his presentation on the student guide, Individual Security Overview: Violence in the Workplace, which has been developed for training at Los Alamos National Laboratory. The guide has six sections: Security Education, Violence in the Workplace, Awareness, Profile Indicators, and What to Do, Where to Go, and Critical Incident Stress Debriefing.

There are three types of potential work place violence: employer-directed, domestic-related, and property-directed. Violence is increasing for a number of reasons such as workers with temporary psychological problems; the increase in the availability of weapons; adverse employment actions; societal isolation; difference in attitudes and ethics of what is right and wrong; and more acceptance of violent behavior (TV, media, real life).

What then are the goals of violence prevention? First, is to reduce the frequency of workplace violence. Since we cannot predict human behavior, it is not possible to "eliminate" it. Second, is to reduce the seriousness of workplace violence and third is to reduce the impact of workplace violence.

The discussion then turned to the reasons violence occurs and the "zero tolerance" policy at Los Alamos for violence and threats of violence. It is important that supervisors and/or co-workers learn the profile indicators by becoming careful observers of human behavior, learning what to look for before an incident occurs, and taking action to report suspicions to management. Psychologists who study workplace violence agree that there are usually indicators that violence is likely, but in most cases we ignore them. The best indication of future behavior is past behaviors.

Basic criteria and variables of the potentially violent employee and possible motivations for aggressive or violent behavior were discussed. Although not a checklist, the following criteria were listed to "educate your gut-level instincts": male, age 30-50, loner, history of aggression, acts of intimidation, multiple problems, extreme religious views, fascination with weapons, and no previous criminal record.

In closing, Mr. Conklin discussed what signs to look for in the workplace (what to do) and what to do if several of these signs are observed in someone (where to go). To help an employee get through a difficult situation, a supervisor or co-worker should refer employees to Employee Assistance Programs (EAPs). The staff of EAPs can offer intensive short-term counseling and may refer employees to longer-term counseling and care.



#### **4D. REVISIONS TO THE POLICY AND PLANNING GUIDANCE FOR COMMUNITY TRANSITION ACTIVITIES**

**Moderator: Jeanne Crouch, Environmental Training and Consulting International (ETCI)**

**Speaker: Deborah Swichkow, Office of Worker and Community Transition, U.S. Department of Energy**

The session covered the *Department of Energy's Policy and Planning Guidance for Community Transition Activities*, dated February 1997. The major topics presented and discussed included proposed rulemaking schedule and specific provisions of the guidance. Copies of the guidance were made available to all workshop attendees.

The Department of Energy published the Policy and Planning Guidance for Community Transition Activities in the Federal Register on February 7, 1997. Major provisions of the guidance were presented. Specific elements of the guidance and some definitions were discussed in detail. Specific elements included conflict of interest, third party review, creation of a community reuse organization (CRO), outreach to Native Americans, and performance measures.

Debby Swichkow, Deputy Director, Office of Worker and Community Transition (the Office), presented major topical elements of the guidance as defined by the Office and held extensive discussions with the attendees. The following were presented as major topics: Schedule for Rulemaking, Eligibility and Funding Recipients, Types of Assistance, Roles and Responsibilities, Program Planning, Evaluation Criteria for Funding Requests, and Community Transition Plans. Each topic was specifically described and all comments and questions were discussed.

##### *Conflict of Interest*

Participants asked for clarification as to whether 10 CFR 600.17, Conflict of Interest, includes members of CRO Board of Directors. The CFR generally states that any person who participates in the review of applications for DOE financial assistance or in assistance administration may be in conflict to receive assistance for business actions. Participants recommended a definition of Conflict of Interest be included in the guidance text or appendices.

