



U. S. Department of
ENERGY

**Draft
Workforce
Restructuring Plan
for the [Name Site]**

DATE: [Insert Date]



WORKFORCE RESTRUCTURING PLAN For the [NAME SITE]

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I. INTRODUCTION

Executive Summary

Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Section 3161) directs the Secretary of Energy, upon a determination that a change in the work force is necessary at a Department of Energy (DOE) defense nuclear facility, to develop a plan for workforce restructuring in consultation with affected stakeholders. The objectives of such a plan are to minimize involuntary separations, reduce the social and economic impact of restructuring on individuals who are involuntarily separated, and mitigate the detrimental effects of restructuring on the surrounding communities.

This Workforce Restructuring Plan (Plan) covers [NAME SITE] Contractors that provide services to the [NAME SITE OFFICE] consistent with applicable contract clauses. The Plan establishes the general framework within which any restructuring of the work force at the [NAME SITE] would be implemented. Once approved, this Plan will establish the policy of the Department¹ for responding to the changing missions and the changing contractor structure at the [NAME SITE] for fiscal year [INSERT Year] and beyond. Further modifications to this Plan may be made if circumstances require.

The benefits described in this Plan are consistent with the authority granted in Section 3161, Departmental policy, and the appropriations provided by Congress. Specific contractor employment reductions, typically referred to as workforce restructuring programs will be developed as necessary, using this Plan as a guide and in light of the programmatic and other relevant factors of each restructuring.

As set out in detail below, the objective of this Plan is to minimize the impact of restructuring on affected employees and the community, to the extent practicable with available funding through:

- Reassignment to jobs open within each respective contractor's work force where employees can perform the work required, consistent with the hiring benefits discussed below.
- Retraining assistance for internal job opportunities.
- Rehiring preference for any involuntarily separated employees meeting eligibility requirements.
- Outplacement assistance for employees to maximize opportunities for external job placement when internal placement or retraining programs are not practicable.
- Consultation and coordination with the community and area stakeholders to ensure that affected workers are made aware of all available avenues of assistance.

The Department of Energy reserves the right to change the terms of this PLAN, there is no guarantee that benefits equal to or greater than those described in this PLAN will continue to be provided in the future. Modifications to this PLAN or to PLAN benefits may be required if circumstances change, e.g.,

¹ Unless specified otherwise, the terms "Department" and "DOE" are used herein to refer to the Department of Energy.

if there is a change in implementing policy or in funding constraints. It is not the intent of DOE [or DOE/NNSA as appropriate] in issuing or implementing this Workforce Restructuring Plan to create any private right of action or to modify obligations imposed upon Employers or Employee representatives by Law, Executive Order, or Contract. This PLAN replaces any previously published [NAME SITE] Workforce Restructuring Plans and their addendums.

Preface

DESCRIBE LOCATION, MISSION, AND ANY OTHER RELEVANT INFORMATION ABOUT THE SITE.

This Plan seeks to meet the objectives of Section 3161 consistent with budget and funding constraints and the mission needs of the Department. The objectives of the Plan are to:

- Minimize involuntary separations,
- Minimize the impact of restructuring on individuals who are involuntarily separated,
- Mitigate the detrimental impact of restructuring on the surrounding communities, and
- Maintain the integrity of the core competencies required to carry out the Departmental missions at the [NAME SITE] Site.

II. ROLES AND RESPONSIBILITIES

Stakeholder Input

Upon a determination that the workforce at a DOE defense nuclear facility may need to be restructured, Section 3161 requires DOE to develop a workforce restructuring plan in consultation with appropriate representatives of state and local governments, appropriate representatives of affected employees, and other affected [NAME SITE] stakeholders. DOE is committed to ensuring stakeholder involvement in developing policies regarding workforce restructuring for the [NAME SITE] and will:

- Notify stakeholders and make this draft workforce restructuring plan available on the [NAME SITE OFFICE] web sites for at least a 7-day comment period.
- Analyze comments received.
- Make changes to the draft plan in light of stakeholder comments, if appropriate.
- Send a copy of the final plan to DOE Headquarters offices for approval.
- Transmit the approved Plan to Congress.
- Distribute the approved Plan and post it on the [NAME SITE OFFICE] web sites.

