



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

SPSE Newsletter #2, August 2001

Editors: S. Koopman & P. Weidhaas

UPTE President Kicks-off Speaker Series

SPSE's noontime speaker this spring was Jelger Kalmijn, the system-wide president of the University Professional and Technical Employees (UPTE) union, which is affiliated with the Communication Workers of America (CWA). Jelger is also a researcher in the Department of Psychiatry at UC San Diego. UPTE is about 11,000 members strong and is present on all nine UC campuses, as well as at LBNL and LANL. UPTE members include research scientists, technicians, health care professionals, and administrative professionals.

Jelger discussed UPTE's opposition to UC's merit pay system. That pay system is very familiar to LLNL employees: each job category has a wide range of salaries associated with it. "Average" employees are paid at the mid-range. The few exceptional employees who "walk on water" get a high-range salary, while most of the rest move with time toward the middle of the range. Salaries tend to stagnate after an employee reaches mid-range, and since there are no "cost of living" increases built into the system, long-term employees are penalized.

UPTE was able to negotiate a "cost of living" increase of 4.49%, plus a 4.6% step increase for a total 9% raise for the employees it represents. Employees under the open merit plan received only a 3.5% raise. Jelger explained that UPTE's goal is to get UC to develop a more rational pay plan that doesn't set employees against each other.

We explored with Jelger how SPSE and UPTE could collaborate in the future. While SPSE-membership has always been restricted to scientists and engineers at LLNL, we have been aware of many issues that we share with our colleagues at LBNL and at LANL. UPTE represents several units of technical employees at LBNL and also has a growing local at LANL. Clearly, UPTE just might be our ticket to bring scientists and engineers at all three labs closer together. (Please see [our web site](#) for the full text of this article.) /Jeff Colvin

Retirement Credit—Thanks to UPTE

Some UC-LLNL employees have received a notice from UC of a retroactive period of retirement service credit for a previous stint of "temporary" employment

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at LLNL, which was at the time without fringe benefits. This one-time benefit is a direct result of an effort by a UC-wide union, UPTE.

For years UC has illegally excluded thousands of employees on casual or other supposed short term appointments from the UC retirement system. These employees often worked at UC year after year, each time receiving another extension on their temporary appointment.

UPTE discovered that the law that covers the retirement plan mandates that UC treat all similarly situated employees equally. In this case, that means anyone whose job is at least 50% time and can be reasonably expected to last more than a year should be in the retirement program.

Launching a two-year campaign with UPTE members all over the state, UPTE was able to force UC to change their illegal exclusion of long term casuals from the retirement program. A combination of a threatened lawsuit, extensive legislative pressure, and innumerable actions by UPTE motivated UC to provide the one-time one or two year retirement credit.

For further information consult the [SPSE web site](#). /Jelger Kalmijn, UPTE President

Norm Thomas Finds a Silver Lining

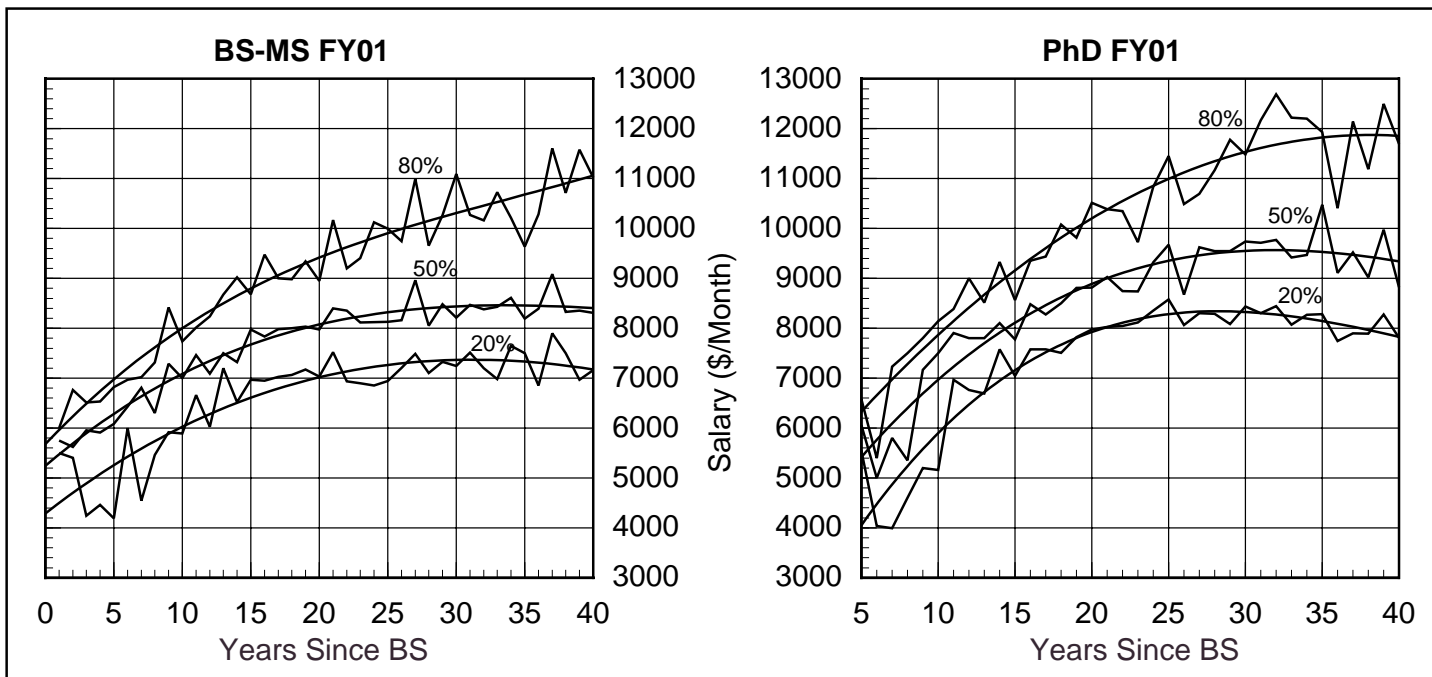
Readers will remember several personal accounts of Norm Thomas in previous newsletters. Norm, an optical engineer in Chemistry, has had his Miranda rights read to him, has been asked by his manager to leave a public hearing, was told that salary data he requested had been "destroyed," and during his student days, had to take a polygraph test and became a "false positive."