##### *Third Party Reviews*

Requests for assistance that are submitted to DOE will be reviewed by a third party. Currently the Department of Commerce's Economic Development Administration (EDA) provides this



assistance to DOE. Participants expressed concern that the third party doing the review may not have an appropriate understanding of the DOE program to review the proposals since there are significant differences between CROs and in the financial mechanisms utilized. Ms. Swichkow stated that guidance evaluation criteria is the guidepost that the third party reviewer will use in its evaluation. Additionally, Ms. Swichkow assured the participants that the evaluation is interactive in that the Office will have continuous dialogue with the reviewer to provide sufficient understanding of each request and the requestor for a credible evaluation. Another factor in the credibility of the review is impartiality; therefore, the Office works to preserve impartiality between DOE and EDA.

### *Involvement of American Indian Tribal Governments*

Participants discussed the level to which American Indian Tribal Governments are to be involved in the Departmental Field Organizations' responsibilities or would representation on the CRO or Site Specific Advisory Board suffice. The consensus of the discussion seemed to indicate that the processes need to proactively include the Tribal Governments to accommodate their unique interests and to comply with Departmental initiatives to include Tribal Governments. A participant recommended the words "where appropriate" be included in Item III.C.10 to accommodate sites that do not have Tribal Governments in the region. The Office will review this recommendation. Ms. Swichkow mentioned that a Diversity Study, sponsored by the Office, is being conducted that will address some of these issues and examine minorities' issues associated with DOE restructuring.

### *Creation of CROs*

Ms. Swichkow asked for comments and ideas regarding a standard that could be used as a trigger for the creation of a CRO, possibly the number of people affected by restructuring. There was extensive discussion regarding the specific measurement or factor to be used. Total payroll, total percentage of workforce, definition of region boundaries, depreciation of property values, decline in tax base, etc. were presented as factors to consider. It was clear that each site has unique elements to their restructuring. The criteria to trigger the creation of a CRO needs to be structured so that it can be customized to restructuring by site.

### *Competition*

The need for competition between organizations for CRO status was then presented. DOE/Government competition requirements were briefly discussed, and DOE/General Counsel requires competition to be included in the program. Participants expressed concerns that more



than one CRO may be formed if competition is to be used. A participant knowledgeable of the DoD process stated that DoD mandated a single CRO only; thereby, avoiding this problem. The National Defense Authorization Act contains applicable language. Ms. Swichkow stated that the Office will revisit this issue with DOE/GC.

### *Administrative Procedure for Conflict Resolution*

Ms. Swichkow presented a concept to establish an administrative procedure to resolve conflicts between DOE and CROs. The Department wants to have a process to arbitrate prior to court actions. A participant stated that 10 CFR contains language empowering the Department to terminate grants; therefore, the Department has an option to have grant money returned. Another participant stated that no CRO will want to assume liability of grant funding that the organization may have to return. An appeals process was presented as a possible solution. Ms. Swichkow stated that the Office will look at an appeals process to be included in the guidance.

### *Time Table for DOE Support to CROs*

Ms. Swichkow asked for input for establishing a time table for CROs to become self-supported, requiring no additional grants or assistance from the Department. A participant stated that DOD adopted a formula to determine this. A participant suggested the possible use of goals rather than dates or time periods. It was clear that the process or formula used to determine this time table needs to incorporate the individual CRO variables and ongoing DOE restructuring efforts.

### *Revolving Loans*

The guidance contains an example that includes revolving loans that implies that the grant which funded a revolving loan would be returned to the government. Several participants continued discussions on the nature of grants and how grants might be used. DOE/GC raised questions regarding the revolving loan concept, and may be confusing grant versus loans. Participants stated 10 CFR, 20 CFR, and numerous other federal agencies have applicable information. There is a disconnect in the guidance, and a participant suggested merely removing revolving loans from the example would fix the disconnect.

### *Definition of a CRO*

Ms. Swichkow asked for comments on a possible definition for CRO. Apparently, the DoD may have covered this ground; therefore, Ms. Swichkow agreed that an additional review of existing



legislation and OMB circulars related to DoD closure may provide some direction and considerations.

### *Peer Reviews*

Ms. Swichkow concluded by making a few comments on peer reviews for CRO proposals. Initially, the Office indicated peer reviews would be used for the comprehensive reviews during the annual cycle of proposal submissions. Since the proposal cycle is actually spread over the entire fiscal year, peer reviews are not feasible and will not be used.

