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Regulations and Procedures Manual

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Approved by:	
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Deputy Director, Operations	Date

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UNIVERSITY OF CALIFORNIA
ERNEST ORLANDO LAWRENCE BERKELEY NATIONAL LABORATORY

FOREWORD

The purpose of this manual is to provide Laboratory personnel with a reference to University and Lawrence Berkeley National Laboratory policies and regulations. It is intended that this book will outline the normal practices and provide the answers to most policy questions that arise in the day-to-day operations of the various departments within the Laboratory. Most substantive changes to the *Regulations and Procedures Manual* originate with the University of California. Other sources may include State and Federal law, the Department of Energy, and the Laboratory itself.

Exceptions to policy may be made if they are in the best interest of the University and the Government. Such exceptions will usually require approval of the Laboratory Director, the Deputy Director, Operations, or their designees.

Much of the information is a condensation of detail provided in Laboratory procedures manuals, DOE directives, and Contract DE-AC03-76SF00098, but this manual is not intended to replace any of these documents.

The sections on personnel apply only to those employees who are not represented by unions. Personnel policies that pertain to employees represented by unions are found in the respective labor agreements.

The authoritative version of the *Regulations and Procedures Manual* is available via the Laboratory's World Wide Web home page (http://www.lbl.gov/Lab-Work/RPM/). Paper copies are distributed only to those individuals whose division management has requested it. These copies are unofficial and for reference only. Questions concerning policy interpretation should be directed to the department responsible for the particular policy. A list of responsible offices is available from the RPM Web site in downloadable rtf format (http://www.lbl.gov/LBL-Work/RPM/offices.rtf). If it is not clear which department should be called, please contact the Office of Institutional Programs.

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DEFINITION OF TERMS

In using this manual the following terms should be interpreted as indicated:

1. *University*. The University of California represented by The Regents and/or the University officers.

2. *DOE or Contracting Officer*. The United States Department of Energy represented by the Manager of the Oakland Operations Office or his/her designated alternates.

3. *Ernest Orlando Lawrence Berkeley National Laboratory, Berkeley Lab, Lawrence Berkeley National Laboratory, or the Laboratory*. These terms are used interchangeably and all mean the Ernest Orlando Lawrence Berkeley National Laboratory of the University of California.

4. *Contract 98*. The contract between the Regents of the University of California and DOE for operating Berkeley Lab is Contract No. DE-AC03-76SF00098. The term "Contract 98" refers to this contract.

EMPLOYEE AND GUEST CATEGORIES

Throughout the RPM, references are made to various types of individuals, primarily in terms of personnel matters, site access, pay, and travel. Generally, these individuals are either employees or guests. The following lists consolidate the various definitions and cite the sections from which each definition was obtained.

EMPLOYEES

Career Employees. Individuals who are employed to work half time or more for an indefinite period or for a specific period of one year or more (Paragraph 2.01 K, *Types of Employees*).

Confidential Employees. Employees who hold positions requiring access to confidential information used for meeting and conferring or for processing grievances (Paragraph 2.18 B 2, *Definitions*).

Divisional Fellows. Individuals given single five-year appointments because of outstanding promise and creative ability in a field of scientific endeavor conducted by Laboratory division (Paragraph 2.07 C, *Categories of Scientific and Engineering Staff*).

Exempt Employees. Employees in Administrative, Executive, and Professional classifications who are exempt from the Fair Labor Standards Act and normally not paid for overtime (Paragraph 3.01 A, *Employee Classifications*).

Faculty Employees. University of California faculty members who have dual employment between a campus of the University and the Laboratory (Paragraph 2.01 K, *Types of Employees*, and Paragraph 2.07 C, *Categories of Scientific and Engineering Staff*).

Full-Time Employees. Employees with a 100-percent-time appointment working a complete workweek or work month (Paragraph 3.01 C, *Work Schedule*).

Graduate Student Research Assistants (GSRAs). University of California graduate students paid a flat monthly salary (Paragraph 2.01 K, *Types of Employees*).

Managers. Employees responsible for formulating and administering policies and programs of the Laboratory (Paragraph 2.18 B 1, *Managers*).

Nonexempt Employees. Employees in other than Administrative, Executive, and Professional classifications who are covered by the provisions in the Fair Labor Standards Act and who are normally scheduled for a specific number of hours per week and are paid overtime for work in addition to their normal schedule (Paragraph 3.01 A, *Employee Classifications*).

Part-Time Employees. Employees with less than a 100-percent-time appointment working a specific percentage of a workweek or work month (Paragraph 3.01 C, *Work Schedule*).

Postdoctoral Fellows. A recent graduate possessing a Ph.D. degree or equivalent who has been appointed for a term of one or two years to enable the individual to acquire further scientific training and to develop professional maturity for independent research (Paragraph 2.07 C, *Categories of Scientific and Engineering Staff*).

Represented Employees. Employees in classifications represented by Skilled Crafts, Service, Clerical and Allied Services, University Professional and Technical Employees, and Registered Nurses unions and not excluded as Supervisory Employees or Confidential Employees (*see respective labor agreements for terms and conditions of employment*).

Scientists/Engineers (Faculty). University of California faculty members who are participating in the programs of the Laboratory with or without salary support from the Laboratory (Paragraph 2.07 C, *Categories of Scientific and Engineering Staff*).

Senior Scientists/Engineers (Faculty). University of California faculty members having dual-employment status who have demonstrated outstanding creative ability, leadership, and experience in activities appropriate to the Laboratory's mission (Paragraph 2.07 C, *Categories of Scientific and Engineering Staff*).

Senior Scientists/Engineers (Staff). Career employees who have demonstrated outstanding creative ability, leadership, and experience in activities appropriate to the Laboratory's mission (Paragraph 2.07 C, *Categories of Scientific and Engineering Staff*).

Temporary Professional Employees. Professionals (equivalent to Classifications 101–150) who are invited to work at the Laboratory for periods of 39 weeks or less.

Staff Scientists. Individuals who have competence and skill in specialized areas of research and development related to the program needs of the Laboratory and its divisions. Staff scientist appointments may be made on a temporary (term) basis or for an indefinite period (Paragraph 2.07 C, *Categories of Scientific and Engineering Staff*).

Student Assistants. Individuals hired to work less than 50 percent time during the academic year or full time during the summer or other significant academic breaks (Paragraph 2.01 K, *Types of Employees*).

Supervisory Employees. Individuals, regardless of job description or title, who directly supervise two or more employees and who have authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment (Paragraph 2.18 B 3, *Supervisory Employees*).

Temporary Employees. Employees hired for a period of less than one year (Paragraph 2.01 K, *Types of Employees*).

Term Employees. Scientific staff appointees appointed for a renewable period of one or more years (Paragraph 2.01 K, *Types of Employees*).

GUESTS

Casual Visitors. Visitors to the Laboratory for one week or less who are not engaged in Laboratory research or use of Laboratory facilities (Paragraph 1.06 A 2, *Casual Visitors).*

Interviewees. Job applicants visiting the Laboratory for the purpose of a personal interview as part of the selection process for employment (Paragraph 2.01 B 4, *Travel Expenses of Applicants*).

Invited Guests. Individuals invited to attend a meeting, present a lecture, or conduct a seminar at the Laboratory who will receive an honorarium or payment for travel expenses (Section 2.24, *Honoraria and Stipends for Laboratory Guests*).

Participating Visitors. This category consists of non-Laboratory employees who are engaged in Laboratory activities and who fall into one or more of the following categories:

1. **Users.** Individuals visiting the Laboratory to use Berkeley Lab User Facilities.

2. **Computer Users.** Individuals visiting the Laboratory only to use Berkeley Lab computers and related services.

3. **Scientific Collaborators.** Individuals visiting the Laboratory who are engaged in Laboratory-approved research, testing, or analysis either through "hands-on" activities or collaborative discussions with Laboratory employees. Included in this category are faculty and graduate students from other University of California facilities and other educational institutions, fellowship students, postdoctoral fellows, research fellows, and other professionals having adequate training and experience and meeting high professional standards in their fields.

4. **Student Visitors.** Individuals who are graduate students under the direct supervision of either a thesis advisor engaged in Berkeley Lab activities or the Director, or designee, of the division to which the student is attached.

5. **Nonscientific.** Individuals who have been assigned to Berkeley Lab as their place of work either as employees of temporary employment services/agencies or as contract labor employees.

6. **Consultants.** Individuals who have entered into a consultant agreement with Berkeley Lab under the terms of Section 2.23, *Consultants to Lawrence Berkeley National Laboratory.*

Visiting Researchers. Research personnel and students in cooperative work programs, including foreign nationals, invited to participate in a Laboratory project as nonemployees (Paragraph 1.06 A 3, *Participating Visitors*).

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1.00 GENERAL ADMINISTRATION AND SERVICES

1.00 GENERAL ADMINISTRATION AND SERVICES

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1.01 MANUALS, HANDBOOKS, AND SIMILAR PUBLICATIONS	Approved: S.C. Loken 8/12/96

A. GENERAL

1. This section describes various Ernest Orlando Lawrence Berkeley National Laboratory and University publications that are of general interest to Laboratory personnel. In addition, numerous informational pamphlets about the facilities and activities of the Laboratory are available to visitors and employees from the Human Resources and Public Information Departments.

2. Most of these Lab-wide reference documents are available online through facilities operated by the Information and Computing Sciences Division.

3. Plans by any department or division of the Laboratory for a new publication for other than internal distribution must be approved in advance by the Technical and Electronic Information Department.

B. ACCOUNT AUTHORIZATION SYSTEM

The *Account Authorization Report* lists the numbers and titles of accounts and the names of individuals authorized to sign purchase requisitions, job orders, stores orders, travel requests, personnel documents, time reports, and certain other Laboratory documents. Requests for this report should be made to the Information Systems and Services Department. It also defines (Section I-C) the duties and responsibilities of persons exercising signature authority for the Laboratory.

C. CONTRACT NUMBER DE-AC03-76SF00098 (CONTRACT 98)

Contract 98 is the contract between DOE and the Regents of the University of California for the management of the Berkeley Lab. It defines the mission of the Laboratory and provides the basis for the Berkeley Lab's policies and procedures. It includes DOE directives (orders) that pertain to the Laboratory; the contractual terms and conditions governing the Laboratory's operations in areas such as personnel, finance, procurement, ES&H, facilities, legal (e.g., intellectual property); and the annual performance measures against which the Berkeley Lab is evaluated by DOE.

Article VII, Clause 1, of Contract 98 enumerates 31 categories of expressly unallowable costs. The Laboratory must ensure to the extent possible that the listed unallowable costs are not incurred. Information regarding these categories is made available to all employees in positions involving requesting or approving such costs.

Other criteria of allowability include reasonableness, prudent business judgment, and consistent application of generally accepted accounting principles and practices, such that other noncategorized costs may also be unallowable. Questions pertaining to whether a particular action, cost, or procurement is unallowable should be referred to the CFO/Finance.

Contract 98 is maintained by the Office of Contract Management (OCM) and is available on the World Wide Web.

D. REGULATIONS AND PROCEDURES MANUAL (RPM)

This *Regulations and Procedures Manual* serves as a reference for guidelines, rules, and general business practices for Laboratory personnel. Copies are available in division and department offices throughout the Laboratory. Questions concerning policy interpretation, regulation applicability, or allowability of

activities should be directed to the officer responsible for the particular RPM section as designated in the signature box on the first page of each section.

E. PROCUREMENT POLICY AND STANDARD PRACTICES MANUAL

The *University of California Procurement Policy and Standard Practices Manual* implements policies of the University of California and sets forth the standard practices for the Laboratory's procurement system. The purpose of the procurement system is to ensure that goods and services required by the Laboratory are obtained in an economical, efficient, and timely manner while meeting the requirements of the Laboratory's Prime Contract. The purpose of the Standard Practices (SPs) is to ensure consistent application of the policies and procedures of the University of California.

Laboratory personnel who perform procurement functions must be thoroughly familiar with this manual. Requests for copies and questions pertaining to the Guide should be referred to CFO/Procurement.

F. SHOP SERVICES PROCEDURES MANUAL — BERKELEY

This manual describes the various services provided and the procedures for obtaining these services from the Berkeley Lab shops. It also describes the regular job order reports and other information that indicate the status and schedule of jobs. Questions pertaining to this manual should be referred to the Head of the Engineering Technology Department.

G. SAFETY MANUALS

1. Lab-Wide Regulations

Lab-wide safety regulations are contained in the *Health and Safety Manual* (PUB-3000). This manual contains statements on safety policy; chemical safety; electrical safety; the design, installation, and testing of hazardous research equipment; and general safety recommendations for fire and accident prevention. It is distributed to supervisory personnel. Questions and requests should be referred to the Environment, Health and Safety Division.

2. Safety Documentation

Safety documentation for individual facilities is contained in Safety Analysis Documents (SADs). The SADs describe the activities within the facility, identify hazards, and describe mitigation. SADs are prepared by the operating division and reviewed by EH&S. SADs are kept in the facility notebook.

Activity Hazard Documents (AHDs) are safety documents required for specific hazardous research activities within a facility. AHDs identify hazards and describe mitigation for the activity. AHDs are prepared by the principal investigator and are reviewed by safety professionals. AHDs are kept in the facility or project notebook.

H. EMERGENCY PLANS

These plans include the Laboratory Master Emergency Plan (MEP), Building Emergency Plans (BEP), and other special plans and procedures. The MEP describes how the Laboratory's resources are organized to respond to disasters such as a significant earthquake. Copies of the MEP are distributed to the Emergency Command Center (ECC) Team, senior management, building managers, and EH&S coordinators. Building Emergency Plans are written for each building or building complex. The BEP contains information on appropriate actions for employees to take during an emergency and specific information on the building, such as locations of emergency equipment and evacuation routes. BEPs are distributed to every building manager in sufficient quantities to provide each employee with access to a plan. Other emergency plans, such as the Hazardous Materials Response Plan, have a limited focus and

are distributed only to those who have an active role in the implementation of the plan. Questions should be referred to the Emergency Services Group.

I. PROPERTY GUIDE

The *Property Guide* describes the Laboratory's system for accounting for property and the controls governing the acquisition, use, and disposition of property used in performance of the work of the Laboratory. It is essential that all Berkeley Lab personnel responsible for property management activities be thoroughly familiar with this guide. Requests for copies and questions pertaining to the guide should be addressed to the Property Services Section of CFO/Business Services.

J. EMPLOYEE HANDBOOK

The *Employee Handbook* is distributed to all employees to inform them about the University and the Laboratory. It contains brief statements about the Laboratory and its work, pay and work policies, personal conduct, benefits, conveniences, and services. Supervisors should see that copies of the latest edition of the *Employee Handbook* are readily available to employees. Requests for copies and questions about the book's contents should be referred to the Human Resources Department.

K. STOCK CATALOG

The *Stock Catalog Supplement* lists all items that are stocked at the Laboratory and contains instructions on the use of the catalog. It is distributed by the Material Operations Group of Materiel and Site Logistics.

L. LABORATORY OPERATING AND ASSURANCE PROGRAM PLAN

The *Operating and Assurance Program Plan* (PUB-3111) specifies the Quality Assurance and Conduct of Operations requirements for all divisions of the Laboratory. Copies of this publication are available from the Office of Assessment and Assurance. That office will answer questions concerning the applicability of the Operating and Assurance Program to particular activities.

M. LABORATORY SELF-ASSESSMENT PROGRAM IMPLEMENTATION PLAN

The *Self-Assessment Program Implementation Plan* (PUB-5344) describes the Laboratory's program for ensuring compliance with environmental, safety, and health requirements and for achieving quality assurance/conduct of operations performance objectives. This publication contains the procedures divisions must follow to implement the self-assessment program. Copies are available from the Office of Assessment and Assurance. That office will answer questions regarding the applicability of this program and its implementation.

N. LABORATORY SELF-ASSESSMENT MANUAL

The *Self-Assessment Manual* contains the Berkeley Lab's self-assessment performance objectives and criteria and the procedures divisions follow to develop their self-assessment programs. Copies are available from the Office of Assessment and Assurance.

1.02 ADMINISTRATIVE ANNOUNCEMENTS AND DIRECTORIES	Approved: S.C. Loken 8/12/96

A. INSTITUTIONAL MEMOS

1. Categories

Institutional memos generally fall into the following categories:

a. Policy and Procedure Memos. These memos concern policy and procedure matters broadly applicable to the Laboratory community. They may stem from internal policy decisions or from the University of California, the DOE, or other outside entities. These policies and procedures are issued in memo form as a means of quickly promulgating them and are later reflected in the next revision to the appropriate Laboratory policy document, e.g., *RPM, Health and Safety Manual,* etc. The specific section citation must be included as well as the policy document in which the policy will appear. They are also used as periodic reminders of important policy and procedure.

   Policy and Procedure Memos must be reviewed by the issuer prior to issuance to ensure consistency with existing policy and procedure and compliance with the prime contract. Questions may be addressed to the Office of Institutional Programs. This office also maintains a master file of Policy and Procedure Memos. Policy and Procedure Memos are distributed to one of the Standard Distribution levels listed in Paragraph 1.02 B, below.

b. General Administrative Memos. These memos contain general administrative announcements including one-time information such as the Christmas holiday shutdown dates. These memos may also announce such personnel and organizational matters as the appointment of new management personnel and information concerning division, department, program, or center reorganization. General Administrative Memos are distributed to one of the Standard Distribution levels listed in Paragraph 1.02 B, below.

   The following restrictions apply to the distribution of General Administrative Memos to Level 1. First, the information must be time critical. In addition, at least one of the following criteria must apply:

   (1) The subject affects the Laboratory as a whole.

   (2) It is a generally applicable ES&H-related announcement.

   (3) It is an upper-level-management statement, or it concerns a management activity. Such items may include information from the University of California Office of the President and the Department of Energy as well as from the Laboratory.

2. Authority

Authority for issuance of institutional memos is indicated below.

Memo Type	Issued By	Master File Maintained By
Policy and Procedure	Laboratory Director, deputy directors	Operations Office
General Administrative	Same as above plus associate laboratory directors , division directors, and operations department heads	Technical and Electronic Information Department

3. Distribution and Master Files

Institutional memos are normally distributed by electronic mail. Record copies for both types of institutional memos are maintained by the issuing office and the Deputy Director, Operations, which also maintains a master file of all Policy and Procedure Memos. The Technical and Electronic Information Department maintains archive copies of General Administrative memos. A detailed procedure, "Issuing Institutional Memos" is available on the World Wide Web (Web), Support Systems Home Page as well as from the Operations Office.

B. STANDARD DISTRIBUTION LEVELS

Information requiring a standard distribution is normally sent to one of the following distribution levels, depending upon the nature of the information and the restrictions noted in Paragraph A 2, above.

Level 1: All employees.

Level 2: General distribution (one copy for every five persons).

Level 3: Laboratory director, deputy directors, associate laboratory directors, division directors, department heads, division administrators, and group leaders.

Level 3A: Department, Program, and Center Heads (designated by the Divisions and approved by the Laboratory Director).

Division Administrators

Division Safety Coordinators

Distributions to Levels 1 and 2 are made by the Mail Room to Laboratory mail stations for posting or redistribution as required. They are not addressed to individuals. Distribution to Level 1 may also be by electronic mail and is the method by which Policy and Procedure Memos are normally disseminated. Distributions to Levels 3 and 3A may be addressed to individuals by the Mail Room or sent by electronic mail by the Berkeley Lab Postmaster.

Requests for changes to standard distribution lists should made to the Berkeley Lab Postmaster as follows:

Level 3: Requests originate from the responsible department, division, deputy director, or associate Laboratory director's office.

Level 3A: Requests originate from the Laboratory Director's Office.

Division Administrators: Requests originate from the Manager for Administration, Operations.

Division Safety Coordinators: Requests originate from the ES&H Division.

C. DIRECTORIES

1. University of California Directory

This directory, issued each academic year, lists the names, titles, office addresses, home addresses, e-mail addresses, and phone numbers of faculty members, officers, and chief assistants. It also lists the Regents, the administrative staff of the University, and its various campuses and their subdivisions and affiliates. A limited number of copies are supplied to the Laboratory for official use; they are distributed by Telephone Services. Copies may also be purchased from the ASUC Bookstore.

2. Campus Directory — Berkeley

This directory is also issued each academic year. It contains information similar to that shown in the University Directory but does not list officers and assistants on other campuses. It contains a referral guide to the numerous University activities, offices, departments, and services on campus. It is distributed at the Laboratory by Telephone Services.

3. Berkeley Lab Telephone Directory

This directory (see Directory Services on the Web) is issued and distributed annually by Telephone Services. The Directory lists the names, office addresses, mail stops, e-mail addresses, and telephone numbers of Berkeley Lab employees. The Directory also contains Berkeley Lab organization charts, an Organization and Services section, information concerning the use of the Integrated Communications System (ICS), and other information of general interest to Laboratory employees.

1.03 PLANT CONSTRUCTION, MAINTENANCE, AND SERVICE	Approved: K.H. Berkner 8/9/96

A. PLANT CONSTRUCTION AND ALTERATIONS

1. Responsibility for Work

a. The Facilities Department is responsible for the initiation of work, engineering, and requisitioning for all plant construction and alterations. This responsibility includes obtaining necessary approvals from DOE, University of California, etc., requesting assignment of cost-account numbers, and controlling all requisitions, stores orders, and job orders on such work.

b. All requests for plant construction and alteration work are made to the Facilities Department's Work Request Center.

B. REPAIR AND MAINTENANCE WORK

1. General

The Facilities Department is responsible for maintenance and repair of plant facilities and equipment, including buildings, grounds, utility systems, roadways, walks, fences, and plant mechanical and electrical equipment. Requests for such work are made to the Facilities Department's Work Request Center.

2. Special Research Equipment

The Facilities Department performs maintenance and repair work on specialized research equipment when requested by a responsible member of the group having charge of the equipment. Requests for such work are made to the Facilities Department's Work Request Center.

C. MISCELLANEOUS SERVICES

Service functions are assigned to departments as shown in Table 1.03 C, *Service Functions*.

Table 1.03 C. Service Functions.

Type of Service	Department Responsible
Motor Pool operations and vehicle maintenance	Business and Protective Services
Bus service	Business and Protective Services
Nonstandard Vehicle Operator's Certification	Environment, Health and Safety
Locksmith and key issuance and records	Facilities
Electric light service	Facilities
Building custodial service	Facilities
Gardening	Facilities
Refuse disposal	Facilities
Parking permit issuance and records	Business and Protective Services

1.04 OPERATION AND PARKING OF MOTOR VEHICLES AND BICYCLES	Approved: C.W. McDonald 3/29/95

A. GENERAL

All individuals operating motor vehicles or bicycles on Laboratory property must comply with the California Vehicle Code and with Berkeley Lab traffic and parking regulations. Permission to operate a vehicle or bicycle on Laboratory property is subject to the control of the University Police and may be revoked at any time. Violators of Laboratory traffic and parking regulations may be cited by University Police under the provisions of Section 21113 (a), (b), and (c), which states that persons operating vehicles on University properties are subject to the conditions established and posted by the University for those areas. In the absence of any special conditions or regulations applicable to traffic or parking, all provisions of the California Vehicle Code relating to traffic or parking are applicable. The maximum speed limit on all Laboratory property is 25 miles per hour (for all but emergency vehicles) or slower as conditions require.

B. MOTOR VEHICLE AND BICYCLE PARKING

1. General

Limited on-site vehicle parking is provided for certain employees and visitors (see Tables 1.04 B-1, *Eligible for a Parking Permit,* and 1.04 B-2, *Not Eligible for a Parking Permit,* for those eligible and noneligible). Valid Laboratory parking permits are required for all privately owned vehicles parked onsite. Parking permits are issued by the Parking Permit/Badge Office. Some parking spaces are open to general, unreserved parking; other spaces are reserved. Maps indicating major parking areas are available at the Laboratory entry gates or from the Parking Permit/Badge Office. Only one parking permit will be issued to each eligible person who requests a parking permit. Exceptions are for motorcycle and bicycle permits, which may be issued in addition to a car parking permit.

a. The use of a Laboratory parking permit by a person other than the one to whom it was originally issued is prohibited.

b. The sale, transfer, or loan of Laboratory parking permits is prohibited.

c. All vehicles parked on Laboratory property are required to display a valid Laboratory parking permit.

d. Parking spaces, other than for general parking, are reserved, except as noted below, between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday, except on holidays.

   (1) Parking spaces for persons with a disability are reserved at all times.

   (2) Visitor, blue-triangle, and official vehicle spaces are open to general parking after 3:00 p.m. unless otherwise posted for the area.

e. Parking vehicles at the Laboratory for prolonged periods is not permitted without prior approval of Site Access Services.

f. Parking is allowed only in marked spaces and in designated parking strips along roadways. Observe parking restrictions in posted areas.

g. Parking in a manner that encroaches on or blocks an adjacent parking space or traffic way is prohibited.

Table 1.04 B-1. Eligible for a Parking Permit.

1. EMPLOYEES	
Career	Individuals who are employed to work half-time or more for an indefinite period or for a specific period of one year or longer.
Faculty	University of California faculty members who have dual employment between a campus of the University and the Laboratory.
Term Appointees	Scientific staff appointees, including postdoctoral appointees, who are appointed to work half-time or more for a period of one or more years.
Rehirees	Employees, including retirees under special UC/State provisions and those rehired from layoff status, who were formerly eligible for parking.
Disabled	Disabled persons working at the Laboratory.
2. NONEMPLOYEES	
Participating Guests	
Professionals	Professionals and their associates engaged in Laboratory-approved research: (1) individuals using the Laboratory National User Facilities, (2) personnel currently employed at other University of California facilities, (3) other professionals when the Laboratory and the participant have mutual interest and the individuals concerned have adequate training and experience to meet high professional standards in their fields.
NSF, DOE Participants	Participants in NSF, DOE, or similarly sponsored programs in which the Laboratory is participating (e.g., faculty on programs of Associated Western Universities or postdoctoral fellows).
Retired Laboratory Staff	Retired Laboratory professional staff members, provided there is mutual interest on the part of the Laboratory and the retired employee for continued contributions to the Laboratory programs. Generally, these will be retirees who have achieved distinction in their fields. Designation of *Retired Laboratory Employee* status is to be made by the Laboratory Director.
Computer Users	Computer Users are employees of an organization that has a formal contractual arrangement with the Laboratory only to use Berkeley Lab computers and related services, as specified.
Consultants	Recognized experts in a specific field of scientific, engineering, technical, or administrative interest who primarily furnish advice or express views or opinions about problems or questions presented by the Laboratory.
Casual Visitors	Visitors invited to the Laboratory typically for one or two days for the purpose of conducting official business. A casual visitor's Berkeley Lab host must request the parking permit.
VIPs	Visitors invited to the Laboratory for one week or less to attend meetings, seminars, or workshops sponsored by Berkeley Lab. The visitor's Berkeley Lab host must request the parking permit. The time period may be extended as authorized by the Site Access Services Manager.
Service Vendors	Vendors with Laboratory contracts requiring vehicle access.
Nonparticipating Guests	
Scientists	Scientists who give seminars, take part in Laboratory discussions to a limited extent, or merely observe research in progress.
Retired Employees	Retired employees who desire occasional access and who are not on the Laboratory's payroll (one-day permit only).

Table 1.04 B-2. Not Eligible for a Parking Permit.*

1. EMPLOYEES	
Part-time Employees	Employees who work less than 50% time.
Undergraduate Students	Registered college or university students whose affiliation with the Laboratory is as student employees.
Graduate Students	Registered graduate students of the University of California whose affiliation with the Laboratory is as student employees.
Temporary Employees	Individuals employed to work for less than one year.
2. NONEMPLOYEES	
Subcontractor Employees	No permits issued except for vehicles that are necessary to the job and that can be parked inside the agreed-upon contractor's "laydown" area.
Participating Guests	
Students	Students, comparable to GSRAs but not on the Laboratory payroll. Also includes those participating in NSF, DOE, or similarly sponsored programs in which the Laboratory is participating.
Agency (Temp.) Personnel	Employees of temporary-help agencies, contract labor employees, etc.
Nonparticipating Guests	
Students	Students who require access to attend seminars or to discuss their studies with Laboratory scientists or engineers.
Service Contractors	Employees of service contractors, i.e., food services, computer services, etc.

*Applies only to those *who did not* have a parking permit prior to 10/1/92.

h. Parking that allows a vehicle to project beyond the end line of any space or lane so marked is prohibited.

i. Motorcycles, scooters, motorbikes, mo-peds and bicycles shall not park in regular automotive vehicle spaces.

j. Parking of bicycles that interferes with pedestrian access or safety (e.g., on stairs, paths, or walkways) is prohibited.

k. Backing into parking spaces is prohibited in areas so posted.

2. Types of Parking Permits and Parking Spaces

Authorized Laboratory permits include the rearview-mirror hanging type and decals (except for motorcycle, scooter, motorbike, mo-ped and bicycle permits, which are decals only). In addition, temporary card-type parking permits are issued at the gate or by the Parking Permit/Badge Office.

a. **General Permit.** Allows parking in all designated parking spaces not otherwise marked or restricted to the permits listed below.

b. **Blue Triangle Permit.** Allows parking in blue-triangle-permit parking spaces or any unreserved parking space.

c. **Director's Permit.** Allows parking in Director's permit parking spaces, blue-triangle-permit parking spaces, or any unreserved parking space.

d. **Off-hours Permit.** Allows parking only during off-hours between 3:00 p.m. and 6:00 a.m. on weekdays and all day on weekends and holidays for employees on the Laboratory payroll and temporary and contract employees who do not have regular parking privileges.

e. **Disabled Person Permit.** Special permit issued in addition to a regular Laboratory parking permit.

(1) **State of California Disabled Person Permit.** Permit (special license plate or placard) issued by the State Department of Motor Vehicles (DMV). With this permit, parking is allowed in spaces designated by an official State blue-and-white logo or in any unreserved parking space.

(2) **Temporary Laboratory Health Services Disabled Person Permit.** Permit (special placard issued by the Parking Permit/Badge Office) authorized by Health Services for a temporary period of up to six months. This permit is issued to those with significant medical disabilities upon receipt of the necessary information from the requester's physician. Persons who continue to require special parking for a medical condition after six months must obtain a State DMV permit.

f. **Visitor Permit.** Card-type permit issued for parking spaces that are reserved for visitors only and are not for use by regular, temporary, or contract employees.

g. **Official Vehicle.** An official vehicle permit is designated by license plate (U.S. Government or State of California) or by a special placard issued by the Laboratory Motor Pool only, to identify vehicles leased or rented for official business. (For the complete policy statement on the use of official vehicles, see Section 1.05, *Use of Official Vehicles*).

h. **Stack Parking.** Laboratory policy is to encourage the use of stack parking for commuter vehicles; accordingly, stack parking areas have been established. Movement of a vehicle in stack parking may be necessary to accommodate unforeseen circumstances. Employees are encouraged to use stack parking, but must observe the following regulations. Otherwise, they may be subject to the penalty provisions of Paragraph B 3 below.

(1) Park as close as possible to the vehicle, stop line, or barrier in front of you (less than a 30-in. gap between vehicles).

(2) Display your standard Berkeley Lab Parking Permit.

(3) Display a Stack Parking Card. This card must contain:

(a) Your name.

(b) Your parking permit number.

(c) Your normal location.

(d) Your Laboratory telephone number.

(e) A Laboratory telephone number of person in custody of your vehicle keys, if different from (d).

Stack Parking Cards are available on request from the Reception Center, x6155.

3. **Parking Regulations**

a. **Forgotten Permit/Vehicle with Decal Permit.** Persons who forget their hanging permit may request a temporary one-day parking permit at the entry gate.

Persons who normally drive a vehicle with a decal parking permit may also request a temporary one-day parking permit at the entry gate on days when they drive another vehicle.

In the above cases, the issuance of a temporary parking permit will be reported to the Parking Permit Office. Abuses of these temporary permits will be subject to penalties as noted in Paragraph c below.

b. **Replacement of Lost or Stolen Parking Permits.** There will be a $100 charge for replacing a lost or stolen Laboratory parking permit (except visitor permits, normally a card-type permit issued for day use or for short periods). The fee will be waived if a police theft report is provided.

c. **Penalties for Abuse of Parking Privileges.** Penalties for abuse may include permanent loss of privileges and formal disciplinary actions.

d. **Warning Notice and Order to Show Cause.** Violation of internal Laboratory parking regulations may result in issuance of a warning notice for the first occurrence.

The warning notice is advisory only and requires no further action on the part of the responsible individual. If a second violation occurs, an order to show cause may be issued. The responsible individual may contact a member of the Traffic Safety Committee (TSC) to explain why a court citation should not be written. If the violation is not excused by a member of the TSC within 24 hours (weekends/holidays excepted), the registered owner of the vehicle will receive a court citation for the violation through the mail. The permit holder who receives one warning notice and one unexcused order to show cause will automatically be issued a court citation for third and subsequent violations unless 24 months have passed since the last violation. If the permit holder has not received a parking violation for 24 months, then a warning notice will be issued.

e. **Court Citations.** Individuals who: are on the Laboratory site without a permit; park in a red zone, park in a space reserved for a disabled person or reserved by name or permit number; or block fire hydrants, fire trails, or emergency exits at the Laboratory are subject to immediate court citation without first receiving a warning notice or an order to show cause.

If an official vehicle is involved, the department or group responsible for the vehicle will give the citation to the person who parked the vehicle illegally, and that person must pay any fine with personal funds.

f. **Return of Parking Permit Upon Termination of Employment.** Parking permits are the property of the Laboratory and must be returned no later than the last day of employment.

4. **Warning for Violation of Moving Traffic Regulations**

University Police Officers may issue a written warning notice or court citation to employees, guests, or consultants observed to be in violation of the California Vehicle Code or University of California and Lawrence Berkeley National Laboratory Regulations. A person who receives a warning notice will be called to appear before the TSC. If more than one moving traffic warning notice is issued in a six-month period, the TSC may suspend the offender's driving and parking privileges at the Laboratory.

a. The first suspension will be for one month.

b. For a repeat violation, the suspension will be for six months.

c. Serious offenses may result in permanent loss of privileges and formal disciplinary actions.

C. EMERGENCY OFF-HOUR AUTOMOTIVE ASSISTANCE

1. Availability

Emergency off-hour (night and weekend) automotive assistance for employees who encounter difficulties with their personal automobiles may be obtained as indicated below:

HOURS – DAYS	PHONE FOR ASSISTANCE
4:30 p.m. – 7:00 a.m., Regular Work Days Weekends and Laboratory Holidays	Maintenance and Operations Group

The Laboratory will provide a battery charge to start an employee's car or one gallon of fuel (unleaded gasoline or diesel only). The cost of the fuel is $2.00.

If an employee's car cannot be started with Laboratory assistance and commercial service is not available, the responding Laboratory person is authorized to take the stranded employee to the nearest available public transportation.

2. Nonavailability

During normal business hours (7:00 a.m. to 4:30 p.m.), employees are expected to use their own choice of a commercial emergency service available in the area.

Laboratory facilities, supplies, or equipment must not be used for repair or maintenance of employees' vehicles.

1.05 USE OF OFFICIAL VEHICLES	Approved: J.R. Camper 8/14/96

A. GENERAL

1. Transportation Services

The Laboratory Facilities Department provides bus and other transportation services, including vehicles from Fleet Operations for individual and departmental use. Laboratory vehicles are for official use only, i.e., for the performance of Laboratory work and business. Passengers in Laboratory-furnished vehicles must be directly associated with the official University business for which the vehicle is assigned or with other official business of the Laboratory. Bus service is provided around the Laboratory and to and from the University of California, Berkeley campus and local rapid transit locations.

2. Division Director's and Department Head's Responsibility

a. Each division director and department head is responsible for restricting the use of Laboratory vehicles to official Laboratory business by properly authorized personnel, as described below in Paragraph D, *License Requirements*, and for informing all authorized drivers regarding misuse of such vehicles and personal liability for costs involved in cases of misuse. (Copies of Section 1.05 may be obtained from Fleet Operations for distribution as needed.)

b. Questions concerning any use of an official vehicle should be referred to the Fleet Operations office.

B. AUTHORIZED AND UNAUTHORIZED USES OF VEHICLES

1. Transportation to Residence, Lodging, or Eating Places

a. Laboratory-furnished vehicles may properly be used for transportation between an individual's place of work, residence, lodging, or eating place only when at least one of the following circumstances exists.

(1) The nature of the work requires a vehicle at or near an employee's residence or lodging in order to respond to emergencies or expected off-hour calls. A vehicle is necessary to perform special hauling or other services for the Laboratory between an employee's place of work and a location at, near, or en route to, his or her residence or lodging.

(2) An employee is required to depart on, or return from, a field trip at unusually early or late hours.

(3) Public transportation is not practicable, or reasonably available, while an employee is on a field trip or on official travel.

(4) Special or emergency situations required by Laboratory work, such as unexpected overtime, make it unreasonable to expect an employee to use other transportation to his or her residence or lodging.

b. Use of an official vehicle in any of the above circumstances must be authorized by use of Form RL-2749, *Request for Overnight Use of Official Vehicle*, or by use of Stock Form 7600-55366, *Request and Authorization for Official Travel.*

2. Personal Use

Use of an official vehicle for an employee's personal convenience or benefit constitutes misuse and is prohibited. Misuse includes the following specific examples.

a. Trips to service stations or repair shops in connection with the servicing or repair of any individual's private car.

b. While on special assignment or official travel, side trips for meals that involve significant extra time or distance to satisfy a personal preference when other reasonable and adequate eating places are more convenient to the employee's lodging, place of work, or direct route of official travel.

c. Local stops for personal shopping or other business, even if such stops are on a direct route of travel on an official trip.

d. Trips within the Laboratory for personal convenience, e.g., to the cafeteria.

3. Use of Rental Vehicles

a. The restrictions on the use of Laboratory vehicles also apply to rental vehicles used for official business. However, the agreement an individual signs for rental of a vehicle is a contract between the individual and the rental company. Therefore, rental vehicles may also be used for personal convenience or business, provided any additional costs for mileage, day charges, insurance fees, etc., resulting from personal use are paid by the individual.

b. The University is self-insured for the deductible provision in the collision insurance normally included in rental agreements for vehicles used on official business. If an individual uses a rental vehicle for personal uses, the University insurance does not apply. Individuals who wish to use a rental vehicle for personal business should pay the additional fee for full insurance coverage on the vehicle. This fee is not reimbursable by the Laboratory.

4. Use by Nonemployees

a. Nonemployees are normally not authorized to use Laboratory-furnished vehicles. However, when such persons are engaged in contract work and it would be economically beneficial to the Laboratory, they may be authorized to use Laboratory vehicles. Approval by the responsible division director or department head must be made in writing to the nonemployee individual, with copies to Fleet Operations and the Environment, Health and Safety Division.

b. Nonemployee operators must be licensed as specified below in Paragraph D, *License Requirements*.

C. OPERATOR'S LIABILITY

1. Vehicle Costs

Operators of Laboratory-furnished vehicles are personally liable for the costs of any damages incurred due to their misuse of such vehicles. Misuse means unauthorized use, use for an improper purpose, gross negligence in the care and operation of an official vehicle, or not adhering to traffic safety regulations.

2. Disciplinary Action and Penalties

Employees who knowingly misuse Laboratory vehicles are subject to disciplinary action such as written reprimand, temporary suspension without pay, or dismissal. They may also be subject to criminal

penalties (per Federal Code 18 USC 641) that provide for a fine of not more than $10,000, or not more than 10 years in jail, or both.

3. Public Liability

The use of Laboratory vehicles, including rental vehicles, for unofficial business may expose the driver to public liability in the event of an accident, particularly if the accident is found to be caused by the driver's negligence. If the use of a vehicle is not official or if the driver stops en route or deviates from a direct route to conduct personal affairs while on official business, he or she may be found to have departed from the scope of employment. In such a case, the University and the Government would disclaim liability, and the driver would be financially responsible.

4. Traffic Citations

Operators of Laboratory-furnished vehicles are personally responsible for the payment of any fines levied because of their violation of traffic or parking regulations, except when the violation is a direct result of malfunction or failure of an official vehicle.

D. LICENSE REQUIREMENTS

1. Laboratory-Furnished Standard Vehicles

All individuals whose duties require them to drive University-owned or Government-owned (DOE or GSA) vehicles must possess a valid license, as specified in the California Vehicle Code. Generally, this means a valid State of California license of the appropriate class. However, when it is in the interest of Laboratory business, a nonresident of California may drive a Laboratory-furnished vehicle if that person meets the requirements of the California Vehicle Code. Nonemployees must also have written authorization to drive Laboratory-furnished vehicles as specified in Paragraph B 4 above.

2. Laboratory-Furnished Nonstandard Vehicles

Personnel who operate nonstandard vehicles must carry certificates for operation of the specific type of nonstandard vehicles. Training and certification are required before operation of mobile or bridge cranes, earth-moving equipment, and forklift trucks. The Environment, Health and Safety Division will provide detailed information concerning appropriate certification. Operator certification may be revoked if there is evidence of failure to follow safe operating procedures.

3. Training Courses

All professional drivers and selected incidental drivers must attend training courses, as required by policy or departmental practice.

4. License Suspension or Revocation

If an employee whose duties involve operation of an official vehicle has his or her State driver's license revoked or suspended, the employee must notify his or her supervisor. Division directors or department heads must ensure that no one operates an official vehicle without a valid license (and certification when required).

5. Required Drug and Alcohol Testing for Certain Classes of Driver

Drivers holding commercial driver's licenses (classes A and B) and who operate vehicles of 26,001 lb. GVW or more, or who operate any vehicle carrying hazardous material, for which the vehicle is

placarded, will be enrolled in the DOT-mandated Laboratory Driver Drug and Alcohol Testing Program, as specified in Paragraph 2.22 C 5, *Substance Abuse in the Workplace.*

E. DRIVERS' PUBLIC DRIVING RECORDS

1. General Requirements

The California Commercial Motor Vehicle Safety Act requires employers of drivers of certain types of vehicles to obtain reports of their public driving record from the Department of Motor Vehicles (DMV). A public driving record includes incidents occurring while driving on and off the employer's place of business. Under the California Vehicle Code, there are criminal penalties for employing or continuing to employ as drivers persons who have had disqualifying actions taken against their licenses or certificates.

This law applies to the Laboratory with regard to drivers who drive a vehicle requiring a class A or class B driver's license and drivers who must obtain special certificates to drive the following vehicles: ambulances, private school buses, farm labor vehicles, special construction equipment, youth buses, vehicles transporting radioactive materials, vehicles transporting hazardous wastes, and vehicles with tank configurations. Students, unless hired primarily as drivers, and van pool drivers are not included. The law (Section 12810.5 of the Vehicle Code) also specifies the number of violation points assigned by the DMV that will result in a presumption that a driver is a negligent operator of a motor vehicle.

The Laboratory could be liable if a negligent driver were permitted to continue driving for the Laboratory and was involved in an accident.

2. Coverage

This policy applies to Laboratory employees hired primarily as drivers and any Laboratory employee who, in the course of employment, drives a vehicle requiring a class A or class B driver's license as well as any employee who must obtain a special license or certificate to drive any of the vehicles listed above.

In addition, Laboratory employees in the following classifications are covered by this policy:

Title Code	Classification
345.0	Assistant Fire Chief
345.1	Fire Chief
566.2	Material Handler (Mailroom)
566.3	Material Handler (Mailroom)
644.0	Firefighter
644.1	Fire Captain
737.1*	Garage Attendant
738.1*	Bus Driver
738.2*	Senior Bus Driver
741.0	Health and Safety Technician, Trainee
741.1	Health and Safety Technician
741.2	Health and Safety Technician, Senior
741.3	Health and Safety Technician, Principal
741.4	Health and Safety Technical Specialist
741.6	Health and Safety Technician, Apprentice
745.1*	Truck Driver, Light
745.2*	Truck Driver
745.3*	Lead Truck Driver

* Indicates union-represented classification.

At the discretion of the involved division director or department head, and with approval of the Head, Human Resources Department, or designee, additional titles or positions may be covered as required.

3. Participation in DMV Notification Process

a. The Laboratory has requested and been assigned a Requester Code Number for participation in the California Department of Motor Vehicles (DMV) "Pull Notice System." This system provides the employer with a report showing each driver's current public record and the status of any required driver's certification. Facilities Support Services shall initiate individual additions to or deletions from the DMV Pull Notice System.

b. The DMV reports shall be maintained in a secure location with access to them only on a "need to know" basis in order to protect confidentiality to the extent legally permissible.

c. Applicants for positions covered by this policy are required to provide a satisfactory current report on the status of their driver's license from the DMV as a condition of employment. No appointment may be made until appropriate documentation from the DMV has been received.

d. Upon termination of a driver's employment, the Human Resources Department shall advise Facilities Support Services to notify the DMV to cancel future reports for the individual.

4. Notification to Laboratory Employees and Applicants

a. Each Laboratory employee covered by the policy shall be notified by letter from the Human Resources Department with a copy to the responsible division director stating that:

- The Laboratory receives reports of his/her public driving record from the DMV;
- These reports may be used as a basis for discipline up to and including dismissal;
- He/she is responsible for maintaining his/her required driver's license and, if applicable, driver's certification in good standing;
- He/she is responsible for informing his/her supervisor of any change in the status of his/her driver's license and/or driver's certification;
- Revocation or suspension of driver's license and/or driver's certification may result in loss of employment with the Laboratory;
- He/she is required to acknowledge receipt of the letter by dating and signing it and returning it to the Human Resources Department.

b. Postings of job vacancies for positions covered by this policy must inform applicants that they are required to provide a satisfactory current report on the status of their public driving record from the DMV and that they are required to acknowledge receipt of the letter described in Paragraph 4 a, above, by dating and signing it and returning it to the Human Resources Department, as a condition of employment.

c. The Human Resources Department must notify Facilities Support Services of the receipt of acknowledged letters for addition of individuals to the DMV Pull Notice System.

5. Response to Information Received from the DMV

a. Facilities Support Services, upon receipt of a report of conviction, failure to appear, accident, driver's license suspension, revocation, or other action taken against a Laboratory employee shall forward a copy of the report to the responsible division director and to the Human Resources Department.

b. The Vehicle Code states that the Laboratory is liable for criminal penalties if, after receiving a driving record, it continues to employ as a driver any person against whom a disqualifying action (suspension or revocation) has been taken regarding his or her driver's license and/or driver's certificate.

c. The Vehicle Code states that a driver will be presumed to be a negligent operator of a motor vehicle if his or her driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months.

d. Whenever a report for an employee driver is received indicating that one or more points have been assigned to the employee by the DMV, a written warning (notice of corrective action) may be issued by the responsible manager or supervisor following consultation with the Human Resources Department.

e. Whenever a report for an employee driver is received indicating a disqualifying action (suspension or revocation) has been taken regarding his or her driving privilege and/or driver's certificate or that he or she is presumed by the DMV to be a negligent operator of a motor vehicle based on a violation point count, disciplinary action (up to and including dismissal) may be taken by the responsible department head following consultation with the Human Resources Department.

f. In addition, whenever a report for an employee driver is received indicating that any other serious driving violation has occurred (even though a disqualifying action has not been taken or the violation point count is not sufficient to cause the driver to be presumed by the DMV to be a negligent operator of a motor vehicle), disciplinary action (up to and including dismissal) may be taken by the responsible department head following consultation with the Human Resources Department.

F. SUSPENSION OR REVOCATION OF DRIVING PRIVILEGES AT THE LABORATORY

Individual driving privileges may be refused, revoked, or suspended by the responsible department/division or the Traffic Safety Committee whenever Laboratory policy is violated.

G. VEHICLE-USE RECORDS

1. Passenger Vehicles

Each use of a passenger vehicle (car or station wagon) shall be recorded at the time in a vehicle register (sign-out sheet) furnished by Fleet Operations. This applies to (a) vehicles signed out from the Fleet Operations or a subpool on a trip or errand basis and (b) vehicles assigned for departmental use. These registers show date, driver's name, operating account number, destination, time, and mileage out and in. Vehicle registers must be sent to Fleet Operations each month. Any exception requires the approval of the Deputy Director, Operations.

2. Nonpassenger Vehicles

Groups that are assigned nonpassenger vehicles (scooters, trucks, and special purpose) for specified long-term needs shall keep such use records as the Fleet Operations office may require. These records will usually involve monthly mileage only but may require logging of individual uses to verify continuing

need for a vehicle in case of low mileage or off-site use. Vehicle-use records (or copies) will be forwarded to the Fleet Operations office when requested.

H. ACCIDENTS

All accidents involving University-furnished vehicles shall be reported as specified in Chapter 26, *Health and Safety Manual* (PUB-3000).

I. PAINTING OR MODIFICATION OF LABORATORY VEHICLES

1. General

Federal regulations restrict painting (including lettering and the use of decals or logos), modifying, or adding accessories to government-owned vehicles. Fleet Operations is responsible for determining the need and for obtaining authorization as required. Requests for such authorization should be made through Fleet Operations.

2. Painting

Normal painting of vehicles is only that required for preservation. Justification is required for non-standard painting.

3. Modification or Addition of Accessories

Fleet Operations will be guided by current regulations as well as overall vehicle fleet use considerations in determining need.

4. Signs, Logos, or Other Identification

Since any identification will be recognized by the public as representing the Laboratory, the University of California, and the Department of Energy, it is important that any identification meet standards of size, design, color, and appropriateness for its specific use.

In order to maintain consistency of such signs, logos, or other identification, plans, including sketches or other descriptive information, must be reviewed by the responsible Laboratory division, which will forward the information to Fleet Operations for appropriate action.

1.06 LABORATORY SITE ACCESS	Approved: C.W. McDonald 3/29/95

A. SITE ACCESS POLICY

1. General

a. **Overview.** Visits to Lawrence Berkeley National Laboratory by employees of other organizations are an important element of scientific collaboration, knowledge exchange, and technology transfer, and are one way that the Laboratory meets its educational and public-service objectives.

Site access is a privilege granted in accordance with Laboratory policy and procedure to individuals who do not have regular-employee status. This privilege may be withdrawn at any time. Loss of privilege may occur for various reasons, including nonconformance with Laboratory policies and procedures. Access privileges granted to any visitors in accord with this Site Access Policy do *not* confer University/Laboratory employee status nor any benefits that would come from that status.

Access to the Laboratory is granted subject to the willingness and the ability of nonemployees to comply with all relevant Laboratory policies, procedures, and instructions, including those related to health, safety, and the protection of the environment.

The Laboratory's policy on substance abuse in the workplace is set forth in Paragraph 2.22 C 1, *Substance Abuse in the Workplace.* In relevant part, this policy states:

> The University strives to maintain campus communities and worksites free from the illegal use, possession, or distribution of alcohol or of controlled substances as defined in schedules I through V of the controlled Substances Act, 21 U.S.C. 812 and by regulation at 21 Code of Federal Regulation 1308. Unlawful use, sale, manufacture, distribution, dispensing, or possession of alcohol or of controlled substances by University functions or on University business is prohibited. . . . In addition, employees shall not use illegal substances or abuse legal substances in a manner that impairs work performance, scholarly activities, or student life.

To the extent this policy governs conduct on the Laboratory site or on Laboratory business, it applies to all those present on the Laboratory site or performing Laboratory business, including visitors, guests, consultants, subcontractor employees, students, etc.

Violation of this policy may result in revocation of site access or other appropriate action.

Chapter 1 of the Laboratory *Health & Safety Manual* (PUB-3000) covers the safety aspects of Laboratory access, especially in regard to the responsibilities of those who supervise short-term visits to the Laboratory and the training requirements for visitors.

Children are not allowed at the Laboratory except when part of a guided tour approved by management or when accompanied by an employee or parent. Children must be supervised at all times; they must not be left unattended or allowed to wander.

Pets may not be brought to the Laboratory. Seeing-eye dogs, however, may be brought on-site by their owners.

Employees of Lawrence Livermore National Laboratory are accorded the same site access status when visiting the Laboratory as employees of other organizations.

b. **Requests for Site Access.** Any Laboratory employee may request site access for a prospective visitor upon approval of the employee's supervisor and/or with knowledge of the employee's division administrator/director. A Laboratory employee who extends an invitation to a prospective visitor becomes the Laboratory host for that prospective visitor, and the employee's division becomes the hosting division. As Laboratory host, the Laboratory employee is to advise the prospective visitor of the Laboratory site-access policies and procedures applicable to the forthcoming visit, as detailed below.

c. **General Responsibilities**

(1) Responsibility for ensuring that participating visitors, as defined in Paragraph 3 below, are directed to the Reception Center to initiate a Laboratory visit and that all visitors are aware of and comply with applicable Laboratory policies, including environment, health, and safety policies and substance abuse policy, rests with the Laboratory Host and the Hosting Division.

(2) Responsibility for ensuring that each participating visitor identified by a Laboratory host or hosting division has complied with access procedures pertinent to the visit rests with the Reception Center.

(3) Responsibility for compliance with scientific and administrative requirements as identified by the Laboratory host and/or hosting division and/or Reception Center rests with the visitor. In addition, visitors shall take all reasonable precautions in the performance of work at the Laboratory site to protect the environment and the safety and health of others.

(4) Responsibility for compliance with all applicable Laboratory policies and environment, health, and safety regulations and requirements of the University and DOE extends from the Laboratory host and hosting division (Paragraph (1) above) to the visitor.

Failure of the visitor to carry out responsibilities cited in Paragraphs (3) and (4) above may result in loss of access privileges.

2. **Casual Visitors**

a. **Definition.** Casual visitors are those individuals visiting the Laboratory for a week or less who are not engaged in Laboratory research or use of Laboratory facilities. Casual Visitor status may be extended to two weeks by application to the Site Access Services Manager. This category of visitors includes but is not limited to those who are giving or attending seminars, those visiting the Laboratory for limited scientific discussions or as a nonparticipant solely to observe research in progress, radiotherapy patients, job seekers, tour groups, employee family/friends, retired employees with occasional reason to visit the site, and the press. Contractor personnel, vendor delivery/pickup personnel, sales representatives, and service maintenance personnel also qualify as casual visitors.

b. **Policy.** Casual visitors will be granted access to the Laboratory upon request by an employee or participating visitor to the Reception Center. Gate controllers may issue one-day permits and the Reception Center may issue permits for up to one week to casual visitors.

Major Laboratory resources and facilities are not available to casual visitors.

3. **Participating Visitors**

a. **Definition.** Participating visitors are non-Laboratory employees who are engaged on-site in Laboratory activities and who fall into one or more of the following categories:

(1) **Users.** Users are individuals visiting the Laboratory to use the Laboratory User Facilities. These are "Designated User Facilities" or "Other User Resources," as defined by the Office of Energy Research, Department of Energy.

(2) **Computer Users.** Computer users are those individuals visiting the Laboratory only to use its computers and related services.

(3) **Scientific Collaborators.** Scientific collaborators are those individuals visiting the Laboratory who are engaged in Laboratory-approved research, testing, or analysis either through "hands-on" activities or collaborative discussions with Laboratory employees. Included in this category are faculty and graduate students from other University of California facilities and other educational institutions, fellowship students, postdoctoral fellows, research fellows, and other professionals having adequate training and experience and meeting high professional standards in their fields.

(4) **Student Visitors.** Student visitors are those individuals who are graduate students under the direct supervision of either a thesis advisor engaged in Laboratory activities or the director or designee of the division to which the student is attached.

(5) **Nonscientific.** Nonscientific are those individuals who have been assigned to the Laboratory as their place of work either as employees of temporary employment services/agencies or as contract labor employees.

(6) **Consultants.** Consultants are those individuals who have entered into a consultant agreement with the Laboratory under the terms of Section 2.23, *Consultants to Lawrence Berkeley National Laboratory*.

b. **Policy for All Participating Visitors**

(1) **General.** All participating visitors are required to execute a Laboratory Visitor Patent agreement. Employees of the Regents of the University of California at another campus or laboratory location and users of Laboratory User Facilities covered by a formal User Agreement pursuant to Paragraph (2) (a) below are not required to execute the Laboratory Visitor Patent Agreement. Proprietary information brought to the Laboratory is protected in accordance with policy stated in Section 5.06, *Proprietary Information from External Sources*.

Participating visitors may be entitled to office or laboratory space and/or to the use of other Laboratory resources and services, as may be arranged by the Laboratory host and/or hosting division.

Participating visitors are identified by badge, card, or other appropriate means issued by the Reception Center, designating the category of visitor, expiration date, and such other information as may be needed.

Responsibility for notification to the Reception Center of a visitor's departure at the end of a project or program rests with the Laboratory host or hosting division.

(2) **Specific to Categories**

(a) **Users.** A formal User Agreement must be executed between the Laboratory and the user or between the Laboratory and the user's employer (including the user). The agreement must include compliance with the User Facility Pricing Policies in DOE Order 2110.1A and amendments thereto.

(b) **Computer Users.** A formal Computer User Agreement must be executed between the Laboratory and the user or between the Laboratory and the user's employer (including the user). Such an agreement must comply with computer use pricing policies set forth in DOE Order 2100.8, as supplemented by Laboratory Administrative Guidance for pricing computer use accounts issued on May 19, 1987, by the Chief Financial Officer, Berkeley Lab. Computer users are not entitled to Laboratory resources or services beyond those specifically offered by the Information and Computing Sciences Division.

B. SITE ACCESS PROCEDURES

1. General

a. Employees are expected to inform the Reception Center in advance of any visits from nonemployees. The Reception Center will determine that appropriate measures have been taken for admission of the prospective visitor, which may include assurance that the proper agreements have been executed in the case of participating visitors.

b. Employees, departments, and/or divisions sponsoring seminars, meetings, conferences, or other events are expected to notify the Reception Center well in advance of the event. The Reception Center will then be responsible for notifying gate controllers, the Police Department, and Shuttle Bus Services, as appropriate, informing them of the time, date, and location of the event.

c. Laboratory Safety Information Sheets are made available to all visitors by gate controllers, the Reception Center, and shuttle bus drivers.

2. Casual Visitors

Laboratory hosts or hosting division expecting casual visitors are expected to notify the Reception Center of the impending visit and the expected length of stay. In addition, if the visitor is a member of the press, the Laboratory host or hosting division must notify the Laboratory Public Information Officer. The Reception Center will then authorize gate controllers to issue an entry/parking permit for the expected length of stay, not to exceed one week. Gate controllers may issue a one-day entry/parking permit to a casual visitor upon authorization of the Reception Center.

3. Participating Visitors

a. **Initiating Contacts.** Application for approval of participating visitor status is made on the appropriate forms signed by the Laboratory host or hosting division. The completed forms are submitted to the Reception Center in advance of the visitor's arrival. The Laboratory host or hosting division also inform the prospective visitor that access to the Laboratory will be through the Reception Center. The Reception Center establishes communications with the prospective visitor and works with the Laboratory host or hosting division to facilitate any administrative procedures needed prior to the visitor's arrival at the Laboratory.

b. **Visitor Approval.** Approval of visitor status is given by the Reception Center and is based on the following criteria:

(1) The visitor is a participating visitor as defined above.

(2) The visitor is covered by a formal agreement with the Laboratory satisfying intellectual property requirements. University of California employees who can present appropriate evidence of current employment and users of the Laboratory User Facilities covered by a formal User Agreement are not required to execute a Laboratory Visitor Patent Agreement.

(3) The visitor qualifies for worker's compensation insurance through a source other than the Laboratory or gives evidence of coverage or obtains coverage for adequate medical and/or disability insurance satisfactory to the Laboratory. Determination of satisfactory evidence rests with the Risk Management Office. Satisfactory health insurance coverage may be obtained with the assistance of the Reception Center.

(4) Environment, health, and safety training appropriate to the anticipated exposure to hazards has been completed or will be completed prior to any anticipated exposure at the Laboratory. Such training may include attendance at a new employee/visitor orientation session; certain environment, health, and safety training sessions; or satisfactory completion of certain related tests.

(5) The period of time of approval extends for not more than one year from arrival of the visitor at the Laboratory as a participating visitor.

(6) The requirements of Paragraph 4 below are satisfied if the participating visitor is a foreign national.

c. **Contractual Agreements.** To ensure a smooth arrival and expeditious entry procedures for participating visitors at the Laboratory, the Reception Center, in coordination with the Office of Sponsored Research Administration, will have documentation of a fully executed User Agreement or Computer User Agreement, as applicable.

d. **Visitor Identification.** A renewable badge, card, or other means of identification is issued at the time of entry to the Laboratory, indicating the appropriate category of participating visitor.

e. **Environmental Health and Safety.** The Reception Center issues to each participating visitor appropriate environment, health, and safety publications. In addition, participating visitors may be required by the Reception Center to attend certain environment, health, and safety training sessions; to satisfactorily complete certain environment, health, and safety testing requirements; to wear a personal radiation dosimeter; and/or to attend a new employee/visitor orientation. The Reception Center determines the appropriate environment, health, and safety requirements in conjunction with the Laboratory host or hosting division, based upon the visitor's anticipated need to enter laboratories, accelerators, or shops and his or her anticipated exposure to any hazardous activity at the Laboratory.

f. **Parking.** Upon application by the participating visitor, the Reception Center may issue a parking permit, in accordance with Section 1.04, *Operation and Parking of Motor Vehicles and Bicycles*, for the duration of the visitor's current stay. Upon application by the hosting division, a special permit (blue triangle, disabled, medical, etc.) may be issued.

g. **Visitor Departure.** At the end of a project or program, the participating visitor must stop at the Reception Center as part of the departure procedure to surrender any parking permit, dosimeter, identification badge, keys, and other appropriate administrative material. Failure to surrender the material may result in loss of future access privileges.

h. **Termination of Visitor Status.** The Visitor status of an individual terminates automatically on the expiration date indicated on the visitor's record. The Laboratory host or hosting division notifies the Reception Center of any termination of visitor status that is to occur earlier. Notice of departure of the visitor at the end of a project or program is sent from the Laboratory host or hosting division to the Reception Center.

4. Foreign Nationals/Visitors

Foreign nationals must present their passports when reporting to the Reception Center. The period of time for which visitor arrangements are made may not exceed the date of allowable stay shown in the I-94 in the passport.

1.07 LABORATORY-HOSTED MEETINGS	Approved: W.L. Blount, Jr. 6/20/96

A. GENERAL

This policy and procedure applies whenever the Laboratory or Laboratory employees host, sponsor, or cosponsor scientific, technical, or administrative meetings attended by invitees from organizations outside the Laboratory. Laboratory-hosted or -sponsored conferences and meetings will be for the purpose of directly furthering technical or scientific effort, or enhancing the capability of the Laboratory to support scientific and technical efforts. Formal meetings such as workshops, scientific conferences, or symposiums are arranged and conducted as described below in Paragraph B, *Formal Meetings*. Procedures for small informal meetings, generally arranged on short notice and with little or no cost, are described below in Paragraph C, *Informal Meetings*.

B. FORMAL MEETINGS

Laboratory personnel interested in having the Laboratory host, sponsor, or cosponsor a formal scientific, technical, or administrative meeting, such as a technical or scientific conference, workshop, or symposium, must first obtain division approval. Responsibility for the administrative coordination of all Laboratory-hosted, -sponsored, or -cosponsored formal meetings is with the Human Resources Department's Conference Coordination Group (CCG). Responsibility for the scientific and/or technical program of the meeting is with the hosting chairperson. Formal meetings involve budgeted expenses and considerable preparation. Contact with the Conference Coordination Group should be made as early as possible for advice regarding procedures, funding requirements, budget preparation and approval, and general arrangements.

1. Approval

After approval by a division director, written approval must be obtained from the Human Resources Department Head, or designee, before any action that would in any way commit the Laboratory. The following information should be provided when requesting approval:

a. Title of meeting and/or topic, purpose, reason for Laboratory hosting, sponsoring, or cosponsoring the meeting, and proposed agenda. Indicate relevance to Laboratory program(s).

b. Name of person to be in charge of the meeting and name and telephone extension of administrative/clerical person who would handle clerical duties.

c. Date and place desired. Describe as fully as possible the facilities needed, particularly any off-site location and the reason for its selection. Use of campus space requires special University reservations. Conferences or meetings shall be held at locations best suited considering the cost, attendance, transportation, logistics, and the purpose of the conference or meeting.

d. Estimated number of speakers and participants. Indicate affiliations of speakers and at least general classification(s) of participants. Indicate nationality of each foreign speaker.

e. Budget estimate and financial support. Provide *detailed* budget estimate, indicating cost for rental of space, honoraria, travel expenses, Laboratory services (e.g., clerical, editing, printing, graphic design, audiovisual, video, conference coordination, bus services) food, beverages, fee waivers, local transportation, etc. Give specific details of honoraria and travel. It is not appropriate to charge divisional scientific and support staff costs, including related contract labor and campus personnel

Indicate all proposed sources of funding, e.g., Laboratory, NIH, NSF, or other agency, registration fees (see Paragraph B 4 below), exhibitor contributions, etc. List amount of per-person registration fee with a breakdown of that portion of the fee intended to cover contract reimbursable costs and the portion intended to cover non-reimbursable costs, e.g., alcoholic beverages, optional tours, or other entertainment functions. All requests to external sources for funding and all gift solicitations must be processed through the Sponsored Projects Office (SPO).

Significant increases in the meeting budget (10% or more of the approved budget) must be approved in writing by the division director and the Human Resources Department Head, or designee.

2. Sources and Uses of Funds

a. **Sources of Funds.** Funding may come from a number of external and internal sources, including:

- Registration fees.
- Laboratory sources such as DOE program funds and the Laboratory Director's Conference Fund.
- External sources such as gifts, grants, contracts, cosponsorship, or preapproved Director's Administrative funds.

All requests for funding from external sources must be processed through the SPO.

b. **Uses of Funds.** The source of funding will often determine the purpose for which funds may be used. Funds from Federal sources may generally be used for the following costs:

- Announcements, programs, proceedings, summaries, or other publications issued in connection with the meeting.
- Rental or charges for off-site meeting facilities, including any required audiovisual or other equipment; e.g., poster boards.
- Fees paid to speakers or consultants participating in the meeting.
- Transportation to and from the meeting facilities or tours scheduled as part of the business or technical program and not as entertainment.
- Incidental expenses, including food or nonalcoholic beverages if the primary purpose of the particular meeting at which food and beverages consumed is the dissemination of technical information, or improvement of supporting efforts for technical research, if a speaker or group discussion is scheduled and/or attendance at the meeting is expected of all attendees or a specialized portion thereof. These meetings include conference program breaks, receptions, and special meals which are part of the program set to provide informal technical discussions between attendees.
- It is not appropriate to charge divisional scientific and support staff costs, including related contract labor and campus personnel costs, to Laboratory-hosted conference account, regardless of the funding source. These types of costs should be charged to a separate overhead-bearing conference or programmatic account.

Funds from Federal sources may not normally be used for the following costs:

- Costs of any alcoholic beverage served the attendees. Under no circumstances are alcoholic beverages to be charged to Laboratory operating or Federal Government funds.

- Costs for entertainment. Entertainment includes but is not limited to: bands, entertainers, tours not associated with the technical purpose of the meeting.

It is the responsibility of the conference chairperson to comply with restrictions on expenditures of funds.

c. **Laboratory Indirect Costs.** General Laboratory overhead and scientific support burden (indirect costs) will not be applied to costs included in an approved conference budget.

d. **Accounting.** A separate subaccount (or series of subaccounts) will be established through the conference coordinator with CFO/Finance, within the series of account numbers established for conferences only, for each Laboratory-hosted or -sponsored conference or meeting. All meeting costs and revenue will be collected in this account. A separate account will be established for expenses which may not be paid by Federal funds.

e. **Residual Costs or Funds.** Any costs or funds remaining unspent or uncommitted after all conference expenses have been met will revert to the operating budget of the division or divisions responsible for hosting the conference. Normally this will be accomplished through a credit or debit to the appropriate division operating account or accounts. Costs for nonreimbursable expenses—e.g., alcoholic beverages, optional tours, or other entertainment functions—cannot be transferred to operating accounts and are the responsibility of the conference chairperson.

3. **Meeting/Conference Coordination**

Notification of the intent to host, sponsor, or cosponsor a meeting should be given to the Conference Coordination Group as early as possible. Normally this group does not provide clerical support such as typing, mailing, or handling of the on-site registration desk. The sponsoring division should designate a person to handle day-to-day preparations and to coordinate arrangements with the conference coordinator.

The Conference Coordination Group must be consulted on the following:

- Budget estimates must be approved by the conference coordinator prior to submittal to the Human Resources Department Head, or designee.
- Site and facilities needed, tours, transportation, parking, communications, banquets, etc.
- Format of announcements, graphic requirements, and assistance with printing.
- Arrangements for publishing proceedings.
- Special services, such as provision of audiovisual equipment.

The Conference Coordination Group must also arrange for and will negotiate and confirm appropriate agreements for the following:

- All off-site reservations (hotels, campus space, conference centers, special-event space, etc.).
- Special services, such as provision of audiovisual equipment, bus services, parking, telephones, catering.
- Acceptance of all registration fees.

- Recording and accounting for all meeting expenses, including travel costs and certification of all invoices for payment.

- Special account numbers assigned by CFO/Finance for the income and expenses of each meeting.

4. Registration Fees

Charging a registration fee to attendees is permissible. Most Federally funded organizations have restrictions similar to the Laboratory's regarding allowable reimbursement of fees. Laboratory employees pay the same registration fee for Laboratory-hosted, -sponsored, or -cosponsored meetings as all other participants.

An appropriate receipt must be prepared and furnished to the invitee or to the home institution, whichever is appropriate. The format of this receipt may not be altered in any way without prior approval of the Human Resources Department Head, or designee.

Individuals responsible for the budget estimate should make every effort to see that known funding, including registration fees, will cover anticipated expenses, including a contingency for possible unexpected costs. It is very difficult to get supplemental registration fees after announcements have been distributed. The Laboratory is prohibited from paying nonreimbursable costs with Laboratory operating funds (see Paragraphs 2 b above and 5 b below).

5. Payment of Conference Expenses for Laboratory Attendees

Payment of expenses for Laboratory employees authorized to attend Laboratory-hosted, -sponsored, or -cosponsored conference functions is permitted under the following conditions:

a. Authorization for attendance at the function is requested in writing and approved by a staff member of the employee's division who is authorized to approve travel-related expenses.

b. The expense is for a cost which is reimbursable with contract funds. Nonreimbursable costs must be paid individually by the employee.

c. Payment for working meals in support of conference functions is allowed when costs are within established, preapproved guidelines; contact the CCG for detailed information.

C. INFORMAL MEETINGS

1. Definition

An informal meeting is defined as a meeting during which Laboratory employees, supplemental labor employees, and/or visitors hold work-related discussions and/or training on site or in the local area. Informal meetings differ from conferences in that they do not involve a registration fee and generally do not have a formalized printed program.

The main purpose of the meeting must be to facilitate the exchange or dissemination of technical/administrative information and/or to support and further the capability of the Laboratory's scientific and technical mission.

Meetings should be held on site whenever possible. A decision to hold a meeting off site should be based on additional benefit to the Laboratory by providing an environment that will facilitate the training and/or work-related discussions.

Allowable costs and approval differ depending on whether a meeting is held on site or off site.

2. On-Site Meetings

a. **Allowable Costs.** The following costs are allowable for on-site meetings provided the attendees include *at least one visitor* (an individual who is not assigned to any Laboratory location as a regular work site):

(1) **Refreshments.** Up to $2.50 per person per day for items such as coffee, tea, donuts, soda, and cookies during breaks.

(2) **Meals.** Up to $8.00 per person for breakfast, $10.00 per person for lunch, and $20.00 per person for dinner. Working sessions must precede and follow any meal that is served.

(3) **Receptions.** Up to $2.50 per person for food such as hors d'oeuvres, cookies, and fresh fruits.

The food must be served on site and the main purpose of the meeting must be to facilitate the exchange or dissemination of technical information or to forward the mission of the Laboratory under Contract 98.

The following costs are allowable for Laboratory employees participating in a training program for which the Laboratory provides a professional trainer (Berkeley Lab staff or contracted trainer), provided the training takes place at a location other than the attendees' regularly scheduled work locations:

(1) **Beverage Service.** Up to $2.00 per person, provided the training lasts a minimum of three hours.

(2) **Boxed Lunch.** Up to $10.00 per person, provided the training session is a full day.

b. **Unallowable Costs.** Federal funds may not be used for:

(1) Alcoholic beverages.

(2) Gifts, door prizes, or material awards.

(3) Decorative items, including flowers and balloons.

c. **Approval.** The Cafeteria Manager must approve all food services provided by the Laboratory cafeteria. Request/approval forms are available from the cafeteria; they must be completed and signed by division management and forwarded to the cafeteria for final approval. A minimum of twenty-four hours is required to process requests.

Food services obtained from outside sources must be approved by division management and by the Manager, Reception Center/Business Services, or designee. Requests for approval must include the following information:

(1) The title, purpose, and date(s) of the meeting.

(2) The location of the meeting.

(3) The estimated number of attendees.

(4) The estimated cost to be incurred.

(5) The account to be charged.

(6) The name and extension for the division contact person handling the meeting arrangements.

No written approval is required by the Laboratory for on-site meetings that do not involve cost.

d. **Process for Payment.** The Cafeteria Manager is responsible for processing invoices for payment when food services are provided by the Laboratory cafeteria.

When food is provided by an outside source, a Request for Issuance of Check is prepared and sent to CFO/Accounts Payable with the original invoice and the approved request form. If the actual cost exceeds the estimated cost on the original approval by 15% or more, the additional cost must be approved by division management and the Manager, Reception Center/Business Services, or designee, before payment.

3. **Off-Site Meetings**

a. **Allowable Costs.** The following costs are allowable:

(1) Rental or charges for off-site facilities, including room rental, required furnishings, audiovisual equipment, and other required equipment.

(2) Incidental expenses including food and nonalcoholic beverages if the primary purpose of the meeting is to facilitate the exchange or dissemination of technical/administrative information to further the mission of the Laboratory. Meal costs per person are limited to:

Light Refreshments:	$2.50
Breakfast:	$10.00
Lunch:	$16.00
Dinner:	$27.00

Meal selections must be made from the same menu for all. No special menus are allowed.

(3) Travel costs incurred by individual attendees are reimbursable as defined in Chapter 4, *Travel Policy*. If the meeting involves an overnight stay, a travel authorization is required; otherwise, reimbursement may be claimed on a local travel claim form.

b. **Unallowable Costs.** Federal funds may not be used for:

(1) Tour of sites not directly associated with Laboratory programs.

(2) Entertainment.

(3) Tickets for sporting events, concerts, or other forms of public amusement.

(4) Alcoholic beverages.

(5) Gifts, door prizes, or material awards.

(6) Decorative items, including flowers and balloons.

c. **Approval.** Costs associated with off-site meetings must be approved by division management and the Manager, Reception Center/Business Services, or designee. Requests for approval should include the following information:

(1) The title, purpose, and date(s) of the meeting.

(2) The location of the meeting.

(3) The estimated number of attendees.

(4) The estimated cost to be incurred for rooms and equipment and for refreshments and meals.

(5) The account to be charged.

(6) The name and extension for the division contact person handling the meeting arrangements.

d. **Process for Payment.** A Request for Issuance of Check must be prepared by the division and sent to CFO/Accounts Payable. A copy of the approved request form and the original invoices must be attached. If the actual cost exceeds the estimated cost on the original approval by 15% or more, the additional cost must be approved by division management and the Manager, Reception Center/Business Services, or designee, before payment.

1.08 OPEN MEETINGS	Approved: D.C. Shepherd 8/26/93

The Laboratory has established regulations governing the scheduling and conduct of meetings that are open to all employees, in accordance with the *University of California Policies Applying to Campus Activities, Organizations, and Students*. Meetings may be requested by at least six members of the Laboratory on forms available in the Human Resources Department. The request must be submitted not less than four nor more than twenty days before the meeting. See Section 2.17, *Regulations Implementing the University of California Policies Applying to Campus Activities, Organizations, and Students.*

1.09 CONFERENCE ROOMS	Approved: S.C. Loken 3/20/95

A. GENERAL

A number of conference and assembly rooms are available for use by Laboratory groups and by outside groups when the purpose of the meeting is related to Laboratory work. Use by employee organizations must be arranged through the Human Resources Department. Rooms may not be used for purposes not related to Laboratory work unless the proposed use has been approved by the Laboratory Director's Office. Although some rooms have been assigned to specific groups or departments, it is the intent that all Laboratory conference/meeting rooms be available for general use by Laboratory employees. Meeting rooms are listed in the Laboratory *Telephone Directory*.

B. CONFERENCE ROOM COORDINATION

Each conference room is assigned a conference room coordinator (CRC) to act as room reservationist and to provide guidelines for conference room users. Copies of the Conference Room Use Guidelines are also available from the Conference Coordination Group.

C. RESERVATIONS

Reservations are made by the responsible CRC with consideration for the following:

1. The Director, or his designee, has priority use of all Laboratory meeting rooms, especially 50A/5109.

2. In specific-purpose rooms (those with video conferencing facilities, etc.), groups that need to use the equipment have priority. Currently, these rooms are 50B-4205, 50B-6106, 50F-147, and 71-264.

3. If a change is made in a room reservation (e.g., a group with a standing reservation is persuaded by another user group to relinquish the room), the CRC must be notified of the change by the original user. The CRC is not responsible for trying to change reservations.

D. STANDING RESERVATIONS

Groups that need meeting space on a regular basis (weekly, monthly, etc.) may reserve a conference room under the following conditions:

1. The request for a standing reservation must be made in writing to the appropriate CRC. Standing reservations are made for a calendar year, and renewals must be submitted in writing to the CRC each January.

