Lab Settles in Discrimination Case

By Ian Hoffman
Staff Writer

After billing federal taxpayers more than $10 million for its legal fees, the University of California agreed Wednesday to pay $10.6 million in damages and raises to women working at Lawrence Livermore nuclear weapons lab and make wholesale changes in how the lab evaluates its workers for pay.

In a settlement approved by university regents meeting in Los Angeles, Lawrence Livermore executives promised to end a controversial ranking system for all but a handful of the lab’s administrators, clerical staff and technicians.

Scientists, engineers and many executives will remain ranked by their value to the lab’s technical divisions. But instead of subjective rankings that workers say offer cover for prejudice, retaliation and favoritism, lab executives have promised a switch to clear, objective criteria to be agreed upon by rank-and-file scientists beforehand.

“This settlement will dramatically alter the lab’s policies and procedures for determining pay and promotion for all employees, but we think it will have a most dramatic impact on how the lab treats women,” said James Sturdevant, whose firm joined two others and Trial Lawyers for Public Justice to represent more than 3,200 of the lab’s female employees since 1996.

Plutonium chemist Mary Singleton and colleagues on the lab’s Women’s Association began prodding Livermore executives for the changes 15 years ago, after careful analysis of a gap in pay and promotions for the lab’s men and women.

Many of the women had been hired under 1970s affirmative-action laws but soon realized they were working longer hours for less pay. They laid the statistics before then-lab director John Nescholls in 1988, determined to work inside the lab’s closed bureaucracy. But little changed for a decade. Finally they sued.

It wasn’t until two years later that a lab director first elevated women to senior management positions at Livermore.

Lab spokeswoman Susan Houghton said the lab and the lawsuit changed dramatically since 1998. There was talk then of 10,000 female plaintiffs and damages as high as $500 million.

“We have put a number of things in place to be sure we’re treating all employees in a fair manner, not just women,” Houghton said.

What Sturdevant found was a national laboratory that had enjoyed isolation from changes that labor laws had forced on corporations years ago.

“You wouldn’t find these kinds of compensation and promotion systems in place in a large corporation that employs thousands of employees; you wouldn’t find it at Chevron or Hewlett-Packard,” he said.

Because of the ranking system, Sturdevant said, “for a woman to be promoted, the woman had to replace a man and those decisions were made almost exclusively by men. Given that situation, it’s not surprising that you would have decades of discrimination against women at this laboratory.”

The settlement provides $9.7 million to 3,200 women who worked at Livermore lab
since 1996, plus a 1 percent raise for about 2,500 of them who still work there. That raise amounts to about $850,000.

The lab will perform routine studies of pay and promotion differences between men and women and fix them, if it cannot otherwise explain them.

A state court judge will oversee and enforce the settlement through September 2007.

The U.S. Department of Energy, through the university, also will pay up to $8.2 million to the four law firms that represented the women, bringing the likely total value of the settlement to more than $18 million.

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