

Lawrence Berkeley National Laboratory

AFFIRMATIVE ACTION PROGRAMS (AAP)

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AFFIRMATIVE ACTION PROGRAM

For

MINORITIES AND FEMALES



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I. Introduction

Ernest Orlando Lawrence Berkeley National Laboratory (LBNL) is managed by the University of California for the U.S. Department of Energy (DOE) under Contract No. DE-AC02-05CH11231. As a federal government contractor, the Laboratory is subject to executive orders and regulations pertaining to equal employment opportunity and affirmative action.

Mission Overview

Founded in 1931, Lawrence Berkeley National Laboratory has grown from a pioneering particle and nuclear physics laboratory into a multidisciplinary research facility with broad capabilities in physical, chemical, biological, and earth systems research, including energy supply, efficiency, and storage; and environmental science. LBNL researchers conduct experiments in ultrafast soft X-ray science to engineer systems at quantum, atomic, and molecular scales; fabricate nanostructured materials and devices; gain new insight into particle physics, nuclear physics and cosmology; apply computational science to the solution of scientific problems of scale; and study and engineer complex biosystems. As a national laboratory with international impact, LBNL leadership strives to strengthen its core capabilities, intellectual creativity, and rigorous safety culture. LBNL applies these strengths to address the greatest scientific and technical challenges of our time to transform the world energy economy and to provide a sustainable future for mankind.

LBNL provides critical national scientific infrastructure for university, industry, and government researchers. Major facilities include the Advanced Light Source (ALS), a world center for ultraviolet and soft X-ray synchrotron-based science; the Molecular Foundry, a nanoscale-science user facility; the National Center for Electron Microscopy (NCEM) for materials science; the Department of Energy (DOE) Joint Genome Institute (JGI); the National Energy Research Scientific Computing Center (NERSC), with computational science capabilities for complex scientific applications; the Energy Sciences Network (ESnet), the Office of Science (SC) data and connectivity backbone; and the 88-Inch Cyclotron, for nuclear science. LBNL also hosts two DOE sustainable-energy research centers; the Joint BioEnergy Institute (JBEI) and the Artificial Photosynthesis Hub (JCAP) in partnership with CalTech.

LBNL fosters the creativity of outstanding individuals who work collectively across disciplines to deliver solutions to DOE challenges of scale and urgency. Founder Ernest Lawrence was Berkeley Lab's first Nobel laureate; following that tradition, 11 Nobel laureates have worked or are working at LBNL, and many more have had significant research associations. In addition, 80 current members of the National Academy of Science, The National Academy of Engineering, and the Institute of Medicine are affiliated with LBNL.



Laboratory Current Core Capabilities

LBNL has identified its core capabilities as part of the 2010 Annual Laboratory Plan. Each of LBNL's core capabilities involves a substantial combination of people, facilities, and equipment to provide a unique or world-leading scientific ability to safely support DOE missions and national needs:

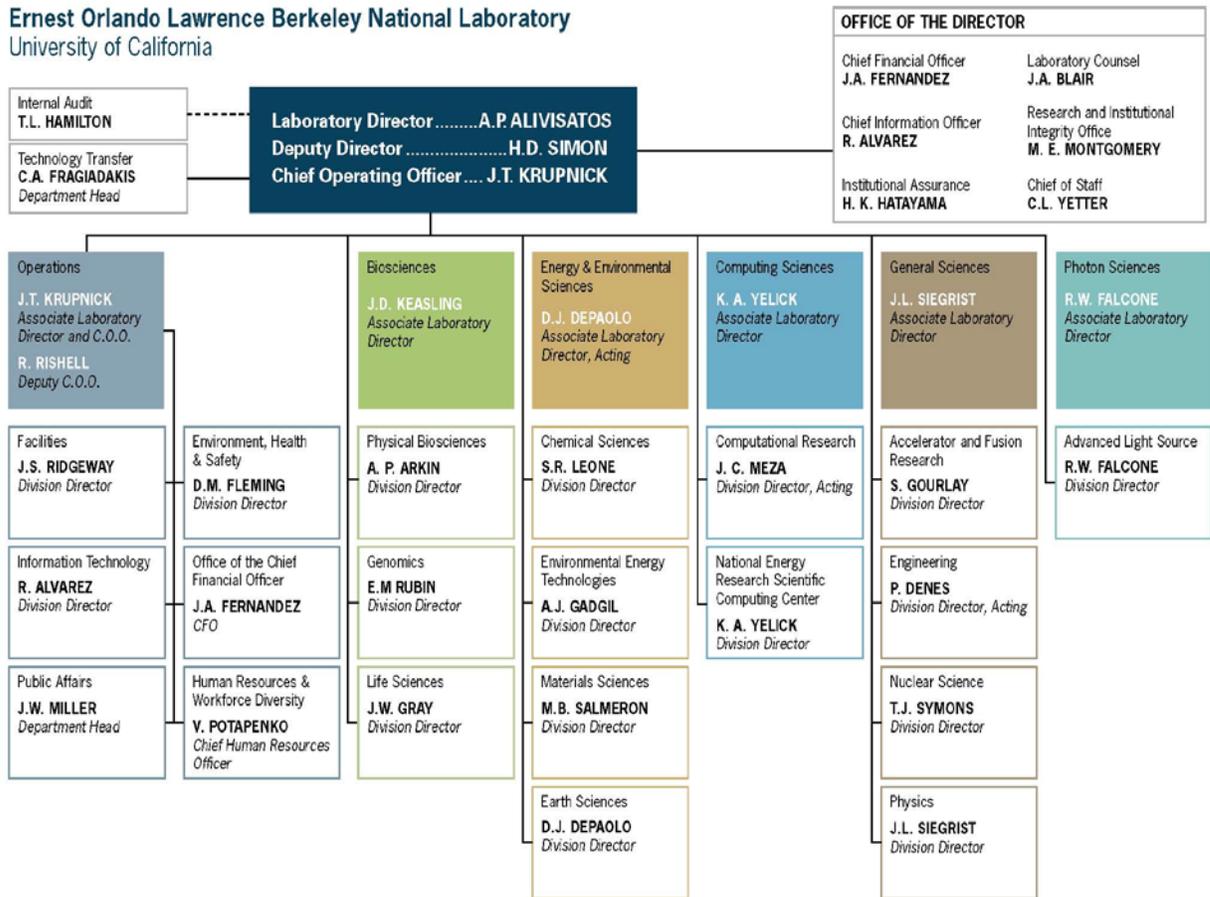
- Accelerator Science and Technology
- Advanced Computer Science, Visualization, and Data Management
- Applied Materials Science & Engineering
- Applied Mathematics
- Applied Nuclear Science and Technology
- Biological Systems Science
- Chemical and Molecular Science
- Chemical Engineering
- Computational Science
- Condensed Matter Physics and Materials Science
- Large-Scale User Facilities and Advanced Instrumentation
- Nuclear Physics
- Particle Physics
- Subsurface Science
- Systems Engineering and Integration

Specific research areas are given and their relationship to DOE missions and needs are further described in the Annual Laboratory Plan.



LBNL Organizational Chart as of 09/14/10

Ernest Orlando Lawrence Berkeley National Laboratory
University of California





II. Equal Employment Opportunity (EEO) Policy Statement

LBNL is an equal employment opportunity/affirmative action/ (EEO/AA) employer. The Laboratory bases its employment decisions on objective standards in the furtherance of equal employment opportunity. The Laboratory's Nondiscrimination and Affirmative Action policy statement is included in Section V Dissemination of Policy.

LBNL's policy on Nondiscrimination prohibits discrimination against or harassment of any persons employed by or seeking employment with the Laboratory on the basis of race, color, national origin, religion, sex, gender identity, pregnancy,¹ physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994).² This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and Federal laws and Laboratory policies. LBNL's policy prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliation includes threats, intimidation, reprisals, and /or adverse actions related to employment.

LBNL undertakes affirmative action to assure equal employment opportunity for women and minorities, individuals with disabilities, and covered veterans.³

In developing affirmative action programs, the Laboratory follows the objectives of the University of California, which are:

- Ensuring individuals who may have been victims of employment discrimination are given equal opportunity to compete for jobs and to have their qualifications assessed fairly; and
- To achieve a diversified workforce at all levels.

The Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor (DOL) is responsible for enforcing the equal employment opportunity mandate of Executive Order 11246, as amended. Guidelines for the development and implementation of affirmative action programs are set forth in the OFCCP's 41 CFR, Part 60-2. The OFCCP may review the Laboratory's Affirmative Action Program (AAP) and assess the Laboratory's compliance.

¹ Pregnancy includes pregnancy, childbirth, and medical conditions related to pregnancy and childbirth.

² Service in the uniformed services includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

³ Covered veterans includes veterans with disabilities, recently separated veterans, Vietnam era veterans, veterans who served on active duty in the U.S. Military, Ground, Naval or Air Service during a war or in a campaign or expedition for which a campaign badge has been authorized, or Armed Forces service medal veterans.



III. Principles of a Diverse Community

At Lawrence Berkeley National Laboratory, we are committed to conducting great science and fostering technological advancement to solve the world's most challenging problems and to answer its most elusive questions. A diverse workforce is an invaluable asset to achieving these goals. To this end, we embody the following principles to successfully attain the Laboratory's mission and embrace our diverse workplace community:

- We affirm the inherent dignity in all of us and strive to maintain an environment characterized by respect, fairness, and inclusion. Our valued community encompasses an array of races, creeds, and social circumstances. We recognize and cherish the richness contributed by our diversity.
- We accept open expression of our individuality and diversity within the bounds of courtesy, respect, and sensitivity. We take pride in our collective achievements. We honor our differences.
- As mandated by law and reaffirmed here, we will not tolerate discrimination or harassment on the basis of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history) added 2010, ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services.



IV. Program Summary

The Lawrence Berkeley National Laboratory (LBNL) is managed by the University of California for the U.S. Department of Energy (DOE) under Contract No. DE-AC02-05CH11231. As a federal government contractor, LBNL is subject to Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973 as amended, the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended (VEVRAA), and implementing regulations found at 41 CFR, Part 60-2, to implement an annual affirmative action plan. The following procedures are implemented to audit and support the Laboratory's equal employment opportunity/affirmative action efforts.

LBNL undertakes affirmative action to assure equal employment opportunity for women and minorities, individuals with disabilities, and covered veterans, and prohibits discrimination against or harassment of any persons employed by or seeking employment with the Laboratory on the basis of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994). The Laboratory's Nondiscrimination and Affirmative Action policy statement is included in the *Dissemination of Policy in Section V and Appendix A of this Plan*.

LBNL will continue to maintain and monitor accurate and up-to-date records on all personnel actions to determine the existence of any systemic patterns and to take subsequent action where appropriate and to ensure all employees are treated on a fair and equitable basis. Responsibilities for ensuring equal employment opportunity and affirmative action audit processes are accomplished and outlined in *Section VI Designation of Responsibility for Implementation and Section XV Internal Audit Reporting Systems*.

The Utilization analysis is an essential component of the Affirmative Action Plan (AAP) and is designed to assist LBNL in establishing appropriate placement goals, developing focused outreach efforts, and implementing Equal Employment Opportunity/Affirmative Action policies. The utilization analysis contains the following interrelated elements: workforce analysis, job group analysis, and availability analysis. *See Section IX Utilization Analysis, Section X Placement Goals, and Section XII Development and Execution of Action Oriented Programs*.

The Work Force Utilization Reports present the utilization and availability of women and minorities by EEO job group and EEO job category. Data on women and minorities are reported by separate ethnic or racial groups, i.e., Blacks/African Americans, Hispanics/Latinos, Asians, American Indians/Alaskan Natives, Native Hawaiians/Other Pacific Islanders, and Two or more races. The work force analysis includes the composition and fluctuation of women and minorities, updated availability estimates and utilization levels, and progress toward current affirmative action goals. *See Section VII Workforce Analysis*.



LBNL has developed programs with the goal of increasing female and minority representation within job classifications identified as underutilized. *See Section XII Development and Execution of Action Oriented Programs.*

LBNL's obligations regarding federal guidelines on sex discrimination, and religion or national origin are addressed in s *Sections XIII Compliance with Sex Discrimination and XIV Compliance with Guidelines on Religion and National Origin.*

To augment its efforts related to the employment and advancement of qualified individuals with a disability and/or covered veterans, the Laboratory conducts outreach. The Affirmative Action Plan for Covered Veterans and Persons with Disabilities follows the Affirmative Action Plan for Women and Minorities.



V. Dissemination of Policy

A. Internal Dissemination

LBNL disseminates its equal employment opportunity and affirmative action (EEO/AA) policies both internally and externally.

Director's EEO/AA Statement

To ensure that all LBNL employees and managers are familiar with the Laboratory's policy on EEO/AA commitments the policy statement reminder is published bi-annually. Additionally, a reminder of the Laboratory's policy on sexual harassment prevention is also published bi-annually. See Appendix A for sample language of the 2011 AA/EEO policy reminder and sexual harassment prevention policy reminder.

Internal Laboratory Briefings

The Equal Employment Opportunity (EEO) Office disseminates LBNL's Affirmative Action Program to the Director of Berkeley Lab, the Deputy Laboratory Director, the Chief Operating Officer, the Associate Laboratory Directors, the Division Directors, the Human Resources Department, and the Laboratory's libraries. The Diversity & EEO/AA Manager provides information about the Laboratory's progress in meeting goals through annual briefings with management and the Laboratory's Diversity Council.

Publications within the Laboratory

The Laboratory pictures both minority and non-minority men and women in publications featuring employees. The Laboratory emphasizes its commitment to affirmative action by publishing news stories and announcements in Today at Berkeley Lab (TABL), a daily online newsletter that is distributed to all employees, and describes the accomplishments and contributions of minority and female employees.

The Regulations and Procedures Manual (RPM), which is made available to the Laboratory via the intranet, include a summary statement of the Laboratory's affirmative action policy in Section 2.01(C). LBNL's affirmative action program is a promulgation of Laboratory policy.

Posters

LBNL bulletin boards include Federal and State labor posters and are updated annually.

New Employee Briefing

LBNL's diversity and nondiscrimination policies are available online through the New Employee Briefing orientation program at <http://www.lbl.gov/BLI/netraining.html>.

Position Posting

Vacancies are posted for a minimum of two weeks and are available electronically on the Internet at the Current Job Opportunities (CJO) website at <http://cjo.lbl.gov/>.



Union Officials and Agreements

LBNL includes nondiscrimination clauses in union agreements and reviews contractual provisions to ensure they are nondiscriminatory.

Employee Awareness

LBNL makes current employees aware of the existence of the Laboratory's affirmative action program and the benefits available.

B. External Dissemination

Declaration of Laboratory Policy for Recruitment

LBNL's EEO/AA policy is communicated to its recruiting sources. An EEO/AA employer statement is included in recruitment materials, including application forms, brochures, newspaper advertisements, and recruitment flyers.

LBNL's [Job Openings](http://www.lbl.gov/Workplace/HumanResources/jobs/applying.html) webpage links to its equal employment opportunity/ affirmative action employer statement at <http://www.lbl.gov/Workplace/HumanResources/jobs/applying.html>. LBNL may inform local and national organizations, professional and state agencies, and colleges and universities of its current job opportunities.



VI. Designation of Responsibility for Implementation

The Laboratory Director

The Director of the Lawrence Berkeley National Laboratory (LBNL) has the overall responsibility for implementation of the Equal Employment Opportunity/Affirmative Action policy (EEO/AA) that encompasses the entire Laboratory. This includes scientific policy, guidance on Lab-wide issues, strategic direction, Laboratory initiatives, program development, and educational needs.

The EEO/AA Office issues the EEO/AA Policy Statement that is disseminated to all employees and is reflected in the hiring procedures and policies section of the Regulations & Procedures Manual (RPM). This Policy Statement makes it clear that implementation of the EEO/AA programs is a shared management responsibility. The Lab Director informs the Division Directors that their equal employment opportunity/affirmative action efforts and results will be considered in their yearly performance reviews.

The Lab Director's responsibility for implementing EEO/AA policies include:

- Support the Diversity & EEO/AA Manager and Human Resources Department in developing labwide recruitment strategies for attracting women and minorities, individuals with a disability and covered veterans.
- Collaborate with the Diversity & EEO/AA Manager in monitoring progress and conducting labwide action-oriented programs to address problem areas.
- Assist with the identification of problem areas and initiating revised divisional, departmental, and unit goals and objectives.
- Periodically reviews qualifications of Division staff to ensure all employees (including women and minorities) are given full opportunity for transfer and promotion.
- Communicate to division directors that their equal employment opportunity/affirmative action efforts and results will be considered in their yearly performance reviews.

Deputy Director and Associate Laboratory Directors

The Deputy Director and Associate Laboratory Directors are responsible for following and ensuring the implementation of all Laboratory policies including non-discrimination and affirmative action policies, scientific policy, program development and educational needs.

Division Directors

The Division Directors have overall responsibility for implementing EEO/AA policies within their Divisions. These responsibilities include the following:

- Collaborate with the Diversity & EEO/AA Manager in monitoring progress and conducting action-oriented programs to address problem areas.
- Support the Diversity & EEO/AA Manager and Human Resources Department in developing recruitment strategies for attracting women and minorities, individuals with a disability and covered veterans. This includes ensuring a diverse and qualified applicant pool, as well as a diverse selection committee.
- Periodically review qualifications of Division staff to ensure all employees (including women and minorities) are given full opportunity for transfer and promotion.



- In conjunction with the Human Resources Department, utilize existing techniques for the informal resolution of employee complaints related to issues concerning EEO/AA.

Managers and Supervisors

Managers and supervisors have front line responsibility for implementing EEO/AA policies throughout LBNL. They are required to participate in activities that improve their ability to manage a diverse workforce and to understand workplace implications of EEO regulations. The duties of the department managers and supervisors include:

- Assist the Diversity & EEO/AA Manager in the identification of problem areas and in the establishment of department goals and objectives.
- Remain actively involved with local Laboratory programs in support of minority organizations, women's organizations, community action groups and community service programs.
- Participate in periodic audits of training programs, hiring and promotion patterns.
- Review qualifications of employees to ensure all employees, including minorities and women are given full opportunities for transfers and promotions.

Chief Human Resources Officer

The Chief Human Resources Officer and Human Resources Department staff is responsible for implementing the full range of Laboratory policies and procedures aimed at ensuring equal employment opportunity and affirmative action at the LBNL:

- Develop recruitment plans with the goal of increasing representation of underutilized groups in the qualified applicant pool(s).
- Monitor recruitment processes to ensure a suitable search is conducted.
- Provide a calendar of recruitment and outreach efforts.
- Place recruitment advertisements in publications likely to be read by greater numbers of qualified applicants including women, minorities, individuals with a disability and covered veterans.
- Administer training and development programs.
- Provide information to new employees on the Laboratory's EEO/AA program and its objectives.
- Monitor employment applications, interviews conducted, offers of employment, wage commitments and any other terms and conditions of employment for consistency with Laboratory policy.

The EEO/AA and Diversity Manager

The Equal Employment Opportunity/Affirmative Action (EEO/AA) & Diversity Manager and designated staff members are responsible for the Laboratory-wide administration and coordination of the Affirmative Action Program, advising appropriate parties to ensure progress toward affirmative action goals, and for establishing procedures for review and revision of current employment practices to assure conformity with the EEO/AA Policy statement.

The EEO/AA & Diversity Manager is responsible for auditing and implementing the Laboratory's Affirmative Action Program. All internal and external communications regarding the Laboratory's affirmative action program are developed by the EEO/AA & Diversity Manager



and other personnel. The duties of the EEO/AA & Diversity Manager include the following:

- Develop policy statements, affirmative action programs and internal and external communication.
- Assist with identifying problem areas and monitoring achievements through meetings with the Laboratory Director, the Deputy Director, Associate Laboratory Directors, Division Directors, and the Human Resources Management team.
- Design and implement auditing and reporting systems that:
- Measure the effectiveness of the Laboratory EEO/AA programs.
- Indicate any need for remedial action.
- Determine the degree to which the Laboratory's goals and objectives are being attained.
- Serve as liaison between the Laboratory and labor enforcement agencies.
- Advise management on the latest developments in all areas of equal employment opportunity and affirmative action.
- Inform manager/supervisors of their direct impact on the Laboratory's equal employment opportunity efforts and results.
- Serve as liaison between the Laboratory and organizations concerned with employment opportunities for women and minorities, individuals with a disability and covered veterans.
- Assist the Human Resources Department and the Laboratory Divisions with outreach and recruitment of women, minorities, individuals with a disability and covered veterans.
- Primary responsibility for community relations and liaison with local and national organizations concerned with the employment of women and minorities as well as those persons protected by law from discrimination based on religion, national origin, age, physical or mental disability, covered veteran status, marital status, sexual orientation, medical condition (cancer-related), citizenship, or ancestry and gender identity.



VII. Workforce Analysis

Pursuant to 41 CFR 60-2.11(c) the Laboratory annually conducts an analysis to determine workforce composition by gender and ethnicity for each division/department. The workforce analysis lists each job title ranked from the lowest paid to the highest paid within each organizational unit. Each job title indicates the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents within the following ethnic groups: Blacks/African Americans, Hispanics/Latinos, Asians, American Indians/Alaskan Natives, Native Hawaiians/Other Pacific Islanders, and Two or more races. The salary range for each job title is provided.

The Work Force Analysis Report (if requested can be found in Appendix D) is available upon request from the EEO/AA Office.

The Laboratory maintains one Affirmative Action Plan (AAP) for all career employees located at One Cyclotron Road, Berkeley, CA.

The Laboratory Director is reported in the University of California, Office of the President (UCOP) Affirmative Action Plan.



VIII. Job Group Analysis

The job groups contain a set of job titles that share similar content and responsibilities, wage rates and lines of progression. All jobs in the job group analysis are located at 1 Cyclotron Road, Berkeley, CA. The Laboratory Director is reported in the University of California, Office of the President (UCOP) Affirmative Action Plan.

As a general practice, job titles and job group assignments are reviewed and updated as appropriate (See attached *Appendix B for job group analysis* showing the percentage of minorities and women employed in each job group and the job titles comprising each job group).

The Laboratory currently has **42** active job groups listed in *Appendix B*.



IX. Utilization Analysis

Utilization analysis, an essential component of the Affirmative Action Plan (AAP), is designed to assist the Laboratory in establishing appropriate placement goals, developing focused outreach efforts, and implementing Equal Employment Opportunity/Affirmative Action policies. A utilization analysis contains the following interrelated elements: workforce analysis, job group analysis, establishing placement goals and availability analysis.

Placement of Incumbents in Job Groups

Underutilized job groups are identified using the measure in *Appendix C, Incumbency vs. Availability*, when the percentage of women and minorities employed in a particular job group is less than would reasonably be expected given their availability percentage in the particular job group, by at least one whole person, the job group is considered underutilized.

As these underutilized areas are identified, goals are established and set equal to the availability percentages specified in the underutilization tables in *Appendix C Incumbency vs. Availability*. Annual percentage placement goals for women and total minorities are found in the table that follows this narrative. Additionally, *Appendix C* reports on “total minorities” which comprises of Blacks/African Americans, Hispanics/Latinos, Asians, Native Hawaiian/Other Pacific Islanders, American Indians/Alaskan Natives and Two or more races.

Designed to rectify underutilization, goals represent a benchmark for evaluating the Laboratory affirmative action progress. They provide guidance for the Laboratory to focus on outreach and other recruitment efforts in areas where women and minorities are underutilized. Goals, however, are designed to be met only if hiring opportunities arise.

Moreover, they do not require the hiring of a person who is less qualified, nor do they require the hiring of a specified number of persons. Such a requirement would constitute a quota, which is expressly forbidden under the regulations.

Good Faith Efforts in Meeting Goals The Division Directors are informed about underutilization. Managers and supervisors are also responsible for exercising good faith efforts in reducing underutilization in their areas. Being mindful of the LBNL’s affirmative action goals and objectives, they are responsible for recruiting a diverse applicant pool for job openings, particularly for those openings that have been identified with having underutilization. The Laboratory’s “Good Faith” efforts and Action Oriented Programs were implemented to address all levels of underutilized groups as identified in *Appendix C*.

Determining Availability

The Availability Analysis estimates the percentages of qualified minorities and women available for employment in each identified job group. The Laboratory considers external labor market areas from which the Laboratory usually seeks or reasonably could seek workers to fill the positions and feeder job groups in the existing workforce when computing the potential workforce availability for Laboratory positions. The potential workforce is identified by considering current statistical data relevant to each job group.



Availability plays a central role in affirmative action planning and provides a standard of comparison against which LBNL determines whether a job group is underutilizing women and/or minorities. Availability also defines the number of potential applicants from which LBNL could draw when seeking to enhance the employment opportunities of women and minorities; availability further helps to identify the ultimate employment goals LBNL should endeavor to meet.