2. If the standing reservation will not be used on a specific date, the CRC should be notified at the earliest possible time, thus enabling others to use the room. The following policy applies to those groups who do not utilize standing reservations and do not notify the CRC:

   a. After two consecutive dates of nonuse, the group will be given a verbal warning by the CRC;

   b. If another two consecutive dates of a standing reservation are not utilized within that calendar year, the reservation will be cancelled for the remainder of the calendar year and the requester will be notified of the cancellation in writing.

1.10 NOTARY PUBLIC SERVICE	Approved: W.L. Blount, Jr. 3/25/95

Notary Public commissions are held by individuals at the Laboratory for the purpose of processing Laboratory business. A current list of Laboratory Notaries Public is maintained in the Office of the Deputy Director, Operations.

1.11 HEALTH SERVICES	Approved: D.C. McGraw 8/9/96

A. LABORATORY OCCUPATIONAL MEDICAL PROGRAM

1. Medical Surveillance

A comprehensive and confidential medical examination is required of new career employees and temporary employees hired for three months or more. Medical examinations may be offered periodically during employment and at the time of termination or retirement, in accordance with DOE requirements. Employees engaged in potentially dangerous occupations, such as firemen, and those working with certain hazardous substances (e.g., lead, asbestos, or carcinogens), are enrolled in the Medical Surveillance Program. For employees participating in the Medical Surveillance Program, the Health Services staff determines both the medical measurements and observations required and the frequency of health evaluations, based on the identified potential hazards and risks. Women who are or plan to become pregnant should consult Health Services about their work environment.

2. Injuries/Illnesses

A medical service facility is maintained in Building 26 to treat injuries and minor illnesses and to advise employees of medical conditions that should be discussed with or treated by an outside personal physician. Supervisors shall require their employees to report as soon as possible all injuries and illnesses that occur at work so that medical evaluation and treatment may be provided promptly and effectively. On returning to work after work-related injury/illness resulting in lost time, employees must report to Health Services for an evaluation of their condition and ability to resume customary duties. For nonoccupational health problems, employees are required to contact Health Services if five or more consecutive work days have been lost or if a work restriction is needed.

3. Eye Protection Program

Safety glasses are available to all employees and are required at certain potentially hazardous work sites, such as the mechanical shops and laser laboratories. Eye examinations by an optometrist are provided at low cost to employees needing prescription safety glasses.

B. EMPLOYEE ASSISTANCE PROGRAM

Employees who are experiencing problems, including those related to family difficulties, substance abuse, legal and financial concerns, personal adjustments, emotional trauma, and their jobs, can secure confidential counseling and/or referrals to appropriate resources. The Employee Assistance Program is an offsite program provided by the University of California Health Center (the Tang Center) of the Berkeley campus. (Refer to Paragraph 2.05 F, *Employee Assistance Program.*) Employees and managers who are seeking Employee Assistance services may contact the University of California, Berkeley Employee Assistance Program directly.

C. BLOOD BANK

The Laboratory maintains a Blood Bank in cooperation with the Alameda–Contra Costa Medical Association Blood Bank. The Laboratory Blood Bank is for the benefit of employees and members of their families and their close relatives. All employees who meet the Blood Bank requirements for donors are urged to donate blood during the periodic blood drives held at the Laboratory. Information regarding the use of the Blood Bank or donations may be obtained from the Human Resources Department, which administers this program.

D. OPTOMETRY CLINIC

The Optometry Clinic of the School of Optometry on the University of California Berkeley campus provides eye examinations to students, employees, and the general public. When glasses are prescribed, they may be purchased from the clinic, if desired. For additional information and appointments, call the School of Optometry.

E. DENTAL CLINIC

Employees may have certain types of dental work done by dental students at the Dental Clinic, University of California Medical Center in San Francisco. Additional information may be obtained from the Dental Clinic.

1.12 FOOD SERVICES	Approved: W.L. Blount, Jr. 3/20/95

The Laboratory operates a cafeteria primarily to provide convenient lunch services for employees. Arrangements may be made for special lunches or dinners for Laboratory groups or for groups with which Laboratory employees have a work-related connection. These facilities may not be used by outside groups having no connection with University of California work. Reservations for group use of the cafeteria (Building 54) are made with the Cafeteria Manager.

1.13 CREDIT UNIONS	Approved: W.L. Bount, Jr. 3/25/95

Three employee-sponsored credit unions are available for employee use: the University and State Employees Credit Union (USE) and the California State Employees Credit Union No. 9, both in Berkeley, and the Lawrence Livermore National Laboratory Credit Union in Livermore. All three meet the University's requirements for membership payroll deductions for savings or loan repayment. Additional information may be obtained directly from the credit unions.

1.14 EMPLOYEE ACTIVITIES ASSOCIATION	Approved: W.L. Blount, Jr. 3/25/95

A. GENERAL

The Laboratory Employee Activities Association (EAA) is an employee-administered association that is recognized and supported by the Laboratory. The Association is established to promote and support Laboratory-wide recreational, cultural, educational, and social activities at the Laboratory for the benefit of all employees. Limited financial support and reasonable use of Laboratory properties for meetings and appropriate activities are provided by Laboratory management. Guidance and leadership of Laboratory Employee Activities Association activities are provided by the Activities Advisory Panel and the Activities Coordinator in the Human Resources Department.

B. ACTIVITIES ADVISORY PANEL

The Activities Advisory Panel has five members elected by Laboratory employees to two- and three-year terms. The Heads of the Human Resources Department and the Work Force Diversity Office, or designees, serve as ex-officio members of the panel. The panel is charged with the following responsibilities:

1. Advising the Deputy Director, Operations, on the scope of EAA programs.

2. Overseeing the distribution of EAA funds from the Employee Relations Account to benefit the largest number of Laboratory employees.

3. Monitoring activities in EAA programs that require improvements.

4. Providing long-term EAA planning.

C. ACTIVITIES COORDINATOR

The Activities Advisory Panel will work closely with the Activities Coordinator, who will submit recommendations to the panel for review. The Coordinator will be accountable to the Head, Human Resources, for administration and implementation of the program and will provide continuity to the supported activities at the Laboratory.

D. ASSOCIATION BY-LAWS

The Employee Activities Association by-laws define the framework for the operation and administration of the Association. A copy of the by-laws as well as program information may be obtained from the Activities Coordinator in the Human Resources Department.

1.15 CAMPUS FACILITIES	Approved: W.L. Blount, Jr. 3/25/95

A. GENERAL

In general, Laboratory employees have the same use of the University of California Berkeley campus facilities and services as campus employees. The Optometry Clinic and the Dental Clinic are discussed in Section 1.11, *Health Services*. Other facilities that are of general interest are described below.

B. LIBRARIES

Laboratory employees may obtain a card for use of campus libraries by showing their badges at the loan desk at Doe Library.

C. PHYSICAL EDUCATION FACILITIES

Recreational facilities in the Men's and Women's Physical Education Departments on campus are available for a small fee. Payment of the fee to the cashier in Sproul Hall entitles employees who work at least half time and their spouses to the use of a locker, towels, swim suits, gym suits, athletic equipment, and swimming pools on a space-available basis. Women must provide their own swimming caps and slippers. Facilities for both indoor and outdoor activities are available when not in use for class instruction. Interested employees should contact the Campus Recreational Sports Facility.

D. STRAWBERRY CANYON RECREATIONAL AREA

The Strawberry Canyon Recreational Area, located east of Memorial Stadium, has a swimming pool, tennis courts, playing fields, and a clubhouse available to students, faculty, employees, and their families. Staff members are charged a nominal membership fee. For further information about these facilities, inquire at the Recreation Area.

1.16 ARCHIVES AND RECORDS MANAGEMENT	Approved: S.C. Loken 4/7/95

A. GENERAL

The Laboratory and the University of California recognize the importance of appropriate treatment of records. Every Laboratory employee has responsibilities for Laboratory records. Records management is a line function at the Berkeley Lab, and the Laboratory Archives and Records Office assists line management in meeting its records management responsibilities.

Records management provides a rational basis for making decisions about recorded information, including what should be saved and what should be discarded. These decisions are necessary to support the legal, fiscal, administrative, and other research needs of the Laboratory, the University, the Federal Government, the State of California, and the general public. The ultimate goal of records management is to identify and maintain records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of projects and research.

Additional information about records-keeping requirements can be obtained by calling the Laboratory Archives and Records Office.

B. LEGAL REQUIREMENTS

All records generated by the Laboratory under terms of Contract 98 with the Department of Energy are considered institutional. As such, all Laboratory records are owned by the U.S. Government, with the exception of the University's fiscal and administrative records.

According to Contract 98, "University administration and fiscal records" are owned by the University of California and are therefore subject to the California Public Records Act and the Information Practices Act. All other Laboratory records are Federal records. Four primary laws relate to Federal records management: the Federal Records Act of 1950, as amended; the Freedom of Information Act; the Privacy Act; and the Paperwork Reduction Act of 1980.

The Laboratory records management program is mandatory.

C. RESPONSIBILITIES

1. The Archives and Records Office must:

   - Establish standards, procedures, and guidelines for the Laboratory archives and records management program.
   - Assist Laboratory departments in developing programs for effective records management, files maintenance, records disposition, and vital records protection.
   - Collect and disseminate information on records management, technological developments, and other records management-related activities.
   - Train records liaison officers and Laboratory employees about their records responsibilities.
   - Inventory and appraise records and submit Laboratory-specific records retention schedules to the National Archives and Records Administration.

- Assign records retentions according to authorized retention schedules.
- Ensure that semi-active records are appraised for their legal, fiscal, administrative, research, and historical value, and are properly accessioned, stored, and retrieved as needed.
- Obtain departmental written authorization to dispose of temporary records.
- Ensure that permanent, historically valuable records are appropriately accessible to researchers.
- Conduct surveys of divisions, departments, and research groups' records management practices to ensure accountability and improve records care.
- Assist all principal investigators with designated quality assurance records.
- Assist Laboratory departments in Laboratory disaster preparation and recovery where records are involved.
- Identify, store, and display historic Laboratory artifacts.
- Assist the Laboratory in adhering to the National Historic Preservation Act.

2. Each Laboratory division/department must:

- Designate records liaison officers responsible for overall coordination of records programs, add the records liaison officer duties to the individual's job description and his or her annual job evaluation, and ensure that the records liaison officer is trained by the Archives and Records Office.
- Cooperate with the Laboratory Archives and Records Office in applying standards and procedures to improve the management of records.
- Establish effective management controls over the creation, maintenance, and use of records.
- Create and preserve records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of the divisions, departments, and research groups.
- Destroy records according to retention schedules approved by the National Archives and Records Administration.
- Submit records inventories to the Laboratory Archives and Records Office.
- Transfer semi-active records from office space to the Laboratory Archives and Records Office.
- Establish safeguards against the unauthorized removal or destruction of records and notify the Laboratory Archives and Records Office if removal or destruction occurs or threatens to occur.
- Provide safeguards in all records management activities for the protection of individual privacy in accordance with Federal and State laws and regulations.
- Identify, develop, and maintain a vital records protection program.
- Ensure that document retention schedule/destruction practices are suspended when litigation, governmental investigation, or an audit is pending or imminent.

D. PROGRAM COMPONENTS AND SERVICES

1. Training and Workshops

The Archives and Records Office offers training and workshops on records management, including records disposition, vital records protection, files management, electronic records retention scheduling, and disaster preparedness.

2. Records Inventory

All Laboratory divisions, departments, and research groups are responsible for completing and keeping current inventories for their records, and should share the information electronically with the Archives and Records Office.

3. Records Scheduling

Records must be maintained according to the retention schedules approved by the National Archives and Records Administration. The schedule is the legal instrument by which records are evaluated and decisions are made about their storage, preservation, availability, or transfer to the National Archives and Records Administration. The Archives and Records Office is responsible for developing retention schedules that accurately reflect the nature and content of the Laboratory's records.

After the schedule is prepared, it is sent to the Department of Energy and the National Archives for review and approval. It is critical to note that records may not be destroyed unless they are covered by an approved schedule.

4. Program Survey

To establish accountability and to assess the Laboratory's records management practices, the Archives and Records Office will survey each division, department, project, and research group's area using National Archives and Records Administration guidelines and requirements. Reports of the records surveys will be given to the Records Liaison Officer and appropriate line management. The line management and the Records Liaison Officer are responsible for correcting the deficiencies within a reasonable amount of time.

5. Information in Electronic and Optical Form

Scientific and technical records may consist of laboratory notebooks, raw observational or experimental data, text files, software, or modeling and design systems recorded on electronic or optical media. According to the law and National Archives and Records Administration regulations, records may consist of any media, including microfilm, magnetic tape, floppy and hard disks, and optical cards and disks. Information on these media must be covered by an approved records schedule and handled according to the terms of the schedule.

Federal law and regulations require the Laboratory to schedule electronic and optical record retention by information system (including inputs, outputs, documentation, and magnetic or optical media). Unscheduled records or records scheduled for permanent retention in hard copy may not be destroyed without National Archives approval. Before a division, department, project, or research group creates electronic or optical data systems, the records liaison officer should contact the Archives and Records Office about disposition requirements.

6. Vital Records

Vital records should be inventoried and identified. Scientific groups and departments are to take appropriate measures to protect vital records.

7. Disaster Recovery

If records are damaged by fire, water, or other natural or man-made hazards, contact the Laboratory Archivist and Records Manager to assess the damage, determine if in-house methods can be used to recover the information, or find additional records disaster recovery expertise.

8. Disposition of Personal Papers and Official Records

Contract 98 between the University of California and the Department of Energy specifies that all records, except the University's fiscal and administrative records, are Federal records. Individuals do not own the Laboratory records and do not have the authority to dispose of them or transfer records to another institution. If individuals maintain personal files at the Laboratory, they must not mix Laboratory records with their personal records. Individuals may make convenience copies of appropriate Laboratory records for their personal files in reasonable quantities.

9. Privacy and Access Laws

Laboratory records, except for the University's fiscal and administrative records, are subject to the procedures outlined in the Freedom of Information Act (FOIA) and the Privacy Act. University fiscal and administrative records are subject to the California Public Records Act and the Information Practices Act. For assistance and clarification about these laws, call the Archives and Records Office.

10. Access to Laboratory Records

Laboratory records that are permanent, historically valuable, and noncurrent, are open to research, subject to Freedom of Information and Privacy Act provisions. Researchers are encouraged to call the Archives and Records Office to make arrangements to use these records.

11. Quality Assurance

Laboratory Quality Assurance Policy (PUB-3111) addresses Quality Assurance records. The records liaison officer must carry out records responsibilities according to procedures established by Quality Assurance guidelines, Laboratory policy and procedure, and Federal laws and regulations. The Archives and Records Office will assist divisions, principal investigators, departments, projects, and research groups in understanding and meeting their Quality Assurance records obligations.

12. Central Records Holding Area

The Laboratory Archives and Records Office operates the Laboratory's central records holding area. All offices are required to retire semi-active records series to the Archives and Records Office. The central records holding area facility standards are set forth in 36 CFR 1228.222 and 1228.224 and Section 17 of ASME-NQA-1.

1.17 SOLICITATION AND ACCEPTANCE OF GIFTS	Approved: J.S. Weiner 9/3/96

A. GENERAL POLICY

The President of the University has delegated to the Director of the Laboratory the authority to solicit and accept gifts, including gifts of equipment, having an individual value not exceeding $100,000. Solicitation or acceptance of individual gifts exceeding $100,000 requires authorization from the President of the University. In addition, Regental authorization is required for solicitation or acceptance of any gift that exceeds $1,000,000 or involves exceptions to University/Lawrence Berkeley National Laboratory programs and policies, long-term commitments, construction of facilities, or an interest in real property.

This delegation is subject to the following conditions:

1. Gifts shall be accepted in the name of and become the property of the Regents of the University of California.

2. Gifts shall be solicited, accepted, administered, documented, and reported in accordance with applicable University and Laboratory policies and procedures.

B. DEFINITION

A gift imposes no contractual requirements and is given irrevocably. The proposed gift must support the scientific mission of the Laboratory. A gift from nongovernmental entities, earmarked for a specific project or for a principal investigator (if the gift is $250 or more in a lump sum or over a 12-month period) is subject to the financial disclosure provisions of the Political Reform Act of 1974. Questions regarding these provisions should be referred to the Laboratory Conflict of Interest Coordinator.

C. RESPONSIBILITY

The CFO/Sponsored Projects Office is responsible for reviewing, processing, and monitoring gift proposals and awards to ensure compliance with University and Laboratory policies and with the donor's intent. CFO/Property Services will jointly review, process, and monitor gifts of equipment.

D. PROCEDURES

The procedures listed below must be followed for handling all gifts (see also Paragraph 6.03 H, *Property Acquired as a Gift*). A proposed gift that is not handled according to these procedures will not be accepted.

1. A principal investigator will consult with his/her division director before initiating any action. Once the division director has approved the concept, the division office will assist the principal investigator in preparing the gift package. The package must include the following documentation, with approvals as indicated on the forms:

   (a) Brief scientific justification of the work to be supported by proposed gift.

   (b) Form 730-U, *Principal Investigator's Statement of Economic Interests*, required by State law, available in the Laboratory Electronic Public Access folder via AppleShare.

   (c) Berkeley Laboratory Gift Approval form with the attachments, available in the Laboratory Electronic Public Access folder via AppleShare.

2. The division submits the documentation to the CFO/Sponsored Projects Office to review for completeness, accuracy, and adherence to policy.

3. The CFO/Sponsored Projects Office submits the gift acceptance package along with a *University of California Gift/Private Grant Acceptance Report* form (UDEV-100) to the Laboratory Director.

4. After review and acceptance, the Laboratory Director signs the formal letter of acceptance, which will be sent to the donor by the CFO/Sponsored Projects Office.

5. If the gift is property, CFO/Sponsored Projects Office will notify CFO/Property Services.

6. The CFO/Sponsored Projects Office advises the CFO/Contract Accounting Office of the gift.

7. Upon receipt of a gift check, a subaccount will be assigned by the CFO/Sponsored Projects Office. Charges to this account will not be accepted until the principal investigator has been notified that the gift is in order. No costs are allowed in anticipation of receiving a gift. (See also Paragraph 6.03 H, *Property Acquired as a Gift*.)

1.18 WORKING MEALS	Approved: W.L. Blount, Jr. 8/8/95

This policy covers reimbursement for working meals related to urgency of work, overtime, and recruitment. Meals associated with conferences, informal meetings, and training are covered in Section 1.07, *Laboratory-Hosted Meetings*.

A. URGENCY OF WORK

Payment for working meals with operating funds is allowed under the following conditions:

1. The nature and urgency of the work session require meeting through the meal period.
2. Theduration of the meeting is at least six hours.
3. Work sessions precede or follow the meal.
4. The meal is served in the same facility in which the work is being done.
5. Selections are made from the same menu for all. No special menus are allowed.

B. OVERTIME

Payment for overtime meals with operating funds is allowed under the following conditions:

1. All of the conditions of Paragraph A, above, are met.
2. The work situation requiring the overtime is such that the employee is held over or called in early, without prior notice, so that the combined regular shift and overtime assignment totals a minimum of two hours over the regular work shift.

OR

3. The work situation requiring the overtime is such that the employee is called in, without prior notice, on a day off, holiday, or call-back basis for a minimum of five hours.

C. RECRUITMENT

Reimbursement for meals during a recruitment process are reimbursable under certain conditions. Specific information should be requested through the human resources staffing specialist assigned to each division.

D. ALLOWABLE COSTS

Meal costs are limited to the following amounts:

Meal	On-Site Rate	Off-Site Rate
Continental Breakfast	$8.00	$10.00
Lunch	$10.00	$16.00
Dinner	$20.00	$27.00

E. APPROVAL

Approval should be requested in advance whenever possible. A memo requesting approval must be signed by division management and by the Human Resources Head, or designee.

F. PAYMENT PROCESS

Payment is processed by CFO/Accounts Payable upon receipt of the approved memo and a Request for Issuance of Check. If prior approval has not been obtained, the request information may be included on the Request for Issuance of Check, which then must be approved by the Human Resources Head, or designee.

1.19 USE OF THE LABORATORY MAIL SYSTEM	Approved: C.W. McDonald 3/15/95

The Laboratory's mail system is intended only to process official mail. Official mail is that which results from the performance of duties directly related to official Laboratory business. The Laboratory uses Government funds to provide postage on outgoing mail. Using Laboratory-furnished postage for other than official business mail is a violation of Laboratory policy and the Laboratory's contractual obligations to the Department of Energy. Examples of mail which are not considered official are gifts, calendars, Christmas cards, and resumes sent to other organizations. In addition, the Laboratory's mail system may not be used for stamped personal mail. A U.S. Postal Service box is located for employee convenience in the cafeteria parking lot.

Similarly, the mail system is not to be used for incoming personal mail—e.g., personal correspondence, bank and credit statements, popular magazines, clothing catalogs, gift packages. Incoming mail of a personal nature may be refused or returned to sender at the discretion of the Mail Services Supervisor.

Laboratory mail is checked to ensure that the proper postage charges are paid. If it is uncertain as to which mail classification should be used, or there is reasonable cause to believe that the mail is not directly related to official Laboratory business and a return address is present on the material, the sender will be contacted to ascertain its status. If it is uncertain as to which mail classification should be used or there is reasonable cause to believe that the mail is not directly related to official Laboratory business, and a return address is not present on the material, the mail will be opened to ascertain its status.

1.20 SPACE MANAGEMENT POLICY	Approved: K.H. Berkner 8/27/96

A. GENERAL

The Laboratory's policy on space management is to maximize the use of this resource in a planned, judicious, and cost-effective manner while minimizing disruption of activities. The Laboratory Director has delegated the implementation of this policy and the authority to allocate space in all Berkeley Lab managed property to the Deputy Director for Operations (DDO).

B. RESPONSIBILITIES AND APPROVALS

1. Division Space Management Responsibility

Each division is responsible for managing the utilization of space assigned to it. Facilities Planning and Estimating will work with each division to monitor compliance with space utilization policy.

Each division director will designate a division space coordinator, who will serve as the point of contact for the division's space information.

When a division has new space needs, the division is responsible to examine all possibilities to meet this need within its existing allocations before submitting a request for additional space to Facilities Planning and Estimating in its role as staff to the DDO.

Any modifications made to a room configuration, including change of use, must be approved by the Facilities Department for compliance with applicable building codes and consistency with Laboratory-wide plans.

2. Interdivision Space Management Responsibility

It is expected that division directors will work together in resolving space issues when reallocations must take place across division lines. However, all reassignments of space must be approved by the DDO. A request for space reassignment should be submitted to Facilities Planning and Estimating at the onset of interdivisional negotiation so that it can check for consistency with Laboratory-wide plans and present options.

3. Institutional Space Management

In unresolved interdivisional space issues, the reassignment of space will be made by the DDO in consultation with the Laboratory Space Committee. The Laboratory Space Committee is chaired by the DDO and includes representatives from the Computing, Energy, General, and Life Sciences; the heads of the Office for Planning and Communications and the Facilities Department; and staff from Facilities Planning and Estimating.

C. PROCEDURES

1. Record Keeping

The facilities space database is the institutional record of space assignments by division. Information from this database will be used for all institutional record keeping, including the space charge. The database will be updated monthly and is available Lab-wide through the ISS toolkit.

2. Requests for Space

Requests for additional space are to be made by memo to Facilities Planning and Estimating, as staff to the DDO. All requests must be made by an authorized division representative (division director, division administrator, or division space coordinator).

3. Return Policy

All requests to return space should be made by memo to Facilities Planning and Estimating. All requests must be made by an authorized division representative (division director, division administrator, or division space coordinator).

Requirements for return: (1) space must be cleared of materials and equipment and devoid of any contamination; (2) space should be of a reasonable size and relatively contiguous configuration to enable reasonable reuse by other divisions of the Laboratory. Office furniture, if free of materials and debris, may be left in place and returned with the space.

Facilities Planning and Estimating will transfer the space from the requesting division 90 days after receiving the written request, provided that by the date of transfer the space is deemed acceptable for release. This 90-day period will allow another user to be located. If another division accepts assignment of the space, the 90-day waiting period will be waived. If the space is not acceptable for release after 90 days, it will remain as that division's responsibility until it meets the requirements for release.

D. OFF-SITE SPACE

Under certain circumstances, off-site space may be leased to accommodate Laboratory needs. Off-site space acquisition is governed by a variety of contractual, legal, and University policy provisions. Requests for off-site space must be made by memo to Facilities Planning and Estimating, as staff to the DDO. As the designated staff to the DDO, Facilities is the sole authorized requester for the procurement of leased real estate for the Laboratory.

E. UNIVERSITY OF CALIFORNIA, BERKELEY SPACE

Each division using space in a University of California, Berkeley-managed facility to conduct Berkeley Lab-funded research is required to report the building, room, and percentage of Laboratory usage to Facilities Planning and Estimating.

F. FUNDING

Costs related to moving in or alterations of newly assigned space are normally borne by the incoming division. When moves are required by the Laboratory, costs will be borne by Laboratory overhead and/or the benefiting division. Alterations to leased space funded by the Laboratory must be approved by DOE-OAK.

G. GENERAL SPACE MANAGEMENT PRINCIPLES

The following principles are guidelines for space allocation.

Research Priority: Research divisions have priority for space over support divisions.

Laboratory-Based Research Priority: Laboratories should be used for the purposes for which they were designed; e.g., wet laboratories should be used for wet-laboratory-based research. Converting laboratory space to office space should be avoided.

Asset Proximity: In buildings containing both offices and laboratories, groups with laboratory space in the building have priority for office space. Where research programs depend on a major facility (e.g., the ALS, the 88-Inch Cyclotron, electron microscopes), those programs using the facility have priority for adjacent office and laboratory space.

Office Space: Office space is allocated to be generally equitable among the divisions. "Equitable" is taken to mean roughly the same amount of floor area for people, including students, of roughly equal rank. This approach will account for program size and funding in a reasonable way. For cost effectiveness and maximum utilization, the Laboratory encourages open and shared office space.

1.21 BERKELEY LAB STATIONERY AND LOGOS	Approved: S.C. Loken 5/22/96

A. USE OF NAME AND LOGO

Ernest Orlando Lawrence Berkeley National Laboratory is the official, legal Laboratory name, to be used in written and formal situations, on all major reports, and on first mention in text references. Berkeley Lab, the short form of the official name, is preferred for common usage in writing and familiar situations. This appears on the official Laboratory logo. Lawrence Berkeley National Laboratory, a shortened form of the official name, is permissible. In situations where an acronym is required, "LBNL" should be used.

The official Laboratory logo is available in a variety of forms and should generally be applied to all publications and visual representations of the Laboratory, in particular to those distributed externally. The logo must be used as designated without alterations. The use of other logos or graphic symbols displayed with the official logo must be approved by the Director of the Information and Computing Sciences Division (ICSD).

Questions regarding appropriate use of the name and logo in text and design should be directed to the Technical and Electronic Information Department (TEID), which will maintain a graphic standards manual with application guidelines.

B. USE OF LETTERHEAD

Official Berkeley Lab stationery in standard and approved nonstandard variations must be used for all official external correspondence. Standard stationery may be ordered through Stores or obtained electronically via a public server. Nonstandard stationery may be ordered through TEID.

1. Requirements for Nonstandard Berkeley Lab Letterheads

a. All nonstandard letterheads must include the official Laboratory logo and the following text at the bottom of the first page: "Ernest Orlando Lawrence Berkeley National Laboratory, One Cyclotron Road, Berkeley, California 94720." Laboratory or program telephone and Fax numbers are permissible as part of the letterhead.

b. Laboratory divisions may add the division name and telephone number as prescribed in the TEID graphic standards manual. The use of additional divisional/center or group logos is not permitted on either standard or approved nonstandard letterheads.

c. National centers located at Berkeley Lab, approved Berkeley Lab science centers, or other major organizational units may add their name to the letterhead if they can show a need for having their own letterhead. Appropriate application of name, including placement and type size, will be provided by TEID. Federal regulations prohibit showing an individual's name.

d. Printing must be done in black or blue ink. The official blue PMS color number is available through TEID.

2. Approval of Nonstandard Letterheads

a. The California Education Code as well as University policy prohibit unauthorized use of the University's name and seal. Authority to approve the use of the University's name and seal have been delegated to the Laboratory Deputy Director for Operations.

b. Requests for approval of nonstandard letterheads should be made by memorandum from the cognizant division director to the Director of ICSD.

C. BERKELEY LAB BUSINESS CARDS

1. General

Business cards for individuals may be authorized by the Laboratory, but regulations of the Joint Congressional Committee on Printing (JCP), which apply to Berkeley Lab, prohibit printing business cards at Government expense. Therefore, business card printing must be done by off-site printers and must be paid for directly by the individual.

2. Requests for Authorization of Business Cards

a. Requests for authorization of business cards for employees who need them in order to "meet the public" may be made to the relevant division director or designee. A Request for Business Cards form, which includes samples of card styles approved by the Director's Office, is available from the Division Administrator, TEID. The individual must select one of the approved card styles. The division director reviews and approves requests to ensure compliance with the California Education Code, which prohibits use of the University's name without permission from the Laboratory Director or his designee, and to avoid possible misrepresentation of the University or the Laboratory.

b. TEID will provide graphic services for appropriate placement of logo and text and will return the card layout to the customer to include with print order.

c. After the cards are received from the printer, the individual must provide one to the Division Administrator to demonstrate conformance to approved card styles.

1.22 FORMS MANAGEMENT	Approved: S.C. Loken 3/20/95

A. GENERAL

Forms management includes development, approval, management and evaluation of forms which may be either in paper or electronic form. Use of standard Laboratory forms is strongly recommended instead of developing and generating forms locally in a division, department or group.

The Laboratory Forms Manager is the Archives and Records Manager. Technical support regarding forms (paper or electronic) is provided by the Information and Computing Sciences Division (ICSD). Questions regarding forms management should be addressed to the Laboratory Forms Manager.

B. OBTAINING FORMS

1. Federal Forms

a. Most Federal forms used by the laboratory may be obtained from Laboratory Stores stock. Refer to the Stock Catalog or contact Stores to obtain information on Federal forms in stock.

b. Small quantities of Federal forms not carried in stock can often be obtained directly from the Federal organization requiring their use. Larger quantities may be obtained by preparing a Laboratory Procurement Requisition.

2. Laboratory Forms

a. Most general-use Laboratory forms may be obtained from Stores stock. Refer to the Stock Catalog or contact Stores to obtain information on Laboratory Forms in stock.

b. Division/department or group designed forms: A copy of any form used outside the originating division and not carried in Stores Stock, should be provided to the Laboratory Forms Manager. The purpose is to avoid duplication of similar forms and to provide review mechanism.

C. MODIFICATION OF FORMS

1. Federal Forms

Modification of Federal forms either in paper or electronic form is prohibited unless prior authorization is obtained through the Laboratory Forms Manager.

2. Laboratory Forms

Modification to Laboratory forms in paper or electronic form may be made with the knowledge and approval of the responsible division, department, or group.

A copy of any revision should be sent to the Laboratory Forms Manager.

D. ELECTRONIC FORMS

Use of electronic forms wherever practical is encouraged in order to reduce waste and facilitate transfer of information electronically. An electronic forms folder, "LBNL Forms," is located on the WKSG Server in the LBL-Servers zone.

1.23 ORGANIZATIONAL MEMBERSHIP	Approved: K.H. Berkner 3/20/95

A. POLICY

Laboratory memberships in business, community service, professional, trade, and institutional affairs organizations may be considered consistent with DOE and other applicable directives. Organizational memberships require DOE approval, and each requested membership should have a clear and demonstrable benefit to the Laboratory with respect to the cost incurred.

Memberships acquired with contract funds are considered to be "institutional" memberships, although the membership may be issued in the name of a representing employee. Individual personal memberships in any organization may not be paid for with contract funds.

B. PROCEDURE

1. Requests for approval and for payment of organizational memberships must be made in writing. The request should include:

a. Justification including specific benefits to the Laboratory for example:

- Supports the performance of DOE-authorized work.
- Assists business or programmatic operations.
- Enhances business, professional, or trade knowledge.
- Improves health, safety, environmental, or security activities.
- Promotes community or institutional relations.

b. Background information relative to the charter, purpose, and structure of the organization.

c. Authorization for an appropriate account number to be charged for membership fees.

2. New memberships require approval from the responsible division director (or designee) before the Laboratory Administration Office submits the request to DOE's Contracting Office.

1.24 METRIC USAGE	Approved: K.H. Berkner 3/21/95

A. METRICATION POLICY

The Laboratory requires the use of the modern metric system, the International System of Units (abbreviated SI, from the French *Système International d'Unités)*, except when safety considerations dictate otherwise or when metric usage would entail excessive costs or otherwise seriously impede Laboratory operations. Exceptions are also allowed for programs whose sponsors specify the use of the inch-pound system. Division directors are responsible for implementing the metric system within their respective divisions as expediently as feasible.

The Laboratory has adopted SI units in response to Section 5164 of the Trade and Competitiveness Act of 1988, Executive Order 12770 of 1991, and DOE Order 5900.2.

B. DEFINITIONS

Metric System—In general parlance, any of a number of closely related decimal unit systems, including the centimeter-gram-second (cgs) system, the meter-kilogram-second (MKS) system, the meter-kilogram-second-ampere (MKSA) system, and the current International System of Units (SI). As used in this section, the expressions *metric, metric system,* and *metric units* are to be understood as referring exclusively to the International System of Units.

International System of Units (SI)—The modern metric system, that is, the system of decimal units currently defined and sanctioned by the International Bureau of Weights and Measures, which operates under the authority of the General Conference on Weights and Measures.

Metrication—The process of expanding the use of SI units and phasing out the use of non-SI units.

Inch-Pound System—The system of measurement units most commonly used in the United States at present. This system is based on such units as the inch, the pound, the second, the degree Fahrenheit. It is also frequently referred to as the "English System" or the "U.S. System."

Hard Metric Usage (or Practice)—Exclusive and direct use of SI units, that is, without first converting measurements made using inch-pound or other non-SI units into SI equivalents. Hard metric usage generally means that a product will differ physically from an analogous product designed and produced using the inch-pound system. For example, a mechanical designer working in the inch-pound system might specify the thickness of a flat metal part as 1 in. Working in "hard metric," the same designer might specify the thickness of this part as 25 mm.

Soft Metric Usage (or Practice)—The conversion of inch-pound or other non-SI measurements to equivalent SI units, within the established measurement tolerances. In general, "soft metric" products will not differ physically from analogous products fabricated using the inch-pound system. Working in "soft metric," the mechanical designer in the example above would specify that the flat metal part in question is to be exactly 25.4 mm thick.

Metric Design—Design work that incorporates SI usage. For the purposes of this document, metric design generally means hard metric design, although soft metric design will be acceptable during the transition from inch-pound to SI units.

Dual Dimensioning—The inclusion of both SI and non-SI dimensions in drawings and publications.

Dual Indication—The inclusion of both SI and non-SI units and calibrations on instruments and gauges.

Hybrid Practice—Mixing SI units and non-SI units in an activity or a product.

C. SCOPE OF METRICATION

The Laboratory aims to implement the use of SI units throughout its operations as rapidly as it is reasonable and cost-effective to do so. In principle, all research programs, facilities, and equipment are subject to metrication. However, the Laboratory's divisions are granted latitude to determine the pace and stages of metric conversion. In general, postponement of metrication should be allowed only in situations where metric conversion would seriously impede Laboratory operations.

D. RESPONSIBILITIES

All Laboratory planning, design, procurement, manufacturing, installation, integration, testing, operation, and maintenance are to be performed in a manner consistent with the provisions of this policy. Division directors will be responsible for ensuring adherence to these guidelines within their respective divisions.

E. IMPLEMENTATION GUIDELINES

1. SI Units: Definitions

SI as currently defined is based on seven units that are considered dimensionally independent: the meter, the kilogram, the second, the ampere, the kelvin, the mole, and the candela. All other units are derived from these base units and two supplemental units that are considered dimensionless derived units, the radian and the steradian. Information on the base, supplemental, and derived units are given in ASTM E 380-92, *Standard Practice for Use of the International System of Units (SI) (the Modernized Metric System)* (ASTM, Philadelphia, PA, 1992).

2. Metric Practice

Metric practice at the Laboratory will conform to the provisions of ASTM E 380-92 and subsequent revisions of that document. ASTM E 380-92 prescribes standards of usage governing the following issues:

- Use of prefixes.
- Permissible use of non-SI units under some circumstances.
- Obsolete metric units and names to be avoided.
- Specific SI units, including those expressing mass, force, and weight, temperature, linear dimensions, rotational mechanics, impact energy absorption, and pressure and vacuum.
- Use of nominal dimensions in naming customary items.
- Writing numbers, numerals, and unit names and symbols.
- Conversion, rounding, and tolerances.
- Correct use of significant digits to indicate the accuracy of measured, converted, or computed quantities.

ASTM E 380-92 also provides comprehensive tables of conversion factors.

NOTE: Contrary to the style used in ASTM E 380-92, Laboratory drawings and publications will use the spellings *meter* and *liter* instead of *metre* and *litre*. The Laboratory also expressly sanctions the use of the degree Celsius in place of the kelvin in all contexts except formal scientific publications.

Where multiple codes and standards exist governing specific disciplines and trades—e.g., fasteners—the Laboratory Metric Transition Council will be responsible for adopting the code or standard most appropriate for the Laboratory. The Metric Transition Council is chaired by the Engineering Division Director.

3. New Design and Development

Metric design is preferred in all new projects. Major projects nearing completion that have been designed and constructed in the inch-pound system may be completed in that system. Material, components, parts, subassemblies, and semifabricated materials of commercial design will be specified in SI units except in cases where exemptions are granted on the basis of the criteria listed in Paragraph E 7 below. Bulk materials will be specified and accepted in SI units for projects and items designed and specified using SI units.

4. Repair, Modification, and Retrofit of Existing Inch–Pound Facilities and Equipment

Repair, modification, and retrofit of existing facilities and equipment of inch-pound design using SI-designed items is permissible. However, decisions concerning such modification will be determined on a case-by-case basis, with due consideration given to the technical and economic feasibility of using SI and to other relevant factors, such as safety. The final decision in such cases will be made by the project leader with the concurrence of the responsible division director. In general, increasing use of SI-designed items is strongly encouraged.

5. Tools and Equipment

For the foreseeable future, shop, laboratory, and general-purpose tools and test equipment used by Laboratory personnel must permit work in either SI or inch-pound units or in both, depending on which system is encountered in work situations. The purchase and assignment of tools and equipment must take this requirement into account, though gradual conversion to pure metric usage is expected to reduce its importance over time.

6. Technical Documentation

Technical documentation and Laboratory publications will comply with the following requirements:

a. **Specifications and Engineering Drawings for New Designs and Modifications of Existing Designs.** These engineering documents are to incorporate SI units in either of two ways. The preferred method will be SI units only. Alternatively, dual dimensioning may be used. Where dual dimensioning is used, the general rule will be for SI units to be given first, with the corresponding non-SI units following in parentheses. In cases where safety is a prime consideration and with the approval of the responsible division director, engineering documents may use dual dimensioning with inch-pound units first and SI units following in parentheses.

b. **Engineering Calculations.** All engineering calculations that contribute to metric designs will be done in SI units.

c. **Laboratory Publications.** Metric units must be used in all Laboratory reports and publications. Exclusive use of SI units is preferred wherever possible, but dual dimensioning is allowed during the transitional period. Where dual dimensions are used, the preferred format is SI units first and the corresponding inch-pound units in parentheses. For cases in which safety is a prime concern,

publications may provide dual dimensions with inch-pound units first and SI units following in parentheses.

7. Deviation from SI Usage

Deviation from SI usage may be approved by the responsible division director. Acceptable criteria for allowing continued use of non-SI units include such factors as:

- Safety considerations.
- Unavailability of applicable metrics standards.
- Unavailability of metric materials.
- Seriously adverse cost effects of metrication.
- Program sponsor instructions regarding the units to be used in specific projects or activities.

8. Reference

For more information, see *Guidelines for Metrication at Lawrence Berkeley Laboratory,* PUB-729, available from the Metric Transition Council.

1.25 INSTITUTIONAL COMMITTEES	Approved: K.H. Berkner 12/6/95

A. GENERAL

The Laboratory has a number of standing committees that support various aspects of its scientific and management functions.

B. COMMITTEES

1. Director's Action Committee

The Director's Action Committee (DAC) considers and approves major policy changes and institutional decisions and acts as a conduit for information of institutional importance flowing to and from the divisions and the Laboratory Directorate. DAC has the following members: the Laboratory Director; the Deputy Directors; the Associate Laboratory Director, Computing Sciences; the Coordinating Division Directors for Energy, General, and Life Sciences; and the Laboratory Counsel. DAC members are selected and appointed by the Director.

2. Laboratory Committee on Diversity

The charge of the Laboratory Committee on Diversity is to provide advice on diversity in the Laboratory workforce, with the aim of more fully integrating diversity into the fabric of the Laboratory's culture, and to provide an environment that is accessible, equitable, and hospitable to all employees. Members are drawn from all divisions.

3. Laboratory Staff Committee

The Laboratory Staff Committee is charged with providing advice on important issues affecting the Laboratory senior staff, including reviewing cases for appointment and promotion. (See Paragraph 2.06 C, *Laboratory Committees.*)

4. Scientist/Engineer Salary Committee

The Scientist/Engineer Salary Committee (SESC) is charged with recommending head-level appointments to the Director, approving post-October salary adjustments for scientist and engineer appointment levels, approving salary offers for senior staff scientist/engineer and division fellow appointments, adjudicating scientist and engineer salary offers on appeal, and approving the post-doctoral salary schedule. (See Paragraph 2.06 C, *Laboratory Committees.*)

5. Laboratory Compensation Committee

The charge of the Laboratory Compensation Committee is to provide feedback to the Human Resources Department on proposed pay policy changes, new and/or revised classification and pay programs, and training for and/or communications with Laboratory supervisors and employees. (See Paragraph 2.06 C, *Laboratory Committees.*)

6. Grievance Hearing Committee Panel

Under the provisions of the employee grievance policy (see Section 2.05 C, *Employee Grievances,* Paragraphs 6 and 7), the Laboratory Director is required to establish a panel of no less than 15 members.

This panel is an option for employees who are at the appropriate stage of the formal review of their grievance.

7. Laboratory Advisory Group on Research

The charge of the Laboratory Advisory Group on Research (LAGR) is to advise the Director on matters pertaining to new scientific directions, quality of the work environment, promoting the highest quality science, and campus relations. Members are drawn from nonmanagement members of the scientific and engineering staff of each scientific area (Biosciences, Energy, and General Sciences, including Laboratory Centers).

8. Laboratory Professional Awards Committee

The charge of the Laboratory Professional Awards Committee is to seek and publicize outside recognition of Laboratory scientific and technical staff. To this end it promotes awareness of awards at the Laboratory, advises the Director on strategies for awards, encourages coordination and cooperation among divisions and with the University in nominating candidates for awards. Members are drawn from all of the scientific divisions.

9. Human Subjects Committee

The Laboratory has a long-standing agreement with the University of California Berkeley campus Committee for Protection of Human Subjects to review and certify Laboratory projects. The Laboratory's Human Subjects Committee is responsible for prereviewing and approving all Laboratory projects. Members of the Laboratory committee are generally drawn from the Life Sciences and EH&S Divisions. More complete information about this committee is available in the *Health & Safety Manual,* Chapter 22.

10. Animal Welfare and Research Committee

The charge of the Animal Welfare and Research Committee (AWRC) is to ensure the humane and ethical treatment of research animals at the Laboratory. The AWRC is also the Laboratory's link to people and institutions involved with animal research outside the Laboratory. Members are generally drawn from the biosciences divisions.

11. Independent Substantive Review Committee

The charge of the Independent Substantive Review Committee (ISRC) involves part of the Laboratory's implementation of the University policy on Disclosure of Financial Interest in Private Sponsors of Research. The policy applies in situations where a proposed research project is to be sponsored by a nongovernment entity. In the event that the project principal investigator has a positive financial interest in the sponsor, she or he must disclose it. The ISRC reviews the disclosure statement and relevant features of the research project and recommends to the Laboratory Deputy Director for Operations whether the contract, grant, gift, or Cooperative Research and Development Agreement should be accepted and any conditions or modifications that may be needed.

The Institutional Program Manager is the ex officio Chair of the ISRC. Laboratory Counsel and the Laboratory Conflict of Interest Coordinator are also ex officio members. There are also rotating members from the scientific divisions.

2.00 PERSONNEL

2.00 PERSONNEL

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2.01 HIRING POLICIES AND PROCEDURES	Approved: W.L. Blount, Jr. 3/22/96

A. AFFIRMATIVE ACTION AND NONDISCRIMINATION

1. Policy

a. It is the policy of Ernest Orlando Lawrence Berkeley National Laboratory to ensure equal employment opportunity to all employees and job applicants. The Laboratory will not engage in discriminatory practices against any person employed or seeking employment because of race, color, religion, marital status, national origin, ancestry, sex, sexual orientation, physical or mental disability, medical condition (cancer-related) as defined in Section 12926 of the California Government Code, status as a Vietnam era veteran or special disabled veteran or, within the limits imposed by law, DOE or University regulations, because of age or citizenship. This applies to all personnel actions, including hiring, transfer, training, promotion, termination, and other terms and conditions of employment. The Laboratory's policy is to take affirmative action for minorities, women, individuals with disabilities, special disabled veterans, and Vietnam era veterans through formally written affirmative action plans.

b. Positive efforts to further this Affirmative Action Compliance Program must be vigorously pursued, conform to all current legal requirements as well as to the spirit of the law, be consistent with Laboratory standards of quality and excellence, be specific in identifying areas of underutilization and in prescribing corrective measures, and be consistent with the University of California Affirmative Action Personnel Program — Policy and Guidelines.

2. Responsibilities

a. The Director of the Laboratory has designated the Head, Office of Work Force Diversity, as the Equal Opportunity Officer, and has appointed an Equal Opportunity Administrator to administer the Affirmative Action Compliance Program.

b. Division directors are responsible for implementing the Affirmative Action Compliance Program in the units for which they are responsible, with particular attention to hiring, promotion, and employee development, and for evaluating managers and supervisors on their effectiveness, including their good-faith efforts to implement the Affirmative Action Compliance Program.

B. RECRUITMENT

1. Policy

The Laboratory will recruit from within and outside its work force to obtain qualified applicants. Reasonable efforts will be made to inform and recruit qualified applicants from various segments of the appropriate recruiting area to facilitate the attainment of Affirmative Action goals and objectives as set forth by the Laboratory Affirmative Action Plan. The duties and responsibilities of the vacant position and the qualifications necessary to perform those duties and responsibilities are identified before recruiting applicants.

2. Responsibilities

a. The Head, Human Resources, has general responsibility for development and implementation of recruitment programs.

b. The Equal Opportunity Administrator reviews, monitors, and evaluates the effectiveness of recruitment programs in meeting Affirmative Action objectives and consults and advises on methods for meeting those objectives.

c. The appropriate division director or department head defines the duties of the vacant position and, with the assistance of the Head, Human Resources Department, the position requirements. The division director or department head assists the Head, Human Resources Department, in determining the most effective recruitment program.

3. Publicizing Job Vacancies

a. All job vacancies must be listed with the Human Resources Department with the following exceptions:

- Those filled by the demotion of an employee within a division.
- Those filled by the reassignment of an incumbent employee with no change in general job duties, responsibilities, or classification within the same department or division.
- Those to be filled by a career employee on recall or preferential rehire status or scheduled for layoff.

Promotions or transfers of an employee to a clearly different vacant position (including those within a department or division) must be listed with the Human Resources Department. Consult the Human Resources Department for guidance in determining whether the new duties and responsibilities should result in a new position that must be posted or in a reclassification or reassignment (see Paragraph 2.06 F 3, *Determination of Appropriate Classification*).

b. The Head, Human Resources Department, regularly posts all vacancies unless the position is to be filled by a person who is scheduled for layoff or on recall or preferential rehire status from layoff or who has become handicapped and has received vocational rehabilitation services (see Paragraph 2.05 G 2, *Vocational Rehabilitation*). Recruitment may be limited to Laboratory employees if the applicant pool is diverse enough to allow the hiring supervisor a meaningful choice in obtaining the essential job-related skills, knowledge, abilities, and other qualifications, including meeting affirmative action objectives. Appropriate media and organizations, both internal and external, are used to inform potential applicants of job vacancies and employment opportunities with the Laboratory. Posting of job vacancies is for a minimum of two weeks. Individual exceptions to the posting requirement may be approved by the Head, Human Resources Department, with the concurrence of the Equal Opportunity Administrator. Temporary positions of less than six months assignment are exempt from posting requirements. Vacancies for students hired for summer positions or for indeterminate time during the academic year are also exempt from posting requirements. However, any change in status from temporary to permanent will be reviewed by the Human Resources Department and be subject to posting procedure and policy.

c. Advertising for personnel may be arranged only by the Human Resources Department. When advertising seems necessary to aid in recruiting personnel, advertising copy should be prepared jointly by the hiring department or division and a Human Resources Department Employment Representative.

4. Travel Expenses of Applicants

Payment of travel costs for the purpose of a personal interview of an applicant who is a U.S. citizen is permissible only when specifically arranged and approved in advance by the Human Resources Department. Travel costs for foreign nationals are the responsibility of the Foreign Visitors Unit. In

general, this approval is granted only in cases involving supervisory, professional, or technical personnel not readily available in the local labor market.

C. RECRUITMENT PROCEDURES

1. Personnel Requisitions

Action to recruit personnel should be initiated by sending a Stock Form 7600-55440, *Requisition for Personnel,* to the Human Resources Department. This form must be completed and properly approved by an authorized individual. The hiring supervisor must ensure that the requirements listed on the requisition include the skills, knowledge, and abilities required to perform the duties of that particular position and that the job description contains only those requirements necessary for satisfactory performance in that position.

2. Scope of Recruitment

The Human Resources Department, in consultation with the Equal Opportunity Administrator and the hiring supervisor, 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 organizational 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 Human Resources Department will furnish available information on divisional affirmative action recruitment goals to the hiring department.

3. Referral of Applications

Each application submitted to the hiring supervisor for review is accompanied by a Stock Form 7600-65306, *Personnel Referral,* on which the supervisor reviewing the application or conducting the interview records pertinent information and states reasons for the decision to hire or reject an applicant. All completed referral forms must be returned to the Employment Office for review. After this review, referral forms for foreign nationals only are sent to the Foreign Visitors Unit of the Human Resources Department.

4. Referral of Applicants for Vacant Positions

a. The Human Resources Department will first refer any person on preferential rehire status or any career employee scheduled for layoff who is qualified for the vacant position and wishes to be considered.

b. If no person on preferential rehire status or no career employee scheduled for layoff is selected, qualified applicants from inside and outside the University will also be considered for referral. The Human Resources Department will refer those applicants whose qualifications are most appropriate for the particular position. The Human Resources Department will make every reasonable effort to establish a diversified applicant pool from which a selection can be made. Of the referred applicants, the Human Resources Department will identify applicants who must be interviewed before completion of the interviewing process and selection of a final candidate.

5. Interviewing Applicants

Personal interviews between applicants and the hiring division or department are arranged by the Human Resources Department, or may be arranged by the hiring division or department with the concurrence of the Human Resources Department. The Human Resources Department will furnish available information on each applicant.

6. Documentation

a. The Head, Human Resources Department, shall keep records of employment practices. These records will show whether a practice has had an adverse impact on any group protected by Title VII or other relevant Federal and State laws and will include records to document the job-relatedness of an employment practice.

b. As specified by the Head, Human Resources Department, the Employment Office shall record the reasons for selecting or not selecting each referred applicant and shall keep specified records of selection procedures and decisions.

D. SELECTION

1. Policy

In filling a position, the applicant who, in the opinion of the division director or department head, possesses the qualifications to perform most effectively the duties of the position will be selected. The selection process should facilitate the attainment of Affirmative Action goals.

2. Responsibilities

a. The Head, Human Resources Department, shall be responsible for referral of qualified applicants to the department or division. The Head, Human Resources Department, or designated representative shall advise the hiring supervisor concerning personnel policies, interpretation of legal requirements, and the professional standards for selection methods and shall consult with the division director or department head regarding the availability and qualifications of applicants for specific positions.

b. The Equal Opportunity Administrator shall be responsible for reviewing, monitoring, and evaluating the effectiveness of selection processes in meeting Affirmative Action objectives and shall consult and advise with respect to Equal Opportunity and Affirmative Action in employment.

c. The division director or department head shall have final responsibility for the selection of an individual to fill an open position.

3. Selection Procedures

a. A regular status employee on preferential rehire status (Paragraph 2.20 B 8, *Re-employment from Layoff*) or who has received an official letter of layoff from the Head, Human Resources Department, shall be granted preference over other applicants for appointment to any active and vacant position at the same salary level or lower (as determined by the salary range maximum) and at the same or lesser percentage of time as the position held at the time of layoff. Before considering other applicants, the division director or department head shall inform the Head, Human Resources Department, in writing, of the reasons that the applicants with preference for reemployment did not meet the requirements of the position.

b. If no person on preferential rehire status or scheduled for indefinite layoff is available, the division director or department head shall consider all qualified applicants from inside and outside the Laboratory who have been referred by the Human Resources Department and shall select for the position the applicant who, based on the evaluation of the division director or department head, is most qualified. No applicant may be denied employment nor may any applicant be selected for appointment in preference to a more qualified applicant on the basis of race, color, religion, sex, marital status, national origin, disability or handicap, mental condition, or status as a Vietnam era veteran or disabled veteran or, within the limits imposed by law, DOE, or University regulations, because of age or citizenship.

c. All selection methods and criteria must be job-related. The following may be taken into consideration in the candidate assessment process:

- Application forms.
- Formal and informal interviews.
- Physical, educational/training, and work-experience requirements approved by the Human Resources Department.
- Skills, abilities, and previous job evaluations.
- Performance tests validated for specific classifications.
- Job-related reference checks.

4. References

In order to verify information about an applicant's knowledge, skills, abilities, and other qualifications that will be important to successful performance in a new position, job-related inquiries may be made of current and former supervisors and persons who can supply relevant information. No actual or implied offers shall be made by the Employment Office until the references have been checked.

5. Final Selection

a. In selecting from a group of applicants with preference for reemployment or from a group of other applicants, the division director or department head shall select the person who, based on the evaluation of the division director or department head, possesses the qualifications to perform the duties of the position most effectively. In making this judgment, the division director or department head shall compare the knowledge, skills, abilities, and other qualifications of the applicants with those required for successful performance of the duties of the position.

b. If the evaluation by the division director or department head indicates that two or more applicants are substantially equally qualified, the division director or department head, in making a selection, shall give consideration to the objective of providing promotional and transfer opportunities to career employees.

c. After making a selection decision, the hiring supervisor shall contact the appropriate employment representative. The employment representative will evaluate the selection process, discuss the salary with the hiring supervisor, and contact the candidate to make the job offer. All completed *Personnel Referral* forms shall be returned to the employment representative before the offer can be made. Each referral form must detail reasons for selection or nonselection; all criteria shall be job-related and will address the skills, knowledge, and abilities required to perform the job.

E. CONSTRAINTS ON HIRING

1. Employment of Minors

California State Law requires work permits for all persons under the age of 18 who have not yet graduated from high school. Persons under age 16 will not be employed unless special approval is obtained from the Human Resources Department. When a person under the age of 18 is hired or assigned to work in areas where background radiation exceeds natural radiation, the Employment Office, in consultation with the hiring department or division, will contact the Health and Safety Department for final clearance.

2. Employment of Near Relatives

a. Employment of near relatives requires the recommendation of the Human Resources Department and the approval of the Laboratory Director or designee when:

- There is a supervisory relationship.
- The near relative has the same immediate supervisor.
- There is a close working relationship with a near relative.

b. If two employees in any of the above types of working relationships become near relatives, the Laboratory Director's approval is required for their continuing in the same working relationship. Approval for such appointments is granted when justified as being in the best interest of the Laboratory.

c. Near relatives are defined as parents, children, spouses, brothers, or sisters, including in-laws and step-relatives in these relationships.

3. Re-employment of Former Berkeley Lab/University Employees

To avoid potentially embarrassing situations, supervisors should not independently approach former employees of the Laboratory regarding re-employment. To ensure that the re-employment is cleared through proper channels, contact should be made through the Human Resources Department.

4. Pre-employment Security Evaluation

Before an employment offer is made to any applicant at Berkeley whose work will require a "Q" clearance, his or her application papers must be reviewed by Berkeley Lab Protective Services. This review is arranged by the Human Resources Department and normally takes seven to ten working days after a prospective employee has completed the necessary papers and has been fingerprinted.

5. Proselytizing

All inquiries or suggestions concerning Berkeley Lab recruitment of employees of organizations cooperating with the Laboratory, the University, DOE, or other government-supported contractors here or elsewhere should be referred to the Human Resources Department before any action is taken or commitment of any kind is made. A reciprocal arrangement with these organizations has been in effect for several years, and it has been mutually agreed that no offer or commitment will be made until the current employer has had the opportunity to discuss this matter with the employee.

F. OFFERS AND OFFER RATES

1. Employment Offers

Official offers of employment and commitments regarding positions, salary, travel expense, housing, and employment conditions are made only by the Human Resources Department. Supervisors shall not imply any offer of employment in their contact with potential employees.

2. Salary Approval

Supervisors should refrain from discussing the salary to be offered unless this is specifically approved by the Human Resources Department. All salary offers will be screened by the authorized members of the

Human Resources Department. Certain salary proposals may be referred by Personnel to the Laboratory Director's Office and the Department of Energy for approval.

3. Medical Approval

The Laboratory employee medical program requires a physical examination for all new employees. The Laboratory conducts *pre-employment* physical examinations for Fire Department and Protective Services personnel. The Laboratory offers periodic examinations for all employees, and periodic physical examinations are *required* for certain designated positions where employee safety may be at risk. The offer of employment is subject to the applicant passing those portions of a physical examination pertinent to the position. In some cases, the Medical Services Department may recommend restrictions on an employee's work assignment or activities and advise the division director or department head and the Head, Human Resources Department, who will be jointly responsible for working out, if possible, an accommodation to the restrictions.

4. Moving Expenses

When suitable applicants cannot be obtained in the local area, authorization may be obtained to reimburse a new employee for travel and moving expenses (see Section 4.02, *Relocation*, and Section 4.03, *Shipment of Household Goods*). The written employment offer establishes the point of hire of the employee for the purpose of computing maximum allowances. All commitments for employment, travel, and transportation will be made in writing by the Human Resources Department.

G. EMPLOYEE STARTING PROCEDURES

1. Start Papers

Each new employee must complete and sign all required documents in the Human Resources Department on or before the first day of employment before the individual may be placed on the payroll. Supervisors must not permit a new employee to begin work before these start documents have been properly completed.

2. New Employee Orientation

a. All new employees, including foreign-national employees, must attend a New Employee Orientation during their first month of employment. Additional safety training is required based on potential hazard and compliance with Berkeley Lab safety training requirements.

b. The Human Resources Department is responsible for ensuring that each new employee is notified of this requirement and scheduled to attend the first New Employee Orientation given by the Human Resources Department.

c. Division directors are responsible for implementation of this policy as it applies to supervisors and other employees in their respective divisions. Employees who do not comply with the requirements of this policy are subject to disciplinary or corrective action as described in Paragraph 2.05 B, *Disciplinary and Corrective Action*.

H. TERMS OF EMPLOYMENT

1. General

In general, no definite duration is implied in employment. It should be understood in the hiring agreement that continued employment is subject to satisfactory job performance and to the availability of

funds and work. In certain cases, when specific terms of employment are necessary, the terms will be arranged by the Human Resources Department.

2. Probationary Period

a. All new career employees, except those in the classification of Police Officer or Police Sergeant, shall serve a probationary period of six months during which their work performance and general suitability for Laboratory employment are carefully evaluated. Individuals hired into term appointments for two years or less and career employees who transfer from another University of California employer without a break in service are not required to serve a probationary period. Employees who are rehired after a break in service, whether or not they previously completed a probationary period, shall serve a new probationary period, unless they are hired in a classification that they previously held and for which they had completed a probationary period.

b. Career employees in the classification of Police Officer serve a twelve-month probationary period instead of a six-month period, each month of which must be at 50% time or more, exclusive of time on paid or unpaid leave or in the POST Basic Academy. This twelve-month period is required even though the police officer had served a probationary period in another Laboratory or University classification.

Upon promotion of employees in the classification of Police Officer to the classification of Police Sergeant, employees serve a six-month probationary period in the classification of Police Sergeant, exclusive of time on paid or unpaid leave. Employees who were promoted to the classification of Police Sergeant who fail to complete a six-month probationary period shall be retained in the same Laboratory department in the same classification held immediately prior to promotion.

c. The supervisor shall conduct at least two written performance evaluations during the probationary period (see Paragraph 2.03 B 7, *Probationary Period*). The evaluation should take place:

(1) Not later than the midpoint of the probationary period.

(2) Not later than 30 days before the completion of the probationary period.

In addition to these required evaluations, the supervisor should conduct an evaluation at any time there is a question concerning the employee's quality of performance or suitability for Laboratory employment.

d. If at any time during the probationary period, the employee's performance or general suitability for Laboratory employment is found to be unsatisfactory, the employee shall be released as provided in Paragraph 2.05 B 9, *Release During Probationary Period* (except employees in the classification of Police Sergeant).

e. An employee who satisfactorily completes the probationary period shall be notified in writing by the supervisor that regular employee status has been attained. Under unusual circumstances, the employee's probationary period may be extended with the concurrence of the division director and the Head, Human Resources Department. Such an extension shall be for a specific time not to exceed three months. The employee shall be informed in writing of the reasons for and the period of extension.

I. EMPLOYMENT OF FOREIGN NATIONALS

1. General

a. Employment of foreign nationals must be in accordance with Federal Law and Regulations of the Immigration and Naturalization Services. A foreign national is defined as anyone holding a J-1, H-1, or F-1 visa, or Permanent Resident (Immigrant) visa who is hired by the Laboratory. Generally, foreign nationals eligible for employment are those who hold a valid visa and are:

- Immigrants.
- Nonimmigrants who have been authorized to engage in such temporary employment by the Immigration and Naturalization Service.
- Nonimmigrant students whose employment is in accordance with Immigration and Naturalization Service regulations and who have the approval of the Office of the Advisors to Foreign Students and Scholars, as required by Campus regulations.

b. Nonimmigrants, including students, must have or must agree to acquire minimum health insurance coverage.

c. The Foreign Visitors Unit should be consulted as early as possible when consideration is being given to employing a foreign national so that a review can be made with regard to visa and proposed financial arrangements and so that any required administrative approval may be obtained.

d. Employment of foreign nationals at sites other than Berkeley requires specific prior approval from DOE.

2. Posting Procedures for Foreign Nationals

a. Positions that involve temporary appointments of nonimmigrants of less than six months' duration do not require posting. With the exception of term Postdoctoral Fellow appointments, positions of greater than six months must follow posting requirements as outlined in Paragraph B, *Recruitment*. Approved Stock Forms 7600-55440, *Requisition for Personnel*, and recommendations to hire specific individuals who are nonimmigrants to fill these requisitions should be forwarded to the Foreign Visitors Unit.

b. Division requests to hire permanent residents (immigrant-status foreign nationals) will result from normal posting of positions on a competitive basis. Referrals to hire these individuals against posted positions should be forwarded directly to the Employment Office.

J. UNIVERSITY PATENT POLICY

Contract 98 between the University and DOE requires that all Laboratory employees sign the Contract 98 patent agreement. (See Section 5.03, *Patent Policy*.)

K. TYPES OF EMPLOYEES

1. Career Employees

Career employees are individuals who are employed to work half time or more for an indefinite period or for a specific period of one year or longer. They are eligible for paid vacation leave, sick leave, holidays, court leave, and, after one year, paid military leave. All are required to be members of UCRS or PERS. Individuals hired for an indefinite period at indeterminate time (an unspecified number of hours per

work period) are not considered career employees and are not eligible for UCRS or PERS (except that previous membership must be continued).

2. Faculty

Some University of California faculty members have dual employment between a campus of the University and the Laboratory. They are eligible for all types of paid leave from the University in proportion to the percent of time scheduled for Laboratory work. They are required to be members of UCRS or PERS.

3. Term Appointees

Scientific staff appointees are appointed for a period of one or more years, renewable as provided in Section 2.07, *Professional Research Staff*.

4. Temporary Employees

Temporary employees are individuals employed to work for less than one year. They are not eligible to join either the UCRS or PERS retirement systems, but may be eligible for health and life insurance benefits (see Section 2.15, *Group Insurance and Retirement Plans*). Temporary employees are eligible for worker's compensation, sick leave, and holiday pay. Vacation and court leave apply to temporary employees working 50% time or more who are hired for a minimum of six months.

Temporary employees who are hired to work indeterminate time, i.e., an unspecified number of hours per work period, are only eligible for worker's compensation. They do not earn vacation credit, sick leave, holiday pay, or paid military leave. See Section 2.15 for an explanation of temporary employees' eligibility for group insurance plans.

5. Graduate Student Research Assistants

Graduate student research assistants (GSRAs) must be registered graduate students of the University of California. University of California rules and regulations pertaining to graduate students in the various disciplines normally apply. GSRAs receive tuition, fee remission, and health insurance benefits as determined by University of California policies and as implemented for graduate student researchers on the individual campuses.

GSRAs are paid a flat monthly salary. They do not accrue vacation or sick leave. They are excluded from Health and Dental Plan benefits and membership in UCRS or PERS, except that previous membership must be continued in UCRS or PERS.

6. Student Assistants

Student assistants are hired to work an indeterminate-time or fixed-percent-time work schedule. In general, students are hired to work less than 50% time during the academic year and/or full time during the summer or other significant academic breaks. They are eligible for worker's compensation insurance. They must be employed 50% time or more to receive holiday pay. They are not eligible for overtime or shift differential pay or for paid sick leave, paid vacation, paid military leave, or paid court leave. They are excluded from Health and Dental Plan benefits and membership in UCRS or PERS, except that previous membership must be continued in UCRS or PERS.

7. Retired Employees

The Laboratory may, on occasion, retain the services of employees who have retired from the Laboratory or a University of California campus. The responsibility for the hiring decision lies with the division and

must be approved by the division director. Conditions of employment must be consistent with any restrictions imposed by the retirement system.

Special restrictions apply to those who have participated in one of the University's Voluntary Early Retirement Incentive Programs (VERIP). For a period of five years after the date of the incentive retirement, only individuals who possess unique qualifications and where a critical business necessity exists may be rehired. In addition, the following restrictions apply:

- Salary, rehire, and retirement income must be less than 100% of preretirement annual salary.
- The maximum appointment time is limited to up to 49%, averaged over a one-year period.
- This individual must be rehired for a specific project with a definite ending date.

Rehire of retired employees in this category (VERIP) who exceed a 10% appointment requires demonstration that skills and knowledge will be transferred to other employees and approval of the Deputy Director for Operations.

a. Administrative Support

Administrative expenses may be considered necessary to provide support for retired employees whose work and service to the Laboratory continue after their retirement. These administrative expenses may include payroll for secretarial and clerical assistance, office space, telephone and utilities, supplies, computer support, and scientific and technical support, etc. Budgeted costs of administrative and scientific and technical support for retired employees shall be reviewed by the division administration and approved by the division director.

2.02 TRANSFERS, PROMOTIONS, AND OTHER CHANGES IN STATUS	Approved: W.L. Blount, Jr. 4/10/95

A. TRANSFER, PROMOTION, AND DEMOTION POLICY

1. Policy

a. It is the policy of the Laboratory to maximize the opportunity for the promotion of qualified career employees to positions within the same division, or other divisions, and to encourage career employees to apply for transfer to positions that would further their career development.

b. The change of an employee from one position to another in a classification having a higher salary-range maximum is termed a promotion.

c. The change of an employee from one position to another in the same classification or in another classification with the same salary-range maximum is termed a transfer. Transfers within the same department or division with no change in job classification can be approved by the division director or department head. All other transfers must be approved by the Human Resources Department.

d. The change of an employee from one position to another position which is in a classification having a lower salary-range maximum is termed a demotion. Reclassification to a classification with a lower salary-range maximum must be approved by the Human Resources Department and discussed with the employee.

2. Human Resources Department Function

The Human Resources Department will make suggestions and otherwise assist supervisors in identifying employees qualified for transfer or promotion to open positions within the Laboratory and will consult with employees concerning their career prospects and job opportunities. The Human Resources Department will make available to division directors or department heads, or designees, only that information in the personnel folder of employees under consideration for promotion or transfer which is necessary in determining the qualifications and suitability of the employees for the position for which they are being considered.

3. Responsibility

a. Division directors or department heads must ensure that each supervisor, in accordance with Section 2.04, *Education and Employee Development Policies*, encourages the on-the-job development of all employees, reviews their career objectives with them in accordance with the Performance/Progress Review policy (see Section 2.03, *Employee Performance/Progress Reviews*), and identifies employees who are qualified for consideration for promotion or who may benefit from transfer. It is important that each supervisor emphasize the right of the employee to apply for transfer or promotion opportunities both in his/her own division or elsewhere in the Laboratory.

b. The employee is, however, responsible for applying for transfer or promotional opportunities to vacant positions in other divisions that have been announced by the Human Resources Department.

4. Reference Checks on Transferring Employees

The selecting supervisor shall obtain a written assessment or a current performance appraisal from the employee's current supervisor. This document must be submitted with the recommendation for hire to the division director for approval.

B. TRANSFER PROCEDURES

When a division director or department head is interested in having an employee transferred to his or her division or department from some other division or department of the Laboratory or the University, the Human Resources Department should be consulted for guidance.

C. CHANGES IN JOB CLASSIFICATION OR PAY RATE

Changes in an employee's job classification or pay rate must be authorized by the Compensation Manager. The methods and forms used for requesting such changes vary according to the classifications involved and the action contemplated. (See Section 2.06, *Compensation Program*.)

D. CHANGES IN HOURS OR PAYROLL ACCOUNT

Changes in hours or payroll groups within a division or department are initiated by sending a Personnel Action Form (PAF) to the Human Resources Department for U.S. citizens or to the Foreign Visitors Unit for foreign nationals. This form must be signed by a person authorized to approve personnel documents for the Division or Department involved. If a change in salary or wages is also requested, a Form RL-128-1, *Salary Adjustment Request*, must be included with the PAF.

E. CHANGES IN NAME, ADDRESS, OR PHONE NUMBER

Any change in an employee's name, address, or phone number should be promptly reported to the employee's department or division secretary or supervisor so that a PAF may be completed. This form is sent to the Human Resources Department for U.S. citizens or to the Foreign Visitors Unit for foreign nationals. All such changes must be reported promptly so that the correct information is available in the event of emergency and so that retirement system notices, income tax W-2 forms, the Berkeley Lab Quarterly Magazine, etc., may be correctly addressed.

F. CHANGES IN MARITAL STATUS

Any employee who marries shall promptly report this fact to the Human Resources Department, or, for foreign nationals, to the Foreign Visitors Unit. If the employee has a Q clearance, DOE Form DP-354, *Data Report on Spouse*, must be completed and signed by the employee; these forms are supplied by and must be returned to Protective Services.

G. CHANGES IN THE NUMBER OF DEPENDENTS

Changes in the number of dependents of an employee should be reported on a W-4 form for income-tax purposes. These forms may be obtained from and returned to the Payroll Office, the Human Resources Department, or the Foreign Visitors Unit (for foreign nationals).

2.03 EMPLOYEE PERFORMANCE/ PROGRESS REVIEWS	Approved: W.L. Blount, Jr. 5/6/96

A. GENERAL POLICY

A written Performance/Progress Review of each Laboratory employee must be made annually by the employee's immediate supervisor, or more often if circumstances warrant. Temporary employees, graduate student research assistants, and postdoctoral fellows are excluded from this policy. Division directors are responsible for the implementation of this policy within their divisions.

B. PROCEDURES

Performance/Progress Reviews must be sufficiently specific to inform and guide the employee in the performance of job duties and responsibilities and to provide the necessary documentation for management personnel decisions and provide input to the Salary Management Process. Reviews will include the following information.

1. Job Description

Classification descriptions in the *Salary Administration Manual* (PUB 3127) list the major duties and responsibilities of defined job families. Additionally, each employee must have a specific job description that documents his/her individual duties and responsibilities. A request for reclassification is necessary if the employee's job appears improperly classified for present job duties and responsibilities. (See Paragraph 2.06 D 1, *Reviews and Recommendations*.) Responsibility common to all employees includes adhering to DOE ES&H Orders and policies on environmental/safety regulations (see Section 7.00, *Health and Safety*). Managerial and supervisory employees are responsible for educating and training employees on environmental health and safety regulations and procedures and ensuring a safe and healthy work environment. Specific environmental health and safety requirements are defined in each employee's job description and through performance expectations as part of the annual performance/progress review.

2. Establishing Performance Standards

Qualitative and/or quantitative statements regarding how the job is to be performed are performance standards on which the employee's performance is reviewed. In establishing standards, supervisors should encourage direct input by the employee. The Performance/Progress Review reflects the performance of the individual in the assignment. It is not intended to compare employees in the same or similar jobs.

3. Performance/Progress Review

a. An overall review appraisal of the employee's performance by the supervisor is based upon the description of the employee's duties and responsibilities and the established standards for the performance of those duties and responsibilities. The Performance/Progress Review should be a review of all key dimensions of the job, with appropriate feedback to the employee on the following items.

- The improvement or deterioration of the employee's performance and progress during the period of the review with respect to the last review.
- Particular strengths and weaknesses.
- Whether specific goals established at the last review have been met.

- A discussion by the supervisor of specific short- and long-range goals to further employee capabilities.

The Performance/Progress Review process provides for a review by the division director of the draft Review before it is discussed with the employee.

b. **Scientists and Engineers.** Scientists and engineers must complete the Berkeley Lab Annual Supplement to the Professional Resume (ASPR) when required by the Division and attach it to the final version of the Performance/Progress Review. All scientists and engineers must include a listing of the most significant publications for the review period on the Performance/Progress Review form.

4. Performance Summary Statement

At the conclusion of the Review, the supervisor must provide a summary statement of the employee's overall work performance for the review period. The summary statement should be a concise summary of the information in the Performance/Progress Review that indicates the overall performance and progress of the employee.

5. Establishing Short- and Long-Range Goals

The establishment of short- and long-range goals is an important part of the Review because it forms the basis for reviewing future performance and progress of the employee. Examples of areas in which goal setting may be important are accepting/assuming new responsibilities in the current job; accepting short-term tasks outside the current job; accepting special assignments such as appointments to committees, task forces, or work groups; and engaging in self-education.

6. Review of Supervisors

The Performance/Progress Review of each supervisor or incumbent in a Laboratory management position must include a review of the individual's overall supervisory and managerial responsibilities, including the individual's good-faith efforts in setting and meeting affirmative action commitments to equal employment opportunity.

7. Probationary Period

The supervisor must conduct at least two written performance/progress reviews during the probationary period. The reviews should take place not later than the midpoint of the probationary period and not later than 30 days before the completion of the probationary period. In addition to these required reviews, the supervisor should conduct a review at any time there is a question concerning the employee's quality of performance. (See Paragraph 2.01 H 2, *Probationary Period*, for the length of the probationary period.)

C. PERFORMANCE/PROGRESS REVIEW MEETING

The supervisor must meet with the employee to discuss the review. Generally, a copy of the review should be given to the employee before the meeting. The supervisor and the employee should sign the review at the time of discussion. The employee's signature acknowledges that the written review has been read and that a discussion has taken place but not that the employee necessarily agrees with the review. The document may be modified as necessary to correct errors of fact.

A copy of the final Performance/Progress Review is sent to the employee. When an employee's Performance/Progress Review indicates that performance is unsatisfactory, the employee's performance and progress must be reviewed again within three months. If performance and progress continue to be

unsatisfactory, corrective action will be initiated by the employee's department after consultation with the Human Resources Department.

The signed Performance/Progress Review is treated as a confidential record but is to be made available to hearing officers, supervisors, and managers when necessary in the performance of their duties or to a Laboratory supervisor who is considering an employee applicant for a position in his or her Department. The Performance/Progress Review form is retained for at least as long as the employee works at the Laboratory.

D. TRAINING AND GUIDANCE FOR SUPERVISORS

Training and guidance to assist supervisors in preparing Performance/Progress Reviews will be provided by the Human Resources Department. Written Guidelines for Conducting the Performance/Progress Review are contained in each Review form and in guidelines that are distributed every spring.

2.04 EDUCATION AND EMPLOYEE DEVELOPMENT POLICIES	Approved: W.L. Blount, Jr. 3/20/95

A. GENERAL

It is the policy of the Laboratory to assist and encourage employees to obtain skills, knowledge, and abilities that increase the effectiveness of work performance in their present positions and improve their career opportunities within the Laboratory.

B. DEFINITIONS

1. Position-Related Programs

Position-related programs are directly related to the work assignments of the employee's current position. For example, supervisory training is a position-related program for an employee whose current position includes supervisory responsibilities.

2. Career-Related Programs

Career-related programs are related to the development of skills, knowledge, and other qualifications that prepare an employee for other positions within the Laboratory for which an employee—as evaluated by the supervisor, department head, and Employee Development and Training Office—might be an effective competitor. For example, supervisory training is a career-related program for an employee whose current position does not include supervisory responsibilities but who is interested in competing for future Laboratory job openings that require supervisory ability. Note: Assistance is available in the Employee Development and Training Office to the employee, supervisor, and department head.

