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UNITED STATES NUCLEAR REGULATORY COMMISSION
BRIEFING ON EQUAL EMPLOYMENT OPPORTUNITY (EEO)

PROGRAMS

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WEDNESDAY

DECEMBER 13, 2006

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The Commission convened at 9:30 a.m., Dale E. Klein,
Chairman presiding.

NUCLEAR REGULATORY COMMISSION:

DALE E. KLEIN, CHAIRMAN

EDWARD McGAFFIGAN, JR., COMMISSIONER

JEFFREY S. MERRIFIELD, COMMISSIONER

GREGORY B. JACZKO, COMMISSIONER

PETER B. LYONS, COMMISSIONER

1 PRESENT:

2 LUIS A. REYES, EDO

3 JAMES F. McDERMOTT, DIRECTOR, HR

4 CORENTHIS B. KELLEY, DIRECTOR, SBCR

5 TIMOTHY F. HAGAN, DIRECTOR, OFFICE OF

6 ADMINISTRATION

7 MELISSA JENKINS, CO-CHAIR, FEDERAL WOMEN

8 PROGRAMS ADVISORY COMMITTEE

9 DALE YIELDING, NATIONAL TREASURY

10 EMPLOYEES UNION

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P-R-O-C-E-E-D-I-N-G-S

CHAIRMAN KLEIN: Good morning. I have to look to see if it's morning or afternoon. The times run together.

This morning we will talk about the Equal Employment Opportunity program and from perspective of the NRC's recent efforts to accelerate the face of new hires and our agency's effort to implement diversity management and conduct the small business program.

The NRC is briefed on this semi-annually, so the first time that we had done this was on July 27, shortly after I had arrived. So this is now the second one that I've seen.

This is obviously required by Section 209© of the Energy Reorganization Act and so it's a twice a year activity.

Our briefing today will differ from the last briefing in that we have year-end statistics to go through, so we'll get to see exactly what our progress was and so we look forward to hearing from the program as well as the EEO Advisory Committees.

We'll also have an opportunity for the National Treasury Employees Union to address their comments later in the program.

As always, the Commission will not discuss, nor will it

1 be appropriate to address, any specific aspects or concern about
2 individual cases that may be pending before the agency in this type
3 of forum. Any comments before we start?

4 (No response.)

5 CHAIRMAN KLEIN: Luis?

6 MR. REYES: Good morning, Chairman,

7 Commissioners. The staff is here to brief you on the Equal
8 Employment Opportunity Diversity Management, and Small
9 Business.

10 I'd like to do some introductions. In addition to the
11 people here at the table, we have Jim McDermott, the Director of
12 the Office of Human Resources; Ren Kelley, the Director of the
13 Office of Small Business and Civil Rights; on my left is Tim Hagen
14 who is the Office Director of the Office of Administration, who will be
15 making a presentation; and to his left is Melissa Jenkins. She is a
16 Co-Chair of the Federal Women Programs Advisory Committee and
17 she will be presenting the united message from the Advisory
18 Committees.

19 But behind the presenters here at the table, we have
20 some significant contributors to today's presentation. I just want to
21 acknowledge their presence. See-Meng Wong who is the Chair of

1 the Asian-Pacific Advisory Committee; Norma Garcia-Santos, she's
2 the Chair of the Hispanic Employment Program Advisory
3 Committee; Patrice Williams-Johnson, she is the Co-Chair of the
4 African-American Advisory Committee; Neil Coleman, Neil is the
5 Co-Chair of the Committee on Age Discrimination; and Autumn
6 Szabo, she is the Chair of the Native American Advisory Committee.

7 And then, of course, Dale Yielding, the President of
8 the NTEU is here with us today.

9 I'd like to go to slide number 2, please. The briefing
10 today is going to reflect the environment the agency is going
11 through. As you know, the agency has positioned itself for a
12 significant growth in scope of work and therefore a growth in the
13 organization.

14 We have recently announced some reorganizations in
15 order to align ourselves to succeed in this increased scope and
16 growth of the organization. We're going to be talking about
17 succession planning, a much needed area since we're going to have
18 both upcoming retirements and significant growth in the
19 organization.

20 Can we have slide number 3, please? What we plan
21 to do this morning, Tim Hagan is Director of the Office of

1 Administration, is going to make a presentation on the
2 accomplishments of that office.

3 The EEO Advisory Committee will present to the
4 Commission their summary of their information and issues.

5 Then Small Business and Civil Rights, Ren Kelley, will
6 make the bulk of the presentation. It's going to include
7 Comprehensive Diversity Management implementation, status of
8 recruitment and hires through the year, our status on leadership
9 development, a brief discussion on Alternative Dispute Resolution,
10 our efforts with minority serving institutions and our
11 accomplishments in the small business area.

12 With that, I'd like to turn over the mic to Tim.

13 MR. HAGAN: Thank you, Luis. Good morning,
14 Chairman Klein, Commissioners McGaffigan, Merrifield, Jaczko and
15 Lyons. It's a pleasure to be here this morning to discuss the Office
16 of Administration's specific progress and accomplishments in FY
17 2006 in support of the Agency's Comprehensive Diversity
18 Management Plan.

19 ADM has a long history of valuing differences as
20 strengths. I am fortunate to follow in the footsteps of former ADM
21 directors who have created an environment as inclusive and

1 responsive to change.

2 Our recruitment, employee development and
3 recognition system provide a solid foundation for employees with
4 different views and backgrounds to grow and make meaningful
5 contributions to the agency's mission and rapidly changing
6 environment.

7 Next slide, please. ADM uses innovative recruitment
8 strategies that continuously focus on bringing in the most qualified
9 and outstanding individuals to our ADM team.

10 We seek highly qualified people with varying
11 backgrounds and diverse viewpoints because they enhance the
12 quality of the work and work environment.

13 We use the diverse nature of ADM's business
14 activities as an incentive to attract and retain individuals who have a
15 wide range of talents and interests.

16 We participate in events at local universities and
17 career fairs. For example, ADM participated in the Job Fair for
18 Presidential and Management Fellows and made a presentation
19 entitled "Careers in Security in the Federal Government" at a local
20 college this past year.

21 We also use networking to attract highly qualified

1 applicants for our jobs and have an aggressive recruitment program
2 at the entry level.

3 We participate in the NSPDP recruitment efforts and
4 more recently in the Secretary Job Fair at NRC headquarters.

5 All ADM panels included diverse members. The panel
6 members evaluated candidates for vacancies focusing on selection
7 of the most qualified candidates regardless of race, national origin,
8 gender or any other non-merit factor.

9 Of the 10 panels in FY2006, 100% had participation of
10 women and minorities. In FY2006, ADM also made important
11 strides in recruiting and selecting a diverse group of highly qualified
12 applicants.

13 Twelve of 13, or 92% of our merit-based selections
14 were women and minorities. ADM maintains - next slide please -
15 ADM maintains an environment where staff and managers are
16 encouraged to identify and pursue the training and developmental
17 needs.

18 As a result, ADM has been very successful in placing
19 employees in highly competitive SES candidate development
20 programs, the LPP and the Nuclear Safety Professional
21 Development Program.

1 ADM has an extensive training program which
2 includes annual training plans for entry-level employees tailored to
3 their growth and developmental interests.

4 We designed and presented comprehensive
5 orientation programs covering 33 areas, such as special
6 procurement procedures and business ethics. We also
7 implemented online training classes for acquisition professionals.

8 ADM continues to foster a positive culture and
9 organizational climate which emphasizes communication and
10 identification of key areas where developmental opportunities exist
11 for employees. We encourage advanced training and education for
12 all employees.

13 As a result, we have one woman who completed her
14 Master's Degree, three males including one minority pursuing
15 MBA's, one minority female pursuing a degree in Information
16 Technology, one minority female pursuing a Law Degree and two
17 minority females pursuing Master's Degrees.

18 ADM had 18 employees participate in the SBCR
19 mentoring program this past November. ADM also established a
20 mentor/mentee relationship with each new staff member which
21 includes 10 entry level staff.

1 Over the past two years, ADM staff have participated
2 in six external rotations; two were minority females, three were
3 women, and one was a white male.

4 We also supported 16 internal rotations; two were
5 minority females, one was a minority male and 13 were women.

6 COMMISSIONER McGAFFIGAN: Can I clarify the
7 word external? Does that mean external to ADM or external to
8 NRC?

9 MR. HAGAN: External to ADM. Sorry. All of ADM's
10 NSPDP and management trainee program participants are required
11 to complete two 120 day rotational assignments.

12 Next slide, please. In addition to the overall diversity
13 of our workforce, ADM has made progress attracting highly qualified
14 women and minorities as candidates for management and other key
15 positions.

16 Three management selections were made during this
17 period. One minority male and one woman were selected to Branch
18 Chief positions. One minority female was selected for an SES
19 position in ADM. All ADM divisional level SES are women and two
20 are minorities.

21 In FY 2006, 50% of the ADM Management Team were

1 women and minorities. ADM's main objective is to provide the best
2 organizational climate throughout the office.

3 We realize it is not enough to simply recruit and hire
4 the best qualified people. We must also develop our employees and
5 give them the opportunity to excel. We want everyone, managers
6 and staff alike, to recognize that they are part of our team that we
7 value their input and decision-making and that their contributions are
8 helping the agency achieve its goals.

9 Next slide, please. This final slide shows ADM's
10 progress this past year. It says Workforce Profile, but it's really - it's
11 our hiring activity and it's a comparison of FY '05 to '06. 54% of our
12 merit-based selections were minorities in FY 2006 compared to 20%
13 in FY 2005.

14 We also continue to have highly qualified female
15 applicants compete for positions in ADM. 85% of our merit-based
16 selections were women in FY 2006 compared to 80% in 2005.