Estimating availability is not an exact science. In calculating data on external labor markets, it is not possible to quantify job interest, precisely match internal job titles with the characteristics of workers in the external labor market, and assess the qualifications of potential applicants so that these data may be incorporated statistically and accurately into the availability analysis.

Moreover, the available data are less than perfect. The 2000 U.S. Census is the major source of information on external labor markets. Census data, however, do not always correspond well to Laboratory job titles, do not address skills or interests, become dated as the time between the plan year and the census year increases, and suffer from large-sampling variations for both small geographic areas and selected occupations. To some extent, these problems can be offset by supplementing census data with educational statistics, data on employee promotions and transfers, and applicant flow data. However, availability statistics are never more than estimates.

Availability estimates for all job groups at LBNL were calculated at the beginning of Fiscal Year 2009 (i.e. October 1st 2008). The regulation 41 CFR 60-2.14 requires the use of a two-factor analysis, stipulating the consideration of the following when calculating availability:

- (1) The percentage of minorities or women with requisite skills in a reasonable recruitment area; and;
- (2) The percentage of minorities or women among those promotable, transferable, and trainable within the organization.

Comparing Incumbency to Availability

An availability analysis determines the proportions one might expect women and minorities to be represented in a job group, based on their availability in the relevant labor market. Additionally, this analysis creates the basis for determining whether women or minorities are underutilized within a job group, whereby goals will be established, equal to availability and will serve as reasonably attainable objectives in correcting underutilization. Availability statistics for jobs at LBNL have been analyzed and revised as appropriate, in accordance with the requirements of federal regulations (41 CFR 60-2.14). The analysis of the recruitment area and rationales of the weighting factors for each job group can be found in the External Sources (Factor 1) narrative. Listed below are the procedures used to develop the availability statistics for each job group in this plan.

Relevant Labor Market: Normal recruitment areas for each job group have been established based on review over time of areas from which new employees have been hired. These areas could be one or a combination of the following: the nation, the state of California, the five Bay Area counties: Alameda, Contra Costa, San Francisco, Santa Clara and Solano or the internal workforce of the Laboratory.



Weighted Factor: In calculating availability statistics, each data set is weighted according to the proportions from which the Laboratory draws to occupy job groups. Personnel activities (e.g., hires and promotions) over the last three years are analyzed to assess the proportion of movement into job groups that came from external and internal labor markets. These proportions are used to weight availability estimates.

Data Sources: Personnel are recruited from within LBNL and external sources on multi-geographic levels. In general, external sources from which LBNL recruits come from four geographic levels: local, state, national, and international. If the characteristics of the national or international labor force and population were identical to the characteristics of state and local labor market areas, it would make no difference which demographic labor-force characteristics were used in analyzing the Laboratory's workforce availability. However, the proportions of minority population (and consequently labor force characteristics) vary significantly from the county to the state to the national geographic areas.

LBNL examines data for each job group within the geographical areas or recruitment area relevant to the nature of the positions within that job group. The research and development responsibilities of the Laboratory are of a highly specialized technical nature. LBNL workforce necessitates a mix of specialties often different from those available in the local labor market. As a result, the recruitment area for all job groups is not the same. For example, local or county census data are used as part of the calculation of data for the clerical job groups, whereas national census data are used for the Scientific and Engineering job groups.

The percentage of women and minorities distributed within each job group will be relative (to a significant degree) to the availability in the appropriate recruitment area. Most clerical and technician positions (as well as many other occupations) will be recruited from the local area. Therefore, the distribution of women and minorities in these positions should be similar to the availability of women and minorities with the requisite skills in the local labor-market area.

External Sources

(FACTOR 1) Factor 1 of the availability computations reflects external sources of potential employees. Raw statistics for these factors are drawn from 2000 U.S. Census data for local geographic counties. The 2000 U.S. Census is the major source of information on external labor markets. Census data, however, do not always correspond well to Laboratory job titles, do not address skills or interests, and become dated as the time between the plan year and the census year increases. We have offset these problems to some extent by supplementing our availability calculations with educational statistics published by the Commission on Professionals in Science and Technology (CPST) in September 2008. Local recruitment areas are selected when the required educational skill levels are such that it is reasonable to expect that a diverse pool of qualified applicants exist within the five Bay Area counties.

The recruitment area is statewide when it is necessary to broaden the applicant pool beyond the local area in order to get a diverse pool. The recruitment area is nationwide (and sometimes international) for job groups with high levels of responsibility and/or expertise and therefore a search beyond the statewide level is necessary to yield the strongest candidate pool.”



The reasonable recruitment area is local for the following job groups:

- K1 - Prof Admin Support
- K2 - Human Resources
- K3 - Financial Support
- K4 – Legal
- K5 - Technical Editor
- K6 - Other Admin Professional
- L1 - Information Technician
- L5 - Facilities
- L6 - Technical Supervisor
- L7 - Technical Associate
- L8 - Research Associate
- M1 - Computer Technician
- M3 - Electronic Technician
- M4 - Other Technician
- M5 - Design/Graphic
- M6 - Health/Medical
- M7 - Accelerator Operators
- N1 - Office Support
- N3 - Human Resources Support
- O1 - Machine Shop
- O2 - Crafts/Trades
- O3 - Mechanics Repair
- R1 – Custodian

The reasonable recruitment area is the State of California for the following job groups:

- M2 - Mechanical Technician

The reasonable recruitment area is National or International for the following job groups:

- H1 - Lab Scientific Management
- H2 - Lab Operations Management
- H3 - Administrative Management
- H4 - Technical Management
- J1 - Bio Sciences
- J2 - Chemist
- J3 - Physicist
- J4 - Computer Scientist
- J5 - Engineers
- J6 - Earth Sciences
- J7 - Economics
- J8 - Material Sciences
- L2 - Mechanical Engineer
- L3 - Electrical Engineer
- L4 - Environment Health & Safety
- R2- Other Support
- R3 - Semi-Skilled
- R4 - Bus Driver

Internal Sources

(FACTOR 2) Factor 2 represents internal sources for job placements, consisting of feeder job groups. For a given job group, a feeder job group is defined as the job group that is typically a source of personnel (through promotions or transfers) for the given job group. The identified feeder groups were selected according to where the most qualified candidates for promotion into the given job group are likely to exist.

Computation Method

Availabilities are computed separately for each job group and obtained from a two-stage weighted averaging of the data. This process is described below.

Initial Weighting Stage: This involves assigning value weights to the different data sets incorporated within an individual factor. An individual factor may incorporate data from a number of sources. For example, Factor 1 (skilled workforce, local area) incorporates 2000 Census data for the number of individuals with specific requisite skills in each of the local counties. In addition, Factor 1 is also supplemented with the educational statistics published by CPST. The value weights assigned to the different data sets depend on the varying degree of relevancy of the Census occupational codes appropriate for employment in the job group and the



geographical area from which employees are typically recruited for the job group.

Secondary Weighting Stage: This involves assigning value weights to each of the two factors to reflect their relevance to the overall availability for the specific job group under consideration. Because most jobs at the Laboratory are recruited from outside of the organization, Factor 1 is typically given more weight than Factor 2 in each job group. The weight values assigned to the remaining factors vary, depending on an assessment of their relevance to the overall availability for the job group.

Scientific and Professional Availability

To estimate availability for these job groups, a separate availability estimate is calculated for each subgroup. Selected statistics from the CPST 2008 report have been used. These statistics are available by detailed sub fields and allow us to separate doctoral recipients who are U.S. citizens, non-U.S. citizens with permanent visas and/or temporary visas.



X. Placement Goals

Placement goals are set equal to estimates of availability in underutilized job groups where the current utilization is less than the availability by at least one whole person. See Appendix C. The large number of factors that influence the attainment of goals, (such as anticipated turnover, reduction of workforce caused by budget constraints, administrative controls on hiring and hiring-related activities caused by budget constraints, and changes in scientific programs and funding) and especially placement opportunities, require consideration in determining whether or not they could be reached using every good faith effort as outlined in the *Section XII Development and Execution of Action Oriented Programs*.

If representation is less than current availability, underutilization exists within the job groups, and annual percentage placement goals are set to address disparities for women and minorities equal to current availability, and designed to reverse situations of underutilization.

Based on current representation of our organization, for fiscal year 2011 (October 1, 2010 through September 30, 2011), we have twenty (20) formal placement goals set to increase female representation and thirteen (13) formal placement goals to increase the minority representation.

The *Annual Placement Goals summary* for fiscal year 2011 (October 1, 2010 through September 30, 2011) can be seen on the next page.

The actual placements in fiscal year 2010, for the period October 1, 2009 through September 30, 2010 together with the prior year's goals can be seen in the *Goal Attainment Report in Appendix E*.



PLACEMENT GOALS for FY11 (10/1/2010 through 9/30/2011)

Job Group	Female Goal %	Minority Goal %
H1-LAB SCIENTIFIC MANAGEMENT	42.1	
H2-LAB OPERATIONS MANAGEMENT	43.22	20.86
H3-ADMINISTRATIVE MANAGEMENT		28.64
H4-TECHNICAL MANAGEMENT	30.29	
J1-BIO SCIENCES	41.9	
J3-PHYSICIST	14.85	
J4-COMPUTER SCIENTIST	22.47	
J5-ENGINEERS	8.19	
J6-EARTH SCIENCES	30.53	
J7-ECONOMICS	58.34	48.59
J8-MATERIAL SCIENCES	21.04	
K1-PROF ADMIN SUPPORT		48.09
K6-OTHER ADMIN PROFESSIONAL		39.85
L1-INFORMATION TECHNICIAN	27.37	44.02
L3-ELECTRICAL ENGINEER	12.3	
L5-FACILITIES	21.81	51.64
L6-TECHNICAL SUPERVISOR	33	
L7-TECHNICAL ASSOCIATE		43.85
M1-COMPUTER TECHNICIAN	33.88	
M2-MECHANICAL TECHNICIAN	21.3	53.13
M3-ELECTRONIC TECHNICIAN	20.41	57.56
M4-OTHER TECHNICIAN		57.56
M6-HEALTH/MEDICAL	35.67	
M7-ACCELERATOR OPERATORS	47.19	49.26
O1-MACHINE SHOP		46.6
O3-MECHANICS REPAIR	11.39	



XI. Identification of Problem Areas (41 CFR 60-2.17(b))

Compensation Analysis

Compensation is reviewed on an annual basis in order to determine if there are significant gender- or ethnicity-based disparities in pay when comparing female to male rates of pay and minorities versus non-minority rates of pay. If disparities are identified, a thorough review is conducted to determine if the difference in pay is justified due to appropriate factors. If the difference in pay cannot be justified, the laboratory will take appropriate action to address and remedy any identified area of concern.

Personnel Activity Analysis

LBNL (on an annual basis) analyzes personnel activities to determine if any statistically significant disparities exist. Analyses are performed on applicant flow, hires, promotions, terminations and other applicable employment decisions. Analyses determine if there is a substantially different rate of selection that impacts a race, gender or ethnic group. If protected groups are disproportionately represented in any one of the above areas this is considered to be a potential problem area. In such cases, further assessments are made and remedial action taken, if warranted.

Applicant Flow Analysis

In analyzing applicant flow, the Human Resources Department compares the data by qualified applicants to placements. If potential problem areas are identified, further assessments are made and appropriate remedial actions taken, if warranted.

Potential Areas of Concern within Job Groups

The Impact Ratio Analysis (IRA) is designed to provide a method to compare selection rates between the protected and non-protected classes. We have conducted the impact ratio analysis, difference, standard deviation analysis and Fisher's Exact test on the personnel activity for the period of October 1, 2009 through September 30, 2010. *The transaction count reports for hires, promotions, and terminations can be found in Appendix F.*

For the impact ratio analysis, the rate (either hire, promotion or termination rate) for any race or gender which is less than four-fifths or 80% of the rate for the group with the highest rate will generally be regarded as evidence of adverse impact. The difference between the proportion of the protected class selected/promoted/terminated and the proportion of all applicants/employees selected/promoted/terminated has a normal distribution with a mean and standard deviation. If the protected group shows a proportion that is more than two standard deviations, then it is generally considered significant.

The Fisher's Exact test measures whether there is a significant difference between the effects of two categorical independent variables (non-minority/minority or male/female) on a categorical dependent variable (hires, promotions, terminations). Fisher's Exact is appropriate under the following conditions: IRA is less than 80%, the difference is greater than or equal to 1, the total number of employees is less than thirty (30) and expected is less than or equal to 5.



HIRES– During the prior goal year, there were 274 hires out of 14,185 applicants who identified their gender and 12,215 who identified their race. There were additional candidates who did not self-identify race and gender who were not part of this analysis. The following job groups were identified as areas of concern:

HIRES	
Minorities	Females
J1-BIO SCIENCES	None

LBNL will continue to maintain and monitor accurate and up-to-date records on all referrals, applicants, hires by race and gender to be certain that all employees are treated on a fair and equitable basis.

PROMOTIONS – The promotion is considered from the job group in which the incumbent was in prior to the promotion. The following job groups were identified as areas of concern:

PROMOTIONS	
Minorities	Females
None	K2-HUMAN RESOURCES

LBNL will:

- Review the qualification of employees to ensure all employees, including minorities and women are given full opportunities for transfers and promotions.
- Monitor selection, promotional and training procedures to ensure they are non-discriminatory.

TERMINATIONS– There was no terminations that resulted in a job group identified as areas of concern.

TERMINATIONS	
Minorities	Females
None	None

LBNL will continue to closely monitor the selection rates of personnel actions in these areas to determine the existence of any systemic patterns and to take subsequent action where appropriate.

Identification of Problem Areas by Organizational Unit

In compliance with the guidelines set out in 41 CFR 60.2.11(c) the Laboratory has developed a work force analysis which lists each job title as it appears in collective bargaining agreements or payroll records ranked from the lowest to the highest paid within each organizational unit. This analysis serves to identify potential problem areas where one or more protected groups are not represented within the divisional workforce. Each job title is accompanied by information



pertinent to the job title, such as the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents in each of the following ethnic categories: Blacks/African Americans, Hispanics/Latinos, Asians, American Indians/Alaskan Natives, Native Hawaiians/Other Pacific Islanders, and Two or more races. Division Directors are charged with the overall responsibility for implementing EEO/AA policies within their units. Refer to *Section VI, (Designation of Responsibility for Implementation)*, for more information.

The results of the fiscal year 2010 review of divisional work force analysis reveal potential problem areas in work force composition of women and minorities in the following divisions:

*Only one protected group is not represented in the organizational unit's workforce.

- ACCELERATOR & FUSION RESEARCH DIVISION
- ADVANCED LIGHT SOURCE*
- OFFICE OF THE CHIEF FINANCIAL OFFICER*
- CHEMICAL SCIENCES DIVISION
- COMPUTATIONAL RESEARCH DIVISION
- ENVIRONMENTAL ENERGY TECHNOLOGIES DIVISION*
- ENVIRONMENT HEALTH & SAFETY*
- EARTH SCIENCES DIVISION
- HUMAN RESOURCES*DEPARTMENT
- INFORMATION TECHNOLOGY DIVISION*
- LAB DIRECTORATE
- LIFE SCIENCES DIVISION
- MATERIAL SCIENCES DIVISION
- NATIONAL ENERGY RESEARCH SCIENTIFIC COMPUTING CENTER*
- NUCLEAR SCIENCES DIVISION
- OPERATIONS DIVISION
- PUBLIC AFFAIRS DEPARTMENT
- PHYSICAL BIOSCIENCES DIVISION
- PHYSICS DIVISION

Underutilization and potential problem areas are further addressed in *Section XI Identification of Problem Areas, Section IX Utilization Analysis, and Section X Placement Goals*.

The Workforce Analysis is available upon request from the EEO/AA & Diversity Office or the Human Resource Department. For details of LBNL's organizational units see Section 1 Introduction, Organizational Chart.

Corrective Actions

The monitoring and auditing activities described herein are used to identify any potential problem areas as called for by 41 CFR 60-2.17(b). Job groups for which placement goals have been established and the annual percentage placement goals set appear in the *Annual Placement Goals table in Section X*.



The EEO/AA & Diversity Office or the Human Resource Department identifies problem areas and reports to line management. The EEO/AA & Diversity Manager and the Lab Director, if necessary, become actively involved with problems in the corrective action process. Managers are responsible for implementing EEO/AA process efforts and are expected to correct identified problems.

LBNL has established placement goals within job groups identified in the *Annual Placement Goals table in Section X*. As stated in *Section XII Development and Execution of Action-Oriented Programs*, LBNL will continue its good faith efforts to improve representation of women and minorities in these EEO job groups where under-representation occurs as referenced above in the *Section XII Development and Execution of Action Oriented Programs*.

The EEO/AA & Diversity Office and the Human Resource Department continues to develop, maintain, and improve databases and programs for tracking applicant flow, new hires, terminations, promotions, and transfers.

Inclusive recruitment, in-house training programs, employee development plans, tuition reimbursement programs, and other programs are just a few examples of how LBNL tries to assist women and minorities in competing for positions where the Laboratory has identified placement goals. LBNL continues to strengthen its commitment and maintain its good faith efforts by ensuring that women and minorities applicants are considered for Laboratory positions.



XII. The Development and Execution of Action-Oriented Programs (41 CFR 60-2.17(c))

This section addresses the action oriented programs planned for fiscal year 2011. As a result of the review and analysis reflected in this plan, the Laboratory has developed programs with the goal of increasing female and minority representation within job classifications identified as underutilized. Where applicable, the Laboratory will demonstrate “good faith efforts”. Proper management and monitoring of personnel actions including recruitment, selection, promotion, transfer, merit pay increase, training and termination are crucial to the success of the LBNL’s Equal Employment Opportunity/Affirmative Action (EEO/AA) programs. LBNL periodically reviews practices and guidelines in the areas outlined above. This FY11, LBNL will implement a new Talent Management System. This tool will improve the Laboratory’s ability to develop reports in our HR functional areas including EEO/AA.

Responsibilities

Under the general direction of the Chief Human Resources Officer (CHRO), the Recruitment unit has responsibility for development and implementation of recruitment programs. The EEO/AA & Diversity Manager reviews, monitors, and evaluates the effectiveness of recruitment programs in meeting affirmative action objectives and consults and advises on methods for meeting those objectives.

In conjunction with the hiring managers and the Human Resources Center (HR Center), duties and qualifications are defined for each vacancy. Recruiters advise and assist hiring managers in determining the most effective recruitment plan for the vacant position.

Recruitment Policy

LBNL recruits internally and externally to obtain qualified applicants. Every good-faith effort is made to attract and recruit qualified applicants in conformance with the objectives as set forth by LBNL’s Affirmative Action Plan. The duties and responsibilities of the vacant position and the qualifications necessary to perform those duties and responsibilities are identified prior to implementing recruitment plans.

It is the goal of LBNL to maximize the opportunity for the promotion of qualified employees to positions either in their current division or elsewhere in the Laboratory, and to encourage employees to apply for open positions that would further their career development. It is important that each supervisor emphasize the right of the employee to apply for promotion opportunities; however, the employee is responsible for doing so.

Recruitment Exceptions

Recruitment is not required when a position is filled by:

- demotion or lateral transfer of an employee within the same division or department;
- reassignment of an incumbent employee without a change in general job duties, responsibilities, or classification within the same division or department;
- lateral transfer of incumbent employees to another division or department as a result of a reorganization including the transfer of the budgetary provisions for the employees;
- recall of a career employee who has been laid off or received formal notice of layoff;



- transfer of a career employee in accordance with [RPM 2.21\(B\)\(1\) \(Reduction in Force/Policy\)](#) in order to avoid a layoff;
- transfer or re-employment of an employee in accordance with RPM [Paragraph \(B\)\(4\) \(Reasonable Accommodation\)](#), [§2.21\(E\) \(Medical Separation\)](#), [§2.12\(F\) \(Pregnancy Disability Leave\)](#), or [§2.13 \(Family Care and Medical Leave\)](#);
- appointment of a qualified employee who has become disabled;
- an employee whose responsibilities or title have changed as a result of a reorganization or reassignment of functions among positions within the same organizational unit;
- appointment of an individual into a limited, student assistant, Graduate Student Research Assistant (GSRA), postdoc, faculty, visiting faculty, visiting researcher or rehired retiree position;
- an employee, who is competitively selected for a University-sponsored internship program, and upon completion of the internship and with the approval of the hiring manager, is appointed to a vacant position for which he or she meets the minimum qualifications.

Recruitment may be limited to LBNL employees if the applicant pool is diverse enough to allow the hiring supervisor a meaningful choice in obtaining a candidate with the essential job-related skills, knowledge, abilities, and other qualifications, including meeting affirmative action objectives.

Recruitment may be limited to applicants in the LBNL's resume database if the position is re-opened within six months of the original posting and the applicant pool is diverse enough to allow the hiring supervisor a meaningful choice in obtaining a candidate with the essential job-related skills, knowledge, abilities, and other qualifications, including meeting affirmative action objectives.

Individual exceptions to the recruitment requirement may be approved by the CHRO through the waiver of recruitment process.

Job vacancies must be posted for a minimum of two weeks. However, recruitment strategies must allow sufficient time to establish a qualified and diverse applicant pool.

In order to verify applicant's qualifications, current or former supervisors who can provide relevant information must be contacted. If the applicant is a LBNL employee, the selecting supervisor may obtain a written assessment or a current performance evaluation from the current supervisor and submit it with the recommendation for hire to the division director for approval.

Laboratory-Wide Recruitment Function

The Recruitment function is decentralized into each HR Center. This ensures the function is client-based, with each recruiter assigned to multiple divisions. The aim is to establish close working relationships with one set of clients and to become fully knowledgeable about operations and staffing needs of the clients in addition to supporting the Lab's recruitment and outreach efforts to attain a diverse and qualified applicant pool.



The HR Department will continue to review recruitment processes in order to ensure consistency of the application across the Divisions. It is required that all applicants apply on-line. This ensures an accurate collection of applicant, ethnicity, and gender data. HR staff has the ability to determine if applicant pools are diverse.

Scope of Recruitment

The Human Resources Department, in consultation with the hiring manager, will develop an appropriate recruitment strategy, i.e., suitable search, designated to obtain a diversified pool of qualified candidates and to maintain an efficient recruitment process. This strategy must include recruitment in appropriate labor markets, advertising media, and professional contacts, both internal and external. The recruitment strategy must allow as much time as possible to establish a diversified applicant pool to meet affirmative action objectives.

The EEO/AA & Diversity Office and the Human Resources Department will furnish available information on divisional affirmative action recruitment goals to the hiring department.

Job Requisitions

Action to recruit should be initiated by the hiring manager. The hiring manager partners with HR Center staff to ensure the appropriate approvals are obtained and the position is entered into the Human Resource Information System (HRIS). The hiring manager must ensure the requirements listed on the requisition include the skills, knowledge, and abilities required to perform the duties of the particular position.

Referral of Applications

HR staff utilizes an applicant tracking system database to identify applicants for each posted position. HR staff members forward resumes via the system to the hiring manager for review.

Referral of Applicants for Vacant Positions

The recruiter refers any person on recall status or any career employee scheduled for layoff that is qualified for the vacant position and wishes to be considered to the hiring manager. If a person on recall status or a career employee scheduled for layoff is not selected, qualified applicants internally and externally, will also be considered for referral.

For the initial two-week period of a Laboratory-CUE (Coalition of University Employees) posted position, only Laboratory clerical and allied services bargaining unit employees will be considered. Unit employees who wish to take advantage of this two-week period must identify themselves as being a CUE employee when applying online.

The HR Center staff and/or the hiring manager determine those applicants whose qualifications are most appropriate for the particular position. HR will make every reasonable effort to establish a diverse applicant pool from which a selection can be made. A recruitment plan is developed by HR for posted positions, which includes underutilization data.



Documentation

Upon selection of a final candidate, the hiring manager completes a hire recommendation including a list of interviewees and specific justification for hire. A selection log is generated through HRIS once the hire is completed. The HR Center retains records of selection procedures and decisions.

Travel Expenses of Interviewees

Travel by non-Laboratory personnel must be approved in advance. When such travel is approved, these travelers are eligible for reimbursement of transportation, subsistence, and miscellaneous expenses in accordance with the Travel Policy. In general, this approval is granted only in cases involving supervisory, professional, or technical personnel not readily available in the local labor market. (See also RPM 11.08 Travel Policy, 5.0 Special Requirements for Non-Employees, Interviewees)

Good Faith Efforts

This past fiscal year, LBNL's Stimulus funding brought an increased number of job openings which created the opportunity to broaden diverse applicant pools. LBNL has taken significant steps to address the recruitment, development and retention of Women in Science & Engineering disciplines, as well as our postdoctoral population. These efforts will continue to progress in future years.

