

## **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; (3) the normal completion of a contract; or (4) privatization or outsourcing, where the employees laid off are offered comparable compensation with the new contractor. Additionally, to retain eligibility for the preference, individuals must recertify annually by using the form provided in the DOE/NNSA General Plan.

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/NNSA defense nuclear facility on or before September 27, 1991;
- Employed at a DOE/NNSA defense nuclear facility in a full-time or part-time regular capacity on the date a workforce restructuring notice was given for a specific workforce reduction; and
- Employed at a DOE/NNSA 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 defense nuclear facility 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 defense nuclear facility will implement the Section 3161 rehiring preference in accordance with their respective hiring procedure.