



## SOCIETY OF PROFESSIONAL SCIENTISTS AND ENGINEERS

*I consider it important, indeed necessary, for intellectual workers to get together, both to protect their own economic status and also, generally speaking, to secure their influence in the political field.*

Albert Einstein, from a letter dated May 1944

### President's Corner (Post-Baghdad)

C. Wood, President

*Editor's Note: Cal Wood, President of SPSE for 1991, a "B" Division physicist, spent part of his presidential term detained in a parking lot in Baghdad Iraq. For his final President's corner, we asked him to write about his experiences.*

#### The Problem

I have been asked to share with you some of my experiences as one of 44 UN inspectors detained in Baghdad's famous parking lot. The question to be resolved was whether the parameters of an inspection would be determined by the inspectors or the country being inspected.

We had examined and copied numerous records at the administrative headquarters of Petro-Chemical Project 3 (PC-3, the code name for Iraq's nuclear weapons program), where we had made a no-advance-notice inspection. The Iraqis demanded that we hand over all our films and videotapes (because they contained personnel information that was "none of our business") before they would allow us to leave the parking lot. We told them that those items belonged to us and that such records were of great importance for future monitoring of their weapons program and its people.

Our group decided that the principle involved was so important that we had to stand our ground for as long as necessary to win the point. We used our portable satellite phone link to call the UN in New York with the request that they contact the media forthwith, which they did.

#### The UN Swings Into Action

The Security Council met, deliberated one day, and voted to condemn Iraq's actions. The unanimous vote was impressive, and uplifting to us inspectors, because it included both Yemen and Cuba, who had backed Iraq up until that time.

#### How We Passed The Time While Waiting

We wrote a report of our activities, set up a system of round-the-clock patrols, slept on cardboard or car roofs or in the bus, discovered a new meaning for wash-and-wear clothes (we washed them and wore them dry in the 100 degree heat), swept up the place, unceasingly complained about the sanitary facilities until we finally got a working indoor toilet with cold

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shower, had classes in Arabic, held prayer meetings, ate MREs (US Army "Meals, Ready to Eat"), played catch, soccer and touch football with an improvised ball, constructed a fire pit to heat coffee, formed bonds of trust and companionship and generally refused to act as prisoners. The psychological table turning was interesting to watch. For example, on Friday (Muslim holy day) a Canadian on patrol found a large group of "minders" (plainclothes Iraqi secret policemen) napping under the trees. He went over, clapped his hands, shouted them awake, and told them they were giving the brotherhood of sentries a bad name, that they were supposed to be protecting us and that we might have all escaped while they slept. He later said he did it out of professional courtesy.

#### The Matter Is Resolved

The mood in the parking lot at 4 a.m., Saturday, was optimistic as we listened to the shortwave radio and heard Pres. Bush announce unilateral disarmament of most tactical nuclear weapons as a step toward a more peaceful world. Shortly thereafter we were told that the Iraqis had accepted all the UN's terms and that we had won a complete and total victory. We cleaned up our 50 by 50 meter asphalt tract, leaving it spotless for the Iraqis to repossess and returned to the Palestine Hotel for breakfast and hot showers. We spent the rest of the day letting the Iraqis copy documents, videotapes and computer memory dumps we were taking. The next day we inspected four more sites, then prepared to leave the country. I would like personally to thank some very important people: those who selected us to participate in such a history-making action, the often maligned press for their support, the UN for acting quickly, and to all of you here at home (especially my wife, Dixie) who sustained us by your prayers and caring. It meant a lot to us to know we had such solid backing.

#### Thoughts About A Window Of Opportunity

Previously, under the IAEA, when nuclear reactors and materials were inspected, the inspectors entered a sovereign country that determined where they could go and what they could see. Our inspection found documents that proved Iraq had a nuclear weapons program. They showed that a determined cheater could circumvent IAEA controls while producing the scientific base, technical know-how and industrial infrastructure to carry on an enormous, clandestine

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## **Presidents Corner** (continued from page 1)

nuclear weapons and isotope enrichment program in direct violation of the Non Proliferation Treaty they had signed. The UN must now face up to the problem of how to induce a sovereign nation to allow meaningful inspections (when it hasn't lost a war) and how to deal with dual use technologies. Recent US and USSR cooperation on disarmament may create the opportunity for the UN to become a more effective instrument for peace in the future.