Laboratory Committees

Women Scientist & Engineer Council (WSEC) Initiative

The WSEC Initiative focuses on the review of appropriate strategies and priorities for Recruitment, Retention, Work Life Balance, and Professional Development of Women Scientists & Engineers. Key initiatives were identified to develop strategies in order to engage the LBNL Scientific and Engineering community in accomplishing goals focused on Recruitment, Retention, and Professional Development.

Areas of Focus Include:

- Engage LBNL Scientific and Engineering community on Recruitment, Retention, Work Life Balance and Professional Development
- Organize and sponsor quarterly forums where Early and Late Career S&E's, Post Docs, and GSRA's can join together and listen to internal and external speakers regarding scientific projects and initiatives
- Develop S&E focused "Scenario" training to address various topics around staff development, mentorship, and coaching

WSEC Subgroups:

The WSEC identified three subgroups to address the many obstacles and challenges facing women researchers today. Each subgroup works to broaden participation and networking, identify specific goals and accomplishments and strives to raise awareness of the value and importance of diversifying our workforce. Below are the subgroup names and mission statements:

- **Recruitment & Retention** - Develop strategies to enhance the recruitment and retention of highly qualified female scientists and engineers at LBNL; work with Human



Resources and the LBNL Directorate on the implementation of the most promising ideas; develop metrics to highlight the job categories in which women are the most highly under-utilized and to measure the Lab's success in improving recruitment and retention in these areas.

- **Professional Development** – Identify and address the critical professional needs of women scientists, engineers and researchers at LBNL to assist with attaining and achieving career development goals.
- **Worklife Balance** – Seek to discover innovative ways for staff to improve efforts with the competing demands of balancing “professional and personal” quality of life.

WSEC Program Events

WSEC has held nine quarterly luncheon seminars attracting up to 35 to 77 scientific, engineering and operational staff combined. Workshops on “Negotiation and Problem Solving” were offered in FY08 and FY09. WSEC conducted a survey in FY10, resulting in a need for more professional development, increased networking opportunities, and worklife balance programs. For FY11 WSEC launched a two part series pilot program called ‘Leadership Presence’, and will host up to five luncheon networking seminars to highlight the scientific efforts of LBNL staff.

Diversity Council

LBNL’s Diversity Council consists of staff, selected by their respective division director, to provide advice and counsel to senior management on diversity related issues. In addition, council members develop and implement “special initiatives” which enhance our efforts in creating a more diverse workforce. The Diversity Council’s goal is to strength our work environment so we can attract and retain a workforce that reflects a diverse community. The Diversity Council provides a forum for identifying and sharing programs and best practices which have proven their effectiveness in increasing diversity and awareness.

In FY 2011, the Diversity Council’s active subcommittees are:

- Diversity Speakers/Social Activities – Sponsor speaker and social activities around diversity related topics to further increase awareness for all staff.
- Climate of Inclusion - Take a proactive approach in analyzing climate survey results focused on diversity related topics.
- Diversity Recognition Award – Modify LBNL’s recognition award process to include a more robust program which will expand the scope of criteria and eligibility
- Interview Panel – Identify strategies for more diverse pool of candidates. Compile an inventory of diversity activities at the lab and develop a recruiting plan which includes diversity.

Postdoctoral Fellowships

The E.O. Lawrence Postdoctoral Fellowship, Seaborg Postdoctoral Fellowship and Alvarez Postdoctoral Fellowship are designed to identify, develop and enhance career opportunities for the most qualified candidates from a diverse applicant pool. The programs offer challenging opportunities to recent recipients of doctoral degrees to conduct research in areas supportive of the Laboratory’s mission. The Laboratory programs, which are eligible for a postdoctoral fellow, cross all scientific disciplines and Divisions.



Community/College Job Fairs, Professional Organizations, and Job Fairs

Outreach efforts continue to include community job fairs, college & university career events and professional organizations. In addition, LBNL participates in professional scientific conferences and job fairs hosted by various local universities. Job fairs and college events allow recruiters and hiring managers to interact with job seekers and to promote the Laboratory.

During FY10, the Laboratory participated in the following events:

Event Name FY2010	Date
AICHE Career Fair	4/27/2010
AWIS East Bay Chapter	7/22/2010
Dice career fair	7/8/2010
DOE CSGF	6/21/2010
EEO/AA Recruitment Forum	6/22/2010
Grace Hopper Celebration of Women in Computing	9/28/2010
Haas MBA Experienced Job Fair	5/19/2010
Heald College Career Fair	5/13/2010
HIREvents Diversity Recruitment	9/28/2010
HIREvents Diversity Recruitment	9/28/2010
HIREvents Diversity Recruitment	8/31/2010
Honor a Hero-Hire a Vet	9/23/2010
Dept. of Rehabilitation - Job Placement Circle DVC	8/5/2010
Los Alamos Postdoc Career Fair	8/31/2010
National Black MBA Conference	9/21 - 9/26/2010
Nummi Job and Career Fair	8/11/2010
RecruitMilitary Career Fair	7/29/2010
RecruitMilitary Career Fair	3/25/2010
Society for Advancing Chicanos and Native Americans in Science	9/30/2010
Society for Industrial and Applied Mathematics	7/12/2010
Solano County Diversity Hire Event	9/1/2010
Super Computing 2010	11/13/2009
Swords to Plowshares	9/14/2010
The California Maritime Academy's- Career & Community Partner Expo	10/8/2010
UC Davis Career Fair	10/20/2010
Women of Color (WOC) STEM Conference and Career Fair	10/28/2010



Employee Referral Incentive Program (ERIP)

The ERIP continues to encourage employees to utilize their existing contacts and networks as potential sources for applicants. The program rewards employees \$1,000, \$1500 or \$2000 for referrals that lead to hires in most positions.

Use of Internet Job Boards and Resumes Databases

In FY09, HR implemented a new contract with AdClub to utilize a more sophisticated tracking technology in order to improve the accuracy of our applicant source data. As a result, applicant source statistics are more reliable and reflect recruiting and outreach efforts. The statistics are also evaluated when determining appropriate and effective recruitment strategies for future open positions.

In addition to evaluating the efficiencies of various recruitment sources, recruiters utilize ZoomInfo PowerSearch, which offers the ability to search a large Web-based directory of people and company information in order to search top talent for hard-to-fill positions. The Recruiters continue to enhance industry-specific skill sets by attending recruiting conferences and participating in relevant online seminars.

Master Recruiting Resource List

Recruiters collaboratively compiled a multiple disciplinary resource list for recruitment and outreach purposes. Recruiters continue to update the master resource list as new sources are become available.

The master resource list includes:

- Women and minority organizations
- Community Based Organizations
- Professional industry and discipline specific organizations
- Diversity related resources
- College and university programs

LBNL will continue to market itself as an employer of choice during FY11 through Internet and print ad media, in addition to a more focused outreach effort aimed at the diverse surrounding communities in which the Lab resides. Increased use of Internet advertising showcased employment opportunities over time (compared to print ads issued in daily newspapers or monthly/quarterly publications). Utilizing relevant web sites allows for a global reach of potential applicants and access to vendor resume databases that provide additional sources for prospective applicant pools. The Laboratory has contracted with Beyond.com (includes the Science Diversity Center) to post and search for qualified diverse applicants.



The Laboratory also used a variety of other Web sites for Internet advertising. These include the following:

<ul style="list-style-type: none">• Air & Waste Management Association• American Assoc for the Advancement of Science• American Astronomical Society• American Chemical Society• American Crystallographic Association• American Industrial Hygiene Association• American Institute of Architects• American Institute of Physics• American Physical Society• American Society for Mass Spectrometry• American Society of Microbiology• American Society of Safety Engineers• Association for Women In Science – AWIS.org• Association of Energy Service Professionals• Azonano.com• Bay Area Compensation Association• Bay Area Jobs• Berkeley Energy & Resources Collaborative• Beyond.com• Bioinformatics.org• Biospace.com• CA Public Employers Labor Relations• CareerBuilder.com• CCP4BB• CERN• CFD Online• Chemjobs.net• Chronicle for Higher Education• CIO.Com• Climate L• Computing Research Association• CraigsList• Dice• Diversity.com• Diversityworking.com• DNAjobs.com• EHS Careers• Electrochemical Society• Executives Only• Haas Business School• Health Physics Society• Higher Education Recruitment Consortium• IEEE Spectrum	<ul style="list-style-type: none">• International Supply Mgmt• Intl Society for Microbial Ecology• Jobs.ac.uk• Jobsinthemoney.com• Kitlist.Org• LatPro (Mexican American Engineers and Scientists)• Linked In• Microscopy Society of America• Monster Board• MonsterTrak• MRS Bulletin• National Association for Science Writers• National Association of Black Geologists and Geophysicists (NABGG)• National Contract Managers Association• National Contract Mgmt Association• National Council of Research Administrators National Environmental• Health Association• NatureJobs.com• New Scientist• National Organization of Black Chemists and Chemical Engineers• Optics.org• Northern CA Human Resource Association• Nukeworker.com• Optical Society of America• PhDs.org• Post-Docs.Com• Project Management Institute• Public Relations Society of America• ScienceCareers.org• Sciencejobs.com• SemiconductorJobs.com• SIAM• Society for Human Resources Mgmt• Society for Professional Journalists• Society of Women Engineers• SPIE• TEDjobs• TinyTechJobs.com• TIPTOP• Women in Technology (WITI)• Yahoo
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Outcomes

LBNL continues to find ways to streamline the job seeker experience. LBNL tracks the source data for job seekers, as shown below for **FY10, with 1,461** vacancies:

FY10 Sources	Total # Jobseekers
College Recruiting	855
Employee Referral	3204
Internal Candidate	545
Internet	17,915
Job Fair	679
LBNL Job Site	12,513
Newspaper/Journal	668
Grand Total	35,777

Looking Ahead FY2011

Planned Activities for FY11 include:

- The HR department developing a recruitment / improvement initiative to streamline and standardize the hiring process for managers and supervisors.
- Implement a new Talent Management System that will continue to allow the LBNL to utilize the online application process to efficiently gather ethnicity, gender and source code information for each job seeker.
- Ensure posted positions are advertised using relevant and diverse sources (e.g., Web sites, diversity focused organizations, publications, universities, professional associations, and conferences). LBNL will continue to identify new sources for outreach efforts related to underrepresented groups.
- Continue with Higher Education Recruitment Consortium (HERC) to address recruitment and retention issues, particularly to assist spouses and partners with employment searches. All Laboratory job postings appear on the HERC Web site.
- Continue to attend college and university job fairs throughout the Bay Area, including Stanford University, UC Berkeley, UC Davis, and specific job fair events targeting veterans and disabled individuals which will be identified through-out the year for participation.
- Participate in special recruitment events for Lawrence Livermore National Laboratory (LLNL) and the University of California Office of the President (UCOP), as an employment option for employees affected by reduction in force.
- Conduct internal and external personnel searches which reflect essential skill sets as well as national or local availability, as appropriate.
- Cultivate diverse applicant pools and pipeline lists by utilizing internal resources (e.g., Center for Science and Engineering Education, Nano*High) and external sources (e.g., local academic institutions).
- Coordinate with UC Berkeley’s, HR Employment Services Manager to identify displaced construction trade workers who are eligible for preferential rehire according to their union contract.
- Ensure the Office of Federal Contract Compliance (OFCCP) - Internet Applicant Process:
 - o Record search date and criteria for internal and external personnel searches.
 - o Continue to evaluate recruiting and hiring progress.



Employee Career Development

The Berkeley Lab Learning Institute (BLI) offers a range of employee and organization development services. The objective is to help scientist and non-scientist employees enhance their competencies so they can excel in their work at the Laboratory. In response to results from the Laboratory's recent Employee Survey, this year the focus was on improving the quality of supervisor and employee conversations on performance feedback and career development. BLI responded by offering:

- Performance Feedback and Career Mentoring Conversations – For Supervisors
- Annual Performance Review Conversations – For Supervisors
- Annual Performance Review Conversations – For Employees
- Career Planning Workshop – For Non-Scientists
- Career Planning Workshop – For Postdocs and GSRA's
- Supervisor Scenario Workshop – HR Issues
- Dealing with Difficult People – Webinar for Supervisors
- Dealing with Difficult People – Webinar for Employees
- Conducting more Effective Meetings – Webinar
- Supervisory Fundamental

This year over 1,300 employees participated in BLI courses, which amounted to over 600 individual employees who attended one or more courses throughout the year. These participants were from a mix of levels:

- Non-supervisor exempt 41%
- Supervisor exempt 32%
- Non-exempt 20%
- Manager exempt 7 %

They included a mix of job functions:

- Administration 44%
- Scientists/engineers 22%
- Technical 13%
- Program Manager 13%
- 104 employees utilized the online learning courses and book library.

2010 was the first year for the Laboratory's new supervisor requirements: the online course Supervisor Responsibilities and Supervisor Scenario Workshop. 156 new and newly promoted supervisors were required to take the two courses.

For BLI's workshops, 89% of the participants who responded to the feedback survey rated positive that they received useful tips and tools that could be used in their current job. There were three additional noteworthy initiatives this year that contributed to organization and employee development.

First, BLI coordinated the Laboratory's Employee Survey. Data was analyzed in a variety of ways, including by ethnicity. This particular report was provided to the Laboratory's Diversity



Committee to help in their assessment and planning of activities for the year. A copy of the survey response report was posted for all employees to review. Each Division Director and his/her management team reviewed the aggregate data from their particular employees and determined one or two action items as a response.

Second, BLI also designed, developed, and delivered a leadership development program for 27 scientist and operations emerging leaders. Division Directors submitted up to three nominees for consideration, and then Laboratory Senior Management made the final selection for the Class of 2010. The participants this year were an ethnically diverse group, and consisted of 9 women and 18 men.

Third, BLI headed the pilot of a new performance management process. The objective was to encourage more open and direct feedback on performance and career development opportunities. To help enable these conversations, BLI developed and offered a number of new support materials and workshops that were in part or in total utilized by 80% of the pilot participants:

- Guidelines for employees and supervisors for filling out the Self-Assessment and Annual Review forms
- Online briefings for employees and supervisors on the process and completing forms
- Workshops to practice techniques for opening the dialogue on performance feedback and responding to difficult topics

Tuition Reimbursement Program

Through the Tuition Reimbursement Program (TRP), LBNL encourages and financially assists all levels of career employees in obtaining skills, knowledge, and abilities which increase the effectiveness of work performance in their present position. This program is promoted to all employees. Those employees who choose to apply for TRP are approved if they meet eligibility requirements. The program is offered to all career employees who have passed probation and are working 50% time (or more). Employees pursuing degrees or specialty certificates (Tier 1), reimbursement is 100%. For employees taking courses not leading to a degree (Tier 2), reimbursement is two-thirds. Participation in the program is an important privilege that can lead to greater job satisfaction, enhanced performance, and expanded career possibilities.

- Tier 1: The employee receives 100% reimbursement for courses completed satisfactorily under an approved Employee Development Plan leading to a degree or specialty certificate. The degree or specialty certificate can be either position- or career-related. The courses must be offered by an accredited college or university or a recognized professional society. CEU courses are reimbursable when they are a part of a Tier 1 approved Employee Development Plan.
- Tier 2: The employee receives two-thirds reimbursement for college-level courses not leading to an academic degree or specialty certificate. Courses must be offered by an accredited college or university. CEU courses may be reimbursed when offered by a university or college continuing education program.



This year, BLI administered TRP to 66 employees. Results are tracked beyond a single year, given the time it takes to complete a university degree. Since 2007, 106 employees were on Tier I and 3 on Tier 2. Since then, 25% of TRP participants completed their degrees. Of the 27 employees who completed programs, 4 Bachelor degrees were secured, as well as 14 Masters, 3 PhD's, and 6 certificates.

There is a diverse mix of employees participating in TRP. For example, the ethnicity mix of those participating was: Caucasian, 25% Asian, 11% African American, 4% Hispanic, 1% Native American, and 14% unknown. The tenure mix was also diverse: 35% were employees 1-5 years at the Lab; 34% for 6-10 years, and 31% were 11 -17 years.

UC Berkeley Fee Reduction Program Information

UC's fee reduction program is offered to those employees who are attending UC Berkeley. It reduces tuition fees by two-thirds for full-time employees enrolled as full-time UC Berkeley students. This program is distinct from LBNL's TRP. If an employee qualifies, the two programs may be used together for tuition savings. The employee can receive the two-thirds fee reduction for enrollment in any of the UCB academic programs that are eligible.

Equal Employment Opportunity

The EEO/AA & Diversity Office oversees required online AB1825 Sexual Harassment Prevention Training for Supervisors managed by the University of California system-wide training program.

Employee/Labor Relations

Focuses training on management issues in labor and employee relations were addressed in the Roles & Accountabilities course mentioned above. It is open to Laboratory supervisors and managers as defined by the Higher Education Employment Relations Act (HEERA).

Human Resources/ PeopleSoft On-Site Training Courses

The Human Resource Information System (HRIS) is available to any employee with a need to access or update personnel data. The Laboratory provides training through a variety of approaches. These include web-based training, in-person workshops, and one-on-one instruction.

The Financial Management System (FMS)

FMS is available to any employee with a need to access the laboratory financial information. Six (6) courses are available either through the classroom or on-line web based training - Project Setup, Resource Adjustments, Query, nVision, RAPID, and the Budget and Planning System.

Environment, Health & Safety (EH&S)

Training classes offered on a variety of safety topics and delivered via the web, video, hands-on and lecture. The EH&S Training Reports Web Site. Allows employees to complete or modify an EH&S Training Questionnaire entitled JHA (Job Hazards Questionnaire), obtain reports on an employee's EH&S training status, request courses, and establish training programs based on specific needs. This training report also enables the employee to integrate EH&S training



completions with those of other non EH&S courses, such as those courses taken through BLI, providing a single training report for each employee.

Internship/Training Opportunities

Center for Science and Engineering & Education (CSEE)

As an ongoing effort, LBNL's goal during the 2010 Fiscal Year is to place several intern students in the above occupational categories. Furthermore, student interns placed in these areas will be considered for career employment opportunities upon successful completion of their School to Work internships.

Environmental Control Technology Education for Advanced Building Operation and Management:

- This project is a collaboration between Peralta Community College District and LBNL to develop a new curriculum for building operators and heating, ventilating and air-conditioning (HVAC) and other technicians whose job performance directly influences the energy-efficiency of buildings.

Facilities Internship/Trainee opportunities have included:

- Architectural and Engineering Technician Intern/Trainee
- Provide drafting and illustrating support. Assist in field surveys and verifications. Confirm as-built conditions and take field measurements.
- Electronics Technician Intern/Trainee
- Under supervision, perform broad and varied troubleshooting, installation, and repair. Working from schematics, instruction manuals, sketches and verbal instructions, perform fault diagnosis, repair, maintenance, calibration and checkout of broad range of electronic equipment and systems to the component level.

Information Computing Sciences:

- Computer Systems Engineer Intern/Trainee
- Resolve end user desktop problems referred by the Help Desk for Action.
- Hold formal training and informal coaching sessions of users in response to inquiries or problems that occur more frequently.

Environmental Health and Safety:

- Radiological Control Technician Intern/Trainee
- The position, under close supervision, assists higher-level health and safety personnel implementing the Laboratory's safety program in radiation protection support.
- Assists experienced technicians with radiation and/or contamination surveys, inventories and audits of work areas surrounding accelerators, radiation-producing machines and in laboratories handling radioactive material.

Financial Services:

- Subcontract Assistant/Intern Trainee



- The position will perform the full range of administrative duties including assisting Subcontract Administrators. Answer limited questions, making sure that all responses are handled in a timely manner.
- Using an IBM-PC and word processing software (for extended periods of time), assist Subcontracts staff by preparing, proofing, editing a variety of documents/ letters, including Request For Proposals (REP), RFP Mailing lists, Reports, and various Forms.
- Photocopy and mass mail Subcontract documents.
- Send and Respond to telephone calls, faxes, e-mail messages, and hardcopy correspondence from Subcontractors and Research Division clients.

Ongoing Educational Outreach Efforts

The Center for Science and Engineering Education (CSEE) carries out the Laboratory’s education mission to inspire and prepare the next generation of scientists and engineers.

CSEE Educational Stem Pipeline Program Statistics for FY10

LAWRENCE BERKELEY NATIONAL LABORATORY	Minority	Male	Female	Total
BLAST (Berkeley Lab Afterschool Science and Technology Program)	18	39	24	63
BLAZES (Berkeley Lab Adventure Zone for Elementary Science)(BUSD)	271	269	280	549
BLAZES (Berkeley Lab Adventure Zone for Elementary Science)(Non-BUSD)	370	391	387	778
BLEV (Berkeley Lab Educational Visits)				453
BLIPS (Berkeley Lab Internships for Precollegiate Scholars)	5	16	9	25
BLISS (Berkeley Lab in School Settings)				1,067
Cosmology Workshop	11	25	19	44
DSTW Daughters and Sons to Work Day		56	59	115
DOE ACTS (DOE Academies Creating Teacher Scientists)	2	4	8	12
DOE Regional High School Science Bowl		96	39	135
FOSS Chemical Interactions Workshop		3	12	15
BLEV Girl Scouts/Boy Scouts (Bay Area Partnership)				4,000
EBAYS (East Bay Academy for Young Scientists)	48	29	28	57
IISME Teacher Fellowship Program	1	2	4	6
Nano High				930
Teacher Career Development Programs & Workshops		53	13	66
BLUFF (Berkeley Lab Undergraduate Faculty Fellowship)	1	2	0	2
BLUR (Berkeley Lab Undergraduate Research)	1	3	0	3
CCI (Community College Institute)	3	12	3	15
PST (Pre-Service Teachers)	3	4	5	9
FaST (Faculty and Student Teams)	14	18	10	28
TOTAL	748	1,022	900	8,372



Policies and Services in Support of Employees

Lawrence Berkeley National Laboratory is an institution with a tradition of, and dedication to, excellence in scientific research, technological innovation, educational opportunities and service to the nation. Reflecting the nation's values, LBNL is dedicated to integrating diversity into its research culture and to providing an environment that is accessible and hospitable to all employees.

Employee Activities Associations (EAA)

The Employee Activities Association sponsors a variety of recreational, cultural, and educational clubs for LBNL employees, retirees, and their family members. Clubs include:

- Arts Council
- Asian Association
- Bicycle Coalition
- Dance
- Dragon Naturally Speaking Interest Group (DIG)
- EX-Ls (LBNL retirees association)
- Feldenkrais Awareness Through Movement
- Filipino Martial Arts
- Gay, Lesbian, Bisexual, Transgendered, & Friends (GLBT&F)
- Golf
- Green Team
- Hoop Troupe (Hula-Hoop workout)
- JGI Intramural
- Latino and Native American (LANA)
- Mac Users
- Martial Arts
- Music
- Outdoor
- PASSport to Wellness
- Philanthropy
- Philosophy
- Photography
- Pilates at the JGI
- Running
- Softball
- Table Tennis
- Tai Chi
- Tennis
- Ukelele
- Yoga

Calendar of Events

A Multi-Cultural calendar is used to identify some of the main cultural celebrations and seeks to familiarize the Laboratory community with a variety of customs and beliefs from people of diverse cultural backgrounds and traditions. These include:

- February: African American History Month
- March: Women's History Month
- May: Asian Pacific American Heritage Month
- June: Lesbian, Gay, Bisexual & Transgender Pride Month
- September: Hispanic Heritage Month
- October: Disability Employment Awareness Month
- November: American Indian Heritage Month

Employee Assistance Program

CARE Services, LBNL's Employee Assistance Program, strives to strengthen the Lab community by providing behavioral health services for individuals and work groups throughout



the Lab. CARE Services provides free and confidential assistance for personal, emotional, and work-related challenges, as well as help find solutions through counseling, consultation, assessment, and referral services to concerns, however simple or serious they may be.

Common personal and work-related areas that can be addressed include: anxiety, depression, and other emotional concerns; relationships or family difficulties; problems with children or teenagers; alcohol, drug, gambling, or other addictions; work-related stress or conflict; organizational and job changes; traumatic events, grief, and loss; financial pressures; domestic abuse; health and disability concerns; balancing work and personal demands; elder and dependent adult care concerns.

Telecommuting

LBNL supports telecommuting as a viable work option under certain circumstances. Employees telecommute when, on a periodic basis, during their scheduled work hours, they fulfill their job responsibilities at a site other than their primary Laboratory work location. Under an approved telecommuting arrangement, all or part of an employee's regularly scheduled work hours are performed at home or at another approved location. Office contact is maintained through the use of telephone, computer modem, and/or fax machine.