## PLENARY SESSION

### CONGRESSIONAL PERSPECTIVE ON WORK FORCE RESTRUCTURING

**Speaker: Butler Derrick, former South Carolina Congressman**

Bob DeGrasse, Director, Office of Worker and Community Transition, introduced the former South Carolina Congressman as a person with the unique experience of dealing with work force restructuring issues from both the Washington, D.C. and regional perspective. Mr. DeGrasse noted that Mr. Derrick experienced the direct impacts of the downsizing of the Savannah River Plant on the citizens and the communities he represented while serving as a U.S. Congressman.

Former Congressman Derrick began by noting he had represented the citizens that reside in the communities around the Savannah River Site for 20 years. During his initial years in Congress, when he heard the word "restructuring," two words came to mind--"money and jobs." "Restructuring" always meant "more," he added. That is, an expansion of an existing or creation of a new mission with a national purpose. During the 1950's, 1960's, 1970's and even early 1980's, a sense of patriotism and loyalty developed among Savannah River Site employees and in the community because citizens felt they were defending the world against communism. Mr. Derrick noted this feeling was in fact true during this "gold mine" era but as the cold war was coming to a close the lifestyle that many citizens were accustomed to was now threatened.

Workers moving to new jobs was also more difficult because the wages and the benefits offered at the Savannah River Site were typically above other comparable industries in the area. Mr. Derrick noted that one fact was unmistakably constant during this downsizing period: there was no longer a customer for the materials that were produced at the Savannah River Site. Consequently, the work force at the site has dropped from 28,000 in the 1980's to 14,000 today.



Mr. Derrick noted that several initiatives, such as Technology Transfer, were set up to help mitigate the downsizing and stimulating economic development in the region. He noted that some successes were realized but not enough. He is frustrated with wasting resources that are available at the site and mentioned several other possible options that are not being addressed. He suggested more research into the feasibility of a multi-purpose reactor that could possibly power large sections of the East coast. The site could also become the lead for disposition and dismantlement of the world's nuclear warhead stockpile. Additionally, the site's expertise could focus on increasing the safety and minimizing the overall risks of operating a reactor. Finally, the Savannah River Site could resume manufacturing tritium to keep the country's defense arsenal strong.

**FRIDAY, APRIL 11, 1997**

## **CLOSING PLENARY SESSION**

### **PRIVATIZATION AND THE TEN YEAR PLAN**

**Moderators: Barry Lawson, Lawson and Associates**

**Leslie Wilderson, Environmental Training and Consulting  
International (ETCI)**

**Jeanne Crouch, ETCI**

**Speaker: Jim Owendoff, Principal Deputy Assistant Secretary for Environmental  
Management, U.S. Department of Energy**

Bob DeGrasse, Director, Office of Worker and Community Transition, convened the session by introducing Jim Owendoff, Principal Deputy Assistant Secretary for Environmental Management, Department of Energy. Mr. Owendoff began by describing where the Department is in its environmental clean-up effort as its mission has shifted from weapons production to a landlord function. Energy Research and Defense Programs have become tenants on the property which changes the need for what has to be done at a particular site.

The Department's key element in the clean-up efforts is agreement on what the levels of clean-up should be rather than how it should be done. The concern was that, if it costs too much, the American people would lose hope over what it costs and what they got back in return.

This concern was a key driver in developing Environmental Management's Ten Year Plan. The Department did not feel it was appropriate to walk away from sites but, instead, a bold



step was needed. The goal then was to define in measurable terms what could be done each year. If the Department could not do this, it would not have continued success with its budget requests.

A first step was to stabilize funding at each of the sites. If Congress were to cut the Department of Energy's overall budget, a pro-rata share would be sent to the sites. This makes it difficult to plan for the future. If success in stabilizing funding could be achieved, then work that needs to be done could be stabilized. The Department needed to be able to say to the Congress that in 10 years we can have significant clean-up. The efforts at Fernald and Rocky Flats have demonstrated what the Department can accomplish.

