

ORO Contractor Preference in Hiring Procedures

This document describes the procedures to be used to implement Preference in Hiring at the Oak Ridge Operations Office.

BACKGROUND:

Section 3161 of the National Defense Authorization Act of FY 1993 provides that, to the extent practicable, terminated employees at a defense nuclear facility should receive preference in filling vacancies in the work force of the Department of Energy and its contractors and subcontractors. The Department has determined that employees must be identified as having helped maintain the Nation's nuclear deterrent during the Cold War in order to qualify for this preference. The preference should be honored by all prime contractors and subcontractors (whose contracts equal or exceed \$500,000 in value). Herein, the phrase "DOE contractors" will be used to describe the prime contractors and subcontractors which must honor the preference.

The Department has established the following criteria for determining eligibility for the hiring preference: the individual must be a former employee (1) who was involuntarily terminated (except if terminated for cause); (2) who meets the eligibility standards; and (3) who is qualified for the vacant job at the time the work is to begin. Where qualifications are approximately equal, eligible individuals will be given the preference in hiring. However, the preference will be administered consistent with applicable law, regulation, or executive order and collective bargaining agreements.

This preference is not immediately applicable in situations where positions become available through an outsourcing action or follow-on contract in which the current employees should first be offered their same or similar jobs with the replacement contractor in order to avoid a layoff. In addition, this process is not applicable when a contractor fills vacant positions through internal means, such as promotion or reassignment; it applies only to filling jobs through external new hires.

This procedure implements the Preference in Hiring benefit described below and in the "Department's Interim Planning Guidance for Contractor Work Force Restructuring" issued and revised from time to time, by the Office of Worker and Community Transition (WT-1).

Eligibility

The following criteria for determining eligibility for the hiring preference are contained in the currently issued Department of Energy (DOE) Work Force Restructuring Planning Guidance.

- ✚ All regular employees who were employed by a Department of Energy contractor on September 27, 1991 and worked regular full-time or part-time hours through the date of the reduction-in-force notification are eligible for this preference; OR

- ✦ For intermittent workers or construction workers who have been affected by a work force restructuring action, the employee must have worked at a defense nuclear facility, as defined by the Office of Worker and Community Transition (WT-1), on or before September 27, 1991 and worked at a facility 180 days prior to the work force restructuring notification. These employees must have worked a total time, including time worked prior to September 27, 1991, equivalent to an employee having worked full-time (2080 hours) from September 27, 1991 to the date of the reduction-in-force notification **or** have actually worked the construction industry standard of full-time (1600 hours) from September 27, 1991 through the date of the reduction-in-force announcement. Employees **must have been affected by the announced restructuring within a reasonable period of time (i.e., one year).**

For intermittent workers, this includes the interruption of a project before its anticipated completion or the completion of the assignment project without prospect for a follow-on assignment at the site where the employee had a reasonable expectation of a follow-on assignment.

General Requirements and Responsibilities:

- This preference does **not** supersede other preferences required by applicable law, regulation, executive order and collective bargaining agreements.
- Each contractor organization (with input from labor unions when necessary to assist in verifying periods of employment) will be responsible for certifying eligibility for their displaced employees. Employees **must** re-certify annually in order to retain their hiring preference.
- Employees shall be responsible for their own annual recertification for the preference.
- **The following actions will permanently terminate an employee's hiring preference:**
 - **termination for cause from a DOE funded position**
 - **failure to re-certify annually (every January)**
 - **voluntary separations for any reason (e.g., voluntarily quit, VRIFs and retirement).**
- If a person who has exercised the preference to obtain employment with a DOE Contractor is subsequently involuntarily laid off in a future reduction-in-force, the individual will once again be eligible to receive the preference for DOE funded work. The annual certification requirement is not applicable while an individual is employed in a job with a DOE funded contractor which was obtained utilizing the preference.

- **If a displaced employee goes to work for another DOE funded contractor through the exercise of the preference (i.e., pursuant to a recall) and voluntarily quits in order to obtain employment with another DOE contractor, the employee will permanently lose the preference.**
- The hiring preference can only be exercised on DOE funded work with DOE prime contractors and designated subcontractors (i.e., over \$500K).

DOE/ORO Responsibilities:

- Develop and maintain appropriate local procedures for the implementation of the Department's Preference in Hiring policy. Distribute and make procedures available to DOE contractors affected by downsizing.
- Review contractor preference-in-hiring processes and career center records periodically to ensure that these procedures are being effectively implemented.
- Ensure that DOE-ORO's website and reading room have the most up-to-date information regarding the current WFR plan.
- Periodically review preference-in-hiring procedures and update as necessary. Arrange and attend meetings with contractor and union representatives to discuss the implementation of the preference and provide advice and assistance as needed to help clarify WFR issues.

Contact: Lisa Carter, CHRG Team Leader, (865) 576-0141

Contractor Responsibilities:

When laying off employees:

- Upon laying off employees, ensure that impacted employees are informed about their eligibility for the Hiring Preference and 3161 assistance and benefits to include an explanation of what actions will terminate the preference and/or benefits; assist employees in completing the form (attached) claiming preference; and provide appropriate information to the Career Center/Job Opportunity Bulletin Board System (JOBBS).
- Identify representatives of the company who will certify the employee's eligibility. Certify an employee's eligibility for the hiring preference by signing on the appropriate line of the "Preference in Hiring" form (copy attached). Establish a process for updating and removing outdated JOBBS submissions.
- Retain for one year, a certified copy of the preference in hiring form from each employee who exercised the preference. Outdated forms should be destroyed when replaced by an updated form during each employee's annual recertification.