17 In conclusion, ADM is proud of its accomplishments
18 this past year and we will continue to foster an environment which
19 values differences. Thank you.

20 MR. REYES: Melissa Jenkins is going to address the
21 joint statement.

1 MS. JENKINS: Good morning, Chairman,
2 Commissioners, EDO, SBCR, HR, ADM briefing attendees. I would
3 like to take this opportunity to thank the Commission and the EDO
4 for the opportunity to present the joint EEO statement for the EDO
5 Advisory Committee. The EEO Advisory Committees continue to
6 work in concert with SBCR and HR to ensure the agency has
7 greatest success in promoting diversity within the agency.

8 The EEO Advisory Committee's joint statement
9 includes input from a diverse cross-section of the population to
10 include African-Americans, Asians, Hispanics and Native
11 Americans.

12 I would like to take this opportunity to brief the
13 Commission on some of the NRC's accomplishments and suggest
14 some recommendations. Slide one, please.

15 First, the Comprehensive Diversity Management Plan
16 Accountability. NRC's commitment to diversity is clearly stated in
17 the agency's strategic plan, CDMP and operating plan.

18 As noted, the goals and performance measures are
19 now incorporated in the FY2007 operating plan.

20 Next, the Secretarial Job Fair. The committees are
21 particularly grateful for the Commission's efforts to advance

1 administrative staff.

2 The Secretarial Job Fair recently held resulted in 235
3 participants, of which 223 were interviewed, 70 best qualified
4 candidates were identified, and 18 offers have been extended.

5 With regard to the entry level hiring, there has been
6 progress recruiting and promoting women and minorities at entry
7 level and mid-levels. In addition, we have seen an increase of
8 women and minorities in the agency developmental programs.

9 The facilitated mentoring program continues to provide
10 sound career guidance, coaching and inspiration.

11 Currently, there are 200 mentoring peers participating
12 in the NRC's facilitated mentoring program.

13 Slide 2, please. However, further challenges remain.

14 The following are the joint statement recommendations.

15 Leadership Development Programs, such as the
16 Leadership Potential Program and the SES Candidate Development
17 Program, continue to serve as the primary tool to train NRC future
18 leaders.

19 Selections for the LPP and SES Candidate
20 Development Program and the new Team Leader Development
21 Program each have included a diverse group of participants.

1 As a result, minorities and women in supervisory and
2 managerial positions increased; however, we encourage
3 Management to remain proactive; to enhance the advancement
4 potential of all employees, especially women and minorities.

5 The percentage of representation in the GG-13
6 through 15 grade levels has not changed significantly for all
7 employee groups. It is clear to us that increasing representation in
8 the feeder groups is key to success in diversifying senior and
9 managerial levels.

10 So again, we encourage Management to remain
11 proactive to enhance the advancement potential of all employees,
12 especially women and minorities.

13 Regarding the development of women and minorities
14 in the technical and administrative ranks, we recognize that the NRC
15 is an agency with a technical mission. However, the administrative
16 staff is equally valued and should be afforded many opportunities for
17 advancement.

18 We recommend an aggressive approach for rotations
19 and assignments through challenge and work to equip women and
20 minorities to gain the necessary skill sets and competencies needed
21 to succeed. In the facilitating mentoring program, we would like to

1 continue to utilize managers, supervisors and staff, especially senior
2 workers, to serve as mentors.

3 It is crucial that we continue to assist employees in
4 enhancing their true career potential through mentoring.

5 With regard to diversity in succession planning,
6 commitment to the goals and objectives of the CDMP will help the
7 agency create a common and structured approach to build a highly
8 skilled and diverse work force in a positive work environment, linking
9 EEO, diversity management, performance plans, human capital and
10 the agencies' strategic plan ensures we make continued progress
11 toward achieving our goals.

12 In conclusion, the agency should continue to support
13 the objectives of the Comprehensive Diversity Management Plan, to
14 provide a road map to become an agency where all employees are
15 valued and have an equal chance to succeed.

16 Appropriate training and development along with
17 strategies to ensure employees diversify their experiences, will
18 enhance their advancement potential.

19 NRC is a great place to work and our collective efforts
20 will continue to help make diversity and inclusion a reality at the
21 NRC. Thank you.

1 MR REYES: Thanks, Melissa. Ren?

2 MS. KELLEY: Thank you so much, Luis. Chairman,
3 Commissioners. Since the last briefing the EDO approved the
4 Comprehensive Diversity Management Plan performance measures
5 that happened in September of this year and, as Melissa just
6 indicated, that plan provides a structured approach for the agency to
7 make progress in meeting its management diversity goals.

8 The measures serve as an initial pilot and they have
9 been put in offices operating plans. We will continue to monitor
10 progress against these measures and we're going to look at them as
11 we obtain information on how we're doing as an agency.

12 We will assess whether we've hit on the right
13 measures and make changes as necessary. Next slide, please.

14 This slide provides a story and I want to just kind of
15 pause here and point out several things. First of all, for our 2006
16 hiring, we hired 371 employees. Of that, 127 were at the entry level,
17 which includes 77 employees who are in the NSPDP program,
18 which is the Nuclear Safety Professional Development Program.

19 It also includes 195 hires at the mid-level and all of
20 these groups represent a diverse group of employees who have
21 joined the NRC.

1 With regard to such a recruitment effort to have that
2 level of success, it takes the efforts of all offices and regions and
3 certainly that's what we've had with an effort that's been led by the
4 Office of Human Resources.

5 Over the year, we've had 56 recruitment events and
6 there are just a number of things that I want to mention. All offices,
7 as I have mentioned have contributed, all regions, and I just want to
8 mention a few of the contributions of offices.

9 Of course, Tim did mention several things relative to
10 the Office of Administration already. NRR doubled its NSPDP
11 program to 30 slots, increasing the hiring opportunities at that level.

12 Region 3 hosted a Meet and Greet for 16 students. As
13 a result of that effort, they made nine offers, seven of which were to
14 minorities and two to Caucasians.

15 Region 4 established a Cooperative Education
16 Program Agreement with New Mexico State, resulting in the
17 development of a nuclear education curriculum.

18 And Sam Collins of Region 1 was among several
19 recipients in the Philadelphia area to receive the Certificate of
20 Achievement for EEO accomplishments and this was sponsored by
21 the Philadelphia Federal Executive Board Partners in Quality

1 Council.

2 In addition to that, the agency has this Friday an event
3 where about 20 or so students will be on campus. That gives an
4 opportunity for interviews as well as offers for those students that
5 managers believe worthy for employment here at NRC.

6 COMMISSIONER McGAFFIGAN: Can I ask a
7 clarifying question? Is it 20 or 100?

8 MR. REYES: The 100 is a class. A Nuclear Safety
9 Professional Development Class is close to 100. This batch we're
10 interviewing on Friday is about 20 or so.

11 COMMISSIONER McGAFFIGAN: Okay.

12 MS. KELLEY: Next slide, please. We have a number
13 of tools that we use to enhance the development of employees.
14 One is, of course, the Senior Executive Service Candidate
15 Development Program and we have several classes that are at
16 different stages.

17 There is a class that was recently placed and that's the
18 2008 class that includes 25 employees. There was a class that
19 graduates this year. That is the 2007 class.

20 And I might add that both of these classes are diverse.

21 In addition, the 2005 class, which was placed at that time, was

1 graduated in 2005. That class included 31 employees.

2 There are three employees remaining to be placed
3 from that class and they are two white males and one
4 African-American male.

5 In addition to the SESCDP, the Leadership Potential
6 Program is another vehicle for enhancing mobility, upward mobility
7 for NRC employees, certainly contributing to the feeder groups and
8 the Team Leader Development Program is another program to do
9 likewise.

10 Right now there are 53 individuals in that program and
11 both of these groups are also diverse. Next slide, please.

12 At the last briefing, I mentioned to you that the
13 agency's participation rate for ADR was under that for the Federal
14 government. Right now the rate for the Federal government is
15 about 45%.

16 I'm happy to report that since our last briefing, NRC's
17 participation rate has increased from 22% to 31% and we have done
18 a number of things, and we've put in place a number of strategies
19 that we intend to implement going forward to try to increase that
20 participation rate even more.

21 One of the things that we have scheduled is a seminar

1 for managers and supervisors, which is right now scheduled for
2 February of next year. This is aimed at enhancing their awareness
3 of the benefits of ADR.

4 We held an exhibit where we passed out information
5 concerning the benefits of ADR at a lunchtime session for several
6 days, and we've put information out there. We've asked the
7 managers to work with us and talk about ADR as they hold meetings
8 with the staff at large.

9 We've done a number of things. One of the things that
10 we will do going forward is to track the reasons that complainants
11 and managers would not elect ADR.

12 As we track those reasons, and collect that
13 information, hopefully that will also inform our strategies going
14 forward. But we continue to be vigilant in trying to make managers
15 and staff aware of the benefits.

16 In addition, we've reached out and touched a number
17 of other Federal agencies and obtained best practices and for the
18 things that we got as a result of that effort, we found that we're also
19 doing them.

20 We do offer ADR 100% of the time. As we get
21 complainants coming through the door, it is offered. So we will

1 continue to do that as well. Next slide, please.

2 For the Minority Serving Institutions Program, this is a
3 program that we stood up this August coming from - there are a
4 couple of executive orders that touch this area but also our authority
5 for this program comes from the Energy Policy Act.

6 We've been working very closely with a number of
7 offices, particularly HR, ADM and Research to identify institutions of
8 higher education with the potential to provide contract support for
9 research and development agency-wide.

10 NRC as a result of the efforts of SBCR and OGC and
11 other offices, we have been placed on www.grants.gov and what
12 that is, is a vehicle government-wide in order to be able to receive
13 proposals from organizations and individuals for assistance for NRC
14 money.