DOE Responsibilities

DOE is responsible for establishing workforce restructuring policy and developing the Section 3161 Plan. Contractors shall notify the Contracting Officer in writing and obtain prior DOE approval for any workforce restructuring separation action. [NAME SITE OFFICE] will evaluate each contractor's implementation of this Plan.

The Role of [NAME SITE] Contractors

The Employers

While contractors are not identified specifically as stakeholders by Section 3161, contractors clearly have a role in the process of developing workforce restructuring policy. The information contractors supply is used to evaluate the existing work force and to determine the need for restructuring. The contractors, not DOE, are the employers of the workers affected by workforce restructuring activities and, as such, have responsibilities to those employees. The contractors must terminate the employment of employees and the contractors must implement the Workforce Restructuring Plan developed by DOE. The contractors may also be parties to collective bargaining agreements covering some employees. The contractors are sponsors of pension and benefit plans, and are responsible for the management and administration of pension and benefit plans covering their employees. Contractors will perform their own workforce planning consistent with this Plan.

Communications

Timely and accurate communication with employees is essential. Contractors are expected to comply in all respects with the requirements of any applicable DOE Orders and guidelines regarding announcement of workforce restructuring actions. No communications will occur until approval is received from the Contracting Officer. Once DOE approval is received, Contractors are expected to communicate information regarding workforce restructuring to the employees before releasing any information to the news media. Contractors will ensure that all information intended for release to internal or external audiences is consistent with all legal and contractual requirements, including any applicable personnel policies.

III. PLANNING

Plan Applicability

This is an open-ended Plan without a termination date. Unless amended, withdrawn, or replaced, it will provide the guidelines for all future workforce restructuring actions conducted by contractors reporting to the [NAME SITE OFFICE], consistent with each contractor's respective DOE contract. In accordance with the applicable contract with DOE, this Plan applies to all prime contractors reporting to [NAME SITE OFFICE] and their subcontractors. The benefits described in the Plan are subject to the availability of funds. It is DOE policy that Displaced Worker Medical Benefits (described below) are to be offered to all eligible displaced employees; however, changes in this policy may be made depending on the circumstances of the restructuring actions and availability of funds. Involuntarily separated employees who meet applicable requirements set forth in Section V.C.1 of the Plan will be entitled to the Section 3161 rehiring preference detailed below. Any "enhanced benefits" requested by the contractors (i.e., benefits above those set forth in their contracts with DOE) are subject to DOE approval and the availability of funds. Although this Plan applies to contractor and subcontractor employees, it does not necessarily provide all of them with the same benefits.

Timing of Notification of Workforce Restructuring

Contractors' requests to implement workforce restructuring actions should be provided to DOE as early as possible so that advance notice may be provided to the work force and the community. Contractors are required to allow 48-hours following approval by Headquarters of the contractor's plan before implementing the plan. This "48-hour hold" gives DOE time to notify Congress of the upcoming workforce restructuring actions prior to any public announcement by DOE or the contractor.

Any involuntary separation will also be conducted consistent with DOE Orders and guidelines, and applicable laws and regulations. If the Worker Adjustment and Retraining Notification (WARN) Act is applicable to a particular involuntary workforce restructuring action, the employer is responsible for giving written notice to affected employees prior to their separation consistent with the applicable legal requirements.

The Department recognizes that any planned reduction in employment levels at the [NAME SITE] could cause a high level of anxiety within the work force. To minimize this anxiety, contractors conducting workforce reductions will communicate frequently, openly, and honestly with employees.

Workforce Planning

Assessment of Available Skills Relative to Skills Requirements

The contractors will prepare and maintain a workforce assessment reflecting: 1) projected workforce skills requirements; 2) current composition and inventory of the skills of the workforce; and 3) the feasibility of retraining existing employees to meet changing mission workscope requirements. The assessment will cover three years: Current execution year (appropriated funds) plus two out-years (budget/planning year and formulation year). The current execution year will specifically address workforce skills requirements and the two out-years will be assessments at the workscope levels. Contractor employees should be encouraged to ensure that the information available accurately reflects all their education, retraining, certifications, etc.