Employees who used the preference to obtain a job with a DOE funded contractor do not have to re-certify unless they are subsequently laid off again.

- Retain a list of employees who are no longer eligible for the preference (i.e., VRIFs, early retirees, voluntary quits, folks who don't re-certify, recalls) with your organization. Human Resource representatives should maintain communication with other area (i.e. Oak Ridge) contractors to ensure that the most up-to-date information is available regarding the displaced employee's status (i.e., VRIF, voluntary quits, etc.) **A displaced employee, who voluntarily quits, is terminated for cause, or does not re-certify annually, will permanently lose the hiring preference.**
- Explain eligibility criteria for hiring preference, DWMB and educational assistance before the displaced employee leaves the payroll.

When filling jobs by new hire:

- List all job vacancies, not filled with internal candidates or recalls governed by a collective bargaining agreement, with JOBBS, and the local Career Center.
- Verify that all preference in hiring forms include a contractor certifying official's signature. Assist applicant in obtaining certification from the former employer if generic form is lacking certification when submitted; please see the remainder of this section.
- Review the cold war worker's list at the Career Center and/or in the JOBBS database and give consideration to eligible displaced employees before other external hiring on DOE funded work takes place. Where a displaced employee with the hiring preference and other external candidates are considered to have approximately equal qualifications, preference should be given to the individual with the hiring preference. This preference does not outweigh or override other preferences required by statute or executive order and must be administered consistent with applicable law, regulation, or executive order, and collective bargaining agreements. Records should be kept for each external hire that did not result in preference-in-hiring, along with an explanation for why the hiring preference candidate was not chosen. Contractors may first recall or rehire former employees who were laid-off due to lack of DOE work or funding before using cold war worker preference lists (i.e., JOBBS).
- Verify as necessary with the Career Center (or former employer) eligibility for the Preference claimed by direct applicants. **All preference forms signed after April 1, 1998 must be verified and signed by an official of the former employer.**

- Higher priority should normally be given to preference-in-hiring candidates from the local commuting area, before candidates from other DOE sites.
- It is the responsibility of the hiring organization to verify a displaced employee's status for preference. No preference-in-hiring forms should be accepted by the hiring organization if the form has not been signed by a certifying official. **For employees who received the preference prior to the new forms being put into place, the hiring company or organization must verify eligibility with the company and/or organization that displaced the employee to verify eligibility date for the preference.**

Contact: Contractor Human Resource organizations

Job Opportunity Bulletin Board System (JOBBS):

- SAIC, under a contract with the DOE Office of Worker and Community Transition (WT-1) operates a system to assist with the implementation of the hiring preference by eligible individuals and contractors. Those individuals who have applied for and have been determined to be eligible for the preference may have their resumes entered into the JOBBS where they will be specifically identified across the DOE complex as job seekers with the preference. Companies doing new business with DOE should place job announcements into the JOBBS. Contractors should have someone cognizant from their company to input resumes into the JOBBS system. The JOBBS web site is <http://www.doejobbs.com>

For those who do not have Internet access and are using a dial-up bulletin board system to access JOBBS, software is now available for installation that provides a graphical user interface. If you would like a copy of this software, please contact WT-1 at 202-586-4091. Also JOBBS has added a fax-on-demand service which provides touch-tone access to the want ads and resumes. The fax-in telephone number is temporarily unavailable but will be updated in the near future.

JOBBS Contact information: Lisa Carter, CHRG Team Leader, (865) 576-0141

Labor Union Responsibilities (Bargaining Unit representatives):

- Coordinate and cooperate with contractor representatives upon request to verify periods of employment that would assist a hiring contractor in establishing the hiring preference of the individual.
- Provide assistance to the membership regarding the applicability of the hiring preference and the rules for implementing the preference (i.e. recall rights, annual recertification and actions that will terminate the preference).

Contact: Labor Union contact

Employee Responsibilities:

- Verify their status with their employer's Human Resource Department and fill out the DOE approved preference in hiring form **before** leaving the payroll. This form (copy attached) should be signed by the appropriate certifying official for each company. **All forms must be signed by the certifying official verifying eligibility for the preference, so the forms will be accepted as valid.**
- Annually re-certify (**every January for all displaced and former employees**) for the preference with their former employer and at the Career Center. Forms can be obtained from the individual's former employer, the Career Center or ORO Contractor Human Resources Group.
- Employees should retain a copy of the Preference form for their record. It is the responsibility of each employee to take a signed and verified copy of the preference to the hiring employer as evidence of the preference.
- Eligible individuals who do not want to enter their resumes into JOBBS are responsible for informing potential employers of their preference, by submitting a copy of the certified form.

Career Center Responsibilities:

- Identify employees who meet the eligibility criteria for the Preference as "cold war workers", enter their resumes into the JOBBS and flag each as a worker with the hiring preference on behalf of those contractors that request such assistance by the Career Center.
- Maintain accurate records of annual recertifications of BWXT Y-12/UT-Battelle employees and of other contractors that the Career Center has agreed with to maintain such records.

Contact: Lisa Carter, CHRG Team Leader (865) 576-0141

Employees who have questions about the applicability of the preference, or a concern regarding the use of the preference are encouraged to contact their former employer. Individuals may also contact DOE/ORO Contractor Human Resources Group for assistance.

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