



U.S. DEPARTMENT OF  
**ENERGY**

# **Workforce Restructuring Plan for the Hanford Site**

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# WORKFORCE RESTRUCTURING PLAN FOR THE HANFORD SITE

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# I. INTRODUCTION

## *Executive Summary*

Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Section 3161) directs the Secretary of Energy, upon a determination that a change in the workforce is necessary at a Department of Energy (DOE) defense nuclear facility, to develop a plan for workforce restructuring in consultation with affected stakeholders. The objectives of such a plan are to minimize involuntary separations, reduce the social and economic impact of restructuring on individuals who are involuntarily separated, and mitigate the detrimental effects of restructuring on the surrounding communities.

This Workforce Restructuring Plan (Plan) covers Hanford Site Contractors<sup>1</sup> with Workforce Restructuring (WFR) Clauses in their contracts. All prime contractors with the WFR clause are required to extend the WFR clause to their teaming subcontractors and pre-selected subcontractors. The Plan establishes the general framework within which any restructuring of the workforce at the Hanford Site would be implemented. Once approved, this Plan will establish the policy of the Department<sup>2</sup> for responding to the changing missions and the changing contractor structure at the Hanford Site for fiscal year 2014 and beyond. Further modifications to this Plan may be made if circumstances require.

The benefits described in this Plan are consistent with the authority granted in Section 3161, Departmental policy, and appropriations provided by Congress. Specific contractor employment reductions, typically referred to as workforce restructuring programs will be developed as necessary, using this Plan as a guide and in light of the programmatic and other relevant factors of each restructuring.

As set out in detail below, the objective of this Plan is to minimize the impact of restructuring on affected employees and the community, to the extent practicable with available funding through:

- Reassignment to jobs open within each respective contractor's workforce where employees can perform the work required, consistent with the hiring benefits discussed below.
- Retraining assistance for internal job opportunities.
- Rehiring preference for any involuntarily separated employees meeting eligibility requirements.
- Outplacement Services for employees to maximize opportunities for external job placement when internal placement or retraining programs are not practicable.
- Consultation and coordination with the community and area stakeholders to ensure that affected workers are made aware of all available avenues of assistance.

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<sup>1</sup> Unless specified otherwise, the term Contractor herein includes all Hanford Site Contractors with WFR clauses in their contract.

<sup>2</sup> Unless specified otherwise, the terms "Department" and "DOE" are used herein to refer to the Department of Energy.

The Department of Energy reserves the right to change the terms of this Workforce Restructuring Plan. There is no guarantee that benefits equal to or greater than those described in this Plan will continue to be provided in the future. Modifications to this Plan or to Plan benefits may be required if circumstances change, e.g., if there is a change in implementing policy or in funding constraints. It is not the intent of DOE in issuing or implementing this Workforce Restructuring Plan to create any private right of action or to modify obligations imposed upon Employers or Employee representatives by Law, Executive Order, or Contract. This Plan replaces any previously published Hanford Site Workforce Restructuring Plans and their addendums.

## *Preface*

The 586-square-mile Hanford Site is located along the Columbia River in southeastern Washington State. A plutonium production complex with nine nuclear reactors and associated processing facilities, Hanford played a pivotal role in the nation's defense for more than 40 years, beginning in the 1940s with the Manhattan Project. Today, under the direction of the U.S. Department of Energy, Hanford is engaged in a major environmental cleanup project.

DOE has two separate operating Federal Offices at the Hanford Site: the Richland Operations Office (RL) and Office of River Protection (ORP). Each office administers contracts between the Department and private contractors. Contractors reporting to the Richland Operations Office carry out the following missions: restoring the Columbia River Corridor, transitioning the Central Hanford Plateau, and supporting Hanford Site operations. Contractors reporting to the Office of River Protection carry out the following missions: safely operating Hanford's 177 aging underground storage tanks containing 56 million gallons of chemical and radioactive waste and providing analytical services related to the tank waste cleanup and other ongoing activities at Hanford.

This Plan seeks to meet the objectives of Section 3161 consistent with budget and funding constraints and the mission needs of the Department. The objectives of the Plan are to:

- Minimize involuntary separations,
- Minimize the impact of restructuring on individuals who are involuntarily separated,
- Mitigate the detrimental impact of restructuring on the surrounding communities, and
- Maintain the integrity of the core competencies required to carry out the Departmental missions at the Hanford Site.

