

Mid-America Conversion Services, LLC; Contract Preference in Hiring Clause

H.3 DEFINITIONS For purposes of Clauses H.3 through H.10 the following definitions are applicable (unless otherwise specified):

- A. "BWCS" means BWXT Conversion Services, LLC. (BWCS) and its first and second tier subcontractors performing work under DOE Contract DE- AC30-11CC40015.
- B. "BWCS Portsmouth" means BWCS and its first and second tier subcontractors at the Portsmouth Gaseous Diffusion Plant Site.
- C. "BWCS Portsmouth Incumbent Employees" means employees who, as of the date of award (1) hold regular appointments or who are regular employees on the rolls of BWCS; and (2) are employed at the Portsmouth Gaseous Diffusion Plant Site under DOE Contract DE-AC30-11CC40015.
- D. "BWCS Paducah" means BWCS and its first and second tier subcontractors at the Paducah Gaseous Diffusion Plant Site.
- E. "BWCS Paducah Incumbent Employees" means employees who, as of the date of award (1) hold regular appointments or who are regular employees on the rolls of BWCS; and (2) are employed at the Paducah Gaseous Diffusion Plant Site under DOE Contract DE-AC30-11CC40015.
- F. "BWCS Lexington" means BWCS and its first and second tier subcontractors at Lexington, Kentucky.
- G. "BWCS Lexington Incumbent Employees" means employees who, as of the date of award (1) hold regular appointments or who are regular employees on the rolls of BWCS; and (2) are employed at the BWCS Office located in Lexington, Kentucky (Lexington Office) under DOE Contract DE-AC30-11CC40015.
- H. "FBP" means Fluor-B&W Portsmouth LLC and its first and second tier subcontractors at Portsmouth Gaseous Diffusion Plant Site under DOE Contract DEAC30-10CC40017.
- I. "FFS" means Fluor Federal Services, Inc. and its first and second tier subcontractor at Paducah Gaseous Diffusion Plant Site under DOE Task Order DE-DT0007774. OPERATION OF DUF6 SECTION H RFP No. DE-SOL-0007016 H-9
- J. "Grandfathered Employees" means those employees who meet the definition of "Grandfathered Employees" set out in the B&W Conversion Services, LLC (BWCS) Pension Plan for Grandfathered Employees.
- K. "LATA KY" means LATA Environmental Services of Kentucky, LLC (LATA KY) and its first and second tier subcontractors under DOE Contract DE-AC30- 10CC40020 at the Paducah Gaseous Diffusion Plant Site.
- L. "SST" means Swift & Staley Mechanical Contractors, Inc.(SST) and its first and second tier subcontractors under DOE Contract DE-AC30-10CC40021 at the Paducah Gaseous Diffusion Plant Site.
- M. "USEC" means the United States Enrichment Corporation.
- N. "USEC Employees" means those individuals who were regular employees of USEC at the Paducah Gaseous Diffusion Plant site, or at Portsmouth Gaseous Diffusion Plant site under DOE Contract DE-AC06-01OR22877.
- O. "WEMS" means Wastren Energx Mission Support, LLC (WEMS) and its first and second tier subcontractors under DOE Contract DE-CI0000004 at the Portsmouth Gaseous Diffusion Plant Site. H.4

HIRING PREFERENCES – PORTSMOUTH, OH, PADUCAH, KY AND LEXINGTON, KY the Contractor shall comply with the hiring preferences set forth below for each facility respectively.

PORTSMOUTH, OH

- A. 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. If a service employee employed under DOE Contract DE-AC30-11CC40015 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 transition period and throughout the period of performance, preferences in hiring for vacancies at the Portsmouth 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 Contract, in accordance with the hiring preferences in paragraphs (1) – (5) below (subject to OPERATION OF DUF6 SECTION H RFP No. DE-SOL-0007016 H-10 paragraph (A) above, in descending order of priority, any applicable collective bargaining agreement(s), applicable law, and applicable site seniority lists as provided to the Contractor by the Contracting Officer), as set forth below.
 1. The Contractor shall provide BWCS Portsmouth Incumbent Employees employed at the Portsmouth 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:
 - i. 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.
 - ii. A preference in hiring for vacancies in non-managerial positions for the above employees who meet the qualifications for the position.
 - iii. 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 Contract with the training as provided for in paragraph (6) below.
 2. The Contractor shall give a preference in hiring to individuals (1) who are former employees of BWCS Portsmouth, FBP, WEMS or USEC and (2) who are entitled to recall rights consistent with any applicable site seniority lists and any applicable collective bargaining agreement(s) at the Portsmouth 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 Contract 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:
 - i. Grandfathered Employees who are former employees of BWCS Portsmouth at the Portsmouth Gaseous Diffusion Plant Site,
 - ii. Former employees of USEC under the Cold Shutdown Contract DE-AC06-01OR22877 at Portsmouth or of BWCS Portsmouth, FBP, or WEMS or any other DOE contractor or subcontractor of a DOE contractor at the Portsmouth Gaseous Diffusion Plant Site; and OPERATION OF DUF6 SECTION H RFP No. DE-SOL-0007016 H-11.
 - iii. 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 Portsmouth Gaseous Diffusion Plant by BWCS Portsmouth or USEC under the Cold Standby/Shutdown Contract DE-AC05- 01OR22877 and (2) who were involuntarily separated (other than for cause) from their employment at the Portsmouth 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 Contract.
5. The Contractor shall give a preference in hiring to individuals (1) who have separated from employment at the Portsmouth Gaseous Diffusion Plant Site, (2) who are not precluded from seeking employment at either the Paducah Gaseous Diffusion Plant Site or Portsmouth Gaseous Diffusion Plant Site by the terms of employee waivers or releases of claims they executed absent repayment of severance consistent with the terms of those agreements; 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 Contract. (6) The Contractor will establish a training program specifically for the purpose of training individuals for the purpose specified in paragraph (B)(1)(c) above.

