

UPTE/CWA OF LOS ALAMOS RESOLUTIONS

October 2003

Resolution 1 of the UPTE/CWA of Los Alamos

WHEREAS, the Los Alamos National Laboratory continues to have major economic and environmental impacts in the local communities of New Mexico;

WHEREAS, the California State Legislature was instrumental in amending the Higher Education Employees Rights Act (HEERA) to give UC employees the right to organize in New Mexico and thus recognized the impact of California law on the UC employees in New Mexico;

WHEREAS, the New Mexico State Legislature has recognized these impacts on the State by establishing an Interim Committee on LANL oversight; and

WHEREAS, there have been significant pay equity issues raised by New Mexico State legislators;

BE IT THEREFORE RESOLVED, that UPTE/CWA continue legislative actions to support and strengthen oversight of the UC operated national laboratories through the Joint California-New Mexico Committee on LANL Oversight and by the New Mexico State Legislature through its Interim Committee on LANL Oversight.

Resolution 2 of the UPTE/CWA of Los Alamos:

WHEREAS, universal health care in the United States remains unattainable for a large portion of our citizens;

WHEREAS, the present health care system:

- does not guarantee universal coverage,
- has not public accountability,
- leaves rural and small town residents without reasonable access to quality care at affordable costs,
- often does not allow citizens the freedom to choose their own health care providers, and
- fails to contain costs to anyone, including employers;

WHEREAS, the New Mexico Health Care Plan, as proposed for the 2004 New Mexico State legislature proposes a system that addresses all of these issues;

WHEREAS, the New Mexico Health Care Plan could be a model for other states to address their own citizens' health care needs;

WHEREAS, CWA has long been in the forefront of the U.S. Labor movement in supporting universal health care initiatives; and

WHEREAS, employees of the University of California and UPTE members in New Mexico and in California continue to face employee-paid premium increases with no means to control premium increases in future years and the uncertainties with changing health plans in 2004;

BE IT THEREFORE RESOLVED, that UPTE/CWA continue its support of the bill to provide Health Security for New Mexicans in the New Mexico State Legislature.

Resolution 3 of the UPTE/CWA of Los Alamos

WHEREAS, Los Alamos National Laboratory management improperly fired two Whistleblowers in November, 2002 while they were conducting investigations into alleged fraud at the Laboratory;

WHEREAS, the firing of these two whistleblowers led to the abrupt resignation of Laboratory Director John Browne and the release of several key senior managers at Los Alamos;

WHEREAS, on-going retaliation of protected employees (Whistleblowers) continues to this day at the Los Alamos National Laboratory;

WHEREAS, disclosures of improper governmental activities, as defined by California Government Code Section 8547.2, led to healthy improvements in our institution, especially in significant areas of safety; and

WHEREAS, the University of California has a responsibility for the stewardship of University resources and the public and private support that enables it to pursue its mission;

BE IT THEREFORE RESOLVED, that UPTE/CWA supports the continuation of Los Alamos National Laboratory's initiative to implement the University of California's Whistleblower Protection Policies and their development of effective internal reviews and controls to strengthen Whistleblower protections.

Resolution 4 of the UPTE/CWA of Los Alamos

WHEREAS, the Health and Safety of LANL employees has been compromised by management's unregulated self-assessments;

WHEREAS, LANL employees have not in the past, cannot now, and must be able to openly voice concerns about health and Safety without fear of reprisal and retaliation;
and

WHEREAS, an independent oversight entity such as the Nuclear Regulatory Commission can should be commissioned to perform safety and health assessments;

BE IT THEREFORE RESOLVED, that UPTE/CWA request and work for support of the California and New Mexico Congressional leaders in creating legislation that will guarantee oversight of the DOE operated national laboratories independently of the DOE control and influence.

X-Sender: u087927@beasley.lanl.gov
X-Mailer: QUALCOMM Windows Eudora Version 5.1.1
Date: Tue, 07 Oct 2003 11:03:28 -0600
To: mannyt@lanl.gov
From: C Montano <cmontano@lanl.gov>
Subject: Fwd: DRAFT WORDING FOR THE OFCCP RESOLUTION
Cc: tgc@lanl.gov
X-Scanned-By: MIMEDefang 2.35

Manny,
This is what I sent Theresa.CM

Date: Sat, 04 Oct 2003 14:38:09 -0600
To: tgc@lanl.gov
From: Montano <pumbanm@cybermesa.com>
Subject: DRAFT WORDING FOR THE OFCCP RESOLUTION

Whereas the Los Alamos National Laboratory has a long history of salary disparity and employment underutilization with respect to minorities and women,

Whereas the Hispano Round Table of New Mexico (HRT) has conducted a salary parity analysis that shows widespread and significant disparity,

Whereas the Los Alamos National Laboratory, in response to the HRT salary parity analysis, commissioned Welch Consulting of College Station, Texas to conduct a parity analysis,

Whereas the Welch Consulting parity analysis utilized numerous "mitigating factors", some of which were irrelevant and/or subjective, to reduce the computed disparity,