## II. ROLES AND RESPONSIBILITIES

### *Stakeholder Input*

Upon a determination that the workforce at a DOE defense nuclear facility may need to be restructured, Section 3161 requires DOE to develop a workforce restructuring plan in consultation with appropriate representatives of state and local governments, appropriate representatives of affected employees, and other affected Hanford Site stakeholders. DOE is committed to ensuring stakeholder involvement in developing policies regarding workforce restructuring for the Hanford Site.

The Richland Operations Office and Office of River Protection notified stakeholders and made the draft of this workforce restructuring plan available on the DOE Hanford Site website for a 14-day comment period. One comment was received which was addressed and the plan was submitted to DOE Headquarters offices for approval. Following transmittal to Congress, the Richland Operations Office and Office of River Protection will distribute the approved plan and post it on its website.

### *DOE Responsibilities*

DOE is responsible for establishing workforce restructuring policy consistent with Section 3161 of Public Law 102-484. Contractors must notify the Contracting Officer in writing and obtain prior DOE approval for any workforce restructuring separation action as defined in their Contract. RL/ORP will evaluate each contractor's request for approval consistent with this Plan.

### *The Role of Hanford Site Contractors*

- *The Employers.* While contractors are not identified specifically as stakeholders by Section 3161, contractors are responsible for workforce restructuring planning. The contractors evaluate the existing workforce to determine the need for restructuring. The contractors, not DOE, are the employers of the workers who may be affected by workforce restructuring activities and, as such, have responsibilities to those employees. The contractors, as the employer of record, are responsible for terminating the employment of employees affected by a workforce reduction. The contractors may also be parties to collective bargaining agreements covering some employees. The contractors may also be sponsors of pension and benefit plans and, if so, are responsible for the management and administration of pension and benefit plans covering their employees. Contractors will perform their own workforce planning consistent with this Plan.
- *Communications.* Timely and accurate communication with employees is essential. Contractors are expected to comply in all respects with the requirements of applicable DOE Orders and guidelines regarding announcement of workforce restructuring actions. No communications will occur until approval is received from the Contracting Officer. Once DOE approval is received, Contractors are expected to communicate information regarding workforce restructuring to the employees before releasing any information to the news media. Contractors will ensure that all information intended for release to internal or external audiences is consistent with all legal and contractual requirements, including any applicable personnel policies.

### III. PLANNING

#### *Plan Applicability*

This is an open-ended Plan without a termination date. Unless amended, withdrawn, or replaced, it will provide the guidelines for all future workforce restructuring actions conducted by contractors reporting to the RL/ORP, consistent with each contractor's respective DOE contract. This Plan applies to all Hanford Site contractors as defined in footnote 1. The benefits described in the Plan are subject to the availability of funds. It is DOE policy that Displaced Worker Medical Benefits (described below) are to be offered to all eligible displaced employees; however, changes in this policy may be made depending on the circumstances of the restructuring actions and availability of funds. Involuntarily separated employees who meet applicable requirements set forth in Section V. of the Plan will be entitled to the Section 3161 rehiring preference detailed below. Any "enhanced benefits" requested by the contractors (i.e., benefits above those set forth in their contracts with DOE) are subject to DOE approval and the availability of funds. However, Contractors may choose to use their own funds to provide enhanced benefits above those reimbursed by DOE. Although this Plan applies to contractor employees, it does not necessarily provide all employees with the same benefits.

#### *Timing of Notification of Workforce Restructuring*

Contractors' requests to implement workforce restructuring actions should be provided to DOE as early as possible so that advance notice may be provided to the workforce and the communities within the timeframes established by DOE. Contractors are required to follow the established timeframes to allow DOE time to notify Congress of the upcoming workforce restructuring actions prior to any public announcement by DOE or the contractor.

Any involuntary separation will also be conducted consistent with DOE Orders and guidelines, and applicable laws and regulations. If the Worker Adjustment and Retraining Notification (WARN) Act is applicable to a particular involuntary workforce restructuring action, affected employees will be given written notice consistent with the applicable legal requirements prior to their separation.