3. Educational Enrichment Programs

These programs are related to an employee's career interests outside the Laboratory and are not related to Laboratory positions for which an employee might be an effective competitor. For example, a course such as music would be considered an educational enrichment program.

C. RESPONSIBILITIES

1. Position-Related Programs. In improving performance or mastering responsibilities in the present job, the supervisor takes the lead by identifying developmental objectives along with corresponding action plans. This is done in conjunction with the performance progress review process.

2. Career-Related Programs. In career planning and development, the employee takes the lead by self-assessing skills, values, career interests, and choices. After completion of the self-assessment process, the employee communicates to the supervisor areas of interest to be developed. The supervisor is encouraged to act as the coach and advisor to the employee, helping to map out agreed-upon developmental objectives along with corresponding action plans.

3. The Employee Development and Training Manager, Human Resources Department, shall assess development needs of Laboratory employees and, based on the availability of resources, shall sponsor appropriate and relevant training and development programs to meet such needs. Special emphasis will be placed on developmental activities designed to help supervisors, group leaders, department heads (as noted above), and division directors meet the Laboratory's affirmative action goals.

4. The Equal Opportunity Administrator shall review and evaluate effectiveness of the employee development programs in relation to the Laboratory's Affirmative Action goals and shall sponsor additional special training as part of the Laboratory's Equal Opportunity Program.

D. SCOPE

1. Attendance at all courses, seminars, and conferences of instructional nature given by universities, colleges, institutes, and commercial training organizations is considered part of the Laboratory's educational and training activities and may be part of a formal employee-development plan.

2. For administrative purposes, attendance at scientific meetings, professional society meetings, research conferences, and industrial conventions and shows is considered a work assignment and is not necessarily a part of a development plan.

E. ELIGIBILITY

1. Any career employee is eligible for the benefits provided by this policy for position-related programs.

2. Any career employee is eligible for the benefits provided by the Laboratory's policy for career-related programs.

3. Term appointees, temporary employees, contract labor employees, co-op students, graduate student research assistants, and employees who work indeterminate time schedules are eligible for the benefits provided by this policy for position-related programs only when such training is specifically necessary for such employees to perform their respective assignments.

F. GENERAL PROVISIONS

1. Employee Development Planning

a. **Objectives.** Every career employee is eligible to request a formal development plan. Development plans should be realistic and state job goals that are attainable within the Laboratory's job classification structure. Satisfactory completion of a development program should result in greater employee capability.

b. **Formal Plans.** When an employee takes three or more Laboratory-supported courses or training programs in a fiscal year, the development plan must be formalized by using Form RL-6216, *Employee Development Plan*. As a minimum, the plan should include developmental objectives and corresponding action plans for improving or mastering performance in the current position, qualifying for other Laboratory positions, or obtaining a specific degree from an accredited college or university.

2. On-Site Training

Responsibilities for training and development activities within the Laboratory are generally distributed as follows:

a. **Intradepartmental Training.** A division director or department head is responsible for arranging specialized training within a department or division. Assistance or advice in any phase of a desired program may be obtained from the Human Resources Department.

b. **Interdepartmental Training.** The Human Resources Department is responsible for providing the following:

- General orientation for new employees.
- Training in Laboratory procedures and practices for clerical employees.
- General management and supervisory training programs.
- Coordination of all requests for on-site programs conducted by nonemployees.
- Additional training programs of Laboratory interest as needed.

c. **Apprenticeship Training Programs and Internships.** The Office of Work Force Diversity has responsibility for administering apprenticeship training programs, other special skills training, and internships.

3. Off-Site Training

An employee may attend off-site training (i.e., outside seminars, conferences, etc., that are paid for by division or department funds) that will be of direct benefit to the employee's assignment. The division will pay fees, travel, and other expenses as necessary. The employee's division director or department head shall consider recommending attendance at courses, seminars, and workshops only when the benefits to the Laboratory will, in the judgment of the division director or department head, more than offset the costs involved and when the required skill or knowledge is not readily available at the Laboratory. The amount of effort expended keeping abreast of technological advances should be weighed against current Laboratory work demands. Requests to schedule an employee for off-site training should be made on Form RL-6342, *Off-Site Training Request*. A copy of the request should be forwarded to the Employee Development and Training Office along with the copy of the course evaluation to maintain Laboratory-wide records. Course evaluations for any environment, health, and safety training should be sent to the EH&S Training Unit. To participate in off-site training, an employee must obtain approval from his/her supervisor and the division director or department head.

4. College-Level Courses

Career employees may take college-level courses for position-related and career-related purposes, including study for a degree. To be eligible for the following privileges, the employee's course of study must be approved by the supervisor, department head, and the Employee Development and Training Office as being related to the employee's current position or part of an approved career-related program.

a. **Time Off for Class Attendance.** Time off with pay may be granted to employees when their absence will not adversely affect progress of work, in accordance with the following provisions:

(1) The employee must remain in career status during the entire quarter or semester.

(2) The course or courses planned must be listed on Form RL-6665, *Tuition Reimbursement*, and must be submitted for approval before registration for each academic quarter or semester.

(3) Time off to attend and register for approved courses may be allowed only when such courses cannot reasonably be taken outside of the employee's scheduled working hours.

(4) Time off with pay may not exceed six hours per week, including time for travel and registration; additional time required must be accounted for by an adjusted work schedule or by use of vacation credit.

b. **Reimbursement of Course Fees.** Because educational activity is a joint responsibility of the Laboratory and the employee, the Laboratory will assume two-thirds of all approved course costs,

and the employee is responsible for one-third. Employees subject to nonresident tuition are not eligible for the two-thirds reimbursement of course fees. Courses can be taken at any accredited state college or university. The employee should submit Form RL-6665, *Tuition Reimbursement*, for approval before enrollment. Reimbursement will be allowed when the employee has submitted to the Employee Development and Training Office proof of payment and successful completion of the course in accordance with the system of grading used. If there is choice between receiving a letter grade or a "Pass/Fail" evaluation, the employee must take the letter grade. When the "A–F" system is used, at least a grade of "C" for undergraduate work, or at least a "B" for graduate work is required for reimbursement. Reimbursement will also be allowed when an employee is forced to withdraw from a course because of work requirements, as confirmed by the supervisor and department head, provided evidence is submitted that the employee's work in the course at the time of forced withdrawal was at least a "C" for undergraduate work, a "B" for graduate work, or a "Pass" if that was the only system of grading.

c. **Educational Enrichment Courses.** Reimbursement for these courses is not covered under the Educational Aid program.

d. **Reimbursement.** Reimbursement covers only course fees. Employees must pay application fees, textbook costs, and late fees.

e. **University of California Reduced-Fee Enrollment Benefit.** A career employee who meets the admission requirements of the University of California and who is not subject to nonresident tuition is eligible for a two-thirds reduction of both the University of California Registration Fee and the University Educational Fee. Subject to the usual academic requirements for admission to the University and to the courses chosen, employees may enroll in regular-session courses, whether taken for credit or not. The course load may not exceed nine units or three regular-session University courses per semester, or nine quarter units, or three courses per quarter, whichever is greater. Fee refunds for withdrawal are allowed under the same procedures as for regular students. Time off with pay is allowed only for courses that are job-related or part of an approved employee-development plan. The reduced fee is also available for non-job-related courses, but the time needed to attend classes cannot be granted with pay. Enrollment must be approved by the employee's supervisor, department head, and the Employee Development and Training Office on Form RL-6665, *Tuition Reimbursement*. Eligible employees attending the University of California must use the Reduced Fee Benefit. Employees must inform the Employee Development and Training Office of their intent to attend the University prior to each quarter or semester.

G. STATE LICENSING/PROFESSIONAL CERTIFICATION

1. Policy

Continuing education courses for the maintenance of state licenses or professional certification that are a requirement for employment in the employee's present position may be considered position-related and may qualify for fee reimbursement.

The fees for licenses that are required for the performance of an employee's present job, such as professional, craft, and special skill licenses, and other permits or certificates from government agencies, are an allowable expense under the contract. The requirement for the license for continuation of employment must be documented, such as in the job description or position posting.

2. Procedure

Requests for course fee reimbursement must follow the guidance for position-related programs above. Requests for approval for payment of such license fees with contract funds must be made in writing to CFO/Accounts Payable. The request should include:

a. Request for Issuance of Check form with valid account number authorization/approval.

b. Endorsement by the cognizant division director that the cost is allowable as cited.

c. Copy of the license renewal/issuance documentation.

H. PROFESSIONAL RESEARCH OR TEACHING LEAVE

To promote the continuing professional growth and competence of senior administrative and scientific staff members, the Laboratory Director may, with prior written approval of DOE, grant Professional Research or Teaching Leave to a limited number of employees. Approval and recommendation from the division director are obtained before submitting the request to the Laboratory Director. DOE approval for such leave will be based on evidence that the Laboratory will benefit from the proposed work and that the candidate will continue employment with the Berkeley Lab or another DOE-funded employer for a reasonable period following the leave. The leave may be spent at appropriate institutions either within or outside the United States.

1. Qualifications

The candidate must have outstanding professional ability and propose a firm plan of study, teaching, or research that is clearly relevant to the interests of the Laboratory and within the individual's competence. The candidate must also have been continuously employed by the Laboratory for four years or more. University of California faculty members are eligible to participate in this program if the Laboratory appointment is at 50% or more time during the academic year.

2. Salary

Salary payments made by the Laboratory to an employee for Professional Research or Teaching Leave may not exceed the following schedule:

Years of Service or Years Since Last Professional Research or Teaching Leave	Up to 6 Months	6–12 Months
4	0.89 salary	0.44 salary
4-1/2	Regular salary	0.50 salary
5		0.56 salary
5-1/2		0.61 salary
6		0.67 salary
7		0.78 salary
8		0.89 salary
9		Regular salary

In the case of a University faculty member with less than 50% campus appointment, Professional Research or Teaching Leave payments may be approved to the extent necessary to offset sabbatical privileges for which the faculty member is ineligible.

3. Duration of Leave

The period of leave will not exceed 12 months.

4. Travel Expenses

Travel expenses will not be reimbursed by the Laboratory.

5. Vacation and Sick-Leave Credits

Vacation and sick-leave credits will not accrue to the employee during the leave.

I. RECORDS AND REPORTS

Records shall be maintained by the Employee Development and Training Administrator as required by the Laboratory Director, the Deputy Director, Operations, and the Head, Human Resources Department.

2.05 EMPLOYEE RELATIONS	Approved: W.L. Blount, Jr. 8/15/96

A. EMPLOYEE COUNSELING

1. Employee

When employees are worried or disturbed about working conditions, job safety, rate of pay, payroll classification, or other matters pertaining to their situation at the Laboratory, they should seek counsel from their supervisors. When an employee seeks such counsel, the supervisor should try to help resolve the problem in a sympathetic and reasonable manner. Supervisors should watch for trouble symptoms and try to prevent the development of serious problems by advising and counseling their employees in the early stages of potential problem situations. (See also Paragraph 1.11 B, *Employee Assistance Program* and Paragraph F, *Employee Assistance Program*, below.)

2. Supervisor

When a supervisor has difficulty resolving personnel problems, the Human Resources Department should be informed about the situation. Various members of the Human Resources Department are qualified to provide assistance resolving these problems in either or both of the following ways:

a. They may advise the supervisor of appropriate action to be taken, consistent with Laboratory and University policy and good employee relations.

b. Human Resources Department representatives are available to counsel employees in the solution of problems relating to their employment at the Laboratory. This counsel is provided with the objective of achieving a solution that is as satisfactory as reasonably possible to the employee and consistent with the satisfactory performance of the duties to which the employee has been or may be assigned.

B. DISCIPLINARY AND CORRECTIVE ACTION

1. Policy

Disciplinary or corrective action shall be initiated when an employee fails to meet employment-related standards of conduct or performance, including but not limited to inattention to duty, unsatisfactory performance, insubordination, absenteeism, violation of law or University regulations, dishonesty, theft or misappropriation of public funds or property, fighting on the job, acts endangering others, gambling, possession of firearms or explosives, or other misconduct. Disciplinary or corrective action may include oral or written warning, temporary or indefinite within-range salary decrease, demotion, suspension without pay, dismissal, or other action deemed appropriate under the circumstances.

2. Responsible Managers

Authority to apply the policy on disciplinary or corrective action, except written warnings, is limited to division directors and deputy division directors. Written warnings may be issued by the immediate supervisor with the review of the next level of supervision. Additionally, with the concurrence of the Head, Human Resources, a division director or a deputy division director may designate another line manager who may exercise the authority to apply this policy. The individuals who are authorized to apply this policy are referred to as responsible managers.

3. Written Warnings

At least one written warning shall precede any disciplinary or corrective action other than a warning or reprimand, except when corrective action is the result of performance or conduct which an employee knows or reasonably should have known was unsatisfactory. Written warnings shall describe the nature of the offense or deficiency, the method or methods of correction, and the probable action to be taken if the offense is repeated or the deficiency persists and shall state the employee's right to request review of the action under Paragraph C, *Employee Grievances*, or D, *Administrative Review*, below, as appropriate.

4. Investigatory Leave

a. An employee may be placed on investigatory leave without pay without prior written warning or approval, usually for periods not to exceed 15 calendar days, during a review or investigation of actions including but not limited to dishonesty, theft, or misappropriation of government funds or property, fighting on the job, insubordination, acts endangering others, and other serious misconduct of a nature that requires removing the employee from the premises.

b. A decision to place an employee on investigative leave may be made only by a responsible manager. The leave must be confirmed in writing to the employee, normally not later than two working days after the leave is effective. The notice must include the reasons for and the expected duration of the leave.

c. If no corrective action, release, or dismissal action is taken upon conclusion of the investigation, the employee shall be paid for the leave period. Any corrective action, release, or dismissal action deemed necessary shall be taken in conformance with the provisions of Paragraphs 5, 7, 8, or 9 below, as appropriate.

5. Corrective Action

Corrective actions include oral or written warning, temporary or indefinite within-range salary decrease, demotion, suspension without pay, or other action deemed appropriate under the circumstances. Corrective actions other than oral warnings may be made only by a responsible manager after consulting with the Human Resources Department. Letters of expectations (counseling memos) are not considered correction action and therefore are not subject to the grievance (Paragraph C, *Employee Grievances*) or administrative review (Paragraph D, *Administrative Review*) processes.

6. Documentation

Documentation of corrective action shall be entered in department records and copies of such records sent immediately to the Human Resources Department. Records of corrective action shall be destroyed after no more than two consecutive years, during which there has been no further corrective action related to the original incident.

7. Written Notice of Corrective Action

If corrective action other than warning is necessary, written notice of such action shall be given to the employee before the effective date. Such notice shall (1) state the intended corrective action, its reason, and effective date; (2) include a copy of the charges and materials upon which the corrective action is based; (3) state that the employee has the right to respond either orally or in writing before the effective date of the action; (4) state the employee's right to appeal the action; and (5) if the employee was on investigatory leave, state whether such leave was with or without pay.

8. Dismissal of Regular-Status Employees

Regular-status employees may be dismissed because of misconduct or failure to maintain work performance standards as stated in Paragraph 1 above. Normally, dismissal is preceded by corrective action unless unsatisfactory performance or misconduct is so serious as to warrant immediate dismissal.

a. **Written Notice of Intention to Dismiss.** A written notice shall be given to a regular-status employee of intention to dismiss. The notice will be given by a responsible manager after consulting with the Human Resources Department and shall (1) state the reason for the intended dismissal, (2) include a copy of the charges and materials upon which the intention to dismiss is based, and (3) state that the employee has the right to respond either orally or in writing within five calendar days.

b. **Written Notice of Dismissal.** After the employee's response or five calendar days from the date of notice of intention to dismiss, whichever is sooner, the employee shall be notified in writing of the decision. If dismissal is not appropriate, the responsible manager shall inform the employee of this fact and state what other action, if any, shall be taken. If it is determined that dismissal is appropriate, an employee shall be given advance written notice of dismissal by the Head, Human Resources Department. The effective date shall be at least ten days from date of issuance of notice of dismissal or fifteen days from issuance of notice of intention to dismiss, whichever is later.

   While written notice of intention to dismiss and written notice of dismissal are required in all cases, no advance notice of dismissal need be given in those situations in which an employee is absent from work without approval or knows or reasonably should have known that performance or conduct was deficient or unsatisfactory. Such performance or conduct may include, but is not limited to, dishonesty, theft or misappropriation of Government funds or property, fighting on the job, insubordination, acts endangering others, or other serious misconduct. The notice shall (1) specify the effective date of dismissal, (2) state the reason for dismissal, (3) state the employee's right to appeal, and (4) if the employee was on investigatory leave, state whether such leave plus the time up to the receipt of the employee's response or the five calendar days provided in Paragraph 9 below shall be with or without pay. If an employee was absent from work without approval, the five days for response to the notice of intention is without pay.

c. **Pay in Lieu of Notice.** When appropriate, up to 15 calendar days' pay may be paid in lieu of notice when recommended by the responsible manager and approved by the Human Resources Department.

9. Release During Probationary Period

An employee who has not attained regular status may be released with the concurrence of the responsible manager and Head, Human Resources Department. Release shall be preceded by a written warning or a performance evaluation that outlines the nature of the deficient performance or conduct, except in situations when the employee has been absent from work without approval for five consecutive assigned working days or when an employee knows or should have known that performance or conduct was unsatisfactory. Such performance or conduct may include but is not limited to dishonesty or theft or misappropriation of government funds or property. The employee shall be informed in writing of the reason for the release and must be informed that he or she is entitled to answer, explain, or deny the reason.

C. EMPLOYEE GRIEVANCES

1. Policy

It is the policy of the University to encourage and facilitate the resolution of employee complaints in a prompt and equitable manner (Paragraph D, *Administrative Review*, below).

2. Scope

An individual employee may request resolution under this policy of complaints pertaining to:

a. Corrective actions of temporary or indefinite within-range salary decrease, demotion, suspension without pay, and written warnings pertaining to these actions.

b. Dismissal and written warning pertaining to such action.

c. Discriminatory practices as listed in Paragraph 2.01 A, *Affirmative Action and Nondiscrimination.*

d. Alleged improper implementation of Laboratory Regulations and Procedures, except complaints of improper implementation of these policies and procedures pertaining to selection for transfer or promotion, classification of a position, evaluation of performance, or a salary action, other than a corrective salary action (see Paragraph B, *Disciplinary and Corrective Action*, above), which are reviewed under Paragraph D, *Administrative Review*, below.

An employee may elect to submit a complaint which qualifies for review under this policy, as reviewed in Paragraph D, *Administrative Review*, below. However, the same complaint will not be reviewed under both Paragraphs C, *Employee Grievances*, and D, *Administrative Review.*

The Head, Human Resources Department, shall determine whether a complaint is within the scope of Paragraphs C, *Employee Grievances*, and D, *Administrative Review*. An employee may appeal the decision of the Head, Human Resources Department, to the University of California Office of the President, Office of Employee Relations, which shall have the final responsibility for determining whether a complaint is within the scope of this policy.

3. Eligibility

The right to submit grievances under this policy is provided to all employees from the beginning of employment except that

a. Career employees who are required to serve probationary periods cannot submit a grievance concerning release during their probationary periods.

b. Temporary or less-than-half-time employees cannot submit a grievance concerning separation until they have been on pay status during each of 12 consecutive months.

Employees who are not eligible to submit a grievance under this policy may request review of complaints through appropriate administrative channels (see Paragraph D, *Administrative Review*, below).

4. Informal Review

a. An employee who has a complaint shall discuss it with the immediate supervisor, who shall have an opportunity to resolve the complaint informally.

b. An employee who has a question concerning the interpretation or application of Laboratory or University personnel policies, including those related to grievance rights, nondiscrimination, working conditions, or other personnel matters, is encouraged to consult with his or her supervisor, responsible manager, or the Head, Human Resources Department, or designee, and, in the case of the policy on nondiscrimination (see Paragraph 2.01 A, *Affirmative Action and Nondiscrimination*), the Head, Work Force Diversity Office, or designee.

c. If the complaint cannot be resolved through informal discussion, the employee may pursue the formal review process.

5. Formal Review

a. Step I: Appeal to the Responsible Manager

(1) Grievances that are within the scope of Paragraphs 1 through 4 above must be submitted in writing to the Head, Human Resources Department, for transmittal to the responsible manager. The grievance must be received by the Head, Human Resources Department, within 30 calendar days after the date on which the employee could be expected to know of the event or action that gave rise to the grievance or within 30 calendar days after the date of a separation, whichever occurs first. A former employee separated by layoff who is eligible for recall or preference for re-employment as provided in Paragraph 2.20 B 8, *Reemployment from Layoff*, may file a grievance alleging violations of recall or preference for reemployment within 30 calendar days after the date on which the employee could be reasonably expected to know of the alleged violation, but no later than 30 calendar days after the eligibility period ends.

(2) The written grievance shall describe the specific actions that are requested for review, any provisions of the *Regulations and Procedures Manual* alleged to be improperly applied, the manner in which they were improperly applied, how the employee was adversely affected, and the remedy requested.

(3) The responsible manager shall respond to the employee in writing within 15 calendar days, unless the employee and the responsible manager agree to an extension. If the responsible manager does not respond or the employee does not agree to the extension in writing, the grievance shall proceed to hearing.

b. Step II: Appeal to the Laboratory Director

(1) If the employee wishes to appeal the responsible manager's decision, the employee shall submit within 15 calendar days a written appeal to the Laboratory Director that shall specify the portions of the written grievance which are not resolved by the responsible manager and shall indicate whether the grievance is to be heard by a University Hearing Committee or hearing officer or by a non-University hearing officer.

(2) Informal resolution of a grievance may be agreed to by the employee and the responsible manager at any stage during the consideration of a grievance.

6. Hearing Process

a. **Hearing Committees and Hearing Officers.** A hearing officer or three-member Hearing Committee shall be selected, as described below, from a panel established by the Laboratory Director. The panel, composed of no less than 15 members shall be selected from among Laboratory or other University employees. No member of the Laboratory Director's Office, the Human Resources Department, or the Office of Work Force Diversity is eligible for appointment to the panel.

A list of the available members is kept at the Human Resources Department. Unless there is mutual agreement between the employee and the responsible manager or their representatives as to who shall be selected as hearing officer or committee member, a committee of three will be selected as follows: after any members of the employee's department have been eliminated, and in the case of a senior scientist submitting a grievance, the elimination of panel members who are not in senior scientist classifications, the responsible manager and the employee or their representatives shall alternately cross off names of available members of the panel until three names are left. The determination of who has the initial cross-off shall be determined by the toss of a coin.

b. **Non-University Hearing Officers.** As an alternative to the use of a Hearing Committee or hearing officer, an employee may elect in writing that the grievance be heard by a non-University hearing officer. (See Paragraph 7 f below regarding payment of fees for non-University hearing officers.) The election by an employee of a hearing before either a University Hearing Committee or hearing officer shall be final. The employee may revoke the choice of non-University hearing officer at any time before the selection of the non-University hearing officer. The Laboratory shall obtain a list of five names of prospective non-University hearing officers from the San Francisco Office of the American Arbitration Association. Using this list, the employee and the Laboratory shall arrange to alternately cross off names, and the last remaining person shall be the hearing officer. The initial cross-off shall be determined by the toss of a coin.

c. The hearing process provides an opportunity for the employee or the employee's representative and the responsible manager or the responsible manager's representative (see Paragraph 8 c below) to examine witnesses and to submit relevant evidence. Each party shall provide the other with relevant material and names of all witnesses who are to be introduced at a hearing. To the extent possible, this material should be provided at least seven calendar days before the hearing.

d. The hearing shall be closed to the general public unless both parties agree to an open hearing.

e. The hearing shall be recorded unless a stenographic record is prepared. The employee may procure a copy of the recording. Either party may make provisions for a stenographic record of the hearing, subject to payment of the cost, or the parties may agree in advance to share the expense of a stenographic report.

7. **Responsibility and Authority of the Hearing Committee or Officer**

a. The Hearing Committee or officer shall:

(1) Identify the grievance issues submitted in the original written grievance for hearing.

(2) Conduct a hearing to determine the facts and whether the management action that resulted in the grievance was in violation of Laboratory policies or procedures or, if the grievance involves corrective action or dismissal, whether the management action was reasonable under the circumstances.

(3) Submit a written hearing report to the Laboratory Director.

b. The hearing report shall include a brief description of the following:

(1) Each incident or management action that resulted in the grievance.

(2) Each issue under submission.

(3) The positions of the parties.

(4) The findings of fact and policy violations, if any.

(5) A recommendation for resolution of each issue of the grievance (findings of fact shall be supported by the evidence and recommendations shall be supported by the findings).

c. The Hearing Committee or officer shall have no authority to depart from or otherwise modify Laboratory or University personnel policies.

d. Except by mutual agreement of both parties, no new issues may be added to a grievance or introduced at a hearing that were not included in the original written grievance.

e. **Decision.** The decision of the Hearing Committee or officer shall be final and binding when the issue reviewed under this policy alleges violations of Paragraph B, *Disciplinary and Corrective Action*, above, or Paragraph 2.20 B, *Reduction in Force*, and if the employee had regular status at the time the grievance was filed. Recommended decisions to resolve all other issues are advisory to the Laboratory Director. A recommended decision of a Hearing Committee or officer shall be either accepted, rejected, or modified by the Laboratory Director within 15 calendar days after receipt. The decision of the Laboratory Director is final. The decision shall be in writing and forwarded to the respective parties with a copy of the hearing report.

f. **Fees.** The non-University hearing officer's fee shall be borne equally by the Laboratory and the employee if the Laboratory Director accepts the recommended decision or if the hearing decision is final and binding. If the Laboratory Director rejects or substantively changes the recommended decision of a non-University hearing officer, the fee shall be borne by the Laboratory.

g. **Remedy.** If the management action that resulted in the grievance is determined to be in violation of Laboratory policy or procedure or if the corrective action or dismissal is determined not to be reasonable under the circumstances, the remedy shall not exceed restoring to the employee the pay, benefits, or rights lost as a result of the action, less any income earned from any other employment.

h. **Exception to Staff Personnel Policy.** The resolution of an employee grievance shall be in accordance with appropriate Laboratory or University policies. Any decision, whether recommended or final and binding, that involves an exception to Laboratory or University policy requires the prior approval of the President of the University of California.

8. **General Provisions**

a. **Like Grievances.** Individual grievances of two or more employees may be included in one hearing when the grievances were caused by the same action and when it is agreed upon by the employees and the responsible manager before the hearing. All grievances from one employee that relate to a single incident or issue shall be included in one hearing.

b. **Jurisdiction.** An employee is subject to the hearing procedures of the campus or facility where the action that resulted in the grievance occurred or as approved by the University of California Office of the President, Office of Employee Relations.

c. **Representation.** An employee may be self-represented or may be represented by another person at any stage of the review of a grievance. If the employee is represented by legal counsel, the responsible manager shall be represented by Laboratory counsel or the Office of the General Counsel. Otherwise, the responsible manager shall be represented as the Laboratory Director deems appropriate.

d. **Reprisal.** No employee shall be subject to reprisal for using or participating in the grievance process.

e. **Time Limits.** The total time period from the initial date of filing of the formal grievance to the final decision shall not exceed 90 calendar days, unless extensions are granted in accordance with the provisions noted below.

Efforts to resolve employee complaints from the informal through formal review do not extend the time limits for filing the written request for formal review. Every effort will be made to expedite the resolution of employee concerns.

Once a formal grievance has been filed on a timely basis, the Head, Human Resources, may extend subsequent time limits in this policy except as provided in Paragraph 5 a (3) above. The extensions, which shall be in writing, shall include the reason for extensions and be forwarded to the employee and the responsible manager.

Any time limit, including the original filing time limit, that expires on a Saturday, Sunday, administrative holiday, or other day off observed by the Laboratory shall be extended to the next normal working day.

f. **Pay Status for Time Spent in Grievance Resolution.** The responsible manager shall approve requests for reasonable time off with pay during scheduled working hours to an employee and to an employee's representative (if the representative is a Laboratory employee and is not paid for such representation by the employee filing the grievance or by others) for time spent in informal resolution of a complaint, in investigating a complaint, and in presenting a grievance at a formal hearing. Time spent by the employee or the representative in the above activities outside scheduled working hours is without pay.

An employee who serves as a witness shall be on pay status while testifying at a hearing. In addition, the responsible manager shall grant reasonable time off with pay during scheduled working hours to an employee-witness for other meetings related to resolution of an employee complaint; however, an employee-witness's time spent outside of scheduled working hours, other than testifying at a hearing, shall be without pay.

g. **Facilities.** The Human Resources Department shall be responsible for making all physical arrangements, including tape recording of the hearing, providing staff and clerical assistance to the hearing officer or committee as required, ensuring that all parties are advised of procedural requirements, and keeping the calendar record of the grievance.

The Human Resources Department shall receive copies of all reports and documents pertaining to the grievance and shall be the official custodian of the complete file and tapes.

h. **Forms and Guides.** The University of California Office of the President, Office of Employee Relations, shall establish necessary forms and guides for the administration of this policy.

D. ADMINISTRATIVE REVIEW

1. Policy

It is the policy of the University to encourage and facilitate the resolution of employee complaints in a prompt and equitable manner (Paragraph C, *Employee Grievances*, above).

2. Scope

An individual employee may request resolution under this policy of any complaint regarding a specific management action that adversely affects the employee's terms and conditions of employment. These complaints include, but are not limited to, the following actions:

a. Selection for transfer or promotion.

b. Position classification.

c. Merit salary increase or other salary action.

d. The content of a performance evaluation.

e. Release before attaining regular status or before the first of the month following 12 consecutive months on pay status.

An employee may elect to have a complaint that qualifies for review under Paragraph C, *Employee Grievances*, above reviewed under this policy. However, the same complaint shall not be reviewed under both Paragraphs C, *Employee Grievances,* and D, *Administrative Review*.

3. Eligibility

All employees may request review of their complaints under this policy.

4. Informal Review

a. An employee who has a complaint shall discuss it with the immediate supervisor, who shall have an opportunity to resolve the complaint informally.

b. An employee who has a question concerning the interpretation or application of Laboratory policies or procedures, working conditions, or other personnel matters is encouraged to consult with the supervisor, the responsible manager, or the Head, Human Resources Department, and, in the case of the policy on nondiscrimination, the Head, Work Force Diversity Office, or designee. (See Paragraph 2.01 A, *Affirmative Action and Nondiscrimination.*)

c. If the complaint cannot be resolved through informal discussions, the employee may pursue the formal review process.

5. Formal Review

a. An employee shall submit a request for administrative review in writing to the Head, Human Resources Department. The request must be received by the Head, Human Resources Department, within 30 calendar days after the date on which the employee could be expected to know of the event or action that gave rise to the complaint or within 30 calendar days after the date of a separation, whichever occurs first. A former employee separated by layoff who is eligible for recall or preference for reemployment as provided in Paragraph 2.20 B 8, *Reemployment from Layoff*, may request an administrative review alleging violations of recall and preference for reemployment rights within 30 calendar days after the date on which the employee could be reasonably expected to know of the alleged violation, but no later than 30 calendar days after eligibility period ends.

b. The written complaint shall describe the specific actions that are requested for review, any provisions of Laboratory policies or procedures alleged to be improperly applied, the manner in which they were improperly applied, how the employee was adversely affected, and the remedy requested. The written request for administrative review shall be processed as follows:

(1) A request to the Head, Human Resources Department, for review of a decision on the classification of a position shall be reviewed by the Manager, Compensation, and the appropriate Laboratory salary committee and forwarded to the Laboratory Director, whose decision shall be final.

(2) A request for review of a complaint other than one involving classification shall be forwarded by the Head, Human Resources Department, to the responsible manager. If the complaint is not resolved by the responsible manager, the employee may request review through successive administrative levels ending with the Laboratory Director, whose decision is final.

c. A complaint filed under this section which involves an action taken by the Laboratory Director shall be forwarded by the Head, Human Resources Department, to the University President, whose decision is final.

6. Independent Party Review

Complaints filed under Paragraph 4 c above shall be reviewed by an independent party upon request of the employee or as deemed advisable by the Laboratory Director, or designee, or the President of the University. The independent party shall be an employee of the Laboratory and shall be appointed by the Laboratory Director, or designee, to review the facts of the case at any stage in the process but before a final decision is made by the Laboratory Director, or in the case of a complaint under Presidential review, by the University President. Each party to the complaint shall have an opportunity to meet with and present information directly to the independent party.

7. Documentation

For complaints filed under Paragraph 4 c above, the review and decision at each administrative level and the independent party's finding of fact, if any, shall be in writing and shall be included in the record of the complaint for review at each successive level of review. A copy of the documentation shall be provided to the employee, the supervisor, and all administrators who have reviewed the complaint.

8. Time Limits

The final decision of all complaints filed under Paragraph D, *Administrative Review*, shall be provided in writing to the employee within 90 calendar days from the date the employee filed the written request for formal administrative review, unless the Laboratory Director, or designee, or the University President approved an extension. Such extensions shall be in writing, including the reasons for the extensions, and shall be forwarded to the employee and to the responsible manager or the Head, Human Resources Department, as appropriate.

9. General Provisions

a. **Reprisal.** No employee shall be subjected to reprisal for using or participating in the administrative review process.

b. **Representation.** An employee may be self-represented or represented by another person at any stage of the process. The responsible manager shall be represented as the Laboratory Director, or designee, deems appropriate.

c. **Pay Status for Time Spent in Complaint Resolution.** The responsible manager shall approve requests for reasonable time off with pay during scheduled working hours to an employee who requested administrative review and to an employee's representative (if the representative is an employee at the same location and is not paid for such representation by the employee who requested the review or by others) for time spent in informal resolution of a complaint, in investigating a complaint, or in presenting the complaint to Laboratory administrators or the independent party. Time spent by the employee or the representative in the above activities outside scheduled working hours is without pay.

An employee who serves as a witness shall be on pay status while providing information to Laboratory administrators or the independent party. In addition, the responsible manager shall grant reasonable time off with pay during scheduled working hours to an employee-witness while providing information to others involved in the resolution of an employee complaint; however, an employee-witness's time spent outside of scheduled working hours, other than while providing information to Laboratory administrators or the independent party, shall be without pay.

10. Review of Policies, Classification Standards, and Salary Ranges

Questions or complaints regarding Laboratory or University policies, classification standards, benefits, and salary rates or ranges for classes shall be submitted to the Head, Human Resources Department, for discussion. If unresolved, the questions or complaints may be submitted to the Laboratory Director, who may, if necessary, consult with the University of California Office of the President, Office of Employee Relations.

E. INFORMAL PROCEDURES FOR ACCOMMODATION OF COMPLAINTS OF SEXUAL HARASSMENT

1. Policy

The Laboratory is committed to creating and maintaining a community in which employees and guests can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual. 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 University policy. It is the intention of the Laboratory to take whatever action may be needed to prevent, correct, and, if necessary, take disciplinary action to correct behavior that violates this policy.

a. Sexual harassment is defined as unwelcome behavior of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

   (1) Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other Laboratory activity.

   (2) Submission to or rejection of such conduct is used as the basis for evaluation in making personnel decisions affecting an individual.

   (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive Laboratory environment.

b. Some examples of sexual harassment are:

   (1) Unwanted sexual advances.

   (2) Offering employment benefits in exchange for sexual favors.

   (3) Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects, pictures, cartoons, or posters.

   (4) Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes.

   (5) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene correspondence, letters, notes, or invitations.

   (6) Physical conduct: touching, impeding, or blocking movements.

   (7) Making or threatening reprisals after a negative response to sexual advances.

In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the nature of the alleged sexual advances and the context in which the alleged incidents occurred.

2. General

Complaints of sexual harassment that are not presented as formal grievances or requests for administrative review or problems involving sexual harassment that come to the attention of Laboratory management other than as individual complaints may be dealt with in the following ways:

a. Individual complaints involving circumstances in which the complainant wishes to maintain confidentiality before initiation of formal complaint procedures or management action may contact the Employee/Labor Relations Office, or the Office of Work Force Diversity for counsel and guidance. Employees are also encouraged to utilize the services of the Laboratory's Employee Assistance Program.

b. Should attempts by one of the parties above fail to informally resolve the complaint through meetings with the parties involved, the case should be referred to the Employee/Labor Relations Office, which has responsibility for making recommendations to Laboratory management for resolution of the complaint.

c. If the complainant selects the administrative review procedures for resolution of the complaint, the complainant may select any level of management to review the complaint, with independent party review, if desired. (See Paragraph D 5 b (2) above.)

d. Sexual harassment issues that come to the attention of Laboratory management other than by individual complaints will be dealt with by management on an ad hoc basis; this may be preceded by fact-finding by a person or persons appointed by the Laboratory Director, or designee, for this purpose.

3. Confidentiality

In the preformal complaint resolution procedures and in accordance with existing policies, every reasonable effort will be made to protect the privacy of the parties concerned. Files pertaining to such informal complaints shall not be made available to the public, but information contained in the files may, pursuant to applicable Laboratory and University regulations and public laws, be made available to the parties concerned. With respect to formal proceedings, regulations established pursuant to the specific procedure being implemented should govern the hearing process and access to documents.

4. Retaliation

Retaliation against individuals who report or complain of sexual harassment is illegal and is prohibited by Laboratory policy.

F. EMPLOYEE ASSISTANCE PROGRAM

1. Policy

The Laboratory's policy is to ensure that employees are offered confidential assistance in resolving such problems as alcoholism, drug abuse, emotional disturbances, or legal, family, and financial difficulties. The Laboratory recognizes that these problems can have a negative impact on job performance that is beyond the ability of supervisors or managers to resolve. An employee who is dealing with any of these problems is encouraged to utilize the Laboratory's Employee Assistance Program (EAP). The EAP is an offsite program provided by the University of California Health Center (the Tang Center) on the Berkeley

campus. Employees and managers who are seeking Employee Assistance services may contact the University of California, Berkeley, Employee Assistance Program directly.

Employees are assured that self-initiated contacts made with the Laboratory's EAP are kept in strict confidence in accordance with prevailing Federal requirements and Laboratory policy on confidential personal health records. The EAP will not contact management concerning employees who refer themselves unless the employee so requests.

Employees participating in the EAP are required to meet job performance standards. Program participation is voluntary and will not affect future employment or career advancement.

2. Responsibility

a. **Supervisor.** In cases where an employee's work performance is being adversely affected by a personal problem and the supervisor and the employee are unable to resolve the problem, the employee may be referred to the EAP for consultation. The supervisor may continue to recommend confidential assistance to the employee if the job performance problem is not remedied. The supervisor will also inform the employee of the consequences of unresolved work performance concerns.

b. **Employee Assistance Program (EAP).** The EAP services provide consultation to the employee and/or to the referring supervisor, problem assessment, referral of the employee to outside resources, if required, and ongoing follow-up for problem resolution.

c. **Employee.** Employees are responsible for performing their jobs in a satisfactory manner. Seeking assistance from the EAP for personal problems that are interfering with work performance may help the employee meet this responsibility.

G. VOCATIONAL REHABILITATION

1. Policy

The Laboratory will provide special assistance to employees who become disabled when the disability substantially limits their work activities. This assistance shall include information about vocational rehabilitation services, reasonable accommodation, and, for employees who have attained regular status, special selection procedures.

2. Vocational Rehabilitation

An employee who becomes disabled shall be informed of the availability of vocational rehabilitation services as soon as such services are appropriate.

3. Reasonable Accommodation

a. The Head, Human Resources Department, shall ensure that the position held at the onset of the illness or injury, if still available, is analyzed to identify essential functions (critical and important tasks) and conditions of the work environment to aid in determining if reasonable accommodations can be made for the disability. If necessary, a similar analysis for accommodation shall be conducted of other open positions for which the employee has applied and is otherwise qualified.

b. The Laboratory Health Services Department is responsible for evaluating the nature of any accommodation to a disability, based on job analysis information provided by the Head, Human Resources Department.

4. Trial Employment

When recommended by a vocational rehabilitation counselor and approved by the Head, Human Resources Department, an employee or former employee with a disability *may* be offered temporary trial employment to evaluate his/her interests and abilities. The length of this trial employment, which shall not exceed one year, shall be determined by the counselor in consultation with the responsible manager.

5. Special Selection for Other Positions

When approved by the Head, Human Resources Department, a regular-status employee who becomes a person with a disability and who has received vocational rehabilitation services may be selected for a position without the requirement that the position be publicized. (See Paragraph 2.01 B 3, *Publicizing Job Vacancies*.)

H. INTEGRITY IN RESEARCH

1. General

Integrity of the research enterprise is crucial to the search for new knowledge. All individuals involved in scientific research at Lawrence Berkeley National Laboratory have an obligation to create an environment that encourages absolute intellectual honesty. Open communication, an emphasis on quality (not quantity) of research and publications, rigorous peer review, appropriate supervision of personnel, maintenance of accurate and detailed research procedures and results, and suitable assignment of credit and responsibility for research and publications are all necessary to foster intellectual honesty.

Conduct or activities that fall short of the basic ethical principles inherent in the research process undermine the scientific enterprise in ways that go far beyond the waste of public funds. Although uncommon relative to the large body of scientific literature, violations of accepted standards occur. As an institution engaged in research, the Laboratory has a responsibility for dealing with allegations of such misconduct fairly, effectively, and expeditiously. In accomplishing this, however, it is important not to create an atmosphere that discourages openness and creativity. Moreover, as is noted in the definition below, it is particularly important to distinguish misconduct in scientific research from the honest error and the ambiguities of interpretation that are inherent in the scientific process and that are normally corrected by further research.

2. Purpose

This policy provides the basis for uniform procedures for dealing with instances of alleged misconduct in scientific research, as that term is defined herein, and provides the authority for the administration of such procedures.

3. Definition

"Misconduct in Scientific Research" is defined for purposes of this policy as

> Fabrication, falsification, plagiarism, or other similar practices that occur in the course of proposing, conducting, or reporting research. Not included in this definition are honest error or honest differences in interpretations of judgments of data.

4. Policy

It is the policy of Lawrence Berkeley National Laboratory to provide an environment that promotes integrity, to require the highest ethical standards from all individuals involved in scientific research, and to inquire into and, if necessary, investigate and resolve promptly and fairly all instances of alleged

misconduct in scientific research. Any individual found to have engaged in such misconduct may be subject to disciplinary or corrective action in accordance with applicable Laboratory policies and procedures.

5. Applicability

These policies and procedures apply to all instances of alleged misconduct in scientific research at the Laboratory and to all individuals involved in such research, e.g., scientists, graduate students, and administrative and technical staff.

6. Authority

The Deputy Director, Operations (DDO), has overall responsibility for the development of this policy and the procedures for its implementation. The division director in whose program area the misconduct is alleged to have occurred (the cognizant division director) is responsible for enforcing this policy and carrying out its procedures.

7. Procedures for Handling Allegations of Misconduct in Scientific Research

a. **Reporting Alleged Misconduct.** Allegations or information concerning suspected misconduct in scientific research should be reported to a division director. The individual reporting such information is to be informed of the scope of the policy and the procedures regarding such allegations and the process that will occur. The individual will also be informed that such matters will be treated confidentially but that the information provided, including his or her name, will be a matter of record and may be disclosed to the person accused of misconduct or to others with a need to know or a legal right to receive such information. Within five working days after receipt of such a report, the information shall be forwarded to the cognizant division director (hereafter division director) for action.

b. **Preliminary Inquiry**

(1) Within 10 working days after receipt of information or a report concerning suspected misconduct, the division director shall appoint one or more individuals to conduct a preliminary inquiry to review the allegations and information available and to recommend whether a formal investigation should be undertaken. The inquiry shall be conducted in an objective and fair manner for the purpose of separating allegations deserving of further investigation from unjustified or mistaken allegations. Within the same 10-day period, the division director shall inform the individual alleged to have engaged in the misconduct (respondent) and the DDO of the allegation or information, the name(s) of the individual(s) who will conduct the preliminary inquiry, and the process to be followed.

(2) Within 25 working days after the appointment of individual(s) to conduct the preliminary inquiry, said individual(s) shall submit a report to the division director recommending whether a formal investigation should be conducted. This report shall contain sufficient discussion of the allegations and information reviewed to provide a basis for the recommendation.

(3) The division director shall consider the preliminary inquiry report and, after consulting the DDO, shall decide whether a formal investigation should be undertaken. Within 10 working days after receipt of the preliminary report, the decision of the division director and the preliminary report shall be provided to the respondent and the DDO. If no formal investigation is to be undertaken, the decision of the division director shall also be provided to the individual who made the allegations.

c. **Formal Investigation**

(1) Within 10 working days after the date of the decision to conduct a formal investigation, the division director shall appoint a three-member ad hoc committee, none of whom shall have served in the preliminary inquiry review, and shall inform the respondent and the DDO of the nature of the allegation or information to be investigated, the names of the members of the investigating committee, and the process to be followed.

(2) The charge to the ad hoc committee will be to make findings as to whether the respondent has engaged in misconduct in scientific research and to recommend what action, if any, is appropriate under the circumstances. The committee shall conduct its investigation in an objective and fair manner and shall provide the respondent the opportunity to respond to the allegations being investigated. The committee, at its discretion, may seek the advice of experts or others to assist its investigation.

(3) Within 45 working days after its appointment, the investigating committee shall report its findings and recommendations to the division director. This report shall contain sufficient discussion of the allegations and information reviewed to provide a basis for the findings and recommendations. Within five working days after receipt of the committee's report, the division director shall provide a copy to the respondent, who will be given 10 working days to comment in writing.

(4) The division director shall consider the findings and recommendations in the report, and any response by the respondent, and, in consultation with the DDO and the Human Resources Department, shall decide what action, if any, is to be taken. Within 30 working days after receipt of the report of the committee, the decision of the division director shall be provided to the respondent. If the decision is to take disciplinary action against the respondent, the applicable provisions of the RPM shall be followed.

8. **General Provisions**

a. The respondent shall be informed of the right to be represented at any stage during the preliminary inquiry or formal investigation.

b. The respondent is expected to cooperate fully during a preliminary inquiry or formal investigation. Failure to do so without good cause may result in disciplinary or corrective action in accordance with applicable Laboratory policies and procedures.

c. No individual who has made a good-faith allegation of misconduct in scientific research shall be subject to reprisal or retaliation.

d. Individuals who have made bad-faith allegations of scientific misconduct may be subject to disciplinary or corrective action in accordance with applicable Laboratory policies and procedures.

e. In addition to Laboratory disciplinary or corrective action, a respondent found to have engaged in misconduct in scientific research may be subject to actions by cognizant funding agencies.

f. The division director shall ensure that those appointed to undertake inquiries and investigations are free from any conflicts of interest that would interfere with their ability to be fair and objective. The DDO, in consultation with the division director, has the final authority to decide questions or issues regarding conflicts of interest.

g. The time limits set forth in this policy may be extended for good cause as determined by the DDO.

h. All notices, reports, and recommendations referred to in this policy shall be in writing.

i. The matters dealt with under this policy shall be treated confidentially to the extent practicable and in accordance with applicable law.

j. The DDO shall provide the cognizant funding agencies with any information required by applicable regulations.

k. At any stage in the process described herein, the division director, in consultation with the DDO, may agree with the respondent to resolve the matters under review. Any such resolution shall be in writing.

l. The division director, upon receipt of the information or report(s) called for under this policy or at any stage of the process described herein, has the right to seek clarification or additional information or to institute further inquiry or investigation.

I. REPORTING IMPROPER GOVERNMENTAL ACTIVITIES AND PROTECTION AGAINST RETALIATION FOR REPORTING IMPROPER ACTIVITIES

It is the policy of the Laboratory to encourage its employees and other persons to disclose improper governmental activities as defined in the Reporting of Improper Governmental Activities Act (Sections 10540-10551 of the California Government Code) and to address written complaints alleging acts of reprisal or intimidation due to disclosure of improper governmental activities. Laboratory management has the responsibility to seek out and correct abuses regarding improper activities.

The following procedures shall be followed to implement this policy:

1. Reporting Improper Activities

a. Any person may file a confidential report with the Deputy Director, Operations (DDO), alleging improper activity. "Any person" includes, but is not limited to, employees, students, applicants for Laboratory employment, and members of the public.

While every effort will be made to preserve the confidentiality of reports of improper activities, release of such reports may be required pursuant to a subpoena or in other circumstances where the Laboratory is required to release the information.

Improper activity is defined as any activity by a Laboratory division or department or by an employee that is undertaken in the performance of the employee's official duties, whether or not such action is within the scope of his or her employment, and that is (1) in violation of any State or Federal law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft of Laboratory/Government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of Laboratory/Government property and facilities, or willful omission to perform duty, or (2) is economically wasteful, or involves gross misconduct, incompetency, or inefficiency.

b. If the Laboratory Director or the DDO is the person alleged to have engaged in the improper activity, the report may be filed with the University Senior Vice President, Administration.

c. Reports alleging improper activity will be investigated, if warranted, and processed according to Laboratory procedures as determined by the DDO. Procedures as specified in University Business and Finance Bulletin G-29 or the Integrity in Research Policy will apply when appropriate.

d. An employee who is found to have made a bad-faith allegation of improper governmental activities may be subject to disciplinary or corrective action in accordance with applicable Laboratory policies and procedures.

2. Protection Against Retaliation for Reporting Improper Activities

a. Interference with the Right to File a Report of Improper Activities

A Laboratory employee may not directly or indirectly use or attempt to use the official authority or influence of his or her position or office for the purpose of interfering with the right of a person to file a report as described in Paragraph 1a, above, or the right to file such a report with the University Auditor or with the Auditor General of the State of California or other public official designated to receive required reports of improper activity. Use of "official authority or influence" includes promising to confer, or conferring, any benefit; effecting, or threatening to effect, any reprisal; or taking, or directing others to take, or recommending, processing, or approving any personnel action, including, but not limited to, appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action.

b. Retaliation Complaint Officer (RCO)

(1) The Laboratory Director will appoint a panel of two Retaliation Complaint Officers (RCOs) to investigate or to oversee the investigation of complaints from employees or applicants for employment alleging such interference or retaliation. The RCOs will be members of the Laboratory Grievance Hearing Committee Panel (see Paragraph C 6a, above).

(2) If the complaint alleges that the Laboratory Director interfered or took the retaliatory action, the RCO will request the President of the University to appoint an investigating officer.

(3) The Head, Human Resources Department, is designated as the official to administer this policy. The Head, Human Resources Department, will determine issues of timeliness and eligibility and whether a complaint must be submitted under other University/Laboratory (herein referred to as Laboratory) grievance or complaint resolution procedures available to the complainant under applicable Laboratory personnel policies, collective bargaining agreements, or may be filed directly with the RCO under the terms of Paragraph I 2c(1), below.

c. Filing a Complaint with the RCO

(1) A complaint as described in Paragraph 2b(1), above, must be filed under existing Laboratory grievance or complaint resolution procedures, including procedures in Laboratory personnel program policies (see Paragraph C, *Employee Grievances*, or Paragraph D, *Administrative Review*) and collective bargaining agreements if the complaint is within the scope and timeliness under those procedures. When filed under existing procedures, the person may choose also to file a copy of the written complaint with the RCO, together with a sworn statement that the contents of the written complaint are true, or are believed by the complainant to be true, under penalty of perjury.

Confidentiality of the original report of improper activities cannot be maintained when an individual files a retaliation complaint under Paragraph 2 of this policy.

(2) A complaint as described in Paragraph 2a, above, together with a sworn statement that the contents of the written complaint are true, or are believed by the complainant to be true, under penalty of perjury, may be filed directly with the RCO under the following conditions:

(a) the complaint is not within the scope of any complaint resolution procedure available to the complainant under applicable Laboratory personnel policies, collective bargaining agreements; or

(b) the person is an applicant for employment; or

(c) the employee does not have a complaint resolution procedure available for some other reason.

(3) Any complaint filed with the RCO must be filed within 12 months of the alleged act or threat of interference or retaliation.

(4) In order for a complaint of interference or retaliation or threatened retaliation to be accepted by the RCO, the complainant must have previously filed a report, as described in Paragraph 1, above, with the appropriate Laboratory or public official, or must present a case alleging the prevention by intimidation from filing such a report.

d. Investigation by the RCO

(1) When a complaint is filed under an existing Laboratory grievance or complaint resolution procedure, and a copy of the complaint also is filed with the RCO, the RCO will investigate the complaint only as provided below:

(a) If the complaint is filed under a complaint resolution procedure containing "independent party review" as defined in Laboratory policy as part of the final available step (see Paragraph D 6, above), the RCO will be appointed as the independent party.

(b) If the complaint is filed under a union agreement but is not eligible under that agreement for arbitration, the RCO will investigate the complaint after exhaustion of the available steps of the contractual grievance procedure and upon appeal of the grievant to the RCO. The investigation and findings will be limited to the interference or retaliation aspect of the complaint only.

(c) If the complaint is heard before an arbitrator or Laboratory hearing officer or committee, the RCO will receive a copy of that decision. If the decision does not include findings regarding the alleged interference or retaliation, the RCO will conduct a separate investigation on that issue only.

(2) When no Laboratory grievance or complaint resolution procedure is available to the complainant, the RCO will conduct the investigation.

(3) The RCO will present findings to the Laboratory Director within 90 calendar days from the date the employee filed the written complaint, unless the Laboratory Director, or designee, approves an extension.

(4) Before findings are reached, the RCO will provide a copy of the complaint and any documents on which the RCO intends to rely in reaching findings to the person accused of interference or retaliation. That person will be provided the opportunity to respond to the complaint and to file a written statement, which will become part of the record submitted to the Laboratory Director.

(5) If for any reason the RCO's activities with respect to a complaint are terminated before findings are sent to the Laboratory Director, the record will be sealed and will be released only to the Laboratory Director or President of the University and as required by law.

e. Laboratory Director's Decision

(1) The RCO presents findings to the Laboratory Director, who will reach a decision regarding the complaint and will communicate that decision, including a copy of the RCO's findings, within 30 days of receipt of the findings, to the complainant and to the person or persons accused of violating Paragraph 2a of this policy. The Laboratory Director may approve an extension of the 30-day time limit; such extension must be in writing, including the reasons for the extension and it will be forwarded to the RCO, the complainant and the person or persons accused of violating Paragraph 2a of this policy. The Laboratory Director's decision will include any appropriate relief for the complainant but will not describe any disciplinary action that may be taken against a Laboratory employee.

(2) In those cases in which the complaint was heard before an arbitrator or a Laboratory hearing officer or committee, but a copy of the complaint and sworn statement had also been filed with the RCO, the RCO will receive a copy of the decision. When there are findings that interference or retaliation have occurred (as defined in Paragraph 2a, above), the RCO will provide that information to the Laboratory Director. If the decision is final and binding, the Laboratory Director will not alter the decision in any way, but may initiate discipline against the Laboratory employee who interfered or retaliated based on the findings in the decision.

(3) If the complaint alleges that the Laboratory Director interfered or took the retaliatory action, the findings of the investigating officer (see Paragraph 2b(2), above) are presented to the President of the University who will take the actions described for the Laboratory Director.

f. Discipline of a Laboratory Employee

The Laboratory Director determines the appropriate disciplinary action, if any, which will be initiated against a Laboratory employee found to have interfered or retaliated as defined in Paragraph 2a, above.

g. Appeal of the Decision

Decisions of the Laboratory Director based on findings of the RCO may be appealed within 20 days to the Senior Vice President, Administration, of the University at 300 Lakeside Drive, Oakland, California.

h. Report

The Laboratory will submit an annual report of actions taken under Paragraph I, *Reporting Improper Governmental Activities and Protection Against Retaliation for Reporting Improper Activities*, above, to the University Senior Vice President, Administration.

2.06 COMPENSATION PROGRAM	Approved: W.L. Blount, Jr. 3/31/95

A. GENERAL POLICY

Lawrence Berkeley National Laboratory's policy is to provide a compensation program to attract, motivate, and retain creative, skilled, and productive employees. The program implements key pay strategies to recognize and reward employees for work performance and accomplishments based on merit and to establish salary ranges and pay rates competitive with external market levels.

A compensation program includes methods and procedures for job analysis, evaluation, classification, and other practices that support management efforts to establish work assignments and appointment levels based on the assessment of job responsibilities, contribution levels, and other requirements. The Laboratory develops salary ranges and pay rates that reflect its internal value of jobs and external labor market values. The program provides for adjustments to salary ranges and pay rates based on the need to remain competitive in response to changing internal and external conditions such as funding levels, labor markets, Laboratory reorganizations, and other factors.

The Laboratory administers the compensation program consistent with its policy of equal opportunity for employees. Management supports open communication with employees about the compensation program and related salary administration practices and procedures.

1. Relationship with the University of California

As part of the University of California, the Laboratory follows University employee policies. In policy matters, close liaison is maintained with the Laboratory Administration Office, University of California, Office of the President.

2. Relationship with the Department of Energy

The Laboratory is operated by the Regents of the University of California under Contract DE-AC03-76SF00098 ("Contract 98") with the U.S. Department of Energy (DOE). In accordance with this contract, the Laboratory has adopted compensation program objectives and standards.

B. HUMAN RESOURCES DEPARTMENT

1. The Compensation Office

The functions of the Compensation Office of the Human Resources Department include the administering, recommending, implementing, and monitoring of all aspects of compensation policy.

2. Staffing Office

The Staffing Office of the Human Resources Department, in consultation with the Compensation staff, is responsible for assisting divisions in evaluating and establishing appropriate job classifications and starting salaries for both prospective and transferring employees and for obtaining all required approvals.

C. LABORATORY COMMITTEES

Two salary committees cover the major categories of employment at the Laboratory. The committees are:

- The Laboratory Compensation Committee.

- The Scientific/Engineer Salary Committee.

Reclassification requests for senior staff and distinguished staff scientists/engineers are normally reviewed by the Laboratory Staff Committee and passed to the Laboratory Director with its recommendation.

1. Appointment of Members

Members and chairpersons of the salary committees are appointed to serve specified terms. To the extent possible, membership is representative of the various divisions. The committees are advisory to the Human Resources Department and the Laboratory Director. A list of the current membership of each committee is maintained by the Compensation Office.

2. Function and Role

The committees provide recommendations and important feedback upon request by the Laboratory Director or Human Resources Department on compensation-related matters, including proposed changes to policy. In addition, in cases where the division and Human Resources Department are in disagreement, the committees will review and make recommendations on classification issues as requested by the Compensation Manager.

The Scientific/Engineer Salary Committee reviews and makes recommendations to the Laboratory Director on post-October salary changes, Head-level appointment positions, and exceptional cases concerning scientist and engineer reclassifications, salary offers, and salary adjustments for senior staff scientist/engineer and division fellow appointments; approves post-doctoral fellow salary schedules; and adjudicates scientist/engineer salary offers on appeal.

D. DIVISIONS

Division responsibilities regarding administration of Laboratory compensation policies include the following:

1. Reviews and Recommendations

Review each employee's salary and work assignment at least once a year to ensure that the employee is working in the proper classification and that earnings are appropriate. Recommend reclassifications and salary adjustments when the employee's work assignment or performance has changed substantially enough to warrant reclassification or salary adjustment. Salary increases require approval before they are communicated to an employee.

2. Salary Offers

Review and approve standard salary offers for new hires. The division may discuss salary requirements with a prospective candidate but may not make a commitment to a salary offer. The only binding offer of employment is made in writing to the prospective candidate by the Human Resources Department. Any preliminary correspondence with a prospective employee should include a clear statement of this policy. Salary offers must be confirmed by the Human Resources Department before any offer is made to the prospective candidate.

E. LABORATORY DIRECTOR

1. Policies

Subject to University and/or DOE concurrence when required, the Laboratory Director approves all new policies and changes to current policies on human resource matters.

2. Salaries

Subject to University and DOE concurrence when required, the Laboratory Director or designee approves salary and classification assignment or changes for employees in certain classifications.

3. Salary Increases

The Laboratory Director approves the annual Salary Review Guidelines for all classifications before seeking University approval, including revisions to those guidelines after University response.

4. Disputes

On appeal, the Laboratory Director has final approval concerning disputes on salary and classification matters and on Human Resources policy interpretation.

F. CLASSIFICATION AND SALARY STRUCTURE

1. Classifications

Jobs at the Laboratory are grouped in broad classification groups and additionally into subgroups and individual classification codes. Each of the classification codes, with further subdivision into levels corresponding to the duties and responsibilities assigned and the degree of experience and skill required, has its own Laboratory classification description. Each is analyzed to determine if it is exempt or not exempt from the overtime pay provisions of the Fair Labor Standards Act (FLSA).

2. Establishment of Classifications

The Human Resources Department Compensation Office is responsible for recommending new classifications and changes in existing classifications. University of California approval is required for any changes in the classification system.

3. Determination of Appropriate Classification

Jobs at the Laboratory are classified on the basis of duties and responsibilities. Both job postings and reclassifications of positions with incumbents are reviewed to determine the proper classification. See Paragraph 2.01 B 3, *Publicizing Job Vacancies*, for the policy regarding when a posting vs. a reclassification is appropriate.

a. **Posting.** The requesting division and the Human Resources Department will determine the appropriate classification for new positions. Replacement requisitions for established positions should specify the same classification unless the nature of the job has changed or the position does not meet current Laboratory classification specifications. In these cases, the position is reviewed for classification in the same manner as for a new position. If the requesting division and the Human Resources Department cannot agree upon a suitable classification, the Human Resources Department may request a review and recommendation from the appropriate salary committee.

b. **Reclassification.** When the employee's duties and responsibilities have evolved to the extent that another classification is more appropriate, the employee's position should be reclassified. The division will recommend a new classification to the Human Resources Department. Advancement to a higher classification requires the employee to perform duties equal to those specified in the Laboratory classification description. Reclassifications to a classification with a lower salary range maximum must be approved by the Human Resources Department and discussed with the employee.

4. **Establishment of Salary Ranges and Merit Salary Review Guidelines**

a. **Salary Surveys.** Salary surveys of public institutions and private firms that have similar positions to those at the Laboratory are used to determine and adjust salary ranges and establish merit salary increase guidelines within available DOE authorization amounts.

b. **Survey Data.** The Compensation Office analyzes salary survey data to determine the Laboratory's comparative position and to determine the salary range adjustments and salary increase allocations necessary to adjust the Laboratory's relative position, when required, in the applicable survey labor market. Statistical charts and data are prepared for Laboratory management to substantiate recommended salary adjustment guidelines.

5. **Establishment of an Employee's Salary Level**

a. **Salary Level.** An employee's salary level is based on the individual's skills, training, and applicable experience as evaluated by the requesting division with the concurrence of the Human Resources Department. An employee is paid within the rate range for his or her job classification with the exceptions noted below. A request to have an employee paid above or below the rate range requires written justification and University approval (training classifications are exempted). A new employee may be paid below the rate range if he or she has not met the minimum requirements for the classification, a suitable training classification does not exist, and the employee is in a training period of specified time until he or she qualifies.

b. **Salary Review Guidelines.** Salary Review Guidelines are established for each group of classifications for each fiscal year. The salary increase allocations are based on the comparison of Laboratory to outside survey data and on available authorizations from DOE. Merit salary increases based on performance, corrections for market lag, salary increases granted to correct alignment problems among employees doing similar work, and adjustments based on increases to the bottom of the pay range for the classification are all included within the Salary Review Guidelines. After the guidelines are established, the divisions are informed of the authorizations allocated for salary increases; it is the responsibility of each division to stay within that allocated amount for the fiscal year. The Compensation Office monitors all increases for budgetary appropriateness.

c. **Merit Increase.** Merit salary increases are based on the employee's job performance, and every employee is considered for a merit increase once a year. Both recommendations for no increase based on failure to meet established performance standards and recommendations involving merit increases exceeding the range defined in the annual Salary Review Guidelines require written documentation. Decreases in salary must be discussed with the employee and acknowledged by the employee's signature.

d. **Completion of Probationary Period.** Satisfactory completion of a probationary period by an employee does not automatically warrant a salary increase. A recommendation for a salary increase may be made, however, if the final probationary performance/progress review justifies the increase, the employee was ineligible for an October increase, and merit guidelines and salary relationships within the department or division warrant the increase. Regular-status career employees transferring from another part of the University of California, who are not subject to a probationary period, may

be considered for an increase under this provision, if a six-month performance/progress review is completed before the recommendation for salary increase. Additional guidance is provided in the annual Salary Review Guidelines.

G. PROCEDURES

1. Routing and Forms for Adjustment Requests

All salary adjustment and reclassification requests are originated by the employee's supervisor and routed through the division director to the Human Resources Department. Two standard Laboratory forms are used for salary adjustment and reclassification requests. Stock Form 7600-64777, *Salary Adjustment Request*, is for one employee only and includes space for a written justification for the request. Form LL-2201, *Request for Salary/Wage Actions*, provides for listing several employees on the same sheet and does not have any allotted space for written justifications. Required written justifications are furnished by memoranda attached to the form.

2. When to Submit Adjustment Requests

a. **Annual Reviews.** Employees are reviewed annually in time for October 1 changes. (Review and eligibility dates for Represented Employees may vary.) Employees hired after April 1 are not eligible for October 1 salary increases.

b. **Special Requests.** Salary adjustment requests for regular-status career employees will be considered at times other than the annual review on a limited basis. Such requests will be considered only if strong justification is presented in accordance with the annual Salary Review Guidelines.

3. Reclassification and Salary Adjustment Requests—Review and Approval

After approval by the division, reclassification and salary adjustment requests are routed to the Human Resources Department for approval. They are reviewed for accuracy and for adherence to compensation guidelines and policies. Other required approvals may include the University and/or DOE and are identified in the annual Salary Review Guidelines in addition to the following.

(1) Salary adjustments requiring DOE approval are listed in the Salary Review Guidelines and also listed in Appendix A to Contract 98.

(2) Salary increases for certain classifications must be approved by the Laboratory Director or designee. (The approval level is published annually in the Salary Review Guidelines.) When a reclassification occurs in conjunction with a salary increase, this also must be approved by the Laboratory Director or designee.

(3) The President and the Regents of the University must approve all salary adjustments for high-level management, scientific, and engineering employees as listed in the Salary Review Guidelines. The Compensation Office provides information on these levels annually.

(4) All reclassifications to senior staff scientist/engineer and distinguished staff scientist/engineer must be approved by the Laboratory Director.

4. Appeal Procedure

a. **Appeal by Division.** A division may appeal a reclassification or salary adjustment decision made by the Human Resources Department. The appeal must be made formally in writing with a justification specifying the reasons for the appeal. Formal appeals should only be requested if an appropriate resolution cannot be agreed upon.

b. **Appeal by Employee.** An employee who is dissatisfied with his/her rate of pay or classification should discuss the matter with the immediate supervisor. If the complaint cannot be resolved within the division or department, the supervisor should refer the employee to the Human Resources Department so that appropriate complaint resolution procedures may be initiated.

2.07 PROFESSIONAL RESEARCH STAFF	Approved: W.L. Blount, Jr. 8/27/96

A. SCIENTIST/ENGINEER APPOINTMENTS

The purposes of this section are to define various categories of Laboratory scientific staff appointments; to describe broadly the qualities and characteristics appropriate for persons in each category; to recognize special skills, knowledge, and abilities of the professional staff; and to delineate procedures for appointments and dismissals. Matters relating to appointments, dismissals, reductions in force, and disciplinary actions are also subject to University systemwide and Laboratory rules and procedures that cover many other aspects of employment and personnel policy not dealt with in this section. The present policy governing the Professional Research Staff is intended to supplement and not to conflict with University systemwide and Laboratory personnel policies and procedures.

The appointment of a scientist shall normally be in one of the following categories:

1. Distinguished Staff Scientist/Engineer.
2. Senior Staff Scientist/Engineer.
3. Staff Scientist/Engineer.
4. Scientist /Engineer.
5. Senior Scientist/Engineer (Faculty).
6. Scientist /Engineer (Faculty).
7. Divisional Fellow.
8. Postdoctoral Fellow/Visiting Postdoctoral Fellow.

The term "scientist" or "engineer" is intended to cover all professionals (appointment level codes 1XX.X-15X.X) who use their special skills and training in the conduct of research activities or in scientific direction at the Laboratory and may include, for example, mechanical engineers, biologists, or mathematicians. Suitable descriptive titles—e.g., Senior Physicist, Divisional Fellow–Nuclear Science Division, or Astrophysicist—can be used where appropriate. This section does not consider the status of graduate student research assistants or research associates.

Individuals in the categories of Distinguished and Senior Staff Scientist/Engineer and Senior Scientist/Engineer (Faculty) provide scientific leadership and direction for the Laboratory. Distinguished and senior staff scientists/engineers are important contributors to decisions regarding the goals, continued excellence, and vitality of the Laboratory, and they are expected to assume some responsibility for planning and management to achieve these goals and qualities for the Laboratory.

Staff scientists/engineers are individuals who have competence and skills in specialized areas of research and development relating to the programmatic needs of the Laboratory.

Scientists/engineers are entry level to intermediate professionals who have broad knowledge in a field of specialization but normally have fewer than five years of experience beyond the customary highest degree in their discipline.

Scientists/engineers (faculty) are scientists and engineers of demonstrated creative capability whose participation in Laboratory programs may be restricted to research and development activities. For some scientists/engineers (faculty), this participation in Laboratory programs may represent only a modest fraction of their total professional activities.

Divisional fellows are individuals of outstanding promise in a field of scientific endeavor conducted by the Laboratory and are expected to become eligible for promotion to senior staff scientist/engineer.

Postdoctoral fellows are recent graduates acquiring further training while contributing to the Laboratory's programs.

These categories are discussed in detail below in Paragraph C, *Categories of Scientific and Engineering Staff*.

B. LABORATORY STAFF COMMITTEE

A Laboratory staff committee shall be established both to advise the Laboratory Director on matters concerning Laboratory-wide consistency in the quality of the scientific staff and on division procedures for selection and appointment and to review each recommended appointment, revocation of appointment, or dismissal in Categories 1, 2, 5, and 7 of Paragraph C, *Categories of Scientific and Engineering Staff*, for conformity to these procedures. The committee shall review the numerical balance of Distinguished and Senior Staff Scientist/Engineer appointments in each division in terms of its needs and resources. The committee will be informed of all pending appointments, revocations of appointments, and dismissals in Categories 1, 2, 5, and 7 of Paragraph C, below. The Laboratory Staff Committee shall establish procedures for a hearing on all proposed revocations of status in these categories. The Laboratory Staff Committee's role in special procedures for reductions in force of Distinguished and Senior Staff Scientists/Engineers is described below in Paragraph C 2, *Senior Staff Scientist/Engineer*.

The Laboratory Staff Committee will be appointed by the Laboratory Director, who will select from each of the scientific divisions and the divisions of Engineering and Information and Computing Sciences one committee member from a pair of candidates elected by the distinguished and senior staff scientists/engineers in each division from among their own number. The Laboratory Director may also appoint to the committee three members chosen at large from the Laboratory listing of distinguished and senior staff scientists/engineers. The Laboratory Director will also designate one of the committee members as chairperson. Members of the committee will be appointed for three years to provide nearly equal numbers of first-year, second-year, and third-year members. They may be considered for reelection and reappointment. The Laboratory Director shall select a committee that will give adequate representation to distinguished and senior staff scientists/engineers from both staff and faculty.

A division staff committee shall be constituted for each scientific division and for the divisions of Engineering and Information and Computing Sciences. The members will be appointed by the division director from the senior scientists/engineers of the division. The tasks of a division staff committee are to make recommendations concerning appointments to Distinguished and Senior Staff Scientist/Engineer, Senior Scientist/Engineer (Faculty), Scientist/Engineer (Faculty), Divisional Fellow, and career or term Staff Scientist/Engineer and to institute searches for candidates when appropriate. It is expected that members of the committee will consult widely with their colleagues. All appointments in Categories 1, 2, 5, and 7 of Paragraph C below, *Categories of Scientific and Engineering Staff*, must be supported by a recommendation to the Laboratory Director from a division staff committee.

C. CATEGORIES OF SCIENTIFIC AND ENGINEERING STAFF

Four appointment levels have been defined for scientists and engineers. These four primary levels include the eight categories that are detailed in Paragraphs 1 through 8 below. The first is an entry-to-

intermediate level; the second is the fully qualified level. While progression to the second level would be considered "normal," advancement to it is to be based on a strong performance history. It is expected that this is the highest level the majority of scientists and engineers at the Laboratory will attain. The senior (third) level is for advanced practitioners with significant achievements and/or contributions to the Laboratory. The fourth level, entitled Distinguished Staff Scientist/Engineer, is for the most exceptional scientists and engineers who have a notable history of achievements, and/or whose impact on their field have contributed directly to the Laboratory's preeminence. Advancement between levels requires formal review and approval.

1. Distinguished Staff Scientist/Engineer

The Distinguished Staff Scientist/Engineer level is reserved for the most exceptional senior scientists and engineers who have a sustained history of distinguished scientific and technical achievements and/or have directly contributed to the Laboratory's preeminence. Appointments at this level have career status.

Typically, candidates have extensive relevant professional experience. It is expected that a very small percentage of the R&D staff would qualify for this level. Length of service and continued good performance at the senior level is not sufficient for advancement to this level.

Incumbents at this level are seen as nationally or internationally recognized authorities and leaders in their field; their expertise is sought after by professional colleagues.

Appointment to the Distinguished Staff Scientist/Engineer level is initiated by the division director with assistance from the Human Resources Department, reviewed by the Laboratory Staff Committee, and approved by the Laboratory Director.

2. Senior Staff Scientist/Engineer

The Senior Staff Scientist/Engineer level is reserved for scientists and engineers with significant experience and clearly demonstrated competency and achievements who have made significant contributions to the Laboratory and/or the external scientific or engineering community.

Senior staff scientists/engineers are career employees who are nationally (or internationally in certain disciplines) recognized authorities and leaders in one or more scientific or engineering areas. Appointment to Senior Staff Scientist/Engineer is initiated by the division director, after review by the division staff committee, with assistance from the Human Resources Department, and is reviewed by the Laboratory Staff Committee and approved by the Laboratory Director.

Because the Laboratory is funded on an annual basis according to fluctuating program priorities, senior staff scientists/engineers may be required to be flexible in adjusting their research and development activities. It is expected that a senior staff scientist/engineer will respond to changing directions of the Laboratory.

Senior Scientist/Engineer status implies continuous appointment, subject to the constraints of overall funding at the Laboratory and to disciplinary actions as detailed in Section 2.05, *Employee Relations*, and in University systemwide policy. In addition, an individual may be deprived of the title of Senior Staff Scientist/Engineer and the rights and privileges associated with the title for prolonged nonparticipation in the programs of the Laboratory or significant and prolonged reduction in the quality of research and/or other services appropriate to the purposes of the Laboratory. Initiation of the review of Senior Staff Scientist/Engineer status of any individual is the responsibility of the division director, with the approval of the Laboratory Director. No action—with the exception of reduction-in-force, which follows the procedures specified below—shall be taken until after the individual concerned has been given the opportunity for a hearing before the Laboratory Staff Committee. The Laboratory Director will make his/her decision after considering the recommendation of the Laboratory Staff Committee. If a decision

is made to revoke Senior Staff Scientist/Engineer status, at least six months' formal notice will be given, unless the Laboratory Director determines that exceptional circumstances dictate otherwise.

Special consideration shall be given senior scientists/engineers (staff and faculty) in case of financial exigencies of the program in which they work. This special consideration is outlined in the following procedure.

a. **Procedure for Implementing Senior Staff Scientist/Engineer and Senior Scientist/Engineer (Faculty) Reductions in Force.** Status of Senior Staff Scientist/Engineer and Senior Staff Scientist/Engineer (Faculty) is awarded at Berkeley Lab only after careful and deliberate consideration involving many steps at the division, Laboratory Staff Committee, and director level. These appointments may be terminated upon approval of the Laboratory Director for reasons of financial exigency.

The Laboratory recognizes the great value to its mission of its senior staff scientists/engineers and seeks to retain them within the limits of the availability of funds and the need to maintain the viability and excellence of programs. Accordingly, the following special procedures are to be followed whenever overall funding constraints involving a senior staff scientist/engineer appear imminent. These procedures contain protections for senior staff scientists/engineers both before and after a layoff notice is issued. Throughout the process, all reasonable efforts are to be undertaken by the division to assist the senior staff scientist/engineer in maintaining continued employment at the Laboratory. These procedures supplement the Laboratory reduction-in-force policy that is outlined in Section 2.20 B, *Reduction in Force.*

(1) **Decision to Implement Reduction.** If financial exigency occurs, the division director determines the programs, appointment levels and disciplines, and the number of employees impacted. The division director consults with the Deputy Director for Operations, or designee, and provides a written justification for any reduction in force before taking further action. The division director is responsible for selection of individual employees to be laid off, taking into consideration the objectives of the Laboratory Affirmative Action Compliance Program and any other conditions specified in Section 2.20 B, *Reduction in Force.* The order of layoff for senior staff scientists/engineers will be in inverse order of seniority as determined by discipline code within the appointment level, except as specified in Paragraph 2.20 B 3, *Order of Layoff.* The selection and the terms or conditions of the layoff are subject to prior review by the Head, Human Resources Department, and the Equal Opportunity Administrator. Once the terms and conditions of the layoff have been approved, the division director initiates the process for each affected senior staff scientist/ engineer by following the procedures below:

(a) **Employee Plan.** The division director is responsible for developing an employee plan that reviews, in writing, those efforts already made and provides a description of future efforts to explore opportunities for continued employment at the Laboratory for the senior staff scientist/engineer affected by layoff. The plan is to include the following provisions:

- *Interim Financial Support, Assignments, Expectations, and Milestones.* The amount of financial support for the senior staff scientist/engineer shall be identified and shall cover at least the minimum time period specified herein. Specific job assignment, expectations, and milestones for the interim period shall be clearly defined. Reasonable time shall be allowed for the senior staff scientist/engineer to seek continued employment opportunities.