Workforce Planning and Restructuring Strategy

[NAME SITE OFFICE] is responsible for determining overall workforce restructuring policy for its contractors. The contractors are responsible for implementation of DOE workforce restructuring policy and the oversight of restructuring programs conducted under this Plan. Normal attrition will be factored in as part of mitigation planning for involuntary separations. The contractors will identify, review, and document any skill mismatches, excesses, or deficiencies in each skill classification prior to conducting a voluntary or involuntary separation program. **The Department strongly disapproves of hiring from the outside, which has the effect of "backfilling" the positions of individuals separating, as part of either a voluntary or involuntary separation program.**

IV. WORKFORCE RESTRUCTURING PROGRAMS

When a voluntary or involuntary separation program is planned, the contractors will be expected to satisfy fully their obligations toward any labor organization representing their employees. Prior to conducting a separation program, the contractors will give union officials representing affected bargaining units notice of the action contemplated and comply with any obligations under the National Labor Relations Act as it relates to bargaining in the situation, as well as with any procedures set out in applicable collective bargaining agreements.

General Procedures for Workforce Restructuring

When contractors determine that a reduction in force is necessary, the contractors shall notify the respective Contracting Officers and seek prior approval as set forth in applicable contract requirements. Contractors shall provide such information as directed by Contracting Officers to enable compliance with Section 3161 of the National Defense Authorization Act for Fiscal Year 1993. Additionally, the following procedures will be followed:

- All requests must contain pertinent information such as reasons, costs, dates, and numbers.
- After DOE approval is granted, DOE will notify Congressional and other stakeholders.
- Any payment of enhanced benefits beyond those already approved in a contractor's contract must be approved by the appropriate DOE headquarters organizations, as coordinated through DOE's Office of General Counsel and the Director, Contractor Human Resources Policy Division.

Self-Select Voluntary Separation Program (SS VSP)

In order to minimize the number of involuntary separations, the contractors are strongly encouraged to consider the use of a Self-Select Voluntary Separation Program (SS VSP) before consideration is given to conducting an Involuntary Separation Program (ISP) when workforce restructuring is necessary. Contractor employees in skills classifications that have been identified as having more employees than needed or whose voluntary separation would prevent an involuntary separation may be offered the opportunity to volunteer for separation from employment. Contractors will reserve the right to decide whether to accept the applications that the contractors, in their discretion, determine to be in their best interest. Contractor employees who submit applications to participate in a SS VSP will be selected based upon their verified eligibility to participate, as well as continuing mission requirements and other factors. Contractor employees whose applications are accepted as being in the best interest of the employer will receive up to the same severance pay they would have received had they been involuntarily separated, together with DOE Displaced Worker Medical Benefits, if eligible, as described below. The application will reflect the understanding that if the employee becomes employed, within one (1) year from the date of the employee's separation, by a [NAME SITE] contractor or another contractor or subcontractor (as more fully specified in the application) to the DOE or National Nuclear Security Administration (NNSA) for work performed under a contract with the DOE or NNSA, the employee may be required to repay a portion or all of the severance benefits received pursuant to his or her participation in the SS VSP.

Involuntary Separation Program (ISP)

If it is necessary to conduct an involuntary separation, efforts will be made to minimize the number of employees involuntarily separated. Non-represented employees will be identified for involuntary separation consistent with applicable personnel policies and on the basis of neutral factors to be determined by the contractors at the time of the involuntary separation program. Examples of factors that may be relevant include documented individual performance, seniority, the need for the individual's skills taking into account retraining possibilities, and the number of individuals with the required skills. Critical skills are not determined solely by job classification, but rather by the skills needed to accomplish continuing site missions. The transferability of skills across organizational entities, the impact of attrition, and the diversity of work experience as it relates to the overall strategic direction at the [NAME SITE] may also be considered, as appropriate. Employees who are not covered by collective bargaining agreements will receive severance pay in accordance with their employer's approved severance plan.

Represented employees covered by collective bargaining agreements will be identified for involuntary separation in accordance with any requirements in their collective bargaining agreements and will receive severance pay as provided by the severance provisions of those agreements.

Any selection or evaluation of employees, which is associated with any workforce restructuring action, must comply with all legal requirements, including those pertaining to equal employment opportunity and diversity, as discussed above.

V. ASSISTANCE AND BENEFIT PROGRAMS

Retraining Programs

It is DOE's position that retraining, where applicable, and subject to available funding, is vital to accomplishing many of the objectives of this Workforce Restructuring Plan, including: (1) minimizing loss of vital skills and knowledge, (2) minimizing negative impacts to the surrounding communities and affected employees, and (3) minimizing, to the extent practicable, the need for involuntary reductions in the workforce.