The Department recognizes that any planned reduction in employment levels at the Hanford Site could cause a high level of anxiety within the workforce. To minimize this anxiety, contractors conducting workforce reductions will communicate frequently, openly and honestly with employees.

#### *Workforce Planning*

- **Skills Inventory.** The contractors will continually review and compare the skill mix necessary to carry out the current and future missions at the Hanford Site to those of the existing workforce. DOE understands that uncertainties regarding mission focus from year-to-year, as well as regarding the knowledge and skills that will be needed to accomplish future missions, make detailed, long-range planning and projections extremely difficult.
- **Assessment of Available Skills Relative to Skills Requirements.** The contractors will prepare and maintain a workforce assessment reflecting: 1) projected workforce skills requirements; 2) current composition and inventory of the skills of the workforce and 3) the feasibility of retraining existing

employees to meet changing mission workscope requirements. The assessment will cover three years: Current execution year (appropriated funds) plus two out-years (budget/planning year and formulation year). The current execution year will specifically address workforce skills requirements and the two out-years will be assessments at the workscope levels. Contractor employees should be encouraged to ensure that the information available accurately reflects all their education, retraining, certifications, etc.

- *Workforce Planning and Restructuring Strategy.* DOE-RL/ORP is responsible for determining overall workforce restructuring policy for its contractors. The contractors are responsible for implementation of DOE workforce restructuring policy and the oversight of restructuring programs conducted under this Plan. Normal attrition will be factored in as part of mitigation planning for involuntary separations. The contractors will identify, review, and document any skill mismatches, excesses or deficiencies in each skill classification prior to conducting a voluntary or involuntary separation program.

**The Department strongly disapproves of hiring from the outside, which has the effect of “backfilling” the positions of individuals separating as part of either a voluntary or involuntary separation program, unless new funds and/or new work scope are later added to the contract**

## **IV. WORKFORCE RESTRUCTURING PROGRAMS**

When a voluntary or involuntary separation program is planned, the contractors will be expected to satisfy fully their obligations toward any labor organization representing their employees. Prior to conducting a separation program, the contractors will give union officials representing affected bargaining units notice of the action contemplated and comply with any obligations under the National Labor Relations Act as it relates to bargaining in the situation, as well as with any procedures set out in applicable collective bargaining agreements.

### ***General Procedures for Workforce Restructuring***

When contractors determine that a reduction in force is necessary, the Prime contractors shall notify the respective Contracting Officers and seek prior approval, if required pursuant to their contracts and/or DOE guidance. Hanford Site Prime Contractors are responsible for submitting a single WFR request that includes their teaming subcontractors and pre-selected subcontractors. Contractors shall provide such information as directed by Contracting Officers to enable compliance with Section 3161 of the National Defense Authorization Act for Fiscal Year 1993. Additionally, the following procedures will be followed:

- All requests must contain pertinent information such as reasons, costs, dates, and numbers.
- Following DOE approval, employees, Congressional and other stakeholders, including the Media, will be notified.
- Any payment of enhanced benefits beyond those already approved in a contractor's contract must be approved by the appropriate DOE headquarters organizations. However, as stated in Section III., Contractors may choose to pay for enhanced benefits not approved or reimbursed by DOE.

Consistent with its obligations under Executive Order 11246 of September 24, 1965, as amended by Executive Order 12086 of October 5, 1978, the Department will require a copy of all diversity analyses completed where a workforce restructuring action affects 50 or more non-represented employees in a rolling 12-month period, to review for compliance regarding disparate impact on minorities and other protected classifications of employees, and to assist in determinations regarding allowability of costs.

### ***Self-Select Voluntary Separation Program (SS VSP)***

In order to minimize the number of involuntary separations, the contractors should consider the use of a Self-Select Voluntary Separation Program (SS VSP) before consideration is given to conducting an Involuntary Separation Program (ISP) when workforce restructuring is necessary. Contractor employees in skills classifications that have been identified as having more employees than needed or whose voluntary separation would prevent an involuntary separation may be offered the opportunity to volunteer for separation from employment. Contractors will reserve the right to decide whether to accept the applications that the contractors, in their discretion, determine to be in their best interest. Contractor employees who submit applications to participate in a SS VSP will be selected based upon their verified eligibility to participate, as well as continuing mission requirements and other factors.

