

**Draft Memorandum**

To:  
 From: Robert C. Perko  
 Subject: Request for Inclusion of Lawrence Livermore National Laboratory Security Personnel to participate in the University of California Retirement Plan for Safety Members

The Lawrence Livermore National Laboratory (LLNL) requests that certain University of California (UC) protective force personnel employed in the LLNL Security Department become eligible to participate in the University of California Retirement Plan for Safety Members (the Plan).

Current Plan membership consists of those UC employees appointed to eligible police or firefighter positions. While certain police and firefighter classifications at LLNL participate in the Plan, security police officers, sergeants, lieutenants, and captains (protective force personnel) in the LLNL Security Department have not, in the past, been considered eligible for participation. This is to request consideration and approval for participation of these LLNL employees performing significant safety and security functions in the protection of personnel, Special Nuclear Material, and classified property in the interest of national security.

Protective force personnel perform significant public safety and security duties under extensive Department of Energy (DOE) mandated medical, physical fitness, firearms, and training requirements. The DOE directed complex-wide implementation of an "elite force" with more rigorous physical fitness, firearms, and training requirements for protective force personnel. It is critical for recruiting and retention purposes that LLNL be able to provide the enhanced disability and retirement provisions of the Plan to protective force personnel. This becomes critical as all protective force personnel are required to meet these higher standards. For purposes of this request protective force personnel are those UC employees employed at LLNL, authorized to carry firearms in the following job classifications:

Security Police Officer	655.1	(186 employees)
Sergeant	655.2	(45 employees)
Operations Lieutenant	055.2	(4 employees)
Captain	055.3	(3 employees)

**Safety and Security Responsibilities of Protective Force Personnel**

Protective force personnel protect sensitive information, nuclear materials, and other security and property interests of the DOE from hostile acts that may adversely impact our national security, the safety and health of Laboratory employees, the public, or the environment. Security Police Officers (SPOs) are authorized to control and deny access,

enforce State and Local traffic laws, detain personnel, conduct searches, arrest, and use deadly force. In addition to fulfilling the responsibilities of a SPO, members of the Special Response Team (SRT) must be capable of effective and timely resolution of adversary actions using force options. Sergeants train and supervise groups of SPOs and investigate unusual incidents or complaints and initiate reports. Lieutenants are the principal shift manager and security incident commander and serve in joint incident command with Battalion Chiefs from the LLNL Fire Department in emergency management situations. Captains are assigned specific administrative security responsibilities and during emergency management situations, serve as Point of Contact in the Tactical Operations Center (TOC), and can order escalation of force.

#### Limited Arrest Authority and Use of Force by Protective Force Personnel

Under the provisions of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2110(k)), security police officers, sergeants, lieutenants and captains, are authorized to carry firearms while in the discharge of their official duties in the protection and defense of personnel and property of the United States located at LLNL. Such employees are further authorized, while in the performance, and in connection with, official duties, to make arrests without warrant for violations of the Atomic Energy Act of 1954, as amended punishable by fine or imprisonment, or both. In addition, protective force personnel may use physical force which is reasonable and necessary to apprehend and arrest and, under conditions of extreme necessity, use deadly force when lesser means have failed or cannot be reasonably employed (10 CFR 1047).

#### Protective Force Personnel Qualification Requirements (10 CFR 1046)

DOE directive precludes LLNL from employing as protective force personnel any individual who fails to meet the applicable medical, physical fitness, firearms, and training qualifications standards. Recent proposed revisions to DOE M 470.4-3, *Protective Force*, call for medical and physical fitness requirements based upon the expected level of physical exertion associated with security response duties: active defense, static defense, and response support. Protective force personnel are categorized as either active defense or static defense. Training requirements are now tailored to the level of security response duties.

Protective force personnel are required, at a minimum, to meet a physical fitness standard of a one-half (0.5) mile run with a maximum qualifying time of four (4) minutes, forty (40) seconds and a forty (40) yard prone-to-running dash with a maximum qualifying time of eight and one-half (8.5) seconds. Those with active offensive duties are required to meet a physical fitness standard of a one (1) mile run with a maximum qualifying time of eight (8) minutes, thirty (30) seconds, and a forty (40) yard prone-to-running dash with a maximum qualifying time of eight (8.0) seconds. These standards must be met prior to employment and annually thereafter, and are more stringent than most state law enforcement agencies.

Protective force personnel are required to participate in an on-going physical fitness maintenance program with three (3) workouts per week including aerobic training, muscular strength training, and flexibility stretching. They are also required to undergo physical fitness evaluations that assess aerobic power, muscular strength, muscular endurance, flexibility, and body composition.

Protective force personnel must possess the required mental, sensorial, and motor skills to perform safely and effectively all assigned job duties. These standards must be met prior to employment and every two (2) years. These medical and physical fitness qualification standards are to ensure that protective force personnel can effectively perform normal and emergency duties without undue hazard to themselves, fellow employees, the plant site, and the general public.

All protective force personnel must successfully complete a nine (9) week basic training course with refresher training every twelve (12) months to maintain the minimum level of competency required for the successful performance of job responsibilities. Additional training and refresher training is required for those with active offensive responsibilities such as the Special Response Team.

Protective force personnel must qualify initially and then semi-annually with weapons associated with the level of their security response duties which for some personnel includes obstacle course, live fire shoot house, and monthly training. They must be able to perform weaponless self-defense techniques to include falls, throws to mats, extreme torque/twisting of arms, wrists, and shoulders and manipulate intermediate force weapons using forceful repetitive movements of limbs, swinging baton, or striking/kicking a heavy bag.

#### Human Reliability Program

Protective force personnel must obtain and maintain certification in the DOE Human Reliability Program (HRP). The HRP is a security and safety reliability program designed to ensure that individuals who occupy positions affording access to certain materials, devices, facilities and programs meet the highest standards of reliability and physical and mental suitability. This is accomplished through a system of continuous evaluation that identifies individuals whose judgment and reliability may be impaired by physical or mental/personality disorders, alcohol abuse, use of illegal drugs or the abuse of legal drugs or other substances, or any other condition or circumstance that may be of a security or safety concern.

#### Summary

In response to national security and safety issues, the DOE requires more rigorous physical fitness, firearms, and training requirements for protective force personnel. This is a result of their significant safety and security role in the protection of sensitive information, nuclear materials, and other security and property interests of the DOE from

hostile acts that may adversely impact our national security, the safety and health of Laboratory employees, the public, or the environment.

Eligibility for membership in the Plan would be a significant incentive in the recruitment and retention of security police officers. As these requirements become more rigorous for an aging workforce, UC through LLNL would be in a position to provide enhanced disability and retirement benefits for these employees who have protected the nation's security interests. In addition, with the prime contract for operation of LLNL up for competitive bid in 2007, UC would be uniquely postured as a management and operating contractor with a comprehensive benefit package meeting the needs of the diverse LLNL workforce.

The Lawrence Livermore National Laboratory (LLNL) requests that certain University of California (UC) protective force personnel employed in the LLNL Security Department become eligible to participate in the University of California Retirement Plan for Safety Members (the Plan). We appreciate your consideration of this request. If you have any questions, please contact me at 925/422-9501.