- *Continued Employment Opportunities Within the Division.* Plans to assist the senior staff scientist/engineer in pursing other employment opportunities within the division shall be described, including support for special training, if required.

- *Other Opportunities Within the Laboratory.* Plans to assist the senior staff scientist/engineer in pursuing employment opportunities within other Laboratory divisions shall be developed. These plans may include assistance in preparing a professional resume package and introduction letters, developing personal contacts by the division director, and allowing time to interview with potential hiring groups.

- *New or Supplemental External Funding.* Plans to assist the senior staff scientist/engineer in pursuing new or supplemental external funding to ensure continued employment shall be detailed. Assistance might include appropriate support for proposal preparation and exploratory studies to supplement the proposals, personal contacts by the division director, and travel for discussions and proposal presentations.

(b) **Employee Notification.** Once the employee plan is developed, the division director submits it, along with a notice of layoff that indicates the layoff date and the justification for the layoff, to the employee and sends copies to the Laboratory Director and the Laboratory Staff Committee. The layoff date will be at least twelve months from the division director's notice to the employee.

(c) **Employee Comments on Adequacy of Plan.** The employee will be given a two-week period to submit comments to the division director regarding the adequacy of the employee plan. A copy of the response will be provided to the Laboratory Director and Laboratory Staff Committee.

(d) **Laboratory Staff Committee Review.** Based upon review of the materials from the division director and the employee's response, if any, the Laboratory Staff Committee shall, within six weeks of receiving the materials from the division director, provide its comments to the Laboratory Director regarding the adequacy of the employee plan.

(e) **Laboratory Director's Review.** The Laboratory Director receives the materials from the division, and within eight weeks notifies the division director of the Laboratory Director's concurrence, nonconcurrence, or recommendation to modify the layoff action. The Laboratory Director also conveys comments, if any, on the adequacy of the employee plan.

(f) **Completion of the Employee Plan.** At the end of the period covered by the employee plan, the division director shall submit a report to the Laboratory Director describing the actions taken and their results.

3. Staff Scientist /Engineer

The Staff Scientist/Engineer level is reserved for fully qualified and independent scientists or engineers with recognized technical expertise who are engaged in research and development work. Typically a candidate entering or advancing to this level would have at least five years of relevant professional experience beyond the customary highest degree appropriate to the candidate's discipline. Candidates for this level may serve as project or group leaders, may be assisted by other scientists and engineers and support staff, may have principal investigator status, and may directly supervise other professionals, technical support staff, or students.

Staff Scientist appointments may be made on a temporary (term) or career basis. *Career* Staff Scientist/Engineer appointments, whether made directly or following a term appointment, are made after a suitable search. An action to advance an internal candidate or to hire an external candidate into the Staff Scientist/Engineer level is initiated by a division director. Prior to requesting the Laboratory Director's, or designee's, approval, the division director will consult with appropriate divisional and Laboratory-wide committees and will submit the hire proposal to the Human Resources Department for

procedural review. The appointment is approved by the Chair, Scientist and Engineer Salary Committee, and the Laboratory Director.

A staff scientist/engineer may be terminated because of constraints of division funding or for disciplinary reasons, including continued substandard performance, of which the staff scientist/engineer has been advised, as detailed in Section 2.05, *Employee Relations*, and University systemwide policy. The order of layoff for staff scientists/engineers will be in inverse order of seniority as determined by the discipline code within the appointment level except as specified in Paragraph 2.20 B 3, *Order of Layoff*. Proposed termination of staff scientists/engineers shall be initiated by the division director or the division staff committee, reviewed by the division staff committee, and approved by the division director. Formal notice of such action shall be given at least three months before termination. The division shall be committed to exert every reasonable effort to obtain suitable employment in another program for any staff scientist/engineer who otherwise would be terminated for reasons of financial exigencies or termination of a project or program.

4. Scientist/Engineer

The Scientist/Engineer level is for the entry-to-intermediate level scientists and engineers; assigned work is predominantly intellectual and varied rather than standardized and routine, and requires professional judgment and decision-making. Appointments at this level will have term or career status. Appointments to Scientist/Engineer are made by a division director following procedural review and approval by the Human Resources Department.

Term appointment as scientist/engineer is made by a division director based on recommendations by a supervisor and is for a specified project of clearly limited duration. After a maximum of seven years of continuous employment in the Laboratory on postdoctoral and term appointments (but not as a graduate student research assistant), the individual must be given a career appointment or be terminated. When a scientist/engineer has career status and is then subsequently terminated, the same policies regarding reduction in force and notice of termination action that apply to Staff Scientist/Engineer also apply to Scientist/Engineer.

5. Senior Scientist/Engineer (Faculty)

Senior scientists/engineers (faculty) are University of California faculty members who have demonstrated outstanding creative capability, leadership, and experience in activities appropriate to the Laboratory's mission. These activities include original research, design, development, and productive utilization of Laboratory facilities. Appointment to Senior Scientist/Engineer (Faculty) status of a University of California faculty member who will conduct the major portion of his/her research at the Laboratory may be made with or without salary support from the Laboratory, and this appointment is contingent upon continued faculty affiliation. Because the Laboratory is funded on an annual basis according to fluctuating program priorities, senior scientists/engineers (faculty) may be required to be flexible in adjusting their research and development activities. If overall funding constraints require a reduction in force of senior scientists/engineers (faculty), the procedures outlined in Paragraph 2 above will be followed.

Appointment to Senior Scientist/Engineer (Faculty) status will be made only after careful consideration and recommendation by a division staff committee. The recommendation will be transmitted to the Laboratory Director within two weeks by the division director with comments. The appointment will be made by the Laboratory Director based on this advice and on the advice of the Laboratory Staff Committee.

No individual shall be deprived of the title of Senior Scientist/Engineer (Faculty) or the rights and privileges associated with the title, except for prolonged nonparticipation in the programs of the Laboratory or for significant and prolonged reduction in the quality of research and/or other services

appropriate to the purposes of the Laboratory. Initiation of the review of Senior Scientist/Engineer (Faculty) status of any individual is the responsibility of the division director with the approval of the Laboratory Director. No action shall be taken until after the individual concerned has been given the opportunity for a hearing before the Laboratory Staff Committee. The Laboratory Director will make a decision on the appropriate action after considering the recommendation of the Laboratory Staff Committee. If a decision is made to revoke Senior Scientist/Engineer (Faculty) status, at least six months' formal notice will be given, unless the Laboratory Director determines that exceptional circumstances dictate otherwise.

6. Scientist/Engineer (Faculty)

The Scientist/Engineer (Faculty) category is composed of University of California faculty members who are participating in the programs of the Laboratory with or without salary support from the Laboratory. The distinction between Senior Scientist/Engineer (Faculty) and Scientist/Engineer (Faculty) is based on length and nature of association with the Laboratory. A scientist/engineer (faculty) may have an association of recent origin and/or an association chiefly for conduct of research or engineering programs. A scientist/engineer (faculty) may not have the desire for strong involvement in the development of Laboratory policies, planning, or managerial responsibilities.

Appointment to and removal from Scientist/Engineer (Faculty) status may be made at any time by the division director. The division staff committee and the Human Resources Department shall be informed of all such actions. If a decision is made to revoke Scientist/Engineer (Faculty) status, at least three months' formal notice will be given, unless the division director determines that exceptional circumstances dictate otherwise. If it is necessary to terminate a Scientist/Engineer (Faculty) appointment due to overall funding constraints, at least three months' formal notice will be given.

7. Divisional Fellow

An appointment as a Divisional Fellow for a single five-year term may be given to a person with outstanding promise and creative ability in a field of scientific endeavor conducted by a division. The appointment shall imply the intent of the division to provide the research and development support needed to enable the fellow to join an existing group or to create an independent program consistent with the goals and capabilities of the division. Because an individual selected for this appointment is expected to become eligible for promotion to a Senior Staff Scientist/Engineer position, such appointments will be made only occasionally so their number does not exceed by a large factor the expected number of openings for Senior Staff Scientist/Engineer. It is not a requirement of this policy that each division appoint any divisional fellows.

Appointment of a divisional fellow shall be made only after a search and recommendation by a division staff committee. The recommendation will be transmitted to the Laboratory Director within two weeks of receipt by the division director, with comments. The appointment shall be made by the Laboratory Director based upon this advice and the advice of the Laboratory Staff Committee. By the end of the third year, the division staff committee must review the work of the divisional fellow and provide the divisional fellow with a statement of the probability of eventual promotion to Senior Staff Scientist/Engineer. By the end of the fifth year, the division staff committee must review the work of the divisional fellow and recommend for or against the candidacy for a Senior Staff Scientist/Engineer appointment. Initiation of the review of work of a divisional fellow is the responsibility of the division director or the division staff committee. Termination of the divisional fellow appointment before expiration of the term may be made for disciplinary reasons, as provided in Section 2.05, *Employee Relations*, and University systemwide policy, or for inadequate quality of research and development, or for other service appropriate to the purposes of the Laboratory. In the latter case, one year's formal notice shall be given. Decisions with respect to early termination will be made by the Laboratory Director with advice from the division director and the division staff committee. In each case, a review of the proposed action will also be made by the Laboratory Staff Committee.

8. Postdoctoral Fellow/Visiting Postdoctoral Fellow

The Postdoctoral Fellow (code 1XX.1) position enables a recent graduate with a Ph.D. or its equivalent to acquire further scientific training and to develop professional maturity for independent research. The position of Visiting Postdoctoral Fellow (code 1XXV1) is identical to that of Postdoctoral Fellow with the exception that appointments must be two years or less.

Appointments for one or two years are made by a division director after a thorough search for suitable candidates and may be renewed to a maximum total of three years unless the Scientist and Engineer Salary Committee has provided specific approval for an exception. Postdoctoral fellows may be considered as candidates for the positions of Staff Scientist/Engineer, Scientist/Engineer, or Divisional Fellow. Interim postdoctoral appointments can be made for individuals who have just finished their theses within the Laboratory for the purpose of extending their work before beginning more permanent employment. Such interim appointments are made by a division director, upon recommendation of the supervisor, normally for a period not to exceed six months. Recent graduates with advanced degrees other than the Ph.D. may also be considered for similar positions of limited duration.

The employment of a postdoctoral fellow may be terminated before the end of the fellow's term for disciplinary reasons or for substandard performance of which the appointee has been advised as detailed in Section 2.05, *Employee Relations*, and University systemwide policy. Formal notice shall be given by the Head of Human Resources at least three months before termination.

D. SCIENTIFIC/ENGINEERING LEADERSHIP POSITIONS

Any member of the Professional Research Staff in the Scientist/Engineer series may have a concurrent leadership appointment as a center director, program/center/department head, or group leader. Procedures for appointment to a Scientific/Engineering leadership position are established by the Scientist and Engineer Salary Committee (SESC).

E. AMENDMENT PROCEDURE

As specified in Paragraph 2.06 E 1, *Policies*, subject to University and DOE concurrence when required, the Laboratory Director approves all new policies and changes to current policies on personnel matters, including the Professional Research Staff policy.

2.08 VACATION LEAVE	Approved: W.L. Blount, Jr. 4/25/96

A. GENERAL

Vacations with pay are provided to give employees periods of relaxation from their normal duties and responsibilities. Vacations should be taken each year in approximate relation to the amount of credit earned.

B. VACATION CREDIT ACCRUAL RATES

Employees who are eligible to receive vacation with pay shall accrue vacation credit, depending on their job classification or length of service with the University or the State of California, as follows.

1. Regular Non-Faculty Employees

a. With less than 10 years of service at half time or more: 1–1/4 days (10 hours) per month.

b. With between 10 and 15 years of service at half time or more: 1–1/2 days (12 hours) per month.

c. With between 15 and 20 years of service at half time or more: 1–3/4 days (14 hours) per month.

d. With over 20 years of service at half time or more: 2 days (16 hours) per month.

2. Students

GSRAs and student assistants do not accrue vacation credit (see Paragraph 2.01 K, *Types of Employees*).

3. Accrual Basis

Vacation credit accrual, based on not more than five 8-hour days per week, shall accrue at the normal rate during leave with pay, except during Extended Military Leave and Professional Research or Teaching Leave.

4. Short Month's Work

If, because of unusual circumstances, a full-time employee does not work a full month but works at least half the working hours of the month (including paid holidays), full vacation credit shall be earned. If a full-time employee is on pay status less than half the normal working hours of the month, vacation credit is not earned that month. Full credit may not be allowed in such cases for more than two consecutive months. If a full-time employee does not regularly work full time, the employee shall be changed to part-time status.

5. Temporary Employees and Employees Working Indeterminate Time Schedules

Employees hired to work for periods of less than six months do not accrue vacation credit. However, when such an individual's employment is extended to six months or more, vacation credit is allowed for the full term of employment, according to the usual rate. Employees working indeterminate time schedules do not accrue vacation credit.

6. Part-Time Employees

Part-time non-faculty employees accrue vacation credit each month, based on length of service and the amount of full time worked as shown in Tables 2.08 B 1 (*Vacation Credit for Part-Time, Non-Faculty Employees Having Less Than 10 Years of Service at Half Time or More*), 2.08 B 2 (*Vacation Credit for Part-Time, Non-Faculty Employees Having 10 But Less Than 15 Years of Service at Half Time or More*), 2.08 B 3 (*Vacation Credit for Part-Time, Non-Faculty Employees Having 15 But Less Than 20 Years of Service at Half Time or More*), and 2.08 B 4 (*Vacation Credit for Part-Time, Non-Faculty Employees Having 20 or More Years of Service at Half Time or More*).

Table 2.08 B 1. Vacation Credit for Part-Time, Non-Faculty Employees Having Less Than 10 Years of Service at Half Time or More.

Number of hours for which biweekly paid employee receives pay*				Percent of time for which monthly paid employee receives pay	Hours of vacation credit earned
160-hour month	168-hour month	176-hour month	184-hour month		
0–79	0–83	0–87	0–91	0–49	0
80–87	84–92	88–96	92–101	50–54	5
88–103	93–109	97–114	102–119	55–64	6
104–119	110–125	115–131	120–137	65–74	7
120–135	126–142	132–149	138–156	75–84	8
136–151	143–159	150–167	157–174	85–94	9
152–160	160–168	168–176	175–184	95–100	10

*Including leave and holiday time.

Table 2.08 B 2. Vacation Credit for Part-Time, Non-Faculty Employees Having 10 But Less Than 15 Years of Service at Half Time or More.

Number of hours for which biweekly paid employee receives pay*				Percent of time for which monthly paid employee receives pay	Hours of vacation credit earned
160-hour month	168-hour month	176-hour month	184-hour month		
0–79	0–83	0–87	0–91	0–49	0
80–86	84–91	88–95	92–99	50–54	6
87–99	92–104	96–109	100–114	55–62	7
100–113	105–119	110–124	115–130	63–70	8
114–126	120–133	125–139	131–145	71–79	9
127–139	134–146	140–153	146–160	80–87	10
140–153	147–161	154–168	161–176	88–95	11
154–160	162–168	169–176	177–184	96–100	12

*Including leave and holiday time.

Table 2.08 B 3. Vacation Credit for Part-Time, Non-Faculty Employees Having 15 But Less Than 20 Years of Service at Half Time or More.

Number of hours for which biweekly paid employee receives pay*				Percent of time for which monthly paid employee receives pay	Hours of vacation credit earned
160-hour month	168-hour month	176-hour month	184-hour month		
0–79	0–83	0–87	0–91	0–49	0
80–85	84–90	88–94	92–98	50–53	7
86–97	91–102	95–106	99–111	54–60	8
98–108	103–114	107–119	112–124	61–67	9
109–119	115–125	120–131	125–137	68–74	10
120–131	126–138	132–144	138–151	75–82	11
132–142	139–150	145–157	152–164	83–89	12
143–154	151–162	158–169	165–177	90–96	13
155–160	163–168	170–176	178–184	97–100	14

*Including leave and holiday time.

Table 2.08 B 4. Vacation Credit for Part-Time, Non-Faculty Employees Having 20 or More Years of Service at Half Time or More.

Number of hours for which biweekly paid employee receives pay*				Percent of time for which monthly paid employee receives pay	Hours of vacation credit earned
160-hour month	168-hour month	176-hour month	184-hour month		
0–79	0–83	0–87	0–91	0–49	0
80–84	84–89	88–93	92–97	50–53	8
85–94	90–99	94–104	98–109	54–59	9
95–104	100–110	105–115	110–120	60–65	10
105–114	111–120	116–126	121–132	66–71	11
115–124	121–131	127–137	133–143	72–78	12
125–134	132–144	138–148	144–155	79–84	13
135–144	142–152	149–159	156–166	85–90	14
145–154	153–162	160–170	167–178	91–96	15
155–160	163–168	171–176	179–184	97–100	16

*Including leave and holiday time.

C. SCHEDULING OF VACATIONS

1. Scheduling

Vacations are scheduled according to the needs of the Laboratory, with due consideration of the wishes of each employee.

2. Limitations on Vacation Credit

When work conditions make it difficult to schedule vacation for an employee, vacation credit may be accrued to a maximum as follows:

a. Thirty days (240 hours) for employees with less than 10 years of service at half time or more.

b. Thirty-six days (288 hours) for employees with between 10 and 15 years of service at half time or more.

c. Forty-two days (336 hours) for employees with between 15 and 20 years of service at half time or more.

d. Forty-eight days (384 hours) for employees with 20 years of service at half time or more.

3. Responsibility of Division Director or Department Head

Division directors or department heads must monitor monthly employee vacation credit reports and schedule vacations for each employee so that no employee is required to lose vacation credit because of Laboratory work needs.

4. Religious Holidays

Absence for religious holidays and other personal reasons shall normally be charged to vacation.

5. Participation in School Activities

An employee who is a parent or guardian of a child in kindergarten or grades 1 through 12 inclusive may use accrued vacation credit up to 8 hours per calendar month, not to exceed 40 hours per school year, for the purpose of participating in school activities. Employees must provide reasonable notice of the planned absence to their immediate supervisors.

6. Current Month's Vacation Credit

Vacation credit is not accrued until the end of the month during which it is earned and will not be used until the month has elapsed. However, an eligible employee terminating before a month's end accrues proportionate credit through the last day on pay status.

7. Advance Vacation Credit Accrual

Up to two days advance use of vacation credit accruals for the months of December and January may be used to facilitate implementation of Christmas/New Years holiday closures. This exception applies only to new employees who have not had sufficient time to accrue adequate vacation balances and to special cases where adequate vacation balances do not exist.

8. Vacation Pay Restrictions

An employee shall not be paid for vacation earned in one University position while on pay status in any other position paid through University-administered funds. This does not apply to vacation payment in case of transfer of an employee between University contracts or fund sources.

D. USE OF VACATION CREDIT WHILE ON TRAVEL STATUS

1. Approvals

Scheduling of vacation to be taken by an employee while on official travel status shall be approved in advance.

2. Delay

When an employee is on travel status, a delay enroute on a regular workday for other than Laboratory business is normally charged to the employee's vacation credit.

E. VACATION CREDIT OF TRANSFERRING EMPLOYEES

1. Between the Laboratory and Other University Locations

University employees who transfer from another University fund source to the Laboratory, or vice versa, shall be paid for accumulated vacation credit, up to the maximum credit normally allowed by the contract or other fund sources from which they transfer.

2. Between Laboratory Divisions

The vacation credit of employees is usually not affected by transfer between Laboratory divisions. However, when an employee transfers from a benefit-accruing classification to a non-benefit-accruing classification, any vacation credit he or she may possess on the effective date of the change will be paid in a lump sum.

F. TERMINAL VACATION PAY

An employee who terminates from Laboratory employment or is granted extended military leave is paid for vacation credit accrued through his or her last day on pay status, except that upon written request an employee granted extended military leave may elect to retain accrued vacation on the records for a period not to exceed 180 days (see Paragraph 2.13 C 4). The amount to be paid is based on the employee's official attendance and leave records maintained by CFO/Finance. If termination is by death, payment is regulated by State law (see Section 2.20 F, *Termination by Death*).

G. VACATION OR LEAVE DURING ASSIGNMENTS AT REMOTE SITES

1. Advance Approval

Plans to schedule vacation leave or leave without pay during assignments to remote areas must be shown on Stock Form 7600-55336, *Request and Authorization for Official Travel*, and approved in writing in advance by the employee's division director or department head and by the Head, Human Resources.

2. Post Approval

Requests to take vacation or leave without pay, subsequent to the approval of the Stock Form 7600-55336, *Request and Authorization for Official Travel*, must be made by TWX or other correspondence. Such requests must also be approved by the employee's division director or department head and by the Laboratory Director or designee. Copies of this correspondence must accompany the travel claim vouchers submitted upon completion of the test-area assignment.

3. Time Allowable

Vacation leave, other leave with pay, or leave without pay taken while on test-area assignments shall not normally exceed the length of time spent on official business at the test area during any one test-area tour of duty.

2.09 SICK LEAVE	Approved: D.C. Shepherd 8/24/93

A. POLICY

Sick leave is provided to continue the salary of eligible Laboratory employees who would otherwise be on pay status but who are unable to work because of illness or disability, for medical, dental, and optical appointments, and on a limited basis in the event of death or illness of a family member. Sick leave accrues each month, based on the percent of time or number of hours on pay status during that month. Supervisors are responsible for administering the sick-leave policy to prevent abuses and inequities. Questions concerning the intent of sick-leave policy should be referred to the Human Resources Department.

B. RATE OF EARNING SICK LEAVE

Sick leave accrues at the rate of 8 hours per month for full-time employment.

C. ACCRUAL OF SICK LEAVE

An employee accrues full or proportionate sick-leave credit each month as shown in Table 2.09 C, *Sick-Leave Credit for Part-Time Employees*. Sick-leave accrual is based upon a maximum 8-hour workday and a 40-hour workweek, including extended work-week situations. Part-time employees cannot accrue sick leave for more than an 8-hour workday, nor for more than the number of hours of work normally scheduled. The following additional criteria also apply to sick-leave accrual.

1. Career Employees

An employee must be on pay status at least one-half the working hours of the month to accrue sick leave for that month.

a. **Exception.** A half-time biweekly employee who works a normal half-time schedule will be credited with 4 hours sick leave even if the employee was in pay status less than half the working hours of a particular month.

b. **Exception.** University of California faculty members with joint Laboratory appointments accrue sick-leave credit of one day (8 hours) per month or fraction thereof to the nearest hour, based on the percent of full time worked at the Laboratory, regardless of whether they work more or less than half time.

2. Temporary and Summer Employees

Temporary and summer employees accrue sick-leave credit in accordance with the provisions outlined above.

3. Employees Working Indeterminate Time

Employees who work indeterminate-time schedules do not accrue sick-leave credit.

Table 2.09 C. Sick-Leave Credit for Part-Time Employees.

Number of hours for which hourly paid employee receives pay*				Percent of time for which monthly paid employee receives pay	Hours of sick-leave credit earned
160-hour month	168-hour month	176-hour month	184-hour month		
0–79	0–83	0–87	0–91	0–49	0
80–89	84–94	88–98	92–103	50–55	4
90–109	95–115	99–120	104–126	56–68	5
110–129	116–136	121–142	127–149	69–80	6
130–149	137–157	143–164	150–172	81–93	7
150–160	158–168	165–176	173–184	94–100	8

*Including paid leave and holiday time.

4. Accrual During Leave with Pay

Sick leave shall accrue during leave with pay, except for Professional Research or Teaching Leave.

5. Accrual for Terminating Employees

Sick leave for each month shall accrue at the end of the month, except that an eligible terminating employee shall accrue proportionate sick leave through the last day on pay status.

6. Accrual for Overtime

Sick leave shall not accrue for time on pay status in excess of 40 hours in any workweek.

7. Limitations on Accrual and Use of Sick Leave

There is no maximum on the amount of sick leave that may be accrued or the amount that may be used in any year.

8. Accrual During Leave Without Pay

A full-time career employee who is on leave without pay accrues full sick-leave credit for that month, provided the employee is on pay status at least half the working hours of the month, including holidays. Full credit may not be allowed in such cases for more than two consecutive months. If a full-time employee does not regularly work full time, the employee shall be changed to part-time status.

D. USE OF SICK LEAVE

Accumulated sick-leave credit may be used only when an employee is unable to work due to sickness, injury, or quarantine or for medical, dental, or optical appointments or for family illness or for death in the family. Sick leave for medical, dental, or optical appointments is limited to reasonable travel and appointment times only. An employee cannot use sick leave before the time it is accrued.

1. Termination

An employee shall not use sick leave beyond a predetermined date of separation, including retirement or layoff or any leave without pay.

2. Proof of Illness, Injury, Disability, or Bereavement

An employee may be required to submit satisfactory proof of illness or disability in the form of a physician's statement or other administratively acceptable evidence. Proof of illness or bereavement in the family may also be required.

3. Use of Sick Leave for Childbearing

Employees who terminate or take leave of absence to bear a child may use accumulated sick leave credit. Such use of sick leave shall precede the termination or the start of leave of absence, and will be limited to the following:

a. The period of time during which Medical Services, in cooperation with the employee's personal physician, determines that she should not be at work.

b. The sick-leave days shall be taken consecutively and immediately following the last day worked.

c. Full-time employees may be allowed 8 hours per day and 40 hours per week.

d. Part-time employees may be allowed to use accumulated sick leave, based on the average number of hours per day the employee has worked during the preceding 12 months.

The employee is required to promptly inform the Medical Services Department of the expected date of childbirth when she learns she is pregnant. Medical services will specify any restriction of her employment activity that seems advisable in connection with her pregnancy. (See Paragraph 2.12 F, *Pregnancy Disability Leave.*)

4. Use of Sick Leave for Illness in Employee's Family

An employee shall be permitted to use not more than 30 days of accrued sick leave in any October 1 – September 30 year when required to be in attendance or to provide care because of the serious illness of the employee's mother, father, husband, wife, son, daughter, brother, or sister; grandparent, grandchild, in-law, or step-relative in the same relationship; or of any other related person who is residing in the employee's household. This privilege is not intended to cover minor illness or injury, baby-sitting, or routine medical appointments. Use of sick leave by a husband for attendance upon his wife for childbirth is normally limited to one day. Sick leave charged for this purpose shall be shown by the symbol "F" (For Family Leave) instead of the normal symbol "E." See Paragraph 6 below for additional sick leave allowance for a death in the family.

5. Use of Sick Leave During Vacation Periods

Any time charged to sick leave included within or immediately following a vacation period is acceptable as a charge against sick-leave credit, provided specific approval is given by an authorized supervisor listed in Column B of the Payroll Accounts Section of the *Account Authorization Book*. Specific approval requires the supervisor's signature on the employee's time card and will be based on a physician's statement or other administratively acceptable evidence. If such approval is not given, the absence will be charged to vacation leave or leave without pay, if the employee has no accrued vacation credit.

6. Use of Sick Leave for Death in Family

An employee is permitted to use not more than five days of accrued sick leave when the employee's presence is required because of the death of the employee's mother, father, husband, wife, son, daughter, brother, or sister; grandparent, grandchild, in-law, or step-relative in the same relationship; or any other related person who is residing in the employee's household. In addition, an employee is permitted to use

not more than five days of sick leave in any calendar year in the event that he/she has a personal obligation with regard to funeral attendance or bereavement due to the death of any other person. This is in addition to the sick leave allowance for illness in the employee's family. (See Paragraph 4 above.)

7. Full-Time Employees

Use of sick leave is limited to a maximum of 8 hours per day and 40 hours per week, including extended workweek situations.

8. Part-Time Employees

Sick leave charges which would result in a part-time employee being paid for more than eight hours per day or for more than the number of hours per week formally scheduled are not allowed.

9. Employees Working Indeterminate Time

Employees who work indeterminate time do not accrue sick-leave credit, but sick-leave credit previously earned while working a definite schedule may be charged, provided that the employee was scheduled to work the days and hours for which sick leave is claimed. Use of sick leave is limited to the number of hours the employee was scheduled to work.

10. Sick Leave Beyond Current Credit

When sick-leave credit is exhausted, vacation-leave or leave-without-pay rules will apply.

11. Illness for Five or More Consecutive Days

On returning to work after any lost time due to illness or injury that occurred at work, employees must report to the Medical Services Clinic for an evaluation of their condition and ability to resume customary work. When an employee has been absent for five or more consecutive workdays because of illness or injury unrelated to work, the Health Services Department is required to be notified of the nature of the employee's disability and the name of the physician consulted, if any. This is important because of possible situations that might affect the welfare of the employee or other individuals.

E. ILLNESS DURING WORKING HOURS

When an employee becomes ill during working hours, advice may be sought from the Health Services Department.

F. TRANSFER AND REINSTATEMENT OF SICK LEAVE

1. Transfer of Sick Leave

An employee who terminates from a position in which sick-leave credit is accrued at another part of the University for the purpose of accepting employment in a position at the Laboratory will have all such credit transferred. However, if the Laboratory position is one in which sick-leave credit is not accrued, the employee's prior credit is not transferable. If the employee later changes to a position in which sick-leave credit is accrued, the previously accrued credit will be reinstated.

2. Reinstatement of Sick Leave

Sick-leave credit accumulated in previous employment with the University or the State of California may be reinstated on the following basis:

a. An employee who is reemployed after a break in service of less than 15 calendar days will have all sick leave from the immediate prior service reinstated.

b. An employee who is reemployed after a break in service of 15 or more calendar days but less than 6 months will have sick leave accrued in prior service reinstated not in excess of 80 hours.

c. An employee who is reemployed from preferential-rehire status will have all accrued sick leave from prior service reinstated.

2.10 HOLIDAYS	Approved: W.L. Blount, Jr. 4/6/95

A. OFFICIAL UNIVERSITY HOLIDAYS

The Laboratory observes official University holidays as listed below. These holidays are granted with pay to employees, as specified in Appendix A to Contract 98, except as otherwise stated in subsequent paragraphs below. The days listed below, or announced equivalents, are usually observed as holidays:

New Year's Day
Third Monday in January
Third Monday in February
Last Monday in May
July 4
Labor Day
One administrative holiday to be selected by the University President
Thanksgiving Day
Friday following Thanksgiving Day
December 24 or 26
Christmas Day
December 31 or January 2

When one of the listed days occurs on a Sunday, the following Monday is observed as a holiday. When a holiday falls on a Saturday, the preceding Friday is observed as a holiday unless an alternate day is designated by the University President.

B. PAY POLICY FOR WORK PERFORMED ON A HOLIDAY

1. Exempt Employees

Exempt employees do not normally receive extra compensation when their assignment requires work on a holiday.

2. Nonexempt Employees

Nonexempt employees are paid for time worked on a holiday. They normally receive a full day's holiday pay, plus pay for any portion of the day worked, to the nearest hour for monthly salaried personnel and to the nearest quarter hour for hourly rated personnel.

3. Irregular Schedules

Nonexempt employees who are working irregular full-time schedules are entitled to the same number of paid holiday hours granted to regularly scheduled employees. An employee whose regular day off falls on a holiday observed by the Laboratory receives holiday pay.

C. HOLIDAY PAY POLICY FOR PART-TIME EMPLOYEES

1. Indefinite Hours

Employees who work indeterminate time schedules do not earn holiday time off with pay.

2. Definite Hours

Part-time employees who are scheduled to work half-time or more are allowed holiday time off with pay in accordance with Table 2.10 C, *Vacation Credit for Part-Time Employees*, below:

Table 2.10 C. Vacation Credit for Part-Time Employees

Percent Full-Time	Hours of Holiday Pay Per Holiday
Under 50	0
50–56	4
57–68	5
69–81	6
82–93	7
94–100	8

D. HOLIDAYS DURING LEAVE WITHOUT PAY

1. Short-Term Leave

A continuing full-time employee who is on approved leave without pay for a period of not more than 20 calendar days, for other than disciplinary reasons, is paid for any holidays occurring during the leave period (see Paragraph 2.12 B, *Authorization of Leave Without Pay*). This rule does not apply to part-time employees.

2. Extended Leave

An employee who is on leave without pay for more than 20 calendar days is not paid for any holidays occurring immediately before, during, or immediately after the leave period.

E. RELIGIOUS HOLIDAYS

The observance of a religious holiday may be permitted by a division director or department head. In such cases, time off is charged to accumulated vacation credit. If no credit has been accumulated, the time off will be handled as leave without pay for nonexempt employees and, at the discretion of the division director or department head, for exempt employees.

F. HOLIDAY PAY FOR NEW EMPLOYEES

A new full-time employee will be paid for any holiday immediately preceding his or her first day of work if the holiday is the first working day(s) of a pay period. This rule does not apply to part-time employees.

G. HOLIDAY PAY FOR TERMINATING EMPLOYEES

A terminating full-time employee shall receive pay for any holiday immediately following his or her last day of work if the holiday is the last working day(s) of a pay period. This rule does not apply to part-time employees.

2.11 MISCELLANEOUS LEAVE WITH PAY	Approved: D.C. Shepherd 3/26/93

A. COURT LEAVE

1. Jury Duty

Except for classifications specified otherwise in Table I of Appendix A to Contract 98, full-time career employees on any shift or work schedule are granted leave with pay for actual time on jury duty, including grand jury duty, and in related travel, not to exceed the number of hours in the employee's normal workday and workweek. The leave with pay shall be at the straight time rate (including shift differential, if applicable) and shall not be counted as time worked for the purpose of computing overtime premium pay.

Part-time career employees at 50% time or more are granted leave with pay for actual time spent on jury duty, including grand jury duty, and related travel which occur during the employee's regularly scheduled hours of work. All such leave is charged to court leave.

2. Administrative or Legal Procedures

a. Time spent by an employee attending an administrative or legal proceeding on behalf of the Laboratory or the University is counted as time worked. (See Paragraph 2.05 C 8 f, *Pay Status for Time Spent in Grievance Resolutions.*)

b. Except for classifications specified otherwise in Table I of Appendix A to Contract 98, full-time career employees on any shift or work schedule, when served with a subpoena that compels their presence as a witness (other than as a paid expert witness), are granted leave with pay for actual time spent at administrative or legal proceedings and in related travel, not to exceed the number of hours in a normal workday and workweek. The leave with pay shall be at the straight time rate (including shift differential, if applicable) and shall not be counted as time worked for the purpose of computing overtime premium pay.

   Part-time career employees at 50% time or more are granted leave with pay for actual time spent at proceedings and in related travel which occur during the employee's regularly scheduled hours of work.

c. Leave with pay is not granted when an employee is the plaintiff or defendant in a proceeding, is called or subpoenaed as a paid expert witness not on behalf of the Laboratory or the University, or is called or subpoenaed because of duties for another employer. The time off in these situations is charged to vacation or leave without pay.

B. VOTING TIME

An employee shall be granted necessary time off with pay, not to exceed two hours, for voting in any statewide primary or general election if the employee is scheduled to work eight hours or more on that day and does not have time to vote outside working hours.

C. AUTHORIZED LEAVE WITH PAY

1. Exempt Employees

For exempt employees only, in consideration of unusual circumstances or unusual effort, leave of absence with pay may be granted as described below. However, such leave may not be used to balance extra

work on a hour-for-hour basis. Normally, authorized leave will not be used in connection with vacation time. Exceptions to this limitation may be made by the division director or department head when such action is in the best interest of the department or division work schedule.

a. Up to three work days in a month may be granted an exempt employee by the division director with supporting explanation of special circumstances requiring the leave shown on or attached to the Payroll Time Report.

b. More than three work days a month may be granted only with the approval of the Laboratory Director. Such recommendations must be made on a Stock Form 7600-55050, *Personnel Action Form* (PAF), which is submitted to the Human Resources Department.

2. Unusual Circumstances

Up to five working days of leave with pay may be granted by the Laboratory Director to any employee to cover unusual circumstances. Where adequate sick leave and vacation credits exist, leave will be charged to such credits.

D. SECURITY LEAVE

Leave with pay is granted to employees who are suspended at the direction of DOE pending a decision on security-clearance status, provided such leave is authorized by DOE as being in the best interests of the Government. Such leave is not charged against vacation or sick-leave credits.

E. SUPPLEMENTAL DISABILITY LEAVE

See Section 2.14, *Workers' Compensation Insurance*.

F. PUBLIC EMERGENCIES

When authorized by the Deputy Director, Operations, or designee, leave with pay may be allowed in the following circumstances.

1. Public Emergencies

Leave with pay may be allowed during public emergencies that effectively prevent an employee from attendance at work or continuance of work in a normal and orderly manner. A public emergency includes fire, explosion, power failure, flood, earthquake, protest demonstration, riot, sabotage, and other comparable occurrences. (When an employee is absent due to personal reasons resulting from a public emergency, the employee should charge accrued vacation or leave without pay.)

2. Civil Disaster Units

Leave with pay may be allowed for search and rescue or disaster-control work by an employee as a member of an organized civil disaster unit. Leave with pay is not granted for training, drills, or practice exercises.

3. Anticipated Power Interruptions

Under the terms of its electric-power agreement, the Laboratory may experience periods of reduced power. Such interruptions, in some areas, may require lighting, temperature, and humidity changes as well as restricted use of electrical equipment such as typewriters, calculators, computer terminals. In the event that these conditions effectively prevent the employee from performing his or her work and alternate assignments appropriate to the employee's job classification are not available, the division

director or designee may request authorization from the Deputy Director, Operations, to grant leave with pay for the period during which the employee's work cannot be performed.

2.12 LEAVE OF ABSENCE WITHOUT PAY	Approved: W.L. Blount, Jr. 3/25/95

A. BENEFITS DURING LEAVE WITHOUT PAY

Employees do not accrue vacation or sick-leave credit and are not allowed any paid leave during leave without pay, except as provided in Paragraphs 2.08 B 4, *Short Month's Work,* 2.09 C 8, *Accrual During Leave Without Pay,* and 2.10 D 1, *Short-Term Leave.* Accrual of vacation and sick-leave credits are resumed upon the employee's return to pay status. Accrued vacation must be used prior to a leave without pay unless otherwise requested by the employee and division director or department head.

B. AUTHORIZATION OF LEAVE WITHOUT PAY

1. For Benefit-Accruing Employees

A benefit-accruing employee may be granted a personal leave without pay for the employee's convenience. Personal leaves may be granted for reasons such as illness or work-incurred disability; parental leave; pregnancy disability leave; need to provide care for members of the family; or education that will directly increase job effectiveness. In granting the leave, the best interests of the Laboratory will be considered. Personal leave granted for medical reasons, leave granted for child bearing, and work-incurred disability may require written confirmation from the employee's health care provider.

Division directors and department heads are authorized to grant up to five working days without pay. Longer periods of leave without pay up to six months may be granted by the Human Resources Department on prior written recommendation of the employee's division director or department head. Leave without pay for longer than six months requires written recommendation by the employee's division director or department head and the approval of the Deputy Director, Operations. The approval of the Laboratory Director is required for periods of leave without pay of more than one year. Recommendations for leaves longer than five working days should include:

- Approximate dates between which the absence is planned.
- Reason for absence (as noted above).
- Assurance that a position in the department or division will be held open during the employee's requested leave of absence without pay.
- Assurance that the employee's duties will be carried on by co-workers or temporary employees rather than by a replacement.
- Assurance that the employee, if in good health, will return after the leave of absence without pay for a worthwhile period of time.
- Assurance that the employee, before the leave of absence without pay, will take care of any unsettled matters for which he or she is responsible, such as accountability for documents and property, completion of travel vouchers, and furnishing information needed to meet the requirements of the Laboratory's security and medical programs.
- An understanding that the leave of absence without pay, if granted, is subject to any limitations caused by changes in the research program or employment levels that would have affected the employee if the employee had not been on leave.

2. For Non-Benefit-Accruing Employees

Division directors and department heads may grant non-benefit-accruing employees up to fifteen working days leave without pay in a fiscal year as vacation.

3. Use of Vacation Credit/Sick Leave

Approved leave of absence without pay will begin when all vacation and applicable sick-leave credits have been exhausted, unless otherwise requested by the employee and approved by the division director or department head.

C. EXHAUSTION OF LEAVE CREDITS

When an employee's vacation credit (or sick leave) is exhausted during a period of paid leave, CFO/Payroll will automatically charge or allow up to five days leave without pay. If the absence continues for more than five days, Payroll will notify the employee's department or division and the Human Resources Department that a Stock Form 7600-55050, *Personnel Action Form* (PAF), is required. When the employee's division director or department head knows in advance that such an absence will extend beyond five days, prior approval of the leave should be requested by means of a PAF.

D. RETURNING FROM LEAVE WITHOUT PAY

An employee who is granted leave of absence without pay is reinstated to the same or similar position at the expiration of leave unless otherwise agreed when the leave was granted or unless changes in the research program or employment levels have occurred that would have affected the employee had the employee not been on leave. If the position held has been abolished during a leave without pay, the employee must be reinstated to a similar job in the same department. If a similar job is not available, the employee must be afforded the same considerations that would have been available had the employee been on pay status when the position was abolished. (See Paragraph 2.20 B, *Reduction in Force.*)

E. ABSENCE WITHOUT PERMISSION

1. Time Reporting

An employee who is absent without permission of his or her division director or department head should be reported as on leave without pay (Leave Code X) until the employee's status is clarified. If the employee supplies a satisfactory explanation, based on disability or emergency need to take vacation leave, a corrected time card will be submitted to CFO/Payroll. If the employee's explanation is not satisfactory, disciplinary action may be taken in accordance with Paragraph 2.05 B, *Disciplinary and Corrective Action*.

2. Clearance to Resume Work

An employee who has been absent without permission for more than five consecutive workdays must be cleared through the Human Resources Department before being permitted to resume work. The circumstances involved in the absence will be reviewed with the employee to determine if he or she will be allowed to resume work and the conditions under which the employee may do so.

F. PREGNANCY DISABILITY LEAVE

An employee disabled from working because of pregnancy, childbirth, or related medical conditions is eligible for and, upon request of the employee, will be granted a leave of absence for up to four months during the period of disability. If the period of disability continues beyond four months, a personal leave may be granted. This leave will normally begin by the end of the eighth month of pregnancy, or as

determined by the Laboratory Medical Services Department. (See Paragraph 2.09 D 3, *Use of Sick Leave for Childbearing*.)

G. FAMILY AND MEDICAL LEAVE

The Laboratory complies with the California Family Rights Act of 1991 and the Federal Family Leave Act of 1993. The Human Resources Department should be consulted on any questions relating to deferring or denying an employee's request for family or medical leave or on the applicability of Laboratory policy to an employee's request for family or medical leave.

The following Laboratory policy may be modified based on issuance of State and/or Federal implementation guidelines:

All eligible employees who have at least 12 months of University/Laboratory service and who have worked at least 1,250 hours during the 12 months prior to the leave are entitled, upon request, to at least 12 weeks of unpaid leave in a 12-month period for an eligible employee's serious health condition, the serious health condition of the employee's child, spouse, or parent, or to care for the employee's newborn, adopted, or foster child. If the need for leave continues beyond 12 work weeks, a regular-status employee is entitled to supplemental unpaid leave for an additional 12 work weeks subject to certain restraints.

The following paragraphs summarize interim guidelines that will be followed to implement this policy. They may be amended or supplemented when the Fair Employment and Housing Commission (FEHC) issues regulations implementing the California Family Rights Act of 1991 and/or the Federal Family Leave Act of 1993.

1. Interaction of Family and Medical Leave and Childbearing/Pregnancy Disability Leave

a. For eligible employees, family and medical leave run concurrently with childbearing/pregnancy disability leave, as specified in Paragraph F, above.

b. The Human Resources Department should be consulted for the aggregate leave allowed when family leave is used in connection with childbearing/pregnancy disability leave.

2. Medical Verification

The Laboratory requires that an employee requesting leave for his or her serious health condition or to care for a child, parent, or spouse who has a serious health condition support the request with medical certification issued by the health care provider of the individual requiring care.

3. Benefits

Health plan coverages (medical, dental, optical) are continued as if on pay status for up to 12 work weeks. Thereafter, eligibility and benefits under each plan are the same as those provided to Laboratory employees during an approved leave of absence. Specific questions should be directed to the Laboratory Benefits Office.

NOTE:

When the need for family leave is foreseeable, an employee must provide 30 days' written notice.

H. LEAVE FOR WORK-INCURRED DISABILITY

An employee who is off pay status and receiving temporary disability payments under the Workers' Compensation Act may be granted, at the discretion of a division director or department head, a leave

without pay for all or part of the period during which temporary disability payments are received, except that any leave without pay that is granted will not extend beyond a predetermined date of separation. See also Section 2.14, *Workers' Compensation Insurance*.

2.13 MILITARY LEAVE	Approved: D.C. Shepherd 8/26/93

A. PURPOSE

The purposes of this policy are to provide for military leave with and without pay and to define an employee's rights and benefits in the event of:

1. Temporary military leave for active-duty training not to exceed 180 days.

2. Extended military leave for active-duty service of any length or for active-duty training in excess of 180 days.

3. Military leave for National Guard duty.

4. Military leave for physical examination.

5. Military leave for defense work.

B. TEMPORARY MILITARY LEAVE

1. Policy

Military leave for training shall be granted to any employee who, as a member of a reserve component of the Armed Forces (the federally recognized National Guard or Air National Guard, the Officer's Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, and the Public Health Reserve when serving with the Armed Forces), is ordered to full-time active military duty for training for a period not to exceed 180 calendar days, including time spent travelling to and from such duty. Such leave is not granted for regular weekly or monthly meetings or drills required to maintain reserve status.

2. Eligibility for Pay

An employee granted military leave for training is entitled to receive his or her regular Laboratory pay for up to one month, but not to exceed the actual period of active duty for training, provided:

a. The employee had at least 12 months of continuous University service at 50% time or more immediately before the granting of the leave (any prior full-time military service, regardless of when served, shall be included in calculating this University service requirement).

b. The employee provides a copy of his or her orders for military training duty and verification of completion of such duty.

c. Such payment, in addition to any payment by the Laboratory for extended military leave and for military leave for physical examinations, does not exceed one month's pay in any calendar year.

The Laboratory may require verification of an employee's military orders.

3. Part-Time Employee

An eligible part-time employee shall receive pay in proportion to the average percent of full time worked during the 3 calendar months immediately preceding the military leave.

4. Ineligible Employee

An employee not eligible for military-leave pay shall have such absence charged to accrued vacation or to leave without pay.

5. Benefits

An employee on military leave for training who is not on pay status during the training period shall receive length-of-service credit provided that the employee returns to University/Laboratory service at the expiration of the leave in accordance with employment rights under applicable State and Federal laws, but shall not accrue vacation or sick leave or receive holiday pay. If the employee is on pay status, he or she shall receive regular benefits (i.e., vacation and sick-leave credits and holiday pay).

C. EXTENDED MILITARY LEAVE

Extended military leave without pay shall be granted to an eligible employee who enters the Armed Forces of the United States for training or service. Such leave shall be granted for active-duty service of any length or for active-duty training in excess of 180 days.

1. Eligibility for Extended Military Leave

Any employee is eligible for extended military leave.

2. Period of Leave

An employee shall be granted extended military leave for the initial period of enlistment, service, or tour of duty for a period not to exceed four years (except as provided in Paragraphs a and c below) and for up to six months from the date of release from duty. The leave shall be extended if the employee requests such extension and if:

a. The period of service is involuntarily extended.

b. The period of service is voluntarily extended by the employee for the purpose of attending Officer Candidate School, obtaining specialized training, or taking family members to a foreign country, but such extension shall not exceed three years from the expiration date of the initial period or four years from initial entry date, whichever comes earlier.

c. The Laboratory Director authorizes an extension when the time limitations indicated are unreasonable to an employee because of circumstances beyond the employee's control.

3. Eligibility for Pay

An employee granted extended military leave is entitled to receive regular Laboratory base pay for the first month of leave, provided:

a. The employee has at least 12 months of continuous University service at 50-percent time or more immediately before the leave (prior military service is not included in calculating this University service requirement).

b. The employee submits proof of completion of at least one month's active military service.

c. Such payment, in addition to any payment by the Laboratory for military leave for training and physical examinations, does not exceed one month's pay in any calendar year.

4. Benefits

An employee granted extended military leave shall receive a lump-sum payment for earned salary and accrued vacation. Upon written request, an employee may elect to retain accrued vacation on the records for a period not to exceed 180 days. Vacation credits retained on the records for the entire 180-day period shall be paid out at the pay rate in effect at the time of payment, taking into account salary increases that may have occurred in the previous 180-day period. Sick-leave credit will be retained on the records. Retirement benefits shall be in accord with the provisions of the applicable retirement system. An employee shall receive length-of-service benefits related to his or her employment that would have been granted had the employee not been absent, except that the employee shall not receive credit toward completion of a probationary period.

5. Reinstatement

Following release from active duty, an employee granted extended military leave shall have such right to return, and only such right, as may be required by State and Federal law in effect at the time the employee applies for reinstatement. Upon reinstatement, an employee will receive salary-range adjustments applicable to the Laboratory position held at the start of military leave and will receive merit salary increases, as provided by the appropriate pay policy.

6. Probationary Employee

An employee who was serving a probationary period at the time extended military leave became effective must complete the probationary period upon reinstatement. However, when such employee has filed a claim with a governmental agency to secure rights granted under a veterans' reemployment rights statute, Federal law provides that, in order to protect the employee against reprisal, the employee may not be released for one year from the date the claim is filed except for cause.

D. EMERGENCY NATIONAL GUARD DUTY

1. Policy

Military leave shall be granted to an employee who, as a member of the National Guard, is called to active duty by proclamation of the Governor during an emergency.

2. Eligibility for Pay

An employee granted military leave for emergency National Guard duty is entitled to receive his or her regular Laboratory pay for not more then one month in any calendar year. An employee is eligible for pay regardless of the length of Laboratory service, and such pay is in addition to any payment for military leave for training, extended military leave, or physical examination.

3. Benefits

An employee on military leave with pay for emergency National Guard duty shall receive all benefits related to his or her employment that are granted when an employee is on pay status.

E. PHYSICAL EXAMINATIONS

Military leave with pay shall be granted to an employee, regardless of length of service, when he or she is required to take a preinduction or pre-enlistment physical examination to fulfill a commitment under a Selective Service or comparable law or during a period of war or comparable national emergency. A copy of the order to report for a physical examination must be provided.

Time off for other physical examinations in connection with military service shall be charged to sick leave, vacation, or leave without pay.

F. LEAVE FOR DEFENSE WORK

Leave without pay may be granted to an employee eligible for extended military leave, as defined in Paragraph C 1 above, who is called or volunteers to serve in scientific research and development under the auspices of the Federal Government during a war or comparable period of national emergency. Such leave must be approved by the Laboratory Director. An employee granted such leave will be eligible for the benefits set forth in Paragraphs C 4 and C 5 above and will have the right to return to Laboratory service within one year after the end of the war or period of national emergency. However, such an employee is not eligible for one month's pay from the Laboratory for this leave.

2.14 WORKERS' COMPENSATION INSURANCE	Approved: W.L. Blount, Jr. 3/25/95

A. WORK-INCURRED INJURY AND ILLNESS

1. General

This policy covers Laboratory employee Workers' Compensation coverage under the University of California self-insured program, medical treatment of work-related injuries and illnesses, the reporting and processing of employee workers' compensation claims, and the University's extended sick leave benefits, which supplement workers' compensation temporary disability payments. Questions regarding Workers' Compensation should be directed to the Laboratory Worker's Compensation Office.

2. Policy

It is the policy of the Lawrence Berkeley National Laboratory that all Laboratory employees who, within the course and scope of employment, contract an illness or are injured:

a. Receive immediate medical attention for their illness or injury and prompt payment of all benefits in accordance with California State law and the University's supplemental benefit program.

b. Be provided with a bilingual *Employee's Claim for Workers' Compensation Benefits* form (Employee Claim Form) within one working day of Laboratory knowledge of the illness or injury.

c. Have their compensation claims processed and benefits paid in an expeditious manner.

d. Be encouraged to return to work at the earliest possible time.

3. Workers' Compensation Coverage

All those employed by the Laboratory in any capacity, including graduate student research assistants (GSRAs), are covered by the University of California Self-Insured Workers' Compensation Program. However, since GSRAs do not accrue vacation or sick leave, they are not eligible for the Laboratory's Supplement to Workers' Compensation described in Paragraph D below. Benefits to which an employee who is injured or contracts a disease within the course and scope of employment may be entitled include medical, hospital, and surgical care; compensation for wage loss during disability (called temporary disability payments); death benefits and a burial allowance, which may be paid to the employee's dependents if death results from the injury or illness; and vocational rehabilitation, which may be provided if the injury or illness prevents an employee from continuing in his or her job.

B. OBTAINING MEDICAL TREATMENT FOR WORK-INCURRED INJURIES AND ILLNESSES

1. Treatment for Work-Related Injury or Illness

During business hours, the injured or ill employee's division or department should send or transport the employee to Health Services for treatment. After business hours, the employee's division or department should contact the Fire Department to transport the employee to medical treatment.

2. Private Treatment

Injured employees who have filed a Designated Physician Treatment Form with the Health Services Department and who are treated by that physician for a job-related injury or illness must advise the

physician that it is a work-related injury or illness and that all billings and the Doctor's First Report of Injury should be sent to Applied Risk Management—East Bay Labs, 1956 Webster Street, Oakland, CA 94612.

C. REPORTING OF WORKERS' COMPENSATION CLAIMS

1. Injuries and Illnesses Occurring and Reported On-Site

Employees are required to report work-related injuries and illnesses immediately to their supervisor or to Health Services. The employee's supervisor or designated division/department personnel must complete the Employer Section of the "Employees Claim for Workers' Compensation Benefits" form (Employee Claim Form) and give the form to the employee within one working day of employee reporting or Laboratory knowledge of the injury or illness (see *Supervisor/Manager Instructions for Reporting Workers' Compensation Claims*, available from the Laboratory Workers' Compensation Office, for additional information and procedures). Failure to promptly provide Employee Claim Forms to injured employees may result in financial penalties against the Laboratory. Health Services will provide an Employee Claim Form to employees who receive treatment at Health Services for an industrial injury or illness.

2. Injuries and Illnesses Occurring or Reported Off-Site

Supervisors must advise either Health Services or the Laboratory Workers' Compensation Office *immediately* of all off-site reports of employee work-related injuries or illnesses. As above, supervisors must complete the Employer section of the Employee Claim Form and mail the form to the employee within one working day of the report or Laboratory knowledge of the illness or injury.

D. COMPENSATION WHILE ABSENT BECAUSE OF WORK-INCURRED DISABILITY

1. Use of Accrued Sick Leave and Vacation

An employee who accrues sick leave and vacation will be permitted to use accrued sick leave and vacation if so desired to supplement temporary disability payments received from Workers' Compensation.

Sick leave and vacation (if so elected) payments will be the difference between the amount payable to the employee under Workers' Compensation as temporary disability and the employee's regular salary. The additional payment made to an employee to provide the employee with full salary before receipt of disability payments will be deemed an advance temporary disability payment within the Workers' Compensation Act.

An employee who receives advance temporary disability payment must reimburse the Laboratory for such payment. The reimbursement is used to restore proportionate sick leave and vacation credit as appropriate.

2. Extended Sick Leave

An employee who is receiving temporary disability payments and who has exhausted all accrued sick leave will receive extended sick leave and vacation (if so elected) payments from the Laboratory in an amount equal to the difference between the temporary disability payments from Workers' Compensation and 80 percent of the basic salary plus any shift differential the employee would have received. If such employee returns to work at less than his/her appointment at the time of injury, the employee's earnings plus any temporary disability payments, if less than 80 percent of basic salary plus any shift differential, will be supplemented to 80 percent by extended sick leave payments, provided the employee continues to be medically authorized for Workers' Compensation temporary disability. Total extended sick leave

payments must not exceed 26 weeks for any one injury or illness or for all injuries or illnesses arising out of any one accident. Law enforcement and fire fighter employees receive leave with pay as provided by statute in lieu of extended sick leave. (See Paragraph D 5 below.)

3. Insufficient Accrued Sick Leave

An eligible employee who does not have sufficient accrued sick leave to cover the two calendar days waiting period for receiving Workers' Compensation temporary disability payments will receive extended sick leave benefits to cover any part of the waiting period not covered by sick leave. Payment will be made only after determination that the injury or illness is compensable under Workers' Compensation.

An employee who elects not to use all accrued sick leave is not eligible for extended sick leave benefits.

4. Effect of Laboratory Personnel Policies

a. Supplemental Leave

An employee who is receiving temporary disability payments and supplemental payments and supplemental sick leave or vacation as described in Paragraph D 2 above is considered on regular pay status for purposes of application of all Laboratory personnel policies except completion of the probationary period. Sick leave and vacation accrued during this disability period may be used as soon as they accrue.

b. Extended Sick Leave

An employee who is receiving temporary disability payments and extended sick leave benefits is considered to be on regular pay status for purposes of application of all Laboratory personnel policies except completion of the probationary period. However, sick leave and vacation accrued during the disability period are credited to the employee only upon return to work. If an employee terminates without returning to work, the employee will be paid for vacation for the period the employee received extended sick leave payment.

c. Leave Without Pay

An employee on leave without pay and receiving temporary disability payments accrues sick leave and vacation on the same basis as if regularly employed, but such accrual is credited to the employee only upon return to work. During the period that an employee is on leave without pay status, the employee's health care benefits only will be paid by the University. The cost of all other benefits must be paid by the employee. If an employee terminates without returning to work, no payment will be made for such vacation credit.

5. Leave with Pay for Safety Employees

Employees who are active fire fighting and prevention service members of the Laboratory Fire Department are entitled (under California Labor Code Section 4804.1) to leave with full salary for a period not exceeding one year for an injury arising out of and in the course of the employee's duties. This leave shall be in addition to extended sick leave and shall not be charged to accrued sick leave or vacation.

6. Termination

An employee must not use vacation, sick leave, or extended sick leave to supplement Workers' Compensation payments beyond a predetermined date of termination or leave without pay. Any vacation credit remaining on the date of termination will be paid on a lump-sum basis.

E. COMPENSATION COVERAGE FOR EMPLOYEES WITH JOB ASSIGNMENTS IN OTHER STATES

1. When Coverage Is Required

Compensation coverage is required when employing persons who will either:

a. Have Laboratory job assignments outside the state of California and will not maintain a California residence (address) throughout the period of such assignment, or

b. Have job assignments in the states of Oregon, Washington, Nevada, Ohio, or West Virginia regardless of maintenance of a California address. In these states the Laboratory must apply for and pay for Out-of-State Workers' Compensation coverage for such employees.

2. Obtaining Out-of-State Coverage

Divisions/departments requiring Out-of-State Workers' Compensation Coverage for employees with out-of-state job assignments may obtain such coverage by completing a Request for Out-of-State Workers' Compensation Coverage (available from Human Resources) and returning the Request to the Workers' Compensation Coordinator no later than 10 business days prior to the starting date for such employees.

2.15 GROUP INSURANCE AND RETIREMENT PLANS	Approved: D.C. Shepherd 8/26/93

A. GENERAL

Employees are encouraged to participate in one or more of the available group insurance and voluntary contribution plans. Employees generally have an initial eligibility period for enrollment in most group insurance plans. Additionally, there is usually an annual Open Enrollment Period during which enrollment in, or changes to, some group insurance plans by eligible employees is allowed.

B. ELIGIBILITY FOR GROUP INSURANCE

1. Employees hired to work a minimum of 17.5 hours per week for three months or more are automatically enrolled in the University-paid CORE group health and life insurance plan. Employees covered by CORE medical plan may enroll eligible family members.

2. Employees hired to work full time for three months or more or 50% time or more for at least one year are eligible for enrollment in career group health insurance, employee-paid life insurance, Accidental Death and Dismemberment (AD&D), and dependent life insurance programs in lieu of CORE benefits.

   Employees who are members of a retirement system to which the Laboratory contributes are eligible for enrollment in the plans mentioned above, as well as dental, vision care, disability, and legal insurance. They also are covered by University-paid life insurance and University-paid temporary disability insurance.

3. The initial eligibility period is 31 days from the date of hire or change in employment status.

4. Employees hired in classifications reserved for students, i.e., student assistants and graduate student research assistants, are ineligible for participation in the group insurance plans. See Table 2.15 B, *Eligibility for Group Insurance.*

C. VOLUNTARY CONTRIBUTIONS PLANS

1. All employees, except students who work less than 20 hours per week, may make contributions to the University Savings Program by payroll deduction, either as a reduction in salary for tax purposes (tax deferred) or as an after-tax deduction from salary. Enrollment may occur at any time, subject to payroll deadlines.

D. RETIREMENT

There is no longer a mandatory retirement age for University of California Retirement System (UCRS) or Public Employees' Retirement System (PERS) members as of January 1, 1984, with the following exceptions:

1. Employees in Law Enforcement or Fire Fighter (safety) classifications must retire at age 65 unless they transfer to a different (nonsafety) classification on or before such date.

2. Employees holding the positions of Laboratory Director or Deputy Laboratory Director must retire at age 70. Questions regarding retirement should be directed to the Benefits Office.

E. OTHER PROGRAMS

1. Employees hired to work more than three months at 100% time or at least 50% time for more than 12 months may participate in the Dependent Care Assistance Program (DEPCARE). Enrollment must occur when the employee is first eligible to enroll or during an open enrollment period.

2. Employees hired to work full time for three months or more or 50% time for one year or more are eligible to enroll in the Auto/Homeowner/Renter Insurance Program, provided the carrier's underwriting criteria are met. Premiums may be paid through payroll deduction. Application for coverage may be made at any time.

Table 2.15 B. Eligibility for Group Insurance.

Enrollment Eligibility Criteria	Benefits Package
Career Benefits **Initial Eligibility.** An Eligible Employee is a member of a defined benefit retirement plan to which the University contributes and is appointed to work at least 50% time for one year or more, and his/her average ongoing regular paid time is commensurate with appointment level.	• Career medical • CORE medical • Dental • Optical services • University-paid temporary disability (standard) • Employee-paid disability • Accidental Death & Dismemberment • University-paid life (Career) • Employee-paid life • Dependent life • Auto/homeowner/renter • Legal • DEPCARE
Career—Limited Benefits **Initial Eligibility.** An Eligible Employee is not a member of a defined benefit retirement plan to which the University contributes but is appointed to work 100% time for 3 months or more or at least 50% time for one year or more, and has an average ongoing regular paid time commensurate with appointment level. Eligible Employees include visiting postdoctoral fellows.	• Career medical • CORE medical • Accidental Death & Dismemberment • University-paid life (CORE) • Auto/homeowner/renter • DEPCARE
CORE Benefits **Initial Eligibility.** An Eligible Employee is appointed at 43.75% time or more, and has an average ongoing regular paid time of at least 17.5 hours per week.	• CORE medical • Accidental Death & Dismemberment • University-paid life (CORE)

2.16 EMPLOYEE RECORDS	Approved: D.C. Shepherd 8/26/93

A. POLICY

In accordance with University policy, the Laboratory establishes and maintains only those personnel records pertaining to individuals as employees of the Laboratory or as applicants for employment that are relevant and necessary to the administration of personnel programs. These records must be maintained with accuracy, relevance, timeliness, and completeness; and appropriate and reasonable safeguards must be established to ensure security and confidentiality. Employees have the right to privacy, the right of access to their own records, and the right to request changes, additions, or deletions to such records.

B. RESPONSIBILITY

The Laboratory Director will establish implementing procedures to ensure compliance with this policy. For detailed legal requirements covering all University records, see *University of California Legal Requirements on Privacy of and Access to Information*, Business and Finance Bulletin RMP-8 (Records Management Program series).

C. PERSONNEL RECORDS

1. Contents of Records

Individual personnel records may include the following information:

a. Employment (e.g., application for employment, tests, and letters or statements of reference).

b. Pay and benefits.

c. Training and education.

d. Honors and awards.

e. Duties and job classification.

f. Performance appraisals and related information.

g. Corrective, release, and dismissal actions.

h. Attendance.

i. Other relevant or necessary information specified by the University President or the Laboratory Director.

2. Collection of Records

All information in personnel records will be collected, to the greatest extent practical, from the individual who is the subject of the information. If the source of the information is not the subject individual, a record of the source will be indicated on the pertinent record. As determined pertinent by the Head, Human Resources Department, an individual may add material to his/her personnel records. The individual may file a statement of disagreement with a determination of pertinency by the Head, Human

Resources Department, as indicated in Paragraph D 1 d below. Personnel records are maintained in the Laboratory Human Resources Department and other offices designated by the Laboratory Director.

3. Transfer of Records

An individual's department or division records shall be transferred to the department or division to which an individual transfers, except that departmental/divisional records of attendance and time worked shall be retained in the department/division where the work was performed. Performance evaluations and records of corrective action shall be maintained in an individual's department or division personnel file.

4. Classification of Information in Staff Personnel Records

Information in staff personnel records is classified into the following categories:

a. **Confidential as defined in RMP-8, VII.B.1.** When specific criteria are met, information—including but not limited to certain information compiled for the purpose of specified kinds of investigations, and certain information pertaining to the physical or psychological condition of the individual—is classified as confidential. Confidential information has the most restricted access of the three information categories and, as long as the information remains confidential, such information is not accessible even to the individual to whom it pertains, subject to certain exceptions. (See Paragraph D 1 and RMP-8, VIIG3.)

b. **Personal as defined in RMP-8, VII.B.4.** Personal information is any information that identifies or describes an individual except that information that is determined to be "confidential" or "nonpersonal," as defined in RMP-8, VII, and the disclosure of which would constitute an unwarranted invasion of personal privacy. Full access to personal information is provided to the individual to whom the information pertains, but personal information is not released to members of the public unless specifically authorized by the individual in writing (see Paragraph D 3) or as otherwise required by law (see Paragraph D 4).

c. **Nonpersonal as defined in RMP-8, VII.B.3.** Nonpersonal information is information that could not, in any reasonable way, reflect or convey anything detrimental to an individual's reputation, rights, benefits, privileges, or qualifications. Nonpersonal information may be released without the consent of the individual to whom the information pertains. (See Paragraph D 3.)

5. Disposition Upon Termination

An employee's department or division records shall be transferred to the Human Resources Department one year after the employee's termination. The Human Resources Department will review and file all necessary documents in the official personnel file.

D. PROTECTION OF RIGHT TO PRIVACY

An individual shall have the right to inquire and be informed as to whether the Laboratory maintains a record about him/her and to review the notices of personnel records systems that refer to him/her and that are submitted to the State Office of Information Practices. To protect an individual's right to privacy, access to staff personnel records shall be made in accordance with the following provisions.

1. Access by the Individual Employee

a. An individual's records shall be accessible for inspection by that individual, but records protected by recognized legal privilege and records excepted from disclosure by law may be withheld from the individual. An individual shall be notified in writing whenever a requested record about the

individual is determined to be "confidential information," as defined in *University of California Legal Requirements on Privacy and Access to Information.* Business and Finance Bulletin RMP-8. An individual may request a review by the Laboratory Director of a determination that particular information is confidential and be informed in writing of the findings of such review within thirty days. This is the sole review process for a confidential determination. In disclosing information contained in a record to an individual, the University shall not disclose any information relating to another individual other than that which may be released under the provisions of Paragraph 3 below.

b. Pre-employment references obtained with the promise or, before July 1, 1978, with the understanding that the identity of the source of information would not be disclosed may be edited before release to the individual to protect the identity of the source, provided that the source is not in a supervisory position with respect to the individual. Editing may be done by providing a comprehensive summary of the substance of the material or by providing a copy of the text with only such deletions as are necessary to protect the identity of the source.

c. As soon as practical, but no later than 60 days from the receipt of a request for records that are geographically disbursed, inactive, or in storage, and within 30 calendar days from the date of receipt of a request for other records, an individual shall be provided copies of the individual's own personnel records or be notified that the requested material is withheld from access pursuant to Paragraph E, *Record of Disclosures,* or is no longer retained. No information shall be modified, transferred, or destroyed to avoid complying with a request for inspection; however, pre-employment references may be edited to protect identity of the source, pursuant to Paragraphs a or b above. Copies of records shall be available to the individual at the location where the records are maintained or shall be mailed to an address provided by the individual.

d. Requests for correction or deletion may be made by employees under Paragraph 2.05 C, *Employee Grievances,* or 2.05 D, *Administrative Review,* as appropriate, and under this policy. Applicants for employment may make correction or deletion requests under this policy only. Requests for correction or deletion shall be made to the office where the record originated.

   An individual may request correction or deletion of a record under this policy by submitting a written request to the division director or department head where the record originated and by sending a copy of the request to the Human Resources Department. Within 30 calendar days of receipt of a written request to amend a record, the division director or department head either shall make the amendment as requested and so inform the individual in writing or shall inform the individual of a refusal to amend the record as requested. The refusal shall be in writing and state the reason for the refusal and that the individual may request the Laboratory Director to review the refusal.

   Within 30 calendar days after the response of the division director or department head, the individual may request that the Laboratory Director review a refusal to correct or delete a record. The Laboratory Director shall respond in writing to the individual within 30 calendar days from receipt of the request. For good cause, the Laboratory Director may extend the review period by 30 calendar days. A copy of the Laboratory Director's response shall be placed in the individual's record only if the request is denied. If the Laboratory Director refuses to amend or delete the record, the individual shall have the right to enter into the record a statement setting forth the reasons for the individual's disagreement.

2. Access by University Employees, Hearing Officers, or Hearing Committees

University or Laboratory employees shall have access to specific information in an individual's personnel record that is necessary to the performance of their assigned duties. Subject to authorization by the Head, Human Resources Department, or by the employee, hearing officers and committees shall have access to employee personnel records when necessary in the resolution of employee complaints as provided in

Paragraph 2.05 C, *Employee Grievances* (however, information that is excepted from disclosure to the individual under Paragraph D 1 above shall not be disclosed). Any information so obtained shall be treated as confidential and shall not be released to any other person except as necessary in the performance of the assigned University or Laboratory duties requiring the original access.

3. Access by the Public

As required by law, the following employment information shall be released to members of the public upon request: the individual's name, date of hire, current position title, current rate of pay, organizational unit assignment, date of separation, office address and office telephone number, current job description, full-time or part-time, and career, casual, casual-restricted, probationary, or contract status. If it is impractical to inspect or to copy the record, an extract of the record of the above terms of an individual's employment relationship with the Laboratory may be provided. Additional employment information may be required to be released to the public as determined by the University General Counsel and the Senior Vice President, Administration. (See RMP-8, VII.B.3.)

Personnel record information that would constitute an unwarranted invasion of personal privacy of the employee shall not be released to the public unless specifically authorized by the individual in writing or as otherwise required by law. Release of the following personnel information would constitute an invasion of the individual's personal privacy and accordingly shall not be released to the public unless specifically authorized by the individual concerned in writing: the employee's home telephone number and home address, spouse's or other relatives' names, birthdate, social security number, citizenship, prior non-University employment, attendance records, income tax withholding, medical records, or information such as performance evaluation or letters of commendation or corrective action and any of the information which may be excepted from disclosure under Paragraphs 1 a or b above. An individual's home address may be disclosed after the individual has had the opportunity to request nondisclosure and does not so request.

Other personnel record information may be released to members of the public provided that a determination is made that disclosure would not constitute an unwarranted invasion of personal privacy of an employee. Any question as to whether release of such information might possibly constitute an invasion of personal privacy shall be referred to the University Assistant Vice President, Employee Relations.

4. Access Required by Law

Personnel information must be released pursuant to a subpoena or in other circumstances where the University or Laboratory is required by law to release the information. Any questions concerning release of information under such circumstances or concerning records which may be subject to legal privilege shall be directed to the University of California Office of General Counsel. (A record of disclosure is required; see Paragraph E, *Record of Disclosures.*)

5. Access by Public Authorities

Release of information to public authorities shall be in conformance with Paragraph 3 above, and with *Guidelines for Access to University Personnel Records by Governmental Agencies, Business and Finance Bulletin* RMP-9.

6. Release Pursuant to Employee Authorization

Upon written or oral authorization (with adequate identification) by the individual, information from his/her personnel records, other than material which is excepted from disclosure pursuant to Paragraphs 1 a or b above, shall be released. The authorization shall be valid for 30 calendar days from the date of the

signature of the authorization or oral request or within a written time limit specified by the individual, whichever is later.

7. Prospective Non-University Employers

A prospective non-University employer has the same access to employee personnel records as a member of the public. Other specific record information may be released only upon written or oral authorization of the employee or former employee. See Paragraph 3 above.

The division director or department head may provide an oral evaluation of an individual in response to specific job-related questions by a prospective non-University employer who, in the judgment of the division director or department head, has a legitimate interest in receiving such information. Such an evaluation shall be based on personal knowledge.

8. Access by Government Agencies to Confidential Personnel Records

a. In accordance with University of California guidelines for responding to requests from governmental agencies for confidential information in personnel files which the agencies desire to review in investigating allegations of discriminatory activity or conducting compliance reviews, the implementing procedures to be followed at Lawrence Berkeley National Laboratory require that all requests for information be reviewed by the Head, Human Resources Department, and that the following policies be applied.

   If a representative of an enforcement agency other than the Department of Labor requests access to material in Laboratory personnel records or Laboratory Director's Office records which includes items characterized as confidential pursuant to this section, such request must be in written form. In response to written request, the requester should be informed as follows:

   > The University of California, Ernest Orlando Lawrence Berkeley National Laboratory is in full support of (name of agency)'s need and duty to acquire information pertinent to carrying out its functions. University personnel policies specify, however, that certain materials in personnel records are confidential documents. This designation of confidentiality is essential to the University's personnel process to secure candid evaluations of individuals under review. The University provides safeguards in the review process to assure that the confidentiality does not cloak unfairness to individuals or result in abuse.
   >
   > With respect to personnel records, University policies take into account the need to protect individual rights of privacy. Furthermore, these personnel policies provide that subject individuals may receive, on request, a comprehensive summary of the substance of the confidential documents in their files, edited to withhold disclosure of the identity of persons who have supplied evaluations of the subject individuals with the understanding that the identity of the evaluator will be held in confidence.
   >
   > In light of the above policies, the University is prepared to make available to an authorized representative of your agency on-site review of personnel files relevant to its investigation, with the understanding that the agency will maintain the confidentiality of confidential personnel records.

b. In applying University and Laboratory general policies regarding use of confidential documents in the personnel process and in order to balance the need to protect the confidentiality of certain records against the legitimate needs of access by governmental agencies, Laboratory employees should abide by the following guidelines in dealing with representatives of governmental agencies who have requested material from personnel records:

(1) So far as information from a complainant's personnel record is concerned, the investigator should be invited to view the complete file on-site.

(2) With respect to information from the personnel files of other individuals relevant to a complaint, the investigator should be invited to view the complete relevant file on-site.

(3) With respect to compliance reviews, the investigator should be invited to view on-site complete files which are relevant to the review.

(4) All requests for confidential records by outside agencies or investigators should be submitted to the Deputy Director, Operations.

c. Copying confidential records or notes taken from records for the purpose of removal from the Laboratory must be approved by the Deputy Director, Operations.

E. RECORD OF DISCLOSURES

A record shall be maintained and the individual concerned notified of each disclosure of information which identifies that individual and is made pursuant to subpoena or other law (Paragraph D 4 above). This notification shall be before disclosure, if possible. The record shall show the name, title and business address of the person to whom the disclosure was made, the date of the disclosure, the information disclosed, and the purpose of the disclosure. A record of disclosure is not required for release pursuant to Paragraphs D 2, 3, and 6 above. For a complete list of those circumstances requiring an accounting of disclosure, and when an employee must be notified of disclosure, see Business and Finance Bulletin RMP-8, Section VII.I.

The Laboratory shall retain any records of disclosure for three years after the disclosure or until the original record is destroyed, whichever occurs first. Disclosure records shall include information concerning any unresolved disputes about the accuracy of the records (see Paragraph D 1 d above). If a record is corrected within three years of disclosure and if the name of a person to whom uncorrected information was disclosed is known, a notice of correction shall be sent to that person.

F. CIVIL REMEDIES AND PENALTIES

Civil remedies and penalties are provided by law.

G. CHARGES FOR COPIES OF RECORDS

In accordance with the following procedures, fees may be charged for making copies or extracts of personnel record information.

1. Individual's Own Records

There is no charge for the first copy of an individual's own records.

2. Requests By Others

Members of the public or others requesting identifiable personnel record information or extracts thereof not about themselves, which may be disclosed according to the provisions of Paragraph D 3 above, may be charged $0.10 per extract. There is no charge for personnel costs associated with photocopying or extracting. However, when information cannot be readily procured from an identifiable personnel record, reasonable fees, as provided below, may be charged for procuring such record.

a. Clerical time used to procure data from identifiable records: $10.00 per hour.

b. Professional time used to procure data from identifiable records: $30.00 per hour.

c. EDP Services: Actual Charges.

d. Postage: Actual Charges.

3. Subpoenaed Records

Subpoenaed records may be provided either in person or by mail, depending upon the kind of subpoena. Charges may be made as follows:

a. When personal attendance of the custodian of records or other University witness is required by the subpoena, the University may request advance payment of one day's witness fee ($12.00 and mileage fee of $0.20 per mile, one way, in California).

b. When the subpoena *does not require a personal appearance,* it is permissible to mail copies of the records; a reasonable amount (e.g., $0.10 per page) may be charged for copying records.

c. The charge for copying and mailing may be deducted from any witness fee received in advance, or the party asking for the records may be billed as indicated above.