Contractor employees whose applications are accepted as being in the best interest of the employer will receive the same severance pay that they would have received had they in fact been involuntarily separated, together with DOE Displaced Worker Medical Benefits, as described below. The application will reflect the understanding that if the employee becomes employed, within one (1) year from the date of the employee's separation, by a Hanford Site contractor or another contractor or subcontractor (as more fully specified in the application) to the DOE or National Nuclear Security Administration (NNSA) for work performed under a contract with the DOE or NNSA, the employee may be required to repay a portion or all of the severance benefits received pursuant to his or her participation in the VSP.

It is the policy of the Department to have Contractors obtain from employees who separate under incentivized voluntary separation programs, a release and waiver of claims related to their employment and separation. An incentivized voluntary separation program is one that provides any severance payment to those choosing to terminate their employment, as voluntarily separating employees would not receive payment, in other circumstances, when separated from employment. Contractors must submit all employee release and waiver of claims forms with their specific Workforce Restructuring requests, for approval by DOE prior to use.

### ***Involuntary Separation Program (ISP)***

If it is necessary to conduct an involuntary separation, efforts will be made to minimize the number of employees involuntarily separated. Non-represented employees will be identified for involuntary separation consistent with applicable personnel policies and on the basis of neutral and objective factors to be determined by the contractors at the time of the involuntary separation program. Examples of factors that may be relevant are: documented individual performance, seniority, the need for the individual's skills taking into account retraining possibilities, and the number of individuals with the required skills. Critical skills are not determined solely by job classification, but rather by the skills needed to accomplish continuing site missions. The transferability of skills across organizational entities, the impact of attrition, and the diversity of work experience as it relates to the overall strategic direction at the Hanford Site may also be considered, as appropriate. Employees who are not covered by collective bargaining agreements will receive severance pay in accordance with their employer's approved severance plan.

Represented employees covered by collective bargaining agreements will be identified for involuntary separation in accordance with any requirements in their collective bargaining agreements and will receive severance pay as provided by the severance provisions of those agreements.

Contractors may use two weeks' pay-in-lieu of notice. Contractors must submit requests for use of pay-in-lieu of notice beyond two weeks to the Contracting Officer 30-days prior to the date lay-offs begin or any announcement of the pending lay-offs, and must include a business case justification and associated costs.

All contractor employee release and waiver of claims forms used for the ISP require DOE approval prior to use. The contractor submits the forms with its specific Workforce Restructuring request.

**Any selection or evaluation of employees associated with any workforce restructuring action must comply with all legal requirements, including those pertaining to equal employment opportunity and diversity, as discussed above.**

## **V. ASSISTANCE AND BENEFIT PROGRAMS**

### ***Retraining Programs***

It is DOE's position that retraining, where applicable, and subject to available funding, is vital to accomplishing many of the objectives of this Workforce Restructuring Plan, including: (1) minimizing loss of vital skills and knowledge, (2) minimizing negative impacts to the surrounding communities and affected employees, and (3) minimizing, to the extent practicable, the need for involuntary reductions in the workforce.

### ***DOE Displaced Workers Medical Benefits Program***

All employees of the prime contractor who were eligible for medical insurance coverage under the contractor's plan at the time of separation from employment are eligible for Displaced Worker Medical Benefits (DWMB). Employees of teaming subcontractors and preselected subcontractors who are enrolled in the Hanford Employee Welfare Trust are also eligible for DWMB. Eligible employees who separate from employment voluntarily or involuntarily (other than for cause) as a result of a workforce restructuring action are eligible for medical coverage under the DOE DWMBP, provided they are not eligible for coverage under another plan, e.g., another employer's group health plan, the contractor's Retiree Medical Plan, a spouse's medical plan, or Medicare. During the first year following separation, the contractor will continue to pay the employer portion of the medical premium share and the employee will be billed for the employee portion of the applicable monthly premium, depending on the type and level of coverage the employee has at separation. During the second year after termination, the separated employee will be responsible for one-half of the full Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) rate for this coverage and the contractor will pay the remainder. In the third year the separated employee will become responsible for paying the full COBRA rate.

