

## SEMD-SD-EO-304-Contingency Plan for Protesters

### **1. Purpose**

The purpose of this contingency plan is to address the roles and responsibilities of the Fermilab Security Department in the event of a protest that directly impacts the daily operations of the Laboratory. It is essential that the Security Department does everything within the boundaries of applicable State and Federal Statutes to ensure that the mission of the Laboratory is not jeopardized.

### **2. Scope**

This Contingency Plan outlines the practices, procedures, and available resources in the event of protest with pickets that could impact the operations of the Fermi National Accelerator Laboratory.

### **3. Applicability**

This policy applies to all uniformed members of the Fermilab Security Department, full-time and part-time employed by Fermi Research Alliance (FRA) for Security Services

### **4. Effective Date and Date Reviewed/Updated**

This policy went into effect on December 5, 1996 and its update was effective on March 27, 2024.

### **5. Policy**

Response to a Protest with Pickets: It is the main responsibility of the Fermilab Security Department to ensure that the mission and operations of the Laboratory are fulfilled with a minimum amount of interference in the event of protest:

#### a. General Security Department Responsibilities

1. Provide for the safety and protection of employees, visitors, and guests of the Laboratory.
2. Provide for the protection of Government (Department of Energy) and Fermilab property.
3. Ensure that the day-to-day operations of the Laboratory are not disturbed or interrupted by any individual or group of individuals associated with the on-going protest.

4. Ensure that all picketing and demonstrating takes place off Fermilab property, unless a special interest group has received permission from the Directorate to hold protest directly on the grounds of the Laboratory. In that situation, the Security Department shall make special provisions contingent on the protest site designated by the Directorate.
5. Provide access control as required or needed.
6. Provide escorts for personnel feeling threatened by the protest or situation.
7. Provide assistance to local law enforcement agencies as requested.
8. Notify local law enforcement and the Security and Emergency Management Division Deputy Director via the Physical Security Manager in the event of any illegal activities, violent demonstration, damage to government or personal property, trespassing, or any other unlawful act.

b. Planning

1. A Security Department staff meeting shall be held to coordinate all activities of the Department and to provide a status report update regarding all actions and activities that may have triggered the protest.

**Determine likelihood of strike/picketing continuing beyond one day**

COO, OGC, Security, ISD and Procurement leadership should meet to gather facts about the subcontractor that is the subject of the strike/picketing, and other subcontract work that will be impacted.

- Union contractors will generally refuse to cross the picket lines.
- FRA's General Terms and Conditions for Construction require the subcontractors to provide notice of impacts from labor disputes under FAR 52.222-1. They should identify the impact of the dispute on their work.

If it appears that the impact will be limited to a single day, or to a relatively short period of time or have an impact that is determined by consensus of leadership to be acceptable,

then the following steps are not necessary or FRA may make the decision to allow the picketing to continue without further action by FRA.

2. Develop specific strategic plans for security officers to follow and forms for tracking Data as requested/needed.

### **Establish a Primary Gate**

The picketing can be limited to a single gate through the following process.

- Direct the contractor who is the subject of the picketing to enter only through the designated gate. This will be the “Primary Gate.” The most likely candidate for this gate is the Eola Road entrance.
- Erect a sign at the Primary Gate (where picketing should occur) that says:

**NOTICE: [NAME] ENTRANCE**

**THIS ENTRANCE IS RESERVED FOR THE USE OF [SHEET METAL COMPANY] EMPLOYEES, VISITORS, VENDORS, AND SUPPLIERS; AND THE EMPLOYEES, VISITORS, VENDORS, CONTRACTORS, AND SUPPLIERS OF THE FOLLOWING COMPANIES [IF ANY OTHERS]:**

**[LIST ANY RELATED COMPANIES]**

**DOE EMPLOYEES, FRA EMPLOYEES, CONTRACTORS, VENDORS, SUPPLIERS AND VISITORS TO FERMILAB OTHER THAN THE ABOVE ARE FREE TO USE ANY OF THE OTHER ENTRANCES**

- Erect signs at all other gates (Neutral Gates) that say:

**NOTICE: [NAME OF ENTRANCE] ENTRANCE**

**THIS IS A NEUTRAL GATE. EMPLOYEES, VISITORS, VENDORS, CONTRACTORS, AND SUPPLIERS OF THE COMPANIES LISTED BELOW CANNOT USE THIS GATE AND MUST USE [IDENTIFY THE PRIMARY GATE] ENTRANCE:**

