



UPTE-CWA Fact Sheet

on Competitive Bidding the Management Contract for the Lawrence Livermore National Laboratory

(Lawrence Livermore National Lab and Los Alamos National Lab)

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Summary:

In January 2006, the U.S. Department of Energy (DOE) opened competitive bidding for the management contract to run the Lawrence Livermore National Laboratory (LLNL), which has been under the management of the University of California since its founding in 1952. The DOE/NNSA Administrator has already stated publicly that the Request for Proposals (RFP) for LLNL is likely to look nearly identical to that for Los Alamos National Laboratory (LANL); the LANL RFP required that a separate corporate entity manage LANL, with a separate site-specific pension plan. Such a corporate management structure may or may not have adverse effects on the long-term national-security mission of LLNL, including its ability to recruit and retain a high-quality workforce.

Actions Requested:

We urge Congress to direct DOE to develop a RFP for LLNL that is different than that for LANL in two important respects: (1) drop the requirement that bidders must be organized as separate corporate entities from the parent entity, and that they must set up a separate site-specific pension plan; (2) prevent the new contractor from converting all employees to "at will" status by requiring adherence to current California labor law.

Suggested RFP Provisions:

Pension Plan

The RFP shall specify adoption of a "low cost, no loss" model of the pension fund, allowing the contractor the option of gathering the workforce into a larger company or university-wide plan. The DOE could require an independently auditable paper separation to identify costs to the government and other requirements deemed necessary for prudent fiscal management of the plan. Without a sufficiently large retirement pool, investment opportunities diminish and assets of the pension fund are reduced. For example, federal government employees' pensions are not separated out by agency but, rather, are collected together to enable needed flexibility.

Employee Rights

Existing collective bargaining units shall be recognized and existing collective bargaining agreements shall be honored. There shall be no layoffs or probationary periods for transitioning employees. The contractor shall create programs to meet federal and state laws concerning employee human rights, nondiscrimination, diversity, health and safety, labor relations, a complaint resolutions process with binding arbitration, whistleblower protection and workforce restructuring. California State rights as California Public Employees shall continue with the provisions of the Higher Education Employer-Employee Relations Act (HEERA) implemented. This includes the continuation of due process rights under Skelly and Weingarten.