Goals of the Ten Year Plan were to protect the health and safety of each worker, provide a healthy environment, and remain compliant with regulatory commitments. Schedule was a concern but the priority was to work closely with the regulators and the stakeholders. If there was a clean-up need for 30 years, what would be the impact of waiting one more year?

In trying to achieve innovative scheduling, it was necessary to have competitive bids. The RFP at Oak Ridge is a model. Rather than an M&O contractor, the model is to have an integrating contractor that competitively bids out the work. The Department believes that this is the best way to get work done innovatively and competitively.

An example is clean-up work being done by BNFL at the Oak Ridge diffusion plant. BNFL believes that there is value in the material that is being moved out. As a result, the firm is acting as a "dealmaker" in the development of nickel batteries.

Another approach to privatization is the use of a Firm Fixed Price contract. Progress payments would be based on product delivered rather than process. For example, BNFL would build a plant at Idaho for waste to be processed, but the payments would only be made when the finished product passed through the plant. This is a commercial model that would incentivize the contractor to put the plant in place faster and the subcontractor to produce products faster.



A question was asked about the Site Specific Advisory Board at Hanford and how flat funding is affected by inflation. There is uncertainty about the budget--whether it is \$3B or the current \$5.5B. The concern is that the funding needs to be long-term since more and more leaking tanks continue to be discovered. Mr. Owendoff replied that he was not aware of the \$3B number.

Mr. Owendoff stated that the Department can request only so much money from the Hill and an increased budget cannot be expected unless there is a large "hue and cry". He does not believe the Department can go back to Congress this year but would have better success in making requests for next year.

A union representative from Oak Ridge stated that many of the terms proposed in the draft RFP were contrary to what had previously been discussed, specifically in the areas of employee protection and continuation of benefits. He felt that many of the terms in the draft RFP had been dictated by Headquarters and ignored the benefits that had been obtained through 50 years of collective bargaining.

Mr. Owendoff replied that was why a draft RFP had been issued. An M&I contract is completely new ground and they had tried to incorporate comments they received at previous workshops. The goals are: (1) to maintain the employees on the old contract; (2) to provide same level of work and same wages; (3) to provide continuation of benefits; and (4) right of first refusal on jobs.

A question was asked by another union representative concerning a contracting strategy that there seems to be a continuum, on one end is an M&O, the other end is an M&I. By having an integrator with a large number of subcontractors, the Department is doing more than clean-up. It is also transitioning communities. What, then, are the necessary prerequisites to minimize the disruptions that come with the hiring and firing of subcontractors within a stable community?

Mr. Owendoff cited the Department of Defense Base Closure Commission as a counter example to what the Department is doing. The DoD approach was to close facilities. The DOE approach is not to close facilities, not leave brownfields, but to step up to the problem and try to clean-up the sites. The Department is trying to stabilize funding and, at the end, have some type of reuse. With the M&I approach,



community transition is a high visibility issue. Congress does not want clean-up dollars be used to bolster community transition. A number of things are being tried to insure a reasonable transition but to think that employment will stay the same is unrealistic.

A CRO representative stated that privatization should not be considered a "dirty" word because it would help the unions. They become the M&I and thus, would get a fair wage. He has used this approach in the "Rust Belt" where the work force of the closed companies formed their own businesses. He also stated that he felt the CROs were undermined by DOE's process orientation rather than product orientation. He would like to see more action rather than verbalization on privatization.

A labor representative responded that they are not opposed to privatization but would like to see that the unions have a voice in what happens. There needs to be a recognition at a national level that all stakeholders sit down together to deal with mutual problems.

Mr. Owendoff responded that he believes that the M&I contracts address these concerns. The Department is attempting to have a small M&I contractor (30-400 people) oversee work for competitive bidding.

A CRO representative asked why the M&I was needed. Why not just use the field office? Mr. Owendoff responded that he was not convinced that DOE has the level of infrastructure in place to do what was being proposed.