Employees with telecommuting arrangements will be accessible during designated working hours and will meet their supervisors and attend LBNL meetings at the request of the supervisor.

Lactation Locations

The below is a list of buildings with a lactation rooms available for employees that are nursing. Each lactation room comes with a comfortable couch or chair. Some rooms have either a locking door or curtain to allow for privacy. Water and/or electrical outlet are either in the room or nearby. Buildings with Designated* Lactation Rooms that satisfy all requirements come with chair, locking door, sink, and electrical outlet. Lactation rooms in other locations will be established as the need arises.

Designated* Lactation Locations

- Bldg. 2-228 -2nd Floor Women's Lounge
- Bldg 90 – 3rd Floor Women's Lounge

Other Lactation Locations

- Bldg. 978-4243 (JBEI) - 'Quiet Room' designated for lactation; sink located in break room across the hall
- Bldg. 977-2nd Fl –(Potter Street) - women shower area which has a locking door
- Building 62-231 has a room w/couch that can be used for lactation.



XIII. Compliance with Sex Discrimination (41 CFR Part 60-20)

Overview

LBNL's policies and procedures comply with Sex Discrimination Guidelines as set forth in 41 CFR Part 60-20. LBNL does not discriminate on the basis of sex with respect to recruitment, advertising, job policies and practices, wages, or employment of women in "non-traditional" employment areas, as explained below.

Sexual harassment

It is the LBNL's policy that sexual harassment is not tolerated and that discipline, which may include termination, will result if employees are found to have violated this policy. The policy on sexual harassment carries the signature of the Laboratory Director. In addition to the mandatory on-line Sexual Harassment Prevention training for managers, as appropriate, the Equal Employment Opportunity/AA & Diversity Manager will deliver training workshops addressing issues related to sexual harassment for the benefit of supervisors, managers, and employees.

Operating policies and practices relating to employment

LBNL's policies and practices including collective bargaining agreements apply to employees of both genders.

Protective laws

LBNL has no jobs that females are prohibited from performing.

Recruitment and employment advertising

LBNL recruits qualified persons of both genders for all vacancies. Job Requisitions, periodical publication advertisements, contact with community organizations, job placement firms, school placement officers, and on-line ads with periodicals, professional associations, universities and job boards are written in language not intended to suggest any limitation or gender preference.

Hiring

Males and females have equal opportunity to apply for all vacancies.

Job classification

Job classifications at LBNL are not segregated by gender. LBNL seeks women for all job classifications. Both genders have equal access to internal and external training programs as well as reimbursement for external professional development training.

Conditions of employment

Wages, seniority, hours of employment, and other conditions of employment are based solely on factors other than gender. Fringe benefits are available to employees equally, based upon terms of employment, and are provided without regard to gender consideration.

Wages

Wages in the LBNL's system are based on an employee's relevant education, experience, and



performance and do not take gender into consideration as a salary variable.

Marital and family status

Neither marital nor family status of applicants and employees affect participation in fringe benefits or other aspects of employment.

Retirement

The retirement system at LBNL is those approved by the University of California. No distinctions based on gender are made with respect to participation in the retirement program.

Facilities

LBNL provides appropriate physical facilities for both genders.



XIV. Compliance with Guidelines on Religion and National Origin (41 CFR 60-50)

Overview

In compliance with the guidelines set out in 41 CFR 60-50, LBNL does not discriminate on the basis of religion or national origin with respect to any employment condition, including but not limited to recruitment, employment, transfer, promotion, demotion, wage rate determination, training, layoff, and termination.

Dissemination of Policy

The EEO/AA policy is disseminated both externally and internally to qualified job applicants and employees through the general EEO/AA practices as described in preceding sections.

Operating Policies and Practices relating to employment

LBNL's policies and practices including collective bargaining agreements apply to employees of any religion or national origin.

Accommodation

LBNL makes reasonable accommodation to the religious observances and practices of employees and prospective employees, including, granting vacation and/or leaves of absence, when such accommodation can be made without undue hardship on the conduct of its business. The extent of the Laboratory's obligation is determined by considering business necessity, financial costs and expenses and resulting personnel issues.

Recruitment and Employment Advertising

LBNL recruits qualified persons for all vacancies without regard to religion or national origin. Job requisitions, periodical publications advertisements, contact with community organizations, job placement firms, school placement officers, online ads with periodicals, professional associations, universities and job boards are written in language not intended to suggest any limitation or preference to on the basis of religion or national origin.

Recruitment Sources

LBNL enlists the assistance and support of all recruitment sources in connection with its commitment to provide equal employment opportunity without regard to religion or national origin.

Hiring

Job seekers from any religious background or national origin have equal opportunity to apply for all vacancies.

Conditions of Employment

Wages, seniority, hours of employment, and other conditions of employment are based solely on factors other than religion or national origin. Fringe benefits are available to employees equally, based upon terms of employment, and are provided without regard to religion or national origin.



XV. Internal Audit Reporting Systems (41 CFR 60-2.17(d))

The EEO/AA & Diversity Manager initiates the monitoring and auditing system for the Laboratory. LBNL's auditing and reporting system is intended to complement the existing efforts to maintain compliance. This system is intended to evaluate EEO/AA accomplishments in relation to established good faith efforts. The EEO/AA & Diversity Manager is responsible for implementing the auditing and reporting system.

Job Requisition and Hire Justification

The use of employment forms provides proper documentation of hiring actions taken by the hiring authority for each organization.

The Human Resources Department reviews job requirements to ensure skills, knowledge and any other qualifications are job-related prior to posting a job vacancy.

Recruitment

The EEO/AA & Diversity Office and Human Resources Department identify viable recruiting resources that have in the past maintained a consistent pool of available applicants for vacant Laboratory positions.

The EEO/AA & Diversity Manager monitors this system on a quarterly/semi-annual basis. The reporting and audit system provides for:

- Maintain and monitor accurate and up-to-date records on all referrals, applicants, hires, promotions, transfers and terminations by race and gender to be certain that all employees are treated on a fair and equitable basis.
- Monitor selection, promotional and training procedures to ensure they are non-discriminatory.
- Inform (on a regular basis), senior management of the effectiveness of the affirmative action program and make recommendations for improvements, if necessary.

Work Force Utilization Reports

Workforce utilization reports are prepared semi-annually and annually for internal dissemination to relevant Laboratory personnel. Analysis of the work force includes the composition and fluctuation of women and minorities, updated availability estimates and utilization levels, and progress toward current affirmative action goals. This data is provided by the EEO/AA & Diversity Office. As a matter of practice, the Work Force Underutilized data is a key element in Human Resources recruitment and employment processes. The EEO/AA Office provides underutilization reports that identify laboratory goals and are entered into HRIS (Human Resources Information System). At the creation of every open position (job requisition), the utilization data is displayed on the screen as a reference. The Human Resources Center works with the supervisor to develop a recruitment strategy that takes into account the affirmative action goals.

Division management is responsible for awareness of this information. The EEO/AA &



Diversity Manager is responsible for reviewing and advising managers about the patterns shown in the Work Force Utilization Report. The monitoring system is reviewed periodically to ensure that the data collection method provides current and accurate supporting documentation.

Determining Availability

The availability analysis is an estimate of the number of qualified minorities or women available for employment in a given job group, expressed as a percentage of all qualified persons available for employment within a job group, and within the relevant labor area workforce.

Additionally, this analysis creates the basis for establishing placement goals for job groups in which underutilized women or minorities have been identified. Availability statistics for jobs at the Laboratory are analyzed and revised as appropriate, in accordance with the requirements of federal regulations (41 CFR 60-2.14).

Placement Goals

Placement rate goals are established in the Affirmative Action Program. These goals are intended to guide the good faith efforts of those involved in recruiting and hiring, leading to the representation of women and minorities at rates comparable to their availability for specific jobs at the Laboratory.

Other Monitoring and Auditing Activities

In addition to data gathering for recruiting, employment, and internal work force statistics, the EEO/AA & Diversity Office and the Human Resources Department reviews the following situations for compliance purposes:

- LBNL policies and practices are reviewed by EEO/AA Office and the Human Resources Department to ensure compliance with current EEO laws and OFCCP regulations.

Complaints are investigated by the Equal Employment Opportunity/Affirmative Action Office. Employees seeking guidance or assistance in resolving complaints are encouraged to contact the Equal Employment Opportunity/Affirmative Action Manager. Complaints are reviewed for discriminatory practices and any laboratory policy violations.



Lawrence Berkeley National Laboratory

AFFIRMATIVE ACTION PROGRAM

For

**QUALIFIED INDIVIDUALS WITH DISABILITIES
AND QUALIFIED PROTECTED VETERANS**



I. Policy Statement

Under the Affirmative Action obligations imposed by Section 503 of the Rehabilitation Act of 1973 and Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended, it is the policy of Lawrence Berkeley National Laboratory (LBNL) to provide Equal Employment Opportunities and to advance in employment qualified individuals with a disability as well as qualified protected veterans. This policy is designed to employ and advance all qualified individuals with a disability and qualified protected veterans at all levels of employment, including the executive level. LBNL's policy of providing Equal Employment Opportunities to qualified persons with a disability and qualified protected veterans shall apply to all employment practices including, but not limited to: upgrading, demotion or transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training. The company attempts to comply with all of the rules, regulations, and relevant orders of the Secretary of Labor and the Office of Federal Contract Compliance Programs (OFCCP), issued pursuant to Section 503 of the 1973 Rehabilitation Act and the 1974 Vietnam Era Veterans' Readjustment Assistance Act, as amended.

LBNL's Affirmative Action Program for qualified persons with a disability and qualified protected veterans is reviewed and updated annually. If there are any significant changes in the company's procedure, or if employee rights or benefits are modified as a result of an annual updating, these changes are communicated to employees and to applicants for employment.

On a strictly voluntary basis, LBNL invites all qualified protected veterans who are either employees or applicants (after a conditional offer of employment has been made) for employment, and employees who have a disability, and who wish to benefit under LBNL's Affirmative Action Program to identify themselves to either their immediate supervisor or to the Diversity & EEO/AA Manager (*Appendix H, Self-Declaration Form*). Any individual who identifies himself/herself will not be subjected to any form of harassment or retaliation based on his/her status or self-identification. Further, this self-identification will be kept confidential.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities: (1) filing a complaint; (2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of Section 503 of the Rehabilitation Act of 1973, as amended, VEVRAA, as amended, or any other Federal, State or local law requiring equal opportunity for disabled persons or qualified protected veterans or; (3) opposing any act or practice made unlawful by Section 503 of the Rehabilitation Act of 1973, VEVRAA or its implementing regulations in this part or any other Federal, State or local law requiring equal opportunity for disabled persons or for qualified protected veterans; or (4) exercising any other right protected by Section 503 of the Rehabilitation Act of 1973, or its implementing regulations in this part or any other right protected by VEVRAA or its implementing regulations in this part.



II. Review of Personnel Processes

Lawrence Berkeley National Laboratory (LBNL) reviews annually its personnel processes to determine whether its present procedures ensure careful, thorough and systematic consideration of the qualifications of known qualified individuals with disabilities and qualified protected veterans. This review covers all procedures related to the filling of job vacancies either by hire or by promotion, as well as all training opportunities offered or made available to employees.

In determining the qualifications of veterans, LBNL limits its consideration of a qualified protected veteran's military record, including discharge papers, to only that portion of the record, which is relevant to the specific job qualifications for which the veteran is being considered.

Based upon LBNL's review of its personnel processes, LBNL will modify the personnel processes when necessary, and will include the development of new procedures in this Affirmative Action Program to ensure Equal Employment Opportunity.



III. Physical and Mental Qualifications

The physical and mental job qualifications of all jobs have been reviewed and are reviewed as new ones are established to ensure that, to the extent that such qualification requirements tend to screen out qualified individuals with disabilities and qualified disabled veterans, job qualifications are consistent with business necessity and the safe performance of the job.

No qualification requirements were identified which had a screening effect. All job qualification requirements were found to be job-related and consistent with business necessity and safety. LBNL will continue to review physical and mental job qualification requirements whenever a job is vacated and the company intends to fill it through hiring, promotion or transfer and will conduct a qualifications review whenever job duties change.

If at any time LBNL should inquire into an employee's physical or mental condition or should conduct a medical examination prior to a change in employment status, LBNL affirms that information obtained as a result of the inquiry will be kept confidential, except as otherwise provided for in Section 503 of the Rehabilitation Act of 1973 regulations. The results of the examination or inquiry will be used in accordance with the aforementioned regulations:

1. Supervisors, managers, and company officials may be informed regarding restrictions and accommodations for the work or duties of individuals with a disability.
2. Employees familiar with first aid may be informed, where and to the extent appropriate, if an individual with a disability might require emergency treatment.
3. OFCCP officials investigating compliance with either the 1973 Rehabilitation Act or VEVRAA, as amended.



IV. Reasonable Accommodation to Physical and Mental Limitations

LBNL continues to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified special disabled veteran or individual with a disability unless such an accommodation would impose undue hardship on the conduct of business, taking into account the impact of the accommodation on LBNL's ability to conduct business, the nature and net cost of the accommodation needed, the overall financial resources for providing reasonable accommodation, and the impact of the accommodation on the ability of other employees to perform their duties. The following are examples of accommodations that may be made.

Job Restructuring

LBNL will accommodate a qualified individual with a disability by carefully reviewing the employee's abilities and limitations and making every effort to provide appropriate accommodation that is reasonable so that the employee can perform the essential functions of his or her present position.

Flexible Work Hours

It is LBNL's policy to make flexible working hours available to all employees through the implementation of flextime which allows employees to redistribute their work hours within a framework defined by management. Flextime makes it possible for LBNL to accommodate the special needs of employees with a disability (i.e., time off for rehabilitative treatment or therapy).

Reasonable Accommodation and Disability Management

LBNL has a Return-to-Work Specialist/ADA Coordinator to provide consultation in job modification, job transfer, and transitional-duty and return-to-work services to employees who are medically restricted from performing all the essential functions of their job. The Specialist may assist with disability management, and also acts as facilitator to HR staff, supervisors and managers during the interactive process to determine reasonable accommodation of qualified employees with disabilities.

The Return-to-Work Specialist/ADA Coordinator is available to employees and to their departments for consultation on the specifics of reasonable accommodation, Americans with Disabilities Act (ADA) & Fair Employment & Housing Act (FEHA). Written guidelines for implementing the employment provisions of the ADA and FEHA are available to administrators, managers, and supervisors at LBNL via the Return-to-Work Procedures posted on Health Services' website.

Return-to-Work Procedure and Policy

LBNL's Return-to-Work Procedure defines the role of the employee, supervisor and the department head. Where possible and medically indicated, the worker is returned to work by providing transitional or temporary restricted-duty work. This program is coordinated with the assistance of the Integrated Disability Management's Return-to-Work Specialist, Benefits Coordinator, as well as Health Services' Clinical Staff.



Transitional Return-To-Work (TRTW) Program

The procedure and guidelines for implementing the Transitional Return-to-Work (TRTW) Program for employees who have temporary, restricted-duty limitations and have a medical release to return to work is posted on Health Services' website.

Integrated Disability Management Group (Health Services)

LBNL's Integrated Disability Management Group in Health Services provides consultation in the coordination of disability benefits and medical leaves of absences. The group includes the Disability Management Analyst, the Family Medical Leave Act (FMLA) Disability Leave Coordinator and the Return-to-Work Specialist/ADA Coordinator. The team approach ensures the application of all available resources at the Laboratory to the job accommodation and stay-at-work/return-to-work efforts, while ensuring the coordination of all benefits for the employee.

Special Selection Procedure

LBNL has initiated a special selection procedure which provides employees who can no longer perform their usual and customary duties due to medical reasons with a preferential access to open positions for which they are qualified. The procedure involves a coordinated multidisciplinary effort for both industrial and non-industrial cases. The process is outlined in the Return-to-Work Procedure.

Employee Assistance Program (EAP)

CARE Services, the Laboratory-contracted Employee Assistance Program, is available to all employees, their spouses or domestic partners, and their dependents. Non-LBNL employees, such as UC faculty, Graduate Student Research Assistants, and students will be connected to their appropriate campus resources. CARE Services provides free and confidential assistance for personal, emotional, and work-related challenges that include: anxiety, depression, relationship or family difficulties, problems with children or teenagers, alcohol, drug, gambling, or other addictions, work-related stress or conflict, organizational and job challenges, workplace violence concerns, traumatic events, grief, and loss, financial pressures, domestic abuse, health and disability concerns, balancing work and personal demands, elder and dependent adult care concerns.

LBNL maintains a medical service facility to treat injuries and minor ailments and to advise employees on conditions that should be discussed with or treated by an outside physician or through a referral to the EAP. The Laboratory's EAP programs and services are posted on the Health Services' website.

Sign-Language Interpreting Services

A purchase order was initiated in FY83 and has been renewed annually to provide interpreting services for hearing-impaired Laboratory employees and job applicants. This blanket purchase order utilizes the services of Purple Languages Services. Upon request, the agency will send out an interpreter and charge the Laboratory for the services rendered.



Tele-communication Devices for the Deaf

Telecommunications Devices for the Deaf (TDD), acquired by LBNL several years ago, are now being used by hearing-impaired employees. When a person is making a telephone call, the phone receiver is placed on the TDD and a signal is carried over the telephone lines. The person being called is alerted when the light on the device goes on. The message can be read either from an LCD display or printout of the conversation. By having the TDD available, hearing-impaired employees can call in to report absences or convey other necessary information to their supervisors; conversely, they can be reached at home, if necessary.

Technical Assistance

Advice and technical assistance on proper placement, training, and accommodation possibilities for qualified workers with a disability may be sought from the State of California Department of Rehabilitation, social service agencies, and nonprofit organizations like the Center for Independent Living (CIL) that serve individuals with disabilities. For example, for advice on assistive devices and sign language interpreters for hearing-impaired employees or applicants, the Laboratory utilizes external the services.

Purchase Orders

To ensure all its subcontractors and suppliers know of and prescribe to its policy, the Laboratory, consistent with the requirements of the regulations implementing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of , as amended, has incorporated clauses in its procurement documents (including requests for quotations, purchase orders, and subcontracts – *see Appendix G, Contract Compliance*) that prohibit unlawful discrimination; promote equal employment opportunity and affirmative action in employment for women and minorities, persons with a disability, and covered veterans; and encourage utilization of small businesses owned and controlled by socially and economically disadvantaged individuals.

Disabled Lift

A disabled lift is available for use by persons with a disability for access from the parking lot to the Cafeteria and Building 70.

Shuttle Bus

LBNL's shuttle bus service provides all bus operators with training on transporting passengers with special needs. Providing such a service complies with the requirements of the Rehabilitation Act of 1973, which specifies that a contractor must make services available to other individuals with disabilities, unless the contractor can show that the accommodations would create an undue hardship on the business.

Parking Spaces

At some locations, there are parking spaces identified as reserved for persons with a disability. In addition, reserved parking privileges for employees with a physical disability may be authorized by LBNL's Parking Services Manager when the need is verified by the Laboratory's Health Services staff.



LBNL Lactation Room Locations:

Below is a list of buildings with a lactation room for employees that are nursing. Each lactation room comes with a comfortable couch or chair. The rooms come with a locking door or curtain to allow for privacy. Water and/or electrical outlet are either in the room or nearby. Buildings with Designated* Lactation Rooms that satisfy all requirements come with chair, locking door, sink, and electrical outlet. Lactation rooms in other locations will be established as the need arises. See Also Policies and Services in Support of Employees.

Designated* Lactation Locations

- Bldg. 2-228 -2nd Floor Women's Lounge
- Bldg 90 – 3rd Floor Women's Lounge

Other Lactation Locations

- Bldg. 978-4243 (JBEI) - 'Quiet Room' designated for lactation; sink located in break room across the hall
- Bldg. 977-2nd Fl –(Potter Street) - women shower area which has a locking door
- Building 62-231 has a room w/couch that can be used for lactation.

* Designated locations have locking door, chair, electrical outlet and sink.

Facility Modification

LBNL has evaluated the accessibility of facilities commonly shared by guests and employees. As a result of this evaluation, the following facilities were made ADA compliant by administrative or structural changes:

- Building 50, Administration
- Building 50, Auditorium
- Building 54, Cafeteria
- Building 65, Reception Center

The Facilities Division is responsible for design and construction of new buildings, additions, and modifications. All new facilities will be constructed in full compliance with Title 24 of the California Administrative Code, which includes ADA requirements.



Disability-Accessible Buildings at LBNL

Completed projects covering new facilities and modifications to existing facilities designed to meet the then-current barrier-free access requirements for persons with a disability are shown below:

Building	Description
2	Access, Toilets and Parking
3	Access, Toilets, Automatic Door, Parking
6	Light Source Addition - Access, Toilets and Parking
16	Addition - Access
26	Health Services - Access, Toilets and Parking
31	Access, Toilets and Parking
46	Access, Toilets and Parking
46A	Access, Toilets and Parking
48	Fire Station – Access, Toilets and Parking
50	Auditorium Access, Toilets, Wheelchair Clearance and Parking
50A, 50B, 55, 70A, 72 and 90	Elevator Improvements and Control Panels
50A, 50B, 50E, and 50F	Access, Parking and Toilets; Access to and Toilet for Auditorium
50C	Access and Parking
54	Cafeteria - Access, Toilets and Parking
55	Access, Toilets and Parking
62	Access, Toilets and Parking
65	Reception Center Access and Toilets
66	Access, Toilets and Parking
67	Access, Toilets and Parking
69	Access, Toilets and Parking
70	Access, Toilets and Parking
70A	Access, Toilets and Parking
71	Second Floor - Access
72	ARM Addition - Access, Toilets, and Parking in Support Laboratory
74	Laboratory Addition - Access and Parking
75B	Access, Toilets and Parking
77	Access and Women's Toilet
77A	Phase I - Access and Parking
83	Access, Toilets and Parking
90	Access, Toilets and Parking
90	Trailer Complex - Access, Toilets and Parking
Phone Access	Various Locations at the Laboratory
Shuttle Buses	Equipped with AA Accessibility



V. Harassment Prevention Procedures

Employees of and applicants to Lawrence Berkeley National Laboratory will not be subject to harassment, intimidation, threats, coercion, or discrimination because they have engaged or may engage in filing a complaint, assisting in a review, investigation, or hearing or have otherwise sought to obtain their legal rights related to any Federal, State, or local law regarding EEO for qualified individuals with disabilities or qualified protected veterans.

Any employees or applicants who feel that they have been subject to harassment, intimidation, threats, coercion, or discrimination because of their disability or status as a qualified protected veteran should contact the EEO/AA (EEO/AA) & Diversity Office or Employee/Labor Relations (ELR) Office for assistance. This policy is posted for employees and applicants to view.



VI. Dissemination of Policy, Outreach, and Positive Recruitment

Dissemination of Policy

LBNL disseminates its Equal Employment Opportunity/Affirmative Action policies both internally and externally through the following practices:

The Laboratory policy on Nondiscrimination prohibits discrimination against or harassment of any persons employed by or seeking employment with the Laboratory on the basis of race, color, national origin, religion, sex, gender identity, pregnancy,⁴ physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994).⁵ This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and Federal laws and Laboratory policies.

LBNL policy prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliations include threats, intimidation, reprisals, and /or adverse actions related to employment.

LBNL undertakes affirmative action regarding women and minorities, individuals with disabilities, and covered veterans.⁶

Pursuant to §60-250.44(e), §60-300.44(e) and §60-741.44(e), LBNL has developed and implemented procedures to ensure employees are not harassed due to their status as a covered veteran or individual with a disability. These measures include stating the LBNL's nondiscrimination and harassment policies in LBNL's Regulations and Procedures Manual (RPM), addressing nondiscrimination and harassment in supervisor and manager training courses, and providing a variety of formal and informal complaint resolution options.

⁴ Pregnancy includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

⁵ Service in the uniformed services includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

⁶ Covered veterans includes veterans with disabilities, recently separated veterans, Vietnam era veterans, veterans who served on active duty in the U.S. Military, Ground, Naval or Air Service during a war or in a campaign or expedition for which a campaign badge has been authorized, or Armed Forces service medal veterans.



Responsibility for Implementing Policy

Refer to *Section VIII, Responsibility for Implementation*.

A. External Dissemination of Policy

Publications

The commitment to affirmative action is publicized by setting forth the policy statement annually and in material/publications used for recruitment purposes. Reasonable Accommodation is described in the Regulations & Procedures Manual (RPM) which includes information on special selection procedures for employees with a disability.

Community/Recruitment Outreach Activities

Recruiting Sources

LBNL enlists numerous recruiting sources, including targeted internet sites, non-profit organizations, state agencies and relevant publications. Recruiters also participate in on-going job fairs targeting Veterans and persons with disabilities.