**[LIST COMPANY THAT IS THE SUBJECT OF PICKETING]  
[RELATED COMPANIES]  
ALL OTHERS WITH BUSINESS AT FERMILAB ARE FREE TO  
USE THIS ENTRANCE. IF THIS GATE IS NOT STAFFED,  
PLEASE CONTACT (-----) \_\_\_\_ - \_\_\_\_ FOR ACCESS.**

- If These signs must be clearly marked and visible and should be posted at the site so they cannot be torn down by pickets or vandals. Make back-up copies in case they are torn down.
- Personnel stationed at the Neutral Gates should turn away anyone who is supposed to use the Primary Gate, and hand out the following notice to anyone who tries to enter through a Neutral Gate if they are supposed to use the Primary Gate:

[COMPANY that is the subject of picketing] employees, visitors, vendors, and suppliers; and all employees, vendors, visitors, suppliers and contractors of [RELATED COMPANIES] are notified that they may not, under any circumstances, use any entrances to Fermilab other than the [NAME AND LOCATION OF PRIMARY GATE]. In particular, they are not to use the [LIST OTHER NEUTRAL GATES] for any purposes whatsoever.

**Send Notices of Dual Gates**

- A letter should be sent to the picketing union(s):

VIA EMAIL, FACSIMILE, AND REGULAR MAIL

Re: Establishment of a Reserve Gate System

Dear : :

Fermi Research Alliance, LLC is the management and operating contractor for the U.S. Department of Energy’s Fermi National Accelerator Laboratory (Fermilab) in Batavia, Illinois. You are hereby advised that, effective [day of the week], [date], at \_\_ a.m., a reserved gate system will be in effect at Fermilab. Specifically, the [NAME PRIMARY GATE AND IDENTIFY LOCATION] has been marked and reserved for the use of [COMPANY that is the subject of picketing] employees, visitors, vendors, and suppliers;

and [RELATED COMPANIES IF ANY] and their employees, suppliers, contractors, vendors and visitors. [COMPANY that is the subject of picketing] employees, visitors, vendors, and suppliers and [RELATED COMPANIES IF ANY] and their employees, suppliers, contractors, vendors, and visitors have been advised of this reserved gate and that they are required to use only the [PRIMARY GATE ENTRANCE]. They are prohibited from using any other Fermilab entrance. It is expected that any picketing or other activity by your Union will be confined to the immediate vicinity of the [NAME PRIMARY GATE ENTRANCE AND LOCATION].

With regard to the entrances other than the [PRIMARY GATE NAME ENTRANCE], signs have been posted making it clear that [COMPANY that is the subject of picketing, AFFILIATED COMPANIES IF ANY] are expressly prohibited from using that entrance. It is expected that there will be no picketing or other activity by your Union directed at or in the vicinity of the other entrances.

If you have any questions, please do not hesitate to call. Thank you for your cooperation in this matter.

[ADD SALUTATION]

- A letter should be sent to the contractor that is the subject of the picketing:  
[DATE] Via email [\_\_\_\_], Facsimile [\_\_\_\_\_]

Re: Fermilab Reserved Gate Dear \_\_\_\_\_:

Fermi Research Alliance, LLC is the management and operating contractor for the U.S. Department of Energy's Fermi National Accelerator Laboratory (Fermilab) in Batavia, Illinois. You are hereby advised that, effective[day of the week], [date], at \_\_\_ a.m., a reserved gate system will be in effect at Fermilab. A reserved gate, located at the [NAME PRIMARY GATE ENTRANCE AND LOCATION], has been marked at this site for the use by your company, and all of your employees, suppliers, vendors, contractors, and visitors. The other Fermilab entrances have been marked and reserved for all other employees, suppliers, vendors, contractors, and visitors. We request and expect your full cooperation in using this reserved entrance system. Please direct your employees, suppliers, vendors, contractors, and visitors to enter and leave the site only through [NAME PRIMARY GATE ENTRANCE], and to not use any other entrance. Please give each of them copies of

the notice that is included in this letter. Thank you for your cooperation in this important matter, and please let me know if you have any questions.

