

Preference in Hiring Description

Fluor Paducah Deactivation Project (FPDP) as the new contractor at the Paducah Gaseous Diffusion Plant site (PGDP) shall comply with new hiring preferences as set forth below. FDRP will follow the Department of Energy's (DOE): Workforce Transition and Employee Hiring Preferences. These preferences are outlined in Section H.103 of the Contract DE-DT0007774 and in compliance with Section I.206, Federal Acquisition Regulation (FAR 52.222-17).

H.103 WORKFORCE TRANSITION AND EMPLOYEE HIRING PREFERENCES

The Contractor shall comply with the hiring preferences set forth below. The Contractor's failure to comply with this clause may result in the costs being determined to be unallowable. See also Section I.206, FAR 52.222-17.

- (A) The right of first refusal for employment in Section I, FAR 52.222-17 (JAN 2013) Nondisplacement of Qualified Workers, is applicable to the service employees employed under the LATA-KY Contract DE-AC30-10CC40020 (hereinafter LATA-KY DOE Contract), for the same or similar services, which are to be performed by the Contractor and its subcontractors. The Contractor shall comply with the right of first refusal for employment for service employees and all of the requirements set forth in FAR 52.222-17 Nondisplacement of Qualified Workers for the applicable work and positions before applying any of the hiring preferences in paragraph (B) below.
 - (1) The services to which the right of first refusal is applicable under FAR 52.222-17 are set forth in Sections C.1.6 and C.1.7. The Contracting Officer will provide written notification to the Contractor of additional sections of the PWS that constitute the same or similar services, and for which the LATA-KY DOE Contract is considered to be a predecessor contract. The obligation to offer employment under Paragraph (A) above shall continue for 90 days after issuance of the Task Order and also, 90 days after the Contractor's first date for performance of the same or similar services.
 - (2) If a service employee employed under the LATA-KY DOE Contract declines a bona fide express offer of employment under Paragraph (A) above, the Contractor need not provide the right of first refusal or the preference in hiring specified in paragraphs (B)(1)(a) and (b) below to such employee, but shall provide all other preferences in hiring in Paragraph (B) below, as applicable.
- (B) The Contractor shall provide, during the Task Order Implementation Period and throughout the period of performance, preferences in hiring for vacancies at the Paducah Gaseous Diffusion Plant for non-managerial positions (i.e., all those below the first line of supervision) in non-construction activities of the PWS under this Task Order, in accordance with the hiring preferences in paragraphs (1) – (5) below (subject to paragraph (A) above, any applicable collective-bargaining agreement(s), applicable law, and site seniority), as set forth below.
 - (1) The Contractor shall provide USEC and LATA-KY Employees employed at the Paducah Gaseous Diffusion Plant Site who have been identified by their

employer as being at risk of being involuntarily separated, the preferences in paragraphs (a) – (c) in descending order of priority:

- (a) A right of first refusal for vacancies in non-managerial positions that are substantially equivalent to the positions the above employees held at the time such were identified as being at risk of being involuntarily separated.
- (b) A preference in hiring in for vacancies in non-managerial positions for the above employees who meet the qualifications for the position.
- (c) A preference in hiring for vacancies in non-managerial positions for the above employees who may not meet the qualifications for the position, but who agree to become qualified and can become qualified by the commencement of active employment under this Task Order with the training provided pursuant to Clause H.105(A).

(2) The Contractor shall give a preference in hiring to individuals (1) who are former employees of USEC or former employees of LATA-KY and 2) who are entitled to recall rights consistent with any applicable site seniority and any applicable collective bargaining agreement(s) at the Paducah Gaseous Diffusion Plant Site.

(3) The Contractor shall give a preference in hiring to individuals set forth below in paragraphs (a) -- (c), in descending order of priority, who are eligible for the hiring preference contained in the clause in Section I of this Task Order entitled "DEAR 952.226-74, Displaced Employee Hiring Preference" (including USEC employees who are eligible for the preference pursuant to 42 U.S.C. §2297h-8(a)(5)) consistent with the provisions of any applicable Work Force Restructuring Plan, as amended from time to time, regarding the preferential hiring of employees:

- (a) Grandfathered Employees who are former employees of LATA-KY or who are former USEC employees at the Paducah Gaseous Diffusion Plant Site;
- (b) Former employees of USEC or of LATA-KY, or any other DOE contractor or subcontractor of a DOE contractor at the Paducah Gaseous Diffusion Plant Site; and
- (c) Former employees of any other DOE contractor or subcontractor at a DOE defense nuclear facility.

(4) The Contractor shall give a preference in hiring to individuals (1) who were formerly employed at the Paducah Gaseous Diffusion Plant Site by USEC or LATA-KY; and (2) who were involuntarily separated (other than for cause) from their employment at the Paducah Gaseous Diffusion Plant Site; and (3) who are qualified for the position or who may not meet the qualifications for a particular position, but who agree to become qualified and can become qualified by the commencement of active employment under this Task Order.

(5) The Contractor shall give a preference in hiring to individuals (1) who have separated from employment at the Paducah Gaseous Diffusion Plant Site (2) who are not barred from seeking employment at the Paducah Gaseous Diffusion Plant Site by the terms of employee waivers or releases of claims they executed; and (3) who are qualified for a particular position or who may not meet the qualifications for a particular position, but who agree to become qualified and can become qualified by the commencement of active employment under this Task Order.”