2.17 REGULATIONS IMPLEMENTING UNIVERSITY OF CALIFORNIA POLICIES APPLYING TO CAMPUS ACTIVITIES, ORGANIZATIONS, AND STUDENTS	Approved: W.L. Blount, Jr. 3/25/95

A. GENERAL

1. University of California Policies

Certain general policies of the University of California governing the use of University properties are set forth in *University of California Policies Applying to Campus Activities, Organizations, and Students*, issued by the President of the University on July 21, 1978. These policies state in general terms the rights and obligations of students, standards of conduct, requirements applying to student organizations, and regulations governing the use of University properties by students, faculty, administrative staff, and other University employees for activities within the University.

2. Laboratory Rules and Regulations

The Lawrence Berkeley National Laboratory rules and regulations that follow are consistent with the principles contained in University of California Systemwide policies. *These rules and regulations apply specifically to the Laboratory and its employees, consultants, participating guests, and visitors.*

a. **Nondiscrimination.** The University is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices. The Laboratory is governed by this policy of nondiscrimination. The intent of University policy on nondiscrimination is to reflect fully the spirit of the law. In carrying out this policy, the Laboratory shall be sensitive to the existence of past and continuing societal discrimination.

b. **Definition of a Member of the Laboratory.** For the purpose of this policy, a member of the Laboratory is defined as a Laboratory employee, either part or full time, or a person officially connected with the Laboratory. This includes University faculty associated with the Laboratory, scientists who are participating guests, and graduate students doing research at the Laboratory, whether paid by the Laboratory or not.

c. **Right of Free Expression and Advocacy.** Consistent with the provisions of the University of California Systemwide policies and Laboratory regulations, members of the Laboratory have the right of free expression and advocacy. The purpose of these Laboratory regulations is to assure orderly conduct, noninterference with Laboratory functions and activities, identification of sponsoring groups or individuals, and reasonable protection to persons against practices which would make them involuntary audiences.

   As provided in these regulations, members of the Laboratory may hold meetings (including organized discussions, cultural events, and entertainment) outside normal working hours, distribute materials, and post notices.

d. **Limits of Applicability.** Certain Laboratory-related activities may occur in Laboratory facilities outside normal working hours. These include activities of the Laboratory Employee Activities Association, meetings of employee organizations, and occasional meetings of professional groups. Separate and additional Laboratory regulations exist governing these activities and organizations. The rules contained herein apply to these groups only insofar as their members hold meetings or conduct other activities covered by these rules.

e. **Laboratory-Registered Associations.** Groups of Laboratory members who wish to use Berkeley Lab facilities to meet outside of regular working hours on a continuing basis are required to register with the Human Resources Department in accordance with the procedures in Paragraph C, *Regulations Concerning the Use of Laboratory Properties*, below. Laboratory-registered associations include independent sponsors referred to in Paragraphs B (*Time, Place, and Manner Regulations*), C (*Regulations Concerning the Use of Laboratory Properties*), and D (*Advisory Committee on Free Expression*) below.

f. **State of Emergency.** When extreme conditions exist as a result of natural disasters, civil disorders, or other such seriously disruptive events and when extraordinary measures are required to immediately avert, alleviate, or repair damage to University property, to protect the health or safety of persons on University property, or to maintain the orderly operation of the Laboratory, the Director of the Laboratory may, after consultation with the University President and, when possible, with Laboratory members, declare a state of emergency and place into effect orders appropriate to the emergency. Such measures are required by *University of California Policies Applying to Campus Activities, Organizations, and Students.* Consistent with the provisions of Section 82.00 of these University Policies, "Emergency Regulations and Procedures," violation of such orders will result in action against the employees or visitors, as appropriate under the circumstances. The declaration of such a state of emergency may require temporary suspension of these rules and regulations.

B. TIME, PLACE, AND MANNER REGULATIONS

1. Meetings

Meetings or other activities that are not official Laboratory or Laboratory-related business, below called "Independently Sponsored Open Meetings" or "Open Meetings," are permitted, subject to the following time, place, and manner rules and the provisions of Paragraph C, *Regulations Concerning the Use of Laboratory Properties*, below.

a. **Time of Independently Sponsored Open Meetings.** The time of open meetings is restricted to the noon hour (12:00 noon to 1:00 p.m.) and after 5:00 p.m., Mondays through Fridays, holidays excluded. In the scheduling of meetings, Laboratory business shall have priority in the use of properties.

b. **Location and Equipment.** Open meetings may be held in the Building 50 Auditorium or, for smaller groups, in selected conference rooms and the cafeteria lower dining room at noontime. In the Auditorium, the use of normally available microphone and projection equipment will be provided by the Laboratory, if requested at the time of application.

   Individual members of groups using the properties (including the microphone and projection equipment) will be responsible for all costs of such use over and above the Laboratory's normal operating costs. If there is any loss or damage to said property or equipment due to the group's use, members of the group may be held jointly and severally liable.

c. **Attendance and Identification at Open Meetings.** Because the intent of these regulations is primarily to provide opportunity for free discussion and exchange of views among members of the Laboratory and because the seating capacity of Laboratory properties is limited, attendance at all independently sponsored open meetings is restricted to members of the Laboratory and their guests (Paragraph C 3 c below), official visitors, and other persons with official business at the Laboratory, apart from the invited speakers or participants identified in the request for reservation of properties. The Laboratory reserves the right to require identification of all persons attending such meetings. Sponsoring organizations or individuals may not put further restrictions on eligibility for attendance at open meetings.

d. **Time Off to Attend Open Meetings.** Employees who take time off to attend an open meeting are subject to existing Laboratory policies concerning time off for personal reasons. Prior approval must

be secured by an employee from his or her supervisor to ensure that the absence will not interfere with the work of the employee's division or department.

e. **Publicity for Open Meetings.** Announcements and other publicity for independently sponsored open meetings shall be restricted to distribution within the Laboratory and shall in no way imply Laboratory or University sponsorship or endorsement of the meeting or of the topic or position advocated. The regulations governing posting or other distribution of announcements are given in Paragraph 2 b below.

f. **Conduct of Open Meetings.** The conduct of open meetings shall be orderly and responsible, with the proper courtesy shown to speaker and members of the audience alike. To facilitate proper conduct of the meeting and to prevent interference with the functioning of the Laboratory, it shall be the responsibility of the chairperson of the meeting to maintain reasonable order and to assure strict adherence to the time and location limitations stated above. In accordance with the traditions of the University community, audiences should be allowed to ask questions of speakers, time and format permitting. Open meetings shall be conducted in accordance with University policies that its properties may not be used for organizing or carrying out unlawful activity. Properties may be used for commercial or fund-raising activities only with prior approval of the Laboratory Director, as provided in Paragraph C 2 c below.

g. **Frequency of Open Meetings.** Laboratory properties will not be available for use by independently sponsored groups if these properties are needed for official Laboratory business. For this reason, the number of independently sponsored open meetings at noontime normally shall not exceed six in any calendar month.

2. Posting and Exhibition of Notices and Announcements

a. **Posting of Materials.** The posting of noncommercial notices is permitted on those bulletin boards specifically designated for this purpose and labeled "Open Bulletin Boards." Any Laboratory member may use these bulletin boards, but all posted material must bear the date of posting and the name and Laboratory address of the sponsoring Laboratory organization or responsible member of the Laboratory. These bulletin boards shall be cleared once a week by an authorized person; otherwise, removal of material from an open bulletin board is prohibited. The following is a listing of designated Open Bulletin Boards. This listing may be modified as appropriate:

- Building 2—across from elevator on first floor.
- Building 10—lunchroom.
- Building 26—Medical Services, basement hallway.
- Building 46—mezzanine; outside Room 150; outside Room 171.
- Building 50—second floor; fourth floor near Library.
- Building 50A—near elevator on fifth floor; outside Room 2129.
- Building 50B—near elevator on first, second, third floors; opposite Room 2265.
- Building 54—Cafeteria lobby.
- Building 62—first floor inside entrance.
- Building 70A—first floor.
- Building 76—near Room 212.
- Building 77—lunchroom.
- Building 80—kitchen.
- Building 90—across from 1099; near Room 1136; near Room 3148.
- Building 936B—hallway.
- Building 938—second floor kitchen.

b. **Announcements of Independently Sponsored Open Meetings.** Factual announcements of approved independently sponsored open meetings may be posted in each department or division on

an area of a bulletin board set aside for such announcements. In addition, the posting of one copy of the factual announcement in each of the elevators of Buildings 50A, 50B, and 90 is permitted. Procedures concerning these announcements are described in Paragraphs C 3 c and 3 d below. Additional announcements or advertising must satisfy the conditions of Paragraph 1 e above, can only be posted on the open bulletin boards, and must be prepared at no cost to the Laboratory.

3. Distribution of Materials

The general distribution of leaflets or other materials inside the Laboratory is prohibited. Distribution of handbills, statements, and other noncommercial materials at specific times and locations is permitted as follows:

a. Immediately before or after an independently sponsored open meeting, the sponsors may have a table for the purpose of displaying informational materials relevant to the meeting set up outside the entrance to the meeting room. The table arrangement should not obstruct the flow of traffic or otherwise interfere with the functioning of the Laboratory.

b. All handbills, statements, or other materials shall indicate clearly the name and Laboratory address of the responsible member of the Laboratory, Laboratory organization, or Laboratory division.

c. In the distribution of materials, efforts must be made to avoid litter. Distribution by accosting individuals, hawking, or shouting is prohibited.

d. Use of Laboratory duplicating equipment or other facilities for preparation of non-official handbills or other materials for distribution is prohibited.

C. REGULATIONS CONCERNING THE USE OF LABORATORY PROPERTIES

The following procedures and regulations govern the authorized use of Laboratory properties for open meetings. The purpose of the regulations is to ensure reasonable and fair use of Laboratory properties for free expression and advocacy and, at the same time, to prevent interference with the functioning of the Laboratory.

1. Use of Laboratory Equipment, Supplies, and Services

Except as provided in Paragraph B 1 b above, Laboratory equipment, supplies, and services (duplicating machines, telephones, mail service, vehicles, computers, stationery, and other equipment, supplies, and services) shall not be used unless for, or in connection with, official Laboratory business.

2. Reservation of Properties for Open Meetings

a. The Laboratory properties designated in Paragraph B 1 b above may be reserved for open meetings at the times permitted in Paragraph B 1 a above upon application by six or more members of the Laboratory, at least three of whom are Laboratory employees (including faculty with joint appointments, whether or not they are presently being paid by the Laboratory). The applicants assume responsibility for violations of Laboratory regulations which occur in connection with their use of the facilities and may not turn a reservation over to others.

b. Reservations shall be made at the office of the Head, Human Resources Department, on forms provided for that purpose. The form shall show the names and signatures of at least six of the applicants and their status at the Laboratory, the nature of the event, its date and time, the property requested, the name of the chairperson, and the names and relevant identification of all persons invited to speak or participate. Except for unusual circumstances, reservations shall be requested at

least 4, and not more than 20, working days in advance of the event. No reservation is complete until notice of approval is received from the Head, Human Resources Department.

c. Lawrence Berkeley National Laboratory, as part of the University of California, a State instrumentality, must remain neutral on religious and political matters and cannot sponsor or fund religious or political activities, except when authorized by the Regents or the President of the University or their designees. Registered religious or political organizations of Laboratory members shall have access to Laboratory properties on the same basis as other registered organizations, subject to the provisions of these regulations.

d. A request to use Laboratory properties for commercial or fund-raising purposes must identify the purpose. The activity shall not violate the intent of the University policies, shall meet all provisions stated therein, and is subject to prior approval by the Laboratory Director.

e. Approval of a meeting request may be contingent upon one of the Committee members or a designee serving as chairperson at the meeting.

f. A request for a reservation shall normally be approved within a reasonable time (not more than two working days) after receipt of a properly executed application, subject only to the availability of the properties and the limitations on frequency of open meetings of Paragraph B 1 g above.

g. If a request for a reservation is denied for any reason other than lack of availability of facilities or frequency limitation, the denial shall be in the form of a written communication to the applicants stating the reason or reasons for the denial.

h. The Head, Human Resources Department, shall be responsible for administering these regulations in all aspects and for reporting violations to the rules and his recommendations concerning them to the Advisory Committee (Paragraph D, *Advisory Committee of Free Expression*, below) for its consideration and communication to the Laboratory Director.

3. Posting of Notices and Distribution of Announcements of Open Meetings

a. The open bulletin boards described in Paragraph B 2 a above shall be cleared routinely once a week (on Friday afternoon).

b. Removal of notices or other material from open bulletin boards by anyone other than the designated official or the original poster is prohibited.

c. Announcements for independently sponsored open meetings shall be submitted to the Head, Human Resources Department. The text of the announcement to be distributed must bear the names of the sponsoring individuals and the name of the chairperson and must confine itself to a factual description of the meeting. The announcement shall bear the words, "Independently Sponsored Open Meeting, permitted under the Laboratory Time, Place and Manner Rules. Attendance limited to members of the Laboratory and authorized visitors." (In the context of these regulations, authorized visitors are individually invited immediate family, relatives, or guests of a member of the Lawrence Berkeley National Laboratory. The member assumes responsibility for their presence and conduct while on the Laboratory site. Visitors will be permitted only if adequate space is available.) The sponsors shall be responsible for the distribution of these announcements and their posting on the designated areas of department or division bulletin boards, and the sponsors are responsible for the posting and removal of announcements in the elevators (Paragraph B 2 b above).

4. Request for Reconsideration

Applicants who are denied a reservation for the use of Laboratory properties and contend that the denial is based on an incorrect application of these regulations may submit a written request for reconsideration to the Advisory Committee on Free Expression. The Committee shall rule on the request in the light of the right of free expression and advocacy of every member of the Laboratory as much as in the best interests of the Laboratory community as a whole. In the event that the complaint is not resolved by the Advisory Committee (Paragraph D, *Advisory Committee on Free Expression*, below) to the satisfaction of all parties, appeal may be made to the Laboratory Director.

D. ADVISORY COMMITTEE ON FREE EXPRESSION

1. Purpose

An Advisory Committee shall be responsible for the general operation of these policies and regulations governing the right of free expression and advocacy at Lawrence Berkeley National Laboratory. The Committee shall ensure that all events that are not Laboratory or Laboratory-related activities are properly and fairly conducted in the best interests of the staff, the Laboratory, the University, and the community. Specifically, the Advisory Committee shall be responsible for:

a. Maintaining an opportunity for presentation of a variety of viewpoints over a period of time.

b. Approving requests for reservation of properties for open meetings.

c. Recommending to the Laboratory Director changes in or exceptions to the regulations.

d. Reviewing alleged infractions of these regulations brought to the Committee's attention by the Head, Human Resources Department, and transmitting the report of the Head, Human Resources Department, to the Laboratory Director with the Committee's own comments or recommendations for possible discipline under regular Laboratory rules.

2. Composition

The Advisory Committee shall consist of three members and three alternates, appointed by and reporting to the Laboratory Director. The alternates shall serve in the absence of one or more members of the Committee to ensure a total of three available members at all times. The term of appointment shall be for not more than one year.

3. Functioning

a. The Head, Human Resources Department, who is responsible for the procedural aspects of these policies and their enforcement, shall serve as staff for the Advisory Committee.

b. In actions concerning requests for reservation of properties, approval of at least two members of the Advisory Committee is required.

c. The Advisory Committee shall submit annually a report to the Laboratory Director containing, among other things, a list of the open meetings held under these regulations during the preceding year. With the approval of the Laboratory Director, this report or a summary of it shall be made generally available to the members of the Laboratory.

E. LABORATORY-REGISTERED ASSOCIATIONS

1. General

Voluntary activities of groups of Laboratory employees with common interests outside of regular working hours may be registered as Laboratory associations. Registration of such associations is required to facilitate regular and/or occasional arrangements for the use of Laboratory properties for meetings of such Laboratory associations. Meetings of the associations are governed by the procedures of Paragraphs B, *Time, Place, and Manner Regulations,* and C, *Regulations Concerning the Use of Laboratory Properties,* above.

Employee associations may not engage in activities that could be viewed as interfering with the rights of unions or that fall within the scope of exclusive representation. Associations may not act as advocates or represent employees in negotiations, grievances, complaints, or other disputes or issues with management involving terms and conditions of employment.

Policies relating to Employee Organizations (Unions) are found in Section 2.18, *Rules and Regulations on Relations with Employee Organizations,* and within the appropriate collective bargaining agreements.

2. Registration Procedure

Registration forms and information may be obtained from the Human Resources Department. Groups of Laboratory members who wish to use Berkeley Lab properties for these types of voluntary activities must be registered and approved by the Head, Human Resources. A registration card must be completed; the card becomes a public record and contains:

a. The name of the association.

b. A statement of the association's purpose and a copy of the constitution and bylaws or any other document that the named association acknowledges as describing the character of the association.

c. The names of three Laboratory members (at least one of whom is a Laboratory employee) who are currently officers or authorized representatives of the association.

d. An attestation, to be signed by the three Laboratory members named in Paragraph 2 c, above, of acceptance of responsibility for the association's compliance with Laboratory and University regulations and procedures.

3. Use of University of California Lawrence Berkeley National Laboratory Name

Laboratory-registered associations may not use the name of the University of California or the Lawrence Berkeley National Laboratory or abbreviations of either name as part of their own names without written authorization of the Deputy Director, Operations, or designee. In addition, such associations shall not indicate or imply that they are acting on behalf of the University of California or the Laboratory.

4. Laboratory Mission—Compliance with Laboratory and University Regulations and Procedures

The activity and meetings of Laboratory-registered associations must be in accordance with and comply with Laboratory and University regulations and procedures. These activities and meetings must not interfere with the Laboratory's fulfillment of its responsibilities to the DOE, the University, or other agencies.

5. Laboratory Employee Activities Association Support

Laboratory-registered employee associations may be eligible for limited support through the Employee Activities Association (see Section 1.14, *Employee Activities Association*). Guidelines to request support as well as association bylaws are available through the Association Coordinator in the Human Resources Department.

2.18 RULES AND REGULATIONS ON RELATIONS WITH EMPLOYEE ORGANIZATIONS	Approved: D.C. Shepherd 8/26/93

A. GENERAL PRINCIPLES

The following Rules and Regulations are intended to provide the structure for implementation of employee rights at Lawrence Berkeley National Laboratory in accordance with *University of California Guidelines for Relations with Employee Organizations.* These rules and regulations, and amendments or modifications thereto, are not subject to Lawrence Berkeley National Laboratory grievance or appeal policies.

Subject to these Rules and Regulations, Laboratory employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation. Laboratory employees shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the Laboratory.

B. DEFINITIONS

1. **Managers.** Managers are individuals responsible for formulating and administering policies and programs of the Laboratory.

2. **Confidential Employees.** Confidential employees hold positions requiring access to confidential information used for meeting and conferring purposes or for processing grievances. Employees not designated as confidential employees, who assist or advise management on a temporary basis and in so doing are privy to confidential information, may be determined to be confidential employees for the period of time they are privy to information used for meeting and conferring purposes or grievance handling. Such employees will be notified of their temporary confidential status.

3. **Supervisory Employees.** Supervisory employees are defined by the Higher Education Employer-Employee Relations Act (HEERA) as "any individual, regardless of the job description or title, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. . . . Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees."

4. **Representative.** In these regulations, the term *representative* is used to define any person acting in the interest of or on behalf of an employee organization, including both University and Non-University personnel, unless otherwise specifically excepted.

5. **Employee Organization Business.** The term *employee organization business* is used to define all legal activities of an employee organization including, but not limited to, meetings, dues collection, soliciting, distributing, and campaigning.

6. **Work Time.** Work time is the period of time during which employees are scheduled to work, excluding lunch periods, and for purposes of this regulation, rest periods.

C. RESPONSIBILITY

The Laboratory Director is responsible for ensuring that each managerial and confidential employee is identified as such in the Laboratory personnel system and the corporate personnel system.

D. APPLICABILITY

1. Unless specifically excepted or modified by a Memorandum of Understanding, these rules and regulations apply to all employee organizations.

2. These regulations do not apply to employee organizations or their representatives when they are acting as representatives in individual grievances or administrative appeals pursuant to Paragraph 2.05 C, *Employee Grievances*, or 2.05 D, *Administrative Review*.

E. PAYROLL DEDUCTIONS FOR EMPLOYEE ORGANIZATIONS

1. Membership Fees

The University is required, on written authorization by the employee involved, to deduct and remit to the employee organization of the employee's choice the standard initiation fee, periodic dues, and general assessments of such organization, until such time as an exclusive representative has been selected for the employee's unit or until notified by the employee in writing that the employee wishes to terminate the deduction.

Once an exclusive representative has been selected, deductions may be made only for the exclusive representative. Cancellation of deductions to other employee organizations shall become effective with earnings for the pay period following the certification of the election results.

2. Employee Organization Benefit Premiums

In addition to payroll deductions for employee organizations, as mandated by HEERA, deductions are permitted for employee-organization-sponsored insured benefit premiums. Approval for the insured benefit is made by the Office of the Director, Collective Bargaining Services, University Systemwide Administration.

3. Payroll deductions payable to an employee organization are not permitted for management or confidential employees except that temporary confidential employees may continue membership in employee organizations for the explicit purpose of maintaining existing payroll deductions for insured benefit premiums.

F. REGULATIONS GOVERNING THE USE OF LABORATORY FACILITIES AND ACCESS TO UNIVERSITY EMPLOYEES BY EMPLOYEE ORGANIZATIONS AND THEIR REPRESENTATIVES

1. Meeting Rooms

Employee organizations, including nonemployee representatives of such organizations, shall be permitted the use of Laboratory rooms and spaces for meetings held outside the scheduled work time of the Laboratory employees attending, subject to availability of space and confirmation of availability by the Employee Relations Administrator.

Representatives of registered employee organizations may apply for reservations for Laboratory meeting rooms at the Human Resources Department using forms provided for that purpose. If the use of a room normally provided with facilities for a microphone and/or projection equipment is requested and approved, the Laboratory will provide this equipment, provided it is requested at the

time of application. Applications should be made at least 48 hours in advance of an event whenever possible, and may be made only in a period three months in advance of the date of request. Reservations, subject to availability of space, will be made in the order of receipt of applications.

Users should exercise reasonable care in the use to which the facilities are put during the time reserved and make prompt payment of all charges. The organization that has reserved the facility assumes responsibility for any violations of University of California or Laboratory regulations that occur in connection with its use. No organization other than the reserving organization may use the facility reserved.

Reasonable charges may be made for use of facilities based on identifiable cost to the Laboratory.

2. **Bulletin Boards.** Employee organization use of bulletin boards is limited to communicating information to employees and is subject to the availability of space and the Laboratory's posting regulations.

a. **Open Bulletin Boards.** Appropriate materials may be posted on designated open bulletin boards. A list of open bulletin boards is available, upon request, from the Employee Relations Office of the Human Resources Department.

b. **Department or Division Bulletin Boards.** Materials may be posted by registered representatives of employee organizations on department or division bulletin boards only if arrangements are made with the appropriate department head or division director.

3. Employee organization representatives are permitted to distribute material and solicit membership outside the entrances to buildings and parking lots, provided adequate care is taken to prevent littering and to avoid interfering with traffic flow.

Freestanding racks with employee organization information also are permitted at entrances to the Laboratory, at the entrances to Buildings 90, 76, 77, 70, and 50, and, with approval of the Employee Relations Administrator, in the foyer of Building 54 (Cafeteria).

4. Employee organizations shall not be permitted the use of Laboratory mail service, telephones, copying machines, or other Laboratory equipment or supplies, except as provided in Paragraph F 1 above.

5. Employee organizations shall be permitted to conduct business with employees at work only when the physical location is appropriate for such business, that is, so long as there is no interruption of work and the area is not otherwise restricted for reasons of confidentiality, security, or safety, and when the employees are not on work time.

G. PAY STATUS OF REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS WHO ARE LABORATORY EMPLOYEES

1. A Laboratory employee shall not conduct activities relating to or attend meetings of employee organizations while on work time, except as reasonably necessary in the conduct of a grievance or administrative review (as determined by Employee Relations or Labor Relations) or as specifically approved by the Head, Human Resources Department.

2. Activities must not interfere with or disrupt the work of the Laboratory or violate safety or security requirements.

H. SUPERVISORY EMPLOYEES

Supervisory employees have the right to form, join, and participate in employee organizations for the purpose of representation on supervisory employer employee–relations and the right to refuse to join or participate in employee organizations. However, supervisory employees shall not participate in the handling of grievances or meet and confer processes on behalf of nonsupervisory employees or vote on questions of ratification or rejection of memoranda of understanding reached on behalf of nonsupervisory employees.

I. MEETING AND CONFERRING

HEERA provides that certified exclusive representatives of employees of the University in an appropriate unit, "shall engage in meeting and conferring with the employee organization selected as exclusive representative of an appropriate unit on all matters within the scope of representation" (Art. 4, Section 3570).

Arrangements for such meetings shall be made through the Head, Human Resources Department, if the unit is composed of Laboratory employees only, or through the University Director, Labor Relations, in the case of a multilocation or systemwide unit.

In the absence of a memorandum of understanding or if the memorandum of understanding does not cover the subject, a reasonable number of representatives of an exclusive representative shall have the right to receive reasonable periods of released or reassigned time without loss of compensation when engaged in meeting and conferring and for the processing of grievances. When a memorandum of understanding is in effect, released or reassigned time must be in accordance with the memorandum.

J. ACCESS TO PUBLIC RECORDS

To the extent required by law, copies of public records are provided to employee organizations at cost and in whatever form they exist. Requests for multilocation information should be submitted to the Director, Labor Relations, at the University of California Office of the President. Requests for Laboratory information only should be submitted to the Head, Human Resources Department, of Berkeley Lab.

2.19 OUTSIDE BUSINESS ACTIVITIES	Approved: K.R. Olson 8/12/96

A. GENERAL POLICY

Employees may engage in consulting or other employment and business activities outside Laboratory hours and away from the Laboratory, provided such activities do not interfere with performance of their Laboratory duties or create a real or apparent conflict of interest. As set forth in Paragraphs C, *Consulting and Other Short-Term Employment*, and E, *Teaching for the University of California*, below, Laboratory management review and approval are required for:

- Work of any kind for a scientific or technical organization.
- Work paid by Federal funds.
- Work paid by the University of California.
- Consulting work.

If the employment is not in one of the categories listed above and is obviously unrelated to the Laboratory's interests, it does not normally need to be reported or approved. Examples include an outside job or business interest in ranching, retail sales, music, art, or real estate sales.

Policy concerning ownership or management interest in potential vendors to the Laboratory is covered in Paragraph F, *Policy on Outside Professional Activities for University Officers and Designated Staff*, below.

All outside employment activities must be conducted without the use of Laboratory supplies, equipment, or facilities. (See also Paragraphs 2.05 H, *Integrity in Research* and 2.22 I, *Privileged Information*, and Paragraph 6.02 A 2, *Use of Property and Supplies.*) This policy is based on Federal and State laws and regulations, the University/DOE Contract, and University policy.

B. REVIEW AND APPROVAL PRINCIPLES AND TIME LIMITS

The following considerations are made in determining whether a real or apparent conflict of interest exists.

1. Principles

a. **Avoidance of Unfair Competitive Advantage.** Does an employee's consulting or other business activity outside the Laboratory influence decisions made at the Laboratory in such a way as to give unfair competitive advantage to the outside business organization? (See Paragraph 2.22 I, *Privileged Information.*)

b. **Separation of Laboratory and Private Interests.** Does an employee's consulting or other outside business activity financially affect the Laboratory's dealings with an outside business organization in which the employee, or a near relative, has a financial interest as defined by the University of California Conflict of Interest Code? (See Paragraph 2.22 F, *Conflicts of Interest.*)

c. **Protection of Information Not Yet in the Public Domain.** Does an employee, acting as an independent consultant or as an employee of another organization, use information, skills, or knowledge that is material or necessary to current or proposed Laboratory research or development

work and that is proprietary to the Laboratory and not yet in the public domain? (See Paragraph 2.22 I, *Privileged Information.*)

d. **Noncompetition with Laboratory Projects.** Is an employee's consulting or outside employment activity in competition with current or proposed Laboratory projects?

Questions concerning potential conflicts of interest should be referred to the Laboratory Conflict of Interest Coordinator.

2. Time Limits

Approval to engage in the outside consulting or other employment is limited to a maximum period of two years from the date of such approval. If the outside business activity is continued beyond two years, the requester must obtain a new approval from the cognizant division director to continue in the outside business activity.

C. CONSULTING AND OTHER SHORT-TERM EMPLOYMENT

Consulting and other short-term employment is normally permitted with most organizations, including those doing business in a field in which the Laboratory does or has done research and the results have been reported and made public. Work for another DOE contractor must be handled through a Work-for-Others type agreement. Also, consulting and nonteaching employment with any University of California branch is usually arranged through an inter-campus Work-for-Others contract.

Under the terms of the University/DOE Contract, all proposed outside consulting work to be performed by Laboratory employees who are employed at 50% time or more must be disclosed. The information disclosed must be transmitted to the DOE. The Laboratory must obtain concurrence from DOE in cases involving another DOE cost-type contractor or any other organization in the same or related energy field where the proposed work is to be performed by a Laboratory employee who works at 50% time or more and involves or may involve any of the following:

- A significant question concerning a possible conflict with the University's policies regarding conduct of employees.
- The University's responsibility to report fully and promptly all significant research and development information.
- The intellectual property provision of the University's Prime Contract.

Table 2.19 C-1, *Consulting, Scientific Advisory Board/Honorarium Matrix,* describes the various requirements concerning consulting. The *Request to Engage in Outside Employment* form is used to obtain required approvals. This form is available electronically on the Workstation File Server. Approval is required by the cognizant division director. The division sends a copy of the form to the Office of Institutional Programs, which maintains appropriate records and reports to the DOE as required.

Table 2.19 C-1. Consulting, Scientific Advisory Board/Honorarium Matrix.

Customer	Employee Category	Time Restrictions	Cash to Individual OK?	Comment
1. DOE (other than work directly funded under the Contract)	All	See Comments.	No/Yes	Time spent is normally considered to be part of regular assignment. If assignment is more than a few days/year, contact CFO/Budget. Note: If the individual is acting solely as an individual and the work is during regular work hours, leave without pay (LWOP) must be charged.
2. DOE cost-type contractors	All	See Comments.	No	Time spent is normally considered to be part of regular assignment. The other contractor may reimburse the Laboratory for travel and per diem. If assignment is more than a few days per year, contact the CFO/Sponsored Projects Office.
3. Other government agencies *or* their cost-type contractors	All	See Comment.	Yes	If work is done during normal Laboratory workday, LWOP must be used.
4. University of California—any branch	All	Laboratory time is usually reduced by the percent of time worked for the other branch of University. Alternatively, LWOP may be used.	Yes	Considered to be a multiple appointment and must be coordinated between the employee's division and the University department concerning time reporting and benefits.

Table 2.19 C-1. Consulting, Scientific Advisory Board/Honorarium Matrix (continued).

Customer	Employee Category	Time Restrictions	Cash to Individual OK?	Comment
5. For-profit scientific and technical organizations	*Executive Program members* (Note: These employees are also Designated Officials under the University Conflict of Interest Code).	Time limits apply to joint appt faculty (39 days for 9-month appts and 48 days for 12-month appts). If work is during normal Laboratory workday, must use vacation.	Yes/No	Considered to be part of reasonable outside professional activities. May not receive cash if the organization is the type covered by employee's disclosure categories. See also Paragraph B, *Review and Approval Principles and Time Limits*.
6. For-profit scientific and technical organizations	*Other Designated Officials* under the University Conflict of Interest Code.	If work is during Laboratory workday, must take vacation leave or LWOP.	Yes/No	May not receive cash if the organization is the type covered by employee's disclosure categories. See also Paragraph B, *Review and Approval Principles and Time Limits*.
7. For-profit scientific and technical organizations	All other employees.	If work is during Laboratory workday, must take vacation leave or LWOP.	Yes	See Paragraph B, *Review and Approval Principles and Time Limits*.
8. Nonprofit scientific and technical organizations	All employees.	If work is during Laboratory workday, must take vacation leave or LWOP.	Yes	See Paragraph B, *Review and Approval Principles and Time Limits*.

NOTE: In all cases except Case 5, prior approval is required by the cognizant division director. In Case 4, Work for the University of California, concurrence of the Head of the Berkeley Lab Human Resources Department or designee is also required. In Case 5, Work for For-Profit Scientific and Technical Organizations to be Undertaken by Executive Program Members, Laboratory Director approval is required.

D. PAYMENTS FROM OUTSIDE ORGANIZATIONS

Employees are permitted to accept fees, gratuities, stipends, or honoraria from outside organizations if advance approval has been obtained as outlined in Paragraph C, *Consulting and Other Short-Term Employment*, above. No one who is a "designated official" under the University of California Conflict of Interest Code may accept an honorarium from any source if he or she would be required to report receipt of income or gifts from that source on a statement of economic interests. (See Paragraph 2.22 F, *Conflicts of Interest*.) Honorarium payments for one-time lectures do not require Laboratory approval.

E. TEACHING FOR THE UNIVERSITY OF CALIFORNIA

University policy does not normally allow full-time employees to be paid by the University for dual employment in any additional position. However, exceptions for teaching may be allowed as noted in the following table. (Table 2.19 C-2, *Policy on Teaching for the University of California*).

Table 2.19 C-2. Policy on Teaching for the University of California.

Teaching Type	Time Reporting	Pay	Prior Approval(s)	Comments
Extension Courses	*Teaching is outside Laboratory normal work hours:* No requirement to report time as leave without pay (LWOP) or vacation *During normal Laboratory work hours & less than 12 hours/ month:* No requirement to report time as LWOP or vacation *During normal Laboratory work hours & more than 12 hours/ month:* All such time must be taken as LWOP or a reduction in Laboratory work hours	In all cases of University Extension teaching, the employee receives separate paychecks from University and Laboratory	• Division director, or designee	• Consult with the Laboratory Human Resources Department before signing *any* agreements with the University Extension Division • Use the *Request to Engage in Outside Employment* form to obtain approval
Summer Session Courses	Normally involves an adjustment in Laboratory time based on the specific teaching assignment	The employee will receive separate paychecks from University and Laboratory	• Division director, or designee	• Use the *Request to Engage in Outside Employment* form to obtain approval • The division should use a *Personnel Action Form* to request the adjustment in Laboratory work time • The Laboratory Human Resources Department makes the Laboratory time adjustment on a case-by-case basis

Table 2.19 C-2. Policy on Teaching for the University of California (continued).

Teaching Type	Time Reporting	Pay	Prior Approval(s)	Comments
Regular Session Courses	Laboratory employees who hold University of California campus faculty or lecturer appointments will have their Laboratory time adjusted in accordance with their appointment(s)	The employee will receive separate paychecks from University and Laboratory	• Division director, or designee	• Use the *Request to Engage in Outside Employment* form to obtain approval • The division should use a *Personnel Action Form* to request the adjustment in Laboratory work time • The Laboratory Human Resources Department makes the Laboratory time adjustment
Seminars	No special time reporting required or reduction in Laboratory hours if: • Course is related to Laboratory's mission • Course meets not more than once weekly • Course is given not more than one semester during the academic year	No compensation is involved	• Division director, or designee	• Use the *Request to Engage in Outside Employment* form to obtain approval

F. POLICY ON OUTSIDE PROFESSIONAL ACTIVITIES FOR UNIVERSITY OFFICERS AND DESIGNATED STAFF

Outside professional activities of Laboratory staff members at the University of California Executive Program level are subject to certain additional special provisions.

Permissible outside professional activities include, but are not limited to, service on State or national commissions, government agencies and boards, committees or advisory groups to other universities, organizations established to further the interests of higher education, not-for-profit organizations, and service on corporate boards of directors.

When it is consistent with DOE and Laboratory objectives and missions, service on behalf of national commissions, government agencies and boards, advisory groups to other universities, and other nonprofit organizations is encouraged. Under certain circumstances such service may be undertaken during regular work time, subject to conditions established in University policy concerning receipt of honoraria and reimbursement for related travel expenses incurred. It is particularly important to note that a person who is a "designated official" under the University of California Conflict of Interest Code

may not accept an honorarium from a source if he or she would be required to report receipt of income or gifts from that source on a statement of economic interests.

In the case of outside professional activities for which compensation is received, a Laboratory employee must use accrued vacation leave when participating during the regular work week, consistent with other personnel policy requirements. For Laboratory members of the University Executive program who hold an Academic Senate or other faculty title, outside professional activities are also subject to the time limits established in the University President's Policy on Outside Employment of Faculty. Questions concerning the latter policy should be directed to the campus Academic Personnel Office.

When occasions arise when Berkeley Lab Executive Program members are called upon to serve in their official capacity on scientific advisory boards for DOE and for DOE cost-type contractors, this service is considered to be part of the employee's regular assignment. While no honorarium may be received by employees for such service, the Laboratory may be reimbursed for such costs as travel and per diem. If the service involves more than a few days per year, the CFO/Budget must be consulted.

The Human Resources Department has complete information concerning the necessary approvals and reporting requirements pertaining to this policy.

G. OWNERSHIP OR MANAGEMENT INTEREST IN POTENTIAL VENDORS TO THE LABORATORY

Employees who own or have an ownership interest of at least 10% in a business that does business with or seeks to do business with the Laboratory, or who have a management interest in such a business, such as being a member of the Board of Directors, must report the interest to their division director. This requirement also extends to an employee's near relatives. The term "near relative" is defined in University policy as spouse, child, parent, brother, or sister. Stepchildren, -parents, -brothers, and -sisters are also included, as are in-laws.

As a general rule, goods or services are not purchased from any Laboratory/University employee or near relative of an employee because of the basic principle of separation of an employee's Laboratory/University duties and his or her private interests. A second concern is the protection of the Laboratory/University and its employees from charges of favoritism in the acquisition of goods and services. If your Laboratory assignment is such that you might influence or take part in negotiations or transactions with the outside business, you must disqualify yourself from participating in those negotiations or transactions. (See Paragraph 2.22 F, *Conflicts of Interest.*)

Exceptions to the general prohibition against doing business with employee-connected firms may be made in circumstances where the company is the sole source that can provide the goods or services. Such cases must be approved by the Chief Financial Officer. Additional information regarding the appropriate procedure is available from the Procurement Department.

Business ownership or management interest as defined above must be reported on the *Notification of Outside Business Ownership or Management Interest* form. This form is available electronically on the Workstation File Server. The Office of Institutional Programs receives copies of the form from the division and uses them to create an "Employee-Vendor" list, which is used by the CFO/Procurement Department to implement the prohibition against doing business with employee-connected firms.

H. PATENT AGREEMENTS

When a consulting or employment agreement that contains a claim for rights for inventions and patents is offered to an employee, under the terms of the University/DOE Contract the outside organization must be advised that to obtain Laboratory approval, the employment or consulting agreement must include the following or equivalent language:

> It is recognized that Consultant is an employee of the University of California engaged in certain work conducted by the University at the Lawrence Berkeley National Laboratory under Contract DE-AC03-76SF00098 with the United States Department of Energy (DOE), and that the University has rights to patents arising from Consultant's services for said work. Whenever any invention or discovery is made, conceived, or developed by Consultant, solely or jointly, under this Consulting Agreement, the Company shall promptly furnish the University and DOE with information thereon sufficient for the purpose of affording timely resolution of whether the invention or discovery is within the purview of the patent agreement executed by Consultant with the University.

Questions regarding inventions and patent articles in a proposed consulting agreement should be referred to the Patent Office. (See also Section 5.03, *Patent Policy*.)

I. DISCLOSURE AND REPORTING REQUIREMENTS

Employees engaged in outside business activity as defined in this chapter are required to disclose certain information to the Laboratory at the time of their request to engage in outside business activity and throughout their outside business association as changes occur. These disclosures are necessary so the outside business activity can be reviewed for continued appropriateness and to satisfy certain contractual requirements. The following information must be disclosed:

- The names of all other Berkeley Lab employees known by the employee to be providing consulting services or to be employed by the outside business and their Laboratory reporting relationship, if any, to the employee.
- Changes in the employee's relationship or assignment.
- An appreciable change in the number of hours involved.

In addition, Laboratory employees are required to notify their division director and the Laboratory Conflict of Interest Coordinator whenever they are notified that they are the target of an investigation by a federal or state agency that has as its subject the improper use of information obtained or actions taken for personal gain by the employee in the course of his/her employment.

2.20 TERMINATIONS	Approved: W.L. Blount, Jr. 3/31/95

A. RESIGNATIONS

Employees who plan to resign from employment at the Laboratory are requested to give their supervisor two weeks or more advance notice of their planned resignation, when possible, to enable prompt action to be taken to recruit replacements for their positions. The supervisor must immediately acknowledge in writing the employee's intention to terminate.

B. REDUCTION IN FORCE

Lawrence Berkeley National Laboratory operates principally with funds provided by the U.S. Department of Energy (DOE). The total level of funding and the level of funding for specific divisions of the Laboratory and specific programs within each division are determined each year, with the final determination made in Washington by action of the U.S. Congress, the Office of Management and Budget, and DOE. The composition of the Laboratory staff must be suitable for carrying out the advanced research and technology goals determined by the budget review process. Since the Laboratory has no final control over its funding, it is unable to guarantee long-term employment, and its rules on terminations must acknowledge the fact that the overall Laboratory budget may be reduced and/or the level of support for individual programs may be reduced in any budget year. The Laboratory policy on termination of employment because of lack of work, including lack of work due to reorganization or lack of funds, and the implementing procedures are described below. For the purpose of administering this policy, the term "division" is defined as an organizational unit headed by a division director.

1. Policy

The policy of the Laboratory is to minimize, by anticipating and planning for reduced staff needs, the effects of layoffs and reductions in time of career employees when such layoffs or reductions in time are necessitated by lack of funds or lack of work. The Laboratory will give eligible employees preferential opportunities for reassignment or transfer before layoff, the right to be recalled to the division from which they have been laid off, and preference for re-employment in all divisions of the Laboratory.

2. Decision to Implement Reduction

When a reduction in force is required, each division director will review the programs, departments, or areas for which he or she is responsible and determine the number of employees, classifications, and programs to be involved in the reduction. The division director will take into account the objectives of the Affirmative Action Compliance Program and will consult with the Head, Human Resources, before initiating further action.

Temporary or indeterminate-time positions are normally the first to be reviewed when lack of funds or lack of work necessitates a decrease in staffing levels. The division director or department head may determine which temporary employees or employees working indeterminate-time schedules are to be terminated or reduced in time and the effective date of the action.

A division director or designee may inform employees in the specific program, department, or area of the division where lack of funding has been identified that a reduction in force is necessary and may request volunteers for layoff.

3. Order of Layoff

The division director is responsible for selection of individual employees to be released. The selection and the terms or conditions of the release are subject to prior review by the Head, Human Resources Department, and the Equal Opportunity Administrator. The order of layoff for career employees (excluding term scientific appointees) in the same classification (four-digit code) and division will be in inverse order of seniority. A division director may retain any employee irrespective of seniority if the employee possesses special skills, knowledge, or abilities that are not possessed by other employees in the same class and are necessary to perform the ongoing functions of the division. All such exceptions will be documented and require the approval of the Head, Human Resources Department.

A division director may, when feasible, accept volunteers for layoff in lieu of other employees. The acceptance of individual voluntary layoffs will be based on the operational needs of the division. When an employee volunteers for layoff in lieu of another employee and is subsequently selected for layoff, the employee is entitled to the full protection of the layoff policy, with the exception of recall and preferential rehire rights, and should be informed that eligibility for unemployment insurance benefits depends upon the evaluation of the termination by the State of California Employment Development Department.

NOTE:

For the purpose of implementing the provisions of this section, the organizational units listed below are assigned to the layoff division "Directorate": Office of the Laboratory Director; and Offices of the Deputy Directors; Office of Laboratory Counsel; Office for Planning and Communications; Office of Work Force Diversity. Also included for the purposes of implementing this section are the Deputy Director, Operations (includes the Office of the Deputy Director); Manager of Administration; Human Resources Department; Office of Institutional Programs; and Office of Assessment and Assurance. The Information and Computing Sciences Division includes the Information Systems and Services Department, and the Chief Financial Officer and Procurement is a separate layoff unit that includes Finance, Budget, Procurement, and Property Management. The Facilities Department—including Bus Services, Transportation, Fleet Operations, Stores, Receiving, Mail Services, and Warehouse—is considered to be a separate organizational unit for the purpose of implementing the provisions of this section.

4. Determination of Seniority

For purpose of layoff, seniority will be determined on the basis of one point for each month of full-time-equivalent paid University service. Employment before a break in service will not be counted. A break in service is a separation of at least one scheduled working day of Laboratory/University employment. Authorized leave without pay and time on preferential rehire status do not constitute a break in service. When employees have the same number of full-time-equivalent months, the employee with the most recent hire date will be laid off first.

5. Notification to Employees

The division director is responsible for ensuring that employees are notified of their layoff in accordance with the plan agreed upon with the Human Resources Department. The scheduling of notifications and the conduct of the interviews should be handled so as to minimize the anxiety and disturbance of other employees. Notification will be accomplished orally and will include instructions for obtaining assistance and guidance from the Human Resources Department.

The terms of the layoff will be confirmed to the employee by a letter signed by the Head, Human Resources Department, or designee. The letter will include a statement regarding unemployment insurance, the effect of the layoff upon the employee's benefits, and the procedures for recall and preferential rehire. Whenever feasible, this written notice will be at least 30 calendar days in advance of the effective date. If less than 30 calendar days' written notice is given, a career employee will receive pay

in lieu of notice for each additional day he or she would have been on pay status had the employee been given 30 calendar days' notice.

6. Assistance to Employees

It is the responsibility of the division director to ensure that career employees who are scheduled for layoff will be given primary consideration for division vacancies for which they are reasonably qualified. The Human Resources Department will ensure that every reasonable effort is made to transfer employees on layoff notice and aid them in seeking other employment. Assistance will include contact with other employers, including State or University agencies, help in the preparation of resumes, and other such efforts. Human Resources Department representatives will review with the employees the terms of the planned release. They will also provide counsel and assistance in arranging for service or retirement, when appropriate.

7. Continuation of Benefits During Layoff

An employee on layoff status may continue in certain group insurance programs, if previously enrolled, for the length of time provided by the University's contract with the insurance carrier, subject to the payment of full premiums. Retirement system regulations determine the effect on retirement benefits.

8. Re-employment from Layoff

Right of recall and preference for rehire do not apply in the case of expired term appointments for postdoctoral fellows or staff scientists.

a. **Right to Recall to Layoff Division.** A regular-status employee who is separated or whose time is reduced because of layoff will be recalled in order of seniority into any active and vacant career position for which the employee is qualified when the position is in the same class and division and at the same or lesser percentage of time as the position held by the employee at the time of layoff.

b. **Preference for Re-employment or Transfer in Layoff Division or Other Divisions.** A regular-status employee who is separated or whose time is reduced because of layoff or who has received written notice of layoff or reduction in time within the two calendar months before the layoff date will be granted preference for re-employment or transfer to any active and vacant career position at the Laboratory for which the employee is qualified when the position is (1) at the same salary level or lower (as determined by the salary-range maximum), and (2) at the same or lesser percentage of time as the position held by the employee at the time of layoff. Preference for re-employment or transfer is not extended to an employee who has not attained regular status.

   Regular-status employees on indefinite layoff will be given first consideration for preference for employment to active and vacant career positions, as described above, in the same division from which the employee was laid off.

   Division directors or department heads may reject a regular-status employee with preference for re-employment or transfer only if the employee lacks qualifications required for the position. Reasons for rejection will be provided by the division director or department head in writing to the Head, Human Resources Department for review.

c. **Continuation of Right to Recall and Preference for Re-employment.** A regular-status employee has right to recall for 3 years from the date of layoff. A regular-status employee with less than 5 years of seniority (see Paragraph 4 above) has preference for re-employment for one year from date of layoff. An employee with at least 5 but less than 10 years of seniority has preference for re-employment for 2 years from date of layoff. An employee with 10 years or more of seniority has preference for re-employment for 3 years from date of layoff.

Both right to recall and preference for re-employment terminate if an employee: (1) refuses an offer to return to the division and class from which he or she was laid off at the same or greater percentage of time, (2) refuses two offers of re-employment for career positions at the same or higher salary level and the same or greater percentage of time as the position he or she held at the time of layoff, or (3) accepts a career position at the same or higher salary level and the same or greater percentage of time as the position he or she held at the time of layoff. In addition, if an employee accepts any career position, preference for re-employment is terminated without affecting right to recall. Preference for re-employment and recall rights terminate upon retirement.

Right to recall and preference for re-employment continue during, but are not extended by, periods of temporary Laboratory employment. Right to recall and preference for re-employment are suspended when an employee does not respond to written notice of an employment opportunity. However, upon written request of the employee and approval of the Head, Human Resources Department, both recall and preference may be reinstated. An employee may be required to respond affirmatively to periodic inquiries concerning the employee's desire to continue the right to recall and preference for re-employment in order to continue that right and preference beyond one year.

d. **Re-employment at Another University Location.** If a person on preferential rehire status desires to be considered for employment at a University of California campus or another laboratory, the Head, Human Resources Department, will provide the personnel manager at that location with a written request for consideration. Copies of the individual's employment record will be included.

e. **Benefits upon Re-employment.** When a person is re-employed within the period of right to recall and preference for re-employment, the periods before and after layoff are considered as continuous service for the limited purpose of applying University policies concerning sick leave, vacation, holidays, probationary period, reduced fee enrollment, seniority points for layoff, military leave, and merit salary increases. All prior sick leave credit will be reinstated during the period of eligibility up to a period of three years. Benefits and credits for service, including those relating to retirement systems, do not accrue for periods on preferential rehire status.

f. **Records and Reports.** The Head, Human Resources Department, will maintain a current roster of all persons on preferential rehire status and will record all referrals, offers of employment, rejections of persons by division directors, and refusals of employment offers by individuals on the preferential rehire list.

C. MEDICAL SEPARATION POLICY

1. Policy

Employees who become unable to fully perform essential assigned functions due to disabilities or other medical conditions, as determined by qualified medical opinion, may be separated. Employees who had attained regular status and who have been separated under this policy are eligible for special re-employment procedures. (See Paragraph 2.01 B 3 b, *Publicizing Job Vacancies*.)

2. Responsibility

a. A medical separation will be effected by the division director or department head concerned after review and agreement by the Head, Human Resources Department.

b. The Medical Services Department is responsible for evaluating the employee's medical limitations and for advising the division director or department head and the Head, Human Resources Department, of the suitability of available positions for which the employee meets the minimum qualifications.

3. **Basis for Separation**

a. A medical separation will be based on a statement by the employee's division director or department head describing the essential functions the employee is incapable of performing and a review by a vocational rehabilitation counselor (see Paragraph 2.05 G, *Vocational Rehabilitation*). A medical separation may also be based on the receipt of disability payments from a retirement system to which the University contributes.

b. An employee will not be separated under this policy while the employee is drawing accrued sick leave or supplemental disability leave. However, the employee may be separated for medical or other reasons if the date of separation was set before the commencement of sick leave or supplemental disability leave and if the employee is afforded all rights provided by the employee's retirement system.

4. **Notices**

a. **Notice of Intent.** An employee will be given advance written notice of the intention to separate the employee. The notice will:

(1) State the reason for the medical separation.

(2) Include copies of the statement of the division director or department head and any other pertinent material considered.

(3) State that the employee has the right to respond within five calendar days, either orally or in writing, regarding the separation.

b. **Notice of Separation.** After the employee's response or five calendar days from the date of notice of intention to separate medically, whichever is sooner, the employee will be notified in writing of the decision by the Head, Human Resources Department. If it has been determined that separation is appropriate, the employee will be given advance written notice of medical separation. The notice will specify the effective date of separation and state the employee's right to appeal.

c. **Effective Date.** The effective date of separation will be at least 10 calendar days from date of issuance of notice of separation or 15 calendar days from date of issuance of notice of intention to separate, whichever is later.

5. **Special Re-employment Procedures**

a. **Re-employment.** For a period of one year following the date of a medical separation, a former regular-status employee may be selected for a position without the requirement that the position be publicized (see Paragraph 2.01 B 3, *Publicizing Job Vacancies*). However, if the former employee is receiving disability benefits from a retirement system to which the University contributes, the period will be three years from the date benefits commenced. During such periods, an employee will be given assistance in accordance with Section 2.05 G, *Vocational Rehabilitation*.

b. **Service Credit upon Re-employment.** If a regular-status employee separated under this policy is re-employed within the allowed period, a break in service does not occur.

D. DISMISSAL

The Human Resources Department may terminate an employee without prior notice for serious cases of improper conduct, in accordance with the provisions of Paragraph 2.05 B, *Disciplinary and Corrective*

Action. In such cases the Human Resources Department will establish the termination date and give the employee written notification thereof.

E. SECURITY TERMINATIONS

Employees who are terminated for security reasons at the request of DOE may be given, with the approval of DOE, payment for up to 20 working days in lieu of advance written notice of such termination.

F. TERMINATION BY DEATH

The date of an employee's death is also the effective date of termination from Laboratory service. Payment of salary or wages and vacation credit due a deceased employee is made to the employee's estate or the heirs-at-law, in accordance with the provisions of California State laws. Determination of whether to pay the amount due to the estate or the heir(s) is based on the nature and value of the estate and the amount due. When the amount due is less than $3000, direct payment to the heir(s) is often permissible. Processing is handled by the Human Resources Department. See Paragraph 2.22 B, *University Death Benefits for Employees,* for other information pertaining to an employee's death.

G. TERMINAL PAY

Terminal Pay for employees includes payment for salary and wages due for work performed through the effective time and date of termination and payment for vacation credit, up to the maximum possible credit for the employee's job classification and length of service.

H. TERMINATION PROCEDURE

1. Termination Papers

Termination of an employee requires that the division or department involved must submit a Stock Form 7600-55050, *Personnel Action Form (PAF),* to the Human Resources Department after the supervisor has acknowledged in writing the employee's intention to terminate. The PAF must be submitted at least five days before the termination date. The PAF must show the correct reason for an employee's termination in order to determine eligibility for unemployment insurance.

2. Laboratory Property and Travel

Terminating employees are required to turn in, reassign, or otherwise account for badges, entry/parking permits, keys, tools, protective clothing, personal dosimeters, books, documents, radioactive sources, and any other items of property that have been issued to them for individual use. Also, all outstanding travel expense vouchers must be submitted to CFO/Finance. Final paychecks will not be released until the requirements concerning Laboratory property and travel are met. Terminating employees are also required to arrange for the removal of all excess chemicals from vacated laboratory space in accordance with Laboratory rules.

3. Physical Examinations

Arrangements should be made for a termination physical examination a few days, preferably a week, before the termination date.

4. Security Interview

Arrangements for a security interview before termination must be made for all terminees who have Q or L clearances.

5. Badges

Badges must be turned in to the employee's department or division on the day of termination.

6. Final Paycheck

A terminating employee's final paycheck is normally mailed to whatever address the employee specifies. If this address is different from the usual address, it should be shown on the terminal PAF. The employee's final time card should be received in the Accounting and Financial Management Office on the final workday with a Stock Form 7600-55618, *Special Time Card Transmittal* (see Section 3.02, *Time Reporting*, Fig. 3.02 J-7). However, if an employee needs his or her check on the day of termination, the following procedure will apply:

a. A *Special Time Card Transmittal* form and a time card showing final time worked and anticipated will be prepared and delivered by the employee's division or department to the Accounting and Financial Management Office by 12:00 noon of the day preceding the termination date. It should be noted on the transmittal that the special check is desired.

b. The employee's final paycheck will be prepared and may be picked up at the Cashier's Office after 3:00 p.m. on the termination date. However, when the final time card shows night-shift work on the termination date, the employee may not pick up his or her check until the next regular work day.

2.21 SEVERANCE PAYMENTS	Approved: W.L. Blount, Jr. 3/31/95

A. POLICY

Career employees (excluding University of California faculty, trainees, apprentices, and term appointees) who are eligible for vacation and sick-leave credits and are laid off from employment for an indefinite period due to lack of work or lack of funds, are eligible for severance payments in accordance with the following provisions.

B. DEFINITIONS

The following definitions shall apply for purposes of severance payments.

1. Continuous Service

Service is continuous if an employee is on pay status each month without a break in service. A break in service occurs when there is a separation from Laboratory employment status.

a. Periods on an approved leave without pay for military service, illness, injury compensable by workers' compensation, assignment to another research organization at the direction of the Laboratory, or an approved leave without pay for any period of 30 days or less are counted as periods of continuous service for the purposes of severance pay, as are periods on pay status before and after any other approved leave without pay.

b. Periods of employment before a break in service are not counted as periods of continuous service for purposes of severance pay nor are periods on pay status as a University of California graduate student research assistant or employee working indeterminate time (except that, for an employee working an indeterminate-time schedule who has attained career status, the period on pay status that qualified the employee for career status and subsequent periods shall be counted).

c. Continuous service is re-established when an employee is rehired from preferential rehire status.

2. Equivalent Job

An equivalent job is any career position with the Laboratory or the University at a beginning salary at least equal to the salary paid the employee in the job from which that employee was laid off, regardless of salary range.

3. One Week's Pay

One week's pay for nonexempt hourly rated employees is defined as the basic hourly rate (excluding shift differential and overtime) times 40 hours or the specifically approved workweek as shown in Table I of Appendix A to Contract 98. One week's pay for exempt employees is defined as the hourly equivalent of the monthly rate times 40 hours.

C. SEVERANCE PAYMENT CALCULATIONS AND METHODS OF PAYMENT

1. Calculation

The severance payment will be made in an amount equal to one week's pay for each year of continuous full-time-equivalent Laboratory (including LLNL and LANL) service. A fractional year of full-time

service of six months or more is counted as one year of service. The severance payment is not to exceed a total of 26 weeks' pay.

2. Method of Payment

An employee will have the option of selecting a lump-sum payment at time of termination or payment in biweekly installments.

D. LIMITATIONS

1. Layoff

Severance payments will not extend the period of employment beyond the date of termination due to layoff.

2. Previous Service Payment

Severance payments made to an employee will not include payment for any period of service for which the employee has previously received such payment.

3. Exceptions

Severance payments will not be made to any employee who terminates for any reason other than layoff, with the following exceptions:

a. An employee who resigns after receiving formal notification of layoff but before the effective date of layoff may be provided severance payments with the approval of the Deputy Director, Operations, or designee.

b. An employee who resigns in lieu of another employee who would have been laid off may be provided severance payments with the approval of the Deputy Director, Operations, or designee. Normally, such approval will be given only if the resignation will not have a detrimental effect on work in progress and if the employee concerned had not announced plans to resign or retire before the announcement of a layoff within the employee's Division.

4. Transfer

Severance payments will not be provided to an employee who transfers to another Laboratory position or University career position nor to an employee who refuses a transfer to an equivalent job with the Laboratory or the University.

E. REEMPLOYMENT

Should an individual who has received severance payments be rehired at the Laboratory before the expiration of the number of weeks for which the employee has received severance payments, the amount of the balance shall be credited as an advance on earnings.

A. REPORTING AN EMPLOYEE'S DEATH

All supervisors are requested to notify the Human Resources Department (Foreign Visitors Unit for foreign nationals) immediately of the death of an employee. This notification will ensure the initiation of benefit payments and other possible assistance to an eligible dependent(s) or designated beneficiary.

B. UNIVERSITY DEATH BENEFITS FOR EMPLOYEES

Upon the death of an eligible University employee, a sum equal to the regular salary of the deceased for one month shall be paid to the surviving spouse, or if there is no surviving spouse, to the deceased's eligible dependent(s), or if there is neither a surviving spouse nor eligible dependent(s), to the beneficiary designated in the deceased's University-paid life insurance policy. An eligible employee is one who was in pay status 50% time or more for at least six continuous months immediately before death. Months before and after an approved leave without pay are counted as continuous months. An eligible dependent(s) is one receiving the majority of his or her support from the deceased employee in accord with Internal Revenue Service Standards (Section 152). This payment is in addition to any other payment due the employee.

C. SUBSTANCE ABUSE IN THE WORKPLACE

1. University Policy

The University of California recognizes dependency on alcohol and other drugs as a treatable condition and offers programs and services for University employees and students with substance dependency problems. Employees (including student employees) and students are encouraged to seek assistance, as appropriate, from Employee Support Programs, health centers, and counseling or psychological services available at University locations or through referral. Information obtained regarding an employee or student during participation in such programs or services will be treated as confidential, in accordance with Federal and State laws.

The University strives to maintain campus communities and worksites free from the illegal use, possession, or distribution of alcohol or of controlled substances as defined in schedules I through V of the Controlled Substances Act, 21 United States Code 812 and by regulation at 21 Code of Federal Regulations 1308. Unlawful manufacture, distribution, dispensing, possession, use, or sale of alcohol or of controlled substances by University employees and students in the workplace, on University premises, at official University functions, or on University business is prohibited. Unauthorized possession, use, or consumption or being under the influence of alcohol on Laboratory premises is prohibited. In addition, employees shall not use illegal substances or abuse legal substances including alcohol in a manner that impairs work performance, scholarly activities, or student life.

Employees found to be in violation of this Policy, including student employees if the circumstances warrant, may be subject to corrective action, up to and including dismissal, under applicable University policies and labor contracts, or may be required, at the discretion of the University, to participate satisfactorily in an Employee Support Program.

Students found to be in violation of this Policy may be subject to corrective action (up to and including dismissal as set forth in the University of *California Policies Applying to Campus Activities, Organizations,*

and Students (Part A) and in campus regulations), or may be required, at the discretion of the University, to participate satisfactorily in a treatment program.

2. Policy on Service of Alcoholic Beverages on Laboratory Premises

On certain occasions, with prior written approval, alcoholic beverages may be served at functions held on Laboratory premises. Such requests require the approval of the cognizant associate Laboratory director or division director and must be in writing and submitted in advance to the Laboratory Director or his designee. The request must specify the official purpose of the function; number of anticipated attendees; the date, time, place, and host of the function; and identify a non-DOE source of funds for the purchase of the alcoholic beverages.

Except as specifically authorized in this policy, the use, possession, or consumption of alcoholic beverages on premises owned or controlled by the Laboratory is prohibited.

3. Special Requirements for Employees Engaged on Federal Contracts and Grants

The Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the State Drug-Free Workplace Act of 1990 require that University employees directly engaged in the performance of work on a Federal or State contract or grant shall abide by this Policy as a condition of employment.

Employees working on Federal contracts and grants shall notify the University within five calendar days if they are convicted of any criminal drug statute violation occurring in the workplace or while on University business. This requirement also applies to all indirect charge employees, i.e., an employee who performs support or overhead functions related to the Federal contract or grant and for which the Federal government pays its share of expenses, unless the employee's impact or involvement is insignificant to the performance of the contract or grant. The University is required to notify the federal contracting or granting agency within 10 calendar days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in available counseling, treatment, and approved substance-abuse assistance or rehabilitation programs within 30 calendar days of having received notice of such conviction.

Questions regarding University policy on substance abuse in the workplace should be directed to the offices of Employee Relations or Labor Relations or to the Employee Assistance Coordinator (see Paragraph 2.05 F, *Employee Assistance Program*).

4. Definitions

a. **Employees**. In the context of the University Policy, "employees" refers to all Laboratory employees.

b. **Students**. In the context of the University Policy, "students" refers to students of University of California campuses. For the Laboratory, student employees are covered by Laboratory employee policies.

c. **Employee Support Programs**. For the Laboratory, this refers to the Employee Assistance Program and the Vocational Rehabilitation Program. Student employees of University of California campuses (GSRAs and student assistants) have student counseling and health services available at their campus. Employees are encouraged to self-refer for substance abuse problems and to seek confidential assistance from the Employee Assistance Counselor.

d. **Special Requirements for Employees Engaged on Federal Contracts and Grants**. This section of the University Policy applies to all Laboratory employees. Laboratory employees who are convicted of any drug statute violation occurring in the workplace or while on Laboratory business must notify

their immediate supervisor and the Office of Employee Relations within five calendar days of the conviction.

e. **Conviction.** A conviction is a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violations of any criminal drug statutes.

5. Department of Transportation (DOT) Rule

The Laboratory endorses the Department of Transportation's (DOT) antidrug policy and regulations. A drug and alcohol testing program is an integral part of this policy for classifications covered by the DOT rule. Compliance with this policy and the DOT regulations is a condition of continued employment. Noncompliance may result in disciplinary action up to and including suspension or dismissal.

The Laboratory's policies and procedures to implement the DOT drug and alcohol testing program have been balanced with a recognition of employees' legal rights, the preservation of employees' reasonable expectation of privacy, and a commitment to assuring due process.

The DOT rule covers employees and contract labor personnel whose Laboratory job duties are such that federal regulations require them to hold a Commercial Driver's License (CDL) in order to drive a commercial motor vehicle (CMV) on public highways, and who, during the course of the workday, operate or are expected to be ready to operate a vehicle with a gross combination or gross vehicle weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle rating of more than 10,000 pounds; a vehicle originally or currently designed to transport 16 or more passengers including the driver; or a vehicle of any size used to transport hazardous materials found in the Hazardous Materials Transportation Act, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

Employees and contract labor personnel covered by the DOT regulations are subject to the following drug and alcohol tests:

- Pre-employment.
- Post-accident.
- Reasonable Suspicion.
- Random.
- Return to Duty and Follow-up.

The text of the full policy and implementation guidelines for the DOT rule is distributed to covered employees and contract labor personnel and is available in the Human Resources Department.

D. FLEXTIME

1. Policy

It is the intent of the Laboratory to make flexible working hours available to all employees through the implementation of flextime, a process that allows employees to redistribute their work hours within a framework defined by management. The goal is to allow employees some flexibility regarding work hours, compatible with effective job accomplishment.

2. Responsibility

Each division director shall be responsible for the implementation of this policy, will determine whether flextime is appropriate within the division, and will approve employee's flextime schedules. Supervisors are responsible for assuring that employees of their work units understand and meet work-unit operating guidelines and that the work unit operates effectively. With respect to flextime, this means identification of essential tasks, operations, and functions which must be accomplished at certain times during the workday and the development of coverage requirements. Meeting with the work group may be the best process for scheduling coverage and allowing maximum employee use of flextime.

3. Definitions

a. Policy Requirements

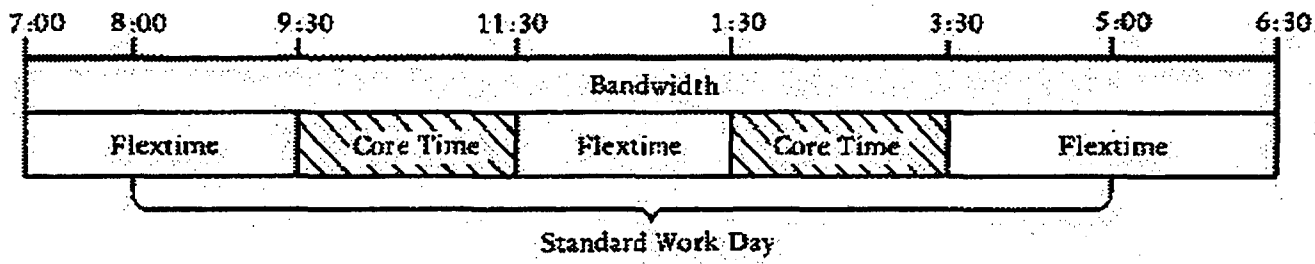
(1) **Bandwidth.** The time limits within which the employees may be allowed to schedule their workday: 7:00 a.m. – 6:30 p.m.

(2) **Service Hours (Standard Workday).** The time during which the normal services and functions of a work unit must be available: 8:00 a.m. – 5:00 p.m.

(3) **Core Time.** The time when employees are normally expected to be at work: 9:30 a.m. – 11:30 a.m. and 1:30 p.m. – 3:30 p.m.

(4) **Work Hours.** The amount of time an employee is expected to be on the job during a given time period. Employees who are paid hourly (nonexempt employees) are normally expected to work 8 hours per day. Those paid monthly (exempt employees) are normally expected to work 8 hours per day, 40 hours per week.

(5) **Lunch Break.** The amount of time allowed an employee away from the job between morning and afternoon core times: minimum lunch break is 30 minutes, maximum is 2 hours.



b. Operating Guidelines

(1) **Minimum Service Coverage.** The staffing required to ensure that the normal services and functions of a work unit will be available during the standard workday.

(2) **Communication of Change.** The responsibility of participants to communicate changes of personal or job schedule to those whom it may affect.

c. **Time Management and Reporting Requirements.** Each employee is responsible for organizing and managing his or her work time. Employees are also responsible for accurately reporting their time worked. The time card is used for this purpose.

4. Exceptions

There may be specific situations in which flextime cannot be wholly implemented, such as:

- Laboratory protection, where post coverage is essential.
- Operation of certain machines, such as accelerators or computers, which must be utilized efficiently.
- Scientific experiments, in which the experimental needs determine coverage requirements.

If requirements such as these make normal flextime practices infeasible, arrangements must be worked out between the supervisor and employee. If work requirements are in conflict with desired flexibility, the employee is responsible for suggesting appropriate solutions. When appropriate to the requirements of the work situation, the division director may approve exceptions to the policy requirements specified in Paragraph 3(a) above.

5. Telecommuting

The Laboratory 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 with their supervisor and attend Laboratory meetings at the request of the supervisor.

Jobs or tasks suitable for telecommuting are characterized by clearly defined tasks and work products. A telecommuter's performance is measured by work quality and quantity, using the same standards as those applied when the work is performed at the Laboratory. Only employees with proven high levels of performance and who have demonstrated the ability to perform their work with minimum supervision will be considered eligible to telecommute. A telecommuting arrangement is a cooperative arrangement between the supervisor and the employee. It is not an entitlement, and it is based on the needs of the department or division, and the employee's past and present levels of performance. Such an arrangement is not grievable and is voluntary. It may be terminated at any time, without cause, by either the Laboratory or the employee.

Telecommuting arrangements are formalized by an "Agreement to Telecommute," signed by the employee and supervisor, and approved by the cognizant division director or designee. Concurrence by the Head, Human Resources or designee is also required. Copies of the form are available in the Human Resources Department and electronically for the Macintosh through AppleShare (Chooser/AppleShare/LBL-Servers/wksg server/Public Access/LBNL-Forms/Principal Work Location/Telecom.rtf). Prior to initiating the Telecommuting Agreement, the employee and supervisor are required to jointly complete a brief training module in developing successful telecommuting arrangements. Materials for the telecommuting training module are available in the Human Resources Department. The module consists of a 15-minute video and accompanying workbook.

Agreements to telecommute must be consistent with Laboratory policy regarding the standard work day and work week (see Paragraphs 3.01 B 1 and 2) and overtime (see Section 3.03, *Overtime*). Telecommuting does not change the basic terms and conditions of Laboratory employment. Telecommuting is distinct from approved official travel (see Section 4.01, *Travel Policy*).

E. EMPLOYEE REST PERIODS

A formal rest period not to exceed 15 minutes once during each work period of 3 hours or more may be granted employees. The time shall not be taken at the beginning or end of the work period, and time not used for rest periods shall not be accumulated to be used at a later date. Such periods are a privilege that may be withdrawn by the division director or department head and should be withdrawn if abused.

F. CONFLICTS OF INTEREST

1. General

The Laboratory is bound by a variety of conflict of interest policies, some of which emanate from its contract with the Department of Energy and some of which are founded on California State law and University policy. These policies pertain to a broad range of employee activities, including consulting and other outside employment; business ownership; and the use of Berkeley Lab facilities, tools, supplies, materials, and equipment. (See Sections 2.19, *Outside Business Activities*, and 6.02, *Use of Property and Supplies*.) An employee who fails to comply with Laboratory conflict of interest policies may incur disciplinary action by the Laboratory and prosecution under State law. Questions concerning potential conflict of interest should be addressed to the Laboratory Conflict of Interest Coordinator.

2. Self-Disqualification

The State of California's Political Reform Act of 1974 embodied in the University of California Conflict of Interest Code requires that all State employees and officials must disqualify themselves from making or participating in certain decisions when a financial conflict of interest is present. As University employees, all Berkeley Lab employees are covered by the provisions of the Act.

3. Principal Investigators

Special provisions of the Political Reform Act of 1974 pertain to principal investigators whose research is funded in whole or in part by a nongovernment entity through a contract, grant, or restricted gift of $250 or more. Any principal investigator who is to receive funds from a nongovernmental agency, or who will be a principal investigator under a collaborative research agreement between a nongovernmental agency and the Laboratory, must submit a "Statement of Economic Interest," Fair Political Practices Commission Form 730-U, to the Sponsored Projects Office for appropriate review.

When a disclosure indicates that a financial interest exists, University policy requires an independent substantive review of the disclosure statement and the research project before acceptance of the contract, grant, gift, or collaborative research agreement. This review is conducted by an Independent Substantive Review Committee, which is advisory to the DDO. The Committee recommends to the Director whether or not the sponsor's funds should be accepted or the collaborative research agreement entered. After review, all Statements of Economic Interest are sent to the University of California, Office of the President, Senior Vice President–Academic Affairs, where they are maintained as public records as required by law.

In such cases, the research project will be reviewed according to the following principles:

a. Traditional conflict of interest situations should be avoided. These exist when a principal investigator may have the opportunity to influence Laboratory business decisions in ways that could lead to personal gain or give advantage to associates or firms in which the principal investigator has an interest.

b. The proposed research project should be appropriate to the mission of the Laboratory.

c. The research and teaching environment of the Laboratory must be kept open.

d. Freedom to publish and disseminate research results must be preserved.

e. Any patent rights issues should be carefully reviewed to ensure compliance with DOE and University requirements.

f. Laboratory/University facilities and resources (supplies, equipment, facilities, staff time) must be appropriately used and costs for same charged to the project sponsor.

Copies of the University Policy and the required forms and instructions are available in the Office of Sponsored Research Administration.

4. Designated Officials

In addition, under the Political Reform Act of 1974, certain designated Laboratory officials are required to file financial interest statements when they assume such a position, annually while they hold it, and when they leave it. These designated officials are notified directly of the applicable requirements.

5. Outside Business Activities

Specific policy concerning potential conflicts of interest arising from outside business activities are addressed in Section 2.19, *Outside Business Activities*. Employees who hold joint University-Berkeley Lab faculty appointments are also subject to the policies of the applicable campus concerning outside business activities and potential conflicts of interest arising therefrom.

6. Technology Transfer

Laboratory technology transfer activities include: identifying and protecting intellectual property; negotiating licensing agreements for intellectual property that the University controls or owns; entering into Cooperative Research and Development Agreements (CRADAs) and reimbursable Work-for-Others agreements (WFOs); providing technical consulting and personnel exchanges; and providing information exchanges and Laboratory user facilities. In all of these activities the general conflict of interest requirements apply, including those that preclude Laboratory employee participation in decisions or contracts that affect his/her private pecuniary or other interest. In addition, the University's contract with the DOE contains the following specific technology transfer requirements regarding personal conflicts of interest in relation to Cooperative Research and Development Agreements (CRADAs):

a. No Laboratory employee shall have a substantial role, including an advisory role, in the preparation, negotiation, or approval of a Cooperative Research and Development Agreement (CRADA), if, to the employee's knowledge:

   (1) The employee, or the spouse, child, parent, sibling, or partner of such employee, or an organization, other than the University, in which such employee serves as an officer, director, trustee, partner, or employee (a) holds a financial interest in any entity that has a substantial interest in the preparation, negotiation, or approval of a CRADA, or (b) receives a gift or gratuity from any entity, other than the University, that has a substantial interest in the preparation, negotiation, or approval of a CRADA; or

   (2) A financial interest in any entity that has a substantial interest in the preparation, negotiation, or approval of a CRADA is held by any person or organization with whom such employee is negotiating or has any arrangement concerning prospective employment.

b. Prior to having a substantial role, including an advisory role, in the preparation, negotiation, or approval of a CRADA, the Laboratory employee must certify through the University to the DOE Contracting Officer that the circumstances described in Paragraph 6.a(1) above do not apply to that employee.

c. The requirements of Paragraphs 6.a and 6.b above shall not apply in a case where a Laboratory employee, described therein, advises the Laboratory and the DOE Contracting Officer before participating in the preparation, negotiation, or approval of a CRADA of the nature and extent of any financial interest described in Paragraph 6.a and the DOE Contracting Officer determines that such financial interest is not so substantial as to be considered likely to affect the integrity of the Laboratory employee's participation in the process of preparing, negotiating, or approving the cooperative agreement.

G. ACCEPTANCE OF GIFTS OR FAVORS

Employees are not permitted to accept gifts, gratuities, or favors from any source that might affect or appear to affect their judgment in discharging their duties. Such acceptance may be construed as a conflict of interest. This restriction does not apply to

- Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon, dinner, or other meeting, or

- Acceptance of modest entertainment, such as a meal or refreshments in connection with attendance at widely attended gatherings sponsored by industrial, technical, or professional associations, or at public ceremonies in an official capacity.

An employee who misuses privileged or official information may be subject to discipline by the Laboratory and prosecution under State and Federal law.

H. CONTACTS WITH STATE AND FEDERAL OFFICIALS

Employees may not act or give the appearance of acting on behalf of the Laboratory or the University when communicating with State or Federal officials unless they are authorized to do so. To act or give the appearance of acting on behalf of the Laboratory or the University in such instances without authorization may be construed as a conflict of interest.

