

SRS CONTRACTOR PREFERENCE IN HIRING PROCEDURE

PURPOSE

This document describes the procedures to be used to implement preference in hiring at the Savannah River Operations Office (SRS).

SCOPE

This program applies to all former SRS contractor and subcontractor employees who were involuntarily terminated (except if terminated for cause) and who meet the eligibility standards as stated in this document under "Eligibility".

BACKGROUND

Section 3161 of the National Defense Authorization Act of FY 1993 provides that, to the extent practicable, eligible terminated employees at a defense nuclear facility should receive preference in filling all prime contractor and subcontractor job vacancies. 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 contractor and subcontractors with contracts that equal or exceed \$500,000 in value, except subcontracts for commercial items defined as commodities and service (DEAR 970.5204-77, 6/27/97).

This procedure is consistent with the "Department's Planning Guidance for Contractor Work Force Restructuring" issued December 1998 by the Office of Worker and Community Transition (WT-1). The Guidance identifies which sites have been determined to be defense nuclear facilities, and provides other reference material pertinent to this procedure. The Savannah River Site is identified as a defense nuclear facility, making section 3161 applicable.

ELIGIBILITY

The following criteria is used in determining eligibility for the hiring preference:

- All regular employees who were involuntarily separated due to a reduction in force, having been employed by a contractor with a DOE defense nuclear facility on September 27, 1991, and having worked full-time or regular part-time hours through the date of the reduction-in-force notification; OR,
- Intermittent workers (including construction workers) who were involuntarily separated due to a reduction in force, having been employed at a DOE defense

nuclear facility on or before September 27, 1991 and working at such 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 annually) from September 27, 1991 to the date of the work force restructuring notification, or have actually worked the industry standard of full-time (e.g., 35 hours per week for construction workers) from September 27, 1991, through the date of the work force restructuring notice. Impacts of the work force restructuring that are considered to be covered for the preference in hire benefit include the completion of the assigned project without prospect for a follow-on assignment at the site where the employee had a reasonable expectation of a follow-on assignment that would maintain the full-time status in the succeeding year.

Note: Anyone who receives a company administered retirement through the layoff substitution program is not eligible for the preference in hire benefit.

APPLICATION

Preference in hiring applies to all jobs filled through external hires, as long as the preference in hire candidate:

- is qualified for the job at the time the work is to begin,
- is not currently fully employed with a DOE contractor, and
- has maintained his/her annual certification.

Preference in hire candidates who meet the qualifications set out in the job announcement should be offered the position unless exceptions are approved by the company's HR director, or his/her designee, who must document a clear and significant difference in the credentials of the candidates, or other viable reason such as documented performance problems.

If a displaced employee is recalled (not due to the preference but because of seniority) then he/she will still have the preference following a subsequent involuntary separation due to a reduction in force.

The hiring preference can be exercised on DOE-funded work with DOE prime contractors and designated subcontractors (i.e., over \$500,000, except subcontracts for commercial items defined as commodities and service), whose contracts have been amended to require the preference in hire benefit at the point of renewal or recompetition of the contracts.

WHEN PREFERENCE IN HIRE DOES NOT APPLY

Preference in hire does not supersede other preferences required by applicable law, regulation, executive order, contractual obligations (e.g., provision for recalls) and collective bargaining agreements.

Since preference in hiring applies only to external hires, the preference is not applicable in situations where positions become available for current employees. The following are examples in which external hiring (including preference in hire candidates) may not be pursued: the normal internal filling of vacant positions through such means as promotions, demotions, or reassignments with/without retraining; an outsourcing action in which current employees are first offered positions with the new company; and a follow-on contract in which the current employees are first offered a job with the replacement contractor.

As stated earlier, preference in hiring does not apply if an individual is currently fully employed with a DOE contractor/subcontractor and applies for another position with a DOE contractor/subcontractor. (While fully employed with a DOE contractor/subcontractor, preference in hire eligible employees need not re-certify annually to maintain the preference in hire benefit.) An individual loses his/her preference in hire benefit if they voluntarily resign from employment with a DOE contractor/contractor.

LOSS OF PREFERENCE IN HIRE BENEFITS

The following actions will permanently terminate an employee's hiring preference:

- voluntary separation for any reason from a DOE contractor/subcontractor subject to Section 3161 (e.g., voluntarily quit, VRIFs and voluntary retirement);
- failure to recertify annually, except while fully employed with a DOE contractor/subcontractor; or
- termination for cause from a position with a DOE contractor/subcontractor.