15 That makes the process a lot simpler to be a part of
16 that and we did get that certification. We have a member of the
17 NRC staff, a member of my office, who is participating on a National
18 Leadership Team to advance the partnership of about 20 or so
19 Federal agencies to form a coalition or council of partners for
20 minority serving institutions and providing assistance, money and
21 assistance, to students and faculty and universities and other

1 institutions or affiliates.

2 NRC received recognition from the White House
3 Initiative for its efforts in putting in place this program. And we were
4 recognized by the White House Initiative as having a best practice,
5 which they have made available across the Federal government.

6 We were invited to participate and did participate in a
7 conference that was recently held to a number of Federal agencies
8 and private organizations as well. We received a letter from the
9 White House recognizing our efforts in that conference as well.

10 Next slide, please.

11 Concerning the Small Business Program, as we
12 mentioned at the last briefing, we met for 2006. We met four of six
13 goals. The two goals that we did not meet, of course, HUBZone and
14 Service-Disabled Veteran-Owned Small Businesses. They remain a
15 challenge for all Federal agencies.

16 But we certainly are implementing strategies to try and
17 increase our efforts concerning those two goals and we're not at
18 zero.

19 We did issue some contracts in these areas during the
20 year. Two major contracts that we issued, one for \$41 million and
21 another for \$10 million, went to small businesses and those are kind

1 of noteworthy levels of contract awards.

2 COMMISSIONER McGAFFIGAN: Can I ask a
3 clarifying question? Getting a \$41 million contract would graduate
4 you from the Small Business Program pretty quickly, wouldn't it?

5 MS. KELLEY: No, not necessarily.

6 COMMISSIONER McGAFFIGAN: Not necessarily?
7 Okay.

8 MR. REYES: Money doesn't go as far these days, sir.

9 MS. KELLEY: It's a multi-year award.

10 MR. REYES: Multiple years.

11 MS. KELLEY: The Small Business Administration
12 recently issued a scorecard process. It is similar to other
13 organizations or agencies that have a scorecard process, similar to
14 the President's Management Agenda, and this scorecard process
15 they will look at a number of things.

16 The primary focus will still be on the amount of money
17 that's placed with small businesses. So, we'll need to remain
18 vigilant in terms of our efforts because the expectation is that the
19 contracting activity across the agency will increase and as that
20 increases we'll need to have a similar increase in small business
21 activity, even to remain where we are presently.

1 So we're working with the technical offices to really
2 stay connected with that effort and increase our chances of
3 remaining having a viable program going forward.

4 COMMISSIONER MERRIFIELD: Further clarification
5 as a follow-up to Commissioner McGaffigan, obviously since so
6 much of our money is in personnel not in contract dollars, a
7 \$40 million contract for small businesses is quite noteworthy. Just for
8 understanding, what was that for? Do you recollect?

9 MS. KELLEY: It was OIS.

10 COMMISSIONER MERRIFIELD: Office of Information
11 Services. Thank you.

12 MS. KELLEY: And to conclude, we continue to make
13 progress on a number of different areas, in all of the areas that we
14 outlined in the agenda, but we don't declare victory.

15 This is something that we really have to continue to
16 work at and remain vigilant and continue to press forward.
17 Strategies, programs, and collaborative efforts will build on this
18 progress, enhancing our ability to build a highly qualified and diverse
19 workforce to achieve the agency's mission. Thank you.

20 MR. REYES: Chairman and Commissioners, that
21 concludes the staff prepared remarks.

1 CHAIRMAN KLEIN: Thank you. I think all of you
2 should be proud of the accomplishments that have been made in
3 these programs. It takes effort and I think you've done a great job.

4 Before we go to the questions, I think Dale Yielding will
5 make some comments from the union and then we'll go to the Q&A.

6 MR. YIELDING: Thank you very much, Chairman and
7 Commissioners and those in the audience. Sorry for being behind a
8 post here. There's not enough seats at the table, I guess. My name
9 is Dale Yielding. I'm the President of our local chapter of the
10 National Treasury Employees Union and I'm glad to have this
11 opportunity.

12 Actually it's a statutory right under 5 USC 7114 for the
13 union to be able to make presentations at formal meetings, but I'm
14 sure I'm welcomed and don't have to exercise statutory rights.

15 For those that don't know, the mission of the National
16 Treasury Employees Union is to ensure every Federal employee is
17 treated with dignity and respect. And, of course, when I make
18 comments here I try to make them brief, try to stay under five
19 minutes even though I have 10. And I'm going to focus my
20 comments today strictly on employee appeal.

21 To give you a little foundation and background before I

1 go into my main issue. I'm going to start off by applauding the
2 agency before I reverse my position and begin to criticize.

3 Employee appeal processes - the agency has taken
4 wide strides forward in progress in the differing professional opinion
5 program and a new program for non-concurrence.

6 And of course, this provides employees an excellent
7 basis and opportunity to appeal technical mission-related decisions
8 of which, the union is not involved. I'm not saying that I would want
9 to be, but that's just not a statutory right for the union to get involved
10 in mission-related activities.

11 Another avenue of employee appeal of course, equal
12 employment opportunity, which is the subject of this meeting. The
13 union has an opportunity to be involved later on in that program after
14 the EEO counselor has spent 30 days with an employee with an
15 equal employment opportunity discrimination case.

16 But the area for employee appeal that the union is
17 involved is the grievance process.

18 Now, I'm always tasked to establish a nexus with my
19 comments here because this is an Equal Employment Opportunity
20 briefing to ensure that I don't go off on some union issue that maybe
21 isn't related to these actual proceedings.

1 Well, these proceedings are based on the agency
2 establishing a diverse workforce and recruiting and retaining a
3 diverse workforce. The recruitment part of that has been well
4 presented at this meeting, but to retain the benefits of a diverse
5 workforce after we've recruited them, we have to have a good place
6 to work.

7 The union, I view, is very instrumental in keeping this
8 place a good place to work and I think last year, we were credited
9 with being the number three best place to work in the Federal
10 government.

11 So that almost opened the door for me to talk about
12 any issue that keeps this place a good place to work. So there's my
13 nexus. And I'm just going to be talking about the employee
14 grievance process.

15 COMMISSIONER McGAFFIGAN: Are you practicing
16 law without a license?

17 [LAUGHTER]

18 COMMISSIONER MERRIFIELD: Because if you are,
19 Commissioner McGaffigan does all the time.

20 [LAUGHTER]

21 MR. YIELDING: Okay, what does an employee

1 grieve? The employee can grieve any complaint concerning any
2 matter relating to the employment or here at the workplace.

3 What does that involve? Where do I see most
4 employees that have problems that we get involved in either
5 informal processes or the formal grievance process? Work
6 schedules, appraisals, merit selection, discipline, work at home,
7 family medical leave, annual leave, overtime assignments, training,
8 rotations, awards.

9 A litany – I won't go through anymore, but there's just
10 a summary of what the grievance process encompasses.

11 EEO complaints: They're based on discrimination or
12 alleged discrimination, but there has to be a complaint where an
13 employee is alleged to have done something wrong, merit selection
14 appraisal, their complaint, here's what's been done wrong and
15 they're basing it on discrimination.

16 That same complain, if you strike out discrimination,
17 could be a grievance. So a lot of issues if you don't allege or don't
18 prevail in proving it was based on discrimination could be a
19 grievance through the National Treasury Employees Union
20 grievance process.

21 The grievance process: Statutorily basis, 5 USC 7121,

1 any negotiated grievance procedure shall include procedures that
2 assure the employee the right to present a grievance on the
3 employee's own behalf and assure the exclusive representative,
4 NTEU, the right to be present during the grievance proceedings.

5 So it's a statutory basis for giving the employees the
6 right to step up and voice a complaint. Of course, we have Article
7 51 of the collective bargaining agreement which is that procedure.

8 Two aspects of an employee appeal or a grievance:
9 I'm going to relate it to an over pressurized tank and a relief valve
10 here in this technical industry. A relief valve goes off and releases,
11 reduces the pressure of a tank and that's an immediate relief of the
12 over pressure situation.

13 An employee with a concern likes to release their
14 emotional stress and sometimes just talking about it, either to me in
15 the union office or to a co-worker or to their supervisor, resolves a
16 good portion of the problem, the release of the emotional stress.

17 But later on you go back to the over pressurized tank
18 and you do a root cause analysis. You determine what was the
19 reason, an operator error, some technical mishap or malfunction of
20 equipment, and you correct it to prevent reoccurrence.

21 A grievance process: You do a little study. The

1 grievance decision-maker goes back, does a little research. Was
2 there merit to the employees claim? Let's try to right the situation
3 and let's correct to prevent reoccurrence of whatever initiated the
4 grievance.

5 So keep in mind there's two aspects to a grievance.

6 One, let's give the employee some emotional relief to vent and let's
7 correct the situation if the employee prevails in making the allegation
8 correct.

9 A little history or a little time line of grievance. You've
10 got to have time lines on things because you can't have employees
11 filing grievances on things 10 and 15 years old, so we put a time line
12 on the grievance process, 15 days. The employee has got to get in
13 the union office within 15 days, file a grievance complaint.

14 Management then has a time line - 10 days to meet.

15 After the meeting, management has a time line of 15 days to render
16 a decision. The issue I'm here today is management's 10 and 15
17 day time line. The union very rarely holds management's feet to the
18 fire on meeting within 10 days.

19 We realize personnel situations may not rise to the
20 level of importance of mission-related and managers may not obtain
21 a meeting in conjunction with the Human Resource Staff in 10 days;

1 or in 20 days; or in two or six months.

2 I've tasked HR to establish a tracking system to at
3 least be aware of the time limit, not necessarily holding their feet to
4 the fire. I was denied.

5 I've establish an internal tracking system of my own,
6 but still it doesn't have any mechanism for me to demand a meeting
7 within 10 days or more.