When corresponding with State and Federal officials, Laboratory letterhead may be used only when the writer is authorized to represent the Laboratory or the University. Letters expressing personal views must be written on personal stationary. If Laboratory letterhead is used for corresponding with principal State and Federal officials, including Executive Branch appointees, members of Congress, the State Legislature, and their staffs, copies of the correspondence must be sent to the appropriate division director and to the Head, Office for Planning and Communications.

When employees give opinions as independent professionals, they must state clearly that they are speaking for themselves and not on behalf of the Laboratory or the University of California.

I. PRIVILEGED INFORMATION

The use of privileged or official information for personal financial gain is a type of conflict of interest and is prohibited. Privileged or official information is information that is known to an individual because of his or her connection with the Laboratory but is not available to the public. In this connection, the term "privileged information" includes, but is not limited to:

1. Unpublished Information Relating to Technological and Scientific Developments

The Technical and Electronic Information Department and the Patent Department review all technical and scientific papers and related materials for oral or other presentation before publication (see Section 5.02, *Policy for Scientific and Technical Publications*, and Section 5.03, *Patent Policy*).

2. Medical, Personnel, Patent, Salary, or Security Clearance Records of Individuals

Individual employees have a right to access their own records except as limited by law. (See Section 2.16, *Employee Records*, and Section 5.03, *Patent Policy*.) Access to the records of other employees is normally limited to legitimate need-to-know situations except as specifically noted in the RPM sections cited and in applicable laws.

3. Anticipated Materials Requirements or Pricing Actions; Knowledge of Selected Contractors or Subcontractors before Official Announcements

There are situations where an employee, by virtue of his or her position, may have access to information concerning anticipated materials requirements or pricing actions. Examples would include Laboratory construction projects and system acquisitions. Improper dissemination of such information could produce unfair competitive advantage for vendors as well as constituting a conflict of interest for the employee.

4. Possible New Sites for University of California or DOE Program Operations

The prohibitions surrounding this area are the same as those concerning Paragraph I 3 above.

An employee who misuses privileged or official information may be subject to discipline by the Laboratory and prosecution under State and Federal law. Laboratory employees are required to notify the Laboratory whenever they are notified that they are the target of an investigation by a federal or state agency that has as its subject the improper use of information obtained or actions taken for personal use by the employee in the course of his/her employment.

J. NONSMOKING POLICY

1. Policy

The University of California, as a leader in health-related research and teaching, has a special institutional obligation to maintain a safe and healthful environment. The Surgeon General of the United States has determined that smoking is the leading preventable cause of illness and premature death in the United States. Moreover, research indicates that nonsmokers who are regularly exposed to passive (secondhand) tobacco smoke also are at increased risk of illness. It is the University's objective to create and maintain an environment as close to smoke-free as practicably possible.

Accordingly, the Laboratory, in keeping with that obligation, has determined that smoking will not be permitted in any Laboratory building or Laboratory vehicle. Smoking is permitted only in outdoor areas not posted to the contrary, and smokers are requested to ensure that their smoke does not enter buildings.

a. **Education.** The Laboratory encourages employees to obtain the review information regarding smoking cessation programs available through the Medical Services Department and/or Employee Assistance. The Laboratory will support and assist employees who wish to quit smoking by providing referrals to cessation programs.

b. **Cooperation.** Where the desires of smokers and nonsmokers are in conflict, the preference of nonsmokers shall prevail.

c. **Violations.** Violations of this policy should be reported to supervision, which, if necessary, will consult with Employee/Labor Relations before taking action in accordance with appropriate personnel policies or labor agreements.

d. Employees who are disturbed by smoke from an outdoor "smoking permitted" area should inform their supervisors, who, after notifying the appropriate building manager, may request an evaluation of possible corrective actions by the Environment, Health and Safety Division.

2. Responsibility

Although it is the responsibility of all employees to observe this policy, additional responsibilities are delegated as follows:

a. **Division directors shall:**

- Ensure that this policy is communicated to everyone and implemented within their areas of responsibility.
- Ensure that complaints and problems arising in their areas of responsibility are resolved.
- Ensure that "No Smoking" areas are appropriately posted.

b. **The Environment, Health and Safety Division shall:**

- Upon the request of an individual, determine outdoor areas to be posted "No Smoking" to ensure existing ventilation sufficiently precludes the transport of smoke indoors.
- Provide "No Smoking" signs, upon request, to departments.

c. **Building managers, to ensure effective implementation, shall:**

- Consult with the division director responsible for allocating space in areas where smoking may be permitted.
- Request the Environment, Health and Safety Division to review that initial determination in accordance with Paragraph 2 b above.

3. Further Information

Questions concerning smoking in Laboratory facilities or vehicles may be directed to Employee Assistance, Employee/Labor Relations, Medical Services, or the Environment, Health and Safety Division Office.

2.23 CONSULTANTS TO LAWRENCE BERKELEY NATIONAL LABORATORY	Approved: C.J. Courey 8/15/96

A. DEFINITIONS

The following definitions shall apply for purposes of securing consulting services.

1. Consultant

A consultant is an individual acting on his or her own behalf who provides expert advisory or assistance services of a technical or professional nature on a fee or per diem basis. Current Laboratory employees may *not* be Laboratory consultants.

2. Consultant Agreement

A Consultant Agreement is an agreement between the Laboratory and a person acting as an independent subcontractor in performing consulting services.

3. Personal Services Agreement

A Personal Services Agreement (PSA) is an agreement between the Laboratory and an established company which makes available by name one or more of its employees as consultants.

4. Consultant Services

Consultant services are the services of an expert who personally renders services to the Laboratory on a short-term or infrequent basis. Consultants provide technical, scientific, engineering, and/or administrative expertise not otherwise available to the Laboratory. Consulting services may consist of information, advice, opinions, alternatives, conclusions, recommendations, or direct assistance, such as studies, analyses, evaluations, and liaison. Consultant services may be provided under a Consultant Agreement or a Personal Services Agreement.

Most architect and engineer services are excluded from the definition of consultant services.

5. Technical Contact/Technical Coordinator/Technical Supervisor

The Laboratory employee(s) responsible for ensuring that a particular consultant's services are properly authorized, the work performed is acceptable, and the amounts claimed under the agreement are correct is referred to as the Technical Contact, Coordinator, or Supervisor.

B. POLICIES GOVERNING USE OF CONSULTANTS

1. General

The Laboratory will engage the services of a consultant when such services are of a short-term or intermittent nature, contribute to the Laboratory's mission, and cannot be performed as effectively by a regular or temporary employee.

Consultant services allow the Laboratory to

- Benefit from recognized expertise in a specific field.

- Provide for the mutual exchange of professional expertise.
- Collaborate on projects of mutual interest.
- Support and assist other institutions with the development of technological capabilities and transfer of knowledge.
- Encourage the use of Laboratory facilities for educational purposes, provided that this use is in the Laboratory's interest.

Under no circumstances may a consultant be used to specifically aid in influencing or enacting legislation. Consultants may *not* perform work of a policy-making, decision-making, managerial, or supervisory nature nor may they approve or disapprove actions which commit or expend Laboratory funds.

Consultants work independently, not under Laboratory supervision.

Further, consultant services shall not be obtained for unauthorized purposes, such as to bypass or undermine personnel ceilings or pay limitations.

2. Nature of Services

Normally, consulting services are contracted for in connection with specific research, administrative tasks, or problems because there is a need for a person whose:

a. Specialty is not adequately represented by an employee of the Laboratory.

b. Assistance is needed intermittently on a short-term or infrequent basis.

c. Services are either unavailable or are impractical to secure through employment.

3. Time Requirements

Consultant Agreements must specify an anticipated number of service days. A consultant may not normally receive fees for more than 90 service days within the agreement year. (DOE approval must be obtained in advance for agreements that provide for more than 90 service days per agreement year.)

When it is expected that the need will exceed the above, regular part-time employment or contract labor should be considered and, if appropriate, arranged in accordance with existing employment practices.

4. Duration of Agreement

Agreements for consulting services normally are established for a year or less and cover a time period for which there is a foreseeable need for the consultant's services. Agreements are renewed only when there is a verified continuing need.

However, agreements may be written for a period of up to five years with appropriate justification from the requester.

5. Selection Process

Consultants are selected on the basis of qualifications, resources, experience, and needs of and costs to the Laboratory, as determined by the division requiring the particular service and as approved by the Procurement Manager. Agency or similar fees are not paid others for locating a consultant.

6. Conflict of Interest

Laboratory policy requires that consultants refrain from activities on behalf of the Laboratory and DOE which could be interpreted as creating a conflict of interest for the consultant. Accordingly, the terms of agreements to obtain their services require that consultants or firms furnishing the services of their named employees as consultant:

a. Affirm that, to the best of their knowledge, no direct or indirect private interests of the consultant exist which are, or may appear to be, incompatible with the consultant's work for the Laboratory and that the consultant is not concurrently performing work on a full-time annual employment basis for any other organization under a cost-type contract with DOE.

b. Avoid any activities by the consultant influencing decisions on behalf of the Laboratory (including participation in proposal, design, or negotiation phases of Laboratory procurements) which directly or indirectly affect the interest of the Laboratory or DOE when the consultant has a personal interest in the matter that may be incompatible with the interests of the Laboratory or DOE.

c. Notify the Laboratory promptly regarding any change in either the consultant's private interest or in the work being done by the consultant for the Laboratory that may result, or appear to result, in a conflict of interest.

An *Organizational Conflict of Interest (OCI) Pre-Procurement Fact Sheet* must be completed and accompany each Consultant Agreement request package. This fact sheet is available from CFO/Procurement.

If it appears that the required work is of the type requiring OCI review—i.e., evaluation services or activities, technical consulting and management support services, professional services, or other contractual situations where there is a reasonable possibility that an OCI may exist or arise—award may not be made until a DOE finding of the OCI has been obtained.

This determination can be made from the information provided in the *Fact Sheet* and in the consultant request package (employer, background, etc.) and obtained from the consultant during fee negotiations (former employers, clients, etc.).

In addition to the foregoing, California law prohibits any University (Laboratory) employee from making or participating in the making of a decision if there exists a financial conflict of interest for the employee. This extends to the employee's involvement both in selecting a consultant and in the subsequent work of the consultant.

Consultants themselves are subject to the requirements of the University's *Conflict of Interest Code,* including filing economic interest statements and disqualification requirements when they make final government decisions or operate in a staff capacity and substantially perform the same duties as an individual holding a position specified in the Laboratory's list of designated positions. (See University *Conflict of Interest Code* for additional details.)

7. Dual Compensation

University policies and practices govern what compensation consultants may receive concurrently from multiple University sources. Accordingly, by the terms of agreements executed for the purpose, consultants rendering services to the Laboratory are required to:

a. Inform the Procurement Manager, in detail, before executing the agreement and immediately during its term, of any actual or proposed employment or other compensatory arrangement with any other activity of the University.

b. Agree that the Laboratory may amend the agreement, including those terms governing amounts payable to the consultant or firm under the agreement, to the extent consistent with the University's then current and applicable policies and practices.

In addition, DOE regulations prohibit a consultant from being concurrently paid by DOE, whether as an employee of or as a consultant to DOE, while performing work on a full-time employment basis with any other DOE cost-type contractor. (The Laboratory may borrow the individual from another DOE cost-type contractor where any payment is a cash payment made pursuant to the Prime Contract or DOE procedures to such other contractor and not to the individual.)

These limitations do not prohibit other Federal-agency personnel from rendering consulting services to the Laboratory on their own time to the extent permitted by the particular agency's regulations and as approved by the Procurement Manager.

8. Foreign Nationals as Consultants

University policies, which are based on Federal immigration laws that are applicable to the Laboratory, allow holders of immigrant visas, H-1 visas (persons of distinguished merit), and J-1 visas (exchange visitors) to be fully compensated when retained by the Laboratory as consultants. However, holders of B-1 visas (visitors on business) may not be paid consultant fees, although they may be reimbursed for travel and subsistence. Holders of B-2 visas (visitors for pleasure) may not be paid fees or reimbursement of any kind.

The Site Access Services, Foreign Visitors Unit, should be notified as soon as possible of proposed visits which will involve payment of consultant fees to enable that Unit to send proper visa documentation to the visitor before departure from the visitor's home country. Requests for adjustment in visa status also should be processed through the Foreign Visitors Unit.

Foreign Nationals must have Social Security numbers before award of a Consultant Agreement.

9. Faculty as Consultants

University policy governs when and under what circumstances University of California faculty members may serve as consultants to the Laboratory. Approval of the proposed faculty consultant's academic department on a case-by-case basis must be obtained through CFO/Procurement. (University staff personnel normally may not be retained as consultants.)

10. Former Laboratory Employees

When the services of former employees, including retired employees, are required, the Laboratory's practice is to place such persons on indeterminate-time work schedules through the Human Resources Department. In exceptional cases, where the work is not supervised and the Laboratory has no control of the results of the work, the use of a Consultant or Personal Services Agreement is appropriate.

Particular care must be taken to ensure that the selection of former employees, including retired employees, to serve as consultants to the Laboratory will best serve the Laboratory's interests.

11. Retired Faculty and Staff

Laws and regulations affecting the UCRS and PERS (retirement systems) permit retired members of both systems to work indeterminate or part-time schedules and as contract labor. The Human Resources Department should be contacted for employment of retired faculty and staff.

C. POLICIES GOVERNING THE CONSULTANT RELATIONSHIP

1. Time and Place of Performance

Consultants, as independent contractors or as employees of independent contractors, usually may adopt, subject to Technical Contact approval, arrangements suitable to the consultant concerning performance details, such as times and places for rendering the agreed-upon services. However, in each case, the Technical Contact is expected to ensure that a consultant's overall performance will provide the most satisfactory results for the Laboratory.

2. Results of Performance

Consultants should be required to furnish reports or other data documenting that services were satisfactorily rendered, as requested by the Technical Contact in accordance with the terms of the agreement. When this is impractical, the Technical Contact is expected to maintain records adequate for this purpose.

The Technical Contact is expected to closely monitor the work of the consultant to ensure that the quantity and quality of work produced during the time allotted are acceptable. Instances of unsatisfactory performance should be documented. Termination action should be initiated promptly through CFO/Procurement when continued service by a consultant is deemed inadvisable.

3. Compensation

Consultants normally are paid as agreed, with either daily rates or fees for each full day the consultant renders services, including travel. In addition, consultants may be reimbursed for certain costs and expenses, such as clerical and related support normally indicated in the consultant's proposal, when approved in writing by CFO/Procurement. Fees will be authorized only when determined reasonable in the particular circumstances and properly documented in the CFO/Procurement record of the agreement.

Reasonableness of a consultant's fees should be based upon the individual's established market value and the market value of the services to be provided. Fee rates based on salary should be substantiated by a copy of a current paycheck stub, the prior year's W-2 form, a letter of agreement with the employer, or a statement of substantiation from the employer.

Fee rates based on contractual arrangements with other clients may be substantiated by submitting copies of client agreements or other suitable documentation. The number of required submissions may vary depending upon the amount of the requested fee and/or value of the submitted agreements.

As stated previously under Paragraph B 7, *Dual Compensation,* limitations are imposed by DOE and the University on using consultants who are also performing other DOE or University work.

4. DOE Daily Rate Approval

Previously, Consultant or Personal Services Agreements with fees that exceeded $700 per day had to receive DOE approval prior to placement. Now, instead of the $700/day limitation, DOE has placed an overall cap on the amount of funds that can be spent for consultants each fiscal year. The overall cap for FY96 is not to exceed $1,750,000. The Laboratory is responsible for documenting the rate of reasonableness but can authorize any rate under this agreement. When the cap is reached, all agreements that contain rates exceeding $700 per day require DOE approval.

5. Taxes

Fee income is subject to Federal and State income tax. Laboratory Accounting will issue appropriate tax forms, covering total fee dollars paid during each calendar year to all consultants.

6. No-Fee Agreements

Consulting agreements may be written by CFO/Procurement on a no-fee basis, allowing reimbursement of expenses only. Expenses must be reimbursed in accordance with Laboratory policy, such as the Laboratory travel policy. If no fee is paid, consultants may serve an unlimited number of days per year and a solicitation is not necessary.

7. Allowable Expenses

Reimbursement of expenses is primarily limited to travel and travel-related expenses, using Laboratory travel policies as a basis for determining reasonableness. Foreign travel requires prior DOE approval. Other types of allowable expenses, to the extent that they are not covered in the consultant fee, include secretarial services, computer time, and any other reasonable cost deemed necessary for successful completion of the consultation. Separate charges for the use of special facilities or equipment owned by the consultant, his or her employer, or other vendors are usually not considered reimbursable, unless justified by the requester and approved by the procurement specialist *prior* to agreement award.

8. Property

Acquisition of capital equipment is generally not allowed. Deviating from this procedure requires a memorandum substantiating the necessity of such action, approval and authorization of the Procurement Manager, and inclusion of appropriate property coverage in the Consultant or Personal Services Agreement.

9. Travel

Consultants normally are reimbursed for travel and subsistence expenses in accordance with the Laboratory's DOE-approved travel policies and rules for consultants unless, as is often the case in Personal Services Agreements, the Laboratory has approved the travel policies and rules of the firm involved.

Travel expenses will be reimbursed from the consultant's business (or from any place at which the consultant may be located when called upon to perform services) and for consultant's return to any point, providing reimbursement shall not exceed the travel cost of returning to the place from which travel was authorized or to consultant's business address.

The consultant will be paid for authorized travel expenses after the submission of a properly certified travel voucher and such other reasonable proof as the Laboratory may require.

10. Conduct of Consultant

University and Government policies form the basis for rules of conduct which consultants agree to be bound by through the agreements they execute to render their services. These rules specifically prohibit the following:

a. Accepting any gratuity or special favor from individuals or organizations with whom the Laboratory is doing business, or proposes to do business, under circumstances which might reasonably be interpreted as an attempt to influence the consultant in accomplishing the agreed-upon work.

b. Using for personal gain or making other improper use of privileged information acquired in connection with the consultant's work for the Laboratory. The term "privileged information" includes, but is not limited to, unpublished information relating to technological and scientific developments, anticipated material requirements or pricing actions, possible new sites for program operations, knowledge of selection of contractors or subcontractors in advance of official announcement, and medical, personnel, or security records of individuals.

c. Making or influencing any decisions on behalf of the Laboratory which directly or indirectly affect the interest of the Government if the consultant's personal concern in the matter may be incompatible with the interest of the Government.

d. Using the name of the University or the Laboratory in publications, news releases, advertising, speeches, technical papers, photographs, and other releases of information regarding the consultant's work for the Laboratory, except with prior written approval of the Director, Administration Division, or designee.

Technical Contacts are responsible for guarding against such situations by reminding consultants of their obligations in these matters and advising them when and from whom to obtain further guidance in questionable cases.

11. Patents, Data, and Copyrights

Pursuant to Contract 98, the Laboratory is required to include in its Consultant and Personal Services Agreements provisions pertaining to patents, data, and copyrights. These basically concern such matters as patent rights; rights to data, including copyrights; and patent and copyright infringement.

Technical Contacts are expected to ensure that the consultant's obligations in these matters (e.g., reporting inventions, reporting notices or claims of infringement, and securing required DOE approvals) are properly fulfilled. If the consultant does not meet these obligations, the Technical Contact is expected to notify CFO/Procurement immediately so that appropriate timely action may be taken. (See Section 5.03, *Patent Policy.*)

12. Subcontracting and Assignment

Consultants must secure prior written approval from the Laboratory to subcontract, assign, transfer, or otherwise employ anyone to do any of the work, except incidental clerical or similar support work, called for under the agreement with the Laboratory. This approval is secured through the Procurement Manager.

13. Environment, Safety, and Health

Agreements for securing consultant services specify that consultants are required to take all reasonable precautions at Laboratory sites to protect the environment, safety, and health of all persons involved and to comply with all applicable environment, safety, and health regulations and requirements of the Laboratory and DOE. The Laboratory may stop the particular work any time a consultant fails to comply.

14. Insurance and Indemnification

The Laboratory will require a consultant to maintain insurance when:

- Work is performed predominantly on Laboratory premises.
- Government-furnished property is provided to a subcontractor.

- The nature of the work poses a significant potential exposure to the University and the Government.

The level of insurance required varies depending upon the relative hazard of the work being done and the likelihood of loss. Some operations are more hazardous than others. Some Consultant or Personal Services Agreements are not hazardous but the possibility of loss may be significant.

The following types and minimum levels of insurance coverage are generally required:

- General Liability: Bodily injury, comprehensive form—minimum $1,000,000 per occurrence.
- For Personal Services Agreements: Workers' Compensation, and Employer's Liability—statutory limits for the state in which the work is performed (not required for consultants operating as sole proprietors).
- For professional services, such as those performed by doctors, lawyers, and architect-engineers, Professional Liability:

  —$1 million each occurrence.

  —$2 million project aggregate.

- When the subcontract requires the use of an automobile, Automotive Liability, comprehensive form:

  —Property damage, $20,000 per occurrence.

  —Other—statutory requirements for the state in which the work is performed that is sufficient to meet normal and customary claims.

- When aircraft are used in performing a subcontract, Aircraft Public and Passenger Liability:

  —Bodily injury, $200,000 per person and $500,000 per occurrence, excluding passenger liability,

  —Bodily injury, passenger liability, $200,000 multiplied by the number of seats or passengers, whichever is greater.

  —Property damage, $200,000 per occurrence.

As proof of insurance, the consultant must provide an industry-standard certificate of insurance prior to working on site. Except for Professional Liability and Workers' Compensation Insurance, the certificate of insurance must name the Regents of the University of California and the U.S. Department of Energy as additional insured.

The Laboratory Risk Manager may waive, revise the limits, or prescribe the types and levels of insurance required for particular types of work.

No consultant may be indemnified unless prior approval is obtained from DOE-HQ and the Regents of the University. Laboratory Counsel should be consulted on any request by a consultant for indemnification.

D. PROCEDURES FOR SECURING CONSULTING SERVICES

1. Request to Establish an Agreement

a. **Request.** Requests for consultant services are initiated by requesters. The request may be for a new consultant, the renewal of a consultant whose agreement has terminated, or an additional consultation under an agreement already in place under another organization within the Laboratory.

Requests for services of consultants should be made on the form *Request for Consultant/Personal Services Agreement,* available from CFO/Procurement.

At a minimum, a request for consultant services package should contain the following information regarding the consultant and/or the services to be performed:

- Resume.
- Citizenship.
- Name, address, telephone number, area of expertise, title, Social Security number, and present employer.
- Particular skills/expertise for the services to be performed.
- First anticipated date of need.
- Whether reimbursement for travel and other services is authorized.
- Statement of work.
- Suggested daily fee, if known.
- Requirements for Government property, if any.
- Account number(s) to be charged.
- *Organizational Conflict of Interest Pre-Procurement Fact Sheet* (see Paragraph B 6 above).
- Explanation for the use of a consultant off site, if applicable.
- Estimated cost breakdown.
- Number of days the consultant services will be needed (see Paragraph B 3 above).
- Period of desired agreement with justification for multiple years.

If the package is not complete or the information is inadequate, the request package may be returned to the requester with a memorandum explaining the reasons for rejection and requesting the additional information.

b. **Statement of Work.** Statements of work should be specific in terms of the exact tasks or area of work to be performed, the period of performance, and the approximate number of days the service is to be provided.

c. **Off-Site Work.** If the work is to be performed away from the Laboratory site, the request should include the reason, the dates away, and how the requester will verify the periods and times of performance.

d. **Insurance.** Consultants or companies with Personal Services Agreements working on site at the Laboratory may be required to show proof of insurance prior to working at the Laboratory.

The completed request should be signed by the technical contact and the technical contact's division director, or designee, and sent to CFO/Procurement for processing. CFO/Procurement will secure concurrence of the Chief Financial Officer or designee on those requests that appear inconsistent with current University and/or DOE policies.

2. Solicitations

Formal, written solicitations and proposals are not required for Consultant Agreements or PSAs under the small purchase threshold (currently $100,000). Consultant Agreements and PSAs expected to exceed $500,000 require the submission of cost or pricing data.

3. Negotiating the Agreement

CFO/Procurement negotiates the agreement using a University- and DOE-approved standard form, either a Consultant Agreement or a Personal Services Agreement. Understandings are established and confirmed in the agreement concerning the nature and extent of services to be rendered, where and when services will be performed, the fee to be paid, travel expenses to be reimbursed, and other details discussed in paragraphs above.

Daily fees paid to University of California faculty members are based on University Academic Policies. Annual salaries are divided by 189 days for 9-month appointments, 236 days for 11-month appointments, and 258 days for 12-month appointments; 30 percent is then added for fringe benefits and the total rounded to nearest dollar. Fees for faculty of other universities may be based on this formula, except 15 percent is the additive for fringe benefits. Such fees may also be based on previously established rates paid the faculty member by others for similar services. Fees for other professionals generally fall in this latter category.

Particular care must be taken to ensure that the obligations the consultant is to assume and the role of the technical contact relative to these obligations are clearly understood. The consultant is to be cautioned that any changes in services or other terms of the agreement will be recognized by the Laboratory only if authorized in writing by CFO/Procurement. Both the consultant and technical contact should also be cautioned not to incur any costs until the agreement has been fully executed.

4. Securing Approvals

Contract 98 establishes the right of DOE to approve or disapprove all consultant and personal services agreements. Certain advance blanket approvals have been secured from DOE that cover most agreements. However, specific prior approvals, secured through CFO/Procurement, are required in the more unusual agreements, as indicated below:

a. In consultant agreements when:

- An organization conflict of interest may exist.
- Services to be rendered are expected to exceed 90 service days in an agreement year.

- The applicable fringe benefit factor used to determine the fee exceeds 15% (30% for University of California Faculty).

- Foreign travel is required.

b. In personal services agreements when:

- An organization conflict of interest may exist.

- Foreign travel is required.

No changes, deletions, exceptions, or additions to the standard agreement terms and conditions may be included in any agreement without prior written approval of the Laboratory General Counsel and DOE Office of Chief Counsel. This approval is secured through CFO/Procurement.

5. Inviting Consultants to the Laboratory

The technical contact normally invites the consultant to the Laboratory, indicating the date or dates for the desired visit(s). Visits should not be made until the agreement has been executed. If travel by the consultant is anticipated to be required during the visit(s), the form *Request for Consultant/Personal Services Agreement* should be marked accordingly. Reimbursement for travel is obtained by submitting Stock Form 7600-55366, *Request and Authorization for Official Travel.* Local travel by the consultant generally requires only one blanket authorization for the term of the agreement. As stated in Paragraph C 9, above, reimbursement for travel will be in accordance with the Laboratory-approved travel policies.

The technical contact is responsible for directing the consultant to the Badge/Parking Permit Office, where the appropriate badge and parking permit may be obtained, and for ensuring that the consultant is properly directed to the person or group for whom the services will be rendered.

6. Attendance at Off-Site Conferences

The Laboratory may pay fees and reimburse travel costs to permit a consultant to attend meetings away from the Laboratory. Written justification must be provided to CFO/Procurement and approval obtained *in advance* for such attendance. Generally, approval is granted only when it can be shown that attendance by a regular employee cannot accomplish the same purpose.

7. Claim for Consulting Services

Under a Consultant Agreement, the consultant should submit a Stock Form 7600-65153, *Claim for Consulting Services,* to the technical contact after each visit or at regular intervals of at least once a month:

a. The technical contact reviews and signs the form to certify that the consultant has rendered services as claimed, that the period of time claimed is correct, and that the quality and quantity of work accomplished are acceptable to the Laboratory.

b. After certification by the technical contact, CFO/Finance reviews each claim to ensure that it is consistent with the terms of the agreement with the consultant. The claim is then processed for payment.

Under a Personal Services Agreement, the firm generally submits the claim periodically to Laboratory Accounts Payable in the form of an invoice. CFO/Accounts Payable then arranges for Technical Contact certification and further processing.

Technical contacts should ensure that consultants call at the Berkeley Lab Travel Office during each visit to settle their travel claims, to the extent this is feasible at the time.

8. Termination and Renewal

Most agreements have a term of about one year, varying according to what is administratively the most practical termination date. However, many consultants render services that are needed for longer periods, and thus the standard forms to secure their services provide for routine renewal as the consultant and the Laboratory agree. Agreements not renewed simply terminate without further obligation when they expire.

Renewal is accomplished through amendment based on terms negotiated in the manner of the original agreement. Approximately eight weeks before expiration of the agreement, CFO/Procurement initiates this action by form memorandum sent to the technical contact involved. If the decision is made not to extend the agreement, the appropriate block in the form memorandum is checked, signed, and returned to CFO/Procurement without further action. If renewal is desired, the additional information requested in the memorandum is provided, and the memorandum is signed by the requester and the division director and returned to CFO/Procurement.

9. Personal Services Agreements

Personal services are treated in essentially the same manner as consultant services, except as follows:

- Awards to foreign-owned companies that will exceed $100,000 must have DOE approval.
- Solicitations are sent to the individual's company, not the individual.
- Payment is made to the company instead of an individual after approval of the invoice.

10. References

The following policies and procedures apply to Consultant and Personal Services Agreements and can be reviewed for additional details:

- University of California Laboratory CFO/Procurement Policy and Standard Practices Manual, Standard Practice 37.1, *Consultant and Personal Services.*
- U.S. Department of Energy Order 3309.3, *Utilization of Individual Consultants by Contractors.*
- The Prime Contract, DE-AC03-76SF00098, Article 18.

2.24 HONORARIA AND STIPENDS FOR LABORATORY GUESTS	Approved: C.J. Courey 9/3/96

A. APPLICABILITY

This policy applies only when an individual, as an occasional visitor to the Laboratory, attends a meeting, presents a lecture, conducts a seminar at the Laboratory, or serves on an advisory committee and will receive an honorarium or a stipend. This section does not apply when more than an occasional meeting, lecture, or seminar is involved; such cases require use of a Consultant Agreement or Personal Services Agreement, arranged through the CFO/Procurement.

B. DEFINITIONS

1. Honorarium

An honorarium is a per-event payment made for professional services for which custom and propriety preclude the setting of a price. A guest receiving an honorarium may also be reimbursed for actual travel expenses, in accordance with Laboratory travel policy and procedures. See Chapter 4.0, *Travel*, for more information.

2. Stipend

The payment of a stipend is intended to cover both an honorarium and reasonable travel expenses. Therefore, guests receiving a stipend are not eligible to receive additional reimbursement for travel expenses.

3. Government Employees

If the guest is an employee of DOE, another Federal Government agency, or another DOE contractor, an honorarium or stipend can only be paid if the guest is on leave status from the regular employer.

4. University Employees

Care must be taken in payment of honoraria or stipends to employees of the University of California.

5. Foreign Guests

The Foreign Visitors Unit should be notified as early as possible of a proposed visit of a foreign national for which compensation in the form of an honorarium or a stipend is intended. Such notification will allow proper visa documentation to be sent to the visitor before departure from his or her home country. Foreign visitors who enter the United States in B-2 (tourist) visa status are not allowed by the Immigration and Naturalization Service to accept compensation of any type. A holder of a B-1 (business visitor) visa may accept reimbursement for travel expenses; however, payment in the form of a stipend, which may be appropriate for short-term visits, cannot exceed $2,000. A stipend payment in an amount exceeding reasonable travel expenses can only be accepted by a visitor with a J-1 (exchange visitor) or an H-1 (temporary worker) visa.

C. PROCESS

1. Approval

Approval by the division director is required for payment of an honorarium or stipend. Honoraria or stipends in excess of $500 a day require prior approval by the Deputy Director, Operations, or designee. As stated in Contract 98 with the Department of Energy, honoraria for an event in excess of $1,500 and stipends in excess of $2,000 require University approval.

The Deputy Director, Operations, or designee, will:

- Review and approve requests in excess of $500 a day and for an event in excess of $1,500.
- Request University approval when necessary.

2. Required Information

Requests for payment must include the following information:

- The visitor's full name.
- Guest's employer or organizational affiliation.
- The visitor's citizenship or taxpayer identification number.
- Visit purpose and professional service being recognized.
- The dates of the planned visit.
- The amount to be paid by the Laboratory.
- Whether the payment will be an honorarium or a stipend.
- The account to be charged.
- Supporting documents, such as seminar announcements, approval letters, etc.

D. PAYMENT

Payment for both honoraria and stipends is requested on Form RC-247, *Request for Issuance of Check,* which is sent to the CFO/Accounts Payable. The payment request must be approved by the division director. Payment requests in excess of $500 a day and per event in excess of $1,500 must have the prior approval of the Deputy Director, Operations.

3.00 PAY AND TIME REPORTING

3.00 PAY AND TIME REPORTING

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3.01 DEFINITIONS	Approved: D.C. Shepherd 8/25/93

A. EMPLOYEE CLASSIFICATIONS

Employee job classifications are described as to qualifications, duties, and pay provisions in Appendix A of Contract 98. These classifications are divided into two basic categories as defined by the Fair Labor Standards Act (FLSA) with the following differences in work and pay policy. Questions regarding exempt/nonexempt status should be directed to the Human Resources Department.

1. Exempt Employees

Employees in Administrative, Executive, and Professional classifications are normally not paid for overtime. However, they may be paid for overtime when approved for extended workweeks, as described in Paragraph D, *Overtime*, below.

2. Nonexempt Employees

Employees other than those in Administrative, Executive, and Professional classifications are normally scheduled for a specific number of hours per week and are paid extra for work required in addition to their normal schedule.

B. WORK PERIODS

1. Workday

The standard workday for full-time employees is 8 hours per day, 8 a.m. to 5 p.m. Exceptions are necessary in certain operating situations such as

- Laboratory protection.
- Accelerator and computer operations.
- Scientific experiments in which experimental needs determine coverage requirements.

Additional exceptions may be allowed as defined in Paragraph 2.22 D, *Flextime*.

2. Workweek

Normally, a workweek consists of the five consecutive workdays, Monday–Friday, within a calendar week. A calendar week is defined as Saturday midnight to the next following Saturday midnight. Exceptions are allowable under the same circumstances noted in Paragraph B 1 above.

C. WORK SCHEDULE

1. Full Time

A schedule involving complete workweeks or work months.

2. Part Time

A schedule involving a specified percentage of each workweek or work month.

3. Indeterminate Time

An unspecified number of hours per work period.

D. OVERTIME

Overtime in most cases is time worked over 8 hours per day or 40 hours per week. However, for some classifications there are other provisions that determine overtime; the specific provision and applicable pay basis for each classification are shown in Table 1 of Appendix A to Contract 98. There are two categories of overtime:

1. Emergency Overtime

When nonexempt employees are required to work overtime on short notice or when scheduled for overtime for short periods not exceeding four consecutive weeks, the work is classed as emergency overtime. Exempt employees are not eligible for emergency overtime.

2. Extended Workweeks

Overtime work required of employees for more than four consecutive weeks is classed as extended workweeks. See Section 3.03, *Overtime.*

E. SHIFT DIFFERENTIAL

Shift differential is extra pay in addition to base pay for night-shift work by certain classifications of employees, as specified in Table 1 in Appendix A of Contract 98. (See Section 3.04, *Special Pay Provisions.*)

F. LEAVE

1. Leave With Pay

Absence from work with pay is described in Sections 2.08, *Vacation Leave*; 2.09, *Sick Leave*; 2.10, *Holidays*; and 2.11, *Miscellaneous Leave With Pay*.

2. Leave Without Pay

Absence from work without pay may be granted formally or informally depending upon the length of leave. See Section 2.12, *Leave of Absence Without Pay,* for details.

3.02 TIME REPORTING	Approved: C.J. Courey 9/3/96

A. GENERAL

The goal of the Pay and Time Reporting System is accurate and timely reporting of time worked, by job or project, and time off, by category of leave. This is essential for (1) monitoring actual performance against budgetary goals, (2) ensuring that labor costs are properly reported by DOE Budget and Reporting classification, and (3) guaranteeing that employees are paid correctly and that their leave accumulations are accurate. Each employee is responsible for his or her own personal reporting, and each division or department is responsible for reviewing the employee's compliance.

B. LOCATION OF WORKPLACE

All employees are required to perform their work at the Laboratory, except while on travel status, unless specific approval has been granted for work at another location. (See Paragraph 2.22 D 5, *Telecommuting*.)

Agreements to perform work at alternate work sites must be consistent with Laboratory policy regarding the standard workday and workweek (Paragraphs 3.01 B 1, *Workday*, and 2, *Workweek*) and overtime (Section 3.03, *Overtime*).

C. FORM OF TIME REPORTING

LETS (Laboratory Employee Time-Reporting System) is an electronic time-reporting system that provides online access to time-reporting (through PC/Mac/Sun workstations). With the use of an assigned password, an employee can input his or her own time and a supervisor can approve the time online. Role assignment, password applications, and training are available through division offices. To access LETS and perform any functions, refer to the LETS manual or "How To" brochures available in each division.

D. REPORTING PERIODS AND INCREMENTS

The following chart details the various time-reporting categories and relates them to the examples in Paragraph J, *Examples of Completed Time Cards*, below.

Type of Employee	Schedule	Time Card Issued	Reporting Unit (Min. Unit)
Exempt	Full-Time (includes all faculty, full-time and part-time)	Monthly	Days (1/2)
Exempt	Part-Time (excepting part-time faculty)	Monthly	Hours (1/4)
Nonexempt	Indeterminate	Weekly	Hours (1/4)
Exempt	Full-Time and Part-Time	Weekly	Hours (1/4)
Nonexempt	Full-Time and Part-Time	Weekly	Hours (1/4)

For employees in exempt classifications, the time worked on each cost account must be reported in total. It is not necessary to show the days on which the work was performed, but all leave time must be shown by specific days.

For employees in nonexempt classifications, both work and leave time must be shown by specific days.

E. CERTIFICATION OF TIME REPORTS

1. Each employee must certify the accuracy of time reported. Each supervisor must certify the accuracy of the time reported by his or her subordinates. Certification by the employee or the supervisor may be electronic with the use of a personal password accessing LETS or, when not possible electronically, by actual signature on a time sheet produced from LETS and provided by the division timekeeper.

2. Graduate student research assistants (GSRAs) do not report time on individual time cards. The monthly computer listing for each group of GSRAs requires the signature of the faculty advisor or, as alternates, the division director, his or her deputy, or the division administrator.

F. PERIODIC REVIEWS

CFO/Finance conducts periodic reviews of time-reporting documents for compliance with policy as stated above in Paragraphs D and E.

G. LETS DUE DATES

All employee time records are electronically sent to Payroll for processing based on the following schedule:

1. **Weekly Reporters**

12:00 p.m.	Every Monday and the first workday of the new month

2. **Monthly Reporters**

12:00 p.m.	The first workday of the new month

H. SCHEDULE CHANGES AND CLOCK CHANGES

An employee's schedule of days off, workdays, and hours per day within the specified time schedule may be varied by his or her supervisor to meet unusual job requirements without use of a Stock Form 7600-55050, *Personnel Action Form* (PAF). However, the schedule for employees working indeterminate time must be indicated in detail on the Employment form, and changes must be submitted in detail on a PAF.

When clocks are changed to and from Daylight Savings Time each year, report actual hours worked. In the spring, when the time change results in a 7-hour owl shift, nonexempt employees may be scheduled for an extra hour of work or charged an hour of vacation to make an 8-hour shift. In the fall, when the time change results in a 9-hour owl shift, the additional hour, when worked, is reported as overtime.

3.03 OVERTIME	Approved: D.C. Shepherd 8/25/93

A. OVERTIME ASSIGNMENT

The division director, department head, or supervisor shall notify the employee that overtime must be worked as soon as possible after the need for overtime is determined. The employee is expected to work assigned overtime. In assigning overtime, the division director or department head shall take into account employee preference for overtime assignments.

B. REQUESTS AND APPROVAL FOR OVERTIME WORK

1. Requests

The initial request for overtime should be made to the division or department whose personnel are needed for the overtime. This division or department will then request approval, as necessary, to schedule their personnel for the required overtime. Whenever possible, overtime requests should be submitted in time to obtain prior approval.

2. Emergency Overtime

Overtime required for short periods to cover emergencies or to meet job schedules is called "Emergency Overtime."

Nonexempt employees may work up to 4 overtime hours on any day or 16 overtime hours in any calendar week with the approval of the employee's Division Administrator. Exempt employees usually do not receive pay for emergency overtime when their duties require them to work extra hours. However, when unusual situations in a work program require them to work extra hours over an extended period, they may be formally scheduled to work, and be paid for, extended workweeks.

3. Extended Workweek Overtime

An extended workweek is overtime that must have a planned schedule which exceeds the normal 40-hour workweek for more than four consecutive weeks at a regular Laboratory site, or temporary assignment at locations away from regular Laboratory sites. Exempt or nonexempt employees may qualify.

Requests for extended workweeks must be made in writing to the Deputy Director, Operations (DDO), or designee, and must include the following information:

- Reasons for overtime.
- Description of work involved.
- Name, employee number, job classification, and payroll account number of each person involved.
- Amount of overtime and period of time involved for each person.
- How the overtime work is to be supervised.

Approval of such requests applies only to the individual(s) named and is not transferable to others.

4. Approvals

In addition to the approval stated under Paragraph B 2 above, emergency overtime exceeding four hours per day requires the approval of the DOD, or designee.

Extended workweeks and hours of emergency overtime exceeding 16 hours per week require the approval of both the DOD, or designee, and the Department of Energy.

C. REPORTING OF OVERTIME

1. Nonexempt Employees

All overtime worked by nonexempt employees must be reported and will be paid for in accordance with the provisions of Appendix A to Contract 98 for the job classification involved. Compensatory time off with pay in lieu of overtime pay is not allowed.

When computing premium pay for time over the normal 40-hour workweek (see specific classifications in Appendix A to Contract 98 for exceptions to normal 40 hour work week), paid holiday leave is considered as time worked. However sick leave, vacation, military leave, court leave, and any other leave with pay are not normally considered as time worked. (See specific classifications in Appendix A for exceptions to types of leave considered as time worked.)

2. Exempt Employees

Exempt employees are paid for extended workweeks on the basis of the formally approved schedule on file in the CFO/Payroll for each week the extended schedule is shown on their timecards, as follows:

a. Monthly Timecards

The approved extended workweek schedule of hours (e.g., 48, 54, etc.) will be shown in the Saturday date box of monthly timecards for each week that a monthly reporting, exempt employee is entitled to be paid for overtime. These hours will also be distributed to the proper cost account to the nearest half day.

b. Weekly Timecards

The actual overtime hours and the approved extended schedule of hours will be shown as a fraction (e.g., 8/48) in the overtime total box of weekly timecards for each week that a weekly reporting, exempt employee is entitled to be paid for overtime. The actual overtime worked will be distributed to the proper cost account to the nearest hour.

When an employee is not entitled to such pay for one or more weeks during an extended workweek period, the schedule of hours should not be shown.

D. COMPENSATORY TIME

The Laboratory prohibits granting compensatory time off. Nonexempt employees must be paid for overtime work. Compensatory time off with pay, as such, is not granted an exempt employee for previous extra effort performed above his or her basic work schedule. However, division directors or department heads may grant or recommend Authorized Leave with Pay (see Paragraph 2.11 C, *Authorized Leave with Pay*) in recognition of unusual extra effort by an exempt employee. Authorized Leave shall not be used to balance extra work above an employee's basic schedule on an hour-for-hour basis or to extend vacation time.

3.04 SPECIAL PAY PROVISIONS	Approved: D.C. Shepherd 8/25/93

A. NIGHT-SHIFT PAY DIFFERENTIAL

1. General

An employee in a classification shown in Table 1, Appendix A to Contract 98, as eligible for shift differential is paid this differential when required to work on an assigned swing shift or owl shift. For purposes of computing shift pay, a swing shift consists of the hours from 4:00 p.m. to 12:00 midnight and an owl shift from 12:00 midnight to 8:00 a.m. To qualify for payment of shift differential, a minimum of four hours must be scheduled during the above periods. When four hours are worked on each of two shifts, pay will be based on the shift assignment of the division or department.

2. Shift Codes

When an employee is eligible for shift differential, the night shifts worked are reported by showing Code 2 for swing- and Code 3 for owl-shift work in the proper day's box on the time card. Day shift is indicated by omitting any code.

3. Overtime

Overtime pay for employees who receive shift differential is based on the shift rate to which they are entitled for the work period to which the overtime is added.

4. Temporary Assignments

Employees who usually work a second or third shift continue to receive the shift differential when assigned temporarily by their supervisor to a day shift for four days or less. A change in shift assignment initiated by the employee is not covered by this provision.

5. Paid Leave

Shift differential is included for all types of paid leave based on the shift an employee would have worked.

6. Terminal Vacation Pay

Terminal vacation is paid at the appropriate shift differential rate when an employee has been permanently assigned to night-shift work or when a temporary night-shift assignment has extended over 90 days.

B. PAY FOR TRAVEL TIME

Nonexempt employees who are engaged in official travel outside their regular work schedule will be paid for such travel time. Time reporting for such payment will normally be based on the date and hour at which the traveler leaves his/her residence or office and the date and hour at which the traveler returns to his/her residence or office, assuming there are no interruptions for personal reasons. This policy does not apply to employees who are compensated on a union-related, prevailing-rate basis.

C. CALL-IN PAY

Employees with nonexempt classifications who are called in for short jobs outside their regular weekly schedule will be paid for a minimum of four hours or the hours worked, whichever is greater. Such pay will include shift differential and overtime premium, if appropriate. This policy does not apply to employees who are compensated on a union-related, prevailing-rate basis.

3.05 PAY PERIODS, COMPUTATIONS, AND DEDUCTIONS	Approved: D.C. Shepherd 8/25/93

A. MONTHLY PAY PERIODS

Employees with exempt classifications and specific time schedules are paid monthly. Their regular salaries are computed by the following basic formula.

$$\frac{\text{Number of compensable days in month}}{\text{Number of weekdays (including holidays) in month}} \times \text{Applicable monthly salary rate} \times \text{Percent of time scheduled} = \text{Gross regular pay}$$

When overtime pay is authorized for such employees, it is normally computed by the following formula.

$$\text{Compensable overtime hours worked} \times \frac{\text{Applicable monthly salary rate} \times 12}{\text{2088 hours per year}} = \text{Gross overtime pay}$$

B. BIWEEKLY PAY PERIODS

Employees with nonexempt classifications are paid biweekly. Their gross pay is computed by the following basic formula.

$$\text{Compensable regular hours in biweekly period} \times \text{Applicable regular hourly rate} + \text{Compensable overtime hours in biweekly period} \times \text{Applicable overtime hourly rate} = \text{Gross pay}$$

Employees with exempt classifications who work indeterminate-time schedules are also paid biweekly. Pay is computed by the following basic formula.

$$\text{Compensable hours in biweekly period} \times \frac{\text{Applicable monthly salary rate} \times 12}{\text{2088 hours per year}} = \text{Gross pay}$$

C. PAYROLL DEDUCTIONS

1. After gross pay has been computed, deductions are made for income tax withholding, retirement (PERS, UCRS, FICA), and health and other insurance plans. Other deductions such as dues or payments to approved employee organizations, payments to additional retirement programs, certain charitable contributions, and salary attachments may be allowed or required.

2. Taxes are withheld based on the employee's exemption certificate (W-4) on file in CFO/Accounting. If an increase in exemptions is in order or a decrease desired to increase withholdings, an amended certificate (W-4) should be filed. If the option to be exempt from withholding is used, a new Form W-4 must be submitted by February 15th of each year.

3. Retirement deductions are withheld from all regular-time payments. PERS and UCRS are computed at a set percentage on all regular pay over a specified minimum. FICA is computed at the legal percentage of all pay up to the legal maximum for the year.

4. Health and other insurance plans generally require monthly payments of specified amounts. For biweekly-paid employees, these deductions, as well as most miscellaneous deductions, are normally made on the payday nearer the end of each month.

3.06 PAYDAYS AND CHECK DISTRIBUTION	Approved: D.C. Shepherd 8/25/93

A. PAYDAYS

1. Exempt Employees

Exempt employees are normally paid their regular salary on the first workday of the month following the month worked. When the normal payday falls on a Saturday, Sunday, or holiday, payday will be advanced to the last working day before the weekend or holiday in all months except December.

2. Nonexempt Employees

Nonexempt employees are paid every two weeks, normally on the Friday following the end of the biweekly pay period. If this day should be a holiday, payday will be moved to the last regular workday before the holiday.

3. Special Paychecks

Under hardship circumstances, an employee may obtain his or her check in advance of the normal payday. Requests for this advance should be made by the employee through his or her supervisor to the Human Resources Department. Advance payments on anticipated earnings are not allowed.

4. Final Paychecks

a. A terminating employee may elect to pick up his or her final check after 3:00 p.m. on the termination date. See Paragraph 2.20 H 6, *Final Paycheck,* for details.

b. Final paychecks for deceased employees are normally made payable to the employee's estate, as required by State law.

B. PAYCHECK DISTRIBUTION

1. Choice of Distribution Method

Employees may have their paychecks distributed by electronic banking or may pick them up at their division or department office. The choice is made at the time of employment and may be changed at any time using Form RL-6596, *Payroll Earnings Distribution Authorization.*

2. Distribution by Electronic Banking

a. Employees may request the electronic deposit of their net earnings into a maximum of one savings and two checking accounts at any financial institution that participates in the Automatic Clearing House (ACH) interbank network.

b. A deposit advice slip is sent to each employee's current mail stop as listed in the Personnel database.

3. Distribution by Division or Department Office

Payroll checks for employees choosing to receive them at their division or department office are picked up by an authorized representative. Supervisors must designate in writing the representative and an authorized alternate.

4. Unclaimed Checks

If an employee does not pick up his or her paycheck by the end of the day after payday, the authorized division or department representative must personally deliver the check to the Cashier's Office, where it will be held for the employee. Divisions or departments should not assume responsibility for holding an employee's paycheck.

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4.01 TRAVEL POLICY	Approved: C.J. Courey 8/22/96

A. OBJECTIVE

Official travel undertaken on behalf of the Ernest Orlando Lawrence Berkeley National Laboratory shall be done in a manner that meets business needs and minimizes cost to the Government.

B. POLICY

It is the policy of the Laboratory that all official travel be properly authorized, reported, and reimbursed. Laboratory travelers are expected to exercise good judgment in the use of funds. Personal travel is not to be charged to, or temporarily funded by, the Laboratory. When an employee travels under the sponsorship of another organization, travel expenses shall not be charged to a Laboratory account.

C. SCOPE

This policy applies to all official Laboratory travel, regardless of funding source.

D. AUTHORIZATION AND APPROVAL

1. Preapproval

All official Laboratory travel must be approved by the Laboratory Director, who may delegate his/her authority. If approval is not obtained prior to departure, travelers may be liable for the expenses incurred.

2. Foreign Travel

Special approval requirements exist for foreign travel funded by DOE to comply with DOE Order 1500.3, *Foreign Travel Authorization.*

3. Exceptions

Under extenuating circumstances, the Laboratory Director may approve exceptions to travel policy. The exception must specify the circumstance or need, dates of travel, and the name of the individual to whom the exception is granted. When approved, the reimbursement is limited to the actual costs incurred and must be supported by receipts.

E. ADVANCES

1. Corporate Travel Credit Cards

a. Corporate travel credit cards may be issued to employees who travel on official Laboratory business at least once a year. Cards are issued primarily for the purpose of charging travel expenses related to official Laboratory business. Amounts charged to the cards are billed directly to the card holder, who is responsible for paying all charges billed. Travelers are reimbursed by submitting a travel expense report.

b. Travelers with travel credit cards ordinarily do not receive an advance from the Laboratory.

Note: The Laboratory also issues Procurement Credit Cards (Procard) to select employees to purchase low-value, off-the-shelf materials. The Procard may NOT be used for travel expenses, and the travel card may NOT be used for the purchase of materials.

2. Advances

a. Cash advances are available from automatic teller machines by charging to the individual's corporate travel credit card.

b. Laboratory checks (for travelers without a corporate travel credit card or for required prepayments that cannot be charged to the corporate card) are available from CFO/Accounts Payable.

c. The amount of the advance may not exceed the estimated out-of-pocket expenses for the trip.

d. Except in extenuating circumstances, advances are not authorized for any person who is 30 days delinquent submitting a travel expense report for a prior trip.

F. TRANSPORTATION EXPENSES

1. General Rules

a. **Mode.** Travelers are expected to use the most economical mode of transportation and the most usually traveled route consistent with the purpose of the trip.

b. **Procuring Tickets.** Travelers are strongly urged to obtain transportation tickets from the Laboratory's contracted travel agency and have them billed to the Laboratory's central credit card. In the absence of extenuating circumstances, employees who purchase tickets from other sources at a higher cost will be reimbursed the amount the ticket would have cost the Laboratory if purchased through the contract agency.

c. **Indirect or Interrupted Itineraries.** Travelers are responsible for any additional expenses resulting from the use of an indirect route or stops along the way for personal reasons. Reimbursement is limited to the actual costs incurred or to the costs that would have been incurred using the normally traveled route, whichever is less. Any excess travel time will be charged to the appropriate type of leave.

d. **Use of Surface Transportation in Lieu of Air Travel.** A traveler may choose to use surface transportation for personal reasons even if air travel is the appropriate mode of transportation. In that case, reimbursement may not exceed the air fare the Laboratory would have paid if air travel had been used, plus the normal cost of ground transportation to and from airports. The cost of meals, lodging, tolls, ferries, and parking while in transit via surface transportation may be reimbursed, provided the total amount reimbursed does not exceed the cost of airfare plus ground transportation.

e. **Cancellation of Reservations.** Travelers are responsible for canceling reservations that will not be used and for returning unused tickets for refund.

2. Air Travel

a. Commercial Airlines

(1) The use of discount air fares is encouraged in the interest of economy.

(2) The use of business or first-class services may be authorized under the following circumstances:

(a) When it is the only service offered between two points.

(b) When using coach class would increase the total cost by requiring additional hotel expenses, circuitous routing, or an unduly long layover awaiting connections.

(c) When travel is overnight, without the opportunity for normal rest before work.

(d) When coach class does not meet the medical needs of the traveler.

Except in extenuating circumstances, written authorization to use business or first-class service must be obtained from the Laboratory Director in advance. In any case, approval is required before a travel expense report can be processed for payment.

(3) Air travel to foreign destinations, including Canada, must comply with requirements of Public Law 93-623, the "Fly America Act."

b. Privately Owned Aircraft

(1) Written approval of the Laboratory Director must be obtained before a privately owned aircraft (including a rented aircraft) is used for official travel. Information on licensing, experience, and insurance requirements should be obtained from the Human Resources Office of Risk Management.

(2) The reimbursement rate per mile for approved travel by privately owned aircraft is given in Table 4.01 F-2, *Travel Reimbursement Allowance Rates*. Mileage is computed on the basis of the shortest air route from origin to destination. Reimbursement is also made for actual, receipted, landing and parking fees. Reimbursement is not allowed for storage or parking fees at the location where the aircraft is normally housed.

c. **Chartered Aircraft.** Actual expenses for chartering an aircraft are allowable; however, prior approval to charter an aircraft must be obtained from the Laboratory Director. Supporting receipts must be submitted with the travel expense report.

3. Travel by Automobile

a. Official Laboratory Automobiles

(1) The use of Laboratory automobiles must be in accordance with the guidelines of Section 1.05, *Use of Official Vehicles.*

(2) Charges for emergency repairs to a Laboratory automobile are allowed in accordance with the policies of the Motor Pool.

b. Privately Owned Automobiles

(1) **Route Traveled.** Claims for reimbursement must indicate the origin and destination of the trip. Any substantial deviations from the distance shown in a standard highway mileage guide must be explained.

Table 4.01 F-2. Travel Reimbursement Allowance/Rates.

Subsistence:

Type of Expense	Current Daily Maximum
Domestic Travel	
Daily Meal and Incidental Expenses (M&IE)	Continental United States: $37 Alaska, Hawaii, U.S. Possessions*
Long-term, lodging plus M&IE	Up to 55% of the current per diem rate for the business locations
Noncommercial subsistence, lodging, plus M&IE	$47
Foreign Travel	
Daily per diem (lodging plus M&IE) based on business location	Various, as published in "Maximum Travel Per Diem for Foreign Areas"
Long-term per diem	55% of Federal per diem rate
Domestic and Foreign	
For travel wholly between 7:00 a.m. and 7:00 p.m.	No reimbursement.
For travel 10 hours or more, beginning before 7:00 a.m. and/or ending after 7:00 p.m.	$26
Relocation M&IE	$37

* Various, as published in "Non-Foreign Locality Per Diem Rates."

Guidelines for Meals Provided on Domestic Travel:

Breakfast	$6.00
Lunch	$9.00
Dinner	$15.00

Deductions for Meals Provided on Foreign Travel:

Varies by applicable per diem rate.

Mileage:

Private Automobile	24 cents per mile
Private Aircraft	50 cents per mile

Valuation Insurance:

For Shipment of Personal Effects/Household Goods: $2.25 per pound

(2) **Insurance Coverage**

(a) Employees are required to conform to public policy regarding financial responsibility. The minimum prescribed liability insurance coverage under this policy is:

- $15,000 for personal injury to, or death of, one person.
- $30,000 for injury to, or death of, two or more persons in one accident.
- $5,000 for property damage.

(b) An employee who uses a privately owned automobile for Laboratory business on more than four trips per calendar month totaling at least 300 miles is required to show satisfactory evidence of liability insurance coverage to his/her division office before mileage reimbursement is allowed. When used less frequently, an employee must sign a statement that the vehicle has the minimum liability insurance coverage, as specified above, before mileage reimbursement is allowed.

(c) Up to $500 reimbursement to cover the insurance deductible may be authorized when an employee's privately owned vehicle is damaged while being used to conduct Laboratory business. Expenses recoverable from insurance coverage are not eligible for reimbursement. Receipts are required.

(3) **Reimbursement**

(a) The current mileage reimbursement is listed in Table 4.01 F-2, *Travel Reimbursement Allowance Rates*. This reimbursement is intended to cover the cost of routine repairs, tires, gasoline, and other automobile expense items.

(b) When a traveler uses a privately owned automobile to or from an airport or other terminal, mileage reimbursement may be claimed as follows:

- One round trip from home or office, including parking for the duration of the trip; or
- Two round trips from home or office, including short-term parking expenses.

(c) When two or more persons share an automobile, only the driver may claim reimbursement for mileage.

c. **Rental Automobiles**

(1) Rental automobiles may be used when renting in a specific situation is considered to be more advantageous to the Laboratory than the use of taxis or other means of transportation. The traveler is responsible for obtaining the best available rate that meets the requirements of the trip.

(2) Charges for optional insurance, including collision damage waiver (CDW) and loss damage waiver (LDW), on rental automobiles in the United States are not allowable; however, the cost for full collision coverage for rental automobiles used in foreign countries is allowable.

(3) Costs associated with damage to a rental automobile while on Laboratory business are reimbursable. Additional information should be obtained from the Human Resources Office of Risk Management.

d. **Parking and Miscellaneous Automobile Travel Expenses.** Reasonable charges for necessary parking as well as charges for ferries, bridges, tunnels, or toll roads while on official business are allowed.

4. Railroad or Bus Travel

a. Expenses for railroad or bus transportation may be reimbursed. If the destination is served by a regularly scheduled airline, an explanation of the need and circumstances must accompany the travel expense report. (This rule does not apply to intercity travel when total travel time is equivalent to that of air transportation.)

b. Reimbursement for the cost of Pullman roomette accommodations is allowed. If it is necessary to use accommodations that are more expensive than a roomette, an explanation of the circumstances must be included with the travel expense report. Lodging expenses are not reimbursed for each night that Pullman accommodations are used.

5. Travel by Ship

When travel by passenger ship is authorized, transportation at the lowest first-class rate is allowed. No additional subsistence reimbursement is made unless the fare does not include meals.

6. Miscellaneous Local Transportation

a. **Taxis.** Taxi fares, including tip, are allowed when the use of public transportation or airport limousine service is impractical or not available.

b. **Local Buses and Streetcars.** Actual bus, streetcar, or subway fares are reimbursable.

c. **Privately Owned Motorcycles or Motor-Driven Cycles.** These vehicles are not authorized for use on official Laboratory business. No transportation reimbursement is made for the use of such vehicles.

d. **Special Conveyances.** Charges for the use of other types of conveyances (such as helicopter or boat) are allowed when their use is beneficial to the Laboratory. An explanation for the necessity of their use must be included with the travel expense report.

G. SUBSISTENCE EXPENSES

1. Definitions

a. **Subsistence Expenses.** Charges related to lodging, meals, and incidental expenses incurred while in official travel status.

b. **Meal and Incidental Expenses (M&IE).** Incidental expenses include charges for laundry, cleaning and pressing of clothes, tips and fees for services, such as waiters and baggage handlers.

c. **Per Diem.** A daily allowance paid to cover all subsistence expenses for travel outside the continental United States. The rate varies by business location.

2. Domestic Travel (Travel Within and to the United States and Its Possessions)

a. **Daily Expenses within the Continental United States.** Reimbursement of daily subsistence expenses is based on actual, reasonable, receipted temporary lodging plus actual M&IE, up to the current maximum rate, which is listed in Table 4.01 F-2, *Travel Reimbursement Allowance Rates*.

b. **Daily Expenses within Alaska, Hawaii, and United States Possessions.** Daily subsistence expenses are reimbursed in accordance with the Non-foreign Locality Per Diem Rates issued by the Department of Defense.

c. **Long-Term Expenses (30 Days or More in One Business Location).** Subsistence expenses for long-term travel are reimbursed at the current rate listed in Table 4.01 F-2, *Travel Reimbursement Allowance Rates*. This reimbursement includes both lodging and M&IE.

d. **Change of Station Expenses (Six Months or More in One Location).** In addition to long-term subsistence listed in Table 4.01 F-2, *Travel Reimbursement Allowance Rates*, employees assigned to temporary duty at other locations for over six months may be reimbursed for shipment of household goods and personal effects as stated in Section 4.03, *Shipment of Household Goods*.

e. **Change of Station (Over One Year).** An employee on a change-of-station assignment for over one year may be reimbursed up to 150% of the long-term subsistence rate listed in Table 4.01 F-2, *Travel Reimbursement Allowance Rates to* offset additional tax liabilities.

f. **Noncommercial Expenses.** Travelers lodging in noncommercial facilities, such as housetrailers and field camping equipment, are reimbursed at the current rate listed in Table 4.01 F-2, *Travel Reimbursement Allowance Rates*. This reimbursement includes both lodging and M&IE.

g. **Lodging with Friends or Relatives.** Travelers lodging with friends or relatives may be reimbursed up to $25 for a host gift. This is in addition to actual M&IE expenses.

h. **Calculation of M&IE Reimbursement**

(1) Reimbursement for M&IE is based on a calendar day.

(2) When traveling by automobile, the M&IE reimbursement is based on the actual time in transit or 300 miles of travel daily, whichever is less.

3. **Foreign Travel (Travel to, Within, and Between Foreign Countries)**

a. **Daily Expenses**

(1) Reimbursement of daily subsistence expenses is based on the Federal Maximum Travel Per Diem Allowances for Foreign Areas. These rates are established by the Department of State for individual business locations. Receipts are not required.

(2) Under special circumstances, reimbursement for actual expenses up to 150% of the normal per diem rate may be authorized. Circumstances must be explained on the expense report and expenses for the entire trip supported by receipts.

b. **Long-Term Expenses (30 or More Days in One Business Location).** Long-term expenses are reimbursed at up to 55% of the normal per diem rate.

c. **Calculation of Subsistence Reimbursement**

(1) The per diem allowance is based on a calendar day, divided into halves (midnight through 11:59 a.m., and noon through 11:59 p.m.).

(2) Reimbursement begins with arrival at the foreign location and ends with departure from the foreign location.

4. Adjustments to Subsistence Reimbursements

Reimbursement of subsistence expenses are adjusted when:

a. Meals are furnished as part of official Laboratory entertainment.

b. Lodging and/or meal expenses are included in registration fees.

c. Expenses are contracted for and paid directly by the Laboratory.

5. Subsistence for Periods of Less Than 24 Hours

a. No reimbursement is made for subsistence expenses when a trip is completed between the hours of 7:00 a.m. and 7:00 p.m. in a single day.

b. Reimbursement for actual meal costs may be made when travel lasts more than 10 hours and begins before 7:00 a.m. or ends after 7:00 p.m. Maximum reimbursement is listed in Table 4.01 F-2, *Travel Reimbursement Allowance Rates.*

c. Reimbursement may be made for actual costs of meals that are part of official published programs of meetings.

6. Contracting for Subsistence Expenses

The Laboratory Director may make agreements with restaurants, hotels, and similar establishments for supplying subsistence to a group or groups of Laboratory travelers when it is advantageous to the Laboratory.

H. MISCELLANEOUS EXPENSES

Miscellaneous expenses that are ordinary and necessary to accomplish the official business purpose of the trip are reimbursable. Claims for reimbursement must include an explanation of why the expense was incurred. Each miscellaneous expense of $75 or more must be supported by a receipt. Types of miscellaneous expenses include:

- Business expenses such as stenographic or typewriting services or rental of office machines in connection with preparation of official reports or correspondence; purchase of materials and supplies, when normal purchasing procedures cannot be followed; local and long distance telephone calls, including one brief nonemergency personal call home per day; rental of a room or other facility for the transaction of official business.

- Registration fees for attending conferences, conventions, or meetings of professional societies.

- Special fees for foreign travel, including costs related to obtaining passports, visas, and required photographs; costs of certificates of birth, health, identity, and related affidavits; charges for required inoculations and medical evacuation insurance; currency conversion and check cashing fees; the cost of travelers' checks.

- Other ordinary and necessary expenses not included above.

I. TRAVEL EXPENSE REPORTS

A travel expense report is used to account for all travel advances and expenses in connection with an official Laboratory trip. When properly completed and approved, this form is used to reimburse the traveler for any amounts due.

All expenditures should be reported on one travel expense report. Supplemental reports may be submitted if necessary, but they must be clearly marked "Supplemental" and must identify the main report submitted in connection with the travel.

1. Information Required

a. **Times of Departure and Return.** Travel expense reports must show the dates of the trip, including the times of departure from and return to the traveler's home or office. Any personal time must be indicated on the expense report.

b. **Documentation.** The following documentation must be included with the expense report:

(1) Receipts and stubs:

- Passenger receipts of transportation tickets.
- Receipts for local transportation costing $75 or more.
- Receipts for each miscellaneous expense of $75 or more.
- Receipts for all lodging expenses for domestic travel except when the noncommercial daily allowance is authorized.
- Receipts for lodging and each meal or incidental expense of $75 or more when claiming actual subsistence expenses for foreign travel or travel to Alaska, Hawaii, or United States Possessions.
- Receipt for gift to host (when lodging with friend or relative).
- Receipts for extraordinary items such as repair of accidental car damage.

(2) Explanations of any unusual items or items not clearly covered in policy.

(3) When receipts are required but cannot be obtained or have been lost, a statement explaining the reason for the unavailability or loss must be included as part of the documentation submitted with the travel expense report. In the absence of a satisfactory explanation, the amount involved shall not be reimbursed.

2. Time Limit for Submission

Travelers must submit a travel expense report within 15 days of the completion of the trip. If the travel advance exceeds the reimbursable expenses, the traveler submits a check for the excess, made payable to "The Regents of the University of California," with the travel expense report. Expenses associated with temporary change of station assignments exceeding six months must be reported semiannually.

3. Unrecovered Travel Advances

Action is taken to recover unsubstantiated advances if the travel expense report is not submitted within 70 days of the end of a trip. This action may be taken through the use of a collection agency or, when agreed to by the employee in writing, by deductions in wages or other amounts due the traveler.

4. Tax Considerations

Under IRS regulations, travel advances not substantiated or returned "within a reasonable period of time" are considered to be of personal economic benefit to the traveler and are reportable to taxing authorities.

For tax purposes, 120 days is considered "within a reasonable period of time." If an employee does not substantiate expenses and return unused advances within this 120-day period the Laboratory is obligated, under IRS regulations, to consider the advances as additional income and to withhold appropriate income and employment taxes. No refund of these taxes may be made, even if the amounts are returned or substantiated after the 120-day period.

5. Certification of Travel Expense

Each traveler submitting a travel expense report must sign the report certifying that the amounts claimed are a true statement of the expenses incurred on official Laboratory business and that the amounts claimed are not being reimbursed by another organization.

6. Approval of Travel Expense Report for Payment

The travel expense report must be approved for payment by the traveler's department head or by a person to whom the Laboratory Director has delegated such authority in writing.

J. PROTECTION OF TRAVELERS

All employees are covered 24 hours a day, worldwide, against accidental death or dismemberment in the amount of $100,000 per person while on official travel. Coverage begins when the traveler leaves his/her home or office, whichever occurs last, and ends when the traveler returns to his/her home or office, whichever occurs first.

More information is available from the Human Resources Office of Risk Management.

K. NON-LABORATORY PERSONNEL

Travel by non-Laboratory personnel must be approved in advance. When approved, these travelers are eligible for reimbursement of transportation, subsistence, and miscellaneous expenses, in accordance with this policy.

1. Interviewees

a. Authorization

(1) The Laboratory Director may authorize the reimbursement of travel expenses associated with interviewing prospective employees.

(2) Authorization must be obtained before any commitment for reimbursement of travel expenses is made to the prospective appointee.

(3) Travel expenses of spouses who accompany high-level administrative or scientific candidates on final interviews may also be reimbursed.

b. Allowable Reimbursement

(1) Reimbursement is made for actual transportation expenses, not to exceed one round-trip coach air fare between the interviewee's current place of residence and the location where the interview is held.

(2) If an interviewee resides outside the United States, reimbursement is made only for that portion of the fare attributable to travel within the United States.

(3) Interviewees are also eligible for subsistence and miscellaneous expense reimbursements.

2. Visiting Researchers

When involved with Laboratory research for an extended period of time, a visiting researcher may be reimbursed for certain travel and subsistence expenses. When a travel advance is authorized, the advance may not exceed the actual cost of transportation plus 75% of the anticipated allowable subsistence and miscellaneous expenses.

3. Invited Guests

When invited to participate in Laboratory activities, guests may be reimbursed for transportation, subsistence, and miscellaneous expenses as outlined in these procedures.

4.02 RELOCATION	Approved: C.J. Courey 1/25/96

A. GENERAL

1. Authorization

These rules apply to reimbursement for travel expenses incurred by new employees who are joining the staff (other than local hires, see Paragraph 5, below), by employees temporarily reassigned or transferred to another location, or by short-term employees employed by Berkeley Lab for 39 weeks or less. When authorized, reimbursement is made for travel expenses of the employee's family or dependents. Travel expenses incurred by the family or dependents of short-term employees are not reimbursable. Reimbursement for travel expenses by new employees, transferred employees, or personnel from other organizations on temporary assignment with Berkeley Lab is allowed when approved by the Deputy Director, Operations, or designee, with written confirmation by the Human Resources Department to the traveler at the time of the original employment or transfer agreement or agreement concerning personnel from other organizations on temporary assignment with Berkeley Lab. Such reimbursement is allowed only if no duplicate reimbursement for such costs has been or will be made by others. "Family or dependents" means spouse, children, and other relatives of the employee living with and dependent upon the employee at the time of employment or transfer.

2. Point of Hire

a. A point of hire or transfer point is established by the Human Resources Department for the purpose of determining the maximum distance for which travel costs and/or shipment of personal effects is reimbursed.

b. If an employee elects to travel from a point other than the established point of hire or transfer point, reimbursement is made only for actual allowable charges, not to exceed those that would have been incurred had the travel and/or shipment of personal effects been made between the point of hire or transfer and the Laboratory.

c. Short-term employees' return-travel expenses are allowed only if incurred within 60 days of termination.

3. Separate Travel by Family

Additional expenses incurred as the result of an employee's family or dependents traveling separately (e.g., the employee travels by private automobile and the family travels by train or airplane) are not reimbursable unless specifically requested by the hiring division, reviewed by the Human Resources Department, and approved by the Deputy Director, Operations, or designee. Written confirmation is provided by the Human Resources Department to the employee joining the staff or transferring to another location.

4. Short-Term Employees

Short-term employees may use either commercial air carriers or drive one automobile from the point of hire to the Laboratory.

5. **Local Hires**

a. A "local hire" is defined as a new employee whose residence is within a 150-mile radius of the Laboratory.

b. When approved, moving expenses are allowed as stated in Section 4.03, *Shipment of Household Goods*, but only for employees who have made a significant move (15 miles or more) closer to the Laboratory.

(1) Persons requesting reimbursement for moving expenses should declare their intention of moving as soon as possible, normally within 90 days from the effective date of hire.

(2) The division or department head may approve a maximum of three days leave of absence with pay to enable the employee to move his or her household goods. Such leave is not given automatically.

c. Employees rehired at Berkeley Lab from Lawrence Livermore National Laboratory who plan to move their residences nearer to Berkeley Lab normally are reimbursed at the current mileage allowance for excess mileage traveled. This reimbursement is limited to a period of 90 consecutive days from the effective date of hire or until establishment of the new residence, whichever occurs first. Excess mileage is computed as the distance from residence to new work site minus the distance from residence to the old work site. No mileage allowance is paid to an employee electing to commute rather than move.

B. TRAVEL BY COMMERCIAL CARRIER

1. Air-fare reimbursement is limited to actual cost of standard coach accommodations or less-expensive accommodations. Lowest available air accommodations should be obtained whenever itineraries make it feasible. All travel by commercial carrier should normally use the shortest, most-direct route available between point of origin and official destination.

2. Reimbursement for higher than standard coach accommodations requires the approval of the Deputy Director, Operations. Documentation of this approval must be submitted with the Stock Form 7600-55824, *Travel Expense Voucher*.

3. All commercial air travel between the United States and a foreign country must be by American Flag carriers as required by Public Law 93-623, the "Fly America Act." This requirement applies to international charter flights, to all travel to and from Canada, and to flights made to and from personal destinations during official travel. Normally, American Flag carriers must be used regardless of any potential savings available by using foreign carriers or the preference or convenience of the traveler.

4. Excursion, tourist, economy, or other less-than-standard coach accommodations should be used when available on U.S. carriers. However, if only first-class accommodations are available on a U.S. carrier and less-than-first-class accommodations are available on a foreign carrier to the same destination, it is permissible to use the foreign carrier.

5. Original receipts (e.g., passenger coupons or air ticket stubs) are required for reimbursement of air fares.

6. Excess baggage charges are allowed, not to exceed 50 lb. per family for travel by rail or one additional piece of luggage per family for travel by air. Receipts are required.

C. TRAVEL BY PRIVATE AUTOMOBILE

Reimbursement is made for driving or shipping a maximum of two automobiles owned by the traveler or a dependent.

1. First Car

Mileage will be reimbursed at the rate of 24 cents per mile, even if the car is shipped, based on odometer readings for the most-direct route between authorized points, not to exceed by 5% the distance indicated in standard highway mileage guides. If the car is shipped, the mileage allowance is based on standard highway mileage guides. However, if the shipping cost is less than the mileage allowance, the actual shipping cost will reimbursed. The mileage allowance is intended to cover all transportation costs (repairs, towing, tires, gasoline, oil, etc.) regardless of the number of passengers carried. Necessary ferry, bridge, road, or tunnel tolls are allowed in addition to the mileage allowance. Charges for parking in public garages are allowed. Receipts are required for parking fees over $25.00.

2. Second Car

Reimbursement is made for the least expensive of the following whether the car is shipped or driven:

- Actual travel costs, not to exceed the allowances stated in Paragraph 1 above.
- The lowest unrestricted standard coach commercial air fare between authorized points.
- Cost of shipping by commercial surface transportation.

D. LIVING EXPENSES

1. Daily Subsistence Allowance En Route

a. The following daily subsistence allowance (DSA), is allowed in lieu of actual daily living expenses for individuals joining the staff and employees being transferred, when commercial lodging is used.

Employee	$60.00
Dependent, 12 years old or older	$40.00
Dependent, under 12 years old	$20.00

b. For short-term employees (39 weeks or less) DSA is reimbursed for the employee only, not for dependents.

c. If two family members are both newly hired employees, the DSA is $50.00 for each individual. However, if separate travel is approved (see Paragraph A 3 above), the allowance for each employee is $60.00.

d. The DSA is intended to cover the costs of lodging, meals, laundry, dry cleaning, traveler's checks, telephone calls or telegrams to reserve or confirm hotel or transportation accommodations, and all fees and tips to waiters, porters, baggage handlers, bellhops, hotel maids, dining-room stewards, etc. Receipts are required for lodging.

e. When commercial lodging is not used, half of the above amounts are reimbursed.

f. When travel is by private automobile, the DSA is normally paid for the actual driving time or for an average of 300 miles per day (number of days = total official mileage divided by 300), whichever is less.

2. DSA at the Laboratory or Other New Work Site

The amounts listed in Paragraph 1 a above may also be reimbursed to the employee and dependents for living expenses at the Laboratory or other new work site. Short-term employees do not receive this allowance. This allowance begins on the date it is necessary to occupy temporary lodging and extends for not more than 30 days or to the date the employee occupies a new residence, whichever is earlier.

E. SHIPMENT OF PERSONAL EFFECTS

1. Weight Allowed

The allowance for shipment of articles required for immediate use at the new work site is as follows:

a. For individuals joining the staff or employee transfers:

- 500 lb. gross for a person whose family or dependents live with him or her.
- 250 lb. gross for a person with no family or dependents living with him or her.

b. For short-term employees:

When approved by the Deputy Director, Operations, reimbursement is allowed for the round-trip cost of shipping 500 lb. of personal effects.