To augment its efforts related to the employment and advancement of qualified individuals with a disability and/or covered veterans, LBNL conducts outreach through the State of California Employment Development Department (EDD), Department of Rehabilitation, educational/training agencies, and organizations for individuals with a disability and covered veterans.

Recruitment Outreach Forum

Appropriate outreach and positive recruitment activities have been undertaken. This past year LBNL hosted a recruitment outreach forum to allow the opportunity to understand and develop a working relationship with various types of local recruitment programs and services for qualified female, minority, veteran, and disabled job seekers as part of our affirmative action commitments to diversify our workforce and increase our networking efforts with the following agencies:

- State of California Department of Rehabilitation: Workplace solutions and recruiting, hiring and retention assistance for individuals with acquired disabilities/
- Swords to Plowshares, San Francisco and Oakland offices: Current issues facing Vets & Employment. Services provided to veteran job seekers such as: Employment Training Department, Job Development, and Training Programs.
- Employment Development Department (EDD): Veteran's Employment Program, Job Referral and Special Programs, and the One Stop Shop Career Centers.

LBNL will continue to enlist the assistance and support of appropriate recruiting sources, including State Employment Development Department, vocational rehabilitation agencies or facilities, college disabled students' placement offices, educational/ training agencies, and organizations of or for individuals with a disability and covered veterans.



Community Outreach Initiative

In support of the LBNL's Community Outreach Initiative for FY11 the Human Resources Department partnered with three local organizations to identify opportunities to engage in community recruitment outreach to veteran and disabled jobseekers. The initiative identified organizational and developmental training needs. HR Staff will then be coached on how to conduct mock interviews and workshops on interviewing skills and presence.

The first training session will be given by the California Department of Rehabilitation will conduct a hands-on workshop at LBNL titled "Disability Awareness." The workshop will explore stereotypes and assumptions associated with matching persons with disabilities to various types of jobs and will provide an analytical approach to conducting job interviews.

Community Outreach Organizations:

1. **California Department of Rehabilitation (Individuals w/disabilities)**
2. **Swords to Plowshares (Veteran outreach)**
3. **UC Berkeley, Veteran Services (Student Veteran Services)**

Personnel Practices and Procedures

In addition to the activities previously mentioned, the Laboratory continues to utilize the following measures to promote equal employment opportunity/affirmative action for qualified individuals with a disability and covered veterans.

HR Staff involved in recruitment, screening, selection, promotion, disciplinary, and related processes are carefully selected and trained to ensure that the commitments in the Laboratory's Affirmative Action Program are implemented.

Hiring and Promotion

The Laboratory has reviewed its processes and determined that the present procedures ensure careful, thorough, and systematic consideration of the job qualifications of known qualified individuals with disabilities and covered veterans for job vacancies filled either by hiring or promotion, and for all training opportunities available. Laboratory practices and procedures do not stereotype individuals with a disability and covered veterans in a manner which would limit their access to jobs for which they are qualified. Further, in determining the qualifications of a covered veteran, the Laboratory considers only that portion of the military record relevant to the specific job qualifications for which the veteran is being considered.

Offers of Employment

The Laboratory does not reduce the amount of compensation in its employment offers to disabled individuals and covered veterans due to disability income, pension, or any other benefit.

Benefits

Employees who are covered veterans or who have disabilities receive the same benefits as other employees.



Training and Educational Opportunities

Employees with known disabilities and covered veterans are provided the opportunity to participate in all company sponsored educational, training, recreational, and social activities.

B. Internal Dissemination of Policy

Availability of plan

This written Affirmative Action Program for covered veterans and qualified individuals with a disability is available for all employees or job applicants upon request during regular business hours at the Equal Employment Opportunity/Affirmative Action (EEO/AA) & Diversity Office. A copy of the program is posted on the LBNL's website.

Update

The Affirmative Action Program is reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes will be communicated to employees and applicants for employment.

Posters

In commonly used areas, EEO/AA labor notifications are posted in areas where they can readily be seen by employees and job candidates. Among these notices are (a) the U.S. Department of Labor poster which informs applicants and employees in English and in Spanish of employment rights of Qualified Individuals with a Disability and covered veterans on the Family Medical Leave Act, (b) the U.S. Equal Employment Opportunity Commission's poster "Equal Employment Opportunity is the Law," and (c) Department of Fair Employment and Housing poster in English and Spanish prohibiting discrimination in employment.



VII. Audit and Reporting Systems

LBNL maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates and to respond to any specific complaints applicants or employees file with the Laboratory. Overall responsibility for the implementation of the Laboratory's equal employment opportunity programs and for affirmative action compliance activities is assigned to the Laboratory's EEO/AA & Diversity Manager.

Employment records of individual HR actions on qualified individuals with disabilities and covered veterans are maintained. The Human Resources (HR) Department maintains all manual files on HR actions. The Human Resources Information System (HRIS) Group in HR maintains electronic files on HR actions. Records of numbers of individuals with disabilities and covered veterans involved in HR actions are maintained.

LBNL has implemented an audit and reporting system that measures the effectiveness of the affirmative action programs that indicates any need for remedial action and measures compliance with specific program obligations. If any aspect of the affirmative action program is found to be deficient, the Laboratory will undertake necessary action to bring the program into compliance.

Self-Analysis, Internal Audit & Job Qualification Requirements

On an ongoing basis, as job requisitions are received, Human Resources Department staff reviews the physical and mental job qualification standards of each position to ensure qualifications are job-related for the position in question, and are consistent with business necessity. As required by the Americans with Disabilities Act (ADA) and the Fair Employment & Housing Act (FEHA), all job postings identify essential and marginal job requirements.

Data Records

LBNL captures and can identify HR actions of individuals with disabilities and covered veteran job applicants and employees. LBNL maintains records of complaints involving employees with disabilities and covered veterans for at least one year.



VIII. Responsibility for Implementation

A. Responsibilities of EEO/AA & Diversity Manager:

The EEO/AA & Diversity Manager is responsible for the overall execution, implementation and monitoring of the Affirmative Action Program for qualified persons with a disability and qualified protected veterans with the support of all management.

Those responsibilities shall include, but not be limited to, the following:

1. The development of the AAP for individuals with disabilities and qualified protected veterans, policy statements, personnel policies and procedures, internal and external communication of the policy, and monitoring the effectiveness of these actions;
2. Reviewing all personnel actions, policies, and procedures to ensure compliance with Lawrence Berkeley National Laboratory's Affirmative Action obligations;
3. Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer and termination actions occur;
4. Assisting in the identification of problem areas and the development of solutions to those problems;
5. Monitoring the effectiveness of the program on a continuing basis through the development and implementation of an internal audit- and reporting- system that measures the effectiveness of the program.
6. Keeping management informed of equal opportunity progress and problems within the company through, at a minimum, periodic reports;
7. Providing department managers with a copy of the AAP for Qualified Individuals with Disabilities and Qualified Protected Veterans and reviewing the program with them on an annual basis to ensure knowledge of their responsibilities for implementation of the program;
8. Reviewing the company's AAP for qualified individuals with disabilities and qualified protected veterans with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities;
9. Auditing the contents of company bulletin boards annually to ensure that compliance information is posted and is up-to-date;
10. Serving as a liaison between Lawrence Berkeley National Laboratory and enforcement agencies; and
11. Serving as a liaison between Lawrence Berkeley National Laboratory and organizations for individuals with disabilities and protected veterans.



C. Responsibilities of Managers and Supervisors:

Managers and supervisors are advised annually of their responsibilities under the company's AAP for qualified individuals with disabilities and qualified protected veterans and of their obligations to:

1. Review the company's Affirmative Action policy for qualified individuals with disabilities and qualified protected veterans with subordinate managers and supervisors to ensure that they are aware of the policy and understand their obligation to comply with it in all personnel actions;
2. Assist in the identification of problem areas, formulate solutions, and establish departmental goals and objectives when necessary;
3. Review the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur; and
4. Review all employees' performance to ensure that non-discrimination is adhered to in all personnel activities.



IX. Training

All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes shall be trained to ensure that the commitments in the company's Affirmative Action Program are implemented.



Appendix A *Reminder on Non-Discrimination and Affirmative Action Policy Statement*

POLICY AND PROCEDURE REMINDER

DATE: January 11 and July 12, 2010

DISTRIBUTION: [TODAY AT BERKELEY LAB](#)

SUBJECT: REMINDER ON NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY STATEMENT

The Lawrence Berkeley National Laboratory prohibits discrimination against or harassment of any person employed or seeking employment with the Laboratory on the basis of race, color, national origin, religion, sex, gender identity, pregnancy,¹ physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994).²

Laboratory policy also prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment.

The Lawrence Berkeley National Laboratory is an affirmative action/equal opportunity employer. The Laboratory undertakes affirmative action to assure equal employment opportunity for minorities and women, for persons with disabilities, and for covered veterans.³

The Laboratory policy is intended to be consistent with the provisions of applicable State and Federal laws. Inquiries regarding the Laboratory's equal employment opportunity policies may be directed to the Laboratory's EEO/AA Office, at Ext. 7635. Go to [RPM Section 2.01\(C\)](#).

¹ Pregnancy includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

² Service in the uniformed services includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

³ Covered veterans includes veterans with disabilities, recently separated veterans, Vietnam era veterans, veterans who served on active duty in the U.S. Military, Ground, Naval or Air Service during a war or in a campaign or expedition for which a campaign badge has been authorized, or Armed Forces service medal veterans.



Appendix A *Reminder on Non-Discrimination and Affirmative Action Policy Statement*
(Continued)

POLICY AND PROCEDURE REMINDER

DATE: JANUARY 25 and JULY 19, 2010

DISTRIBUTION: [TODAY AT BERKELEY LAB](#)

FULL SUBJECT: REMINDER ON SEXUAL HARASSMENT & COMPLAINT PROCEDURES

The Laboratory is committed to creating and maintaining a community in which all persons who participate in Laboratory programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation including sexual. Specifically, every member of the Laboratory community should be aware that the Laboratory is strongly opposed to sexual harassment, and that such behavior is prohibited both by law and by Laboratory policy. It is the intention of the Laboratory to take whatever action that may be needed to prevent, correct, and if necessary, discipline behavior that violates this policy.

The University of California's policy and procedures concerning sexual harassment apply to Berkeley Lab and are part of RPM §§[2.01\(B\)\(4\)](#) and [2.05\(E\)](#).

Additional information on reporting sexual harassment may be found [here](#).



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

H1 LAB SCIENTIFIC MANAGEMENT	21.05	21.05
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- ASSOCIATE LABORATORY DIRECTOR 198.3
- DEPUTY DIRECTOR 198.4
- LABORATORY DIRECTOR 198.5*
- MANAGEMENT III 199.3
- MANAGEMENT IV 199.4
- OPS DIVISION DIRECTOR 197.1
- SCIENTIFIC DIVISION DIRECTOR 197.2

* The Laboratory Director is reported in the University of California, Office of the President (UCOP) Affirmative Action Plan.

H2 LAB OPERATIONS MANAGEMENT	33.33	13.33
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- MANAGEMENT I 199.1
- MANAGEMENT II 199.2

H3 ADMINISTRATIVE MANAGEMENT	60.00	22.00
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- Audit Group Leader I10.5
- Business Manager A30.5
- Finance Manager I, Accounting F17.1
- Finance Mgr I, Conf & Travel F43.1
- Finance Mgr I, Contracts F37.1
- Finance Mgr I, Resource F26.1
- Finance Mgr I, Subcontracts F28.1
- Finance Mgr II, Property Mgmt F34.2
- Finance Mgr II, Resource F26.2
- Finance Mgr II, Financial Analy F24.2
- Finance Mgr III, Field Ops F26.3
- Finance Mgr III, Finance Syst F39.3
- Finance Mgr III, Procure/Prop F35.3
- Finance Mgr IV, Budget Officer F24.4
- Finance Mgr IV, Controller F18.4
- Finance Mgr IV, Procure/Prop F35.4
- HR Manager I (Service Center) B20.6
- HR Manager II (Service Center) B20.7
- HR Manager II (Train/Develop) B91.7
- HR Manager II HRIS/HR Operation B40.7
- HR Manager III (Comp/Ben) B10.8
- HR Manager III (LER) B50.8



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

H3 ADMINISTRATIVE MANAGEMENT (cont.)	60.00	22.00
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- Licensing Manager 1 J20.2
- Marketing Comm Manager 1 P40.2
- Public Affairs Manager 1 P50.2
- Public Affairs Manager 2 P50.3
- Sr Business Manager A30.6
- TechTrans/Intell Property Mgr3 J20.4

H4 TECHNICAL MANAGEMENT	14.92	17.91
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- Computer Systems Group Lead C61.5
- Computer Systems Manager 2 C61.6
- Computer Systems Manager 3 C61.7
- EH&S Manager 1 H00.5
- EH&S Manager 2 H00.6
- EH&S Manager 3 H00.7
- Electronics Eng Tech Manager O60.4
- Facilities Engineering Mgmt 1 G00.6
- Facilities Engineering Mgmt 2 G00.7
- Facilities Technical Manager O20.4
- Facilities Technical Superndt O20.3
- Mech Eng Tech Superintendent O50.3
- Mechanical Eng Tech Manager O50.4
- Program Manager 5 Z10.5
- Project Manager 4 Z20.4
- Technical Support Superndt O40.3

J1 BIO SCIENCES	32.55	32.55
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- Biochemist Dist Scientist/Engr S03.7
- Biochemist Project Sci/Engr S03.P
- Biochemist Research Sci/Engr S03.1
- Biochemist Research Sci/Engr S03.2
- Biochemist Senior Sci/Engr S03.6
- Biochemist Staff Sci/Engr S03.4
- Bioinformaticist Project SE S04.P
- Bioinformaticist Research SE S04.1
- Biological Engineer Senior Sci S10.6
- Biological Engineer Staff Sci S10.4
- Biologist Postdoc Fellow R05.1
- Biologist Project Sci/Engr S05.P



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

J1 BIO SCIENCES (cont.)	32.55	32.55
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- Biologist Research Sci/Engr S05.1
- Biologist Research Sci/Engr S05.2
- Biologist Senior Sci/Engr S05.6
- Biologist Staff Sci/Engr S05.3
- Biologist Staff Sci/Engr S05.4
- Biophysicist Postdoc Fellow R07.1
- Biophysicist Project Sci/Engr S07.P
- Biophysicist Research Sci/Engr S07.1
- Biophysicist Research Sci/Engr S07.2
- Biophysicist Senior Sci/Engr S07.6
- Biophysicist Staff Sci/Engr S07.3
- Biophysicist Staff Sci/Engr S07.4
- Cmpl Biologist Research SE S06.1
- Cmpl Biologist Staff Sci/Engr S06.4
- Compl Biologist Res Sci/Engr S06.2
- Computational Bio PD Fellow R06.1
- Computational Biol Project SE S06.P
- Geneticist Postdoc Fellow R08.1
- Geneticist Senior Sci/Engr S08.6
- Geneticist Staff Sci/Engr S08.3
- Geneticist Staff Sci/Engr S08.4
- Medical Staff Scientist/Engr S02.4

J2 CHEMIST	26.78	28.57
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- Chemical Staff Engineer S34.4
- Chemist Divisional Fellow S11.5
- Chemist Postdoc Fellow R11.1
- Chemist Project Scientist/Engr S11.P
- Chemist Research Sci/Engr S11.1
- Chemist Research Sci/Engr S11.2
- Chemist Senior Sci/Engr S11.6
- Chemist Staff Sci/Engr S11.3
- Chemist Staff Sci/Engr S11.4

J3 PHYSIST	8.46	24.33
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- Chamberlain Fellows R13.C
- Physicist Distinguished SE S13.7
- Physicist Divisional Fellow S13.5



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

J3 PHYSIST (cont.)	8.46	24.33
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- Physicist Postdoc Fellow R13.1
- Physicist Project Sci/Engr S13.P
- Physicist Research Sci/Engr S13.1
- Physicist Research Sci/Engr S13.2
- Physicist Senior Sci/Engr S13.6
- Physicist Staff Sci/Engr S13.3
- Physicist Staff Sci/Engr S13.4

J4 COMPUTER SCIENTIST	7.14	22.85
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- Computational Project Sci/Eng S39.P
- Computational Research Sci/Eng S39.1
- Computational Research Sci/Eng S39.2
- Computational Sr Sci/Engr S39.6
- Computational Staff Sci/Engr S39.4
- Computer Project Sci/Engr S38.P
- Computer Research Sci/Engr S38.1
- Computer Research Sci/Engr S38.2
- Computer Senior Sci/Engr S38.6
- Computer Staff Sci/Engr S38.4
- Mathematician Research Sci/Eng S37.2
- Mathematician Senior Sci/Engr S37.6
- Mathematician Staff Sci/Engr S37.4
- Statistician Staff Sci/Engr S40.4

J5 ENGINEERS	4.87	24.39
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- Electronic Research Sci/Engr S35.1
- Electronic Sr Scientist/Engr S35.6
- Electronic Staff Sci/Engr S35.3
- Electronic Staff Sci/Engr S35.4
- IC Design Staff Sci/Engr S41.4
- Mechanical Project Sci/Engr S36.P
- Mechanical Research Sci/Engr S36.1
- Mechanical Research Sci/Engr S36.2
- Mechanical Senior Sci/Engr S36.6
- Mechanical Staff Sci/Engr S36.4
- Mechanical Staff Scientist S36.3



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

<u>J6 EARTH SCIENCES</u>	15.87	20.63
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- Geological Project Scientist S15.P
- Geological Research Scientist S15.1
- Geological Research Scientist S15.2
- Geological Senior Scientist S15.6
- Geological Staff Engineer S28.4
- Geological Staff Scientist S15.4

<u>J7 ECONOMICS</u>	13.79	24.13
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- Architect Staff Sci/Engr S47.4
- Energy/Env Policy Res Sci/Engr S48.2
- Energy/Env Policy Sr SE S48.6
- Energy/Env Policy Stf Sci/Eng S48.4
- EnergyEnv Policy Project SE S48.P

<u>J8 MATERIAL SCIENCES</u>	6.89	27.58
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- Materials Project Sci/Engr S14.P
- Materials Research Sci/Engr S14.2
- Materials Senior Sci/Engr S14.6
- Materials Staff Sci/Engr S14.3
- Materials Staff Sci/Engr S14.4

<u>K1 PROF ADMIN SUPPORT</u>	85.89	38.46
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- Administrator A40.2
- Pr Supervisor, Admin Scvs A20.4
- Sr Administrator A40.3
- Sr Supervisor, Admin Scvs A20.3
- Supervisor, Admin Scvs A20.2

<u>K2 HUMAN RESOURCES</u>	73.91	56.52
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- Compensation Consultant B10.6
- EEO/Affirmative Action Analyst B90.2
- HR Division Partner B21.2
- HRIS Consultant B40.6
- Policies Analyst B81.4
- Pr Training Specialist B91.4
- Principal Benefits Analyst B70.4
- Principal Compensation Analyst B10.4
- Principal HRIS Analyst B40.4



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

K2 HUMAN RESOURCES (cont.)	73.91	56.52
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- Principal IRSO Advisor B80.4
- Recruiter B22.2
- Senior Benefits Analyst B70.3
- Senior HR Division Partner B21.4
- Senior IRSO Advisor B80.3
- Senior LER Consultant B50.6
- Senior Recruiter B22.4
- Sr Interlocation Appt Analyst B11.3
- Sr Training Specialist B91.3
- Training Consultant B91.6

K3 FINANCIAL SUPPORT	74.05	49.36
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- Accountant F16.2
- Associate Accountant F16.1
- Distributed Purchasing F31.2
- Financial Analyst F23.2
- Lead Accountant F16.5
- Lead Business Process Analyst F44.5
- Lead Contracts Officer F36.5
- Lead Financial Analyst F23.5
- Lead Resource Analyst F25.5
- Lead Subcontracts Admin F27.5
- Lead, Training and Development F46.5
- Pr Accountant F16.4
- Pr Business Process Analyst F44.4
- Pr Contracts Officer F36.4
- Pr Financial Analyst F23.4
- Pr Payroll Specialist F21.4
- Pr Property Specialist F33.4
- Pr Resource Analyst F25.4
- Pr Subcontracts Administrator F27.4
- Principal Auditor I10.4
- Principal Conference Planner F41.4
- Property Specialist F33.2
- Resource Analyst F25.2
- Sr Accountant F16.3
- Sr Business Process Analyst F44.3
- Sr Conference Planner F41.3



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

<u>K3 FINANCIAL SUPPORT (cont)</u>	74.05	49.36
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- Sr Contracts Officer F36.3
- Sr Distributed Purchasing Adm F50.2
- Sr Distributed Purchasing Coor F31.3
- Sr Financial Analyst F23.3
- Sr Resource Analyst F25.3
- Sr Subcontracts Administrator F27.3
- Sr Travel Specialist F42.3
- Subcontracts Administrator F27.2
- Travel Specialist F42.2

<u>K4 LEGAL</u>	66.66	55.55
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- Licensing Analyst J10.1
- Patent Attorney 2 L10.2
- Patent Attorney 3 L10.3
- Patent/Legal Counsel Mgmt L40.5
- Sr Licensing Associate J10.3

<u>K5 TECHNICAL EDITOR</u>	53.33	33.33
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- Writer/Editor 2 Y10.2
- Writer/Editor 3 Y10.3
- Writer/Editor 4 Y10.4

<u>K6 OTHER ADMIN PROFESSIONAL</u>	46.10	29.94
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- Administrative Specialist 2 K10.2
- Administrative Specialist 3 K10.3
- Administrative Specialist 4 K10.4
- Administrative Specialist 5 K10.5
- Archives & Records Spec 2 AC1.2
- Archives & Records Spec 3 AC1.3
- Archives & Records Spec 4 AC1.4
- Business Development Spec.3 P60.3
- Educational Program Admin 495.1
- Marketing Comm Specialist 2 P10.2
- Marketing Comm Specialist 3 P10.3
- Marketing Pub Writer 3 P20.3
- Material Specialist MN1.1
- Program Manager 1 Z10.1



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

K6 OTHER ADMIN PROFESSIONAL (cont.)	46.10	29.94
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- Program Manager 2 Z10.2
- Program Manager 3 Z10.3
- Program Manager 4 Z10.4
- Program Operations Analyst 1 Z30.1
- Project Manager 1 Z20.1
- Project Manager 2 Z20.2
- Project Manager 3 Z20.3
- Project Planning & Controls 1 Z40.1
- Project Planning & Controls 2 Z40.2
- Project Planning & Controls 3 Z40.3
- Project Planning & Controls 4 Z40.4
- Public Affairs Specialist 2 P30.2
- Public Affairs Specialist 3 P30.3
- Public Affairs Specialist 4 P30.4
- Public Affairs Supervisor P50.1
- Sr. Material Specialist MN1.2

L1 INFORMATION TECHNICIAN	20.93	34.98
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- Business/Systems Analyst 2 D10.2
- Business/Systems Analyst 1 D10.1
- Business/Systems Analyst 3 D10.3
- Business/Systems Analyst 4 D10.4
- Business/Systems Analyst 5 D10.5
- Computer Systems Engineer 1 C60.1
- Computer Systems Engineer 2 C60.2
- Computer Systems Engineer 3 C60.3
- Computer Systems Engineer 4 C60.4
- Computer Systems Engineer 5 C60.5
- Computer Systems Engr Trainee C60.0
- Database Administrator 3 D25.3
- Database Administrator 4 D25.4
- Desktop Systems Specialist 1 DD1.1
- Desktop Systems Specialist 2 DD1.2
- Help Desk Specialist 1 DH1.1
- Software Developer 1 D50.1
- Software Developer 2 D50.2
- Software Developer 3 D50.3
- Software Developer 4 D50.4



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

L1 INFORMATION TECHNICIAN (cont.)	20.93	34.98
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- Software Developer 5 D50.5
- Systems Administrator 1 D55.1
- Systems Administrator 2 D55.2
- Systems Administrator 3 D55.3
- Systems Administrator 4 D55.4
- Web Administrator 4 D60.4
- Web Developer 2 D65.2
- Web Developer 3 D65.3

L2 MECHANICAL ENGINEER	9.67	29.03
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- Industrial Engineer 2 E50.2
- Industrial Engineer 3 E50.3
- Mechanical Engineer 2 E10.2
- Mechanical Engineer 3 E10.3
- Mechanical Engineer 4 E10.4
- Mechanical Engineer 5 E10.5

L3 ELECTRICAL ENGINEER	5.26	26.31
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- Electronics Engineer 2 E20.2
- Electronics Engineer 3 E20.3
- Electronics Engineer 4 E20.4
- IC Design Engineer 1 E30.1
- IC Design Engineer 3 E30.3
- IC Design Engineer 4 E30.4