8 The issue at hand here as I bring to a conclusion, is a
9 new interpretation by the agency of missing these deadlines. And I
10 say new because I've been a steward here at the agency for over 12
11 years, managing grievances, leading the chapter as President for
12 six years, and this new interpretation is only as a result of a
13 year-and-a-half to two year change in senior management of Human
14 Resources.

15 This interpretation is this - HR views when they miss
16 their deadline, their 10 days to meet for their 15 days to render a
17 decision, excuse me 20 days to render a decision, that they view the
18 union has an obligation to appeal to the next step.

19 Never viewed that in my 12 years. We always were
20 forgiving and let the agency have as much time. HR further
21 interprets if the union does not appeal to the next step, whether it be

1 a step B grievance or arbitration which involves litigation and
2 resource expenditure, HR views if the union does not appeal to the
3 next step, that the grievance is denied.

4 So I task the Commission to reverse this new HR
5 grievance denial mentality. And task HR to establish a grievance
6 tracking system and report metrics of grievance at these twice a
7 year EEO briefings. I welcome your questions or comments.

8 CHAIRMAN KLEIN: Thank you. Well, as we have
9 noted, the agency is going through quite a transition with growth and
10 I think HR and all of you at the table have worked hard for diversity.

11 And so, I appreciate all your hard work. And now
12 we'll have the Commissioner's questions, starting with
13 Commissioner McGaffigan.

14 COMMISSIONER McGAFFIGAN: Thank you very
15 much Mr. Chairman. I want to congratulate the staff on the progress
16 that is being made. Today's presentation was an excellent one and
17 I think Ms. Jenkins' presentation is an affirmation that we really are
18 making very significant progress in this area.

19 I think Mr. Hagen's presentation shows that ADM is an
20 outlier in terms of meeting metrics.

21 Just as a footnote, I'd say that's partly a pool from

1 which ADM can draw as opposed to some of the other offices.

2 We continue to under educate. Our nation as a whole
3 is not doing a good job of attracting minorities and women to the
4 science and engineering disciplines.

5 And so the pool from which other offices may draw is
6 not as strong. We'll do the best we can within those areas and
7 probably do better than most agencies because I think every one of
8 us values the diversity of this workforce. I think it's why we have a
9 great place to work.

10 I will say, Mr. Yielding, I do think you traipsed into the
11 area that the Chairman said we wouldn't deal with, so I don't think
12 you'll get much response from the Commission on that matter.

13 I think that's something you have to work out with the
14 staff and is historically - I've been here 10 years and I've never had
15 those issues come to us. I think it'd be inappropriate.

16 I hope that Mr. McDermott has been able to get his
17 tsunami charts here and I'd ask him to -

18 MR. REYES: We're ready for the weather.

19 COMMISSIONER McGAFFIGAN: - put one of them
20 up.

21 MR. McDERMOTT: I gave him one in the back to see

1 if they could get it.

2 COMMISSIONER McGAFFIGAN: Okay, let's see if
3 we can get it.

4 MR. McDERMOTT: I have hard copies if you want.
5 Ah, there it is.

6 COMMISSIONER McGAFFIGAN: This is a chart which
7 I understand is called the Tsunami Chart. It shows the age profile of
8 this agency.

9 We use it, at least some of us use it, to show how
10 enormous the demographic transition we're in the midst of.

11 If you look at the 2010 chart I think it shows enormous
12 opportunity, particularly at the entry level for young people to join
13 this agency and to move forward. But it also shows that our peak at
14 the moment is around age 55, actually 55 to 60.

15 It was between 50 and 55 in 2000, we basically moved
16 it five years to the right.

17 MR. REYES: Every day it moves to the right.

18 COMMISSIONER McGAFFIGAN: And it's eventually
19 those people are going to retire. You look at the other age
20 demographics. We've got a lot of folks between 50 and 55, and into
21 the 60s.

1 So it's an opportunity as I've said before, this is the
2 first time we've had this Tsunami Chart up. It's an opportunity for us
3 to continue to address these EEO provisions. There isn't a question
4 there unless Jim wants to add something.

5 MR. McDERMOTT: I would add that we usually
6 present and update this chart for our human capital briefing -

7 MR. REYES: Which we will.

8 MR. McDERMOTT: and the waved crest is higher than
9 reflected on that chart. The percentage of the population 56 years
10 of age and over is larger.

11 COMMISSIONER McGAFFIGAN: This is a chart you
12 produced for about May 2005?

13 MR. McDERMOTT: Yes.

14 COMMISSIONER McGAFFIGAN: So, it's about a year
15 old?

16 MR. McDERMOTT: Yes. That's it. So, we'll have an
17 updated one.

18 COMMISSIONER McGAFFIGAN: I think the staff as a
19 whole, the Commission is familiar with this chart. I think it's maybe
20 been in Inside NRC once. Not sure if the staff as a whole has taken
21 a look at it. So I hope its part of the record of this meeting.

1 I do want to commend Region 4 for finally discovering
2 New Mexico State University. I've been a little bit of a broken record
3 on the Hispanic serving institutions.

4 CHAIRMAN KLEIN: Texas is next.

5 [LAUGHTER]

6 COMMISSIONER McGAFFIGAN: I have no problem
7 with that. Region 4 does very well. It can do even better and so I'm
8 glad for that and I'm also glad for the Services Disabled Veterans
9 progress we've made and recognize that's a priority for you and I
10 think it should get priority for the nation.

11 The non-concurrence process Mr. Yielding raised, he
12 raised it with some trepidation, Commissioners aren't under the
13 same rules, so I do think that that's one of the reasons we have a
14 good place to work.

15 We've been working on this. I think the folks in OE,
16 Office of Enforcement, have done a tremendous job putting that
17 together. You issued a recent interim Management Directive.

18 My only question to Luis would be why isn't that on the
19 public page? We all know it. I think there's some very profound
20 thoughts there.

21 Your encouragement of the staff that the way to get

1 along is not to go along. We argue at the Commission level all the
2 time. Anybody reads our votes.

3 We sometimes are unanimous. I'm not sure what the
4 percentage is, but surely there is a lot of times where we have pretty
5 good arguments and we know there are arguments within the staff.

6 I think a way to capture those arguments and have
7 them resolved one way or the other and have that come forward to
8 us as you increasingly do in Commission papers.

9 There is this other view, Part 52 hearings, as an
10 example. But I think it's a really good news story, so I'd urge you to
11 think about putting that on the open Web page.

12 MR. REYES: I'll take that as an action item.

13 COMMISSIONER McGAFFIGAN: And I think my final
14 question, there is this nice article in Federal Times about young
15 people do want to be Feds.

16 Unfortunately, we were not included in the database
17 that this particular study looked at. But I would hope that - what it
18 says is they want to be Feds particularly at places like the FBI or the
19 CIA or whatever that have clear missions.

20 I think, I hope we're one of those. We clearly are a
21 great place to work. That's recognized. We have a clear mission

1 that's going to need to be done as long as the nation endures, I
2 hope, which is a long time.

3 And I don't know whether you have any anecdotal data
4 to put us where the CIA and FBI are in terms of young people's
5 perception of this place or whether you have any plan to enhance.

6 I'll say offline, Mr. McDermott and I had a conversation
7 at a particular college I happened to look at recruiting day, and I
8 thought the nuclear Navy trumped us enormously in its recruiting
9 efforts that day.

10 They had a very nice presentation on the institutions
11 web page and we had sort of the usual NRC is meant to ensure
12 reasonable assurance of adequate protection of the public health
13 and safety. It isn't exactly a ringing –

14 How are we perceived and do we have any ideas as to
15 how to improve our perception among young people that we want to
16 recruit?

17 MR. McDERMOTT: Well, I took to heart our little
18 conversation. And we're meeting with our contractor Bernard
19 Hodes. We're spinning off the agency's logo and the agency's tag
20 line and saying we're an environmental agency.

21 We protect people and the environment. That plays

1 well I can only say this anecdotally because we don't have a formal
2 method of sampling what young people think of us. I think the fact
3 that we're swamped with applications is a good sign.

4 COMMISSIONER McGAFFIGAN: I think we have the
5 advantage. The CIA and FBI have a clear mission, an important
6 mission. We're the nation's nuclear watchdog. That's my tag line
7 still; nuclear safety and security watchdog. We are it.

8 It's an enormous responsibility and we serve safety
9 and the environment. Commissioner Merrifield may scold me, but
10 we are the nation's nuclear watchdog. Just as we need an FBI, we
11 need a CIA, we need somebody who's going to make sure that the
12 safety and security of existing licensees and future licensees is
13 going to be maintained. Thank you Mr. Chairman. Now
14 Commissioner Merrifield will take over the scolding.

15 CHAIRMAN KLEIN: I'd like to just make a comment on
16 the exhibits and the way we present ourselves. I had attended the
17 American Nuclear Society in the exhibit hall area and when you
18 compare our exhibit with others, we're not quite there.

19 So I think there's room for improvement. I'm glad that
20 we have a lot of applicants, but we cannot become complacent. We
21 need to still be aggressive so we can get the best of the best. So I

1 think there are things we can do to improve that.

2 When I looked at our exhibit and you look at the
3 surrounding ones, we're not where we should be. Commissioner
4 Merrifield?

5 COMMISSIONER MERRIFIELD: Well, first I'd like to
6 echo Commissioner McGaffigan's compliments of the progress
7 we've made. I've lost count of how many of these meetings I've
8 been to, but I do recollect in that we have certainly made progress
9 and while we've tried very hard, there's more for us to do, as you
10 reflect, Ren, we don't declare victory.

11 But I think we can clearly see through the results you
12 have presented today and the testimony we received this morning
13 that we are doing a better job as an agency in meeting our Equal
14 Employment Opportunity mission and going forward.

