



March 1, 2013

Mr. Parney Albright  
Director, Lawrence Livermore National Laboratory  
7000 East Avenue  
Livermore, CA 94550

Dear Director Albright,

SOCIETY OF  
PROFESSIONALS,  
SCIENTISTS AND  
ENGINEERS

LOCAL 11  
UNIVERSITY  
PROFESSIONAL AND  
TECHNICAL  
EMPLOYEES  
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We the Executive Board of the Society of Professionals, Scientists and Engineers (SPSE) write to voice concern over the effects of recent changes to the LLNS personnel policies, and the direction of Laboratory operations generally. We see the January 1, 2013 revisions to policy as detrimental to the Lab's science and national security missions. The total absence of discussion within the broader Lab community before the changes were announced makes us doubt the sincerity of the stated rationale—the need for more flexibility in the face of uncertainty.

Section B-H-36 of the NNSA-LLNS contract requires that “scientific and engineering personnel at the Laboratory shall be accorded the rights of ... open debate”. However this right can be exercised only in an environment that protects the job security of those who may differ with management’s viewpoints. How can “open debate” occur alongside a policy that gives management the latitude to dismiss or lay off an employee for “other business-related reasons as may be determined by Laboratory Management in its sole discretion”?<sup>1</sup> Without reasonable protections there can be no free and open debate.<sup>2</sup> The new personnel policies destroy the working environment on which intellectual and scientific freedom depends. It is natural for employees to feel inhibited in free and open debate knowing that loss of project funding can result in layoff. Loss of intellectual and scientific freedom, in turn, will be a major drag on the Lab’s ability to accomplish its scientific and national security missions.

The threat of a federal sequester of current year funding is unprecedented, and a response like the proposed uniform wage reduction “furlough” program that was recently announced may be warranted. Still, the new written policy goes beyond establishing a global ability to furlough employees, and pushes key decisions down to an arbitrarily low level of decision making. Carried to its logical conclusion, a Group Leader who budgets poorly and winds up short of funds could solve the problem by furloughing his or her least favorite subordinates. Moreover, as the policy requires no warning that a furlough is coming, it affords employees no opportunity to plan and adjust to reduced wages. Thus the policy needlessly creates stress, degrading performance on the job and disrupting the personal lives of employees.

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<sup>1</sup> LLNS Personnel Policies and Procedures, Sections K.III.2.1 and K.IV.1, dated January 1, 2013.

<sup>2</sup> Offering little more than a suggestion box, the “Employee Voice” process described in PPPM Section D is a deficient replacement for the Whistleblower policy that protected employees prior to the transition to LLNS management.

LLNL has a problematic history with layoffs and other RIFs. SPSE was formed in 1973, during a period when post-Vietnam era layoffs destroyed Lab morale and undermined the trust that had grown over time between management and the workforce. That trust was part of what had fuelled the Lab's excellent record of achievement. As our records from that period reflect, the most destructive causes of the schism were lack of transparency, and the belief that layoff decisions had been made subjectively and recklessly.

In 1995, after the cold war ended, Lab management sought to broaden the scope of the layoff policy to favor SKAs over seniority in determining order of layoff. Before making the changes, Human Resources solicited comments from employees on their likely effects. SPSE made a public records request and got copies of all 125 comment letters with names redacted.<sup>3</sup> Of the 125 respondents, only 11 were in favor of the change. Those who were opposed echoed the 1973 complaint; relying on a manager's judgment of an employee's SKAs would make the process unacceptably subjective. In the words of one respondent, "SKA is an amusing acronym, but allows for endless interpretation".<sup>4</sup> Several pointed out the incompatibility of layoffs with matrix management—the managers charged with making layoff decisions tend to have less than (in some cases much less than) the frequent contact with their employees needed to form even a *biased* assessment of SKAs. Seniority may be less than a perfect basis for workforce planning, but is at least an objective criterion, has a legal basis, and would work irrespective of the matrix system.

Incidentally, the layoff debacle of 1995 led SPSE to wage a campaign for collective bargaining among career indefinite employees. Though the campaign that year fell short of the support it needed to qualify a bargaining unit, it *was* successful enough to define the bargaining units that framed the campaign of 2007, which successfully organized a unit of 800-series employees for collective bargaining.

The layoffs of 2008 haunt all of us. The secrecy that shrouded the determination of layoff units, the questionable SKA-based decision making, and the arbitrary shielding of staff in certain programs led 130 former employees to sue LLNS for various forms of discrimination. In the years following the layoff, we have had the opportunity to talk with many of the plaintiffs. Beyond the collective allegation of discrimination, their most frequent complaint is that management forgot or never recognized their abilities and value to the Lab. Those unfortunate enough to change groups or get reassigned in the lead-up to the layoff fell into an administrative game of musical chairs that rendered them relatively unknown to the individual or individuals who decided the order of layoff, and more vulnerable to the axe.

Living through these experiences naturally makes current employees distrustful of the latest changes. Fear of getting shoved into the margins of our organizations and ending up vulnerable to layoff tends to make us too risk-averse to be bold and innovative. Surely this is not the direction you seek for the Laboratory.

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<sup>3</sup> Memo from Staff Relations Division Leader Robert Perko to SPSE Chief Steward Bruce Kelly responding to request for employee comments on proposed layoff, dated July 26, 1995, with enclosures.

<sup>4</sup> Enclosure #103, response letter to Human Resources Manager Gloria Kwei, dated June 15, 1995.

On comparing the previous and current PPPM Section K on Separations, we conclude that the change provides no real gain in flexibility for management in tailoring the workforce. The difference is chiefly one of convenience for the manager. It invites laziness and neglect of the very important role of assessing and stewarding talent and resources.

We call on you to order a review of the January 2013 policy changes, and precede it with a dedicated call for employee comments like the robust response that Human Resources solicited in 1995, not merely a routine reminder of the option of blogging you. Meanwhile we will contact your office to arrange a meeting to elaborate on our proposals.

You and your management team have the right and the duty to run LLNL in a safe and efficient manner, but we assert that the previous policy gave you all the tools you needed to do so. SPSE advocates for the rights of employees to fair and predictable treatment. Employees have a right to know the rules and standards they will be held to, and not be forced to face layoff or dismissal for obscure “business-related reasons as may be determined by Laboratory Management in its sole discretion”. January’s changes to written policy will not make LLNL more efficient in a business sense, rather they invite abuse and recall historical low points in trust between management and the workforce. It is not too late to take a different path.

Sincerely,

Riki Gay  
President

Kevin Aguilar  
President-Elect

William Smith  
Secretary

Deborah Lawson  
Treasurer

Steve Balke  
UPTE Representative

Cc: Robert Perko