L4 ENVIRONMENT HEALTH & SAFETY	44.06	16.94
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- Air Quality Engineer 4 H40.4
- Emergency Preparedness Spec 3 H90.3
- Fire Protection Engineer 3 H51.3
- Fire Protection Engineer 4 H51.4
- Health Physicist 2 H10.2
- Health Physicist 3 H10.3
- Industrial Hygienist 2 H60.2
- Industrial Hygienist 3 H60.3
- Industrial Hygienist 4 H60.4
- Occupational Health Nurses II 600.2
- Occupational Health Pr Nurse H70.3
- Regulatory Compl Eng/Spec 1 H80.1



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

L4 ENVIRONMENT HEALTH & SAFETY (cont.)	44.06	16.94
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- Regulatory Compl Eng/Spec 3 H80.3
- Regulatory Compl Eng/Spec 4 H80.4
- Safety Engineer/Specialist 1 H50.1
- Safety Engineer/Specialist 2 H50.2
- Safety Engineer/Specialist 3 H50.3
- Safety Engineer/Specialist 4 H50.4
- Sr EH&S Professional H01.5
- Training Specialist 2 H55.2
- Training Specialist 3 H55.3
- Waste Mgmt Professional 3 H30.3
- Waste Mgmt Professional 4 H30.4

L5 FACILITIES	7.14	28.57
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- Facil Civil/Structural Engr 3 G20.3
- Facil Electrical Engr 2 G30.2
- Facil Electrical Engr 3 G30.3
- Facil Energy Mgmt Engr 3 G50.3
- Facil Mechanical Engr 2 G40.2
- Facilities Estimator 3 G70.3
- Facilities Planner 2 G80.2
- Facilities Planner 3 G80.3
- Move Coordinator 1 GN1.1

L6 TECHNICAL SUPERVISOR	10.52	52.63
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- Elec Eng Tech Supervisor O60.2
- Facilities Technical Supvr O20.2
- Mechanical Eng Tech Supervisor O50.2
- Technical Support Supervisor O40.2

L7 TECHNICAL ASSOCIATE	16.76	29.94
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- EH&S Engineer Associate N20.1
- Electronics Engr Assoc N10.1
- Engineering Technical Assoc N60.1
- Mechanical Engr Assoc N30.1
- Plant/Facil Engr Assoc N40.1
- Pr EH&S Engineer Associate N20.3
- Pr Electronics Engr Assoc N10.3
- Pr Engineering Technical Assoc N60.3



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

L7 TECHNICAL ASSOCIATE (cont.)	16.76	29.94
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- Pr Plant/Facil Engr Assoc N40.3
- Pr Scientific Engr Assoc N50.3
- Quality Assurance Engineer 3 Q10.3
- Scientific Engr Assoc N50.1
- Sr EH&S Engineer Associate N20.2
- Sr Electronics Engr Assoc N10.2
- Sr Engineering Technical Assoc N60.2
- Sr Mechanical Engr Assoc N30.2
- Sr Plant/Facil Engr Assoc N40.2
- Sr Scientific Engr Assoc N50.2

L8 RESEARCH ASSOCIATE	60.31	50.26
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- Research Assistant 588.1
- Research Assoc 381.1
- Research Assoc Principal 381.3
- Research Assoc Sr 381.2
- Research Assoc Staff 381.4
- Research Associate Supervsr II 379.2

M1 COMPUTER TECHNICIAN	0.00	50.00
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- High Performance Comp Tech 4 751.4
- High Performance CompTech Lead 751.5

M2 MECHANICAL TECHNICIAN	0.00	20.83
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- Mechanical Engr Tech I 706.1
- Mechanical Engr Tech II 706.2
- Mechanical Engr Tech III 706.3
- Mechanical Engr Tech IV 706.4
- Telecomm Network/Data Comm T 2 750.2
- Telecomm Network/Data Comm T 3 750.3

M3 ELECTRONIC TECHNICIAN	14.81	37.03
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- Electronics Eg Technologist IV 702.4
- Electronics Eg TechnologistIII 702.3
- Electronics Egr TechnologistII 702.2



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

<u>M4 OTHER TECHNICIAN</u>	50.00	45.00
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- Lead Technologist 720.0
- Research Technician 795.1
- Research Technician Princ 795.3
- Research Technician Sr 795.2

<u>M5 DESIGN/GRAPHIC</u>	66.66	22.22
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- Designer III 700.3
- Graphic Arts Technician Princ 781.3
- Technical Illustrator III 797.3
- Technical Illustrator IV 797.4
- Videographer/Photo Spec IV 798.4

<u>M6 HEALTH/MEDICAL</u>	16.00	68.00
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- Animal Technician 1 744.1
- Animal Technician 2 744.2
- Animal Technician 3 744.3
- Health/Safety Tech 741.1
- Health/Safety Tech Principal 741.3
- Health/Safety Tech Specialist 741.4
- Radiation Safety Tech Prin 740.3
- Radiation Safety Tech, Spec 740.4

<u>M7 ACCELERATOR OPERATORS</u>	27.27	27.27
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- Accelerator Oper Principal 650.2
- Accelerator Operator 650.1
- Accelerator Operator, Spec. 650.3

<u>N1 OFFICE SUPPORT</u>	85.71	57.14
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- Administrative Assistant II 572.2
- Administrative Assistant III 572.3
- Clerical Assistant II 570.2
- Executive Assistant 590.1
- Executive Asst (Confidential) 591.1
- Finance Assistant IV, Payroll 580.4
- Finance/Budget Asst III 574.3
- Payroll Assistant III 580.3
- Requisitions Assistant 583.1
- Travel Assistant II 578.2



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

<u>N1 OFFICE SUPPORT (cont.)</u>	85.71	57.14
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Travel Assistant III 578.3

<u>N3 HUMAN RESOURCES SUPPORT</u>	100.00	64.70
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Human Resources Assistant III 584.3

<u>O1 MACHINE SHOP</u>	0.00	20.00
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Mech Engr Machinist Asst I 707.1
 Mechanical Engr Machinist II 707.2
 Mechanical Engr Machinist III 707.3
 Mechanical Engr Machinist IV 707.4

<u>O2 CRAFTS/TRADES</u>	3.70	42.59
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Air Cond/Refrig Mech 952.3
 Carpenter 930.3
 Carpenter Lead 930.5
 Electrician 940.3
 Electrician Lead 940.5
 High Voltage Electrician 940.4
 High Voltage Electrician Lead 940.6
 Laborer Specialist 920.5
 Painter 960.3
 Plumber/Fitter 950.3
 Plumber/Fitter Lead 950.5
 Rigger (Certified Crane Opr 925.4
 Rigger 925.3
 Sheet Metal Worker I 902.3
 Sheet Metal Worker II 902.4

<u>O3 MECHANICS REPAIR</u>	0.00	40.00
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Plant Maintenance Tech Lead 910.5
 Plant Maintenance Tech Princ 910.3
 Plant Maintenance Tech Spec 910.4

<u>R1 CUSTODIAN</u>	40.54	86.48
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Custodian 630.1
 Custodian Sr 630.2



Appendix B LBNL Job Group Analysis

Job Groups/Job Titles	Female %	Minority %
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Analysis Data as of FY10 (10/01/09 to 9/30/10)

R2 OTHER SUPPORT	29.41	70.58
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- Material Handler 2 566.2
- Material Handler 3 566.3
- Technical Assistant 1 724.1
- Technical Assistant 2 724.2

R3 SEMI-SKILLED	9.09	72.72
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- Groundskeeper 633.1
- Groundskeeper, Lead 633.2
- Laborer, Senior 789.3
- Motor Vehicle Mechanic 746.1
- Plant Assistant II 791.2
- Plant Assistant III 791.3
- Truck Driver 745.2
- Truck Driver Lead 745.3
- Truck Driver Light 745.1

R4 BUS DRIVER	66.66	100.00
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- Bus Driver 738.1
- Bus Driver Lead 738.2

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: H1 - LAB SCIENTIFIC MANAGEMENT

Total Employees in Job Group: 19

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	0.00	34.92	0.00	17.71	0.00
Internally available	0.00	0.00	0.00	0.00	0.00
CPST	100.00	42.10	42.10	19.80	19.80
Total Weighted Availability			42.10		19.80
Current Utilization			21.05		21.05

Difference is greater than or equal to 1.00 persons Yes No

Underutilized (80% Rule) Yes No

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: J1 - BIO SCIENCES

Total Employees in Job Group: 129

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	0.00	44.13	0.00	17.80	0.00
Internally available	23.91	26.02	6.22	33.17	7.93
CPST	76.09	46.90	35.68	21.10	16.05
Total Weighted Availability			41.90		23.98
Current Utilization			32.55		32.55

Difference is greater than or equal to 1.00 persons Yes No

Underutilized (80% Rule) Yes No

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: J4 - COMPUTER SCIENTIST

Total Employees in Job Group: 70

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	0.00	31.74	0.00	26.81	0.00
Internally available	27.27	24.80	6.76	34.17	9.31
CPST	72.73	21.60	15.70	24.40	17.74
Total Weighted Availability			22.47		27.06
Current Utilization			7.14		22.85

Difference is greater than or equal to 1.00 persons Yes Yes

Underutilized (80% Rule) Yes No

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: J5 - ENGINEERS

Total Employees in Job Group: 41

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	0.00	7.45	0.00	18.54	0.00
Internally available	77.77	7.14	5.55	27.47	21.36
CPST	22.23	11.90	2.64	19.00	4.22
Total Weighted Availability			8.19		25.58
Current Utilization			4.87		24.39

Difference is greater than or equal to 1.00 persons Yes No

Underutilized (80% Rule) Yes No

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: K6 - OTHER ADMIN PROFESSIONAL

Total Employees in Job Group: 167

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	54.72	50.08	27.40	43.79	23.96
Internally available	45.28	43.80	19.83	35.10	15.89
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			47.23		39.85
Current Utilization			46.10		29.94

Difference is greater than or equal to 1.00 persons Yes Yes

Underutilized (80% Rule) No Yes

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: L6 - TECHNICAL SUPERVISOR

Total Employees in Job Group: 19

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	72.73	40.73	29.62	48.73	35.44
Internally available	27.27	12.40	3.38	34.15	9.31
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability		33.00		44.75	
Current Utilization		10.52		52.63	

Difference is greater than or equal to 1.00 persons Yes No

Underutilized (80% Rule) Yes No

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB
Job Group: L7 - TECHNICAL ASSOCIATE

Total Employees in Job Group: 167

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	56.25	12.07	6.78	47.16	26.52
Internally available	43.75	24.69	10.80	39.61	17.32
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			17.59		43.85
Current Utilization			16.76		29.94

Difference is greater than or equal to 1.00 persons Yes Yes

Underutilized (80% Rule) No Yes

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: L8 - RESEARCH ASSOCIATE

Total Employees in Job Group: 189

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	98.08	46.85	45.95	26.47	25.96
Internally available	1.92	30.97	0.59	51.56	0.98
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability		46.54		26.95	
Current Utilization		60.31		50.26	

Difference is greater than or equal to 1.00 persons No No

Underutilized (80% Rule) No No

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: M1 - COMPUTER TECHNICIAN

Total Employees in Job Group: 8

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	100.00	33.88	33.88	42.78	42.78
Internally available	0.00	0.00	0.00	0.00	0.00
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			33.88		42.78
Current Utilization			0.00		50.00

Difference is greater than or equal to 1.00 persons Yes No

Underutilized (80% Rule) Yes No

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: M3 - ELECTRONIC TECHNICIAN

Total Employees in Job Group: 27

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	100.00	20.41	20.41	57.56	57.56
Internally available	0.00	0.00	0.00	0.00	0.00
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			20.41		57.56
Current Utilization			14.81		37.03

Difference is greater than or equal to 1.00 persons Yes Yes

Underutilized (80% Rule) Yes Yes

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB
Job Group: M4 - OTHER TECHNICIAN

Total Employees in Job Group: 20

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	100.00	20.41	20.41	57.56	57.56
Internally available	0.00	0.00	0.00	0.00	0.00
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			20.41		57.56
Current Utilization			50.00		45.00

Difference is greater than or equal to 1.00 persons	No	Yes
Underutilized (80% Rule)	No	Yes

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: M5 - DESIGN/GRAPHIC

Total Employees in Job Group: 9

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	100.00	40.95	40.95	33.28	33.28
Internally available	0.00	0.00	0.00	0.00	0.00
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			40.95		33.28
Current Utilization			66.66		22.22

Difference is greater than or equal to 1.00 persons

No

No

Underutilized (80% Rule)

No

Yes

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB

Job Group: O1 - MACHINE SHOP

Total Employees in Job Group: 15

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	100.00	4.04	4.04	46.60	46.60
Internally available	0.00	0.00	0.00	0.00	0.00
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			4.04		46.60
Current Utilization			0.00		20.00

Difference is greater than or equal to 1.00 persons No Yes

Underutilized (80% Rule) Yes Yes

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB
Job Group: O2 - CRAFTS/TRADES

Total Employees in Job Group: 54

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	100.00	4.32	4.32	46.84	46.84
Internally available	0.00	0.00	0.00	0.00	0.00
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			4.32		46.84
Current Utilization			3.70		42.59

Difference is greater than or equal to 1.00 persons	No	Yes
Underutilized (80% Rule)	No	No

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB
Job Group: O3 - MECHANICS REPAIR

Total Employees in Job Group: 20

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	100.00	11.39	11.39	24.71	24.71
Internally available	0.00	0.00	0.00	0.00	0.00
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			11.39		24.71
Current Utilization			0.00		40.00

Difference is greater than or equal to 1.00 persons	Yes	No
Underutilized (80% Rule)	Yes	No

**Lawrence Berkeley National Laboratory
Incumbency vs. Availability
Analysis Data as of 10/01/2010**

Plan: 1,LAB - LAWRENCE BERKELEY NATIONAL LABS, LAB
Job Group: R3 - SEMI-SKILLED

Total Employees in Job Group: 22

<i>Factor</i>	<i>Weight</i>	<i>Total Female</i>		<i>Total Minorities</i>	
		<i>Avail</i>	<i>Wtd</i>	<i>Avail</i>	<i>Wtd</i>
Requisite Skills in Recruitment Area	100.00	12.45	12.45	60.20	60.20
Internally available	0.00	0.00	0.00	0.00	0.00
CPST	0.00	0.00	0.00	0.00	0.00
Total Weighted Availability			12.45		60.20
Current Utilization			9.09		72.72

Difference is greater than or equal to 1.00 persons	No	No
Underutilized (80% Rule)	Yes	No



Appendix D Workforce Analysis report is available upon request.



APPENDIX E. ANALYSIS OF GOAL PROGRESS

During the prior plan year (period of October 1, 2009 through September 30, 2010), there were twenty-one (21) formal placement goals set to increase female representation and fourteen (14) formal placement goals set to increase the minority representation. Of these goals, ten (10) formal placement goals were met.

In three (3) job groups, there were four (4) formal placement goals where there was no opportunity to meet the placement goal.

In twenty-two (22) job groups, there were twenty-five (25) formal placement goals where the placement goal was not met.

The Chart below identifies the representation of females and minorities for Lawrence Berkeley Laboratory as of October 1, 2009 and the placement rates based on hires and promotion for the period of October 1, 2009 through September 30, 2010.



APPENDIX E. ANALYSIS OF GOAL PROGRESS

Goal Attainment Report for October 1, 2009 through September 30, 2010	Female				Minority			
Job Group	Representation	Goal %	Actual Placement Rate %	Goal Met	Representation	Goal %	Actual Placement Rate %	Goal Met
H1-LAB SCIENTIFIC MANAGEMENT	21.05%	42.1	33.33	NO				
H2-LAB OPERATIONS MANAGEMENT					11.76%	18.87	0	NO
H3-ADMINISTRATIVE MANAGEMENT					18.87%	32.78	60	YES
H4-TECHNICAL MANAGEMENT	18.18%	29.05	0	NO	13.64%	21.29	28.57	YES
J3-PHYSICIST	9.30%	13.56	0	NO				
J4-COMPUTER SCIENTIST	8.45%	21.38	0	NO				
J6-EARTH SCIENCES	13.56%	32.78	20	NO				
J7-ECONOMICS	10.71%	55.17	100	YES	28.57%	47.01	100	YES
J8-MATERIAL SCIENCES	6.90%	21.28	0	NO				
K5-TECHNICAL EDITOR	45.45%	58.6	66.66	YES				
K6-OTHER ADMIN PROFESSIONAL					30.00%	37.87	29.41	NO
L1-INFORMATION TECHNICIAN	19.82%	25.75	27.77	YES	32.13%	43.25	41.66	NO
L2-MECHANICAL ENGINEER	5.56%	12.52	12.50	NO				
L3-ELECTRICAL ENGINEER	0.00%	12.3	20	YES				
L5-FACILITIES	7.14%	17.13	0	NO	28.57%	48.98	50	YES
L6-TECHNICAL SUPERVISOR	16.67%	37.2	0	NO				
L7-TECHNICAL ASSOCIATE					24.83%	42.2	31.42	NO
M1-COMPUTER TECHNICIAN	0.00%	33.88	0	NO				
M2-MECHANICAL TECHNICIAN	0.00%	21.3	0	NO	15.22%	53.09	50	NO
M3-ELECTRONIC TECHNICIAN	14.29%	20.41	50	YES	32.14%	57.56	50	NO
M4-OTHER TECHNICIAN					45.00%	57.56	50	NO
M6-HEALTH/MEDICAL	12.50%	42.69	50	YES				
M7-ACCELERATOR OPERATORS	27.27%	47.19	0	NO OPP	27.27%	49.26	0	NO OPP
O1-MACHINE SHOP					18.75%	46.6	0	NO
O2-CRAFTS/TRADES	2.08%	4.3	0	NO	37.50%	47.04	25	NO
O3-MECHANICS REPAIR	0.00%	11.39	0	NO OPP				
R3-SEMI-SKILLED	5.56%	13.44	0	NO OPP				



Appendix F

Hire, Promotions, Termination Report by Counts is available upon request.



**University of California
Lawrence Berkeley National Laboratory**

REPRESENTATIONS AND CERTIFICATIONS

(This solicitation is issued under Contract No. DE-AC02-05CH11231 with the Department of Energy)

The following Representation & Certification solicitation provisions must be completed and this form must be signed and returned with the Offeror's proposal. As used herein, the term "contract" shall mean the UC/LBNL Subcontract resulting from this solicitation; "subcontract" shall mean the Offeror's subcontract, "offer" includes "bid," "proposal," and "quotation," and "Offeror" includes "bidder," "proposer," and "quoter", as may be applicable.

INDEX

<p>1. OFFEROR INFORMATION 2. SMALL BUSINESS PROGRAM REPRESENTATIONS 3. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS 4. AFFIRMATIVE ACTION COMPLIANCE 5. COMPLIANCE WITH VETERANS' EMPLOYMENT REPORTING REQUIREMENTS</p>	<p>6. CERTIFICATION AND DISCLOSURE ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS 7. CERTIFICATION ON RESPONSIBILITY MATTERS 8. BUY AMERICAN ACT CERTIFICATE 9. REPRESENTATION OF LIMITED RIGHTS DATA AND RESTRICTED COMPUTER SOFTWARE 10. CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING</p>
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1. OFFEROR INFORMATION

(Complete and check all that applies.)

Name: _____

Taxpayer Identification Number (TIN): _____

Dun & Bradstreet D-U-N-S® Number: _____

Type of Domestic Organization

- Sole Proprietorship Partnership
 Corporation Limited Liability Co. (LLC), incorporated or organized under the laws of the State of: _____
 Educational institution Other non-profit organization
 Government entity (Federal, state, or local)
 Joint Venture, with: _____

Number of employees *(If not a government entity)*: _____

Type of Foreign Organization

- Foreign Government entity *(describe below)*
 Non-U.S. company, institution, or organization *(describe below)*
 Nonresident alien or foreign corporation or partnership that does not have an office or a place of business in the U.S or personnel located in the U.S in furtherance of its trade or business.
 Other *(describe)*: _____

2. SMALL BUSINESS PROGRAM REPRESENTATIONS

(Per FAR 52.219-1, MAY 2004)

(Applies if any performance will be in the U.S. or its outlying areas.)

(a) (1) The North American Industry Classification System (NAICS) code for this acquisition, per the solicitation, is: _____

(2) The small business size standard, per the solicitation, is: _____

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) Representations.

The Offeror represents as part of its offer that:

(1) It is, is not, a small business concern.

[Complete the following sections of (b) only if the Offeror represents in paragraph (b)(1) that it is a small business concern.]

(2) It is, is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) It is, is not, a women-owned small business concern.

(4) It is, is not, a veteran-owned small business concern.

(5) It is, is not, a service-disabled veteran-owned small business concern.

(6) It is, is not, an 8(a) concern listed, on the date of this representation, on the list of qualified 8(a) concerns maintained by the Small Business Administration, and it continues to meet all eligibility criteria of 13 CFR 124, Subpart A for 8(a) business development program participation.

(7)(i) It is, is not, a HUBZone small business concern listed, on the date of this representation, on the list of qualified HUBZone small business concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and

(ii) It is, is not, a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (b)(7)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture.

[The Offeror shall enter the name of the HUBZone small business concern or concerns participating in the joint venture:]

Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(c) Definitions. As used in this provision-

"Small business concern" means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision. SOLICITATION NUMBER

SOLICITATION NUMBER _____

Date	Signature	Company	Title

University of California, Lawrence Berkeley National Laboratory

Representations and Certifications for Solicitation Issued Under Contract No. DE-AC02-05CH11231 with the Department of Energy

"Women-owned small business concern" means a small business concern (1) that is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and (2) whose management and daily business operations are controlled by one or more women.

"Veteran-owned small business concern" means a small business concern (1) not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and (2) the management and daily business operations of which are controlled by one or more veterans.

"Service-disabled veteran-owned small business concern"

(1) Means a small business concern-

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

(d) Notice.

(1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall-

(i) Be punished by imposition of fine, imprisonment, or both;

(ii) Be subject to administrative remedies, including suspension and debarment; and

(iii) Be ineligible for participation in programs conducted under the authority of the Act.

3. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS

(Per FAR 52.222-22, FEB 1999)

(Not Applicable if performance will be on an Indian Reservation or outside the U.S. by employees not recruited in the U.S.)

The Offeror represents that:

(a) It **has**, **has not** participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;

(b) It **has**, **has not** filed all required compliance reports; and

(c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before lower-tier subcontract awards.

(d) If (a) is answered "has participated" and (b) is answered "has not filed all required compliance reports", the Offeror certifies as the reason that: it has less than 50 employees ; it has not received a Federal Government prime contract or first-tier subcontract of \$50,000 or more ; or other (explain):

4. AFFIRMATIVE ACTION COMPLIANCE

(Per FAR 52.222-25, APR 1984)

(Not applicable if the offer is for construction work or work on an Indian Reservation or outside the U.S. by employees not recruited in the U.S.)

The Offeror represents that:

(a) It has previously had contracts or subcontracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2) and it **has** developed and has on file, **has not** developed and does not have on file, at each establishment, an affirmative action program as required by the rules and regulations of the Secretary of Labor, or

(b) It **has not** previously had contracts or subcontracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

(c) If (a) is answered "has not developed", the Offeror certifies as the reason that: it has less than 50 employees ; it has not received a Federal Government prime contract or first-tier subcontract of \$50,000 or more ; or other (explain):

5. COMPLIANCE WITH VETERANS' EMPLOYMENT REPORTING REQUIREMENTS

(Per FAR 52.222-38, SEP 2010)

(Applies to offers >\$150,000)

By submission of its offer, the offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., if it has any contract containing Federal Acquisition Regulation clause 52.222-37, Employment Reports on Veterans), it has submitted the most recent VETS-100A Report required by that clause.

6. CERTIFICATION AND DISCLOSURE ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS

(Per FAR 52.203-11, SEP 2007)

(Applies to offers >\$150,000)

(a) Definitions. As used in this provision—"Lobbying contact" has the meaning provided at 2 U.S.C. 1602(8). The terms "agency," "influencing or attempting to influence," "officer or employee of an agency," "person," "reasonable compensation," and "regularly employed" are defined in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12).

(b) Prohibition. The prohibition and exceptions contained in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12) are hereby incorporated by reference in this provision.

(c) Certification. The Offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on its behalf in connection with the awarding of the contract.

(d) Disclosure. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the Offeror with respect to the contract, the Offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The Offeror need not report regularly employed officers or employees of the Offeror to whom payments of reasonable compensation were made.