### **Differences And Parallels - Why Every Nation Shouldn't Have Nuclear Weapons**

Iraq's PC-3 was undertaken as an offensive measure by a man who knows no personal limits, deriving his power to govern through murder and terror, not from the consent of the governed. On the other hand, the Manhattan Project was undertaken as a defensive effort against another such man who knew no restraints (except those ultimately imposed by the Allies) and who ruled by subjugation and genocide. The parallels between Hitler and Saddam are numerous and frightening. The costs to stop them are great. So I think it best to keep weapons of mass destruction away from such people entirely. I hope the UN can prove equal to the challenge of halting the juggernaut of proliferation.

### **Some Thoughts At Year's End**

And finally, as I am about to turn the reins of the SPSE presidency over to Bud Budwine for next year, I would like to thank the board members for their dedication, Cheryl Remillard for her marvelous efficiency as our Office Manager, and all you members who support us with your dues and ideas. I have greatly enjoyed sharing a year of newsletters with you and would like to end on a repetitive note: If you aren't a member, but see problems at the lab and would like to find solutions, join SPSE and share your insights with us. We need each other. ■

## **Petition Drive**

### **Initiative to Protect Retirement Funds**

During the past year, both our Governor and leaders in the state legislature looked to the Public Employees Retirement System (PERS) to bail the state out of financial difficulties. Various schemes were proposed to take control of PERS investments from the board elected by PERS members and put them under control of the politicians. Some Lab employees have large investments of their own funds in PERS. Though a majority of LLNL's staff are members of UCRP, not of PERS, past experience has taught that where PERS goes, UCRP soon follows. A petition for an initiative to amend the State Constitution to prevent such meddling is being circulated state-wide. Anyone wishing to gather signatures may obtain a copy of the petition from the SPSE office. Phone 449-4846. ■

## **Grievance Report**

R. White

### **Nuckolls Accepts Arbitrator's Decision**

In the November Newsletter, we reported the arbitration of three grievances filed by an employee of the Applications Development Department (ADD--Computations Directorate). Arbitrator Wilma Rader found that ADD discriminated in setting the employee's rank and pay. Further, she ruled that two unsatisfactory performance appraisals and a letter of warning reflected the hostility of ADD management to the grievant's discrimination complaint and were contrived to defeat that complaint.

As noted in the November Newsletter, part of the arbitrator's decision was final and binding, part was advisory to LLNL Director John Nuckolls. On November 19, Nuckolls accepted all the findings of the arbitrator and he directed that all the recommended remedies be granted.

### **The Remedies**

The Department (ADD) has increased the grievant's salary retroactive to October 1989 (FY90 and FY91) to correct losses due to discrimination and retaliation. ADD expunged the unsatisfactory appraisals and the letter of warning from her record. They also corrected her rankings for FY90 and FY91.

LLNL's policies do not permit her to recover legal expenses, punitive damages, or compensation for pain and suffering. These must come via civil actions, if at all.

### **Remaining Issues to be Settled**

Some troubling aspects of this case remained. Before the arbitrator's decision, the grievant received a minimal (0.8%) salary increase for FY92 that was based on the trumped up unsatisfactory performance rating. This was revised to 1.8% following Nuckoll's decision on the FY90 and FY91 salaries. But, even after the revision, the increase left the FY92 salary well below the relative salary level mandated by the Director for FY91.

Because of the hostile actions of ADD management, noted by the arbitrator, there were no credible appraisals or rankings on which to base the FY92 salary. We are now negotiating an adjustment to the FY92 salary to maintain the grievant's relative salary at the same level as in FY91. ADD seems to be receptive and fully cooperative.