Whereas the Welch Consulting parity analysis was not done in accordance with New Mexico Human Right Commission salary parity analysis guidance requiring the grouping of individuals into common job responsibility/skills pools,

Whereas the Welch Consulting parity analysis was done by grouping individuals into common job series/level, but not into common job responsibility/skills pools,

Whereas Dr. Finis Welch, in response to questioning by New Mexico Representative Debbie Rodella at a September 8, 2003 public hearing, admitted that some of the "mitigating factors" he utilized in the LANL parity analysis were subjective,

Whereas Dr. Finis Welch, in response to questioning by New Mexico Representative Debbie Rodella at a September 8, 2003 public hearing, admitted that Asian Americans were treated "differently" in the LANL parity analysis,

Whereas Dr. Finis Welch, in response to questioning by New Mexico Representative Debbie Rodella at a September 8, 2003 public hearing, admitted that the LANL parity analysis did not include an analysis of salary disparity with respect to Hispanic Women,

Whereas Dr. Finis Welch has admitted, since the September 8, 2003 public hearing, that the LANL Legal Office influenced his decision to include one or more of the "mitigating factors,"

and thus raising questions as to the validity of their inclusion,

Whereas the Welch Consulting parity analysis, despite the numerous "moderating factors" utilized, still computed salary disparities greater than 2 standard deviations,

Whereas the U.S. Department of Labor Office of Federal Contract (OFFCP) compliance has EEO/AA jurisdiction with respect to federal contractors,

Whereas the the University of California, which manages the Los Alamos National Laboratory and has done so for the past 60 years, is considered a federal contractor,

Whereas the OFCCP is required to perform disparity analyses/investigations of federal contractors suspected of condoning or otherwise being in significant non compliance with OFCCP EEO/AA requirements, and where as a disparity of 2 standard deviations and greater is considered significant,

Whereas the OFCCP in the late 1970s attempted to initiate an enforcement action against LANL for system institutional-wide salary disparity, which LANL resisted for five years (according to a U.S. Congressional Committee report issued in the early 1980's) before accepting a negotiated conciliatory agreement requiring LANL to spend \$7 million to at least partially remedy the salary disparity,

Whereas the OFCCP in the 1996 issued an unfavorable determination against LANL for conducting a layoff action in 1995 that was biased towards Hispanic employees, thus having a disproportionately adverse impact on Hispanics,

Whereas the EEOC in the fall of 2003 ruled in favor or Hispanic employees claiming promotion and salary discrimination within the LANL Procurement organization,

Whereas the OFCCP has historically found LANL utilizing "good faith efforts" and "good intentions" as perennial substitutes for achieving equitable results in hiring, pay and promotions,

Be it hereby resolved, therefore, that the University Professional & Technical Employees (UPTe) Local #1663, a member in good standing of UPTe system-wide and the Communication Workers of America, hereby requests a letter be sent to the U.S. Department of Labor OFCCP, requesting a comprehensive analysis and investigation be done of hiring, promotion and pay disparity existing at the Los Alamos National Laboratory, and that a copy of the results of said investigation be publicly disseminated and or otherwise made available for public review; with a copy of said letter being sent as well to DOE-NNSA Administrator Linton Brooks.

END

At 02:24 PM 10/2/2003 -0600, you wrote:

X-Sender: tgc@cic-mail.lanl.gov (Unverified)
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1

Resolution 6 of the UPTE/CWA of Los Alamos

WHEREAS, the federal government has enacted the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) to compensate workers made sick from past exposures to toxic substances at Los Alamos National Laboratory (LANL) and other US Department of Energy (DOE) facilities;

WHEREAS, the US Congress tasked the US DOE with assisting claimants with state worker compensation claims deemed valid by a Physicians Panel under Subtitle D of EEOICPA, and over 1100 claims have been filed by claimants employed at LANL as of August 29, 2003;

WHEREAS, the US DOE in the three years since enactment has processed only 74 out of 19,000 claims (0.4%) through its Physicians Panels, and the Government Accounting Office now projects a seven-year wait for DOE to complete processing of its backlog;

WHEREAS, the US Department of Labor (DOL) has competently administered its responsibilities under EEOICPA, and possesses the expertise, infrastructure and staff to administer the claims now logjammed inside the DOE's bureaucracy;

WHEREAS, HJM 16 adopted by the New Mexico Legislature calls for transfer of this compensation program to the US DOL, and New Mexico Governor Bill Richardson has transmitted such request to the New Mexico congressional delegation; and

WHEREAS, the United States Senate recently enacted as part of the Energy and Water Appropriations Act for FY04 a requirement (Section 316) for DOE to transfer claims processing for occupational illnesses to the DOL through an amendment sponsored by Senators Grassley and Murkowski, and the DOL is prepared to accept such added responsibilities;

THEREFORE BE IT RESOLVED that CWA-UPTE supports the transfer of claims processing responsibilities from DOE to DOL in the Conference Report for the Energy and Water Appropriations Act (HR 2754), in order to help sick and dying claimants who have contacted occupational diseases at DOE facilities, including Los Alamos National Laboratory.