2. Shipment Method

The shipment method used should be adequate to meet the traveler's requirements without incurring unnecessary premium-shipment costs. Normally, a combination of air freight with local pickup and delivery is considered reasonable.

3. Storage of Personal Effects

Temporary storage of personal-effects shipments may be allowed for a period not to exceed 15 days; short-term employees are not allowed any temporary storage of personal effects.

4. Transit Insurance

Transit insurance or value-charge costs are reimbursed up to the current rate accepted by industry standards, per the applicable tariff for up to 500 lb. for a family or 250 lb. for an individual. The Laboratory assumes no liability for losses incurred in shipments of household goods.

5. Items Not Allowed

Personal effects shipments must not include items such as wine, liquor, animals (including birds), boats, trailers, or motorcycles. No reimbursement is allowed for any cost related to shipping these items (crating, shipping, storage, etc.).

6. Weight Exceeded

When total weight exceeds 250 lb. for an individual or 500 lb. for a family, reimbursement is computed as follows:

$$\frac{\text{Maximum weight allowed}}{\text{Actual weight shipped}} = \text{Percentage of allowable weight}$$

(Percentage of allowable weight) × (Total allowable charges for items) = Reimbursable amount

7. Carrier's Receipt

A carrier's receipt showing weight, rate, and points of origin and destination is required, as well as a receipt covering transit insurance showing amount of insurance and charges.

F. TRANSOCEANIC SHIPMENT OF PERSONAL EFFECTS (EXCEPT SHORT-TERM EMPLOYEES)

1. Special Approval

Unless otherwise approved by the Deputy Director, Operations, reimbursement for transoceanic shipment of personal effects is not allowable. However, when specifically authorized, the actual cost of shipment by ocean freight or air freight is allowed, subject to the limitations described in Paragraph E above, *Shipment of Personal Effects*.

2. Allowable Costs

Transportation cost of ocean freight or air freight with local pickup and delivery is considered reasonable. In addition, actual miscellaneous costs associated with transoceanic shipment are allowed. Miscellaneous costs may include customs fees, dock dues, port rates, agency fees, wharfage charges, marine insurance, document fees, and other similar required charges.

3. American Flag Carriers

Shipment must be made by an American Flag carrier, except when this is not feasible or economical.

4. Determining Gross Weight

To determine the gross weight of the shipment when it is not shown, a constructive weight is based upon 7 lb. per cubic foot.

5. Payment in Foreign Currency

When payment for a transoceanic shipment is made in foreign currency, conversion to U.S. dollars will be made at the exchange rate in effect at the time of payment.

G. MISCELLANEOUS EXPENSES

1. Telephone or Telegraph

Long-distance telephone calls, telegrams, and facsimile messages to the Laboratory should be made collect. Official long-distance telephone calls must be placed by the most economical method. Copies of prepaid official telegrams must be submitted with the Stock Form 7600-55824, *Travel Expense Voucher*.

This does not include charges for telegrams or telephone calls necessary to arrange or confirm hotel or transportation accommodations; these are covered by the DSA.

2. Streetcar and Bus Fares

Bus, streetcar, and subway fares incurred in the course of authorized travel are allowable.

3. Taxi Fares and Auto Rental Charges

Fares for taxis (including tips) or airport limousines or reasonable auto rental charges are allowable when public transportation is not available or practical. Use should be limited to transportation between lodging and the airport at the origin and between the airport and the Laboratory. Extended use of a rental car is not normally allowed. The cost of rental-car collision or personal accident insurance is not reimbursable, except for full collision insurance for vehicles rented in foreign countries. Dates and points between which travel occurs must be indicated on the Stock Form 7600-55824, *Travel Expense Voucher.* Receipts are required for all auto-rental charges.

H. RECEIPTS

1. Required Receipts

The following receipts are required for reimbursement:

- Original passenger air coupons or ticket stubs and rail- or bus-fare receipts (intercity).
- Airport limousine fares over $25.00.
- All automobile rental charges (itemized bills are required; personal mileage must be indicated and deducted).
- Lodging receipts if commercial lodging is used.
- Excess baggage charges.
- Parking or garage fees over $25.00.
- Shipping charges.
- Taxi fares if fare plus tip is over $25.00.

2. Desirable Receipts

The following receipts should be obtained, when practical, to expedite the processing of claims:

- Ferry, bridge, tunnel, or toll-road charges.
- Sleeping-car occupancy stubs.
- Rail- and bus-fare receipts (intracity).

I. INCOME TAX ON ALLOWANCES

The U.S. Internal Revenue Service (IRS) has ruled that certain allowances paid under these rules may constitute income to the recipient and as such must be reported as "Other Compensation" on the W-2

Form. In some instances, withholding is required. In some cases, certain amounts are fully deductible by the employee. Current IRS rules should be consulted.

J. TRAVEL EXPENSE VOUCHERS

Forms will be supplied for reporting travel expenses.

4.03 SHIPMENT OF HOUSEHOLD GOODS	Approved: C.J. Courey 9/21/95

A. GENERAL

1. Authorization

These rules apply to the reimbursement of expenses incurred for movement of household goods by new employees, including local hires, employees temporarily reassigned or transferred to another location, or personnel from other organizations on temporary assignment with the Laboratory when approved by the Deputy Director, Operations, or designee, with written confirmation by the Human Resources Department to the traveler at the time of the original employment or transfer agreement for new work assignments or agreement concerning personnel from other organizations on temporary assignment with the Laboratory. Reimbursement is allowed only if no duplicate reimbursement for such costs has been or will be made by others.

2. Point of Hire or New Work Site

a. The point of hire or new work site is established by the Human Resources Department for the purpose of determining the maximum distance for which costs for shipment of household goods are reimbursed.

b. If an employee elects to ship his or her household goods to or from a point other than the established point of hire or new work site, reimbursement is made only for actual allowable charges not to exceed the charge that would have been incurred had the shipment been made between the point of hire or transfer and the Laboratory or new work site.

3. Subsequent Moves

If housing is not available at the employee's headquarters, the moving of household goods into a house in the immediate vicinity is allowed in accordance with these rules. The immediate vicinity is considered to be an area from which the employee can commute daily. Should closer housing be obtained later, the cost of relocating is not reimbursable.

B. REIMBURSEMENT

1. Weight Allowed

The maximum total weights for which allowable charges are reimbursed are as follows:

- Individual whose family or dependents live with him or her: 11,000 lb gross (including crates, barrels, etc.).

- Individual with no family or dependents living with him or her: 5,000 lb gross (including crates, barrels, etc.).

- Under certain circumstances, when a hardship can be demonstrated, an additional 4,000 lb beyond the limits authorized above may be justified. The request must be in writing and approved by the Deputy Director, Operations, or designee. Written confirmation is provided by the Human Resources Department to the employee joining the staff or transferring.

"Family or dependents" means spouse, children, and other persons directly related to the employee who are living with him or her and dependent upon the employee at the time of employment or transfer.

2. Weight Exceeded

When the total weight of authorized shipments exceeds the limitations noted above, reimbursement is computed as follows:

$$\frac{\text{Maximum weight allowed}}{\text{Actual weight shipped}} = \text{Percentage of allowable weight}$$

(Percentage of allowable weight) × (Total allowable charges for items) = Reimbursable amount

3. Items Not Allowed

Household goods should not include wine, liquor, animals (including birds), boats, trailers, motorcycles, automobiles, or airplanes. The Laboratory assumes no liability for losses incurred in shipments of household goods. This includes damage to or loss of perishable items, including plants. In addition, any extra expense necessary for shipment of perishable items, such as the cost of a separate controlled-temperature facility, is not allowable.

4. Transportation Costs

a. The actual cost of transportation of household goods by motor carrier is allowed, subject to the following restrictions:

- Distance limitations in Paragraph A 2 above.
- Weight limitations in Paragraph B 2 above.
- Insurance limitations in Paragraph L, *Insurance*, below.

b. Approval for reimbursement of additional transportation costs resulting from shipment of household goods by other than motor carrier must be obtained from the Deputy Director, Operations, through the Human Resources Department, which provides written confirmation of the allowable reimbursement to the individual concerned.

c. Hiring shipment of household goods by other than a common carrier (e.g., hiring a truck and driver) requires approval as specified in Paragraph b, above. Costs are allowed only if the following conditions are met:

- A bona fide receipt must be submitted showing the actual date of the haul, origin and destination of the haul, and the date payment was made to the carrier.
- Bona fide weight receipts must be obtained at the beginning of the haul.
- The full address of the carrier's place of business must be shown.

If supporting receipts are in order and complete, reimbursement is made in an amount not to exceed that which would have applied had the shipment been made by commercial carrier between the points concerned.

d. Reimbursement is allowed for costs of transporting a mobile home in lieu of costs normally incurred for transportation of household goods and personal effects.

(1) The allowances for transportation of a mobile home by commercial firms require the prior approval of the Laboratory Director, or designee. Consideration is given to the approval of reasonable expenses upon receipt of two written cost estimates. Such estimates must be itemized in accordance with Paragraph (2), below, and should reflect the total cost of transporting the mobile home.

(2) Reimbursement includes appropriate charges for miles traveled, taxes, transport permit charges or fees fixed by municipal or state jurisdiction, carrier service charges for obtaining such permits, necessary ferry fares, and bridge, road, or tunnel tolls. Reasonable preparation charges are allowed subject to prior approval.

(3) Reimbursement does not include the cost of maintenance, repairs, storage, and insurance for trailer valuation above carrier's maximum responsibility.

(4) If an employee moves household goods by towing a mobile home with his or her car, 24 cents per mile is allowed for the most direct route between authorized points for each of the two vehicles. In addition, reimbursement is permitted for necessary expenses listed in Paragraph (2), above, but not for costs listed in Paragraph (3), above.

e. Reimbursement is allowed for rental of trailers or trucks from commercial establishments for movement of household goods as follows:

- If such cost exceeds $100, the claim must be accompanied by at least three competitive bids, and reimbursement is made at the rate proposed in the lowest bid.

- If an employee moves household goods by towing a utility trailer with his or her car, 24 cents per mile is allowed for each of the two vehicles.

- "Safe-Move" and collision or personal accident insurance are not reimbursable.

C. TRANSOCEANIC MOVES

1. Special Approval

Unless specifically approved by the Deputy Director, Operations, reimbursement for transoceanic moves is not allowable. However, when specifically authorized, the actual cost of transportation by ocean freight or a combination of ocean and rail freight is allowed, subject to the limitations described above in Paragraph B, *Reimbursement*.

2. Miscellaneous Costs

In addition to other allowable items of expense, miscellaneous expenses associated with approved transoceanic shipments are allowed at actual cost. Miscellaneous expenses may include custom fees, dock dues, port rates, agency fees, wharfage charges, marine insurance, document fees, and other similar charges.

3. American Flag Carriers

Shipment must be made by an American Flag carrier, unless this would not be feasible or economical.

4. Determining Gross Weight

To determine the gross weight when the gross weight of the shipment is not shown, a constructive weight based upon 7 lb per cubic foot is used.

5. Payment in Foreign Currency

Where payment for a transoceanic shipment is made in foreign currency, conversion to U.S. dollars is made at the exchange rate in effect at the time of payment.

D. NUMBER OF SHIPMENTS

Transportation of household goods is generally limited to one shipment. Follow-up shipments, extra pickups and deliveries, or shipments to or from various locations are not reimbursed unless specific approval is granted by the Deputy Director, Operations.

E. TIME LIMITATION

All shipments allowable under these regulations must begin within six months of the effective date of hire or transfer unless an extension is specifically granted by the Deputy Director, Operations.

F. NEW PROPERTY

No expense is allowed for the transportation of property acquired after the date of hire.

G. PACKING ALLOWANCE

The actual cost of normal packing, crating, unpacking, and uncrating is allowed, subject to the weight limitations specified in Paragraph B, *Reimbursement*.

H. DRAYAGE ALLOWANCES

If door-to-door commercial carrier rates are not applicable, the actual cost of drayage to and from a commercial carrier terminal is allowed, subject to the weight limitations specified in Paragraph B, *Reimbursement*.

I. EXCESS CHARGES FOR SPECIAL SERVICES

1. Weight limitations are specified above in Paragraph B, *Reimbursement*.

2. When the total storage period exceeds six months, charges for taking the goods out of storage (e.g., dock, handling, local transportation, or drayage charges) are not allowed.

3. Charges associated with permanent storage (e.g., mothproofing, additional insurance, additional packing after reaching storage, etc.) are not allowed.

4. When goods are stored at the destination, additional charges are allowed for only one partial withdrawal during the initial 60-day storage period.

J. TEMPORARY STORAGE

All charges for temporary storage for a total period not exceeding 60 days, normally at only one location and for only one shipment, are allowed, subject to all of the limitations listed above in Paragraph I, *Excess Charges for Special Services.*

K. DISCONNECTING AND CONNECTING APPLIANCES

Miscellaneous reasonable expenses necessary for transportation or relocation such as servicing, disconnecting, and connecting household appliances or furnishings are reimbursable. Receipts are required. Maintenance costs or charges in excess of applicable tariff rates are not reimbursable.

L. INSURANCE

Costs are reimbursed for insurance coverage up to the current rate accepted by industry standards, per the applicable tariff.

M. ITEMIZATION OF CHARGES

1. Transportation charges are based on actual—not estimated—weight and must be supported by the carrier's receipt with weight, rate, and points of origin and destination clearly indicated thereon. A statement from a forwarding or transfer company is not a carrier's receipt. A household goods "Bill of Lading and Freight Bill" is normally required.

2. When services rendered include other services such as packing, crating, drayage, unpacking, uncrating, and storage (in addition to transportation), the total charges for the service must be itemized.

3. All receipts must indicate that the bills have been paid in full.

N. MOVES WITHIN CALIFORNIA

According to the rules of the Public Utilities Commission of the State of California:

- Charges for transportation of goods for distances of less than 50 miles in the same metropolitan area are computed using hourly rates for the time spent in loading and unloading and double driving time between point of origin and point of destination or in cents per piece.

- For transportation of shipments for distances of 50 miles, the charges may be computed using hourly rates or in cents per piece or in cents per 100 lb. The total charges may vary according to the method of computation used, and the shipper should request the least-expensive method.

- For transportation of shipments for distances in excess of 50 miles, the charges are computed in cents per 100 lb or in cents per piece.

When the method of computation is by the hour, the moving company is not required to weigh the goods. Because Laboratory rules are based on weight limitations, a weighmaster's certificate must be obtained. Therefore, the shipper must require the moving company to weigh the goods in all cases.

O. INCOME TAXES ON ALLOWANCES

The U.S. Internal Revenue Service (IRS) has ruled that travel expense allowances paid to new employees and transferees may constitute income to the recipient and as such must be reported as "Other Compensation" on the W-2 Form. In some instances, withholding is required. In some cases, certain amounts are fully deductible by the employee. Current IRS rules should be consulted.

5.00 PUBLIC INFORMATION, PUBLICATIONS, AND PATENT POLICY

5.00 PUBLIC INFORMATION, PUBLICATIONS, AND PATENT POLICY

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5.01 PUBLIC INFORMATION AND EXTERNAL RELATIONS	Approved: M.A. Chartock 8/21/96

A. PUBLIC INFORMATION AND MEDIA RELATIONS

It is the policy of Ernest Orlando Lawrence Berkeley National Laboratory that its scientific achievements and associated events and accomplishments are an important source of news for communicating the value, identity, and visibility of the Laboratory. This information is made available to the media and to internal and external audiences, including the general public, through the Public Information Department (PID). Public information documents prepared for general audiences about or on behalf of the Laboratory should be developed in consultation with PID, so that accuracy and coherence in representing the Laboratory can be maintained.

Laboratory divisions and employees who identify items of potential public interest should contact PID to discuss their prospective use for news or promotional purposes. PID will propose appropriate vehicles for dissemination and will prepare the information materials accordingly. PID disseminates news about the Laboratory to external audiences through press releases, the *Highlights* brochure, the *Research Review*, the annual report, other brochures/leaflets, and the World Wide Web. Information to employees is furnished through the weekly newspaper, *Currents*. A specified clearance procedure is followed for press releases to ensure accuracy and validity, including final approval by division directors and the Laboratory Director.

Laboratory contacts with the outside news media should be coordinated through PID, which handles most requests for information and interviews from the media, arranges special media events (i.e., press conferences and photographic, TV, and radio coverage), and originates or coordinates media-related contacts for Laboratory activities. PID may arrange for media representatives to interview Laboratory staff directly, in which case a communications specialist may be present or may participate.

Laboratory staff who are independently approached by reporters should advise PID prior to the interview. Questions regarding the appropriateness or content of an interview, or requests to set up such an interview, should be forwarded to the Head for Public Communications. When employees give opinions as independent professionals, they must state clearly that they are speaking for themselves and not on behalf of the Laboratory or the University of California. Official statements to the media on behalf of the Laboratory as a whole should be developed in coordination with PID. The Head for Public Communications serves as the Laboratory spokesperson or coordinator for official public announcements.

Specialists from PID are also available to assist in preparation and training for news interviews, to assist with visual materials for public interest and Speakers Bureau presentations, and to review the design of general-interest publications.

B. USE OF LABORATORY NAME IN ADVERTISING

Commercial firms serving the Laboratory often request permission to use the name of the Laboratory in promoting their products through advertisements, brochures, motion pictures, etc. The Laboratory follows University and DOE policies and California State law, which restrict such use. All such requests should be referred to the Deputy Director for Operations.

Companies that have licensed Laboratory intellectual property such as patented inventions, software, or biological materials sometimes make similar requests. Laboratory license agreements contain specific provisions governing a licensee's use of the Laboratory name. All such requests should be referred to the Head, Technology Transfer Department.

C. LABORATORY TOURS AND VISITS

Visits on Laboratory official business are arranged by the host departments or divisions. The Reception Center must be informed of all guests.

1. General Public and Organization Tours

The Laboratory also hosts unofficial visits from educational, scientific, and technical groups. These may be arranged by individual departments or divisions. The Government and Community Relations Office also arranges visits and tours for the general public when requested. These visits must be scheduled and conducted in such a way that they do not interrupt Laboratory work.

2. University and High School Tours

Tours by colleges, universities, and other schools are scheduled through the Center for Science and Engineering Education and are conducted to minimize interference with Laboratory work. School groups are normally limited to junior and senior high school biology, chemistry, physics, and mathematics classes, when arranged by the teacher or another school official.

3. Distinguished Guests

Arrangements to show distinguished guests through the Laboratory are usually made by the Government and Community Relations Office or by senior staff members. The Public Information Department should be informed in advance of the visits so it can plan for internal or external publicity if appropriate.

4. Employees' Guests

Employees are permitted to guide small groups of relatives or friends — preferably not more than five — through the Laboratory, provided their visit will not interfere with employees' or Laboratory work. These visits should be scheduled on a weekend or a holiday to minimize disturbance of Laboratory operations. It is preferable that children not be brought to the Laboratory. However, when this is not avoidable, the children must be kept with the party and under strict control.

5. Community Relations

a. **Public Participation.** The Berkeley Lab encourages open and honest public participation and an informed public to foster public trust, develop credibility, and assure public involvement in its decision-making process. Public participation is enhanced through open communication and participation in state, national, and international activities.

b. **Speakers Bureau.** The Laboratory has an active program that is organized through the Government and Community Relations Office. Employees are encouraged to volunteer as speakers in the program. If a division or employee is contacted by an outside group to arrange a speaking engagement, the Community Relations Office should be informed. The Community Relations Office can also provide visual aids and brochures to enhance the quality of a presentation.

c. **Community Involvement.** The Laboratory supports and encourages its employees to be involved independently in community and civic activities. Employees wishing to explore opportunities should contact the Government and Community Relations Office.

6. Contacts with State and Federal Officials

Employees may not act or give the appearance of acting on behalf of the Laboratory or the University when communicating with State or Federal officials unless they are authorized to do so.

When corresponding with State and Federal officials, Laboratory letterhead may be used only when the writer is authorized to represent the Laboratory or the University. Letters expressing personal views must be written on personal stationery using non-Laboratory resources. If Laboratory letterhead is used for corresponding with principal State and Federal officials — including Executive Branch appointees, members of Congress, the State Legislature, and their staffs — copies of the correspondence must be sent to the appropriate division director and to the Head for Government and Community Relations.

When employees give opinions as independent professionals, they must state clearly that they are speaking for themselves and not on behalf of the Laboratory or the University of California (also refer to Paragraph A, *Public Information and Media Relations,* above).

5.02 POLICY FOR SCIENTIFIC AND TECHNICAL PUBLICATIONS	Approved: S.C. Loken 3/23/95

A. GENERAL

This policy applies to all scientific and technical publications prepared at the Laboratory.

B. DEFINITION OF SCIENTIFIC AND TECHNICAL INFORMATION

Scientific and technical publications include journal and conference submissions (whether refereed or not and whether actually accepted for publication or rejected by the organization to which they were submitted), proceedings, books and book chapters, theses and dissertations, formal programmatic progress and completion reports, the Institutional Plan, division annual reports, and facility newsletters.

Three types of scientific and technical publications are produced at the Laboratory: Laboratory reports (abstracts, journal preprints, conference papers, theses, and standard distribution reports); PUB reports, which are not technical and scientific in the strict sense (brochures, informational reports, newsletters, user's manuals, proposals, and conceptual design reports); and LBID reports (reports of a sensitive nature, preliminary reports, and informal reports).

Two categories of publications produced at the Laboratory that are not covered by this policy are:

Public information documents, such as press releases, *Currents*, and the *Laboratory Research Review*, prepared by the Public Information Department (PID) for distribution to the general public.

Internal information documents, which are intended for internal distribution only, such as manuals, handbooks, and similar publications, and Laboratory Administrative Memos.

C. PUBLICATION REQUIREMENTS

DOE programs funding the creation of scientific and technical information must follow life-cycle information-management practices to ensure that the information is planned for, budgeted, produced, processed, disseminated, and stored in cost-effective ways to ensure its maximum use by all customer segments, including U.S. industry and the general public.

Formal scientific and technical information performance assessments shall be conducted as part of Program Reviews sponsored by DOE Programs.

1. International System of Units (SI)

The Laboratory requires the use of the International System of Units (SI), except when safety considerations dictate otherwise or when DOE sponsors specify the use of the inch–pound system. Division report reviewers have the responsibility for seeing that this requirement is met in all publications.

2. Credit Line

All Laboratory scientific and technical publications must carry a standard credit line on the title page showing the funding source, the DOE/Laboratory contract number, and any applicable Laboratory non-DOE contract number. When the funding source is DOE, the credit line should include two levels of organization within DOE, as in the following examples:

> This work was supported by the Director, Office of Energy Research, Office of Basic Energy Sciences, of the U.S. Department of Energy under Contract No. DE-AC03-76SF00098.
>
> This work was supported by the Assistant Secretary for Energy Efficiency and Renewable Energy, Building Technologies, of the U.S. Department of Energy under Contract No. DE-AC03-76SF00098.

All open literature publications, e.g., journal articles and conference papers, must carry this same credit line somewhere in the body of the paper, preferably in an acknowledgments section. Conference papers must also carry this credit line on a title page for submission to DOE.

In Laboratory publications reporting work supported by more than one DOE organization or supported in part by a non-DOE organization (e.g., Federal or State agency, private institute, or commercial firm), acknowledgement of this support, including the contract number, is required. When work has been carried out in collaboration with other DOE contractors, all contractors must be identified with contract numbers.

In the case of abstracts, where space is limited, it is acceptable to use an abbreviated credit line:

> Supported by the U.S. Department of Energy under Contract No. DE-AC03-76SF00098.

3. Author Affiliations

The affiliation(s) of the author(s) must be shown on the title page of all Laboratory documents. For Laboratory authors, this information must include the complete Laboratory address:

Lawrence Berkeley National Laboratory
University of California
Berkeley, CA 94720

The Laboratory division (or division-level organization) may also be included. The inclusion of Laboratory organizations such as the Center for Advanced Materials, National Center for Electron Microscopy, and Center for X-Ray Optics is allowed at the request of the responsible division director and with approval of the Director, Information and Computing Sciences Division.

If additional affiliations of Laboratory authors are listed, they must be shown separately.

4. Legal Disclaimers

The following disclaimer must appear on the inside front cover of each report prepared under DOE sponsorship and issued by the Laboratory:

DISCLAIMER

> This document was prepared as an account of work sponsored by the United States Government. While this document is believed to contain correct information, neither the United States Government nor any agency thereof, nor the Regents of the University of California, nor any of their employees, makes any warranty, express or implied, or assumes any legal responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by its trade name, trademark, manufacturer, or otherwise,

does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof, or The Regents of the University of California. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof or The Regents of the University of California.

D. REPORT PROCESSING

All scientific and technical publications must be processed through the Technical and Electronic Information Department Report Coordination Office (RCO). This office assigns an appropriate report number, obtains the patent release, coordinates the printing of required copies, and makes the required DOE/Laboratory distribution.

The RCO ensures that the publication meets all aspects of the Laboratory Publication Policy.

E. REVIEW OF SCIENTIFIC AND TECHNICAL PUBLICATIONS

All publications receiving a Laboratory, PUB, or LBID number must be reviewed by a designated division reviewer other than the author. Each division is expected to maintain a current list of qualified reviewers, designated by the division director, and to furnish the Technical and Electronic Information Department Head with a copy of this list. The review must be completed, and the reviewer must sign a Publications Work Order before the document leaves the Laboratory.

F. PATENT AND COPYRIGHT REVIEW

All publications must receive patent clearance from the Laboratory Patent Department before leaving the Laboratory. See Section 5.03, *Patent Policy,* for more details. Copyrighted material may not be reproduced without the specific permission of the copyright holder. Laboratory employees are obligated to comply fully with Federal copyright laws. Questions regarding proper procedures for obtaining permission to reproduce copyrighted material should be addressed to the RCO. All transfer of copyrights must include the Patent Office approved statement available from the RCO.

G. NEGOTIATIONS WITH EXTERNAL PUBLISHERS

The selection of an external publisher for the proceedings of a Laboratory-hosted conference or for a book is governed by the Laboratory policy on the acquisition of nonstock items and services. See Section 6.01, *Obtaining Goods and Services,* for details.

Before starting any writing project on a Laboratory-related subject for which payment is expected, Laboratory authors must check with the Patent Department to ensure compliance with DOE and Laboratory policies regarding the distribution of advances and royalties. (See also Section 5.03, *Patent Policy.*)

H. DOE ORDER COMPLIANCE

The RCO is responsible for ensuring compliance with DOE Order 1430.1D, *Scientific and Technical Information Management.* Copies of all documents must be sent to the DOE Office of Scientific and Technical Information (OSTI) and must meet the following requirements:

(1) All Laboratory scientific and technical publications must carry a standard credit line showing the Department of Energy funding organization (two levels) and the Laboratory contract number on the title page of each document (examples are shown in Paragraph C above. All open-literature publications, e.g., journal articles and conference papers, must carry this same credit line somewhere in the body of the paper as well as on the title page for conference papers.

(2) The DOE UC (unclassified category) code, used to relate the subject category with the funding source, must appear on all unclassified scientific and technical reports. This code, normally selected by the author, will appear below the Laboratory report number.

(3) Copies must be of reproducible quality for microfilming.

(4) The main body of the report should begin with page 1, and all pages should be numbered consecutively throughout the report, including text, illustrations, pages and photographs, and fold-out pages.

I. PAGE CHARGES AND REPRINT ORDERING

The Department of Energy, recognizing the importance of page charges in supporting professional journals, honors all reasonable page charges for not-for-profit journals only. An author may purchase up to 100 reprints with DOE funds for professional use. Copies of each reprint must be sent to the contracting officer and to the responsible program manager. The Technical and Electronic Information Department Library is the Laboratory's official liaison with publishers and is responsible for authorizing the purchase of offprints and reprints and the payment of page charges, manuscript processing fees, and abstract fees.

5.03 PATENT POLICY	Approved: G.R. Woods 3/21/95

A. EMPLOYEE OBLIGATIONS

1. Contract DE-AC03-76SF00098 requires that the United States Government be assigned the right of ownership for inventions made at the Laboratory or using Laboratory facilities.

2. To protect the government interest, the contract requires that Berkeley Lab report all inventions made under the contract to DOE patent counsel and that all information obtained at the Laboratory be cleared by DOE patent counsel or its designee before publication.

B. PROCEDURES

1. Invention Recording and Reporting

a. It is the inventor's responsibility to report all inventions to the Berkeley Lab Patent Department within six months of conception or first actual reduction to practice, whichever occurs first, to obtain early disclosures and thereby establish inventorship in advance of others working in the field.

b. The protocols for experiments, results of experiments, and/or other data that document inventions referred to in (a) above must be kept in a permanently bound ledger-type notebook with numbered pages.

The specific procedure recommended for recording data describing original research and development work that leads to invention is available in the Berkeley Lab Patent Department.

c. All notebooks and equivalent records of Berkeley Lab research are the property of the U.S. Government; researchers may make copies for their own personal records. These records may be maintained in the appropriate group as long as necessary and then forwarded to Archives and Records for storage.

d. The Patent Department will prepare a final disclosure report with the inventor's cooperation to supply DOE patent counsel and University of California personnel with the information required to evaluate the invention.

2. Publication Clearances

a. All publications describing work by Berkeley Lab personnel or done with Berkeley Lab facilities must be reviewed and cleared by the Patent Department before they can be sent outside the Laboratory, except for restricted disclosure to certain Government and University of California personnel. Proposed publications containing patentable material must be cleared by DOE patent counsel.

b. Publications that must be reviewed for patent clearance include not only Berkeley Lab written reports but also the following:

(1) Articles to be submitted to professional journals.

(2) Oral and written conference presentations.

(3) Press releases.

(4) Abstracts.

(5) Proposals.

(6) Any other material that could contain invention information.

c. The purpose of patent review is to make sure all inventions have been reported. Possible inventions should be reported before the material is ready for publication. When sufficient lead time is given, publication delays can be avoided.

C. ADDITIONAL PATENT POLICIES

The Patent Policy described above applies to research by and writings of Laboratory employees. The following paragraphs contain additional patent review requirements.

1. Paragraph 1.06 A 3 b, *Policy for All Participating Visitors* (requires Participating Visitors to sign a Laboratory Visitor Patent Agreement).

2. Section 2.01 J, *University Patent Policy* (states University patent policy applying to Laboratory employees).

3. Section 2.19 H, *Patent Agreements* (describes patent policy applying to Laboratory employees serving as consultants to other organizations).

4. Paragraph 2.23 C 11, *Patents, Data, and Copyrights* (discusses patent policies applying to consultants to the Laboratory).

5.04 PRINTING POLICY	Approved: S.C. Loken 3/23/95

A. GENERAL

The Laboratory requires that procurement of printed matter be done in compliance with DOE Order 1340.1. The Printing Section of the Technical and Electronic Information Department (TEID) is responsible for providing printing-related services for the Laboratory. These services include in-house duplicating production or outside procurement through the Government Printing Office (GPO). Printing of scientific and technical publications is handled through the TEID Report Coordination Office and requires completion of a Publications Work Order form. Other printing requirements are submitted directly to the Printing Section on a TEID Printing Services form.

B. COMMERCIAL PROCUREMENT

DOE and the Laboratory require that all commercial procurement of printed matter must be made by the TEID Printing Section.

C. MULTICOLOR PRINTING

The Head of TEID has authority for approving color printing. Color printing in any Laboratory publication (or printed matter) requires a written request to the Head of TEID describing why added color is necessary and signature approval from the Head of TEID prior to submitting work to Report Coordination or the Printing Section.

Multicolor printing is any printing that uses more than one color of ink in a single document. Color photographs, illustrations, and graphics reproduced on color copiers do not require prior approval.

Color printing is acceptable in a Laboratory publication only when its use is necessary to ensure safety, security, or technical clarity or if the publication is to be used for recruiting purposes.

5.05 ROYALTY INCOME DISTRIBUTION POLICY	Approved: C.A. Fragiadakis 9/4/96

A. DISTRIBUTION OF ROYALTIES TO INVENTORS

The University of California Patent Policy of April 16, 1990 (as amended) governs the distribution between Berkeley Lab and Laboratory inventors of licensing income from patentable inventions. Any conflict between this policy and the University of California Patent Policy must be resolved by reference to the terms of the University of California Patent Policy. As of September 1996, the University of California was considering a revision to its Patent Policy, as recommended by the University of California Technology Transfer Advisory Committee.

The Laboratory also treats income from intellectual property other than patentable inventions (e.g., copyrighted software or biological material) as falling under the terms of the University of California Patent Policy.

Subject to amendment of the University of California Patent Policy, the Laboratory annually distributes to the inventor(s) income received by the Laboratory in the previous fiscal year from licensing of the Laboratory intellectual property as follows:

- 50% of the first $100,000 of cumulative net royalties and fees per invention.
- 35% of the next $400,000.
- 20% of all additional cumulative net royalties and fees per invention.

The University of California Patent Policy generally defines net royalties as gross royalties and fees received after deducting amounts payable to non-University inventors, less 15% thereof for administrative costs, and less the direct patent and licensing costs. The Laboratory allocates the 15% for administrative costs to reimburse the technology transfer function.

B. ALLOCATION AND USES OF LABORATORY ROYALTY INCOME

1. General

The portion of licensing income from its intellectual property available to the Laboratory after the distribution of income to inventors and the amounts retained under the University of California Patent Policy for administrative and direct costs is the "Laboratory royalty income."

The Technology Transfer Department directs the Chief Financial Office to distribute annually (at the time of the distribution to inventors) Laboratory royalty income to the research division in which the invention arose. That research division must allocate at least half of the Laboratory royalty income to the research group in which the invention arose. If the research division structure does not include research groups, the division allocates Laboratory royalty income to the program, department or center as the closest functional equivalent of research group.

The research division and research group must use Laboratory royalty income for research activities within the mission of the Laboratory. Expenditures may include operating costs (e.g., personnel costs or supplies) or equipment in support of that research.

If the inventors belong to different groups and/or divisions, the Laboratory royalty income for the different units shall be split proportionally to the number of inventors in that unit in relation to the overall number of inventors of that technology.

2. Special Circumstances

If the annual Laboratory royalty income from a particular invention is greater than $500,000 or if the Laboratory Director determines that unusual circumstances related to a particular invention or the needs of Laboratory otherwise warrant, the Director may provide for an alternative distribution of the associated Laboratory royalty income, provided that income is used for scientific research and development, technology transfer and/or education at the Laboratory.

5.06 PROPRIETARY INFORMATION FROM EXTERNAL SOURCES	Approved: C.A. Fragiadakis 9/4/96

A. GENERAL

Laboratory staff must observe the following procedure when the Laboratory needs to obtain proprietary information to meet programmatic research objectives. These procedures enable the Laboratory to comply with its obligation to protect proprietary information or proprietary material that it receives from an external source, and to avoid the possibility of liability for disclosure or misuse of such information or material. The procedures also protect Laboratory investigators from inappropriately restrictive terms on publications or inventions of their own creation.

Laboratory employees in administrative positions or elsewhere who routinely receive proprietary information in the course of their employment (e.g., purchasing agents or human resources specialists) must follow departmental guidelines for the management of proprietary information; those guidelines generally incorporate the procedures of Paragraphs D through G below (*Maintenance of Proprietary Information, Internal Information Sharing, Disclosure Outside the Laboratory,* and *Return to Originator*). See also Section 2.22 I, *Privileged Information*.

B. DEFINITIONS

1. Proprietary Information

Proprietary information is any information or material (including, but not restricted to, ideas, concepts, proposals, inventions, instruments, chemical samples, cost estimates, data, and computer programs) that is (1) originated outside the Laboratory and (2) disclosed to the Laboratory on conditions, expressed or implied, that limit the Laboratory's right to use or disclose the information, (3) is specifically identified by the originator as proprietary, and (4) is not generally known to workers in the relevant field. This includes the documents or computer tapes that contain such information. (See Section 5.07, *Disclosure of Laboratory Proprietary Information,* for information originating at the Laboratory.)

2. Originator

The originator is an individual or organization that has provided proprietary information to the Laboratory or to a Government agency that has in turn passed it on to the Laboratory on conditions that restrict its disclosure or use.

C. ACCEPTANCE

1. Written Nondisclosure Agreement

If the originator provides a written nondisclosure agreement (also often called a confidentiality agreement or a proprietary information agreement; or in the case of materials, a material transfer agreement), the Laboratory employee must have that agreement approved by the Technology Transfer Department. For quicker approval, the researcher may fax the proposed agreement to the Technology Transfer Department (x6457) for review and send the original for signature. In urgent cases, the Technology Transfer Department may authorize the researcher to sign the agreement on behalf of the Laboratory, after approval of the agreement as to content. If the agreement from the originator contains unacceptable terms, the Technology Transfer Department will contact the originator to modify the agreement appropriately.

All obligations to keep confidential information from an originator that is a for-profit company must be memorialized in a written agreement. If a for-profit company orally requests confidentiality, the Laboratory researcher must contact the Technology Transfer Department to obtain a written agreement.

2. Implied Conditions of Confidentiality

If a Laboratory employee receives proprietary information from a non-profit (including university) or government originator, under implied conditions of confidentiality (i.e., without a written agreement), he/she must take steps to protect the information set forth in Paragraphs D through G below (*Maintenance of Proprietary Information, Internal Information Sharing, Disclosure Outside the Laboratory,* and *Return to Originator*). The Laboratory does not accept implied obligations of confidentiality or restrictions on use for proprietary information from private entities; the Laboratory employee must have an approved agreement to obtain proprietary information from a for-profit entity. (See Paragraph 1, above).

D. MAINTENANCE OF PROPRIETARY INFORMATION

The Laboratory recipient of proprietary information is responsible for physically securing the proprietary information at the Laboratory or associated campus facilities. The proprietary information must be kept under lock and must not be left where inadvertent disclosure may occur. It must not be removed from the Laboratory or associated campus facilities. Such information may not be photocopied or duplicated in any manner. It must be clearly marked as confidential and proprietary data. Computer source codes containing proprietary information must not be stored in permanent files or in open tape libraries. Object codes containing proprietary information must not be stored in permanent files unless access to such files is controlled by the person responsible for the information.

E. INTERNAL INFORMATION SHARING

As necessary to the conduct of the project and only on a need-to-know basis, proprietary information may be shared with other Laboratory staff and appropriate University employees. No approvals are required for this but the Laboratory researcher must exercise his or her best judgment so as to minimize the exposure of such information. Copies must not be made for internal information sharing.

F. DISCLOSURE OUTSIDE THE LABORATORY

If disclosure of proprietary information to any individual other than Laboratory staff and appropriate University employees appears necessary, the Laboratory employee who wishes to disclose the information must obtain prior written approval from the originator who supplied the proprietary information. That approval must be signed by an authorized representative of the originator and clearly specify what proprietary information may be disclosed, and to whom it may be disclosed. Unless the originator's approval letter otherwise specifies, the disclosure of the information will be made only on-site. No copies of the proprietary information may be made. Contact the Technology Transfer Department to obtain assistance in securing appropriate approval from the originator.

If the Laboratory independently develops, derives, or obtains information similar to proprietary property, the Laboratory may use or divulge that proprietary information without restriction. However, the laboratory must have documentary evidence, such as properly witnessed laboratory notebooks or publications, to prove the independence of the source.

G. RETURN TO ORIGINATOR

When proprietary information or material is no longer needed, it must be returned promptly to its originator by registered mail or a recognized courier service such as Fed Ex or DHL, or otherwise disposed of (e.g., destroyed) as required in any written agreement. Copies of the proprietary information must not be retained.

H. CONSEQUENCE OF FAILURE TO SAFEGUARD INFORMATION

Failure to reasonably safeguard proprietary information and/or to follow the procedures listed above may constitute a serious violation of professional ethics that can result in disciplinary action, including termination. Violation of trade secret laws can also result in legal action against the violator.

5.07 DISCLOSURE OF LABORATORY PROPRIETARY INFORMATION	Approved: C.A. Fragiadakis 9/4/96

A. GENERAL

At times the Laboratory needs or finds useful to disclose unpublished information relating to technological and scientific developments or to transfer tangible research material. Examples of tangible research material include cell lines, chemical compounds, and source codes for software. Appropriate uses of such disclosures or transfers are to enable the recipient to: evaluate the information/material's potential commercial utility or the recipient's interest in obtaining a commercial license from Berkeley Lab; replicate, reproduce, evaluate or confirm Berkeley Lab's research effort; or, do research furthering Berkeley Lab's programmatic goals. Disclosure of Laboratory proprietary information for personal gain is prohibited; see Paragraph 2.22 I, *Privileged Information*.

Laboratory staff must observe the following procedures when the Laboratory transfers proprietary information or tangible research material to third parties (other than appropriate University of California staff or DOE). These procedures are established to enable the Laboratory to comply with its obligation under Contract 98 to maintain the patentability of inventions, foster appropriate technology transfer, and avoid liability for others' use or misuse of Laboratory information or material.

B. PROCEDURE

1. Written Agreement

The Laboratory researcher wishing to transfer the proprietary information or material must contact the Technology Transfer Department to prepare a nondisclosure agreement or material transfer agreement, as appropriate. The Technology Transfer Department may also prepare agreements for mutual disclosure of proprietary information or transfer of material. The researcher may not transfer the Laboratory proprietary information or material before such an agreement is signed by both the Laboratory and the recipient.

2. Disclosure of Information or Transfer of Material

At a minimum, any information the Laboratory discloses under agreement must be prominently marked as *proprietary* or *confidential*. If the Laboratory researcher wishing to transfer proprietary information or material (the discloser) wishes to disclose the information orally, he or she must first inform his or her audience that the forthcoming information is confidential. Some nondisclosure agreements also require that confidential oral presentations be summarized, marked as confidential and transmitted to the receiver with 15 to 30 days. The researcher must comply with any such additional requirements if contained in the nondisclosure agreement.

3. Transfer Labeling

Any tangible research material that a Laboratory researcher transfers must be appropriately labeled and include instructions for handling as necessary for safe use.

C. TRANSFER OF PROPRIETARY INFORMATION OR MATERIAL TO SUBCONTRACTORS

Under certain subcontracts, the University's full rights to intellectual property may be impaired if proprietary information or material is transferred to under the subcontract without appropriate restrictive markings. If a Laboratory researcher anticipates transferring Laboratory proprietary information or

material to a Laboratory subcontractor, the researcher must so inform Procurement, and must take such steps as necessary under the subcontract to mark the information or material.

D. CONSEQUENCE OF FAILURE TO SAFEGUARD BERKELEY LAB INFORMATION

Failure to reasonably safeguard Laboratory proprietary information and/or to follow the procedures listed above may constitute a serious violation of professional responsibility that can result in disciplinary action, including termination.

6.00 PROPERTY AND SUPPLY

6.00 PROPERTY AND SUPPLY

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6.01 OBTAINING GOODS AND SERVICES	Approved: C.J. Courey 8/15/96

A. GENERAL POLICY

In support of Ernest Orlando Lawrence Berkeley National Laboratory's research, the total value of purchases for the last few years has been in excess of $135 million dollars per fiscal year. Since Procurement transactions account for a significant portion of the Laboratory's annual budget, the Department of Energy (DOE) and the University of California exercise rigorous control over the Laboratory purchasing system. In particular, the Laboratory has a responsibility to ensure that:

- Procurements are competed, to the maximum extent possible, consistent with the Laboratory's performance of its mission and the nature of the goods and services to be procured.
- Costs paid by the Laboratory are fair, reasonable, and appropriate for expenditure of Government funds.
- All procurement actions comply with applicable Federal laws and regulations and the DOE Prime Contract DE-AC03-76SF00098 (Contract 98) for operation of the Laboratory.
- Subcontractors are treated fairly and impartially.
- Small, disadvantaged, and women-owned businesses are provided an equitable opportunity to compete for procurements.

Authority to make contractual commitments for the expenditure of Laboratory funds is held only by specifically delegated individuals, primarily located in CFO/Procurement.

Only these formally designated individuals may commit the Laboratory to the expenditure of funds. Commitments by individuals without delegated procurement authority to commit the Laboratory must undergo a ratification process to determine if the purchase would otherwise have been proper and in the best interests of the Laboratory.

Many laws have been enacted to curb the fraud, waste, and abuse associated with unethical procurement practices at the Federal level, and some apply to the Laboratory as a DOE contractor. Further, State laws and University regulations also establish criteria for ethical conduct and penalties for violations. In some cases, Laboratory employees may be held personally and/or criminally liable for those actions that are not consistent with the equitable treatment of contractors and the fair expenditure of Government dollars.

The information provided here encompasses general rules governing the procurement process; it is *not* intended to be an exhaustive guide to procurement requirements. Laboratory employees should address specific questions to CFO/Procurement. Procurement information is available on CFO/Procurement's Web page, which may be accessed from the Berkeley Lab's main Web page.

B. STOCK ITEMS

1. General Stores

Over 12,000 items are available through the Laboratory storeroom system. Additional items such as office supplies and chemicals are available from just-in-time (JIT) systems agreements. The Laboratory Facilities Inventory Management/Stores groups are responsible for maintaining this stock. Berkeley Lab and Lawrence Livermore National Laboratory (LLNL) no longer share the same stores system. A limited

number of items may be requested from LLNL storerooms when needed. Stores catalogs are available from the Central Storeroom. JIT systems catalogs are available from the Procurement/JIT Systems group. Stock items may be requested by any employee or authorized nonemployee furnishing an employee number and an appropriate account number, and, when applicable, a job-order number. Certain sensitive items are subject to special authorization or other forms of issue control. Supervisors receive a monthly statement of charges against their accounts.

2. Shop Stocks

Supplies of low-value, high-use stock items are maintained in many of the Laboratory shops or scientific research areas for use only by those in the program or in the immediate area. Personal use of these supplies, as with all Government property, is prohibited. (See Section 6.02, *Use of Property and Supplies.*)

3. Precious Metals

a. Through the Facilities Stores group, the Laboratory provides for the issue of certain precious metals from stock maintained at Livermore. These precious metals are gold, silver, platinum, rhodium, palladium, iridium, and ruthenium (osmium is no longer available under the Stores precious metals system). All precious metals are restricted-issue items and require signature authority prior to issue. The weight of the metal issued, the name of the custodian, and account numbers are recorded. Only career employees may be custodians, not guests, temporary employees, or graduate students.

b. If the precious metals are consumed in use, CFO/Property Services, should be informed so adjustments can be made to their records. Property Services maintains perpetual inventory records of all precious metals in use. Users are required to perform self-inventories annually. Property Services monitors annual self-inventories of precious metals.

c. Precious metals must be locked up at all times when not in use. Users are responsible for providing physical security for precious metals and may be held accountable for unexplained losses.

d. Precious metals that are no longer needed, including any scrap amounts, must be checked by the Environment, Health and Safety (EH&S) Division for radioactivity before being returned to stock. There is no restocking fee for the return of unused metals.

C. FABRICATIONS

Equipment or materials unavailable from commercial sources may be fabricated at the Laboratory by job order or outside the Laboratory by purchase order or subcontract. (See *Property Management Guide,* Section 3, IV-C, "Make or Buy Decisions.")

CFO/Budget will determine whether a fabrication should be charged to an operations equipment account. Requests for such determinations should be accompanied by a statement indicating the need for the item, a description or drawing, the desired fabrication schedule, and a cost estimate for fabrication or installation.

D. CONSTRUCTION AND ARCHITECT-ENGINEER (A/E) SUBCONTRACTS

Subcontracts for architect-engineer services will be performed in accordance with the requirements of the University of California *Procurement Policy and Standard Practices* manual ("the Manual"). Selection of subcontractors will be based primarily upon offeror's qualifications. Cost, price, or other factors may also be considered in the selection of A/E subcontractors. With the exception of turnkey subcontracts, no subcontract for the construction of a project will be awarded to the subcontractor who designed the project or its subsidiaries or affiliates unless approved by DOE.

Subcontracts for construction will be performed in accordance with the requirements of the Manual and the State of California. In the event of a conflict between California and Federal requirements, the Federal requirements will take precedence.

E. BLANKET SUBCONTRACTS

A blanket subcontract is a type of subcontract that:

- Permits Laboratory stocks to be maintained at minimum levels with direct shipments to users and provides flexibility in ordering quantities and scheduling deliveries.
- Provides for delivery of a definite quantity of specific goods or services for a fixed period with deliveries to be scheduled at designated locations upon placement of a release.
- Provides for an indefinite quantity, within stated limits, of specific goods or services to be furnished during a fixed period.
- Provides for filling purchasing needs for specific goods or services scheduled by placing releases with a subcontractor during a specified subcontract period.

Blanket subcontracts are used to avoid the administrative cost of issuing multiple subcontracts and to obtain quantity discounts when a recurring need for goods or services is anticipated. Product analysis, market analysis, and/or prior purchasing history is used to determine if a blanket subcontract is advantageous to the Laboratory. Consideration is also given to socioeconomic goals.

Blanket subcontracts are often placed by CFO/Procurement for Laboratory-wide requirements.

Any product or service requested by an authorized technical coordinator under a blanket subcontract is called a "release." Each blanket subcontract has a listing of Laboratory personnel authorized to make releases and their level of authority.

F. AUTOMATIC DATA PROCESSING EQUIPMENT AND RESOURCES, INCLUDING PERSONAL COMPUTERS AND SCIENTIFIC WORKSTATIONS

DOE and Laboratory policies apply to the acquisition and management of automatic data processing (ADP) resources, including equipment, software, and services (including renewal of services). Acquisitions (whether one or more purchase requisitions or stock orders are involved) may require approval within the originating division and by the Office of Computing Resources (OCR), based on the following rules (follow the first rule that applies):

1. If an acquisition has a purchase-equivalent cost of $100,000 or more (before any burden or overhead), whether it consists of a single system or multiple systems, then it may be necessary to prepare several documents and have them approved by OCR. The following documents are required: a System Development Plan (for new systems), an ADP Resources Acquisition Justification form, and a Procurement Acquisition Plan. Contact OCR for further instructions regarding the first two documents and Procurement regarding the third. (OCR is located in the Computing Sciences Directorate.)

2. If an acquisition has a purchase-equivalent cost greater than the sole-source threshold (currently $50,000), then an ADP Resources Acquisition Justification form and, if applicable, a sole-source justification form must be submitted to OCR along with the purchase requisition(s). If the acquisition represents a new capability (as distinct from an expanded or upgraded capability), then a System Development Plan must be submitted as well. The ADP Resources Acquisition

Justification and System Development Plan forms, with instruction sheets, may be obtained from OCR.

3. If none of the above applies, then neither an ADP Resources Acquisition Justification form nor a System Development Plan is required, and the purchase requisition(s) may be sent directly to Procurement.

The ADP Resources Acquisition Justification form and System Development Plan are to be signed by the appropriate project manager, division director, or designee.

G. ACQUISITION OF EXCESS PROPERTY

The Laboratory is authorized to obtain used equipment or materials from Government excess material lists. The Environment, Health and Safety Division must be consulted when such an acquisition involves a potential hazard. Capital equipment or property must be coordinated with CFO/Property Services after or concurrent with these consultations. Requests for excess property are processed by Procurement.

H. PETTY CASH

Petty cash is used for procurements when the cost is $100 or less and the item is purchased by a Laboratory employee (other than a buyer in Procurement) or a low-value buyer acting at the request of the employee's division/department. Prior approval should be obtained from a designee of the Associate Chief Financial Officer, CFO/Business Services, before the procurement is made. The Laboratory encourages the use of the Procurement Card (Procard) whenever possible in lieu of the petty cash method (refer to Paragraph I, *Procurement Card (Procard) Program*, below).

Employees using petty cash must ensure that items purchased are:

- Not available through Stores in the required time or because of Stores accessibility constraints (i.e., needed after hours or while out of town).
- Not available through a current blanket order.
- Not available through other normal procurement procedures because of time constraints caused by an emergency or operational necessity. (The Emergency Duty Officer has limited procurement authority in emergency situations, which is preferable to use of petty cash.)

Laboratory employees must also ensure the purchased item is a standard, off-the-shelf–type article and that the firm from which the purchase is made is not on Procurement's list of employee-connected firms.

Some items cannot be purchased/reimbursed with petty cash. Please see Procurement for a list of items Laboratory employees cannot purchase using the petty cash method.

When Laboratory employees use a petty cash purchase, they must advise the vendor that Berkeley Lab has been granted California State Sales Permit—also known as a Resale Certificate—SR CHA 21-835970 so that tax will not be charged.

The purchase must be supported by a cash receipt or other proof of payment.

To receive reimbursement, the Petty Cash Certification and Reimbursement Request form must be completed, authorized by a person with petty cash approval authority, and submitted to CFO/Accounts Payable.

I. PROCUREMENT CARD (PROCARD) PROGRAM

Laboratory career employees, with approval from their divisions, may purchase low-value goods and services (nonrestricted material less than $5,000) directly with merchants using a University-authorized procurement card (Procard).

Procurement administers the program, is responsible for processing applications, delegating procurement authority, training, and providing on-going information and support. Cards are tied to active division accounts and authorized individuals. The cards may not be used by anyone other than the cardholder. Cardholders must keep documentation of their purchases and have their manager/supervisor sign-off on their Statements of Account.

The program lowers the administrative costs and speeds up the cycle-time by empowering designated employees to place orders with a procurement card. For further information regarding the program, and applications, refer to the CFO/Procurement Web site or e-mail the Procurement Card Administrator at *procard@lbl.gov*.

J. OVERVIEW

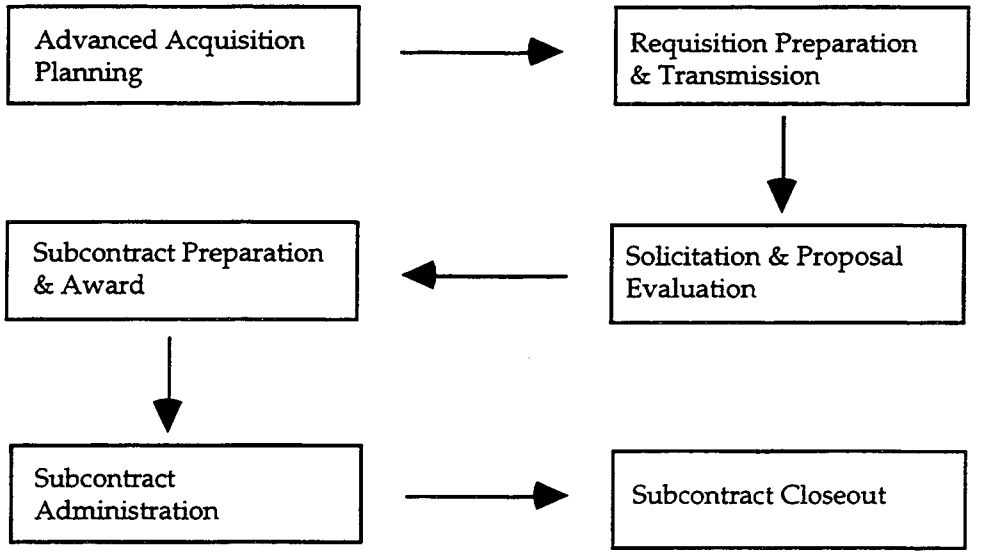
1. Starting the Procurement Process

Generally, procurements at the Laboratory can be initiated by:

- Using the Procurement Card program.
- Submitting an electronic requisition through Oracle, CFO/Procurement's online computerized system.
- Sending a completed requisition (Stock Form 7600-55438, *Purchase Requisition*, or Stock Material Order Form 7600-55659) with all the appropriate documentation.
- Using the low-value buyer(s) from the program/technical divisions.
- Mailing or faxing a Stock Material Order Form to Central Stores (see Paragraph B, *Stock Items*).
- Placing a release against a preestablished Blanket Subcontract or JIT Systems Agreement, if authorized.

2. Procurement Process Flowchart

The following is a flowchart of the Laboratory's overall procurement process.



3. Purchase Actions Placed by CFO/Procurement

CFO/Procurement processes all purchase actions listed below:

- Architect and engineer services.
- Allowable petty cash purchases under $100 paid by the employee and reimbursed by CFO/Accounts Payable.
- Aviation services.*
- Blanket subcontracts.
- Books, periodicals, and other publications procured by the Technical and Electronic Information Department Library under blanket subcontracts established by CFO/Procurement.
- Chemicals.*
- Computer or ADP equipment.*
- Construction.
- Consultant Agreements.
- Contract labor.*
- Cost-type subcontracts (primarily for R&D).
- Environmental subcontracts.
- Fabrications.

*Special purchases.

- Firm Fixed Price or Firm Fixed Price Level of Effort (LOE) subcontracts.
- Gases (helium, etc.).*
- Intra-University Transactions (IUTs) for work at University of California campuses.
- Isotopes.*
- Leases.*
- Leases for real estate rental.*
- Maintenance (some items).
- Personal Service Agreements.
- Precious metals.*
- Repairs* (some items).
- Software licenses.*
- Stores catalog items,* office equipment,* and standard furniture* procured under subcontracts established by CFO/Procurement. (Day-to-day ordering against existing Stores agreements is performed by Facilities Inventory Management.)
- Subcontracts with other DOE Laboratories, facilities, or contractors (these subcontracts are sometimes called "Memorandum Agreements").
- Subcontracts with Government agencies or organizations for special materials not commercially available, but which can be obtained from Government sources. DOE approval is required. (These subcontracts are also referred to as "Memorandum Agreements.")*
- Telecommunications.*
- Utility services.*

4. Purchase Actions *Not* Placed by CFO/Procurement

- Advertising (except for Procurement actions and Berkeley Lab employment).
- Aircraft.**
- Alcoholic beverages.**
- Business cards.**
- Contingent fees.**

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* Special purchases.

** Unallowed under the Prime Contract between the Department of Energy and the University of California for the operation of Berkeley Lab.

- Contributions or donations.**
- Entertainment expenses.**
- Equipment and material borrowed from outside sources. (Employees must contact CFO/Property Services to complete a Borrow Agreement.)
- Fines or penalties.**
- Lobbying costs.**
- Memberships in social, dining, or country clubs.
- Motor vehicles.
- Narcotics (illegal).**
- Ornamental items (pictures, plants, etc.).**
- Parking spaces on an individual basis.**
- Promotional items, memorabilia, models, gifts, and souvenirs.**
- Subcontracts *over* $100,000 with other DOE Laboratories, facilities, or contractors. (Those subcontracts are now handled as Intra-DOE Work Orders through the CFO/Budget.)
- Trade of Government property (see Section 6.03, *Property Management*).

5. Special Purchases

Some commodities, such as isotopes, are subject to special treatment, Laboratory approval, and/or DOE approval prior to award of the subcontract. Questions regarding these types of purchases should be directed to Procurement.

6. Lead Times

For the procurement process to work most efficiently, three procurement lead times must be considered.

- The requisition lead time (i.e., the time it takes the requester to prepare and submit a complete and approved requisition package to CFO/Procurement).
- The lead time that CFO/Procurement needs to obtain and evaluate offers, conduct negotiations as necessary, and award the requirement.
- The subcontractor's performance lead time necessary to deliver the required goods or services.

When establishing a delivery date, or a date for services to commence, employees must remember to consider *all* these lead times. If the requirement is urgent, explain the emergency to the Procurement

** Unallowed under the Prime Contract between the Department of Energy and the University of California for the operation of Berkeley Lab.

Specialist as soon as possible. If accelerated performance from a subcontractor is required, the requesting organization may have to pay for premium time, and costs may increase substantially.

Procurement lead times vary from about one to three days for a telephone order, and over 60 days to several months for complex and/or high-dollar subcontracts.

It should also be noted that some subcontracts or purchase orders and some change orders over $100,000 are subject to development of an Advanced Acquisition Plan (AAP), which is discussed in Paragraph K 1, below.

Exceptions. The procurement lead times given above do not include other Laboratory, University, DOE, or U.S. Department of Labor approvals required prior to subcontract award associated with:

- Architect-Engineers ($1 million).
- Computer-related procurements (at $50,000, the Laboratory's Office of Computing Resources must review prior to award).
- Construction ($1.5 million).
- EEO Pre-Award Clearance (for procurements over $1 million, except construction subcontracts, work performed outside the United States, and work performed on American Indian land).
- Environmental hazards.
- Foreign ownership of the company proposed for award.
- Nonprofessional labor services (e.g., truck drivers, inspectors, laborers, computer repair technicians) when the subcontract exceeds $2,500, which under the Service Contract Act of 1965 (SCA) requires a Department of Labor wage determination before award.
- Organizational Conflicts of Interest (OCIs).
- Signature approvals.

Certain factors in a requisition may affect procurement lead time:

- The delivery date is critical or would alleviate a major emergency.
- The commodity is a hazardous material.
- The commodity needs special handling because of its perishable nature.
- Government-furnished property will be provided.
- Subcontractor-acquired property will be a requirement.
- Subcontractor performance is on-site.
- The performance of the subcontract will involve access to classified material, special nuclear materials, or security areas.
- There are special quality assurance requirements.

- There is a potential organizational conflict of interest.
- Cost is not the only factor in the selection for award.

When such conditions exist, the appropriate section of the requisition or the accompanying documentation should be highlighted for better processing of the procurement.

A procurement specialist knowledgeable in the specific type of procurement requirement and the associated industry can be consulted to get an estimate of the subcontractor's performance time prior to submitting your requisition to Procurement.

K. PROCUREMENT PROCESS

1. Procurement Planning

The procurement process starts with good planning. The level of procurement planning is dependent on the dollar value and complexity of a proposed subcontract.

Procurement planning is an essential tool for both requisitioning organizations and CFO/Procurement because it provides a method for early notification of intended requirements and an understanding of the entire procurement process from inception through completion. The information gathered at this stage can also be used for budgeting and scheduling purposes. CFO/Procurement uses such information for:

- Planning and estimating workload.
- Identifying opportunities for awards to small, small-disadvantaged, and women-owned businesses.
- Identifying opportunities for competition.
- Consolidating like requirements on an institution-wide basis.

Procurement planning also enables procurement specialists to become involved in the procurement process as early as possible. This early involvement helps assure that the work meets the mission or program needs.

Procurement planning at the Laboratory is addressed by submission of an Advanced Acquisition Plan by the requestor for each purchase of $100,000 or more.

For transactions of $100,000 or more the program/technical division requesters also enter the acquisition information electronically into an AAP database that lists the purchasing requirements and schedule for acquisitions at various dollar levels. The database entries are made using the computer system Focus/Toolkit.

The Advanced Acquisition Planning System requires that these transactions be input to the AAP database at least 30 days prior to the time that the purchase requisition will be issued to CFO/Procurement. If this procedure is not followed, CFO/Procurement reserves the right to add 30 days to the Procurement Plan to compensate for the lack of advance notice. The 30-day period will be used by Procurement to review the requester's description and requirements and develop a Procurement Plan. This procedure enhances socioeconomic and competition opportunities by providing lead time for the development of source lists from market research, market surveys, public notices, advertisements, etc.

2. Requisition Submittal

Requisitions can be submitted electronically to CFO/Procurement via Oracle, in hard copy via Berkeley Lab mail, or dropped off at CFO/Procurement's reception desk. Requestors are encouraged to submit requisitions electronically.

Requisitions will be screened to assure they are correctly filled out and that all necessary approvals are present. An incomplete requisition will be returned to the requester with a notice of its deficiencies.

3. Requisition Change

Any change modifying the quantity, funding, account number, terms, or specifications of a *requisition already submitted* may require either resubmittal of the requisition or, minimally, a supporting memo explaining the change.

Changes to existing or expiring subcontracts are also initiated by a purchase requisition.

Things to remember when submitting a change/modification requisition:

- Indicate "CHANGE" on the requisition.
- Reference either the original requisition number, subcontract number, and/or buyer's name.
- Fully explain in the description field what the change/modification covers and, if applicable, provide a new scope or statement of work.
- If there is a change in price, supply the account number.
- In the "cost not exceed" field of the requisition, write the amount of the change only and then in the body of the requisition note what the original requisition amount was prior to change, the increase or decrease of proposed change, and the new total.

NOTE: The authorized signature must have authority for the dollar amount of the change.

4. Information Required for Requisitions

The following fields on the requisition form are to be completed by the requisitioning organization (incomplete information can lead to delays in processing the requisition; delays can also result if the requisition is unreadable; whenever possible, the requisition should be typed):

- "Requested by, Bldg., Room"
- "Delivery to Bldg."
- "Notify"
- "Approved by"
- "Account No. and Subaccount"
- "Requisition Date"
- "Date Needed"

- "Cost Not to Exceed"

NOTE: On a requisition with incremental funding, the amount shown in the "Cost Not to Exceed" block is the amount of funding currently available. The total estimated cost, with a breakdown of future funding, must be shown in the body of the requisition.

- "Item, Specifications, Catalog Reference (Description)"
- "Quantity"

NOTE: Always provide the name and telephone number of the individual technically qualified to answer questions relating to the requisition.

The program/technical division requester must review purchases for potential hazards and select one or more of the nine appropriate choices indicated on the requisition. *CFO/Procurement will not process the requisition until this information is obtained.*

The requisition hazard review box states the hazard(s) as follows:

- Biological.
- Chemical (solid, liquid, or gas).
- Laser.
- Microwave (or radio-frequency (RF) radiation source equipment, other than a food oven).
- Other hazards.
- Radiological.
- X-ray.
- Service contracts (these could involve hazards such as waste removal, biohazards, chemicals, etc.).
- No hazard.

Every individual performing work at the Laboratory or at one of its off-site locations is responsible for understanding the properties of the hazards with which they will work. Before ordering, review all requirements as mandated in the EH&S *Health and Safety Manual* (PUB-3000), *Chemical Hygiene and Safety Plan* (CHSP) (PUB-5341), and Facilities Notebook. Each department is responsible for assuring that the quality assurance, PUB-3000, and CHSP requirements are met in handling all materials.

5. Requisition Approvals

Beyond Laboratory procurement, the purchase of many commodities and services must be approved by various organizations—CFO/Budget, OCR, EH&S, etc. These approvals should be obtained before forwarding the requisition to CFO/Procurement. Any requisition that does not have the appropriate approvals will be returned to the requisitioning division.

6. Defining the Requirement

Adequately describing the purchase requirement helps ensure timely requisition processing. It is important that purchase requirements are clearly defined on the requisition, or on an attached specification, Scope of Work, or Statement of Work. Identify items by generic noun ("personal computer"), defining adjective, and any other useful description. List the model number and manufacturer when applicable with use of the phrase "or equal" to allow for fair and effective competition, if another brand of equal capability can be accepted. The Laboratory's minimum requirements must be described in detail to fairly evaluate any offers received for that product or service.

7. In-House Cost/Price Estimates

Prior to solicitation, the Laboratory should have an estimate of the proper price level or the value of the supplies or services to be purchased, i.e., the estimated price of the subcontract. It is generally the requester's responsibility to develop these estimates. Estimates can range from simple budgetary estimates to complex estimates based on the requester's assessment of the labor, materials, and other quantitative elements of performance.

8. Quality Assurance

The requester must identify any quality requirements for the subcontract on the purchase requisition. The need for, type of and extent of quality requirements to be included in a specification or Statement of Work depends on the particular circumstances, and may range from inspection at the time of acceptance to a requirement for a subcontractor's implementation of a comprehensive quality assurance program.

Subcontract quality requirements fall into three general categories, depending on the extent of quality assurance the Laboratory needs for the acquisition involved:

a. Reliance on inspection by the subcontractor.

b. Standard inspection requirements, where the Laboratory has the right to test and inspect to the extent practicable at all places and times, including during manufacture and in any event before acceptance.

c. Higher level subcontract quality requirements, such as MIL-I-45208 and MIL-Q-9858 or even ANSI/ASQC Q90-94/ISO 9000 or ANSI/ASME NQA-1.

In identifying quality requirements in the Statement of Work, the requester should consider:

- The degree to which failure of the product or service could cause undue risks to employees or to public health and safety.

- The degree to which failure of the product or services would cause degradation of required performance or reliability to operations, data acquisition, or other deliverables.

For further information or assistance in assessing how to treat QA requirements in Statements of Work and/or specifications, contact the Laboratory's Office of Assessment and Assurance (OAA).

9. Property

Government-furnished property (GFP) is property owned by the Government (almost everything at the Laboratory is Government property) and made available to a subcontractor for its use during performance of work under a specific subcontract with the Laboratory. The term includes Government-furnished equipment, Government-furnished supplies, and property that a subcontractor acquires or otherwise provides under a subcontract (subcontractor-acquired property: SAP).

If GFP will be involved in performance of the desired work, it must be identified in the purchase request. Where the specific property can be identified at the outset of the procurement process, the requester must provide:

- A detailed item description.
- The Government/Laboratory property identification number.
- The approximate acquisition value.

Since the Laboratory is responsible to DOE under Contract 98 for managing all Government property in its possession, procurement actions involving GFP must be coordinated with CFO/Property Services throughout the process, from requisition to subcontract closeout.

10. Organizational Conflict of Interest

An Organizational Conflict of Interest (OCI) means a relationship or situation exists in which an offeror has past, present, or currently planned interests that relate to the work to be performed under a Laboratory subcontract, and the conflict may reasonably:

- Diminish the offeror's capacity to give impartial, technically sound, and/or objective assistance or advice, or
- Result in the offeror being given an unfair competitive advantage (does not preclude the normal flow of benefits from performance of a subcontract).

Requisitions and Statements of Work will be reviewed in CFO/Procurement to make an initial determination of whether they constitute a potential OCI situation. If the answer is "Yes," the requester must fill out a Pre-Procurement Organizational Conflict of Interest Fact Sheet, to aid in evaluating the situation. If, after evaluation, the procurement is found not to raise OCI concerns, the issue will be put to rest and the action will proceed.

If, after evaluation, the procurement is found to raise an OCI concern and the procurement cannot be modified to remove any problem aspects of the Statement of Work, then the solicitation must include an OCI clause and require the offerors to respond with information for Laboratory and DOE evaluation.

The responses must be evaluated by both CFO/Procurement and DOE, but DOE makes the decision on whether:

- An OCI exists.
- The OCI can be avoided and an award made.
- An offeror must be rejected and the award made to another.

11. Solicitations

a. **General.** Only CFO/Procurement personnel can solicit offers from suppliers that may result in the negotiation and award of subcontracts. The exception to this general rule is where External Low Value Buyers place oral orders and for Procurement Card transactions.

b. **Supplier Information.** Any information provided to the program/technical divisions by a vendor on price, availability, or other product or service-related information is treated as just that—information. Because the information probably did not take into account the terms and conditions or other

requirements that might affect the purchase, CFO/Procurement must deal directly with potential suppliers to ensure that all of the Laboratory's requirements are considered in awarding a subcontract.

c. **Evaluation of Competitive Offers.** Since one of the priorities in the Laboratory's procurement system is to treat all potential suppliers fairly, the Laboratory is required to clearly state the basis for evaluating competitive offers submitted in response to its RFPs. Offer evaluation may be as simple as taking the low price on a commercial item to a very detailed trade-off on significant technical, management, and cost/price criteria.

d. **When Award Cannot Be Based on Cost or Price Alone.** When a subcontractor will be selected based on cost or price and other factors (e.g., technical excellence, methodology, proposed personnel), detailed evaluation factors will be required. The requester will be asked to participate with the procurement specialist in developing the evaluation factor for the solicitation.

Evaluation factors should be aimed at ascertaining the distinctions among the offerors on significant aspects of the work to be performed rather than identifying the relatively unimportant differences to be expected when multiple offers are received.

The evaluation criteria will be stated in the solicitation to explain to potential offerors how the Laboratory will select the subcontractor.

After the closing date for receipt of offers, the requester will participate in evaluating the offers received against the evaluation factors stated in the solicitation. Once the due date for receipt of offers passes and evaluation of offers starts, *the evaluation criteria cannot be changed.* Offers must be evaluated in accordance with the criteria set out in the solicitation.

12. **Negotiation**

a. **General.** The Laboratory purchases most of its required goods and services through a process known as "negotiation." Negotiation procedures involve issuance of a solicitation and receipt of proposals. The procedures permit discussion with suppliers regarding all the terms and conditions of the subcontract and may afford an offeror the opportunity to revise an offer before a decision is made regarding subcontract award. Elements to be negotiated may be limited to price, but often extend to delivery period, payment schedule, specifications or SOW, patent and technical data rights, etc.

In some cases, notably in construction, the Laboratory does not negotiate the initial award, but instead relies on a formal bidding process where discussion is not used. The low-priced, responsive, and responsible offer wins without further discussion.

While the procurement specialist is responsible for preparing and conducting negotiations, the requester has an important role to play in evaluating technical proposals, analyzing cost elements, and otherwise advising on the Laboratory's negotiation position.

Depending on what is being purchased, the procurement specialist may request the assistance of the requester or technical coordinator in performing technical review and technical analysis, as required.

b. **Technical Review.** Technical review is the evaluation of an offeror's proposal to determine whether it meets the requirements of the solicitation.

c. **Technical Analysis.** Technical analysis is done to determine and report on the need for and reasonableness of the offeror's proposed application of resources to the work, assuming reasonable economy and efficiency.

When performing a technical analysis, the following should be considered, at a minimum:

- The proposed technical approach and processes.
- The proposed quantities and kinds of materials and labor.
- The proposed requirements for special tooling and facilities.

Technical analysis deals with both qualitative and quantitative issues.

d. **Cost or Price Analysis.** Using the technical evaluation information provided, along with information from other sources, the procurement specialist will analyze the proposed cost or price to determine whether it is reasonable as proposed, or whether the Laboratory should negotiate for a better deal.

e. **Selection Committee.** For major critical procurements that are competitively quoted using technical, business, and management evaluation criteria, along with price considerations, the selection process may include a selection committee chaired by a procurement specialist.

The selection committee is composed of qualified technical and administrative personnel, is small (normally not exceeding five voting members), and has an odd number of voting members, including the chairperson, to provide a tie-breaker.

The committee chairperson discusses the issue of conflicts of interest with the committee members, and reviews the list of offerors for possible conflicts of interest. Also, committee members are requested to sign a Conflict of Interest Certificate, when appropriate.

A draft Statement of Work and suggested selection criteria are provided by the responsible program/technical division for use by CFO/Procurement in preparing the solicitation. These documents are received by the committee and are reviewed and approved by the Procurement Manager.

After receipt of the offerors' proposals, the selection committee performs the evaluations and prepares a written report of its activities and decisions, including award recommendations. This report is taken under consideration by the procurement specialist, the technical coordinator, and the CFO/Procurement official who will authorize the award. The procurement specialist then negotiates any remaining issues with the selected firm.

f. **Conducting Negotiations.** The procurement specialist is responsible for conducting all negotiations with offerors. However, the requester's support may be required to analyze new information or responses provided by the offeror during the course of the negotiation process. As a team, the goal is to obtain the required goods and services at reasonable prices and under reasonable terms.

Discussions with offerors are particularly sensitive during solicitation, evaluation of offers, and negotiation. Technical coordinators or requesters should not have separate discussions or negotiations with offerors.

13. Protests

The Laboratory is required to treat all potential subcontractors fairly and equitably. When an offeror or subcontractor believes that it has not been so treated, that subcontractor has the option of filing a protest direct with CFO/Procurement, the University, or DOE. A protest is a very powerful action. It can hold up work on a subcontract that has already been awarded, or it can hold up any further action on a subcontract that is under negotiation but has not yet been awarded.

The following are some situations that could cause a protest:

- A specification or SOW that unnecessarily restricts competition.
- Program/technical divisions negotiating on their own with a vendor or promising to purchase something from a vendor (this could also become an unauthorized procurement).
- Information provided to one potential subcontractor that is not available to competing subcontractors.
- Proposal information disclosed to a competing subcontractor.
- A potential subcontract discussed with anyone not directly involved with the process.

When there is doubt about the propriety or the consequences of an action during the purchasing process, a procurement specialist should be contacted for advice.

14. Noncompetitive Actions

A procurement is noncompetitive when it is entered into or proposed to be entered into after solicitation and negotiation with only one potential vendor/subcontractor. The Laboratory uses the terms "sole source" and "noncompetitive" synonymously in describing the procurement process followed in such cases.

Generally, a noncompetitive action may be justified for the following reasons:

- Unique capability, expertise, facilities, or equipment that no other source can provide to satisfy the Laboratory's requirements.
- Standardization of parts and/or compatibility with existing equipment.
- Follow-on work for continued development or enhancement of goods or services when it is likely that award to a source other than the incumbent subcontractor would result in substantial duplication of costs that would not be recovered or would cause unacceptable delays in fulfilling the program needs.
- Unusual or compelling urgency (for example, the necessity to shorten the procurement time to meet milestone dates established by a Government agency).
- Industrial mobilization or engineering, development, or research capability.
- Identified source is acknowledged to be the leader in its field of expertise as demonstrated in reputable and valid literature, symposia presentations, etc. While normally not appropriate for commercial goods and services, this identification may be appropriate in subcontracting for research and development.
- International agreement.
- Authorized or required by statute.
- National security.
- Public interest.

A formal justification must be provided for sole-source purchases greater than $50,000 and for all intra-University transactions in excess of $25,000. The *Justification for Sole Source Procurement or Intra-University Transaction* form, obtained from CFO/Procurement, shall be used for documenting sole-source and IUT actions.

The Laboratory must ensure that subcontracting is consistent with efficient performance of the program mission and the nature of supplies and services being purchased. Consequently, noncompetitive (sole-source) procurements should only be used when no other reasonable alternatives exist.