### **Supervisors Unscathed?**

It is disturbing that the managers whose actions came close to destroying the grievant's career are seemingly untouched. All received generous raises. There is no sign of action being taken against any of them. This may send the message that the Laboratory condones their behavior. Time will tell us if lessons have been learned. (concluded page 3)

## Grievance Report *(continued from page 2)* Statistical Evidence of Discrimination

The arbitrator analyzed ranking data for ADD's ASD division. She found that (at least for FY's 89 and 90) the ranking and changes in ranking showed statistical evidence of sex discrimination going beyond the single case at issue in the grievances.

In these years, the fraction of highly ranked men appreciably exceeded the fraction of highly ranked women. This at least appears to show discrimination. Further, many more women than men moved down in rank from FY89 to FY90. This accentuated the appearance of discrimination.

The arbitrator strongly recommended that the Lab hire outside consultants to investigate the reasons for the disparity in rankings between male and female computer scientists in ADD and that appropriate corrective measures be taken. Director Nuckolls agreed to have a study done by outside consultants.

### Next Newsletter

Statistical evidence of discrimination is usually not sufficient to establish that discrimination has occurred. (In the case discussed here, statistical evidence was only a small part of the body of evidence that showed discrimination.) The issues raised by statistical evidence are of concern to many of the Laboratory's women and minorities. We will discuss them in our next Newsletter. ■

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## fun•gi•ble (fun' jə bəl)

*Law.—adj.* 1. (esp. of goods) being of such nature or kind as to be freely exchangeable or replaceable, in whole or in part, for another of like nature or kind. —*n.* 2. a fungible thing, as money or grain.

A recent presentation to Y Program Staff entitled, "Laser Programs Appraisal, Ranking, and Salary Management Process" described ranking criteria. In addition to the standard factors of: technical expertise, programmatic contribution, leadership and effectiveness, a new variable has been added to the equation. "(The) AD for Lasers then applies fungibility criterion during final review to reflect individual's interchangeability in meeting overall Laser Programs goals."

Now, presumably, what managers want in this case is for every employee to be an Einstein, i.e., super-intelligent, creative, and competent. But, by applying a term like "fungible," it sounds as if paper dolls are desirable. It doesn't matter which one you cut out, because they're all the same anyway. People, as you know, are not like that. Nor should they be. It is the differences in our experiences and knowledge that make us uniquely valuable scientists and engineers. It is a manager's job to recognize, cultivate, and use these specialized abilities. ■

## Your Security Clearance Files How Can You Know What's There?

As employees go through the security clearance investigation procedure, many become curious about what is in their security file. For some employees, there could be some unpleasant surprises (remember Kelvin Neil who was in the news several months ago). All employees have a legal right to view their file under the Freedom of Information/Privacy Act (FOI/PA). To obtain your file (actually your files) you need to go to three different sources, the Department of Energy (DOE), the Office of Personnel Management (OPM), and the Federal Bureau of Investigation (FBI).

### What to Ask For

To request the information in your file, you must write a letter stating, "I request copies of all documents in my personnel security file under the the Privacy Act, FOI/PA, and/or the FOIA. This information should include any and all information, however filed, pertaining to me, and to my original or subsequent security clearance investigations." The letter must include: your handwritten signature, social security number, home address, date of birth, and place of birth. (The FBI requires that your signature be notarized.) The dates and/or case numbers would also be helpful.

### Where to Write

For DOE information write to: Ms. Elise Mutoke / Privacy Act Officer / U.S. Department of Energy / 1333 Broadway (7th Floor) / Oakland, CA 94612 / phone: (510) 273-4358

