

# Ex-Hanford workers want pensions restored from 21 years ago. A judge says no



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The Department of Energy had no obligation to continue full pension benefits for Hanford nuclear reservation workers who were required to switch from one employer to another in a 1996 contracting change, according to a federal court ruling.

The U.S. Court of Federal Claims dismissed a class action lawsuit this week brought against the federal government on behalf of as many as 500 former employees of Lockheed Martin Services Inc., which previously provided information technology and other services at Hanford.

Plaintiffs plan to appeal.

The lawsuit filed in 2016 sought to restore full Hanford pension benefits. Workers also lost their retirement medical and life insurance benefits.

Workers have been fighting to have benefits restored since 1996, when about 2,000 Hanford workers were assigned to "enterprise companies" as Fluor won the contract for environmental cleanup at Hanford.

The enterprise companies were formed with the goal of building long-term, non-Hanford business to become permanent Tri-City companies and reduce the local economy's reliance on Hanford. Initially, the companies were given Hanford work and staffed with employees of the previous Hanford

contractor, Westinghouse and its subcontractors.

The enterprise companies were no longer considered part of Hanford, and the years of service that figured into their workers' pensions were capped in 1996. Those workers assigned to transfer from Westinghouse to Fluor continued to accrue full Hanford pension benefits without interruption.

Some workers who were transferred to Lockheed said they continued to do the same Hanford work at the same desks alongside the same coworkers as before they were required to switch employers.

Employees assigned to enterprise companies in 1996 were not allowed to apply for other jobs at Hanford, plaintiffs said.

As most of the enterprise companies folded, some of them by 1998, their workers typically were reassigned to other contractors with full Hanford pension benefits. But Lockheed Martin remained "outside the fence," as Hanford workers referred to the arrangement. It provided information technology service at Hanford for about two decades.

Chief Judge Susan Braden ruled that the letter that Lockheed sent to the employees it was hiring in 1996 did not show an intent by DOE to contract with the new Lockheed workers. She found that the plaintiffs failed to show that DOE entered into an implied contract with them.

"We believe we can prove there was a contract on appeal," said Peter Turping, a former Lockheed Martin Services worker, who is the lead plaintiff in the case.

The Hanford Multi-Employer Pension Plan clearly states that DOE is required to continue pension plans for incumbent employees, he said.

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