L. SOME IMPORTANT TERMS AND CONDITIONS OF LABORATORY SUBCONTRACTS

1. Environment, Health, and Safety

Subcontractors are required to take all reasonable precautions at Laboratory sites to protect the environment, health, and safety of all persons involved and to comply with all applicable environment, health, and safety regulations and requirements of the Laboratory and DOE. The Laboratory may stop the particular work any time a subcontractor fails to comply.

2. Insurance and Indemnification

The Laboratory requires subcontractors to maintain insurance:

- When work is performed predominantly on Laboratory premises.
- When Government-furnished property is provided to a subcontractor.
- When the nature of the work poses a significant potential exposure to the University and the Government.

The level of insurance required varies depending on the relative hazard of the work being done and the likelihood of loss. Some operations are more hazardous than others. Some subcontracts are not hazardous but the possibility of loss may be significant.

As proof of insurance, the subcontractor must provide an industry-standard certificate of insurance prior to working on-site. Except for Professional Liability and Workers' Compensation Insurance, the certificate of insurance must name the Regents of the University of California and the U.S. Department of Energy as additional insureds.

The Laboratory risk manager may waive, revise the limits of, or prescribe the types and levels of insurance required for particular types of work.

No subcontractor may be indemnified unless prior approval is obtained from DOE-HQ and the Regents of the University. Laboratory counsel should be consulted on any request by a subcontractor for indemnification.

3. Patents, Data, and Copyrights

Pursuant to Contract 98, the Laboratory is required to include in its subcontracts provisions pertaining to patents, data, and copyrights. These provisions basically concern such matters as patent rights, rights to data, including copyrights, and patent and copyright infringement.

Requesters/technical coordinators are expected to ensure the subcontractor's obligations in these matters (e.g., reporting inventions, reporting notices or claims of infringement, and securing required DOE approvals) are properly fulfilled. If the subcontractor does not meet these obligations, the technical

coordinator is expected to notify CFO/Procurement immediately so that appropriate timely action may be taken. (See Section 5.03, *Patent Policy.*)

4. Subcontracts with Foreign Travel

The Laboratory must obtain DOE approval for each request for foreign travel by a subcontractor prior to the travel. Foreign travel means any travel outside of Canada and the United States and its territories and possessions.

5. Sales Tax

The Laboratory generally does not pay California sales tax, as most of our purchases are considered to be "for resale" to the Government. When Laboratory employees have a petty cash, low-value, or Procurement Card purchase, they must advise the vendor that the Laboratory has been granted California State Sales Permit—also known as a Resale Certificate—SR CHA 21-835970.

6. Aviation Services

All charter and lease agreements between aviation service subcontractors and the Laboratory must adhere to the safety policies and procedures of U.S. Department of Energy Order 5480.13A, *Aviation Safety*, or its successor order.

M. SUBCONTRACT ADMINISTRATION

1. Administration

CFO/Procurement negotiates, awards, and issues subcontracts to meet program requirements for goods and services. This activity, however, is only the beginning of the process. Once the subcontract is awarded and issued, the subcontract must be administered to ensure that the Laboratory gets what was intended.

Monitoring performance is a common responsibility of the procurement specialist and the requester. Performance must be monitored for delays, schedule slips, quality deficiencies, financial status, etc. The program/technical divisions must advise the assigned procurement specialist of any indication that performance is not what the Laboratory expected.

The Laboratory must develop a clear and obvious record of all actions taken by the Laboratory or the subcontractor. A complete documentation record can assist in the resolution of problems at a later date, or provide information for the evaluation of similar projects or problems in the future.

Problems need to be identified and resolved before legal issues become unavoidable.

2. Changes

Only the procurement specialist is authorized to modify subcontract terms or take any action to enter into a change order or other contractual commitment on the part of the Laboratory. While under some subcontracts it is normal for the requester to have ongoing technical interchange with the subcontractor during performance, no alternation of subcontract requirements may be authorized during these discussions.

3. Invoice Verification

Requesters must verify that services were rendered as required by the subcontract before a subcontractor's invoice can be processed for payment by CFO/Accounts Payable.

4. Subcontract Closeout

When subcontract performance is physically complete, the requester may be contacted to verify, in writing, that all work and/or deliverables are satisfactory. Further, the requester may be asked to identify all Government-furnished property, subcontractor-acquired property, drawings, designs, specifications, publications, etc., that require disposition prior to subcontract closeout.

Many subcontracts can be closed when the procurement specialist receives evidence of the receipt of goods or services and/or evidence of final payment.

N. UNAUTHORIZED PROCUREMENTS

Laboratory employees are reminded that only authorized CFO/Procurement personnel, or others who have been delegated low-value purchase-order authority, including Procurement Card authority, may commit the Laboratory to expenditures for goods or services.

An individual who is not an authorized designee and who purchases goods or services may be responsible for payment of charges incurred.

O. REFERENCES

While this section has briefly highlighted Laboratory policies and procedures pertinent to obtaining goods and services, the University of California *Laboratory Procurement Policy and Standard Practices Manual* defines these policies and procedures in detail. Copies of that manual are available from CFO/Procurement's Web site.

6.02 USE OF PROPERTY AND SUPPLIES	Approved: C.J. Courey 8/15/96

A. GENERAL

1. This section briefly highlights Laboratory policies and procedures pertinent to the use of property and supplies. The Laboratory *Property Guide*, PUB-3032, defines these policies and procedures in detail. Copies of the Guide are available in division offices and from CFO/Property Services.

2. Facilities, tools, supplies, materials, and equipment used by the Laboratory are U.S. Government property. As such, their use on or off the Laboratory site for any purpose other than official Laboratory business constitutes a type of conflict of interest and is illegal and prohibited. Individuals guilty of such improper activity are subject to disciplinary action by the Laboratory and prosecution under Federal law (Title 18, U.S. Code). Disciplinary action by the Laboratory for improper, dishonest, or illegal activities may include official reprimand, warning, temporary or indefinite salary decrease, suspension without pay, demotion, or dismissal. Prosecution at the discretion of the U.S. Attorney may result in a fine or imprisonment or both.

3. Arrangements can be made to lend Laboratory property to approved organizations. These arrangements are made by Property Services (see Paragraph D below, *Property Loans*).

4. Walk-through inspections of Laboratory areas are conducted biennially to identify any unused equipment that may be redeployed. Results of the walk-through are reported to the DOE.

B. RESPONSIBILITIES

1. It is Laboratory policy that efficient use be made of all materials in its custody and that adequate care be taken to protect material from loss or damage. Each Laboratory division is responsible for planning its own property requirements, for allocating, using, and maintaining its property resources in the most effective manner, and for maintaining a safe working environment.

2. Supervisors are responsible for reporting and dealing with improper activities occurring within their areas of responsibility. Examples of activities that are improper and prohibited are the following:

   - The conduct of personal business using Laboratory materials, facilities, or vehicles or during work hours. This includes the repair of radios, bicycles, motor vehicles, and similar items and the use of Laboratory computers, photographic supplies, copiers, and office supplies.

   - Removal of equipment from the site without proper authority.

C. EQUIPMENT POOLS

Equipment pools allow effective use of equipment when user needs are short term or intermittent. Pools serve the needs of large research groups or departments, divisions, or the Laboratory as a whole. Following is a list of current pools and responsible units.

Equipment Pool	*Responsible Units*
Audiovisual Instruments	*Information & Computing Sciences Division*
Accelerator Equipment	*Nuclear Science Division*
Business Machines	*Facilities Department*
Motor Vehicles	*Facilities Department*
Optical Instruments	*Mechanical Engineering Department*
Furniture	*Facilities Department*

D. PROPERTY LOANS

Laboratory property and supplies are for official Laboratory use only and may not be loaned to or used by non-Laboratory personnel or organizations without proper Laboratory and DOE approval. Requests to make such loans should be directed to CFO/Property Services. Property being loaned to other organizations must be processed through the Shipping Section, with CFO/Property Service's approval.

Employees arranging to personally return loaned property to the Laboratory must notify Receiving to ensure that the return is recorded and the loan closed out.

E. EXCESS PROPERTY

The Facilities Department is responsible for processing all materials (including software) in excess of the needs of a Laboratory unit. Such material should be sent to the Property Reuse Center. Excess property is listed by the Excess Disposal section in an electronic report that is distributed to division offices and interested Laboratory units. If such excess material is not promptly reserved for use on Laboratory work, it will be listed for review by other DOE contractors or governmental agencies, in accordance with DOE regulations. In no case should this material be removed by employees for personal use.

Excess property that has completed this screening process may be donated to nonprofit educational institutions or sold as surplus property.

F. PROPERTY LOSS OR DAMAGE

All losses and any damage (excluding normal wear) involving Laboratory property must be reported to the Property Manager. If it appears that theft, vandalism, sabotage, or willful destruction of any Laboratory property is involved, the incident must also be reported to the University of California, Berkeley, Police Department. In addition, employees must report all accidents involving Laboratory vehicles to the Environment, Health and Safety Division (EH&S). The necessary forms can be obtained from the Motor Pool and EH&S offices.

6.03 PROPERTY MANAGEMENT	Approved: C.J. Courey 8/15/96

A. GENERAL

Supervisors are responsible for the proper use and control of property and supplies used by their groups. The overall management and control of property at the Laboratory is coordinated by CFO/Property Services in accordance with procedures and policies described more fully in the *Property Guide*. Copies of the Guide are available in division offices and from CFO/Property Services. Some of the more important procedures and policies are described below.

B. INVENTORY

1. Capital Equipment

Capital equipment assets are inventoried once every two years under the direction of CFO/Property Services. The assistance of division personnel and property custodians is obtained as necessary to locate items.

2. Sensitive Assets

Sensitive assets are inventoried annually under the direction of CFO/Property Services. User accountability records of transfers or returns are maintained for these items.

3. Stores Stock

Storeroom catalog items are inventoried at least once every five years. Inventories are conducted by Materiel Services personnel and audited by CFO/Property Services. Approximately 15 separate inventories are scheduled each fiscal year.

4. Controlled Substances

Inventories of controlled substances are conducted by CFO/Property Services every year in accordance with Federal regulations. CFO/Property Services conducts an inventory every other year and an unannounced inventory during alternate years.

5. Precious Metals

Physical inventories of precious metals are conducted annually by holders and audited by CFO/Property Services.

6. Radioactive Sources

Radioactive sources are inventoried and physically inspected annually by the Environment, Health and Safety Division.

C. STORAGE OF PROPERTY

Warehouse storage of Laboratory material is provided by the Off-Site Facilities Section of Support Services. To store material off-site, authorization on a Stock Form 7600-55925, *Warehouse Storage Request*, approved by a group leader or department head, is required. Items in storage are periodically reviewed

to ensure that retention is justified. Continued retention may require Deputy Director of Operations and DOE approval.

D. SALE OR TRANSFER OF PROPERTY

All sales or transfers of Government property and normal transfer of excess material require approval of CFO/Property Services.

E. PROPERTY MOVEMENT RECORDS

1. General

Except as noted below, removal of all property from the Laboratory requires documentation on a Stock Form 7600-55567, *Shipping Document*, or a Stock Form 7600-67344, *Material Pass*, for record and control purposes.

2. Shipping Documents

A Stock Form 7600-55567, *Shipping Document*, is required in all situations where property is removed from the Laboratory, except as noted below. This document is also required in cases involving "hand carrying" property by employees in travel status. It may be prepared by either the requester or the Shipping Section of Materiel Services. (Reference PUB-3072, *Mail and Shipping Services Guide.*)

3. Material Passes

a. Under the following circumstances, Stock Form 7600-67344, *Material Pass*, may be used in lieu of a *Shipping Document*:

   (1) For use in connection with visits to suppliers performing Laboratory work, where the material will remain in the custody of Laboratory personnel.

   (2) For short-term or intermittent use to perform Laboratory work at home or a Bay Area work location; e.g., LLNL, Richmond Field Station.

   (3) For short-term use in connection with authorized attendance at a meeting, seminar, exhibit, or lecture.

   (4) When an emergency does not permit time for preparation of a *Shipping Document.*

b. *Material Passes* must be prepared in advance and submitted to CFO/Property Services. The passes must be completely filled out and signed by both the employee and supervisor or by CFO/Property Services. The reason for removal of the property must be clearly stated. When the property does not belong to the Laboratory, the ownership and reason for having the property on site must be shown.

4. Exceptions

Property-removal records are not required in the following cases:

- When Laboratory Transportation personnel transport property in official vehicles from Berkeley to LLNL, to recognized off-site warehouse storage locations, or to the Laboratory campus buildings.

- When EH&S personnel transport radioactive material in official vehicles to LLNL.

- When employees are removing unwrapped and obviously personal items such as wearing apparel, lunch boxes, newspapers, books, and magazines.

- When vendors, contractors, etc., remove their own property from the Laboratory, unless the property had been borrowed for Laboratory use.

- When employees remove documents, books, and other printed matter that will remain in the individual's custody until returned to the Laboratory.

- When scrap and salvage dealers remove equipment items and materials from the Laboratory under blanket orders or other approved sales contracts.

- When refuse is being removed from the Laboratory.

5. Equipment Movement Records

A Stock Form 7600-59226, *Equipment Movement Record,* is necessary to document the movement of equipment or the permanent reassignment of sensitive equipment from one employee to another. The use of the *Equipment Movement Record* or other written notification to CFO/Property Services is required to record all movement of all other inventorial equipment contained in the Property Management and Accounting System. An electronic-equipment movement form is available online through the Laboratory's central computer.

F. PROPERTY RETIREMENT

Equipment items that are of no further need should be sent to the Property Reuse Center. Items that have value in their parts may be cannibalized by users only after obtaining permission from CFO/Property Services. This is particularly important in the case of data-processing equipment. The EH&S Division must monitor and tag equipment for radioactivity before it is sent to the Property Reuse Center (see the *Health and Safety Manual,* PUB-3000). CFO/Property Services will assist in preparing retirement records to remove such items from the accounting records.

G. INSURANCE OF PROPERTY

1. Because title to Laboratory property rests with the U.S. Government, Federal Statute (5USCA-134) prohibits the insurance of such property under the Government policy of "self-insurance." Employees who arrange for shipments of Laboratory property or who travel with Laboratory property should not insure such shipments. Reimbursement will not be made for any premiums paid.

2. Arrangements to insure non-Laboratory property borrowed for Laboratory use are made through the Chief Financial Officer, who is responsible for obtaining any necessary DOE approvals.

H. PROPERTY ACQUIRED AS A GIFT

1. Any property item that has been accepted as a gift or that has been purchased with funds specifically accountable as a gift must be reported in accordance with University and Laboratory practices (see Section 1.17, *Solicitation and Acceptance of Gifts*). Gifts are accepted in the name of the University and become the property of the University—not of the U.S. Government. The Sponsored Projects Office will be responsible for reporting gifts of property to Property Services. Such reporting will include the cost (include sales tax); nomenclature (manufacturer, model, serial number); user name; user account; location (building and room); any other pertinent information.

2. CFO/Property Services will ensure that the gift is identified with a property number decal and have the equipment entered into the Property Management and Accounting System.

I. PERSONALLY OWNED PROPERTY

Personally owned property must not be installed in, affixed to, or made a part of any Government-owned property. This restriction does not apply to small personally owned decorative items or memorabilia at the workplace. In all cases, the Laboratory is not responsible for loss of or damage to any personally owned item.

7.00 HEALTH AND SAFETY

7.00 HEALTH AND SAFETY

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7.00 HEALTH AND SAFETY	Approved: D.C. McGraw 3/15/95

A. SAFETY POLICY

It is the policy of the Ernest Orlando Lawrence Berkeley National Laboratory to provide a safe and healthful working environment for its employees, participating visitors, and other visitors; to prevent any harm to the health and safety of the general public or to the environment as a result of the Laboratory's activities; and to protect its property from damage or loss due to accidents or other cause. The *Health and Safety Manual*, PUB-3000, defines Laboratory safety policies and provides for their implementation.

B. RESPONSIBILITIES

The Laboratory Director has the ultimate responsibility for safety at the Laboratory and, in particular, for the establishment and the administration of environment, health, and safety policies that meet the requirements of the Department of Energy.

The Laboratory Director has delegated to all levels of management the authority to implement the environment, health, safety, and emergency-preparedness policies of the Laboratory.

- Division directors are responsible for ensuring that the Laboratory's environment, health, safety, and emergency-preparedness policies are being observed within their divisions.

- Each Laboratory manager is responsible for ensuring that employees and participating guests under his or her supervision are properly trained in emergency and safety procedures and are provided a safe and healthful working environment, free from undue hazards. In exercising this responsibility, all managers may delegate authority and assign responsibility for a particular operation, but they retain accountability for oversights and errors that lead to injury, illness, environmental pollution, or damage to property within their jurisdictions.

- Supervisors at all levels shall aggressively promote the environment, health, safety, and emergency-preparedness programs of the Laboratory.

- Building managers are authorized by the division director to ensure that the required building management functions are staffed properly by one or more qualified individuals, and that the building duties are carried out effectively. The building management functions include but are not limited to: (1) emergency preparedness, (2) coordination of construction and maintenance activities, (3) space inventory, and (4) liaison with visitors and regulatory agencies. Duties related to fulfilling the above functions are equivalent to the employee's other regular duties. The building management duties should be fully described in the employee's job description and be a formal part of the employee's annual performance evaluation. Division directors shall fully support the allocation of resources, work time, and the required training for their designated building managers. In those cases where a building is occupied by more than one division, support funds shall be prorated by the amount of space occupied by each division.

- The Environment, Health and Safety Division (EH&S) is responsible for independently auditing all Laboratory activities for compliance with the applicable safety rules and standards and for providing appropriate technical services.

- The Emergency Preparedness Coordinator is responsible for monitoring compliance with applicable emergency-preparedness policies.

- Division directors are responsible for ensuring that program activities are undertaken in compliance with the National Environmental Policy Act and the California Environmental Quality Act.

As a condition of employment, every employee, visiting scientist, student, or other person performing work at the Laboratory or at one of the Laboratory's off-site locations must be familiar with and implement applicable Laboratory safety standards. This responsibility includes taking the initiative to consult with resource groups when assistance or advice is needed to carry out operations safely. (See PUB-3000, *Health and Safety Manual*, Chapter 1, General Policy and Administration.)

C. PLANNING A SAFE WORK ENVIRONMENT

As appropriate, it is the responsibility of every supervisor, employee, visiting scientist, or other person using the Laboratory's facilities to:

- Ensure that all equipment, experiments, and operations are safely designed and meet the requirements of PUB-3000, *Health and Safety Manual*.

- Identify the potential hazards associated with an operation, evaluate the risk, and establish the procedures to prevent property damage or personal injury.

- Immediately stop any work-related activities that constitute an imminent danger, in accordance with the procedures detailed in PUB-3000, *Health and Safety Manual*, Chapter 1, General Policy and Responsibilities.

- Plan operations so that the proper personnel are employed and the proper protective equipment and procedures are used and periodically reviewed.

- Prepare written Activity Hazard Documents that conform to the needs of the operation and with the specifications of PUB-3000, *Health and Safety Manual*, Chapter 6, EH&S Documentation and Approvals.

- Mark the appropriate hazard identification box on Form RL-2350, *Purchase Requisition*, when purchasing equipment or supplies. This form must be sent to EH&S for review.

- Train and motivate personnel to work efficiently and safely. In particular, ensure that employees inform their supervisor before proceeding with any operation that they feel is unsafe.

- Provide periodic safety training to employees as required and as needed. Supervisors may develop their own formal training procedures or call for the assistance of EH&S in developing appropriate safety training. Requirements for safety training courses given by EH&S are described in the *Health and Safety Manual*, Chapter 24, Environmental Health and Safety Training Program.

- Ensure that all new employees and participating visitors have attended the course "Introduction to Environment, Health and Safety at the Laboratory" within one month of their employment starting date.

- Assist others in the area to comply with procedures for the control of hazards.

- Develop in employees an attitude of awareness of potential hazards to health and safety that will lead to their taking safe actions when faced with situations not adequately covered by established regulations and practices.

- Maintain surveillance of the work environment and establish measures to identify, control, or eliminate hazardous conditions or operations.

- Investigate incidents that result in — or might result in — injury, illness, or property damage to determine the cause and take effective remedial action if safety deficiencies are identified.

- Direct activities during an emergency until Laboratory emergency-response personnel arrive (see PUB-237, *Master Emergency Plan*, and specific building emergency plans).

- Ensure that all new employees and visitors who will work for the Laboratory for more than three months complete a Job Hazards Questionnaire, and that supervisors review and sign the completed questionnaires. Participating visitors using Laboratory facilities often need Laboratory environment, health, and safety training. Divisions are encouraged to complete a Job Hazard Questionnaire for any visitor requiring such training while at the Laboratory.

- Ensure minimum personal exposure to toxic chemicals and ionizing radiation and minimize contaminants released to the environment.

- Employees must report all incidents that involve personal injury, property damage, fire, or environmental pollution to their supervisors, who, in turn, will notify the Environment, Health and Safety Division and their division director.

- A Safety Analysis Document (SAD) must be prepared for all new facilities or alterations to existing facilities if hazardous processes or experiments will be contained therein. SADs must conform with DOE Order 5481.1. Call the EH&S Division for guidance.

8.00 QUALITY ASSURANCE

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8.00 QUALITY ASSURANCE	Approved: K.H. Berkner 4/3/95

A. QUALITY ASSURANCE POLICY

It is the policy of the Ernest Orlando Lawrence Berkeley National Laboratory to carry out all activities that contribute to its scientific and operational objectives in accordance with the Laboratory's *Operating and Assurance Program Plan* (PUB-3111). This document defines the Laboratory's Quality Assurance policy and its implementation. The plan is to be carried out in a way that enables compliance with DOE requirements, ensures our continued scientific research and programmatic success, and is resource-efficient.

Not all items, processes, activities, and services have the same effect on health and safety, reliability, environmental protection, or programmatic objectives. Therefore, the Laboratory uses a graded approach to determine the applicability of the Operating and Assurance Program requirements to specific Laboratory activities and the rigor with which these requirements should be applied.

B. SELF-ASSESSMENT PROGRAM

Berkeley Lab's Self-Assessment Program provides an internal review system that promotes a high level of performance in the Laboratory's Environment, Health and Safety (EH&S) programs. The Self-Assessment Program involves a continuous process of information gathering at all levels, with the purpose of determining whether procedures designed to obtain a high level of performance (for example, quality-assurance and conduct-of-operations procedures) are being followed adequately. In addition, if such procedures are not adequately followed, the program calls for determining the appropriate corrective actions.

The institutional program is described in the *Laboratory's Self-Assessment Program Implementation Plan* (PUB-5344). Self-assessment performance objectives and criteria and the procedures divisions follow to develop their programs are described in the Laboratory's *Self-Assessment Manual* (PUB-3105).

C. LABORATORY NOTEBOOKS

The Laboratory requires the preparation, use, and maintenance of Laboratory Function, Facility, and Project "Notebooks" as the primary planning and implementing documents for the Operating and Assurance Program. Laboratory Notebooks establish, describe, and/or reference requirements, responsibilities, and methodologies necessary to perform given activities. They also serve as a repository for documenting such performance.

Laboratory Notebooks are developed, reviewed, and maintained per a written Laboratory-wide procedure.

D. RESPONSIBILITIES

Division directors and department heads are responsible for: (a) ensuring that the requirements of the Operating and Assurance Program are understood and implemented through the use of procedures and of Function, Facility, and Project Notebooks, and (b) providing sufficient resources to accomplish the objectives of the program.

The Deputy Director for Operations is responsible for: (a) supplying the *Operating and Assurance Program Plan* and instructions for its implementation throughout the Laboratory, and (b) providing an independent assessment function to periodically evaluate the progress and performance of its

implementation. These latter responsibilities are carried out primarily by the Office of Assessment and Assurance. In addition, every Laboratory employee is individually responsible for the quality of his or her work.

In addition, the Laboratory Director is responsible for ensuring the full cooperation of divisions in implementing the Laboratory Self-Assessment Program. The Deputy Director for Operations is responsible for providing the necessary training and support resources to implement the program. Division directors are responsible for developing, documenting, and implementing the Division Self-Assessment Programs. The Office of Assessment and Assurance is responsible for coordinating the development, documentation, and implementation of the institutional and Division self-assessment programs.

E. DOCUMENT CONTROL

1. General Policy

It is the Laboratory's policy to ensure that completed Laboratory-initiated documents of importance to EH&S and quality assurance are accurate, current, distributed to the appropriate Laboratory personnel, and available when needed.

2. Controlled Documents

a. **Institutional Documents.** These documents are Laboratory-wide in scope and establish policy, prescribe work, specify requirements, or establish design. Examples are the *RPM*, the *Health and Safety Manual*, the *Operating and Assurance Program Plan*, and institutional written procedures. This type of document is controlled according to the Laboratory Institutional Document Control Procedure, which includes provisions for preparing, reviewing and approving, issuing, distributing, revising, and cancelling documents. Copies of this procedure are available through the Office of Assessment and Assurance.

b. **Other Controlled Documents.** Documents originated and used in the divisions may require control if they fall within the scope of Berkeley Lab's document-control policy. Such determinations are made by the director of the originating division with assistance from the Office of Assessment and Assurance as needed. When a document is determined to require control, the division director is responsible for ensuring that the elements listed in Paragraph E 3 of this section are in place for controlling the document.

3. Responsibilities

The Deputy Director for Operations approves, issues, and maintains the Laboratory institutional document-control system. The Office of Assessment and Assurance is responsible for revisions to the policy and procedure that underlie the system. That office also provides general guidance to Laboratory personnel in determining the proper controls for specific documents and advises the divisions on implementing document control. The Technical and Electronic Information Department compiles and maintains a Laboratory-wide database of controlled documents.

Division directors are responsible for identifying which documents originating in their division are within the scope of Berkeley Lab's document-control policy and thus require formal control. For those documents that require formal control, the division director may elect to use the Laboratory Institutional Document Control Procedure. Alternatively, he/she may elect to establish a separate procedure. This is permissible as long as it provides for:

- Determination of which documents are to be controlled.
- Periodic review for currency of document control.
- Initiation of new documents.
- Review and approval of changes by users and management.
- Maintenance of the division's master list of controlled documents and periodic submittal of the list to the Technical and Electronic Information Department.
- Maintenance of document recipient lists and acknowledgment receipts.
- Retention of controlled document revisions, per guidance from the Laboratory Records Manager.
- Withdrawal of superseded or canceled controlled documents.

9.00 COMPUTING AND NETWORKING

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9.01 COMPUTING AND COMMUNICATIONS	Approved: S.C. Loken 4/21/95

This section contains basic Ernest Orlando Lawrence Berkeley National Laboratory policy governing computing and communications. Operational procedures and guidelines are to be found in Section 9.02, *Guide to Computing and Communications Operational Procedures.*

A. AUTHORIZED USE OF FACILITIES

All usage of Laboratory computing and communications facilities shall be limited to authorized use. Authorized use is limited to official Laboratory business except as otherwise noted in other sections of this manual, particularly Section 9.02, *Guide to Computing and Communications Operational Procedures*, or in official policy memorandums.

B. COMMUNICATIONS EQUIPMENT, RESOURCES, AND SERVICES

All requests for communications and networking resources or services must be processed through the appropriate Communications and Networking Resources Department. (See Section 9.02 A, *Communications and Networking Systems.*) Unauthorized personnel may not install, remove, or modify equipment belonging to Integrated Communications System (ICS) or LBLnet, whether in Laboratory telephone closets, in the underground telephone manhole and duct systems, or connected to ICS or LBLnet wires, cables, connector blocks, or receptacles. Unauthorized equipment may not be installed or attached to the ICS or LBLnet system or its related components.

C. OPERATIONAL MANAGEMENT

Laboratory voice telephone, cellular telephone, data-switching, networking, and teleconferencing systems (except for public address and radio communications systems—see below) are managed by the Communications and Networking Resources Department (CNRD) of the Information and Computing Sciences Division (ICSD). Laboratory policies and DOE orders pertaining to the design, acquisition, management, and operation of all types of communications resources are administered by the CNRD. Reviews of DOE orders pertaining to voice, data, and networking resources, and all associated interactions with DOE and DOE/OAK, are conducted through the Office of Information Technology Resources Planning, which reports directly to the ICSD Director.

D. PUBLIC ADDRESS SYSTEM

Use of the public address system is reserved at all times for emergencies, health and safety matters, or announcements of interest to the entire Laboratory population. Prior approval by the Deputy Director for Operations is required for any announcement not necessitated by an emergency, health, or safety situation. Requests for approval should be directed to the Head of ICS.

E. SECURITY

The Laboratory's computer systems and all sensitive unclassified information contained therein shall be protected from improper use, alteration, manipulation, or unauthorized disclosure. Failure to observe proper computer and network security practices may result in a reduction or suspension of computer and/or network access privileges.

1. Security Responsibilities

a. The LBLnet manager is responsible for the integrity of the Laboratory network; system managers at the individual nodes are responsible both for the internal security of the node and for the network behavior of any user operating through the node.

b. Computer system managers are responsible for providing security measures appropriate to the sensitivity of the applications installed on their systems, and for informing their users of the security measures available. System managers are also responsible for informing their users of any usage restrictions on sensitive, licensed, or proprietary software.

c. Data and application owners are responsible for knowing the sensitivity of their data and applications, for keeping the managers of their systems informed about the existence and level of sensitivity of sensitive applications, and for taking suitable precautions to ensure an appropriate level of physical and electronic security.

d. Users are responsible for all activity carried on through their user ID, whether authorized or not.

2. Confidentiality

It is Laboratory policy that all computer files be accessible only by the person responsible for those files unless that person has explicitly authorized others to access them. Access shall be granted to the person's supervisor or manager if it is necessary for Laboratory purposes. This policy applies regardless of the level of access protection assigned to a particular file.

F. SOFTWARE MANAGEMENT

1. Policy

a. Development and use of computer software are significant and essential elements of Berkeley Lab research and support programs. Since software development is costly, existing DOE-developed, commercial, licensed, or public domain software should be used wherever it is appropriate and cost-effective. A decision to modify such externally produced software should be based on necessity and cost-effectiveness, pursuant to an analysis of benefits and costs.

b. Unless specifically exempted by the following, all software, whether acquired or developed in house, is subject to the Laboratory Software Management Program (see Section 9.02 G, *Laboratory Software Management Program*).

The following software is exempt from the Laboratory Software Management Program:

(1) Software that is acquired and used with, and is an integral part of, a system embedded in instrumentation associated with an experiment or device.

(2) Software that is acquired as part of a larger turnkey system.

(3) Software that is developed and used in support of scientific applications undergoing continuing change in association with research programs, where such software is not a primary object of the scientific program.

(4) Software developed in-house with a total development effort of no greater than three person-years.

(5) Software that is obtained from other sources that satisfies one of the following: the acquisition cost is no greater than $450,000, the modification effort for successful implementation at the Laboratory is no greater than three person-years, or the continuing maintenance effort is no greater than 1.0 FTE.

c. The exemptions above notwithstanding, software that is *critical* in any of the following senses shall be subject to the Laboratory Software Management Program. Critical software is any software that:

(1) Directs, controls, simulates, or specifies patient treatment.

(2) Controls equipment or experiments that have the potential to cause serious injury if the software is faulty.

(3) Controls equipment or experiments that have the potential to cause harm to the environment if the software is faulty.

(4) Automatically (i.e., without human validation) commits the Laboratory to $50,000 or more in the output of any single run, or $100,000 or more over the course of a single year.

(5) Is developed in-house and is intended for external distribution with a formal commitment of Laboratory support.

2. Responsibilities

a. Project leaders shall ensure that appropriate reviews are conducted during the development of all software subject to the Laboratory Software Management Program.

b. The Office of Information Technology Resources Planning shall coordinate an annual self-inventory of software at the Laboratory to verify the current listing and update the status of Approved Software Projects. The actual inventory will be conducted by the divisions, which shall then furnish the Office of Information Technology Resources Planning with an accurate list of all existing and planned software projects, and all operational software, that are subject to the Laboratory Software Management Program.

c. The Information and Computing Sciences Division Director shall conduct triennial reviews of the Laboratory Software Management Program, including the applicable policies, to determine the effectiveness and cost-effectiveness of the program, and shall initiate corrective action as necessary.

3. Software Licenses

Whatever license agreement governs the use of software, staff members with access to the software are responsible for understanding and conforming to the agreed terms of use for each software product. Laboratory staff members responsible for projects that use software under license agreement are required to ensure conformance to this policy throughout the project. Laboratory employees are reminded that they may be subject to disciplinary and/or legal action if they are party to violation of software license terms and conditions.

9.02 OPERATIONAL PROCEDURES FOR COMPUTING AND COMMUNICATIONS	Approved: S.C. Loken 12/21/95

A. COMMUNICATIONS AND NETWORKING SYSTEMS

1. Communications and Networking Management

Laboratory voice telephone, cellular telephone, data-switching, networking, and teleconferencing systems (except for public address and radio communications systems—see Paragraphs 8 and 11 below) are managed by the Communications and Networking Resources Department (CNRD) of the Information and Computing Sciences Division (ICSD). Laboratory communications systems include the Integrated Communications System (ICS), which is based on a large distributed voice/data digital switching system, and the LBLnet, a Laboratory-wide high-speed local area network. These systems also include extensive underground and intrabuilding copper-wire and optical-fiber cable plants and microwave links. Inquiries or suggestions concerning the operation or development of Laboratory communications and networking resources should be directed to CNRD.

All requests for communications and networking resources or services must be processed through the appropriate CNRD office as described below.

2. ICS Voice Telephone System

a. **Requesting Services.** The Telephone Services Office of CNRD handles all requests for all types of ICS services, including information about voice and cellular telephone services. To ensure compliance with DOE and Laboratory policies, voice services or equipment may be ordered only through the Telephone Services Office. Unauthorized equipment may not be attached to the ICS system or its related equipment. Violations causing damage may result in the cost of repair being charged to the responsible party.

b. **Repairs.** Requests for ICS repairs should be made to the ICS Service Center Repair Service (see "Telephone + Data Switching Repair" in the Organizations and Services section of the Berkeley Lab *Telephone Directory* [Directory Services on the Web] for the appropriate extension).

c. **Planning New or Changed Services.** Planning for and design of new or modified ICS services is accomplished through the Telephone Services Office to ensure compatibility with existing systems and to ensure the most cost-effective use of Laboratory funds (see "Telephone Services Office" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension).

d. **Long-Distance Services.** It is the Laboratory's policy to use the least-cost routing for long-distance calling. The ICS automatically selects the least-cost facility for long-distance service.

e. **Personal Calls.** Laboratory telephones are for official business and there is a charge to the Laboratory for each call. Pay telephones are located throughout the Laboratory for the convenience of employees. See the ICS Information section of the *Telephone Directory* (Directory Services on the Web) for specific locations. Use of Laboratory telephones for brief calls within the local commuting area is permitted when required by changes in work plans, emergencies, or coordination of work activities with family members or others who can be reached only during working hours. Employees may not use Laboratory telephones for personal calls, except as permitted above, even with the intention to charge the call elsewhere.

f. **Credit Cards.** The Telephone Services Office handles all requests for telephone credit cards (also known as calling cards) (see "Telephone Services Office" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension). Requests for credit cards must have the approval of the requester's division director or division administrator.

g. **Laboratory Telephone Directory, Operator Information, and Other Telephone Directories.** The Telephone Services Office maintains the word-processing and database systems used to publish the *Telephone Directory*; the information in these systems is also used to provide operator information services. Electronic versions of the directory are available through the World Wide Web and other servers. All requests for changes to published information or enquiries about electronic access to personnel data should be directed to the Telephone Services Office (see "Telephone Services Office" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension).

The Telephone Services Office also arranges for the ordering and distribution of external telephone directories and should be contacted by authorized staff to arrange for directory acquisition and distribution.

3. **ICS Data-Switching System**

a. **Requesting Services.** The Telephone Services Office of CNRD handles all requests for all types of ICS switched-data services. These services primarily provide asynchronous switched connections between terminals, personal computers, Laboratory computer systems, and incoming or outgoing connections over external communications networks.

Unauthorized equipment may not be attached to the ICS or its related equipment. Connection of RS-232 asynchronous devices to ICS data sets may be done by users, providing that the equipment is authorized. If in doubt, check with the Data Communications Support Group (see "Communications and Networking Resources" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension). Violations causing damage may result in the cost of repair being charged to the responsible party.

b. **Repairs.** Requests for ICS repairs should be made to the ICS Service Center Repair Service (see "Telephone & Data Switching Repair" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension).

c. **Technical Questions and Planning.** Users needing to discuss technical issues or plan significant data-switching applications should contact the Communications and Networking Facilities office of CNRD (see "Communications and Networking Resources" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension).

4. **LBLnet**

a. **Requesting Services, Technical Questions, and Planning.** The LBLnet is a Laboratory-wide high-speed local area network supporting LocalTalk, Ethernet, FDDI, and ATM network interfaces. Support for several industry standard protocols (e.g., TCP/IP, DECnet, AppleTalk, IPX) is also provided. LBLnet, including AppleTalk networks, is managed by the Communications and Networking Facilities Office of CNRD.

Requests for services, information, planning new installations, or changes to an existing installation should be directed to the LBLnet office (see "LBLnet" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension).

When scheduling LBLnet changes or new installations in conjunction with ICS telephone and/or data-switching work, the Telephone Services Office will accept requests for LBLnet work as well and ensure that the appropriate LBLnet effort is scheduled.

b. **Repairs.** Requests for repairs to LBLnet, including AppleTalk networks, should be made through the LBLnet Operations Office (see "LBLnet" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension).

5. ICS-Dedicated Wiring and Optical-Fiber Systems

All interactions concerning planning for the use of, or information about, these resources should be directed to the Communications and Networking Facilities Office of CNRD (or see "Communications and Networking Resources" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension).

ICS wall receptacles include a separate keyed receptacle that can be used to support a wide range of communications services over twisted-pair copper wire between any two points in the Laboratory.

Twisted-pair copper-wire and optical-fiber facilities with customized terminations can also be provided. Off-site dedicated twisted-pair wire facilities requiring Pacific Bell or other supplier services must be ordered through the Communications and Networking Facilities Office.

6. Telegraphic and Facsimile Systems

a. Off-site Western Union telegram services are available for Laboratory employees. The toll-free Western Union number appears (under "Wire Services") in the *Telephone Directory*. Telegrams should not be sent by Western Union unless the Laboratory electronic mail facilities are unavailable.

b. Facsimile (fax) machines for general use are listed below. Outgoing and incoming facsimile messages can be directed to compatible systems via these machines:

- Telephone Services Office, Building 50B.
- Copy Center, Building 50.
- Copy Center, Building 90.

Detailed instructions for sending and receiving fax messages appear in the *Telephone Directory* (Directory Services on the Web). Questions may be directed to the Telephone Services Office.

7. E-Mail

Detailed instructions for using the Laboratory electronic mail facilities (the Laboratory Electronic Post Office) appear in the *Telephone Directory* (Directory Services on the Web).

8. Public Address System

The Laboratory public address system is designed to give broad coverage in most buildings and general work areas to provide general announcements to Laboratory personnel. It may be used to transmit information during emergencies, but it is not considered an emergency communications system.

Modifications and maintenance of the public address system are under the exclusive control of the Engineering Division Communications Engineering staff. See "Communications Engineering" in the Organizations and Services section of the *Telephone Directory* (Directory Services on the Web) for the

appropriate extension. Communications Engineering must be notified in advance if any changes in the public address system are required.

The public address system is tested on the second Wednesday of each month at 2 p.m. The test consists of alert tones (two beeps in quick succession) followed by a voice announcement. To ensure complete coverage, employees should notify Communications Engineering or their building managers if the test announcement is weak or unintelligible.

9. Public Address System Announcements

Announcements are normally made by the Fire Department dispatcher or the telephone operators. Use of the public address system is reserved at all times for emergencies, and for health and safety matters.

See "Integrated Communications System Office" in the Organizations and Services section of the *Telephone Directory* (Directory Services on the Web) for the appropriate extension.

10. Interoffice Communications Systems

Requests for installation of interoffice communication, paging, or audio-communication systems that are not part of the Integrated Communications System (ICS) require authorization through the Engineering Division Communications Engineering Group (see "Communications Engineering" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension). This group has the responsibility for engineering design, installation, and maintenance of the speakers and related equipment.

11. Radio Communications Systems

The Engineering Division Communications Engineering Group is responsible for the engineering, installation, maintenance, and adjustment of Laboratory radio communications systems such as portable, mobile, base, and microwave radios. All requests for such equipment require authorization by this group (see "Communications Engineering" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension). Each request should include a description of the intended use and the need for the equipment or system desired. Purchased equipment is Laboratory property and should be returned to the Engineering Division when the authorized use or function is completed.

12. Radio Paging Systems

Requests for internal Laboratory-provided and -maintained radio pagers should be made through the Engineering Division Communications Engineering Group. This group is responsible for the engineering design and maintenance of Laboratory radio paging systems. Requests for external vendor-provided radio pagers should be made through the Telephone Services Office.

13. Radio Emissions Standards and Spectrum Management

The Engineering Division Communications Engineering Group is responsible for the Laboratory's spectrum management and radio emissions. All equipment that generate or use radio frequencies must be certified by this group for initial installation and after any changes or modifications.

14. Cardkey, Security, and Other Alarm Systems

Cardkey, intrusion, panic, and personal-assistance alarm systems should be requested through the Engineering Division Communications Engineering Group (see the *Telephone Directory* [Directory Services

on the Web] departmental index under Communications Engineering for the appropriate extension). This group has the responsibility for engineering design, installation, and maintenance of such systems.

15. Video, Fiber-Optic, and Other Signal Systems

The Engineering Division Communications Engineering Group has services available for the design and installation of video, fiber-optic, and other signal systems.

16. Video Teleconferencing

The Information and Computing Sciences Division has responsibility for Laboratory video teleconferencing systems. Current conference rooms include 50B-4205 and 50F. Point-to-point and multiple site direct-dialed conferences are possible in Standards Mode and in both VTEL and CLI proprietary modes. For more information, see Berkeley Lab *Communications and Networking Resources.*

A dedicated full-motion microwave radio video to SLAC is located in Building 71–263.

For information or technical support, contact the Video Data Communications group. This group also handles scheduling for the Video Teleconferencing Room. (See "Videoconferencing" in the Organizations and Services section of the *Telephone Directory* [Directory Services on the Web] for the appropriate extension.)

B. ELECTRONIC ACCESS

1. Background

As a scientific institution, the Laboratory has a responsibility to enhance the ability of its staff to communicate with colleagues around the world. This communication includes correspondence, raw data, preliminary drafts of technical papers, and finished publications. At the same time, as a (primarily) Federally funded institution, the Laboratory has a responsibility to ensure that Federal laws and DOE directives regarding authorized access and the protection of sensitive information are observed. This operational guideline is concerned primarily with the first of these responsibilities and with questions of access; the protection of information is addressed in Section D, *Computer and Network Security.*

This guideline is intended to provide a graded approach to electronic access, recognizing that the mechanisms used for granting or restricting access should be appropriate for the breadth of access desired, the sensitivity of the information involved, and the protection mechanisms in use on the systems employed.

All users of electronic media should remember that once information has been committed to the network, the originator loses all control over how it is used, how it is modified, to whom it is distributed, or to whom it is attributed.

2. Fundamental Principles and Characteristics

a. Whenever appropriate, it should be possible to provide broad access in a convenient fashion to information held at the Laboratory.

b. Proprietary, regulatory, and licensing constraints should be observed at all times.

c. Information should not be made generally available before it is ready for publication. (This restriction does not imply that incomplete data or unfinished documents may not be shared over the network within the workgroup, but only that such information should have appropriate access controls.)

d. Responsibility for propriety, access, protection, and usage rests with the owner of the data, files, systems, or user identification involved.

e. The provision of electronic access to information held at the Berkeley Lab is a form of publication by the Laboratory, and thus such information is subject to Laboratory publication policies. Any material that is to be made available to the general public should be reviewed by a qualified reviewer before its access restrictions are lifted. (Division administrators maintain lists of qualified reviewers for their divisions.)

f. It is impossible to ensure that the recipient will treat information transmitted or posted on electronic media in a manner consistent with the degree of informality intended by the originator.

g. Electronic correspondence originating at the Laboratory should be composed with the same care as is afforded to traditional correspondence transmitted on Laboratory letterhead.

h. All electronic correspondence should be considered to be more permanent than its obvious conventional (telephone or paper) analogue.

i. Electronic correspondence that identifies the author as a Laboratory staff member is often interpreted by some recipients as containing official Laboratory positions. There is no guarantee that any disclaimer inserted or appended by the originator will remain associated with the correspondence when it is forwarded or transcribed.

j. Laboratory employees are prohibited by the University contract with DOE from engaging in activities that are considered to be lobbying. (Lobbying includes attempts to influence the introduction, enactment, or modification of State or Federal legislation; if you have questions about a specific activity or need a complete definition, see your division director or division administrator.) For more details, see Section 2.22 H, *Contacts with State and Federal Officials*.

3. Kinds of Access

This guideline covers the kinds of electronic access listed in Table 9.2 B, *Access Categories*. The categories of access are listed in rough order of increasing risk of damage resulting from improprieties or inadequate access control.

Table 9.02 B. Access Categories.

	Information Content	Breadth of Access
1.	Read-only access to fully formatted publications that have been adequately reviewed in accordance with Laboratory publication policy (Section 5.02, *Policy for Scientific and Technical Publications*)	Unrestricted world access
2.	Read-only access to raw data files (not sensitive) or to draft material intended for publication	Group only (includes collaborators)
3.	Correspondence	Content-dependent
4.	Read-only access to sensitive or proprietary data	Need to know
5.	Read/write access to raw data files (not sensitive) or draft material intended for publication	Owner/designee only
6.	Read/write access to final-form publications	Author/designee or technical editor only
7.	Read/write access to files containing sensitive or proprietary data	Owner/designee only

Electronic access controls can be exercised at site, system, user, or individual data set or file level. Because of its nature as a scientific institution, the Laboratory places no generic restrictions on access at the site level. Provisions exist to deny access to the Laboratory from sites that tolerate computer network security abuses, or to deny on-site access to Laboratory personnel who violate Laboratory computer and network security and propriety policies. It is not expected, however, that it will be necessary to make extensive use of these policies.

With respect to access control at the system, user, or file levels, controls may be applied at any or all levels. For most Laboratory information, access protection at any one level should be sufficient. Thus, except in unusually sensitive cases, either of the following modes should suffice:

- Public access system, password-protected or encrypted file.
- Controlled-access system, world readable file.

In other words, sufficient access control can be obtained by limiting access to the system, the file, or both. Further protection can be provided by limiting the ability of individual users to access specific files, directories, or system commands, and by encrypting particularly sensitive files.

4. Forms of Electronic Publishing

There are four general mechanisms through which Laboratory information can be promulgated electronically: via correspondence, file transfer, voice and video, or facsimile. In each case, certain proprieties, procedures, and precautions should be observed.

a. **Correspondence** (including e-mail, bulletin boards, USEnet News, List-Servs, conferencing systems, and the like): The Laboratory correspondent is responsible for limiting his or her participation to topics within the scope of the Laboratory mission, and for avoiding comments that could be construed as lobbying or attempting to influence legislation. In some situations it may be necessary to insist that one is acting as an individual expert, but it cannot be ensured that the recipients will differentiate between an individual position and an official Laboratory position. For further information, see Section 2.22 H, *Contacts with State and Federal Officials.*

b. **File Transfer** (whether provided through individual user accounts or through file or data servers, including public access servers): The person posting the file is responsible for ensuring that everyone who has *write* access to the file is in fact authorized to make changes in the file, and that everyone who has *read* access to the file is in fact authorized to have access to the information. These conditions are particularly true of sensitive or proprietary information, but they also apply to information destined for external copyright or that has not been fully reviewed.

   Furthermore, if the existence of the file has been mentioned in any public-access bulletin board, List-Serv, or conference, it must be assumed that sufficient knowledge to obtain access is available world-wide.

   If access to the data should be restricted because of sensitivity, its proprietary nature, or for any other reason, the owner must take appropriate steps to limit access to authorized individuals.

   Finally, when using public domain software, such as ftp (file transfer protocol) to provide access, the owner is responsible for securing up-to-date (protected) versions of the software. (The Laboratory Computer Protection Program Manager [CPPM] maintains a list of names of staff members knowledgeable in appropriate software.) Unexamined versions of either new or familiar programs must not be used on systems that contain sensitive or valuable information.

c. **Voice and Video** (including voice mail, voice-only teleconference, room-based or studio video teleconferencing, and desktop messaging or teleconferencing): In these cases, the rules of ordinary conduct apply. The more limited the audience, in general, the more informal the interaction may be. Sensitive data should be treated as it would be if all the participants were in the same room.

d. **Facsimile.** Fax traffic should be treated as if the material were being sent through Laboratory or U.S. Mail, except that information subject to the Privacy Act should not be sent to an unattended fax machine.

The foregoing summary does not cover all cases, or even any single case in full detail. Nevertheless it should provide guidelines sufficient to address most situations. Questions should be addressed to the CPPM.

C. BERKELEY LAB USE OF INFORMATION SYSTEMS AND SERVICES

1. Background

This policy is concerned with publicly accessible electronic media and browsers such as the World Wide Web (Web) front-ended by Netscape. It provides a graded approach to control of presentation and content, restriction of access, and scope of responsibility, recognizing that the procedures employed should be appropriate for the breadth of access expected and the sensitivity of the information involved.

All users of electronic media should remember that once information has been committed to the network, the originator loses all control over how it is used, to whom it is distributed, or to whom it is attributed.

NOTE: These principles and guidelines use the page terminology of the Web, but they should be taken to apply more generally as technology advances. They should also be taken to apply, as appropriate, to older technology such as anonymous FTP and USEnet.

2. Definitions

LBL server: A network node that provides access to information or services and that is part of or administered on behalf of a Laboratory facility, function, project, or program.

Page: A logical information structure, accessible as a unit from, on, or through an information server. A page may contain links to other pages or files located on other servers.

LBL page [file]: A page [file] resident on any Laboratory server or accessible directly through any Laboratory server without passing through a server or page belonging to another institution.

3. Scope

These guidelines apply to all Laboratory information servers, regardless of location, and to all Laboratory files posted on any information server, whether or not located at the Laboratory, and regardless of the Home Page(s) or directories with which they are associated.

A server that is administered by the Laboratory for another institution or agency, or located at the Laboratory but administered by another institution or agency, shall be governed by the policies established by that institution or agency.

4. Fundamental Principles

a. Whenever appropriate, it should be possible to provide broad access in a convenient fashion to information held at the Laboratory.

b. Proprietary, regulatory, and licensing constraints should be observed at all times.

c. Information should not be made available to the general public before it is ready for publication. (This restriction does not imply that incomplete data or unfinished documents may not be made available through network information services, but only that such information should have appropriate access controls; see Paragraph B, *Electronic Access*.) If the desired server does not provide the capability to install appropriate access controls, the information should not be posted.

d. Responsibility for propriety, access, protection, and usage rests with the owner of the data, files, servers, or pages involved. The page owner is responsible for ensuring that both the content and presentation of information on a page are consistent with Laboratory policies and guidance. Questions concerning the suitability of information for publication should be addressed to the Laboratory Scientific and Technical Information Officer.

e. The posting of information on any Laboratory page is a form of publication by the Laboratory and subject to Laboratory publication policies (see Section 5.02, *Policy for Scientific and Technical Publications*).

f. Any material that is to be made available to the general public should be reviewed by a qualified reviewer *before* its access restrictions are lifted. (Division administrators maintain lists of qualified reviewers for their divisions.)

g. The scope of responsibility of a page owner extends to, but not beyond, those links that occur on the page; that is, the owner of a page is responsible for knowing the immediate content of all links on a page, but not for ensuring the propriety of information existing at the end of an arbitrary chain of links.

h. The default for Laboratory pages is universal *read* access, owner-only *write* access.

5. General Page and File Policy

a. The page (file) owner is responsible for determining the appropriate level of access for the page (file) and for ensuring that appropriate access restrictions are in place.

b. The page (file) owner is responsible for ensuring that everyone who has *write* access to the page (file) is in fact authorized to make changes to the page (file), and that everyone who has *read* access to the page (file) is in fact authorized to have access to the information. This responsibility applies particularly to sensitive or proprietary information, but it also applies to information that is destined for external copyright or that has not been fully reviewed.

c. The Laboratory may establish open pages, analogous to open bulletin boards. The owner of an open page is responsible for verifying that the person making a posting is authorized to post information on a Laboratory page. Every posting on an open page shall carry the name of a Laboratory sponsor either directly or on an obvious link. The Laboratory sponsor is responsible for the content of the posting.

d. The posting of inappropriate information on a Laboratory page or file may be cause for disciplinary action. Information that is sensitive, proprietary in nature, or contrary to Laboratory policy concerning lobbying, the use of Laboratory computers, or the use of open bulletin boards may be considered to be inappropriate. This policy applies to nontextual information as well as to text.

e. All individuals posting information on any publicly accessible Laboratory page or file are encouraged to review posted material carefully. Everything posted on any network information service reflects

on the intelligence, quality, integrity, and competence of the Laboratory as an institution and the page-owner and page-poster as individuals.

f. Every Laboratory page shall contain the following information directly, or contain a link to an owner's page that provides it: owner's name, address, e-mail address, and telephone and fax numbers, plus any disclaimers or restrictions that apply to the contents of the page. The Network Information Services group within ICSD will maintain a current listing of Laboratory page-owners.

6. Home Page Policy

a. The owner of the Laboratory Home Page is the Head of the Public Information Department. He or she is responsible for establishing and enforcing guidelines for the content, presentation, and style of the Home Page and its immediate links.

b. The Home Page and its immediate links are to be considered as *corporate data*, and they may be changed or deleted only by authorized personnel.

7. Server Policy

a. The administrator of each Laboratory server is responsible for ensuring that each file on or first-level page accessible through that server has a Laboratory sponsor. The Laboratory sponsor is responsible for ensuring that all applicable page policies are observed. A first-level page is one that is directly accessible without passing through another server or intermediate page.

b. The administrator of each Laboratory server will maintain records of the owners and Laboratory sponsors of all current first-level pages, and will provide this information to the ICSD Network Information Services group in a timely fashion.

c. The administrator of each Laboratory server is responsible for ensuring an appropriate level of data and access protection for the server, and for informing file- and page-owners and Laboratory sponsors of all first-level pages of the protection level maintained.

D. COMPUTER AND NETWORK SECURITY

NOTE 1: These guidelines are concerned with minimum acceptable computer and network security practices for general operations. Divisions or groups may apply more stringent policies if warranted by the sensitivity of the data or applications involved.

NOTE 2: These guidelines, together with Section 9.01, *Computing and Communications*, embody the Laboratory's implementation of DOE Order 1360.2B.

1. Basic Principles

a. Distribution of function and capability entails equal distribution of responsibility. The owners of individual and workgroup systems must assume responsibility for the proper administration and operation of the systems they control. This responsibility extends to individual staff members working at home or on travel.

b. The Laboratory is a Federally funded scientific institution. As such, it has a responsibility to enhance the ability of its staff to communicate with colleagues around the world and to practice appropriate economy in operation. Thus, the level of protection and cost of protective measures should be commensurate with the magnitude of the threat to the institution inherent in the system, breadth of access, and sensitivity of the data and application involved. (Threat is a combination of likelihood of compromise and magnitude of potential damage.)

c. Breadth of access should be encouraged within the constraints imposed by provision of adequate protection. System managers are charged with the responsibility of determining and enforcing the level of protection necessary.

2. Organization for Computer Security

a. The primary elements of the Laboratory organization for computer and network security are the Computer Protection Program Manager (CPPM) and the Computer and Communications Security Committee (CCSC), which is chaired by the CPPM and includes computer security liaisons (CSLs) from each division, office, and center (including the Reception Center), plus assistant CPPMs for the Scientific Computing Facility, the Administrative Computing Facility, distributed workstations, telephone systems, and networks.

b. The generic distribution of responsibility between the Laboratory CPPM and the divisions, centers, and offices is given in Table 9.02 D, *Distribution of Computer Responsibility*, below. Specific responsibilities are addressed in the next section.

Table 9.02 D. Distribution of Computer Responsibility.

Responsibility	Responsible Parties
Definition of Laboratory-Wide Policy	Computer Protection Program Manager (CPPM)
Protection of Sensitive Applications and Information	Divisions, Officers & Centers (D, O, & C)
Inventory of Sensitive Applications	D, O, & C
Random File Checks	D, O, & C
Implementation of Access Policies	D, O, & C
Computer and Communications Security Training	CPPM; Computer Security Liaisons (CSLs)
Computer Security Awareness: Program Definition	CPPM
Computer Security Awareness: Program Implementation	Reception Center; D, O, & C
Incident Detection	D, O, & C; CPPM
Incident Reporting: Internal	D, O, & C
Incident Reporting: External	CPPM

3. Responsibilities

a. The Deputy Director for Operations appoints the Laboratory Computer Protection Program Manager and the Assistant CPPMs. The Laboratory CPPM is listed in the *Telephone Directory* (Directory Services on the Web).

b. Division and center directors and heads of offices appoint a representative to the CCSC for their division, center, or office and ensure that Laboratory computer security policies and procedures are observed within their division, center, or office.

c. Computer security liaisons (CSLs) serve as two-way communication channels between the Laboratory computer and communications security program and their division, office, or center. The

CSLs participate in the meetings of the CCSC, learn and understand Laboratory computer and communications security policy, and assist as necessary in the implementation of this policy.

d. The Reception Center ensures that all new employees, visitors, and participating guests receive an appropriate introduction to computer security policy and practice at the Laboratory.

e. Division administrators ensure that all user IDs and passwords used by terminating employees and guests are deactivated or continued through a Laboratory sponsor.

f. The Computer Protection Program Manager (CPPM) defines and (with the assistance of the CCSC) implements and administers the Laboratory's computer security program in accordance with Laboratory policy and applicable DOE directives.

g. The assistant CPPMs assist the CPPM as necessary in activities pertaining to their areas of expertise.

h. Supervisors and managers ensure that employees under their supervision maintain a continuing awareness of proper computer security practices. A standard computer security awareness statement (Form CPP 13) is available from the CPPM; it may be used to document a computer user's continuing awareness.

i. System managers maintain an appropriate level of security for their systems. They know which information and applications on their systems are sensitive and respond appropriately to the detection of a security incident. System managers are responsible for all security threats or other improper usage originating from or passing through the systems under their control. They have the authority to deny access to their systems to any person observed not using proper computer security practice.

j. Network managers maintain network integrity, maintain a level of security awareness appropriate to their networks, know how to isolate their networks from all non-Laboratory connections, and respond appropriately to the detection of a security incident. Network managers have the authority to deny network access to any system or external connection for security reasons.

k. Individual users know and follow Laboratory computer and network security policies; bring any security violations to the attention of their system manager, the CPPM, or other proper authority; and know which information and applications are sensitive. Individual users are responsible for all actions originating from user IDs under their name or control, whether or not they authorized such use.

l. The University of California Police Department maintains a 24-hour telephone service to assist users in locating appropriate management or administrative authority to deal with suspected data security incidents.

m. The Computer and Communications Security Committee (CCSC) meets periodically to: review computer and communications security awareness and training, provide regular (at least every other year) reviews of the Laboratory's computer and communications incident history and current security technology, and revise the Laboratory's computer security policies as necessary. The committee reviews and revises electronic access and computer security guidelines as appropriate.

4. Procedure for Handling Computer and Network Security Incidents

The computer and network security incident handling procedure is given here in summary form. A more detailed version can be obtained from the CPPM.

An employee who encounters a suspected computer or network security incident (repeated attempts at unauthorized access, or the occurrence of a rogue program—a rogue program is one that intends to disrupt or subvert the system in some way; *viruses* and *worms* are rogue programs) should first try to inform the appropriate people (by telephone, not e-mail) and then, if necessary, respond to the incident.

To inform the appropriate people, call one of the following and report the system affected and the nature of the problem:

- If using a multiuser system, the system manager; if using a single-user workstation, the appropriate technical support group.
- The CPPM.
- The Division Director of ICSD.
- The University of California Police Department. (It has a telephone tree to locate the appropriate technical and/or administrative authorities.) Be sure to specify that the call is to report a data security incident in progress.

To respond to the incident, the following general rules apply:

- In all cases: Log the incident and inform the appropriate personnel.
- In an isolated case of unsuccessful attempt at entry (i.e., a single, unrepeated, unsuccessful attempt): No further action is necessary unless the attempt is repeated.
- In a case of successful penetration, where it appears that the integrity of user data is threatened: Attempt simple close-out; that is, shut down the known access paths and monitor all attempts to access user IDs that the attacker is known to have used. If necessary, re-authenticate all users. (This means to disable all existing user IDs, and to require some form of personal contact before allowing individual users back on the system. Users should check their files for evidence of tampering and should be prohibited from using the same password.)
- In case of discovery of a rogue program: Isolate the system and quarantine all disks and tapes that have been on it since the introduction of the rogue program. Do not connect to any other system or transfer any programs or data from the system to any other system by any means until the system manager has declared the system to be clean.
- In other cases: Confer with division management and/or the CPPM.
- In the absence of other advice or information, act to protect the data rather than to monitor or trap the attacker.

5. Confidentiality of Computer Files

It is Laboratory policy that all computer files be accessible only by the person responsible for those files unless that person has explicitly authorized others to access them. Access shall be granted to the person's supervisor or manager if it is necessary for Laboratory purposes. This policy applies regardless of the level of access protection assigned to a particular file.

In the course of their work, certain authorized individuals, such as system managers and computer security personnel, are required to inspect users' files. Under no circumstances, except as specified below, are the contents of those files to be revealed, and then only to the CPPM, the Director of the

Information and Computing Sciences Division, or such other persons as the Deputy Director for Operations may specify. In these circumstances, only the following information may be divulged:

- Evidence of unauthorized access, internal or external.
- Evidence of improper use of Laboratory facilities.
- Evidence of security-threatening practices.

6. Computer Security Monitoring

To ensure adequate security of Laboratory computer systems and networks, a program of computer security monitoring will be conducted under the supervision of the CPPM. It will include the following activities, as necessary:

- Annual inventory of sensitive applications.
- Random sampling of user files.
- Verification of proper control and authentication of new users.
- Verification of proper password procedures and use.
- Verification of proper physical security.
- Monitoring of network traffic.
- Monitoring of usage patterns.

Any apparent violation of Laboratory policy, attempt at unauthorized access, or any situation that exhibits less than acceptable computer security, will be reported to the CPPM for further action. In all cases involving the monitoring of user files and data traffic, Laboratory policy on confidentiality of computer files applies.

7. Physical Security

a. **Desktop and Other Small Systems.** Microcomputer-based personal or desktop computers, notebook and palmtop computers, intelligent terminals, word processing and similar systems are commonplace in Laboratory offices and because of their portability are particularly vulnerable to physical attack, including theft. Laboratory employees who possess such equipment are responsible for ensuring the physical safety of that equipment. Contact Electronics Engineering's Installation Shop to obtain information and technical assistance with antitheft lockdown devices and permanent imprinting of the manufacturer's serial numbers on the equipment.

b. **Proprietary Software and Data.** Proprietary software and data should be secured in a manner commensurate with the threat.

c. **Physical Access to Sensitive Data.** Physical access to media and systems containing sensitive data or applications should be controlled.

8. Network Citizenship Guidelines

Laboratory staff—as well as visitors, guests, and contractors—are expected to exhibit good network citizenship in all network interactions. Such citizenship includes the following:

- Do not distribute or encourage the distribution of network junk mail. Be judicious in the use of utilities that generate responses automatically (such as those used to announce that you are on vacation or travel).

- Avoid indiscriminate use of distribution lists; do your best to ensure that mail is sent only to interested addressees.

- Make appropriate use of automatic answering facilities to ensure that replies are sent only to people with a genuine interest in the correspondence. (It is especially important to know whether the auto-answer facility will send the response to the entire address list of the original message or to only the originator.)

- Use the network only for Laboratory-sanctioned activities.

- Do not use proprietary software without an appropriate license.

- Do not distribute software to unauthorized users or make it available to unauthorized users.

- Do not read other people's files or directories without explicit authorization. (With the exception of such public files such as stores catalogues, forms repositories, telephone lists, etc., authorization should not be assumed for any file not on a public access server.)

In general, users should not post anything over the network that they would not send on official Laboratory stationery, should not access any information or software over the network that they would not send or for which they have no authorization, and should not send any e-mail that they do not want recorded.

9. Information Security Guidelines

These guidelines are not intended to address every situation that can arise, but to provide a reasonable background so that individuals may make appropriate judgments in those cases that are not covered. Questions should be addressed to your CSL, assistant CPPM, or the CPPM.

a. Individual Responsibility

(1) Each user is responsible for all activities originating from any of his or her user IDs.

(2) Each password owner is responsible for all activities resulting from shared use of that password.

(3) Shared user IDs and passwords are not generally allowed, but there may be circumstances under which such sharing is appropriate. Users needing to share their user IDs or passwords shall request authorization from the system manager. The system manager has the authority to deny such requests.

(4) Each system owner is responsible for the network citizenship of all users of that system.

b. System Protection

(1) Access to all Laboratory systems should be available only to Laboratory staff (including participating guests and contractors), or to others through a Laboratory sponsor. If an anonymous ftp, or a similar utility, is enabled for a system, the system manager becomes a default sponsor for the whole world. The Laboratory sponsor assumes responsibility for all activities of sponsored persons. The use of someone else's user ID or password implies

sponsorship by the owner of the user ID or password, whether or not the owner has explicitly granted permission.

(2) The safeguards that are provided by the operating system in use should be invoked to the maximum extent that does not interfere with the work of the users. Such safeguards include the following:

- Control over system privileges.
- Protection of the password file.
- User notification of unsuccessful log-in attempts.
- Temporary deactivation of user ID after several successive failures.
- Installation of alarms on sensitive files.
- Encryption of sensitive information, when appropriate.
- Less-than-universal defaults for file access.

(3) Suitable physical security measures should be employed. Among the measures to be considered, in addition to appropriate fire and seismic protection, are controlled access to the space, separate locked storage of media, lock-down devices, and physical separation of backups from primary versions.

c. **User IDs and Passwords**

(1) Access to *all multiuser systems* should be protected by standards that conform to the *first eight* of the following rules. Access to *systems containing sensitive data* should be protected by standards that conform to *all* these rules.

- Default passwords (i.e., those distributed with the system) have been changed before the system is made available to users.
- No password consists solely of a repeated single character.
- No password is the same as the user's ID.
- All passwords should be chosen so that neither the user's ID nor common user information (such as name) provide a clue to the password.
- No password is a dictionary word or common name.
- Passwords are not written into files or electronic mail.
- Passwords and user IDs are not associated in clear text in any context.
- Changes of password cannot equal a recently used expired password.
- Every password contains at least six different characters, including a special character.
- Passwords are not shared.

- An employee number should never be used in place of a password or other secret or protected access code.

(2) In those systems that support password aging, it is recommended that passwords and IDs on central and public-access facilities, and passwords that provide access to sensitive data or applications, be expired in accordance with the following schedules:

- The initial password issued to a new user ID is a single-use password; it must be changed the first time the user ID is used.
- Passwords expire within 180 days of definition.
- A new user ID is deactivated after 10 days of nonuse.
- User IDs are deactivated after 90 days of inactivity.
- Files associated with inactive user IDs are archived 30 days after the user ID is deactivated, and the user ID is removed from the system.

d. Network Security

(1) Network Access

- Scripts should not contain network access passwords.
- Use of the default DECnet account is not permitted except in certain public-access situations.
- Use *proxy* access for remote log-ins to VMS systems.
- *unix .rhosts* entries should be aged and expired after 180 days.
- *.xhost +* should not be used.
- Access lists should be reviewed at least annually.

(2) LBLnet Connections

- The network address and/or name of each Laboratory system that is connected to LBLnet, either directly or through a gateway, must be registered with the administrator of network addresses for that network. For example, an Internet-based system (i.e., one using TCP/IP), must be registered with the Communications and Networking Resources Department (CNRD). The registration must include the user name and location of the system. (The Head of the Communications and Networking Resources Department maintains a list of Laboratory network administrators.)
- Only the LBLnet Manager may authorize a new physical connection to the LBLnet, and he or she will document all such connections. (The LBLnet Manager is listed in the *Telephone Directory* [Directory Services on the Web].)

(3) **Individual Remote Access.** Individual users accessing LBLnet remotely (e.g., from home) shall observe all LBLnet security policies.

(4) **Physical Security.** Physical access to all LBLnet computers shall be limited to authorized personnel.

e. Institutional Information

Institutional information is defined as any business or management information involved in the support of the Laboratory as a whole or of specific projects or groups within the Laboratory.

(1) Systems that process or store institutional data (as defined above) should be backed up on a regular schedule. The intervals between back-ups should be determined by the criticality and recoverability of the data and the frequency of update. Both software and data need to be backed up.

(2) For systems that process or store institutional data, a determination should be made as to whether or not the data are sensitive.

(3) Applications that use an electronic signature as a legal signature must obtain concurrence that security controls for the application are adequate from the Internal Audit Services group. When requesting the signature online, the following language should be used to indicate that a legal signature is being solicited:

> The information requested constitutes a legal signature for the person named. Use of this electronic signature by anyone other than the person named, or his or her designee, is forbidden and may result in disciplinary action, dismissal, or civil or criminal liability.

f. Other Guidelines

(1) Sensitive Applications

(a) Systems that process sensitive data should have proper security controls in place. As a minimum, the data should be protected from unauthorized access (via passwords and/or file protections) or stored on diskettes that are themselves physically secured. Note that this includes distributed institutional processes such as P^2R and salary setting as well as centralized applications.

(b) Systems that process sensitive data should be managed by a security-competent systems manager. In particularly sensitive cases, it is recommended that the sensitive data reside on a file server or central host computer, where security and systems management functions are already in place.

(c) Systems that process environmental, safety, or health data must be protected according to the stricter laws that govern these data, if the requirements go beyond DOE policy.

(2) Distribution Lists. The addressees on mail exploders and automatic distribution lists should be reviewed for proper authorization at least semiannually.

10. Training and Awareness

a. The CCSC will develop and administer training curricula for system managers, division administrators, the Reception Center, and general staff, and will provide material to assist in the determination of application sensitivity.

b. The CCSC will develop appropriate access and computer and network security guidelines and make them available to all staff as needed.

c. The CPPM will ensure that all Assistant CPPMs and CSLs receive appropriate training.

11. Computer and Network Security Glossary

.rhosts; xhost +	Mechanisms for granting and using remote access to a UNIX system.
ftp	"file transfer protocol." The process by which files are copied from one system to another over the Internet. "Anonymous ftp" is the process that allows such transfers to take place without requiring a log-in to the remote system.
log-in	Log-in is the process of gaining access to a computer system. It usually consists of providing a user ID and a password.
password	An access code that is associated with a particular user ID. The user ID and password must match for access to be granted. Password protection may be applied to individual files or commands as well as to general system access.
proprietary data	Data that require extra protection because they are the intellectual property of someone (internal or external to LBL) who has restricted their distribution.
VMS proxy access	A mechanism for granting access to a remote user of a VMS system.
sensitive data	Data that require extra protection because of a need for confidentiality (e.g., medical data on individuals), integrity (e.g., paychecks), or availability (e.g., data necessary to operate the ALS). A sensitive application is one that processes sensitive data. Sensitive applications require at least the same level of protection as the data they process.
threat	Threat is the product of the probability of compromise or damage and the dollar impact of the average incident: $T = p(C) \times \$$.
user ID	The name by which an individual user is known to a system. A single user may have multiple user IDs on the same or different systems. In special circumstances, multiple users may use the same user ID.
xhost +	See *.rhosts*.

E. COMPUTER SOFTWARE

1. Laboratory-Developed Software

In-house software development must be managed in accordance with the Laboratory Software Management Policy. DOE Order 1360.4A and DOE Notice 1360.8 define the procedures to be used for the external distribution of finished software. In particular, if finished software is to be distributed outside the United States to other than programmatically approved collaborators, such distribution shall be accomplished through the Energy Science and Technology Software Center (ESTSC) or the appropriate Specialized Information Analysis Center (SIAC).

2. DOE-Developed Software

DOE policy (DOE Order 1360.4) promotes sharing of DOE-developed software wherever appropriate. This policy is implemented through the ESTSC. The policy requires review of available shared software prior to a decision to develop new software and submission of Laboratory-developed software to ESTSC when it may have value to other DOE sites. Both review and submission of ESTSC software are accomplished through the Laboratory Library. Questions of policy or appropriateness of software for submission to ESTSC should be addressed to the Office of Information Technology Resources (ITR) Planning.

3. Public Domain Software

Public domain software must be used with great care. Computer viruses or other such mischievous or detrimental modifications to computer software could cause significant loss or damage to the Laboratory. The importer of public domain software into the Laboratory is responsible for ensuring that such software does not contain such harmful modifications.

4. Commercial Software

Laboratory policy is to use commercial software whenever it is functionally appropriate and cost-effective rather than develop software in house. Many users share development, documentation, and maintenance costs of commercial software, and larger knowledgeable communities use the same software, which can be advantageous.

5. Licensed Software

Most commercial and some noncommercial software is made available under a license agreement. Such agreements typically restrict usage to certain CPUs, place restrictions on copying, require labeling of copies, and may contain other terms and conditions of use. Occasionally some terms or conditions contained in software license agreements are unacceptable to the Laboratory. In such cases, an acceptable agreement must be negotiated or the software cannot be used.

License agreements generally follow one of three formats:

a. Some software suppliers (usually of larger or more expensive software) require an explicit signed agreement prior to delivery of the software. This type of agreement is managed as part of the official Laboratory purchase order. No staff member, except authorized Purchasing Department staff, may sign such an agreement.

b. Other software (usually inexpensive or personal/microcomputer software) is purchased without prior agreement but is delivered to the end user with a license agreement included. Such agreements either claim to be in effect if the software is used or request a signature on a postcard-type agreement to be returned to the supplier. Recipients of such software usually want to sign the agreement and return it because that is the mechanism for obtaining updates. Generally, staff members may sign such agreements after a careful reading. Any liability assumed by the signing of such an agreement may be personal and not indemnified by the Laboratory. Questions concerning the advisability of signing an agreement or using the software should be referred to the Head, Office of ITR Planning, or the Purchasing Manager.

c. Software is occasionally made available to the Laboratory under specific agreement, but at no cost. If the software is to be handled as proprietary information, refer to Section 5.06, *Proprietary Information from External Sources.*

F. LABORATORY SOFTWARE MANAGEMENT PROGRAM

1. Introduction and Purpose

Software is a valuable information technology resource, and one in which the Laboratory has a considerable investment. This section defines the procedures adopted at the Laboratory to ensure that software is managed in a manner appropriate to its cost, criticality, complexity, breadth of use, and expected length of service.

2. The Elements of Software Management

The elements of the Laboratory Software Management Program are:

- The thresholds and criteria that apply at various decision points.
- The make or buy decision.
- Project management.
- Quality assurance and quality control.
- Post-implementation audit.
- Periodic reviews of the installed software and the software management program.

3. Exemptions

Exemptions are defined in Paragraph 9.01 F 1, *Policy*. The Laboratory Software Management Program applies to all software that is not explicitly exempted.

4. General Provisions

a. Software subject to the Laboratory Software Management Program shall be developed or modified in-house only when necessary because of nonavailability of suitable existing software, or when clearly justified by a cost-benefit analysis. In all such cases, an Authorized Software Project form should be completed, signed by the project leader or other responsible authority, and filed with the Office of ITR Planning.

b. All software that is, or is projected to be, subject to the Laboratory Software Management Program shall be included in the appropriate schedules and narratives of the ITR Long-Range Site Plan required by DOE. (The nature of the information required for the plan and the level of detail change from year to year and are specified in the annual Call for ITR Long-Range Site Plans, issued by DOE Headquarters.)

c. It is expected that some software projects will begin well below the threshold for inclusion in the Laboratory Software Management Program, but will, over time, achieve a size or criticality that warrants inclusion. Such software should be incorporated into the Laboratory Software Management Program as soon as it qualifies under any of the criteria given above.

d. Software management in collaborative efforts shall be governed by the policies of the institution(s) providing the leaders of the projects concerned.

5. Software Development

The provisions of this section are intended to supplement good engineering practice. Under no circumstance should any requirement or guideline given here be understood to remove project management's responsibility to ensure that the highest quality product obtainable in a cost-effective manner is, in fact, obtained.

a. There is no specific required implementation style or method. However, all software subject to the Laboratory Software Management Program shall undergo a program of software quality assurance and post-implementation audit to verify the satisfaction of all requirements and to provide a reality check for the initial resource estimates.

b. Software development projects should make effective use of appropriate software engineering technology, including configuration management, reuse of modules, code-generation systems, automated testing, etc.

c. Software that is subject to the Laboratory Software Management Program because of its criticality, as specified in Paragraph 9.01 F 1, *Policy*, shall undergo a design review and an implementation review. These reviews shall be conducted by review teams, not all the members of which are associated with the project. Any discrepancies between the implementation and the approved design must be approved by project management. The results of all formal reviews shall be retained as long as the software is in use.

d. Appropriate consideration shall be given to information security in the development of all software subject to the Laboratory Software Management Program.

e. The explicit requirements of this policy are to be taken as minimal. Additional formal procedures, including further reviews, change control mechanisms, and formal test plans, are to be employed when good engineering practice so dictates.