15 With that having been said, I also want to comment, I
16 agree with both Commissioner McGaffigan and the Chairman that
17 there are refinements we can make in our recruitment.

18 We can package ourselves in a variety of different
19 areas in this agency better than we have done and I think the
20 Commission has been focused on making improvements there.

21 I do think, maybe because I was involved in part of it, I

1 think the tag line will help. I think that young people, and I've spent
2 as Jim McDermott knows, I've spent a fair amount time going out to
3 colleges and universities meeting with young students over the last
4 few years.

5 I think there will be an attraction to the fact that that is
6 how we explain ourselves and what is important for us as an agency
7 protecting people and the environment and I think that will be
8 attractive to young people.

9 Nations' nuclear watchdog - we can debate that one in
10 private and Commissioner McGaffigan is right, we do debate things
11 and that's certainly true. Hopefully, that will send a clear message
12 of where we are as an agency; the information provided today, the
13 tsunami that we may see certainly indicates that there are many
14 opportunities going forward for young people, and for people who
15 are in mid-career here at this agency; people who are here at the
16 agency who we will continue to develop from within.

17 In terms of - there are some areas I want to take a
18 look at - I guess my first question, I'd start with Luis and then
19 perhaps Jim. We talk a lot about wanting to provide rotational and
20 developmental opportunities within the agency. I think this is
21 critically important.

1 I think certainly in my office, I'm very active in terms of
2 bringing folks up on rotation. I think there are many, many
3 individuals in our senior management ranks who have taken
4 developmental and rotational opportunities to enhance their
5 capabilities.

6 How are we encouraging our managers to allow
7 people to do it? One of the concerns that I think has been raised to
8 me in elevator conversations and hallway conversations is, gee, I'd
9 like to have a rotational assignment but my manager thinks I'm so
10 important, he won't let me do it.

11 How are we avoiding that problem?

12 MR. REYES: We're working on it. We don't have a
13 solution for it. What's happening to us - I talked in the beginning on
14 the growth of the agency – the young people we're bringing in,
15 especially the ones in the Nuclear Safety Professional Development
16 Program are getting meaningful work right away.

17 That's our goal. That they come in and they feel they
18 are contributors. They're doing that at the same time they're in the
19 development program. So, you're getting into a conflict about work
20 and deliverables.

21 My boss keeps repeating to me everyday he wants

1 deliverables, milestones, schedules. So, it is a challenge for the
2 managers. We need to make sure we don't sacrifice the
3 opportunities for the individuals to go around.

4 So, I don't have an answer for you other than we have
5 discussed it internally to see what kind of things we can do. So, you
6 end up with assigning an individual very significant action to pursue
7 as part of development and giving them meaningful work, and then
8 delivering that, and then their rotational assignments.

9 So, it's something we have to wrestle with, especially
10 Commissioner McGaffigan was asking the next class of Nuclear
11 Safety Professional Development Program, is probably the highest,
12 or one of the highest we have ever had.

13 So, we need to manage that. It's a challenge for us.
14 We just need to deal with it.

15 COMMISSIONER MERRIFIELD: Ren, I just want to
16 note, you did include in the book this year an explanation of why
17 some of the lengthier cases have lingered as long as they have.

18 That's something I particularly asked for last year and I
19 appreciate the fact that you did get that in the briefing book.

20 Clearly, it seems to me the formal complaint activity
21 reflects what seems to be a significant improvement in timeliness in

1 resolving complaints. I want to recognize that at the meeting.

2 I may come back to some other questions later on if
3 we have a second round. I did want to ask one question briefly. I
4 appreciate Dale Yielding's comments to us regarding the concerns
5 of the NTEU. This is one of those issues that could be in a grey
6 area, certainly, but I appreciate the interest.

7 It's certainly something that I would want to follow up
8 with the EDO and Jim McDermott. The only thing I wanted to
9 provide and there may be no desire to do that. I didn't know if either
10 of you wanted to make a response to any of Dale's comments. You
11 may prefer not to do that, but I did want to provide that opportunity.

12 MR. McDERMOTT: I would say that we are working
13 this off line with OGC's help and everybody else. I don't think I want
14 to solve it, right here, right now. It's on the front burner.

15 COMMISSIONER MERRIFIELD: It's on your radar
16 screen? You're working on it?

17 MR. McDERMOTT: Oh, yes.

18 COMMISSIONER MERRIFIELD. Thank you.

19 CHAIRMAN KLEIN: Commissioner Jaczko?

20 COMMISSIONER JACZKO: I want to begin, I think,
21 certainly by associating myself with the remarks of everyone to this

1 point about the improvement and the progress that's been made in
2 the areas of diversity. I think that's really a testament.

3 I was fortunate in many ways to come just as this
4 agency was finalizing the Comprehensive Diversity Management
5 Plan and have been really able to benefit from the fruits of all the
6 labor that went in to developing that plan and to begin to see some
7 of the outcomes and the results from having that kind of a plan.

8 Along those lines, too, I would certainly want to
9 associate myself with Commissioner McGaffigan's comments about
10 the non-concurrence program.

11 I know he's been instrumental and talks about that
12 quite a bit. I would go so far as to say I think it perhaps will be an
13 improvement over the DPO process, which I continue to have some
14 concerns with as being an effective process to, as Dale Yielding
15 described, as an employee appeal process.

16 I think it continues to be underutilized and be overly
17 difficult, I think, for people who have those differing opinions. So
18 perhaps the non-concurrence will provide a more effective and
19 efficient way for people to raise those concerns.

20 COMMISSIONER McGAFFIGAN: I think the non-
21 concurrence process that is currently on our web page is probably a

1 best practice across government. I really do. That's why I want to
2 make it public.

3 MR. REYES: Yes. If I can have 30 seconds?

4 COMMISSIONER McGAFFIGAN: Not to undermine
5 Commissioner Jaczko's -

6 MR. REYES: I want to give credit to the employees.

7 This came from the employees. When the IG survey was
8 conducted, we do take action from the feedback of the employees.

9 We encourage them all to participate and then we take action.

10 One of the messages that came up was that they
11 wanted to have a less formal, easier way to express some views or
12 different opinions. So we took that, and that's how the non-
13 concurrence process came to be.

14 COMMISSIONER JACZKO: Good. As I said, I think
15 it's a very positive step and I think it will hopefully address some of
16 the concerns that I see with the DPO process. Not necessarily
17 concerns that anyone has expressed to me, but just as I've seen
18 how the process works.

19 It seems that it could be done better. I bring this up
20 because I think we often talk about diversity a lot and we have a
21 Diversity Management Plan.

1 One of the important aspects of that plan I think also
2 that I think sometimes doesn't receive as much attention as the idea
3 of diversity in views and thinking styles and all of those things which
4 I think together make a good organization, a good, effective and
5 efficient organization.

6 I think the non-concurrence process is certainly one of
7 the ways that we can encourage that diversity and ideas and
8 thinking. I think that will be important as we move forward.

9 I do have a specific question about that. There are a
10 lot of performance measures for the Diversity Management Plan.
11 I'm wondering if we have performance measures or in any way track
12 in the candidate development programs and the Leadership
13 Potential Programs, people who have participated in non-
14 concurrences or DPOs.

15 Do we have a sense - I know Commissioner
16 McGaffigan I think always makes a statement that he's gone to
17 many of these programs and asked, "Has anyone in the room ever
18 filed a DPO?" I think the answer is usually no.

19 Is there a way that we do track to see if these
20 programs are being utilized and these people are in the end being
21 rewarded for their willingness to step forward and express these

1 different views? And that the agency is showing that that is
2 recognized?

3 MR. REYES: You used two words that I want to clarify
4 - reward and the other programs. We do consider giving rewards
5 and acknowledgment to people who have differing views and
6 opinions.

7 They may not be interested in being a manager, so if
8 they don't apply to any of the programs - so my point I was going to
9 make is that we do recognize the people. We try to recognize them
10 in ways for coming forward.

11 They receive a letter thanking them for coming forward
12 with a differing view and opinion and we look at monetary awards
13 and in fact, we do provide them.

14 I want to separate that from an individual who may not
15 be interested in being a supervisor or manager or executive and so
16 there's two different things.

17 COMMISSIONER JACZKO: Would you say, I guess
18 then with that issue aside, is this something that you think could be
19 tracked to try and get a sense of how people are utilizing these
20 processes and how they do track into some of the Leadership
21 Development Programs?

1 Is there data there? It sounds to me like what you're
2 saying is that people who exercise these processes may not be
3 people who have interest in management.

4 MR. REYES: The development programs are
5 voluntary. So, there are people who prefer to go the technical route
6 to the SLS and that's why we established two tracks.

7 Not everyone has to be a supervisor or manager.
8 Some people just want to be in the technical area. So, we have
9 multiple tracks to promote, to move your career forward. You have
10 to apply.

11 COMMISSIONER MERRIFIELD: Can I ask just a
12 clarifying question?

13 COMMISSIONER JACZKO: Can I just followup. I
14 guess what I'm trying to get at is since these are sort of a self
15 selecting process, is there some kind of internal cultural issue where
16 people who file DPOs don't feel that they should be applying for
17 management positions?

18 I guess perhaps that's the underlying issue. I'm
19 wondering are these people who, before they filed the DPO, would
20 not have wanted to seek a management position.

21 MR. REYES: Other than asking the individual, I'm not

1 sure.

2 COMMISSIONER MERRIFIELD: I was going to ask
3 the same question in a different way. Is there -

4 COMMISSIONER MERRIFIELD: Can I get a
5 response first?

6 MR. REYES: We don't track any of that in terms of
7 who has a different view, a different opinion, etc, etc. We don't track
8 what they apply for and don't apply. Because we have very small
9 numbers, I'm not sure doing a lot of science with small numbers is
10 the smart thing to do. We could ask. We can find if people are not
11 applying to this program because they have a perception that -
12 whatever perception they have. But I can tell you we have a large
13 number of applicants for every class. For every program we have,
14 which is great, we have a large number of applicants and typically
15 the problem is you only have 25 seats, or whatever.