Today, we present a much more positive and inspiring story about Norm Thomas. At the age of 62, Norm has become a role model, showing the rest of us how not to let negative opinions by management restrict our professional and personal growth and achievements.

Two Patents Awarded

To begin with, last year Norm earned a patent for an optical design for an infrared spectrometer. Also last year, Norm, as principal investigator, and his coating engineer earned a second patent for a durable and highly reflective silver coating for mirrors. Norm and his coating engineer found a way to add an ultrathin protective layer that prevents the silver from tarnish-

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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 fiscal year 2001. The 20th, 50th and 80th percentiles are plotted. The smooth curves are fits of 3rd degree polynomials to the noisy raw data.

We have made some changes in plotting this data, since we last published these curves. We have removed some data points, like retirees, and have included managers for a better reflection of how scientists and engineers are compensated at the Laboratory. Additional maturity and S curves are available on the SPSE website.

Silver Lining

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ing for up to 30 years. Their coatings also resulted in a 97% reflectivity, compared to 90% for standard coatings. They originally developed the design for NIF, but it is now in demand by astronomical observatories around the world. After all, while previous silver or aluminum coatings lasted typically less than five years, the new coating is expected to last thirty years. In March, Engineering applied the coating to a 22-inch mirror for Hawaii's Keck Observatory. Norm and the Engineering team received an outstanding letter of commendation from Keck's director.

In addition to his technical research, Norm entered a teaching career three years ago. He started teaching evening classes in math at Las Positas College; last spring he added a class on "Geometrical Optics/Lens Design" at UC Davis' Department of Applied Science. This summer, Norm is teaching a fiber optic communications course at UC Berkeley's Extension. UC Berkeley has asked him to teach this popular subject throughout the year. This fall, Las Positas wants Norm to teach optical science and engineering in addition to his calculus class. Next spring, Norm plans to teach optical system design at the UC Davis campus. According to Norm, "As an instructor I am greatly appreciated by my students. I am treated with respect." This spring, the UC Davis Department of Engineering invited Norm to participate in the graduation ceremonies. Our photo (page 1) shows Norm, who sat with the faculty.

Not bad for an employee whose management told him in 1996, "Your education is out-of-date, and your

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optical designs are old designs." Norm inspires all of us who at one time or another have fallen out of favor with our management, not to allow management to rob us of our self-worth. Norm has shown us how to rise above management's perception of us, how to continue doing outstanding professional work, and even how to share achievements with the scientific community and with future scientists. While Norm inspires us, he also has a lesson for management, "You cannot keep a good man down." /Sue Koopman