DOE Displaced Workers Medical Benefits Program

Contractor employees who separate from employment voluntarily or involuntarily (other than for cause) and who were eligible for medical insurance coverage under the contractor's plan at the time of separation from employment are eligible for medical coverage under the DOE Displaced Workers Medical Benefits Program (DWMBP), provided they are not eligible for coverage under another plan, e.g., another employer's group health plan, the contractor's Retiree Medical Plan, a spouse's medical plan, the Affordable Care Act, or Medicare. During the first year following separation, the contractor will continue to pay the employer portion of the medical premium share and the employee will be billed for the employee portion of the applicable monthly premium, depending on the type and level of coverage the employee has at separation. During the second year after termination, the separated employee will be responsible for one-half of the full Consolidated Omnibus Budget Reconciliation Act of

1985 (COBRA) rate for this coverage and the contractor will pay the remainder. Beginning in the third year and continuing thereafter, the separated employee will be responsible for paying the full COBRA rate.

If an employee is eligible for other coverage, but that coverage contains a waiting period for coverage, the employee may continue coverage under the DWMBP during that waiting period before coverage under a new plan is effective.

Alternatively, separated employees may elect to continue medical coverage under COBRA. Contractors will provide employees with a separate notice of COBRA benefits.

Section 3161 Rehiring Preference for Eligible Separated Employees

To the extent practicable, eligible involuntarily separated contractor employees who meet the eligibility requirements contained in this Plan will receive a hiring preference with respect to vacancies for positions for which they are qualified, or, to the extent practicable in the circumstances, for which they may become qualified. Employees will not be considered to have involuntarily separated for purposes of Section 3161 rehiring preference if they are separated as a result of: (1) termination for cause; (2) voluntary separation from employment at [NAME SITE OFFICE]; (3) the normal completion of a contract; or (4) privatization or outsourcing where the employees laid off are offered comparable compensation with a new contractor. Additionally, to retain eligibility for the preference, individuals must recertify annually by using the form at Appendix A. [NAME SITE] Contractor Preference in Hiring Procedures are included as Appendix B.

Eligibility for the Section 3161 rehiring preference will be consistent with the [Planning Guidance for Contractor Workforce Restructuring](#) dated December 1998:

Regular employees are individuals employed for an indefinite period with no specified ending date. Such employees include full-time and part-time employees. To be classified as a qualified, eligible employee under section 3161, regular employees must have been:

- Employed at a DOE defense nuclear facility on or before September 27, 1991;
- Employed at the [NAME SITE] in a full-time or part-time regular capacity on the date a workforce restructuring notice was given for a specific workforce reduction;
- Employed at a DOE defense nuclear facility full-time or on a regular part-time basis from September 27, 1991, through the date of notification; and
- Involuntarily separated (other than for cause).

Intermittent employees are individuals employed in situations that results in repeated periods of employment and unemployment, (e.g., most construction trades). To be qualified as eligible for the Section 3161 rehiring preference, intermittent employees must have been:

- Employed at any DOE defense nuclear facility on or before September 27, 1991;

- Must have worked at such a facility within the 180 days preceding an applicable workforce restructuring notification;
- Must have worked at a DOE defense nuclear facility a total time, including time worked prior to September 27, 1991, equivalent to having worked 40 hours per week from September 27, 1991, through the date of the notification, or have actually worked the industry standard of full-time from September 27, 1991, through the date of the notification; and
- Must have been adversely affected by the announced restructuring at the [NAME SITE] within a reasonable period of time (one year). This includes the interruption of a project before its anticipated completion, or the completion of the assignment or project without prospect for a follow-on assignment at the site where the employee had a reasonable expectation of a follow-on assignment.

The contractors engaged in operations at the [NAME SITE] will implement the Section 3161 rehiring preference in accordance with their respective hiring procedures.

Subcontracts and Implementation of the Section 3161 Rehiring Preference

Subcontractors and sub-tier contractors which (with any contract options) exceed \$500,000, except subcontracts for the purchase of supplies, equipment or property, will be required by contract language to accord hiring preference benefits to displaced employees consistent with this Plan and the requirements of applicable procurement laws.