Alternatively, separated employees may elect to continue medical coverage under COBRA. Employees will be provided a separate notice of COBRA benefits.

### ***Section 3161 Rehiring Preference for Eligible Separated Employees***

To the extent practicable, eligible involuntarily separated contractor employees who meet the eligibility requirements contained in this Plan will receive a hiring preference with respect to vacancies for positions for which they are qualified, or, to the extent practicable in the circumstances, for which they may become qualified. Employees will not be considered to have involuntarily separated for purposes of Section 3161 rehiring preference, if they are separated as a result of: (1) termination for cause; (2) voluntary separation from employment at the Hanford Site; (3) the normal completion of a contract; or (4) privatization or outsourcing, where the employees laid off are offered comparable compensation with the new contractor. Additionally, to retain eligibility for the preference, individuals must recertify annually by using the form at Appendix A. Hanford Site Contractor Preference in Hiring Procedures are included as Appendix B.

Eligibility for the Section 3161 rehiring preference will be consistent with the Planning Guidance for Contractor Workforce Restructuring dated December 1998:

Regular employees are individuals employed for an indefinite period with no specified ending date. Such employees include full-time and part-time employees. To be classified as a qualified, eligible employee under section 3161, regular employees must have been:

- Employed at a DOE defense nuclear facility on or before September 27, 1991;
- Employed at the Hanford Site in a full-time or part-time regular capacity on the date a workforce restructuring notice was given for a specific workforce reduction; and
- Employed at a DOE defense nuclear facility full-time or on a regular part-time basis from September 27, 1991, through the date of notification; and
- Involuntarily separated (other than for cause).

Intermittent employees are individuals employed in situations that results in repeated periods of employment and unemployment, (e.g., most construction trades). To be qualified as eligible for the Section 3161 rehiring preference, intermittent employees must have been:

- Employed at any DOE defense nuclear facility on or before September 27, 1991;
- Must have worked at such a facility within the 180 days preceding an applicable workforce restructuring notification;
- Must have worked at a DOE defense nuclear facility a total time, including time worked prior to September 27, 1991, equivalent to having worked 40 hours per week from September 27, 1991, through the date of the notification, or have actually worked the industry standard of full-time from September 27, 1991, through the date of the notification; and
- Must have been adversely affected by the announced restructuring at the Hanford Site within a reasonable period of time (one year). This includes the interruption of a project before its anticipated completion, or the completion of the assignment or project without prospect for a follow-on assignment at the site where the employee had a reasonable expectation of a follow-on assignment.

The contractors engaged in operations at the Hanford Site will implement the Section 3161 rehiring preference in accordance with their respective hiring procedure.

#### Subcontracts and Implementation of the Section 3161 Rehiring Preference

Subcontractors and sub-tier contractors whose contracts (with any contract options) exceed \$500,000, except subcontracts for the purchase of supplies, equipment, or property, will be required by contract language to accord hiring preference benefits to displaced employees consistent with this Plan and the requirements of applicable procurement laws.

Contractors who have the Department of Energy Acquisition Regulation (DEAR) provision on 3161, 48 CFR (DEAR) 952.226-74, in their contracts are required to flow down the clause to subcontracts expected to exceed \$500,000. Subcontractors are required to maintain adequate documentation to

support hiring decisions, and insert the hiring preference benefit requirement into their subcontracts that are expected to exceed \$500,000.

### ***Outplacement Services***

To mitigate the impact of contractor employees at the Hanford Site losing jobs, local employees should seek assistance from the state employment service at WorkSource Columbia Basin (two locations):

815 N. Kellogg Street, Suite D.  
Kennewick, WA (509) 734-5900 or (509) 734-5283 (TDD)

306 Division  
Yakima, WA (509) 574-0105

Employees can also access the website for WorkSource. This is a single website for all of Washington State:

[www.go2worksource.com](http://www.go2worksource.com)

WorkSource services include skill assessments, workshops, assistance with resume creation and reproduction, interview techniques, job market information, resource libraries, and automated job listings.