Ground-breaking Step Toward Diversity

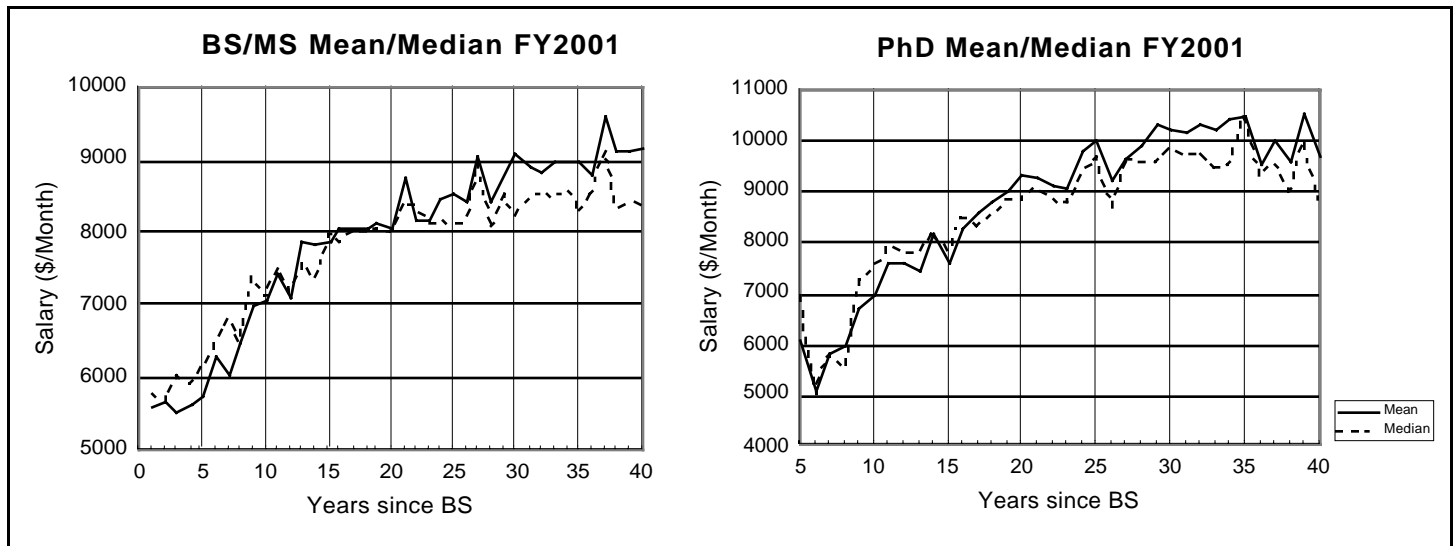
After two years of more or less superficial lip service to "diversity," LLNL took a first meaningful step towards a diverse management. On May 18, Director Bruce Tarter announced six new Associate Directors (ADs), two of them women, and one Asian-American. With these appointments, Tarter broke new ground by introducing diversity in the "over \$200K club," and SPSE extends its compliments to Tarter. /Kalina Wong

One Step Forward—More Steps Needed

For nearly fifty years, the Lab's AD positions have been the exclusive domain of white males—with one very brief exception. Finally, in May 2001, Bruce Tarter took a bold step forward when he appointed two women and one Asian-American as ADs.

While SPSE recognizes the importance of this step, we respectfully suggest, "Don't stop here." Let us not forget the lawsuit by the Lab's women employees and

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These charts plot the mean (average salary) and median (50th percentile) for FY2001. The mean and median curves are very similar, but one trend is of interest. The median exceeds the mean under 13 years on the BS/MS curve and under 18 years on the PhD curve, and the reverse is true after this. In plain words the data supports what I'm sure we already knew that the longer you work at your job, the more likely you are to be pushed down in favor of the "shining stars." /Sandra Brewer

Steps

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the complaint by the Asian-American employees. Both groups charge systematic inequities in wages and in ranking and promotions. Recently, Trial Lawyers for Public Justice (TLPJ), a national public interest law firm, has joined the lawyers in the women's lawsuit because of its national significance. For starters, TLPJ plans to challenge the Lab's efforts to keep secret its gender equity studies, using "attorney-client" privilege as an excuse. Here is an opportunity for Bruce Tarter to take another step in the right direction by making these studies available.

"Cost of Living" to Keep Competitive

Equitable treatment of the Lab's diverse workforce is only one area where bold steps should be taken. We know that retention and recruitment is of great concern to Lab management. Part of the problem is the competition of high-tech companies in the Bay Area. The rising cost of living—and keeping our lights on and our cars running—is another factor in the problem. We can't do anything about the high-tech competition, but we can make "cost of living" an important component of our annual salary package.

Currently, young scientists and engineers join the Lab under the misconception that their excellence will be rewarded via our "merit-based" pay system. It doesn't take long until they discover that (1) management reserves most of the rewards for itself, and (2) "merit" is a function of the project one supports. Here is room for more bold steps: stop the pretense of "merit" pay. Giving employees "excellent" performance evaluations, followed by mediocre raises will only worsen the retention and recruitment problem. On the other hand, assuring everyone of annual "cost of living" adjustments would go a long way toward raising morale and toward retaining and recruiting employees.