[ADD SALUTATION]

- FRA Procurement should send notice to other contractors a reserved gate system has been established and that they should be free to use the neutral gates without there being any pickets.
  - If picketing occurs at neutral gates, notice should be given to the Union(s) that they are engaging in an unfair labor practice.
3. Check all Site Security patrol vehicles and equipment to determine maximum readiness.
  4. If necessary, the Physical Security Manager should coordinate a joint meeting between a representative of either the Kane or DuPage County Sheriff's Department and a representative of the protesting special interest group to agree upon and review appropriate guidelines for picketing.
  5. Surveillance equipment shall be checked and ready to operate in the Security Supervisor's vehicle should the need arise to use such equipment. The surveillance equipment should be used if any of the following conditions have taken place:
    - a. violation of a non-strike clause in a collective bargaining agreement
    - b. physical blocking of access points
    - c. trespassing onto Laboratory property
    - d. mass picketing, intimidation, or threats of violence
    - e. recording of license plate numbers
    - f. approaching vehicles in an abusive manner

- g. touching vehicles or persons
  - h. possession of weapons or items that could be used as weapons
6. The Fermilab Creative Services office shall be notified and informed that the services or technical advice of their department may be called upon during the duration of the protest.
  7. Security Department staff shall coordinate security operations for the specific area (s) affected by the protest and pickets.
  8. Security Staff should designate where additional Security Officers can be used in the most effective and efficient manner.
  9. The Physical Security Manager, through the Security and Emergency Management Division Deputy Director, should consult with the Fermilab Legal Office to ensure that security personnel are advised as to what conduct constitutes illegal activity and determine necessary training to recognize such acts.
- c. Use of Force
1. Security personnel shall ***not*** use force to stop illegal picketing activity, unless it is necessary to forestall imminent personal harm. If the demonstrators fail to comply with Security Department orders, it is imperative that the Security Officer notify the Physical Security Manager or the On-Duty Security Supervisor immediately.
  2. Demonstrators do not have a legal right to use force, or threats of any kind, while engaging in picketing activities. If individuals using such tactics do not stop immediately upon notification, the appropriate law enforcement agency shall be contacted, and all appropriate Laboratory notifications will be made. Individuals that have been documented, observed, or videotaped conducting such activities are liable for appropriate civil and/or criminal penalties.

#### d. Notifications

1. When to notify applicable local law enforcement agencies is an integral part of keeping control of a demonstration or protest. As soon as an outside laws enforcement agency needs to be contacted; it is imperative that all applicable Fermilab notifications are made. The Fermilab Security Supervisor shall take the responsibility to ensure that the Physical Security Manager and the Security and Emergency Services Division Deputy Director are notified when local law enforcement personnel are being summoned to the scene for one or more of the following reasons:
  - a. force or violence has or is about to take place.
  - b. any applicable federal, state, or local laws have been broken.
  - c. the rights of Fermilab employees or the general public to use any designated public right-of-way has been blocked by personnel or vehicles.
  - d. language or gestures are being used which are offensive or have the possibility to provoke a violent disturbance.
2. The Security and Emergency Management Division Deputy Director has the responsibility for the notification of the following offices and/or personnel:
  - a. Fermilab Director's Office
  - b. Human Resources Director
  - c. Fermilab Chief Legal Counsel
  - d. Office of Communication

## 6. Definitions



May - The use of the word “may” indicate an optional action.

Shall - The use of the word “shall” indicate a required action.

Should - The use of the word “should” indicate a recommended action.

## **7. Responsibilities**

Security and Emergency Management Division Deputy Director is responsible for the overall security program at Fermilab and for approving Department procedures prior to implementation. He/she is responsible for coordinating, with the Directorate, all cooperative actions carried out under this procedure.

Physical Security Manager is responsible for ensuring that all Security personnel understand and implement this procedure. He/she should act as the liaison between Security and Emergency Management Division personnel; the sub-contractor supplied security force and local law enforcement agencies.

Security Personnel are responsible for understanding, implementing, and enforcing the instructions presented in this procedure.

## **8. Authorities**

DOE O 470.4B Safeguards and Security Program  
DOE O 473.2A Protective Force Operations  
DOE O 473.3A Protection Program Operations  
Fermilab Security Department Post Orders  
Fermilab Security Department Policies & Procedures  
Fermilab Site Security Plan

## **9. Owner**

The Physical Security Manager is the owner of this policy.

## **10. Review Cycle**

This policy shall be reviewed every year.

## **11. Communication Plan**

The requirements of this policy shall be communicated by the Security and Emergency Management Division Deputy Director to all employees, and periodic training shall be provided to Management System Owners and Division Directors. This policy shall be available in the Fermilab policy database. The Physical Security Manager is responsible for the communication of this policy.