

TRADE ACT PROGRAMS APPEAL

November 24, 2003

TAA NUMBER: TA-W-53,209
COMPANY: COMPUTER SCIENCES CORPORATION

DESCRIPTION OF THE GROUP OF WORKERS ON WHOSE BEHALF THE APPLICATION IS BEING FILED:

All the signed petitioners are Information Technology professionals who worked in the Enhancement and Support (E&S) department of the Financial Services Group ("FSG") of Computer Sciences Corporation.

The E&S department performs the following functions in the creation of the software known as Vantage-One.

- Design – System software architects create business rules and technical rules that dictate how the new software is to be created. This is similar to a creating a 'blue print' for the manufacture of a new machine.
- Coding – System programmers translate the technical rules into actual computer code and ensure it performs to meet the business rules. This is similar to a 'blue print' being turned into an actual new machine and making sure the new machine meets its design specifications.
- Testing – The new computer code is tested individually and with other computer code to assure all new computer code is compatible and meets the new business rules. This is similar to running a newly manufactured machine to create a new part. This new part is then assembled with other new parts into one larger machine. The larger machine is then tested to ensure it meets desired specifications.
- Delivery – The presentation of the new computer code and installation directions to customers. This is similar to putting the larger machine in a box and shipping it to customers. The customer pays a fee in order to receive the new computer code and the installation instructions.

The signers of the petition declare that :

- Some of the Design, all of the Coding, all of the Testing and some of the Delivery processes has been moved offshore to India by CSC.
- Up until they were layed off by CSC, the signed petitioners used to perform some of the Design, all of the coding, all of the testing, and some of the Delivery processes.
- At the time of their layoff, the signed petitioners did NOT work in the 'Services' department of FSG.
- 'E&S' and 'Services' are two distinctly different departments under the FSG division. Each department reports revenues and expenses separately. CSC can provide separate accounting ledgers for each department.

- The E&S dept. is in part company funded, and has contractual obligations to produce new Vantage-One software every 3 to 4 months. Hence it is a financial liability. The E&S dept. creates the *new* versions of the Vantage-One software.
- The Services dept. is customer funded and driven by customer demand to modify *prior* versions of the Vantage-One software. The Services dept. modifies *prior* versions of the Vantage-One computer software.

SPECIFIC INFORMATION OR REASONS WHY THE PETITIONERS CONSIDER THE DEPARTMENT OF LABOR’S DECISION TO BE IN ERROR EITHER AS TO FACTS NOT CONSIDERED OR AS TO THE INTERPRETATION OF THE FACTS OR THE LAW:

- The certifying officer’s response is generic and offers no exploratory findings to support the denial decision.
- The computer software called Vantage-One is protected by a Registered Trademark (Registration number 2702097) and is a product sold to clients in the financial services arena. The certifying officer fails to explain in detail why this computer software, sold as a unit of work, is not an “article”. See Exhibit #1.
- The 10 specific Exhibits which accompanied the petition have been totally ignored.
- The petitioning workers are concerned that they are being ‘lumped in’ with the preponderance of other TAA denials issued to other worker-sponsored petitions involving CSC. All prior worker-sponsored TAA petitions have been denied with the same premise ; the workers do not produce an article.
- The only TAA petition that has been certified involving CSC, was sponsored by CSC.
- It is hoped that CSC’s contractual service work with the Federal Government is not a contributing factor in the TAA decisions regarding worker-sponsored petitions.

Signed this date : November 24, 2003

By : _____

Mark Bain

as correspondent for TAA petition co-signers :
Deborah Corkindale
Monali Patel

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