A union representative then stated that there needs to be more workshops and integration so that all stakeholders can be more involved. Bob DeGrasse agreed.

A discussion followed about how to proceed with the session dialogue that had been initiated. It was suggested that rather than break into small working groups that the plenary group reconvene and address specific issues that had arisen in the course of the workshop.



## FINAL DISCUSSION SESSION

When the session reconvened the facilitators had identified eight issues for further discussion. The approach was to look at each issue in terms of what were concerns and what worked well.

The eight issues that were identified were as follows: human resources; privatization/outourcing; community reuse; information systems; training initiatives; planning guidance; and labor concerns/issues. The results of the discussion were summarized and are listed below:

### *Privatization/Outsourcing*

- Consult with Stakeholders at inception, not just early.
- Stakeholders involved in strategy/decisions to privatize.
- Develop criteria for performance if privatization occurs.
- Disseminate lessons learned.
- Be proactive in integrating existing workers when privatizing.
- Need legitimate cost/benefit analysis showing true savings before privatizing.
- Clarify sources of information without needing layers of interpretation.
- Analyze legal implications of outsourcing for particular classes of workers (e.g., elderly, disabled, single moms).
- Involve everyone (e.g., building trades and others).
- If answer is 'no' give explanation of 'why'.
- Early determination of who is involved.

### Working Well

- Up front discussion helps.
- Lessons learned need to apply to existing projects.
- Success story - TWRS - up front discussions helped opposition disappear--both unions included, labor agreements already done - Fernald example.

### *Community Reuse*

- DOE needs to ensure that all CRO's are at meetings like this.
- CRO problems should be communicated to DOE.
- Directory for CROs on who to contact.



### ***Human Resources***

- Concerns and needs of survivors are not understood or addressed adequately.
- Improve/develop better processes for separation (make it more humane).
- Contractors must ensure they have sufficient HR staff for humane processing.
- Method for documenting lessons learned in processing employees out.
- This (items above) also apply to employees going through privatization.
- Pass on lessons learned from EAPs.

### ***Working Well***

- Good to have this topic at these meetings - 100+ attended session - shows great interest.
- DOE has taken steps to try to ease the pain (in contrast with DOD).
- EAPs are a valuable resource for contractors in many places.

### ***M&O/M&I Contracting***

- With M&I contracts - keep existing labor contracts in place until they expire.
- All isn't bad with M&O (some prefer it). Use some things from M&O to fix inefficiencies integrated contracts.

### ***Working Well***

- Focus of integrator is on driving costs down - leads to innovation, higher productivity - more flexibility than before.
- Some like M&O better - more efficient, single focal point.

### ***Training Initiatives***

- Training must be inclusive - ensure all are aware of opportunities.
- Fewer work classification doesn't necessarily lead to cost savings. Cross-training is then needed.

### ***Working Well***

- Exciting to see coordination at sites between Community Colleges and site stakeholders
- Training going very well at Fernald



### ***Planning Guidance***

- Need single point of contact at DOE.
- W.R.T interpretation of guidance (especially on property).
- Guidance is unclear about who/what is priority. Is it highest price or concern for community - what is priority for the Office of Worker and Community Transition?
- Still too prescriptive (work force restructuring).
- Community transition guidance is not prescriptive enough.

### ***Working Well***

- Applaud simplification efforts (work force restructuring).

### ***Labor Concern/Issues***

- Standard Form - Re: Davis Bacon so all know what rules apply and they are consistently applied.
- At these meetings ensure that labor is represented (as well as management) and give labor some input on who speaks.
- Tri-partite forum on National basis is needed.



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## APPENDIX B

### DRAFT COMMENT RESPONSE DOCUMENT

June 16, 1997

To April 1997 Workshop Participants:

The Department of Energy's Office of Worker and Community Transition held its Fifth Annual National Stakeholder's Workshop on April 9-11, 1997, in Oakland, California. There were 325 people in attendance, making this Workshop the best attended of all previous stakeholder workshops.