16 And you have all these people who are very qualified.
17 You'd like to place the all, but you can only handle so much.

18 COMMISSIONER MERRIFIELD: Luis, I was going to
19 ask a similar question slightly differently. Is there anything in the
20 DPO program that would discriminate against - I'm sorry. Is there
21 anything in the program for individuals applying for the SES

1 Candidate Development Program, or Leadership Development
2 Program, is there anything built into that that would discriminate
3 against them for having a differing professional opinion?

4 MR. REYES: Not that I'm aware of. There's no
5 connection.

6 COMMISSIONER MERRIFIELD: There's no
7 connection.

8 MR. REYES: The elements to apply are just general.

9 COMMISSIONER MERRIFIELD: Would you want to
10 have a program in which individuals would be encouraged to submit
11 DPOs merely to give them a higher score on their entry for either
12 the Leadership Development Program or the SES candidate pool?

13 MR. REYES: No.

14 COMMISSIONER MERRIFIELD: No? I didn't think so.

15 COMMISSIONER JACZKO: Again, and I'm not
16 suggesting that we should do that. What I am suggesting is that if
17 this is largely a self-selection, there may be an underlying current
18 that the agency needs to address where people who are filing DPOs
19 do not feel that that, because they have filed a DPO, that they will
20 be successful in seeking management positions.

21 And I think, right now we don't have a situation in

1 which we have a lot - again, statistics are low. It's difficult to say
2 whether there is a trend there. Whether there's a reason.

3 And that's what I'm asking, is perhaps this may be
4 something to look at. Is there something we could find out that's
5 happening here that is explaining why we're not seeing people
6 utilize the DPO program, why we're not seeing people who utilize
7 the DPO going on to management positions?

8 And maybe as you said, these have just been people
9 who would prefer to go the SLS route rather than go into
10 management positions. I'm not necessarily making any suggestions
11 about what the reason is, but there may be something here to look
12 at and understand and investigate.

13 MR. REYES: We'll try to take a look at that. Again, it's
14 a very small number of individuals, so we could maybe ask them.
15 Maybe simply asking people may be the easier way.

16 COMMISSIONER McGAFFIGAN: Mr. Chairman,
17 since I provoked this and probably it's going to continue, let me just
18 say that I think that the non-concurrence program is going to solve a
19 lot of this. I think non-concurrence should be a fairly routine thing.

20 I'm not trying to over-encourage non-concurrences.
21 But I think the database of people who have filed non-concurrence

1 would be much larger than the database of people who get into the
2 much more elaborate DPO process.

3 One reason, as Luis suggested, we saw in the IG
4 survey, people wanted a better process and we had it in some
5 places, but we didn't have it in others. We needed to fix that.

6 But I think that the message you send on our internal
7 web page to the employees with your personal words, absolutely
8 makes it clear. We want a diversity of technical opinions. You will
9 be mis-serving the agency if don't. If you think there's something
10 wrong and you go along, you're mis-serving the agency.

11 So I think there will be a larger database from which to
12 look. And I'll just tell an anecdote or two for those - There have
13 been Regional Administrators, named Merchoff, at least Merchoff,
14 as a Regional Administrator with brief consideration to consolidating
15 Region 4 materials into Region 3 as we did between Regions 2 and
16 1.

17 Mr. Merchoff said in a post- 9/11 environment. "That is
18 nuts." He made his views clear, sort of as a non-concurrence. It
19 wasn't a DPO. We never got into that. And the Commission sided
20 with Mr. Merchoff. He needed an emergency -

21 MR. REYES: He got promoted after that.

1 COMMISSIONER McGAFFIGAN: He got promoted a
2 couple times. Right. Twice. And so I don't think it was - we got an
3 options paper from the staff on how to do inspections for new
4 reactors.

5 I always encourage more options papers. We get
6 them too frequently, but I think that probably had something to do
7 with the fact Region 2 had some strong views on that.

8 The consensus recommendation was one rejected by
9 the Commission and the Region 2 recommendation was the
10 recommendation accepted by the Commission.

11 That probably had something to do with some internal
12 tension, and the staff said, "By God, my recommendation is going to
13 get up there." So, I think that we're served well potentially, in the
14 non-concurrence process.

15 I honestly think, that if you put that out there, other
16 agencies say, "Gosh, why don't we have one of those?"

17 CHAIRMAN KLEIN: I hate to break a bubble, but the
18 Department of Defense has had a non-concurrence program for as
19 long as I've been there. DOD had a huge non-concurrence
20 program.

21 I was surprised when we came here that we didn't

1 have one. It's a very simple, straight forward program. The thing
2 that's good about the way that DOD had run their non-concurrence
3 program was the fact that you could quickly, you could state what
4 your differences were while it was there and you didn't stop
5 progress.

6 In other words, what happened was, you would get a
7 document and just because someone non-concurred, it didn't stop.

8 People in management positions would evaluate that
9 information and move forward. It encouraged an open dialogue,
10 differences of opinions were expected. And so, we're behind the
11 curve on it because there are other people who have it.

12 COMMISSIONER McGAFFIGAN: Those are good
13 words, I just didn't see them in NRC before and I don't have recent
14 Executive Branch experience like you do.

15 CHAIRMAN KLEIN: And so, I think we will be better for
16 it. It's a good way to go.

17 COMMISSIONER MERRIFIELD: Mr. Chairman, I
18 completely agree. I think the non-concurrence process is one – we
19 do have a tendency to think we invented things here and clearly we
20 haven't.

21 But I think for us, going this road to having a non-

1 concurrence process is a good thing.

2 I want to pick up on something you said because I feel
3 very strongly the same way. The reason for the non-concurrence
4 process, when you strip everything else away, is to say that we want
5 to have the best information to make the best decisions.

6 And we don't want to have a process where
7 individuals, an individual who has a view, which may be different
8 than the rest of the herd, we want to be able to have that view
9 raised, to have it debated, to have it reviewed, to have managers
10 take a look at it and go from there.

11 Now, as you mentioned in the Department of Defense,
12 that's raised for managers to look at, but the process continues to
13 move. And I think this Commission has been and will continue to be
14 very encouraging of a non-concurrence process.

15 That having been said, at the end of the day this
16 Commission has to make decisions and as long as everyone within
17 the agency is in the spirit that we want to provide opportunities for
18 people to be heard, to be fairly judged and to make sure their views
19 are considered. It's not a function where one individual has a
20 particularly strong view is necessarily going to hold up the whole
21 train.

1 One of my concerns, and I think this is something I
2 talked about with our senior managers is that the Commission has
3 to keep moving in terms of the work that we do. We want to hear
4 what these positions are, but we can't let papers, we can't let actions
5 be needlessly bogged down and try to resolve all of this.

6 Sometimes it's going to have to be, the Commission
7 gets that information and makes a call on who we believe.

8 Sometimes it's going to be our senior managers and
9 has been shown on a number of occasions, we're going to side with
10 the folks who make the DPO.

11 But I think it's important, as much as we celebrate this
12 process that we recognize that we have to continue to be able to
13 operate effectively as an agency and that means we need to be able
14 to continue to be able to go through our work. Thank you,
15 Mr. Chairman.

16 CHAIRMAN KLEIN: Commissioner Lyons?

17 COMMISSIONER LYONS: Thank you, Mr. Chairman.

18 First, I'd like to add my congratulations to the staff for a really
19 excellent briefing on a very, very important subject.

20 Ren, I was going to start with a question on ADR and I
21 still will, but given all the discussion that's gone on about the non-

1 concurrence process, I should probably say that at least I can find
2 something about to agree with in just about every comment that's
3 been made on the non-concurrence process.

4 It's certainly important to the agency and it's very
5 important that the Commission be aware of alternative points of
6 view.

7 On the ADR program, Ren, I appreciated your
8 comments. I appreciated as you went through a number of different
9 activities related to the awareness seminars and other things. I was
10 curious how you see the NRC as well as how you see other
11 agencies judging or assessing the success of an ADR program.

12 How do we know when our ADR program is
13 succeeding? And how do, if you have the opportunity to explore it,
14 how do other agencies judge success of an ADR program?

15 MS. KELLEY: I think it's fair to say that the first thing
16 that EEOC, using them as an example because they kind of guide
17 this whole area, is participation. And the higher the number in terms
18 of just getting issues vetted in that type of setting is success.

19 If you can take 100% of them through there, they
20 certainly would look at that as being a good measure. Then, I think
21 it's unrealistic to expect that you will resolve every matter that goes

1 to ADR.

2 But another way that we measure success is when the
3 parties come away understanding each other's views better than
4 they did when they went in. We've certainly had some light-bulb
5 moments and some ADR sessions where seemingly the parties
6 even though they may not have reached agreement, there was
7 more of an appreciation for the other side's view.

8 And it kind of set a stage for being able to go forward,
9 even if you did not resolve the immediate issue at hand.

10 The ultimate, of course, is to be able to go in,
11 participate 100% of the time, and reach agreement. But I think, as I
12 mentioned, it's somewhat unrealistic to expect to get that level,
13 because some issues are difficult.

14 And going through ADR is mainly centered around
15 trying to reestablish the lines of communication. That's certainly
16 something else that we look at.

17 For issues that come to us that don't go into the
18 complaint process, either formal or informal, one of the things that
19 we recognize is that the flow of communication is blocked in some
20 way and there isn't that full appreciation of the opposite view.

21 And so, reopening the line of communication to get

1 management and staff talking around an issue, we would consider
2 that as a measure of success and I believe it's fair to say that the
3 EEOC and other agencies would view it the same way.

