**Purpose**

Certain risks and challenges associated with the establishment, ramp-up and maintenance of operations - particularly new or novel operations – may include attraction and retention of a sufficient supply of appropriately trained workers to establish and maintain operations; labor disputes and unrest; compliance with federal labor, wage, and equal opportunity laws; and public and worker health and safety considerations. These potential risks and challenges may impact product and service delivery and quality and are detrimental to the efficient, timely and effective production or delivery of the product, process, or service supported by DOE funding. To mitigate these risks:

**Applicability**

For projects that employ 100 or more workers in operations[[1]](#footnote-2) (during initial or normal/substantially normal production) – including directly employed or contracted workers - and where DOE is contributing 10 percent or more of the project amount, or as otherwise selected by DOE, the recipient must provide an operations workforce continuity plan (WCP-O). A report on the recipient’s progress toward meeting the measures and objectives set forth in the WCP-O should be provided at the time of the continuation application, or as specified by the grants/contracting officer. If it becomes apparent during the term of the award that the recipient is non-compliant with their Workforce Continuity Plan, additional reporting may be required. The WCP-O applies for the term of the award.

A recipient may provide proof that the workers carrying out operations under the project are subject to an existing collective bargaining agreement(s) consistent with the National Labor Relations Act (29 U.S.C. 151 et seq.) that addresses the above risks. If such certification is provided, no additional WCP-O is required.

**Content of the WCP-O**

The WCP-O should detail the following. If any of the items below are not applicable to the project, please provide a detailed explanation.

1. The names of any entities including contractor, subcontractor and/or subrecipient organizations performing operations work on the Project, and the total number of workers employed or anticipated to be employed by each such entity, disaggregated by job title:
	1. The anticipated or actual number of workers engaged in operations on the Project hired directly and hired through a third party; and,
	2. The anticipated or actual wages and benefits of operations workers on the Project by classification.
2. Measures adopted and planned to ensure the Project can attract and retain a sufficient supply of appropriately trained labor to initiate operations in a timely and competent

manner; and to effectively maintain production or operations consistent with the funded objectives of the project. Please provide specific activities, objectives and anticipated outcomes. Examples of what this may include are:

* 1. Competitive wages and benefits; such as offering top quartile wages for occupation and industry[[2]](#footnote-3);
	2. Workplace or recruitment policies that facilitate attraction and retention, including from non-traditional or underrepresented populations, such as parental leave, flexible scheduling, or fair chance hiring practices (e.g. removing unnecessary background checks in the recruitment process);
	3. Formal procedures for upskilling and advancement, including training and wage progression;
	4. Registered apprenticeships or labor-management partnership training programs; other investments in and/or partnerships for career-track workforce education and training;
	5. Efforts and policies to minimize the use of independent contracting to avoid vulnerabilities associated with misclassification; and,
	6. Mechanisms to ensure a workplace free of bias, intimidation, and harassment.
1. Measures adopted and planned to minimize risks of labor disputes and disruptions that could jeopardize timeliness and cost-effectiveness of the Project. Please provide specific activities, objectives and anticipated outcomes. Examples of what this may include are:
	1. Employee dispute resolution mechanism(s);
	2. Ongoing training to prevent and address workplace misconduct;
	3. Mechanisms to enable workers to raise problems on the job without fear of retaliation, and to address those problems;
	4. Transparent pay and benefits structure; measures to ensure parity in wages, benefits and conditions between comparable direct and contracted employees, if any; and
	5. Policies, methods and mechanisms to ensure employees can freely exercise their right to join a union and bargain collectively; and, should they seek to be represented, to minimize unnecessary obstacles and delay in the collective bargaining process.[[3]](#footnote-4)
2. Measures adopted and planned to ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities. Please provide specific activities, objectives and anticipated outcomes. Examples of what this may include are:
	1. Safety training, certification, and/or licensure requirements for all relevant workers;
	2. Formal structures and mechanisms for workers to raise and address workplace safety issues without risk of retaliation, and transparency in providing resolutions to workplace safety concerns; and
	3. Providing employees with sufficient sick leave; describe specific policies.
1. Operations workers refers to workers in ongoing operations, maintenance or production jobs created or retained by the project. [↑](#footnote-ref-2)
2. See BLS data here: [List of SOC Occupations (bls.gov)](https://www.bls.gov/oes/current/oes_stru.htm) [↑](#footnote-ref-3)
3. These mechanisms include actions such as: Pledge to remain neutral during any union organizing campaigns; intention or willingness to permit union recognition through card check (as opposed to requiring union elections); intention to enter into binding arbitration to settle first contracts; pledge to allow union organizers access to appropriate onsite nonwork spaces (e.g. lunchrooms); pledge to refrain from holding captive audience meetings; other commitments or pledges. [↑](#footnote-ref-4)