

LABOR UNION AT PORTSMOUTH MAY SUE DOE OVER BENEFITS DISPUTE

A long-standing labor issue at the Portsmouth D&D project may come to a head early next year, with the local United Steelworkers union preparing to take the Department of Energy to court to resolve a dispute over worker benefits. At issue is whether some project workers who transferred to D&D contractor Fluor-B&W Portsmouth from USEC are being improperly kept out of the benefit plan previously established for Portsmouth's cleanup contractors, which the local union has said provides better benefits than the plan FBP has established for new hires. "We have a fairly good relationship with FBP. They are stating that their contract with the DOE does not permit for the assumption of the contract and the allowing of those USEC workers to be included in the MEPP [Multiple Employer Pension Plan]," USW Local 689 President Herman Potter told *WC Monitor* this week. "The DOE has told us that the FBP contract between them and the DOE was a new contract implying new scope of work. They claim that if it was the same scope of work then they would have directed FBP to assume the contracts. We have always maintained that the work has never changed," Potter said, adding, "Under the USEC contract, we were doing surveillance and maintenance-type work. This work is the same." The dispute has severely damaged morale at the Portsmouth site, according to Potter. "It's been very frustrating. It's caused a lot of turmoil internally. Our membership is pretty upset. As you can imagine, the morale's pretty bad. It's establishing factions within the union—some think the others are getting more. It's causing a lot of dissension," he said. "The workers are frustrated. ... They do not understand how the promise of continuity of benefits is not upheld and that this is the first time in their knowledge there was no assumption of contracts."

Is DOE Seeking to Improperly Cut Pension Costs?

Potter accused DOE of improperly inserting itself into the negotiations between the local union and FBP on worker benefits in an attempt to reduce liabilities for the federal government. DOE is the only federal agency to reimburse contractors for pensions and benefits costs. "It is actually concerning that the DOE is acting as a third party by indirectly inserting themselves in the collective bargaining process," he said. "If the DOE has budget issues, they should view us as stakeholders and ask for assistance to address the budget problems instead of manipulating to steal those benefits and pensions that have been negotiated in earlier years." If the issue is not resolved, the local union is preparing to file suit against DOE "after the first of the year," Potter said. "We have tried to convince the membership that this is all driven by the Department of Energy. DOE has maintained that they're not involved with that, although we have clear documentation that they are actually calling the shots. They're the ones that actually make the determinations as far as the bargaining parameters." This summer, USW International President Leo Gerard called on Secretary of Energy Steven Chu to address the local union's concerns. "This is the first time in the history of the U.S. nuclear sector that the DOE has not supported the successor contractor honoring the existing collective bargaining agreement and the workers' benefits, wages and seniority as guaranteed under it," Gerard wrote in a July 1 letter. "It is my understanding that DOE specifically instructed the new contractor consortium at the [Portsmouth] site not to honor the terms of the collective bargaining agreement as they related to seniority and benefits. ... In my view it is unconscionable for a Democratic-administration elected with labor support to take such a position and to treat workers as much-used equipment to be discarded at will. If this is the case, no previous administration in history has been this callous toward unionized DOE workers."

FBP Working to Complete New Bargaining Agreement

DOE's Office of Environmental Management largely declined to comment on the labor dispute this week, though it did emphasize that contractors are chiefly responsible for developing negotiation positions. "DOE is supportive of the rights of its contractors' employees to be represented by unions. For contractor employees represented by labor organizations, terms and conditions of employment are subject to negotiation between the contractor and the union—DOE cannot interfere in that process and does not comment on labor negotiations during the contractor/union collective-bargaining process. The contractor develops parameters for negotiations and the Department only reviews the parameters in order to ensure they are consistent with the contract and DOE policy," EM spokeswoman Shari Davenport said in a written response. For its part, FBP is continuing efforts to negotiate a new Collective Bargaining Agreement with the local union to replace those held with USEC and previous site cleanup contractor LATA/Parallax Portsmouth, LLC, according to FBP spokesman Jerry Schneider. "Currently FBP and

USW are operating under a Memorandum of Agreement (MOA) that implemented all tentatively agreed to contract articles. In addition, it enrolled employees in new pension and benefit plans. FBP has continued to operate under the terms and conditions of the MOA without any disruption and substantial progress has been made toward the achievement of D&D objectives. FBP and USW continue to meet with the common goal of entering into a final and multi-year CBA. While much has been accomplished with respect to the details of this new CBA, final agreement has not yet been reached on some important issues,” Schneider said in a written response, declining to provide further comment.

—*Mike Nartker*