PADUCAH, KY

- A. 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. If a service employee employed under DOE Contract AC3011CC40015 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 transition 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 Contract, in accordance with the hiring preferences in paragraphs (1) – (5) below (subject to paragraph (A) above, in descending order of priority, any applicable collective-bargaining agreement(s), applicable law, and applicable site seniority lists as provided to the Contractor by the Contracting Officer), as set forth below. OPERATION OF DUF6 SECTION H RFP No. DE-SOL-0007016 H-12
- C. The Contractor shall provide BWCS Paducah Incumbent 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 Contract with the training as provided for in paragraph (6) below.
- D. The Contractor shall give a preference in hiring to individuals (1) who are former employees of BWCS Paducah, LATA KY, FFS, SST or USEC and (2) who are entitled to recall rights consistent with any applicable site seniority lists and any applicable collective bargaining agreement(s) at the Paducah Gaseous Diffusion Plant Site
- E. 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 Contract 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 BWCS Paducah at the Paducah Gaseous Diffusion Plant Site;
 - b. Former employees of BWCS Paducah, LATA KY, FFS, SST or USEC 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.
- F. The Contractor shall give a preference in hiring to individuals (1) who were formerly employed at the Paducah Gaseous Diffusion Plant Site by BWCS Paducah or USEC and (2) who were involuntarily separated (other than for cause) OPERATION OF DUF6 SECTION H RFP No. DE-SOL-0007016 H-13 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 Contract.
- G. 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 precluded from seeking employment at the Paducah Gaseous Diffusion Plant Site by the terms of employee waivers or releases of claims they executed absent repayment of severance consistent with the terms of those agreements; 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 Contract. (6) The Contractor will establish a training program specifically for the purpose of training individuals for the purpose specified in paragraph (B)(1)(c) above.

LEXINGTON, KY

- A. 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. If a service employee employed under DOE Contract AC3011CC40015 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 transition period and throughout the period of performance, preferences in hiring for vacancies at the Lexington office for nonmanagerial positions (i.e., all those below the first line of supervision) in nonconstruction activities of the PWS under this Contract, in accordance with the hiring preferences in paragraphs (1) – (5) below (subject to paragraph (A) above, in descending order of priority, any applicable collective-bargaining agreement(s), applicable law, and applicable site seniority lists as provided to the Contractor by the Contracting Officer), as set forth below.
 - (1) The Contractor shall provide BWCS Lexington Incumbent Employees employed at the Lexington office 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. OPERATION OF DUF6 SECTION H RFP No. DE-SOL-0007016 H-14

- (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 Contract with the training as provided for in paragraph (6) below.
- (2) The Contractor shall give a preference in hiring to individuals (1) who are former employees of BWCS Lexington or USEC and (2) who are entitled to recall rights consistent with any applicable site seniority lists and any applicable collective bargaining agreement(s) at the Lexington office.
 - (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 Contract 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 BWCS Lexington office;
 - (b) Former employees of BWCS Lexington or any other DOE contractor or subcontractor of a DOE contractor at the Lexington office; 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 Lexington office and (2) who were involuntarily separated (other than for cause) from their employment at the Lexington office; 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 Contract.
 - (5) The Contractor shall give a preference in hiring to individuals (1) who have separated from employment at the Lexington office, (2) who are not precluded from seeking employment at the Lexington office by the terms of employee waivers or releases of claims they executed absent repayment of severance consistent with the terms of those agreements; and (3) who are qualified for a particular position or who may not meet the qualifications for a particular OPERATION OF DUF6 SECTION H RFP No. DE-SOL-0007016 H-15 position, but who agree to become qualified and can become qualified by the

commencement of active employment under this Contract. (6) The Contractor will establish a training program specifically for the purpose of training individuals for the purpose specified in paragraph (B)(1)(c) above.