4 COMMISSIONER LYONS: I appreciate that answer
5 and I think you're very right. If the ADR process only succeeds in
6 building an appreciation of another's point of view, that is still a
7 success. So I very much appreciate that answer.

8 I have possibly a somewhat similar type of question on
9 recruitment strategies and I don't know whether it should go to Ren
10 or to Jim, or maybe both of you or however you want to do it.

11 I was just curious, as certainly we as an agency want
12 to emphasize diversity and recruitment of a diverse workforce, are
13 we looking at other agencies to see if they have other approaches to
14 recruitment that perhaps we could draw some lessons from?

15 I don't mean that as critical of our program at all. I'm
16 extraordinarily impressed with the success that the overall team has
17 been demonstrating in terms of recruitment and recruitment of a
18 diverse workforce.

19 But do we have opportunities to learn from other
20 agencies and are there things we can pick up from other agencies?

21 MR. McDERMOTT: The Chief Human Capital Officer

1 Council has subcommittees for this and that and the other thing. I'm
2 on their subcommittee for hiring and succession planning.

3 We exchange a lot of ideas there that people
4 contribute and we're considered to have more than our share fair
5 share best practices. There are things we do that they don't do.

6 We send high-end recruitment teams out led by senior
7 executives, supported by recent alumni, if we're going to a school.
8 Melissa mentioned the Secretarial Fair we had. There we're a
9 dozen SES managers working that fair Saturday morning.

10 MR. REYES: On a Saturday.

11 MR. McDERMOTT: They were in here and they were
12 selling. They were interviewing. That's why it's a very efficient way
13 to do some block hiring. Those things are considered best
14 practices.

15 I think I need to learn from other agencies about more
16 efficient follow ups to the contacts we get. We get thousands - we
17 have more than a thousand applications in the system.

18 These people don't hear from us the way they should.
19 We have an automatic thing that says here's an e-mail that says we
20 got your application and they can help themselves by signing up to
21 get e-mails in turn regarding recruitment in areas of their interests.

1 But still and all, the risk is it that becomes a dead letter
2 file, those applications. We've got to look at how we manage that
3 because that tarnishes your image out in the public when they never
4 hear when you get back. That's bad. That's a thorny problem, quite
5 honestly.

6 COMMISSIONER LYONS: Well, that and our ability
7 make offers quickly in selective cases. I gather that's also been a
8 continuing challenge.

9 MR. McDERMOTT: There's an easy solution to that.
10 You get the decision maker involved in the front end of the process.
11 If the decision maker is involved in the interviewing and screening
12 process, you'd be surprised how fast that offer gets out. The
13 managers that were there this Saturday were beating on my head
14 on Monday saying, "How come you haven't got the offer out to this
15 person that I interviewed. Let's go."

16 We like to point the finger. I like to pick on Tim about
17 our security process. The longest poll in the tent is selection time.
18 It's what happens after we've gotten the application in and we've
19 said here's a good group of people to consider.

20 Man, if we're going to go through a panel and we're
21 going to try and nail people down for successive interviews. That's

1 not going to happen. When we bring these kids in Friday, the rule is
2 unless you have a really strong reason not to offer this candidate a
3 position, we're going to hire them.

4 And that works. We just got to push that.

5 MR. REYES: If I could add, we benchmark more than
6 Federal agencies. We steal a lot of ideas from the private sector. I
7 just want you to know that some of our success is because several
8 years ago we started this journey and we stole a lot of good ideas
9 from the private sector.

10 So we're shameless. We're going to steal from
11 anybody. In terms of good ideas, how to get this.

12 COMMISSIONER LYONS: Very good. Let's keep it
13 up.

14 MS. KELLEY: I think it's fair to add just one additional
15 thing, Commissioner Lyons, and that is as we recruit, we put
16 emphasis on trying to increase the diversity of our applicant pool
17 and of our best qualified list. Even though we have a focus on
18 diversity, we hire the best qualified candidate.

19 In so doing, if we are successful in targeted
20 recruitment and having a diverse pool of applicants we'll be
21 successful on the other end in terms of hiring a diverse pool of

1 individuals and certainly we don't go out with a preconceived notion
2 that we're just going to hire you because you're a woman or
3 minority. But we select the best candidate and I think it's important
4 to just kind of add that emphasis as well.

5 COMMISSIONER LYONS: Thank you.

6 MR. McDERMOTT: Marty reminds me that by popular
7 demand at the Senior Leadership meeting, we've targeted the hiring
8 process for our first Six Sigma Project.

9 COMMISSIONER LYONS: Thank you, sir.

10 CHAIRMAN KLEIN: A couple questions for Jim to
11 follow up on Commissioner Lyons' question. I understand, though,
12 there are some things that would help us legislatively, like on-the-
13 spot offers and things of that nature that we could be a little bit more
14 efficient and more competitive.

15 MR. McDERMOTT: The authority we need is direct-
16 hire authority. NASA has it. They got it by separate statute. We
17 need to get it for ourselves. We need to use it very judiciously.

18 The push back is always you guys just want to end run
19 veteran's preference. We don't want to end run veteran's
20 preference.

21 The target population for this is the best and brightest

1 graduates coming out because our competitors are making them
2 offers on the spot.

3 We need to be able to do the same thing and we don't
4 run into that many veterans in that population. And if we do, we'll
5 hire them. It's as simple as that. They got it geared to grade point.
6 They said we're not going to use this unless it's a somebody who's a
7 3/5 or higher or something like that. We just need that badly.

8 CHAIRMAN KLEIN: That's an action item we can
9 continue to push. If you look on slide 8 that you had presented in
10 terms of the comparison of the workforce profile, it looks like '06 was
11 remarkably different than '05.

12 MR. HAGAN: This is just ADM. This is just my office.

13 CHAIRMAN KLEIN: Just your office? Is that an
14 anomaly? What do you think '07 will look like?

15 MR. HAGAN: I think we'll do well in '07, too. Whether
16 we're going to reach this level or not remains to be seen. But we
17 continue to attract a good pool in ADM.

18 I think Commissioner McGaffigan was right. We have
19 an opportunity in terms of different career paths that people can
20 take within ADM, in security, rulemaking, contracting. It attracts
21 people with business degrees.

1 There's a wide population that might have an interest
2 in these different areas and by promoting that in our recruitment
3 efforts, we attract a bigger pool. So I'm hopeful that we'll be able to
4 achieve this level.

5 Is it an anomaly? I think we have a history of good
6 performance in this area. I think probably in '05, we didn't have that
7 much hiring in '05, so I would say we're probably on average in
8 between those two, if you look at those across time. It's was a good
9 year. I'm hopeful that '07 will bring us similar success.

10 CHAIRMAN KLEIN: I've got a follow-up question for
11 Melissa that Commissioner McGaffigan had alluded to and that is, if
12 you look on your slide 10, you talked about diversity, the 13 through
13 15 feeder groups.

14 Having been at an academic institution of higher
15 education, we spent a lot of effort on women and minorities in
16 technical fields. The problem that we had was the feeder group that
17 was coming to us in the high-schoolers, the K through 12 - and so I
18 guess on a follow-up for Commissioner McGaffigan's comment in
19 terms of as a nation, we seem to be challenging in terms of getting
20 women and minorities into technical fields.

21 What do see nationwide? Do you see any trends that

1 it's getting better, worse, the same?

2 MS. JENKINS: I think the trends are definitely moving
3 upward for women and minorities. We just need to continue to
4 engage women and minorities to utilize the communication tools
5 here at the agency, such as the NRC Reporter, Inside the NRC, the
6 EDO updates.

7 And just continue to have people stay engaged.
8 Somehow they should be able to dissect information in a different way,
9 such as the Strategic Workforce Plan.

10 When you get that information as a tasker, you should
11 try to analyze it in a different way, not just as a deliverable, but in
12 the sense as the agency needs critical skills here at the NRC.

13 And so, if they're looking for someone in the program
14 analyst field or skills in the communications arena, what type of
15 skills do I need to ramp up to get them ready for the next five years?

16 Are there professional associations in the field that I
17 can glean on to get those skills and competencies to move forward
18 in the future?

19 So I think if we continue to just keep employees
20 engaged, keep the communication tools coming, we will definitely
21 see an increase in that group.

1 CHAIRMAN KLEIN: I think nationwide as
2 Commissioner McGaffigan indicated, the feeder supply in science
3 and engineering is just a challenge for us; for the foundation for
4 which we draw on will continue to be a challenge.

5 MR. McDERMOTT: May I add something to that,
6 Mr. Chairman. We're outreaching to universities, and consortiums
7 of universities. I'm dangling the grant money that we haven't got
8 yet, but if we ever get a budget, we'll get it. This is a trickle down
9 thing. They're networking with schools with very diverse populations
10 and then those schools are trying to reach down to the secondary
11 and even the elementary education level. I don't think we'll go
12 directly very successfully to high schools, but if we can get them to
13 use our resources and then go and feed it down in, that may help us
14 big time. Ohio State's pushing.

15 COMMISSIONER MERRIFIELD: Mr. Chairman, before
16 you turn it over. I agree with your sentiment that more needs to be
17 done in this country on educating our young people to be
18 encouraged to get into these fields.

19 I was reminded of a conversation you and I had and
20 some work I had done a while back with the Communications Task
21 Force.

1 As I mentioned to you in my vision, I think this agency
2 could do more in serving as an information resource for individuals,
3 whether as private citizens, students or teachers who are interested
4 in knowing more about radiation, nuclear issues and how they are
5 regulated.

6 And so, I think there is a role for us as an agency in
7 that encouragement. I think there's more we can do with our
8 website to provide non-biased, balanced information about these
9 issues to students, to teachers and to others.

10 There may be some additional tools that we can use
11 leveraging that as encouragement for young men and women of a
12 diverse background to seek this particular field as something of
13 interest as they go forward in their learning careers.

