



President's Page

R. E. Budwine, President

Won't You Join Us?

This is my first SPSE Newsletter contribution, and my first opportunity to try and communicate why I have become active in SPSE. Also, this gives me the chance to say what it is I would like to see us accomplish. It is true that traditionally SPSE has been seen as a 'group' insurance plan for our colleagues who have run afoul of the management and supervision process. Providing advice and support for individuals at variance with supervisors has certainly not been the sole function of SPSE. In fact, we plan to describe SPSE's other contributions to our general conditions in a future Newsletter, but giving refuge for these individuals when they most need it has been a key and very important service. Now it is time that we broaden our efforts to influence the professional activities of our Laboratory. Why should we do this?

The first, and in my opinion, the dominant argument is that the clearest, most imaginative and innovative policies, programs, and endeavors nearly always come from individual members or small groups of the rank-and-file 'workers' in any organization. At the present time, there is little, if any, direct involvement in setting the policies, programs, and endeavors for our Laboratory by the members of our Laboratory below the level of manager/supervisor. [One might argue that *there is nothing lower* than a manager/supervisor—facetiously of course!]

Current Management Style Erodes Morale

For many years our Laboratory has had an autocratic management style without, one might argue, disastrous consequences. I argue that this management style has been gradually eroding the morale and general level of competency for quite a number of years, and that this erosion has accelerated in the last few years. This is not to say that our Laboratory has not accomplished many good things, nor that there does not remain pockets of great competency, but I believe that accomplishments have been made and competency developed and maintained despite the management style—not because of it.

Many 'old timers' have spoken at length, and often, about the negative changes that have taken place, and are continuing to take place. In future SPSE

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Newsletters, we will describe some of these changes in detail, and would be pleased to hear from you regarding your observations. The accompanying article on the management of scientific and technical institutes in the ex-Soviet Union raises some uncomfortable comparisons. Why should this be so? Because human traits are the same the world over, and because we allow it to exist. Can we change it? Probably, but only if we are influential enough to force people at a number of various levels to pay attention. Our 'leaders' have become comfortable with their self assigned roles (they should be with the salaries they give themselves) and they will only change if we become more than a thorn to them. To be stronger we need you as active members.

Critical Issues Affecting Morale

Four of the issues that both contribute to and manifest the erosion, which we will address in detail in future Newsletters, are the following.

1. The absence of a realistic dual course salary pathway; the management pathway is manifestly the way to higher salaries—a fact not wasted on some of our more pecuniary minded people.
2. The lack of consistent quality internal technical review of much of the work that is proposed and carried out.
3. The incredible preponderance of emphasis that is put on 'presentations.'
4. The 'local' custom of managers presenting work they have not been involved in, and of which they frequently have only a very superficial understanding.

As one can readily see these points are not unrelated to each other.

Interestingly, many of our managers and supervisors also have significant observations about the manner in which Laboratory management malfunctions; we will try and incorporate some of these in future critiques. In addition, there are a number of other negative issues that we will describe and discuss in future Newsletters.

It strikes me as remarkable that we have an extensive ES&H effort being pushed at Lab management by DOE, but in the areas that matter professionally and technically, the areas that really matter, there appears to be a blissful complacency at all levels of oversight. Let's join together to do something about it! ♦

Sound Familiar?

"To a great extent, science is a product of the social conditions in which it develops."

"The growth of 'big science' with its need for expensive equipment and large teams of researchers, spelled trouble. The resulting bureaucracy came to stifle... ."

"The managerial machinery surrounding science grows in the same way as bureaucratic systems in other spheres of society. The danger for science is that bureaucratic managers can come to dominate the operation and direction of scientific research."

"Today's typical research institute has a staff of thousands, including hundreds of scientists. The director of such an institute is overwhelmed with managerial responsibilities and has no time for... students or...research—even as a hobby."

"...but scientists at the institute cannot avoid noticing the declining qualities of the seminars and overall level of scientific discourse."

"Scientists cannot shirk their management responsibilities. Placing...management completely in the hands of professional bureaucrats would not improve the quality of scientific research."

"One result of the bureaucratization of science is the erosion of scientific standards."