JOB OPPORTUNITY BULLETIN BOARD SYSTEM (JOBBS)

JOBBS is a DOE complex-wide system that can be used to assist with the implementation of the preference in hiring in two ways. First, all displaced workers, including but not limited to preference in hire participants, may have their resumes entered into JOBBS where they will be specifically identified throughout the DOE complex as job seekers. However, those who are preference in hire participants will have a special identifier. The Site preference in hire coordinator is responsible for inputting resumes from preference in hire candidates into the JOBBS system.

Secondly, displaced workers have access to the job vacancy announcements placed on JOBBS by contractors/subcontractors doing business with DOE. Anyone can access the JOBBS web site at <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. Copies of this software may be obtained by calling Laurel Smith at 202-586-4091. JOBBS has added a fax-on-demand service which provides touch-tone access to the want ads and resumes. (NOTE: The fax-in telephone number is temporarily unavailable but

will be updated in the near future.)

ORDER OF PREFERENCE

The following order of preference will be used for external hiring to fill contractor/subcontractor positions:

- a. First preference will be given to displaced employees of the site contractor having the opening.
- b. Second preference will be given to displaced employees from other onsite contractors.
- c. Third preference will be given to displaced employees from other DOE sites.
- d. The last option will be to hire non-preference in hire eligible candidates. This option will be used only when there are not qualified, eligible preference candidates. Exceptions must be approved by the contractor's Vice President for Human Resources, or his/her designee.

RESPONSIBILITIES

DOE/SRS Responsibilities:

- Develop, maintain, and update as needed local procedures for the implementation of the Preference in Hiring policy.
- Distribute copies of local preference in hire procedures to prime contractors and require that they distribute copies to appropriate subcontractors.
- As a part of contractor performance evaluation, review contractor hiring and procurement records periodically to determine if the procedures are being effectively implemented.
- Provide advice and assistance as needed to help clarify preference in hire issues.

Site Preference in Hire Coordinator Responsibilities:

- As needed, assist contractor/subcontractor personnel with the identification of employees who may meet the eligibility criteria for the hiring preference at the time of a projected layoff.
- Establish and maintain current, up-to-date databases for JOBBS and preference in hire participants. The databases should include but not be limited to such things as: all new/vacant SRS positions being opened for external hire; the job categories by COCS code for which each participant has expressed interest; inactive and terminated participants and the reasons for their status (e.g., did not renew annual certification); and the date of most recent annual recertification for active participants. (Within 5 days after receipt of the company's certification of eligibility, the individual's data should be entered into the preference in hire

database and within 5 days after receipt of the individual's resume, the resume data should be entered into the JOBBS database.)

- Although the onus is on the preference in hire participant to annually recertify, the coordinator should inform active preference eligible participants on an annual basis of the need to recertify annually, and/or provide acknowledgement of the renewed certification within 30 days of receipt from the participant. Note: Displaced workers who have been fully re-employed with a DOE contractor/subcontractor do not have to recertify unless they are subsequently laid off again.
- Hard copies of the following documents should be retained for at least one year after the preference in hire eligibility is permanently terminated:
 1. Initial certifications of eligibility, and
 2. Recertification forms
 - the current year's recertification form for active preference candidates
 - the most recent recertification form for those who have been fully re-employed with a DOE contractor and maintain their eligibility as an inactive (but not permanently terminated) participant
- Provide quarterly reports of external hires to DOE-SR, identifying if the new hire was a recall, transfer, preference in hire, or other, and an explanation for all non-preference in hire selections, e.g., no qualified preference candidate, documented performance problems of a referred preference candidate, etc.
- Assure subcontractor compliance with preference in hiring policy to include periodic review of subcontractor hiring records
- Review cases in which preference in hire candidates contend that their preference benefit was not properly applied.

Contractor/Subcontractor Responsibilities:

- In Requests for Proposals the contractors/subcontractors must include criteria for informing potential bidders of contract requirements for compliance with the National Defense Authorization Act (NDAA) Section 3161 Preferential Hiring and related contractor procedures, including preference in hire reporting requirements.
- Maintain updated local preference in hire procedures and distribute to appropriate contractor Human Resources and Contracts/Procurement staff, subcontractors, union representatives, and active preference in hire participants.
- Assure all hiring managers understand their obligation to meet the letter and spirit of the Department's commitment to the preference in hiring benefit extended to eligible Cold War Workers, and comply with this procedure.

- Identify representatives of the company who will determine and certify the displaced employee's eligibility for the preference in hire benefit.