(e) Penalty. Submission of this certification and disclosure is a prerequisite for entering into the contract imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

University of California, Lawrence Berkeley National Laboratory

Representations and Certifications for Solicitation Issued Under Contract No. DE-AC02-05CH11231 with the Department of Energy

7. CERTIFICATION ON RESPONSIBILITY MATTERS

(Per FAR 52.209-5, APR 2010)
(Applies to offers >\$150,000)

(a) (1) The Offeror certifies, to the best of its knowledge and belief, that:

(i) The Offeror and/or any of its Principals:

(A) Are [], are not [] presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have [], have not [], within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property;

(C) Are [], are not [] presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision;

(D) Have [], have not [], within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.

(See Clause 52.209-5 in the FAR for information and examples on delinquent Federal taxes.)

(ii) The Offeror has [] has not [], within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(2) "Principals," for the purposes of this certification, means an officer, director, owner, partner, or a person having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a division, or business segment, and similar positions).

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER SECTION 1001, TITLE 18, UNITED STATES CODE.

(b) The Offeror shall provide immediate written notice to the University Procurement Representative if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the University may render the Offeror nonresponsible.

(d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other available remedies, the

University may terminate the contract resulting from this solicitation for default.

8. BUY AMERICAN ACT CERTIFICATE

(Per FAR 52.225-2, FEB 2009)

(Not applicable to solicitations for Construction Work)

(a) The Offeror certifies that each end product, except those listed in paragraph (b) of this provision, is a domestic end product and that, for other than COTS items, the Offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States.

The Offeror shall list as foreign end products those end products not mined, produced, or manufactured in the United States or those end products manufactured in the United States that do not qualify as domestic end products, i.e., an end product that is not a COTS item and does not meet the component test in paragraph (2) of the definition of "domestic end product". The terms "commercially available off-the-shelf (COTS) item", "component", "domestic end product", "end product", "foreign end product", and "United States" are defined in FAR Clause 52.225-1 of this solicitation entitled "Buy American Act-Supplies".

(b) Foreign End Products:

Table with 2 columns: Line Item, Country of Origin. Includes horizontal lines for data entry.

(c) The University will take into consideration applicable provisions of FAR Subpart 25.1 in evaluating offers for foreign end products)

9. REPRESENTATION OF LIMITED RIGHTS DATA AND RESTRICTED COMPUTER SOFTWARE

(Per FAR 52.227-15, DEC 2007, with definitions from DEAR 927.409)
(Applies if data will be produced, furnished, or acquired in performance of the subcontract)

(a) This solicitation sets forth the University's/DOE's known requirements for data (as that term is defined in DEAR 927.409). Any data delivered under the resulting subcontract will be subject to the Rights in Data-General clause at 52.227-14 to be included in the subcontract. Under the latter clause, a subcontractor may withhold from delivery data that qualify as limited rights data or restricted computer software, and deliver form, fit, and function data in lieu thereof. The latter clause also may be used with its Alternates II and/or III to obtain delivery of limited rights data or restricted computer software, marked with limited rights or restricted rights notices, as appropriate. Use of Alternate V with the latter clause provides the University/DOE the right to inspect such data at the Subcontractor's facility.

(b) By completing the remainder of this paragraph, the Offeror represents that it has reviewed the requirements for data, including technical data and computer software, and states:

(check appropriate box)

- [] None of the data proposed for fulfilling the requirements for data qualifies as limited rights data or restricted computer software; or
[] The following data proposed to be used for fulfilling the requirements for data will be withheld from delivery as limited rights data or restricted computer software:

Horizontal lines for data entry.

University of California, Lawrence Berkeley National Laboratory

Representations and Certifications for Solicitation Issued Under Contract No. DE-AC02-05CH11231 with the Department of Energy

c) Any identification of limited rights data or restricted computer software in the Offeror's response is not determinative of the status of the data should a subcontract be awarded to the Offeror.

NOTE: The terms "data", "limited rights data", "restricted computer software", "computer software", "technical data", and "form, fit, and function data" are defined in DEAR 927.409 as follows:

Data means recorded information, regardless of form or the media on which it may be recorded. The term includes technical data and computer software. The term does not include data incidental to the administration of the contract, such as financial, administrative, cost and pricing, or management information.

Limited Rights Data means data, other than computer software, developed at private expense that embody trade secrets or are commercial or financial and confidential or privileged. (The Government's rights to use, duplicate, or disclose limited rights data are as set forth in the Limited Rights Notice of subparagraph (g)(2) of the Rights in Data - General clause.)

Restricted Computer Software means computer software developed at private expense and that is a trade secret; is commercial or financial and is confidential or privileged; or is published copyrighted computer software, including minor modifications of any such computer software. (The Government's rights to use, duplicate, or disclose restricted computer software are as set forth in the Restricted Rights Notice of subparagraph (g)(3) of the *Rights in Data - General* clause.)

Computer Software means (i) computer programs which are data comprising a series of instructions, rules, routines, or statements, regardless of the media in which recorded, that allow or cause a computer to perform a specific operation or series of operations, and (ii) data comprising source code listings, design details, algorithms, processes, flow charts, formulae, and related material that would enable the computer program to be produced, created, or compiled. The term does not include computer data bases.

Technical data means recorded data, regardless of form or characteristic, that are of a scientific or technical nature. Technical data does not include computer software, but does include manuals and instructional materials and technical data formatted as a computer data base.

Form, Fit, and Function Data means data relating to items, components, or processes that are sufficient to enable physical and functional interchangeability, as well as data identifying source, size, configuration, mating, and attachment characteristics, functional characteristics, and performance requirements; except that for computer software it means data identifying source, functional characteristics, and performance requirements but specifically excludes the source code, algorithm, process, formulae, and flow charts of the software.

10. CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING

(Per FAR 52.223-13, AUG 2003)

(Applies to competitive solicitations >\$100,000, except those for commercial items)

(a) Executive Order 13148 of April 21, 2000, Greening the Government through Leadership in Environmental Management, requires submission of this certification as a prerequisite for contract award.

(b) By signing this offer, the Offeror certifies that—

(1) As the owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the Offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313 (a) and (g) of EPCRA and section 6607 of PPA; or

(2) None of its owned or operated facilities to be used in the performance of this contract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons:

[Check each block that is applicable.]

(i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed in 40 CFR 372.65;

(ii) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

(iii) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

(iv) The facility does not fall within the following Standard Industrial Classification (SIC) codes or their corresponding North American Industry Classification System sectors:

(A) Major group code 10 (except 1011, 1081, and 1094)

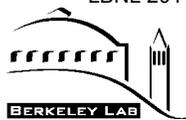
(B) Major group code 12 (except 1241).

(C) Major group codes 20 through 39.

(D) Industry code 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce).

(E) Industry code 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C (42 U.S.C. 6921, *et seq.*), or 5169, or 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis); or

(v) The facility is not located in the United States or its outlying areas.



**University of California
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GENERAL PROVISIONS FOR COMMERCIAL SUPPLIES AND SERVICES

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CLAUSE 1 - DEFINITIONS

As used herein, the following terms shall have the indicated meanings:

- "Ordered Item" or "item" means the commercial items or commercial components, as defined in FAR 2.101, purchased under the Subcontract.
- "DOE" means the U. S. Department of Energy.
- "Government" means the United States Government.
- "LBNL" means the Lawrence Berkeley National Laboratory.
- "Subcontract" means the subcontract or agreement between the University and the Subcontractor which includes these General Provisions.
- "Subcontractor" means the party who has entered into the Subcontract with the University, as identified in the Subcontract.
- The lower case term "subcontractor" means the Subcontractor's lower-tier subcontractor(s).
- "University" means The Regents of the University of California, acting through the LBNL.

CLAUSE 2 - SCOPE OF SUBCONTRACT

The scope of the Subcontract shall be limited to the acquisition of commercial items, as defined in FAR 2.101, including any services, and shall not include any research, development, or demonstration work.

To the maximum practicable extent the Subcontractor and its subcontractors at all tiers shall incorporate, commercial items or nondevelopmental items, as defined in FAR 2.101, as components of items to be supplied under the Subcontract.

The Subcontract is entered into as a subcontract under the University's Prime Contract No. DE-AC02-05CH11231 with the Government, represented by the DOE, for management and operation of the LBNL and the performance of certain research and development work.

CLAUSE 3 - ACCEPTANCE OF SUBCONTRACT

The Subcontractor's written acceptance of this Subcontract or the performance of any portion of this Subcontract shall constitute the Subcontractor's unqualified acceptance of this Subcontract and all of the Subcontract's terms and conditions. Any alterations made to the documents comprising this Subcontract or any conditions imposed by the Subcontractor upon its written acceptance of this Subcontract are not acceptable and shall constitute a proposal for modification of the Subcontract only and shall have no effect on the validity or the Subcontractor's acceptance of this Subcontract and its terms and conditions, anything to the contrary notwithstanding.

In the event the Subcontractor's business status indicated in the Subcontract or the Subcontractor's proposal is not accurate and current, in accordance with applicable Federal laws, executive orders, and regulations, the University may cancel this Subcontract, without further obligation.

CLAUSE 4 - SHIPMENTS FOR UNIVERSITY'S ACCOUNT

Except as otherwise provided in the Subcontract, all shipments by the Subcontractor for the University's account shall be (1) shipped FOB

Origin or Shipping Point and marked as shipped "For the U. S. Department of Energy;" (2) shipped at the maximum declared value for the lowest applicable transportation rate or classification, and the bill of lading shall so note; and (3) self-insured by the University and not insured by the Subcontractor. Airway bills shall be marked with the appropriate "Government Package" entry. Shipping costs in excess of those per the shipping instructions specified in the Subcontract shall be deducted from the Subcontractor's invoice(s).

CLAUSE 5 - TITLE AND RISK OF LOSS

Unless otherwise provided in the Subcontract, title to the Ordered Items purchased under the Subcontract shall pass directly to the Government upon, and the risk of loss or damage to the Ordered Items shall remain with the Subcontractor until, and shall pass to the University upon:

- If F.O.B. Origin or Shipping Point: Completion of delivery to the carrier and any loading by the Subcontractor.
- If F.O.B. Destination: Completion of delivery and unloading at the delivery point.

However, (1) if the Subcontract requires formal acceptance of any items by the University, then title to such items shall pass directly to the Government upon such formal acceptance; and (2) the title and risk of loss or damage to non-conforming items shall remain with the Subcontractor until acceptance of the items by the University as conforming.

CLAUSE 6 - PACKAGING INSTRUCTIONS

The Subcontractor shall suitably package the items to prevent damage during handling and shipping. Any damage resulting from improper packaging, containerizing, or lack thereof shall be the liability of the Subcontractor, anything to the contrary notwithstanding. The Subcontractor shall indicate the University Subcontract number on each container or package. An itemized packing list shall be affixed to the outermost cover of each container or package.

The University encourages the use of biodegradable packaging materials. The Subcontractor is requested to use every reasonable effort to use biodegradable packaging materials for shipments to the University.

CLAUSE 7 - INSPECTION

The University reserves the right to inspect all and every part of the items and services furnished under the Subcontract, during and after completion of performance. The University shall not be obligated to inspect the items or services, and neither the inspection nor the lack of inspection by the University shall relieve the Subcontractor of its responsibility for providing the items and services in accordance with the terms and conditions of the Subcontract. The inspection or use of or payment for an item or service under the Subcontract, either wholly or in part, shall not be construed as an acceptance.

If any item or service or any part thereof is not in accordance with the terms and conditions of the Subcontract, the University shall notify the Subcontractor that the item or service is rejected. Thereupon, the

Subcontractor shall, at its own expense, take the necessary corrective action. The University shall reject, or revoke its acceptance of, an item or service: (1) within a reasonable time after a defect is discovered or should have been discovered; and (2) before any substantial change occurs in the condition of the item or service, unless the change is due to a defect in the item or service.

CLAUSE 8 - INVOICES

The Subcontractor shall submit its invoice at the time of final shipment or completion, unless otherwise provided in the Subcontract. The invoices shall reference the Subcontract Number and include a complete description of the items, prices, and ship dates, and the name of the University Procurement Representative. Invoices must be accompanied by transportation receipts, or facsimiles, if transportation is payable as a separate item. Failure to comply with any of these requirements may result in a delay in payment of the invoices.

CLAUSE 9 - PAYMENT

Payment shall be made for delivered items, including completed services, accepted by the University. Unless otherwise provided in the Subcontract, payment shall be due 30 days after receipt of a properly prepared and submitted invoice. Any offered discount may be taken if payment is made within the discount period indicated by the Subcontractor. Payments may be made electronically or by check, at the University's option, and shall be deemed to have been made as of the date the electronic payment was made or the check was mailed.

Information on electronic payments is available at:

http://www.lbl.gov/Workplace/CFO/co/ap/electronic_payments.html.

CLAUSE 10 - QUALITY OF SUPPLIES

(a) The items(s), including any materials and supplies furnished by the Subcontractor in performance of any services, shall as a minimum: (1) be new and not of such age or so deteriorated as to impair their usefulness or safety; (2) be as warranted; and (3) not contain any counterfeit or suspect materials, parts, or components. The furnishing of reconditioned items must be specified in the Subcontract or approved by the University Procurement Representative, and shall be warranted the same as new items. Types of materials, parts, and components known to have been counterfeit or suspect include, but are not limited to: electrical components, piping, fittings, flanges, and fasteners.

(b) The University will not accept any Ordered Items, including any services involving the furnishing of materials or supplies, found by the University to not conform to these minimum requirements, notwithstanding any inspection or acceptance of delivery by the University, unless such condition is specifically approved in writing by the University Procurement Representative. The Subcontractor shall promptly replace such items with conforming items at its expense.

CLAUSE 11 - WARRANTY

Subcontractor warrants that furnished items shall be merchantable and fit for use for the particular purpose described in the Subcontract and services performed will be as specified in the descriptions or specifications of this Subcontract and will be free from defects in workmanship, material, and Subcontractor's design or engineering contributions. The Subcontractor shall correct any warranty nonconformance discovered within one year after acceptance or initial use of the items or services.

Except as otherwise provided by an express warranty, the Subcontractor shall not be liable to the University for any consequential damages resulting from any defect or deficiencies in accepted items or services.

CLAUSE 12 - FORCED, CONVICT, AND INDENTURED LABOR

(a) By signing or accepting this Subcontract, the Subcontractor hereby certifies that no equipment, materials, supplies, or services furnished to the University pursuant to this Subcontract will be produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction.

(b) If the Subcontractor subcontracts with the University and knew or should have known that the equipment, materials, supplies, or services furnished to the University were produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction, any or all of the following sanctions may be imposed:

(1) The Subcontract may be voided at the option of the University.

(2) The Subcontractor may be removed from consideration for University contracts or subcontracts for a period not to exceed 360 days.

CLAUSE 13 - LAWS AND REGULATIONS

The Subcontractor and its employees and subcontractors shall at all times comply with, all applicable state and federal laws, ordinances, statutes, codes, rules, and regulations, including, but not limited to, those relating to wages, hours, employment, discrimination, immigration, and safety (including OSHA).

CLAUSE 14 - CHANGES

The University may direct the Subcontractor to make changes within the general scope of this Subcontract to (1) any Ordered Item(s) to be manufactured or assembled specifically for the University, or the method of shipment, packaging, or place of delivery; and (2) any services to be performed or their time and place of performance.

If any such change causes an increase or decrease in the cost of, or the time required for, performance of the Subcontract, the University Procurement Representative shall make an agreed-upon equitable adjustment in the Subcontract price, delivery schedule, or both, by a written modification to the Subcontract. Any price adjustment shall be consistent with FAR 31.2, *Contracts with Commercial Organizations*, (48 CFR 31.2), as supplemented by DEAR 931.2 (48 CFR 931.2), in effect as of the date of award of this Subcontract. The University reserves the right to review the Subcontractor's records to verify that a price adjustment conforms to this requirement.

The Subcontractor shall submit any claim for an equitable adjustment within 30 days from receipt of a directed change, or by such other time as the University Procurement Representative may permit.

Changes to the terms and conditions of the Subcontract may be made only by the written agreement of the parties.

CLAUSE 15 - NOTIFICATIONS

(a) Subcontractor shall immediately notify the University Procurement Representative in writing of: (1) any action, including any proceeding before an administrative agency, filed against the Subcontractor arising out of the performance of this Subcontract; and (2) any claim made against the Subcontractor, the cost of which is reimbursable hereunder.

(b) Subcontractor agrees to notify the University of any government tax, fee or charge levied or purported to be levied on or collected from the Subcontractor in connection with this Subcontract which the Subcontractor has reason to believe may be inapplicable or invalid, and which would be reimbursable or the University has claimed an exemption hereunder. Subcontractor also agrees to refrain from paying any such tax, fee, or charge, unless otherwise authorized by the University, and to take such steps as may be required by the University to cause such tax, fee, or charge to be paid under protest and, if so directed by the University, to cause to be assigned to the University or its designee any and all rights to the abatement or refund of any such tax, fee, or charge, and to permit the University or its designee to join with the Subcontractor in any proceedings for the recovery thereof or to sue for recovery in the Subcontractor's name.

(c) If, at any time during the performance of this Subcontract, the Subcontractor becomes aware of any circumstances which may jeopardize its performance of all or any portion of the Subcontract, it shall immediately notify the University Procurement Representative in writing of such circumstances, and the Subcontractor shall take whatever action is necessary to resolve such circumstances within the shortest possible time.

CLAUSE 16 - ASSIGNMENTS

This Subcontract is assignable by the University to the Government or its designee(s).

Except as to assignment of payment due hereunder, the Subcontractor shall have no right, power or authority to sell, mortgage, transfer or assign this Subcontract, any portion hereof, any interest herein or any claim hereunder, nor allow or permit any other party or parties to have any interest in or use any part of the rights or obligations granted hereunder for any purpose whatsoever without the prior written consent of the University.

CLAUSE 17 - DISPUTES

Except as otherwise provided in the Subcontract, any claim under the Subcontract not resolved in the ordinary course of business shall be referred in writing to the University Procurement Representative and the executive management representative of the Subcontractor with the authority to settle the dispute. The representatives of the parties, or their designees, shall then attempt in good faith to resolve the dispute by

negotiations. All negotiations shall be confidential and shall be treated as compromise and settlement negotiations, for the purposes of application of rules of evidence. Pending resolution of the dispute, the Subcontractor shall proceed diligently with the performance of the Subcontract, in accordance with its terms and conditions.

Any unresolved dispute with a value under \$100,000 relating to the Subcontract (whether contract, tort, or both), or the breach of the Subcontract shall be arbitrated by and in accordance with the then existing commercial arbitration rules of the American Arbitration Association (AAA). Judgment on the award rendered by the arbitrator may be entered in any court in Alameda County, CA having jurisdiction.

The following modifications are made to the AAA rules: (1) the arbitrator shall be neutral and appointed by the AAA.; (2) the location for all arbitrations shall be in Alameda County; and (3) each party to the arbitration shall pay its pro rata share of the arbitrator's fees not including counsel fees or witness fees or other expenses incurred by a party for its own benefit.

The parties shall consider the use of a form of alternate disputes resolution (ADR), including non-binding mediation and binding arbitration, for any unresolved dispute with a value of \$100,000 or more. In the event that ADR fails or is not used for such disputes, the parties may thereafter pursue any remedy they may have, at law or in equity, in a court of competent jurisdiction, in accordance with the provision of these General Provisions entitled *GOVERNING LAW AND VENUE*.

CLAUSE 18 - BANKRUPTCY

If the Subcontractor enters into any proceeding related to bankruptcy, it shall give written notice to the University Procurement Representative via certified mail within five days of initiation of the proceeding. The notification shall include the date on which the proceeding was filed, the identity and location of the court, and a listing of the LBNL purchase orders, subcontracts, or agreements affected.

CLAUSE 19 - EXCUSABLE DELAYS

The Subcontractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Subcontractor and without its fault or negligence, such as acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, flood, epidemics quarantine, restrictions, strikes, unusually severe weather, and delays of common carriers. The Subcontractor shall notify the University in writing as soon as reasonably possible after commencement of any excusable delay, setting forth the full particulars in connection therewith, shall remedy such occurrence with all reasonable dispatch, and shall promptly give the University written notice of the cessation of such occurrence.

CLAUSE 20 - TERMINATION

The University may terminate this Subcontract for convenience in whole or in part, at any time, by written notice to the Subcontractor, stating the extent and effective date of the termination.

In the event of a termination for convenience by the University, the Subcontractor shall be paid, subject to the terms and conditions of the Subcontract, a portion of the Subcontract price reflecting the portion of the Subcontract performed and accepted prior to the termination, plus a reasonable amount for direct charges resulting from the termination and not otherwise recoverable by the Subcontractor, which the Subcontractor can substantiate to the satisfaction of the University; provided, however, that the total thereof shall not cause the total Subcontract price to be exceeded. The Subcontractor shall not be paid for any work performed or costs incurred which reasonably could have been avoided.

If a default occurs under the Subcontract, and if within 30 calendar days after the non-defaulting party has given the defaulting party notice of the event of default the defaulting party has not cured the default or, if the default cannot be reasonably cured within such time period, if the defaulting party has not commenced to cure the default within such time period, diligently continued to pursue such cure, and completed it within 45 days after such notice, the non-defaulting party may, at its option, terminate the Subcontract at any time thereafter upon written notice to the defaulting party. In the event of a termination for default, the non-defaulting party may thereafter pursue any remedy they may have, at law or in equity, in a court of competent jurisdiction, in accordance with the provision of these General Provisions entitled *GOVERNING LAW AND VENUE*.

CLAUSE 21 - WORK ON UNIVERSITY OR GOVERNMENT

PREMISES (Applicable to Subcontracts involving Subcontractor's performance at University or Government-owned sites or facilities.)

(a) **Liens.** The Subcontractor agrees that, at any time upon the request of the University, it will submit a sworn statement setting forth the services performed or goods furnished by lower-tier subcontractors and the amount due and to become due to each, and that before the final payment called for hereunder, it will, if requested, submit to the University a complete set of vouchers showing what payments have been made for goods and labor used in connection with the work called for hereunder.

(b) **Indemnify, Defend and Hold Harmless.**

(1) The Subcontractor shall indemnify, defend and hold harmless the University and the Government from all claims, demands, causes of action, or suits, of whatever nature, arising out of the services, labor, and goods furnished by the Subcontractor or its lower-tier subcontractors under the subcontract, and from all laborers', material provider's, and mechanics' liens upon the real property upon which the work is located or any other property of the University or the Government; and

(2) Promptly notify the University, in writing, of any such claims, demands, causes of action, or suits brought to its attention. The Subcontractor shall forward with such notification copies of all pertinent papers received by the Subcontractor with respect to any such claims, demands, causes of action, suits, or liens and, at the request of the University, shall do all things and execute and deliver all appropriate documents and assignments in favor of the University or the Government of all the Subcontractor's rights and claims growing out of such asserted claims as will enable the University and the Government to protect their respective interests by litigation or other means. The final payment shall not be made until the Subcontractor, if required, shall deliver to the University a complete release of all liens arising out of the subcontract or receipts in full in lieu thereof, as the University may require, and if required in either case, an affidavit that as far as it has knowledge or information, the receipts include all the labor and goods for which a lien could be filed; but the Subcontractor may, if any lower-tier subcontractor refuses to furnish a release or receipt in full, furnish a bond satisfactory to the University to indemnify it against any claim by lien or other means. If any lien or claim remains unsatisfied after all payments are made, the Subcontractor shall refund to the University all moneys that the latter may be compelled to pay in discharging such lien or claim, including all costs and reasonable attorney's fees.

(c) **Clean Up.** The Subcontractor shall at all times keep University or Government premises and adjoining premises where the work is performed free from accumulations of waste material or rubbish caused by its work or the work of any of its lower-tier subcontractors; and shall remove all such waste material and rubbish at the completion of the work and shall leave the work area "broom clean" or its equivalent, unless more exactly specified. If the waste material and rubbish is not promptly removed as herein required, the University may remove the rubbish and charge the cost to the Subcontractor.

(d) **Employees.**

(1) The Subcontractor shall not employ for the work any unfit person or anyone not skilled in the work assigned to the person and shall devote only its best qualified personnel to work under the subcontract. Should the University deem anyone employed on the work incompetent or unfit for duty and so inform the Subcontractor, the Subcontractor shall remove such person from the work under the subcontract, and that person shall not again, without written permission of the University, be assigned to work under the subcontract.

(2) It is understood that if employees of the University perform any acts for the purpose of discharging the responsibility undertaken by the Subcontractor hereunder at the request of the Subcontractor, such employees of the University while performing such acts shall be considered the agents and servants of the Subcontractor subject to the exclusive control of the Subcontractor.

(e) **Insurance.** The Subcontractor shall maintain with reputable companies insurance in amounts required under the Subcontract sufficient to protect the University and the Government from any and all public liability and Workers' Compensation claims at all times during the performance of the subcontract. If requested, the Subcontractor shall supply the University with one copy of certificates of insurance covering policies required hereunder and shall obtain satisfactory evidence of lower-tier subcontractors' compliance with these provisions before their participation in the work. In the absence of more specific direction from

the University, the Subcontractor shall maintain additional insurance to the extent consistent with sound business practice.