These workshops are an opportunity for the Department to highlight elements of departmental policies. For example, last year former Under Secretary Tom Grumbly stressed the importance of work force planning in restructuring contractor employment. In addition, this forum has been used to identify areas needing more formal policy and to begin the process of developing new guidance. Our newly-published guidance on economic development arose from a workshop two years ago. Most importantly, these workshops bring together local elected officials, union representatives, community representatives, contract managers and Department of Energy staff in one location to discuss the intersecting issues accompanying the dramatic change in the Department's activities. The format of this Workshop focused on discussions of best practices and lessons learned in the process of obtaining an effective and efficient work force.

The April Workshop also addressed a wide range of work force restructuring and community transition issues critical to the future success of the Department. Two important elements of the meetings were reviewing progress made on the challenges identified during the March 1996 stakeholder's meeting in Atlanta, Georgia, and identifying areas needing priority attention during the early months of the second Clinton Administration. We are now striving to resolve those issues that are critical to the future success of worker and community transition activities. A **Meeting Summary Report** is being developed and will be mailed to all workshop participants in July 1997. In the meantime, we have prepared a comment response document capturing what we believe are the most important insights and next steps resulting from this Workshop. We will strive to accomplish the commitments identified within this document prior to our next National Stakeholder's Workshop. Please provide any comments you may have to Laurel Smith at the address noted on the last page of the comment response document.



Please contact Laurel Smith at (202) 586-4091 if you have any questions concerning the Workshop or the enclosed document. Again, thank you for your time and support of our activities in the mutual interest of resolving complex work force and community transition issues. I look forward to seeing you at our next National Stakeholder's Workshop in 1998.

Sincerely,

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Enclosure

**DRAFT****COMMENT RESPONSE DOCUMENT  
FROM THE OAKLAND NATIONAL STAKEHOLDER'S WORKSHOP  
April 9-11, 1997**

The following is a summary of discussions during the April 1997 National Stakeholder's Workshop in Oakland, California, and Department of Energy responses to the issues identified for resolution.

**Labor Issues**

In the Department of Energy (DOE) Employees' Meeting, an open discussion was held on the commitments made by former Under Secretary Tom Grumbly in a letter to Mr. Robert Wages, President of the Oil, Chemical & Atomic Workers International Union, concerning the draft report of the Privatization Working Group. In that letter, the Department has committed to encourage stakeholders to recommend proposed policies and to identify concerns pertaining to privatization actions which may be taken and to form a task force to develop work force privatization policies.

As part of these policies, the Office of Worker and Community Transition (Office) will develop guidance to assist in the process of making labor standards determinations and will proceed to convene a National Tripartite Meeting of top Department of Energy officials, Presidents of the Department's Management and Operating contractors, and General Presidents of labor unions representing the work force at Department sites to solicit support for a partnership in dealing with matters of mutual concern.



The small group discussion on "How To Get From Here to There" focused on successes reached between several Department construction management contractors and their local building trades councils. In each case, a partnership between labor and management has led to increased trust, efficiencies in operations and innovative approaches in dealing with problems caused by the changing DOE environment.

**DOE Commitments:**     *Definition of privatization unclear, may need to be revisited*

*Develop a Privatization policy dealing with work force issues*

*Develop a cost model for make/buy decisions*

*Follow developments on the Federal Acquisition Streamlining Act (FASA) as it pertains to the Service Contract Act*

### **Work Force Restructuring Issues**

The session on revisions to the *Interim Planning Guidance for Contractor Work Force Restructuring* reflected a consensus that the Department of Energy needs to provide additional flexibility to the field offices and contractors to implement restructuring of the work force as business needs dictate. Some stakeholders felt that current proposals for streamlining the process did not go far enough, while others felt it was important to maintain a reasonable degree of Headquarters oversight to assure implementation was consistent with Departmental policy. There was also skepticism among some stakeholders that promised flexibility would be undermined by Headquarters "micro management."