## **VI. CONCLUSION**

This Workforce Restructuring Plan has been developed to meet the requirements and spirit of the National Defense Authorization Act for FY1993, and is being developed with an objective, among other things, of minimizing involuntary separations in any Section 3161 workforce restructuring at the Hanford Site. This Plan establishes the general framework within which any restructuring of the workforce at the Hanford Site would be implemented.

APPENDICES

**Appendix A: Statement of Interest in Maintaining Section 3161 Employment Eligibility**

Name: \_\_\_\_\_  
                     FIRST                      Middle                      Last

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_  
   Street/Apartment Number

\_\_\_\_\_

                    City                      State                      Zip Code

Telephone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
   HOME                      WORK

Date of Lay-Off resulting from Workforce Restructuring: \_\_\_\_\_  
   Month/Day/Year

Employer: \_\_\_\_\_

Position(s) held: \_\_\_\_\_

COCS Codes: (See attached form) \_\_\_\_\_

Education: (Last level completed and discipline) \_\_\_\_\_

Are you willing to relocate for employment? \_\_\_\_\_ YES    \_\_\_\_\_ NO    \_\_\_\_\_ MAYBE

I hereby request that I be designated as eligible for a hiring preference under Section 3161 for any job opportunities that may arise for which I am qualified. I also certify that I have not been terminated for cause from employment by a Department of Energy (DOE) contractor or subcontractor while performing work at a DOE Site. I understand that if I wish to be considered for a hiring preference for any other DOE Contractor in the DOE Complex that I am responsible for providing preference information to the DOE Contractor with my resume and/or applications.

**I ALSO UNDERSTAND THAT IN ORDER TO RETAIN PREFERENCE IN HIRING STATUS, I AM REQUIRED TO COMPLETE A NEW FORM ANNUALLY TO MAINTAIN MY PREFERENCE STATUS.**

\_\_\_\_\_  
 SIGNATURE                      DATE

Send completed form to: Manager, HR, (Insert Contractor Name and Address)

APPROVED:

\_\_\_\_\_  
 (INSERT CONTRACTOR NAME)    DATE                      HIRE DATE                      SEPARATION DATE

## **Appendix B: Hanford Site Contractor Preference in Hiring Procedure**

Pursuant to the Interim Planning Guidance for Contractor Workforce Restructuring, eligible employees involuntarily separated from employment (except if terminated for cause) from Prime Contractors whose contracts include the Section 3161 Rehiring Preference clause in their Contract may be eligible for preference in hiring. Where qualifications are approximately equal, eligible individuals will be given preference in hiring consistent with applicable law, regulation, or executive order, and collective bargaining agreements.

Initially, and on an annual basis thereafter, eligible individuals must certify on the Statement of Interest in Maintaining Section 3161 Employment Eligibility, their desire to retain their hiring preference with the Contractor from whom they were involuntary separated. In order to be eligible, individuals must meet the requirements as identified below:

Regular employees are individuals employed for an indefinite period with no specified ending date. Such employees include full-time and part-time employees. To be classified as a qualified, eligible employee under section 3161, regular employees must have been:

- Employed at a DOE defense nuclear facility on or before September 27, 1991;
- Employed at the Hanford Site in a full-time or part-time regular capacity on the date a workforce restructuring notice was given for a specific workforce reduction; and
- Employed at a DOE defense nuclear facility full-time or on a regular part-time basis from September 27, 1991, through the date of notification; and
- Involuntarily separated (other than for cause).

Intermittent employees are individuals employed in situations that results in repeated periods of employment and unemployment, (e.g., most construction trades). To be qualified as eligible for the Section 3161 rehiring preference, intermittent employees must have been:

- Employed at any DOE defense nuclear facility on or before September 27, 1991;
- Must have worked at such a facility within the 180 days preceding an applicable workforce restructuring notification;
- Must have worked at a DOE defense nuclear facility a total time, including time worked prior to September 27, 1991, equivalent to having worked 40 hours per week from September 27, 1991, through the date of the notification, or have actually worked the industry standard of full-time from September 27, 1991, through the date of the notification; and
- Must have been adversely affected by the announced restructuring at the Hanford Site within a reasonable period of time (one year). This includes the interruption of a project before its anticipated completion, or the completion of the assignment or project without prospect for a follow-on assignment at the site where the employee had a reasonable expectation of a follow-on assignment.