When laying off employees, the contractor/subcontractor shall:

- Prior to the termination date, explain to all employees to be laid off the preference in hire benefit, when it does and does not apply, the eligibility criteria, the need to recertify, and the actions which terminate the preference. Provide a copy of this procedure in their termination packet.
- On or about the last day of employment, assist employees in completing the preference application form (attached); provide written notification to each employee who applied for the preference as to their eligibility determination; allow the displaced worker to visit the Aiken Technical College "One-Stop" career center for assistance in preparing a resume to supplement the preference application form if participant desires; obtain signed assurance that the eligible participant understands their obligation to recertify annually to maintain this benefit; and forward the above documents to the Site preference in hire coordinator within 5 working days after the individual is terminated.

When contractors/subcontractors fill jobs by external hire:

- List all job vacancies open for external hire (e.g., those not filled with internal candidates or recalls governed by a collective bargaining agreements or existing contract obligations), with JOBBS, the Aiken Technical College "One-Stop" career center and the South Carolina and Georgia Offices of Employment Security. Job vacancy announcements should clearly identify the qualifications required for the job.
- Provide training materials for eligibility tests to preference in hire candidates as are provided to current employees.
- Verify a displaced employee's status for preference. Verification may be obtained by requesting the assistance from the Site preference in hire coordinator or by contacting the former DOE contractor employer.
- Follow the order of precedence for giving the preference in hire benefit as stated earlier in this document.
- If none of the qualified preference in hire candidates is found to be a suitable match for the job, including those candidates who would meet the qualifications by the time the job begins, the company (i.e., the hiring manager and HR director or his/her designee) should re-examine the accuracy of the qualifications set out in the job announcement before considering other external candidates. If there are extenuating circumstances in which the preference candidate is not selected (e.g., documented performance problems or a recall candidate was selected), the hiring manager must document the reason(s) for the non-selection. The company HR director, or his/her designee, must review and approve the hiring manager's decision to not

select a preference in hire candidate.

- Each contractor and subcontractor should provide a monthly report to the Site preference in hire coordinator listing each external hire, and identifying if the hire was a recall, preference in hire, or otherwise met a contractual, collective bargaining agreement, or legal requirement. In addition, the external hire report should identify the number of preference in hire candidates who were qualified for the position but not selected and the reasons the preference in hire candidate was not selected.

Labor Union Representatives Responsibilities (Bargaining unit representatives):

- Facilitate contractor representative's requests for the verification of periods of employment that would assist the contractor or the site preference in hire coordinator in establishing the preference eligibility of a union worker.
- Provide information to the membership regarding the applicability of the hiring preference and the rules for implementing the preference (e.g., recall rights, annual recertification and actions that will terminate the preference).
- Maintain annual recertification forms for members' use.
- Although not required, union representatives are encouraged to send annual reminders to their membership concerning the need to recertify annually for the preference in hire benefit.
- Encourage members to visit the Aiken Tech "One Stop" career center for resume preparation; or upon request, assist eligible displaced members in preparing documentation identifying the member's relevant skills, knowledge and abilities and forward to site preference in hire coordinator. Note: Preference in hire candidates cannot be listed in the DOE JOBBS database without providing a resume.
- Coordinate with contractors/subcontractors the development of training programs to provide anticipated, required skills needed to become competitive for future job openings with site contractors/subcontractors.

Participants' Responsibilities

- Participants must submit a preference application form (attached) through his/her employer's Human Resource department to the Site preference in hiring coordinator before leaving the payroll.
- On or about the last day of employment the participant may visit the Aiken Tech "One Stop" career center for assistance in preparing a resume or such other documentation of their skills, knowledge and abilities as they wish. As an alternative, union workers may request assistance from their union representatives in documenting their relevant skills, knowledge and abilities.

NOTE: Although a resume is not necessary, it provides the eligible participant an opportunity to better “market” themselves by further describing their expertise, years of experience, etc. This information is not part of the preference application form; therefore, supplementing the application form with documents such as a resume is strongly recommended. In addition, a resume is required for entry into the DOE JOBBS database.

- Participants should assure the Site preference in hire coordinator has accurate address and phone number information.
- Participants shall be responsible for his/her own annual recertification for the preference. While the contractor/subcontractor, the Site preference in hire coordinator, or union representatives may send out annual reminders, they are not required to do so. Recertification forms can be obtained from union representatives or the Site Preference in Hire Coordinator, Human Resources Division, WSRC, Aiken, SC 29801.
- It is the responsibility of participants to present a signed, approved copy of their preference eligibility form to the hiring DOE contractor.

Questions: Displaced employees who have questions about the applicability of the preference, or a concern regarding the use of the preference are encouraged to first contact his/her former employer, union representative, or the Site Preference in Hire Coordinator. If further clarification is needed, individuals may contact DOE-SR for assistance.