"...scientists even had to promise to achieve a specific amount of progress within a designated period [read milestones?]. Physicists...recognizing the absurdity of the exercise, pledged to make one discovery of worldwide importance, and two discoveries of all-union importance, and three of Siberian importance to please political leaders at all levels. While a scientist would immediately see this as nonsense, political leaders can be comically obtuse to the unpredictability of science"

These comments are excerpts from an article *Science and Perestroika*, by Roald Z. Sagdeev, the Russian academician. At the time he wrote the article, he was director of the Soviet Space Research Institute. The criticisms are of the Soviet Union, but many of his comments might have come from members of our Laboratory—both 'workers' and managers.

Some of Sagdeev's proposals for repairing the situation are mentioned in his article. Perhaps the most significant remedy he described, however, was when I met him in Rome a few years ago: election of institute heads and managers by the technical members of the institutes. Deans, department heads, and the like, are elected from the constituent members of the various bodies in many of our universities, so why shouldn't our Laboratory begin such a policy? Such an approach would certainly have the chance of redressing some of our problems. ♦

Grievance Report

R. White, Committee Chair

We previously reported on an arbitration in which the arbitrator noted statistical evidence of discrimination in the Computations Directorate.¹ The charts on the facing page display this evidence. The bar graphs show the numbers of male and female employees in each of seven 'value ranking' groups for both Fiscal Years (FY) 1989 and 1990. The plots show only employees in the 'growth' region of the salary curves—i.e., those credited with less than 15 years experience in computer science.²

Persons within the same group were supposed to have approximately equal value. The highest valued employees were ranked in group "1", the next highest valued were in group "2.1", then "2.2", "3.1", etc.³ Salary adjustments were to reflect the value ranking or, at least, to move in that direction.

This ranking procedure is generally consistent with the Laboratory's guidelines and with practices elsewhere in the Lab. Guidelines are broad and implementations may vary between divisions.⁴

The arbitrator noted an obvious bias in the ranking distributions. The higher ranking groups are populated predominantly by males. The peak of the distribution for males occurs 1 to 2 ranking groups above that for females. The situation seems to worsen between FY 89 and FY 90.

The statistical information shown is, by itself, insufficient to prove discrimination. It is one of many pieces of evidence that led the arbitrator to conclude that discrimination occurred. LLNL was unable to provide convincing evidence in rebuttal. We give a short discussion of what is needed to prove discrimination in an article on page 3.

The arbitrator strongly recommended that LLNL 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, if necessary. Director Nuckolls accepted these recommendations.

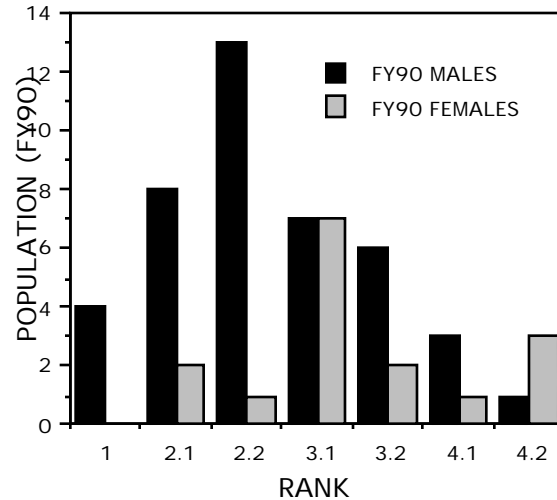
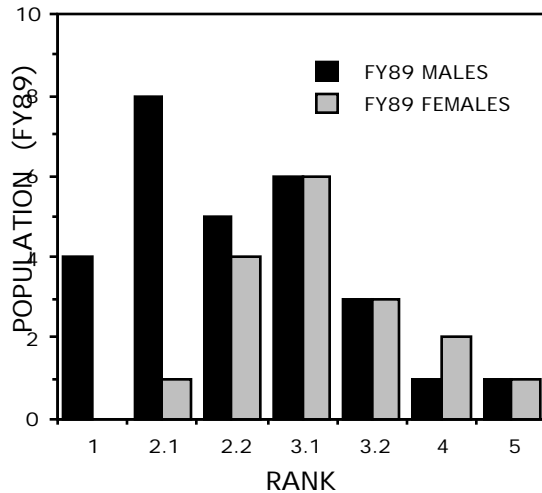
On April 3, the *Oakland Tribune* reported they asked what became of these recommendations and were
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¹ The grievance occurred in the Applications Development Department's (ADD) Applications Systems Division (ASD). See SPSE Newsletters for November 1991 and January 1992.

² 'Growth' and 'Stack' employees were ranked separately during these years.