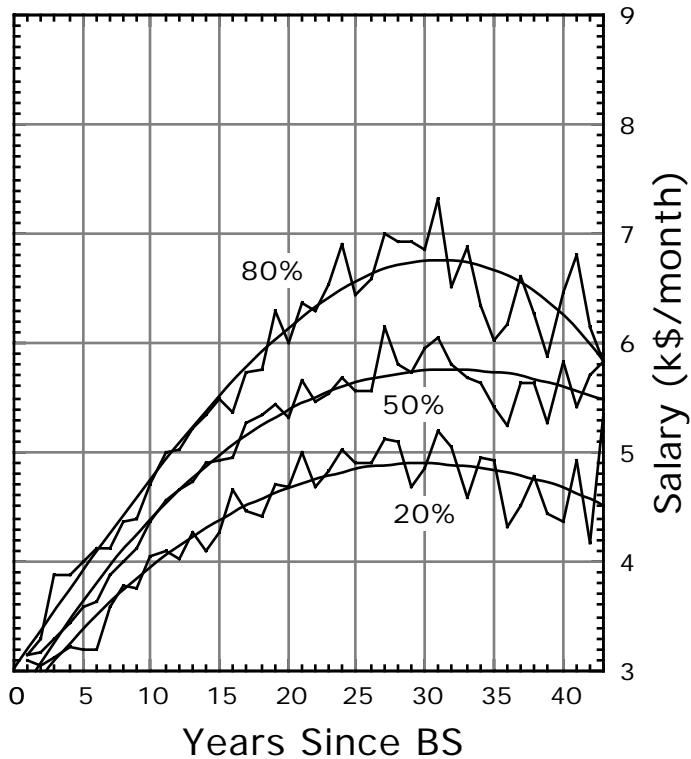
For OPM information write to: James C. Scott, File Branch Chief / Office of Personnel Management / Federal Investigations Processing Center: (FOI/PA) / Boyers, PA 16018

For FBI information write to: Federal Bureau of Investigation / 450 Golden Gate Avenue / San Francisco, CA 94102 / (415) / phone: (415) 553-7400

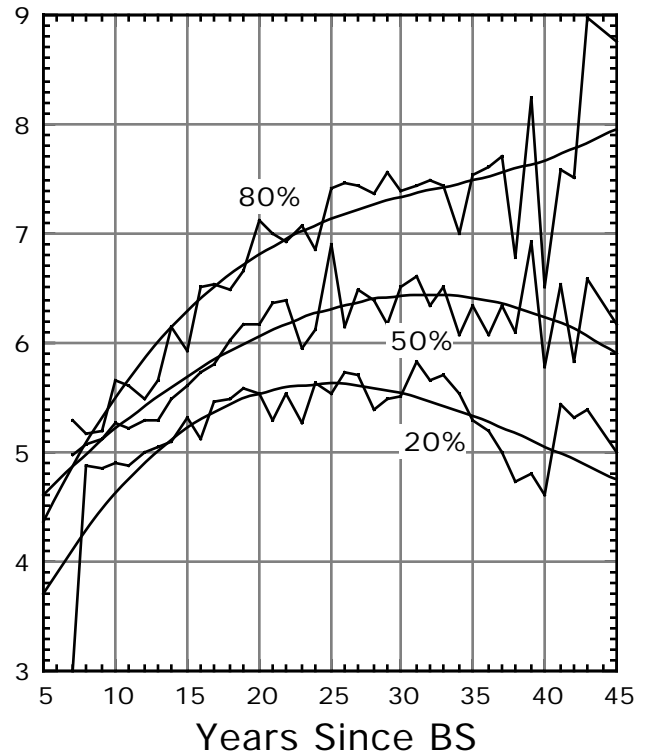
Be prepared for your request to take a long time to be filled. The OPM usually takes at least ninety (90) days. Recent experience is that it takes much longer. ■

**SPSE's Executive Board meets on the first and third Tuesdays of each month from Noon until 1 p.m. at varying locations on the Lab site. Members are urged to participate in the discussions. Call our office manager, Cheryl Remillard, at 449-4846 after noon on Mondays or before noon Tuesday through Friday to learn the scheduled location.**

## BS/MS FY 1991



## PhD FY 1991



The curves above show salary distributions for LLNL's 200 series job-class scientists and engineers as a function of years since bachelor's degree. The data is for last year (FY 1991). The 20th, 50th and 80th percentiles are plotted. The smooth curves are fits of 3d degree polynomials to the noisy raw data (jagged lines).

SPSE

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