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Then there is the wicked "flex-term" job category that denies an increasing number of employees basic grievance rights. Why shouldn't all employees enjoy the same employee rights and protections? We urge Bruce Tarter to take a bold step and give grievance rights to *all* employees. Our plea, "Director Tarter, you made top management more diverse, now make it more accountable." /Patrick Weidhaas

Is It True that DOE Can Order Me Fired?

No, the DOE can't order LLNL employees to be fired. But the newly modified Contract 48 between the DOE and UC, allows something that could be almost as bad. The new contract says that the National Nuclear Security Administration (NNSA) administrator, with approval of the Secretary of Energy, may direct the *removal* of an employee from work under the contract, if such an action is consistent with state law and regulations. All work at LLNL is done under Contract 48, so that if someone is *removed* from work under the contract it means that they have neither funding nor a position at the Lab. That situation is a lot like being fired. In effect they become a kind of "UC EBA." However, the person *removed* hasn't really been *fired* because he or she is still a University employee, and might be able to transfer to a new job on one of the UC campuses. If a new job is not found, being *removed* really is the same as being fired.

Grounds for removal include the usual items, but a catch-all phrase has been added: DOE may also remove someone "whose continued employment on the work is deemed by DOE to be inimical to the Department's mission. Moreover even top managers at LLNL may be removed for serious contract performance deficiencies." There appears to be no formal process within DOE to appeal the decision. The University can conduct

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its own review and make a recommendation to DOE.

The addition of the removal clause to Contract 48 is a serious loss for Lab employees. As a result of the negotiations, UC did get several improvements to the contract, such as the clauses on scientific freedom and access to LLNL facilities. With no appeal process within DOE, a Lab employee threatened with removal is dependent on the University for assistance.

Could the remove clause result in intolerable micro-management by DOE officials? If a *removal* occurs in a highly politicized situation, what precedents will be set? We will discuss issues such as these in depth on the [SPSE website](#), and in future newsletters.

Sources: The LLNL Office of Contract Management has a useful employee-only website, with links to other sources and a section on Frequently Asked Questions (FAQs): [<http://www-r.llnl.gov/OCM>]. The contract is available at the UC Office of the President web site: [<http://labs.ucop.edu/internet/comix>]. /Doug Clarke

Save a Tree—Lose Some Data

For 25 years, the Lab's salary listing included the payroll account number and starting date of each employee, but the fields were not included in the salary listing for FY2000. The reason given was part of an effort to save paper. [*Editors' Note: We too support saving trees—we suggest that the Lab post these documents on an employee web page.*]

When I inquired whether I could get a salary listing which included the two fields, I was eventually referred to Stan Howell of Staff Relations. He informed me that I would be making the request for the salary listing under the California Public Records Act, and would be charged 10 cents a page for a total of \$3.50. Within two weeks I got the listing.

Why did I bother to get the listing with the two fields? If the employees don't show any interest when data fields are deleted from the salary listing, the Lab could use the excuse that no one is interested and delete more data fields from the salary listing. One request for a salary listing with the two additional fields is not enough. If you want to continue to have all the salary data available to the employees, make your request for a salary listing with the addition of the payroll account number and starting dates to Mr. Howell of Staff

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Relations. /Richard Yamauchi

Sub-rankings are Rankings, Too

Another SPSE member noticed that their division ranking view graphs included (A/B) sub-rankings of several ranking groups. But the view graphs were not available in hard copy and the information was not available when requested. The SPSE member requested the complete division ranking information from Stan Howell of Staff Relations under the California Public Records Act and received the complete ranking data (including the A/B sub-rankings). If there is ranking information missing in your division, make your request to Mr. Howell of Staff Relations. /Sue Koopman

Polygraph Form on the SPSE Web Site

SPSE provides a polygraph testing consent form for employees [on its web site](#). The form clearly defines the rights that employees have under the Code of Federal Regulations. By signing, the employee refuses to waive any rights in consenting to take the test. SPSE also includes guidance on its web site, "If You are Asked to Take a Polygraph Examination: A Guide for Employees at LLNL," by Andrew Thomas Sinclair, the Society's attorney.

Only a relatively small percentage of employees may be subject to polygraph testing. Still, the form and guide are consistent with SPSE's mission to inform employees of their rights, and with SPSE's opposition to polygraph testing for employment screening purposes.

SPSE encourages employees from all the DOE national laboratories to take advantage of the form after reading the guidelines and disclaimer. /Jeff Colvin

George Craig Retires

Long-time SPSE member George Craig retired from the Lab on June 8, 2001. George looks back at a distinguished career both as a physicist and as an SPSE activist. He joined SPSE in 1974, served twice as SPSE President, and served repeatedly as board member, officer, and as editor of our newsletter.

SPSE thanks George for his loyalty and his many valuable contributions. We wish him all the best in his retirement. /Patrick Weidhaas

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