The question of whether section 3161 of the National Defense Authorization Act for FY 1993 should be repealed or modified was also discussed. The majority of participants agreed that even if the legislation was no longer in force, there would



be legitimate reasons for steps to mitigate the impacts of ongoing changes in the work force as many sites move toward closure. Issues surrounding the treatment of workers affected by privatization and outsourcing actions were considered, but no specific recommendations were agreed upon.

The session discussing the implications of Strategic Stockpile decisions on the work force at impacted sites illustrated the need to better coordinate overall programmatic assumptions with budgetary limitations to assure that assumptions for mission accomplishment are not undermined.

**DOE Commitment:** *Draft Revised Interim Guidance, reflecting the new circumstances involved in restructuring; should be circulated for Departmental and stakeholder comment*

### Human Resource Issues

In the past, the focus of work force restructuring has been on the displaced workers. At this Workshop, there was a lot of discussion concerning the human resource impact on the remaining work force. Stakeholders agreed that a next logical step in the restructuring process is to focus on those individuals who are expected to continue to the mission of the Department after restructuring takes place.

**DOE Commitments:** *Continue to look at the human resource impact on the remaining employees and develop a method for sharing lessons learned across the complex*

*Provide Departmental support to Contractor Employee Assistance Professionals (EAP), explore ways of empowering Contractor EAPs, and sharing lessons learned across the complex*



## Community Transition Issues

### Community Transition Guidance

Stakeholders were generally satisfied with the revisions to the ***Policy and Planning Guidance for Community Transition Activities*** and want to be included in the Rulemaking review activity. Incorporating an appeals process into the ***Policy and Planning Guidance*** was viewed as an important additional element during the Rulemaking process. It is anticipated that Rulemaking will be completed by August 1997. It was also encouraged that the Office develop a process that certifies or recertifies a Community Reuse Organization (CRO) status as an organization in "good standing" (conforms to requirements in the ***Policy and Planning Guidance***).

***DOE Commitment:***      *Ensure that an appeal process is written into guidance*

### Property

The most troublesome area identified by stakeholders dealt with the Department's lack of direction and policy for both personal property and property disposition. Stakeholders are unable to get answers to questions that are timely. Property policy is inconsistently applied from site to site. Session participants urged DOE Headquarters to provide guidance and direction.

***DOE Commitments:***      *Develop a uniform Departmental property policy*

*Develop the asset management network to capture a broader appreciation of the challenges and to improve coordination and communication*



## Performance Measures

Stakeholders agree that the three “required” performance measures--number of jobs, number of businesses, and number of displaced workers affected--are reasonable measures to provide. They do not, however, agree that generation data would be a valuable exercise nor easy to collect each quarter.

All agreed that labor should be integrated into community transition activities as early as possible and remain involved with the CRO to assure an understanding of issues throughout the process.

**DOE Commitment:**      *Need more effective tracking of displaced employees (3161 & non-3161), which should include a performance measure on numbers of jobs created at each site*

## **Work Force Planning Issues**

The Work Force Information System (WFIS) was demonstrated at the April National Stakeholder’s Workshop in California. As part of the demonstration, a question & answer session was held which proved to be helpful to participants as well as demonstrators. The following is a summary of those discussions:

1. The first draft of the Work Force Information System (WFIS) Handbook was completed and is currently under Departmental review.
2. The draft package of the next “update” memorandum, which is distributed to all WFIS users, was completed. The memorandum contains an update on the developmental progress of WFIS, responds to questions from the National Stakeholder’s Workshop, and provides other attachments offering additional information or clarity of information previously provided.



3. Continuity testing and chatterbox testing were performed during the month of April. Continuity testing was performed to assure the WFIS server at DOE Headquarters was able to see the TCP/IP addresses of users in the field. Chatterbox testing was performed to assure the telephone lines were open and operational, so that a remote work station dial-in to the WFIS server from a modem would be complete.

**DOE Commitments:**     *Promote WFIS across the Department based on its value as a corporate management resource*

*Determine how much information should be collected from subcontractors*

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**Thank you for your participation.  
Your input and feedback are greatly appreciated.**

**Please forward your comments to:**

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