³ The number designations for the ranking groups changed slightly between FY 89 and FY 90. The number of ranked employees also changed.

⁴ In FY's 91 and 92 guidelines were made more rigid to try to achieve a more uniform Lab-wide implementation.



Numbers of male and female employees in the value ranking groups established by ASD division for employees with less than 15 years experience in computing science. The data are for FY's 89 and 90. Groups with smaller number designations were targeted to receive higher salaries.

Grievance Report (continued from page 2)

told that an investigation found no problems. The *Tribune* reporter learned that a law firm that regularly represented management in labor disputes did the investigation and that only a verbal report was made.

The *Tribune* article prompted us to ask the Lab for copies of any reports and the contract with the 'consultant.' Our request was made pursuant to the California Public Records Act. The information we (continued next column)

received verified the *Tribune* report. The contract was with the firm Graham and James. An attorney from that firm talked to Lab managers and concluded only that there were no problems with procedures. No written report was made. The bill for these services was \$4500.

It appears to us that the arbitrator's (and Director's) instructions were not followed. Instead, once again the Lab has opted to conceal rather than deal openly with apparent discrimination. ♦

Proving Discrimination

Statistical information is usually not sufficient to prove a case of discrimination. It may be used as evidence pointing toward discrimination, but it must then be interpreted in the light of other facts.

There is a widely recognized protocol followed in arbitrating employment discrimination complaints. This protocol is also used in the courts.

First, the burden of proof is placed upon the complainant. The person(s) who files the complaint must establish what is called a prima facie case showing that discrimination occurred. 'Prima facie' is lawyer talk meaning "at first appearance, before investigation." (It quacks like a duck.)

Four elements are needed to make a prima facie case:

- 1) The complainant is a member of a protected class. This means that the discrimination occurred because of sex, race, color, religion, national origin, ancestry, marital status, sexual-orientation, handicap, or medical condition. These are the areas that are protected under law and under Laboratory policies. Complaints based on the boss doesn't like the way you dress, the people you associate with, the hour you come to work, the shape of your eyebrows, or just generally that he/she treats you differently than (continued next column)

other employees, do not qualify.

- 2) The complainant qualified for a benefit (for example, a job, pay increase or promotion) offered by the employer
- 3) The complainant was denied receipt of the benefit.
- 4) Other persons, who were no better qualified than the complainant, received the benefit or there is other evidence of discrimination.

Once the complainant establishes a prima facie case, the burden of proof shifts to the employer. The employer must show that there were non-discriminatory reasons that the employee did not receive the benefit. For example, the employer may show that the complainant was less qualified or the complainant's performance was rated below that of those that received the benefit, etc.

Once the employer answers the complaint, the burden of proof shifts again to the complainant. The complainant must now show with evidence that the reasons given by the employer are not the true reasons for denial of the benefit.

This is the way that discrimination complaints are argued. It is not sufficient just to feel and show that you were treated differently. ♦

To Join SPSE...

Complete the form below, and return it to: SPSE,
P.O. Box 1066, Livermore, CA 94551

I _____ wish to join SPSE.
Print Name

I prefer to pay dues (check one)

- By monthly payroll deduction
- Quarterly (will be billed)
- Annually (will be billed)

Signature Date

Bldg: _____ Room: _____ L- _____
LLNL Address

For more information call, (510) 449-4846.



Letter to the Editor

A recent *Newsline* (4/28/92) announced that one of the Lab's 12 Associate Directors will leave the Lab, live abroad, and become a permanent director of an international foundation. According to the article, he will take a leave of absence from the Lab to do this.

What Gives? I thought that a UC employee would just resign under these conditions. Does this mean that another retirement incentive program is in the works? (You may recall that a few years ago a former AD that left the Lab for another job *magically* returned to collect severance pay and, it turned out, that though he had taken another job, he was "on leave of absence.") (Name withheld by request)

*Ed: There are reasons other than severance pay to take a leave of absence in these circumstances. If one retires without a break in service, retirement benefits include health insurance, dental care, etc. If there is a break in service before you begin to collect retirement, then none of these fringes are included. To maximize retirement income, UCRP members must wait until age 60, PERS until age 63, to begin collecting. A leave of absence is not counted as a break in service and so can maximize income **and** provide fringe benefits. Joe Average would have a more difficult time arranging such leave than does an AD. We do not know of a retirement incentive in the works, though rumors abound. ◆*

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