Contractors who have the DEAR provision on 3161, 48 CFR (DEAR) 952.226-74, in their contracts are required to flow down the clause to subcontracts expected to exceed \$500,000. Subcontractors are required to maintain adequate documentation to support hiring decisions, and to insert the hiring preference benefit requirement into their subcontracts.

Outplacement Services

To mitigate the impact of contractor employees at the [NAME SITE] losing jobs, local employees should seek assistance from the state employment service(s) at [STATE NAME, ADDRESS, PHONE NUMBER OF STATE SERVICE(S), AND IF AVAILABLE THE WEBSITE OF, AND RESOURCES AVAILABLE AT, THE SERVICE(S):

[Insert Appropriate Information]

VI. CONCLUSION

This PLAN has been developed to meet the requirements and intent of the National Defense Authorization Act for FY1993, and is being developed with an objective, among other things, of minimizing the need for involuntary separations in any Section 3161 workforce restructuring at the [NAME SITE]. This PLAN establishes the general framework within which any restructuring of the workforce at the [NAME SITE] would be implemented.

APPENDICES

Appendix A. Statement of Interest in Maintaining Section 3161 Employment Eligibility

Name: _____
FIRST Middle Last

Social Security Number: _____ - _____ - _____

Address: _____
Street/Apartment Number

_____ City State Zip Code

Telephone Number: (____) _____ - _____ (____) _____ - _____
HOME WORK

Date of Lay-Off resulting from Workforce Restructuring: _____
Month/Day/Year

Employer: _____

Position(s) held: _____

COCS Codes: (See attached form) _____

Education: (Last level completed and discipline) _____

Are you willing to relocate for employment? ____ YES ____ NO ____ MAYBE

I hereby request that I be designated as eligible for a hiring preference under Section 3161 for any job opportunities that may arise for which I am qualified. I also certify that I have not been terminated for cause from employment by a Department of Energy (DOE) or National Nuclear Security Administration (NNSA) contractor or subcontractor while performing work at a DOE Site. I understand that if I wish to be considered for a hiring preference for any other DOE Contractor in the DOE Complex that I am responsible for providing preference information to the DOE Contractor with my resume and/or applications.

I ALSO UNDERSTAND THAT IN ORDER TO RETAIN PREFERENCE IN HIRING STATUS, I AM REQUIRED TO COMPLETE A NEW FORM ANNUALLY TO MAINTAIN MY PREFERENCE STATUS.

SIGNATURE DATE

Send completed form to: Manager, HR, (Insert Contractor Name and Address)

APPROVED:

(INSERT CONTRACTOR NAME) DATE HIRE DATE SEPARATION DATE

Appendix B. [NAME SITE] Contractor Preference in Hiring Procedure

Pursuant to the Planning Guidance for Contractor Workforce Restructuring, eligible employees involuntarily separated from employment (except if terminated for cause) from Prime Contractors (including pre-selected named teaming subcontractors) at the [NAME SITE] may be eligible for preference in hiring. Where qualifications are approximately equal, eligible individuals will be given a preference in hiring, consistent with applicable law, regulation, or executive order, and collective bargaining agreements.

Initially, and on an annual basis thereafter, eligible individuals must certify on the Statement of Interest in Maintaining Section 3161 Employment Eligibility, their desire to retain their hiring preference with the Contractor from whom they were involuntary separated. In order to be eligible, individuals must meet the requirements as identified below:

Regular employees are individuals employed for an indefinite period with no specified ending date. Such employees include full time and part time employees. To be classified as a qualified, eligible employee under Section 3161, regular employees must have been:

- Employed at any DOE defense nuclear facility on or before September 27, 1991;
- Must have worked at such a facility within the 180 days preceding an applicable workforce restructuring notification;
- Must have worked at a DOE defense nuclear facility a total time, including time worked prior to September 27, 1991, equivalent to having worked 40 hours per week from September 27, 1991, through the date of the notification, or have actually worked the industry standard of full-time from September 27, 1991, through the date of the notification; and
- Must have been adversely affected by the announced restructuring at the [NAME SITE] within a reasonable period of time (one year). This includes the interruption of a project before its anticipated completion, or the completion of the assignment or project without prospect for a follow-on assignment at the site where the employee had a reasonable expectation of a follow-on assignment.