(f) Environment, Safety, and Health.

(1) The Subcontractor shall take all reasonable precautions in the performance of the work under this Subcontract to protect the health and safety of employees and members of the public, to minimize danger from all hazards to life and property, and to prevent injury to any of its employees or other persons; and shall comply with all applicable environmental, safety, health, and fire protection regulations and requirements, including those of the University and DOE (including reporting requirements).

(2) The Subcontractor shall immediately take action to correct any noncompliance with the requirements of this clause. In the event that the Subcontractor fails to comply with said regulations or requirements of the University or the DOE, the University may, without prejudice to any other legal or contractual rights of the University, issue a stop-work order stopping all or any part of the work; thereafter, a start order for resumption of the work may be issued at the discretion of the University. The Subcontractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

CLAUSE 22 – WORKER SAFETY AND HEALTH

(Applicable if the subcontract involves performance at an LBNL site.)

The Subcontractor and its lower-tier subcontractors performing work at an LBNL worksite are subject to the DOE *Worker Safety and Health Program* regulation of Title 10, Part 851 of the U.S. Code of Federal Regulations (10 CFR 851), and shall perform the work in compliance with the *LBNL Health and Safety Manual*, available at <http://www.lbl.gov/ehs/pub3000/>, which implements the requirements of 10 CFR 851, and in compliance with their Cal/OSHA mandated Injury and Illness Prevention Plan (IIPP) or equivalent and all other LBNL safety procedures and policies communicated to the Subcontractor. The Subcontractor is responsible for ensuring that its lower tier subcontractors comply with these requirements. Violations of these requirements may subject the Subcontractor and its lower tier subcontractors to civil penalties.

The Subcontractor shall ensure that all workers requiring unescorted/unbadged access to an LBNL site complete the *General Employee Radiation Training* (GERT). A GERT booklet and the on-line training are available at <http://www.lbl.gov/ehs/training/>. The GERT booklet is also available at the Site Access Office in Building 65B.

CLAUSE 23 - INJURY REPORTING

(Applicable if the Subcontract involves performance by ten or more Subcontractor employees at LBNL sites.)

(a) Subcontractor shall report all injuries to Subcontractor's employees that qualify for inclusion on Subcontractor's Cal-OSHA log to the University within 10 days of occurrence of the injury. Subcontractor shall furnish a copy of its supplemental injury report form (OSHA form 101 or equivalent) for each such case. This report shall be mailed to the LBNL SAAR Office, Health Services, MS 26-109. In addition, serious injuries resulting in death or hospitalization shall be reported by telephone immediately to the LBNL Health Services Receptionist, (510) 486-6266.

(b) Subcontractor shall report to the University the hours worked by Subcontractor's employees on the LBNL Site on a quarterly basis. For each quarter, the hours worked shall be reported in writing no later than the 10th day of the month following the end of the quarter. This report shall be mailed to the LBNL SAAR Office, Health Services, MS 26-109.

CLAUSE 24 - RELEASE OF INFORMATION

The Subcontractor agrees that all information regarding this Subcontract and the name of the University, LBNL, or the Government shall not be used, in any publications, news releases, advertising, speeches, technical papers, photographs and other releases of information, without prior written approval from the University Procurement Representative.

CLAUSE 25 - ENTIRE AGREEMENT AND ORDER OF PRECEDENCE

This Subcontract shall consist of the Subcontract document (including any signature page and schedule of articles), these General Provisions, and any other referenced or incorporated clauses, provisions, and documents, which is the entire agreement between the parties

concerning the subject matter hereof and supersedes all prior proposals, representations, negotiations, or agreements, whether written or oral.

Any inconsistencies in the terms and conditions comprising the Subcontract shall be resolved by giving precedence in the following order: (a) the Subcontract document; (b) these General Provisions, including the FAR and DEAR clauses listed in the clause entitled *Clauses Incorporated by Reference*; (c) any specifications; (d) other documents listed in the Subcontract Article entitled *Incorporated Documents*, if any, in the order in which they are listed; and (e) any other referenced or incorporated clauses, provisions, and documents.

CLAUSE 26 - DOCUMENTS OF SUBCONTRACTOR

The provisions of any quotation or other documents of the Subcontractor referenced in or incorporated as a part of this Subcontract are referenced or incorporated only for the purpose of specifying the nature of the materials, supplies, or services ordered, the price therefor, and/or the delivery thereof, and any terms and conditions contained in such referenced or incorporated documents shall not apply.

CLAUSE 27 - GOVERNING LAW AND VENUE

The Subcontract shall be interpreted in accordance with the substantive and procedural laws of the State of California. Any action at law or judicial proceeding instituted by either party pertaining to the Subcontract shall be instituted in the State of California in the Superior Court of Alameda County.

CLAUSE 28 – CLAUSES INCORPORATED BY REFERENCE

The FAR and DEAR clauses listed below, which are located in Chapters 1 and 9, respectively, of Title 48 of the Code of Federal Regulations, are incorporated by this reference as a part of this Subcontract, as prescribed below. As used in the clauses, the term "contract" shall mean this Subcontract; the term "Contractor" shall mean the entity (hereinafter "Subcontractor") who entered into this Subcontract with the University; the term "subcontractor" shall mean the Subcontractor's subcontractor; and the terms "Government" and "Contracting Officer" shall mean the University, except in FAR clauses 52.227-1, 52.227-2, 52.227-3, 52.227-14, and 52.227-19, in which clauses "Government" shall mean the U. S. Government and "Contracting Officer" shall mean the DOE Contracting Officer for Prime Contract DE-AC02-05CH11231 with the University. As used in FAR clause 52.245-1, the terms "Government" and "Contracting Officer" shall mean the University, except with respect to title. As used in DEAR clauses 952.227-9, the term "DOE" shall mean DOE and the University. The Subcontractor shall include the listed clauses in its subcontracts at any tier, to the extent applicable.

THE FOLLOWING CLAUSES APPLY TO ALL SUBCONTRACTS:

DEAR 952.203-70	WHISTLEBLOWER PROTECTION FOR CONTRACTOR EMPLOYEES (DEC 2000). Applies if the Subcontract involves any work at a DOE-owned or leased facility.
DEAR 952.204-71	SENSITIVE FOREIGN NATIONS CONTROLS (APR 1994). Applies if the Subcontract includes sensitive foreign nation controls requirements. See list of nations at: www.lbl.gov/ufva .
DEAR 952.204-77	COMPUTER SECURITY (AUG 2006). Applies if the Subcontractor has access to any computers owned, leased or operated by or on behalf of LBNL or DOE.
DEAR 970.5208-1	PRINTING (DEC 2000). Applies if printing is specified under the Subcontract.
FAR 52.219-8	UTILIZATION OF SMALL BUSINESS CONCERNS (MAY 2004). Applies if the Subcontract involves any further subcontracting opportunities.
FAR 52.222-21	PROHIBITION OF SEGREGATED FACILITIES (FEB 1999)
FAR 52.222-26	EQUAL OPPORTUNITY (MAR 2007) (Note: Download the required EEO Poster at: http://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm)
FAR 52.222-35	EQUAL OPPORTUNITY FOR VETERANS (SEP 2010)

FAR 52.222-36	AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (OCT 2010)		If delivery of Restricted Computer Software is required, then ALTERNATE III shall apply.
FAR 52.222-50	COMBATING TRAFFICKING IN PERSONS (FEB 2009)	FAR 52.227-19	COMMERCIAL COMPUTER SOFTWARE LICENSE (DEC 2007). Applies if the Subcontract involves the acquisition of commercial computer software.
FAR 52.223-3	HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (JAN 1997), with ALTERNATE I (JUL 1995). Applies if the Subcontract involves the delivery or on-site use of any hazardous materials.	FAR 52.242-15	STOP-WORK ORDER (AUG 1989)
FAR 52.223-11	OZONE-DEPLETING SUBSTANCES (MAY 2001). Applies if the Subcontract involves the delivery or use of ozone-depleting substances or supplies that may contain or be manufactured with ozone depleting substances	FAR 52.244-2	SUBCONTRACTS (OCT 2010), with ALTERNATE I (JUN 2007). Paragraph (d) insert regarding consent is: "Any subcontract or purchase order that: (1) is for work at an LBNL site; (2) exceeds \$150,000 and is for other than a "commercial item," as defined in FAR 2.101; or (3) provides for the reimbursement of costs."
FAR 52.223-12	REFRIGERATION EQUIPMENT AND AIR CONDITIONERS (MAY 1995). Applies if the Subcontract is for services involving the maintenance, repair, or disposal of any equipment or appliance using ozone-depleting substances, as a refrigerant, such as air conditioners (including motor vehicles), refrigerators, chillers, or freezers.	FAR 52.244-6	SUBCONTRACTS FOR COMMERCIAL ITEMS (OCT 2010)
FAR 52.223-15	ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS (DEC 2007). Applies if the Subcontract involves furnishing, specifying the use of, or using at an LBNL Site any energy-consuming product listed in the ENERGY STAR® Program or DOE's Federal Energy Management Program (FEMP). For information on listed energy-consuming products see: http://www.energystar.gov/products and http://www1.eere.energy.gov/femp/technologies/eep_purchasingspecs.html .	FAR 52.245-1	GOVERNMENT PROPERTY (AUG 2010), with ALTERNATE I
FAR 52.223-16	IEEE 1680 STANDARD FOR THE ENVIRONMENTAL ASSESSMENT OF PERSONAL COMPUTER PRODUCTS (DEC 2007). Applies if the Subcontract involves the furnishing or use at an LBNL Site of any personal computer products (as defined). Requires personal computer products that are EPEAT Bronze Registered or higher. For information about the standard, see http://www.epeat.net .	FAR 52.246-1	CONTRACTOR INSPECTION REQUIREMENTS (APR 1984)
FAR 52.225-13	RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JUN 2008)	FAR 52.247-64	PREFERENCE FOR PRIVATELY OWNED U.S.- FLAG COMMERCIAL VESSELS (FEB 2006). Applies only as described in paragraph (e)(4) of the clause.
DEAR 952.227-9	REFUND OF ROYALTIES (FEB 1995). Applies if "royalties" are paid under the Subcontract by the Subcontractor, or by a subcontractor at any tier.	THE FOLLOWING CLAUSES APPLY IF THE SUBCONTRACT EXCEEDS \$2,500:	
FAR 52.227-14	RIGHTS IN DATA-GENERAL (DEC 2007), with ALTERNATE V and DEAR 927.409(d)(3), and substituting paragraph (a) with DEAR 927.409(a). Applies if any "data" will be produced, furnished, or acquired under the Subcontract. If delivery of Limited Rights Data is required, then ALTERNATE II shall apply, with the following disclosure purposes added to the end of paragraph (a) of the Limited Rights Notice: 1. Use (except for manufacture) by support services contractors or subcontractors; 2. Evaluation by non-government evaluators; 3. Use (except for manufacture) by other contractors or subcontractors participating in the Government's program of which the specific subcontract is a part; 4. Emergency repair or overhaul work; and 5. Release to a foreign government, or its instrumentalities, if required to serve the interests of the U.S. Government, for information or evaluation or for emergency repair or overhaul work.	FAR 52.222-41	SERVICE CONTRACT ACT OF 1965, AS AMENDED (NOV 2007). Applies if the Subcontract is principally for the furnishing of services through the use of "service employees", unless the Subcontract qualifies for an exemption.
		FAR 52.222-43	FAIR LABOR STANDARDS ACT AND SERVICE CONTRACT ACT-PRICE ADJUSTMENT (MULTIPLE YEAR AND OPTION CONTRACTS) (SEP 2009). Applies if FAR clause 52.222-41 is applicable and the Subcontract is for multiple years or has an option to renew.
		FAR 52.222-44	FAIR LABOR STANDARDS ACT AND SERVICE CONTRACT ACT – PRICE ADJUSTMENT (SEP 2009). Applies if FAR clause 52.222-41 is applicable and FAR clause 52.222-43 does not apply.
		THE FOLLOWING CLAUSES APPLY IF THE SUBCONTRACT EXCEEDS \$3,000:	
		FAR 52.222-54	EMPLOYMENT ELIGIBILITY VERIFICATION (JAN 2009). Applies if the Subcontract is for construction or services in the U.S., except for commercial services that are part of the purchase of a 'commercially available off-the-shelf' (COTS) item, or a COTS item with minor modifications, normally provided for that COTS item and performed by the COTS provider.
		FAR 52.225-1	BUY AMERICAN ACT–SUPPLIES (FEB 2009)
		THE FOLLOWING CLAUSE APPLIES IF THE SUBCONTRACT IS FOR \$25,000 OR MORE:	
		DEAR 970.5223-4	WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES (DEC 2000). Applies if the Subcontract involves any of the hazardous activities stipulated in 10 CFR 707.2.
		THE FOLLOWING CLAUSE APPLIES IF THE SUBCONTRACT IS FOR \$100,000 OR MORE:	
		FAR 52.222-37	EMPLOYMENT REPORTS ON VETERANS (SEP 2010)

THE FOLLOWING CLAUSES APPLY IF THE SUBCONTRACT EXCEEDS \$150,000:

FAR 52.203-6	RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT (SEP 2006), with ALTERNATE I (OCT 1995)
FAR 52.203-10	PRICE OR FEE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY (JAN 1997).
FAR 52.203-12	LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (OCT 2010)
DEAR 952.209-72	ORGANIZATIONAL CONFLICTS OF INTEREST (AUG 2009), with ALTERNATE I. Applies if the Subcontract involves advisory and assistance services, as defined in FAR 2.101. The period of ineligibility shall be five years.
FAR 52.227-1	AUTHORIZATION AND CONSENT (DEC 2007)
FAR 52.227-2	NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (DEC 2007)
FAR 52.227-3	PATENT INDEMNITY (APR 1984)
FAR 52.229-3	FEDERAL, STATE AND LOCAL TAXES (APR 2003)

THE FOLLOWING CLAUSE APPLIES IF THE SUBCONTRACT EXCEEDS \$5,000,000:

FAR 52.203-13	CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (DEC 2008). Applies if the Subcontract has a performance period of more than 120 days. All disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the DOE Office of the Inspector General, with a copy to the LBNL DOE Contracting Officer.
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END OF GENERAL PROVISIONS

EEOC SELF-IDENTIFICATION

Human Resources Department and Workforce Diversity Office
U5605-LBNL (R11/07)

EMPLOYEE NAME (Last, First, Middle Initial)	DEPARTMENT	EMPLID

Please identify the racial/ethnic category you most closely identify with by placing an "X" in the corresponding box within one of the two following categories: Non-Hispanic or Hispanic. The purpose of the requested information is to meet the Laboratory's legal obligations as a Federal contractor. (See the reverse side for the Privacy Notification Statement.)

NON-HISPANIC	
<input type="checkbox"/> WHITE (not Hispanic or Latino)	Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
<input type="checkbox"/> BLACK OR AFRICAN-AMERICAN (not Hispanic or Latino)	Persons having origins in any of the black racial groups of Africa.
<input type="checkbox"/> ASIAN (not Hispanic or Latino) Chinese/Chinese-American: Persons having origins in any of the original peoples of China. Japanese/Japanese-American: Persons having origins in any of the original peoples of Japan. Filipino/Pilipino: Persons having origins in any of the original peoples of the Philippine Islands. Pakistani/East Indian: Persons having origins in any of the original peoples of the Indian subcontinent (e.g., India and Pakistan). Other Asian: Persons having origins in any of the original peoples of the Far East (including Korea, Malaysia, Cambodia, Thailand and Vietnam), and Southeast Asia.	
<input type="checkbox"/> AMERICAN INDIAN or ALASKAN NATIVE (not Hispanic or Latino)	Persons having origins in any of the original peoples of North and South America, (including Central American) and who maintains tribal affiliation or community attachment.
<input type="checkbox"/> NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER (Not Hispanic or Latino)	Persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
<input type="checkbox"/> TWO OR MORE RACES/ETHNICITIES (Not Hispanic or Latino)	Persons who identify with more than one of the above races/ethnicities.
HISPANIC or LATINO	
<input type="checkbox"/> HISPANIC or LATINO (including Black individuals whose origins are Hispanic) Mexican/Mexican-American/Chicano: Persons of Mexican culture or origin, regardless of race. Latin-American/Latino: Persons of Latin American (e.g., Central American, South American, Cuban, Puerto Rican) culture or origin, regardless of race. Other Spanish/Spanish-American listed above: Persons of Spanish culture or origin, not included in any of the Hispanic categories listed above	
GENDER	
<input type="checkbox"/> Male <input type="checkbox"/> Female	
CHOOSE TO NOT SELF-IDENTIFY	
<input type="checkbox"/> I choose not to self-identify.	

All questions regarding ethnic, veterans, or disabled identification should be directed to the LBNL Equal Employment Opportunity Office.

Please place an "X" in each of the boxes that apply to you (more than one category may be applicable). Leave blank if none apply.

INDIVIDUAL WITH A DISABILITY STATUS CODE

An individual with a disability is a person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, or who has a record of such impairment.

VIETNAM-ERA VETERAN STATUS CODE

Vietnam-Era Veteran means a person who:

1. Served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred: a. in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or b. between August 5, 1964, and May 7, 1975, in all other cases; or
2. Was discharged or released from active duty for a service-connected disability if any part of such active duty was performed; a. in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or b. between August 5, 1964, and May 7, 1975, in all other cases.

WAR/CAMPAIGN/EXPEDITION VETERAN STATUS CODE

A veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized.

ARMED FORCES SERVICE MEDAL VETERAN

Armed Forces Service Medal Veteran means: A veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order No. 12985. To identify the military operations that meet this criterion, check your DD Form 214, Certificate of Release or Discharge from Active Duty.

DISABLED VETERAN STATUS CODE

Disabled Veteran means:

1. A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or
2. A person who was discharged or released from active duty because of a service-connected disability.

RECENTLY SEPARATED VETERAN

Any veteran during the three-year period beginning on date of such veteran's discharge or release from active duty in the U. S. military, ground, naval or air service.

Separation date: _____
month / day / year

**MILITARY OPERATIONS SINCE 1937 FOR WHICH A CAMPAIGN OR EXPEDITIONARY MEDAL
HAS BEEN AWARDED, EXCEPT FOR OPERATIONS OCCURRING DURING A DECLARED WAR**

Military Operation	Inclusive Dates	
American Defense Service (6)	September 8, 1939–December 7, 1941	Grenada (Operation Urgent Fury)October 23, 1983–November 21, 1983
Army Occupation of Austria	May 9, 1945–July 27, 1955	Haiti (Operation Uphold Democracy).....September 16, 1994–March 31, 1995
Army Occupation of Berlin	May 9, 1945–October 2, 1990	Iraq (Operation Desert Spring)December 31, 1998–December 31,2002
Army Occupation of Germany	May 9, 1945–May 5, 1955	Iraq (Operation Enduring Freedom)October 24, 2001–Present
Army Occupation of Japan	September 3, 1945–April 27, 1952	Iraq (Operation Iraqi Freedom)March 19, 2003–Present
China Service	July 7, 1937–September 7, 1939	Korea.....October 1, 1966–June 30, 1974
China Service Medal (Extended)	September 2, 1945–April 1, 1957	Kosovo.....March 24, 1999–Present
Korea Defense Service Medal	July 28, 1954–Present	Laos.....April 19, 1961–October 7, 1962
Korean Service	June 27, 1950–July 27, 1954	Lebanon.....July 1, 1958–November 1, 1958 and June 1, 1983–December 1, 1987
Kosovo Campaign		Libyan Area
Operation Allied Harbor	April 4, 1999–September 1, 1999	(Operation El Dorado Canyon)April 12, 1986–April 17, 1986
Operation Joint Guardian	June 11, 1999–Present	Mayaguez OperationMay 15, 1975
Operation Sustain Hope/		Panama (Operation Just Cause).....December 20, 1989–January 31, 1990
Shining Hope	April 4, 1999–July 10, 1999	Persian Gulf (Operation Earnest Will)July 24, 1987–August 1, 1990
Operation Noble Anvil	March 24, 1999–July 20, 1999	Southwest Asia
Operation Task Force Hawk	April 5, 1999–June 24, 1999	Operation Southern WatchDecember 1, 1995–March 18, 2003
Operation Task Force Saber	March 31, 1999–July 8, 1999	Operation Vigilant Sentinel.....December 1, 1995–February 1, 1997
Operation Task Force Falcon	June 11, 1999–Present	Operation Northern Watch.....January 1, 1997–March 18, 2003
Operation Task Force Hunter	April 1, 1999–November 1, 1999	Operation Desert Thunder.....November 11, 1998–December 22, 1998
Navy Occupation of Trieste	May 8, 1945–October 25, 1954	Operation Desert Fox.....December 16, 1998–December 22, 1998
Navy Occupation of Austria	May 8, 1945–October 25, 1955	Persian Gulf Intercept Operation.....December 1, 1995–Present
Navy Units of the Sixth Fleet	May 9, 1945–October 25, 1955	Quemoy and Matsu Islands.....August 23, 1958–June 1, 1963
Southwest Asia Service (Operations		Somalia (Operation Restore Hope
Desert Shield and Desert Storm)	August 2, 1990–November 30, 1995	and United Shield).....December 5, 1992–March 31, 1995
Thailand	May 16, 1962–August 10, 1962	Taiwan Straits.....August 23, 1958–January 1, 1959
Vietnam Service	July 4, 1965–March 28, 1973	Thailand.....May 16, 1962–August 10, 1962
Armed Forces Expeditionary Medal (AFEM) for these operations:		Thailand.....March 29, 1973–August 15, 1973
Afghanistan		(Only those in direct support of Cambodia operations)
Operation Enduring Freedom	October 24, 2001–Present	Vietnam and Thailand.....July 1, 1958–July 3, 1965
Operation Iraqi Freedom	March 19, 2003–Present	Vietnam Evacuation
Berlin	August 14, 1961–June 1, 1963	Operation Frequent WindApril 29, 1975–April 30, 1975
Bosnia		Navy Expeditionary Medal and Marine Corps Expeditionary Medal for these operations:
Operation Joint Endeavor	November 20, 1995–December 20, 1996	Cuba.....January 3, 1961–October 23, 1962
Operation Joint Guard	December 20, 1996–Present	Indian Ocean/Iran.....November 21, 1979–October 20, 1981
Operation Joint Forge	June 21, 1998–Present	Iran/Yemen/Indian Ocean.....December 8, 1978–June 6, 1979
Cambodia	March 29, 1973–August 15, 1973	Lebanon.....August 20, 1982–May 31, 1983
Cambodia Evacuation		Liberia (Operation Sharp Edge).....August 5, 1990–February 21, 1991
Operation Eagle Pull	April 11, 1975–April 13, 1975	Libyan Area.....January 20, 1986–June 27, 1986
Congo	July 14, 1960–September 1, 1962 and November 23, 1964–November 27, 1964	PanamaApril 1, 1980–December 19, 1986 and February 1, 1990–June 13, 1990
Cuba	October 24, 1962–June 1, 1963	Persian Gulf.....February 1, 1987–July 23, 1987
Dominican Republic	April 28, 1965–September 21, 1966	Rwanda (Operation Distant Runner)April 7, 1994–April 18, 1994
El Salvador	January 1, 1981–February 1, 1992	Thailand.....May 16, 1962–August 10, 1962
Global War on Terrorism	September 11, 2001–Present	

PRIVACY NOTIFICATION STATEMENT

(Revised October 1, 1998 for U5605)

The State of California Information Practices Act of 1977 requires the Laboratory to provide the following information to individuals who are asked to supply personal information about themselves.

1. The principal purpose for requesting the information on this form is to comply with the following Federal requirements: (i) Title VII of the Civil Rights Act of 1964, as amended (ii) Executive Order 11246, as amended; (iii) section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended; and (iv) Section 503 of the Rehabilitation Act of 1973, as amended, as well as relevant implementing regulations.
2. The information supplied on this form is used for required aggregated workforce data reporting to the federal government and for the administration of the Laboratory's equal employment opportunity/affirmative action and human resources programs. The information will be given to government agencies responsible for civil rights laws if these agencies request such information, or as otherwise required by law.
3. Furnishing the information requested on this form is voluntary. There is no penalty for not completing the form.
4. Individuals have the right to review their own records in accordance with the Laboratory's personnel policies and collective bargaining agreements. Information on applicable policies and agreements can be obtained from the Human Resources Department and Workforce Diversity Office.
5. The Laboratory offices responsible for maintaining the information supplied on this form are the Human Resources Department and Workforce Diversity Office.