14 MS. KELLEY: That's a very strong component of our
15 outreach program, the Minority Serving Institutions Program.

16 We are outreaching even to the middle school level to
17 make presentations, tell them about the NRC, try to encourage
18 interest in science and engineering fields, as well as through the
19 high school and even with colleges, to help to support the upgrade
20 and maybe even the start of science and engineering programs.

21 So, our program does include a number of things that

1 will help us in that area.

2 CHAIRMAN KLEIN: I think as Commissioner Merrifield
3 indicated it is really good for us to be proactive, to let people see the
4 excitement that is in the nuclear field as well as this agency.
5 Commissioner McGaffigan?

6 COMMISSIONER McGAFFIGAN: Thank you, Mr.
7 Chairman. I'm not going to take very much time because we're
8 already over the time. I went blank on names when I was
9 complimenting the non-concurrence process. It's Renee Pedersen
10 and I'm sorry I don't know the other fellow for Region 4 who came in

11 MR. REYES: Gary Sanborn.

12 COMMISSIONER McGAFFIGAN: Gary Samuel? Let's
13 get the name right.

14 [UNIDENTIFIED SPEAKER]: Gary Sanborn.

15 COMMISSIONER McGAFFIGAN: Sanborn. Those
16 are two folks who deserve a lot of credit, even if we're following
17 DOD. And so I just wanted to mention that.

18 I also - just in response to the Chairman's note, that
19 we could use legislative relief, and Jim's affirmation we could use
20 legislative relief on direct-hire authority.

21 That's an issue that we missed an opportunity in 2005.

1 That was not presented to the Commission. Somebody on the staff
2 decided we'd make OPM too mad or something and it wasn't
3 presented to us, so we didn't offer it to the Congress. Because
4 there was a thought given, that OPM has some authority to give us
5 some direct hire authority, but it apparently hasn't worked.

6 But that's the case where a non-concurrence would
7 have been a good thing. That's all I have to say and let's try to keep
8 it moving along.

9 CHAIRMAN KLEIN: Commissioner Merrifield?

10 COMMISSIONER MERRIFIELD: Mr. Chairman, we've
11 gone over most of the issues that I wanted to – I appreciate
12 Commissioner Lyons raising the ADR issues – as Ren Kelley knows
13 those are near and dear to my heart here on the Commission.

14 The only statistic going through some of the
15 information that was provided today, I would note in the data for
16 FY06, the percentage of our total female workforce is 37%, but the
17 departing female, the percentage of people departing in FY06,
18 actually comprised 47% female, which seemed disproportionate to
19 our overall makeup and I didn't know if that was anything that you're
20 concerned about or what you were to make of this. But it looks like
21 percentage-wise, we're losing more females than in our current

1 cohort and it seemed out of place.

2 MR. McDERMOTT: It's mostly personal and my basis
3 is a large number of anecdotes.

4 First of all, the secretarial workforce turns over more
5 rapidly than the professional work force. That's point one.

6 Point two, work and family life issues lure some
7 women to change jobs for something that works better on the home
8 front.

9 Of course, we leverage that, in turn to our benefit.

10 COMMISSIONER McGAFFIGAN: Somebody else can
11 do that, too.

12 MR. McDERMOTT: And those are two factors that I
13 think kind of nudge that percentage up.

14 COMMISSIONER MERRIFIELD: Well, I thought you
15 were also going to say a third one. I know this has happened in the
16 Office of General Counsel. Some of them have been recruited away
17 by other entities looking to increase their diversity of their workforce.
18 But the point being in asking the question, I would like to - and I
19 guess you have looked at some anecdotal information - if we could
20 look at that with a little greater degree of magnification because
21 when I saw that, it troubled me.

1 We do a very good job of bringing people on board.

2 We need to do an equally good, if not better, job of retaining our
3 workforce and making sure that the high quality of people we bring
4 here, stay here.

5 I think we've done a lot to improve the working
6 environment we have, but there are obviously gaps and
7 improvements that can be made there, too.

8 If this is an indicator of something that is not aligned the
9 right way, I'd certainly like to get more information on that one.

10 MR. McDERMOTT: The Chairman and I have had a
11 conversation about this where we've installed a more rigorous exit
12 interview process.

13 We had an anonymous, fairly useless computer thing
14 that people did because we couldn't act on the information. Now,
15 face-to-face, what could we have done to keep you?

16 Len Carsley over there is in charge of it. He's got it in
17 place, so we want to gather this data and say okay, what's going on
18 here?

19 MR. REYES: The exit interview was informal with the
20 computer, etc., etc., and you really couldn't get to the real reason
21 why the person departed. So we're introducing human beings now

1 to try and surge that and understand that because without that, I
2 talked to Jim on other perspectives, and we just couldn't grasp what
3 was - is there a message?

4 COMMISSIONER MERRIFIELD: I would like to get
5 some information on this particular data, but I appreciate the answer
6 so far.

7 CHAIRMAN KLEIN: Commissioner Jaczko?

8 COMMISSIONER JACZKO: I have one question
9 following up from Commissioner McGaffigan and I fully agree with
10 his comment that I think we missed an opportunity with direct hire
11 authority.

12 I guess the only question I have though is have we
13 completely struck out with OPM? Is there still an opportunity to do
14 this at an administrative level? Certainly, again, maybe perhaps
15 with more Commission involvement.

16 MR. McDERMOTT: It's been a 65-yard punt. OPM
17 has said, "Darn, now that we think about this, we don't have the
18 authority to give this to you."

19 MR. REYES: We would love to help you but you're not
20 in the Executive Branch. You're an excepted agency, now that we
21 look at it, we can't help.

1 CHAIRMAN KLEIN: We're pursuing legislative –

2 MR. REYES: Yes

3 COMMISSIONER McGAFFIGAN: It's even worse than
4 2005. They could've told us that and you guys would have
5 presented it to us, and Senator Voinovich would have ensured that it
6 was passed.

7 COMMISSIONER JACZKO: So it wasn't that OPM had
8 problems with it they just couldn't help.

9 MR. McDERMOTT: They've changed. They said now
10 they'll support us on this.

11 MR. REYES: First they say "No". Then they say they'll
12 support us, and then they said, oops, we really can't.

13 COMMISSIONER JACZKO: Thank you.

14 CHAIRMAN KLEIN: Commissioner Lyons?

15 COMMISSIONER LYONS: A couple comments and
16 maybe a question on the Comprehensive Diversity Management
17 Plan.

18 One of my comments would be there's a note in the
19 CDMP that offices with 25 employees or less are excluded from the
20 evaluation against the performance measures.

21 And I guess my suggestion would be why don't we

1 lump together groups of offices because it does strike me as
2 unfortunate to exclude those offices.

3 And then, going on to perhaps a question -

4 MS. KELLEY: That only relates to offering up
5 employees to participate in recruitment and tracking that. Because
6 it's very difficult if you have a very small office to reach that 40%
7 diverse. But they're not excluded.

8 We still watch them and we will still, there's language
9 there that says they should try to participate in that process as much
10 as possible. It's just that in terms of meeting that measure, we don't
11 expect them to do that.

12 COMMISSIONER LYONS: The question I had is
13 somewhat similar to the one Commissioner Merrifield was just
14 exploring. As I look at the turnover rates for minorities, some
15 minority groups are quite high in turnover rates.

16 Hispanic was, I believe, 7% when I looked. And that's
17 relative to the overall NRC turnover rate of 2 ½%. I was going to
18 ask the extent to which in the exit interview that Luis mentioned, do
19 we emphasize questions that would lead us to better understand
20 whether there are EEO influences and decisions of employees to
21 move on to try to help us to strengthen our overall retention

1 programs?

2 MS. KELLEY: Well, we -

3 MR. REYES: In the past, it didn't. That's what Jim was

4 alluding to, the computer exit.

5 COMMISSIONER LYONS: The computer exit, but

6 then you said the exit interview.

7 MR. REYES: Now we're going to implement it. We

8 look at that specifically. Jim and I look at that specifically. That's

9 how the discussion came about the computer exit.

10 We didn't have the data. We started the numbers, the

11 percentage may be high, but the numbers aren't that many. So

12 started listing the numbers and writing down why and its varied

13 circumstances.

14 One individual left to get a Ph.D. Another individual

15 left for family health reasons and had to relocate back close to his

16 family. So, in the Hispanic group the percentage is high, but the

17 number is low.

18 COMMISSIONER LYONS: You are exploring it?

19 MR. REYES: Now we're going to have a tool to do

20 that.

21 MR. McDERMOTT: That number is worse than you

1 think. Most of our - a good chunk of our attrition is retirements. We
2 don't get retirements out of the Hispanic group. They haven't been
3 here that long.

4 Those are quits. Those are bad news. I'm very
5 concerned about those. The percentage masks the problem.

6 MS. KELLEY: And once we did see that data point, we
7 did talk to - we engaged the committee and others just to
8 understand, is there something that we need to be aware of? The
9 anecdotal data is just as Luis said, but going forward we'll be in a
10 better position to track the reasons.

11 COMMISSIONER LYONS: Good. And I hope that if
12 you see things that the Commission should be changing or looking
13 at our level, I hope you bring those to us. Thank you.

14 CHAIRMAN KLEIN: Just one final question, both to
15 Melissa and Ren and I'll start with Ren first.

16 I think you can tell by all the Commissioners, we're
17 very supportive of this activity. It's one in which we have a strong
18 interest, and as Luis indicated, I tend to be milestones, deliverable
19 action items.

20 What would you like to see the Commissioners do to
21 make the program better? So, we'll start with Ren and then we'll let

1 Melissa answer that.

2 MS. KELLEY: I would say that first of all, I'd like to say
3 thank you to the Commission for the support that it's given and the
4 first item of that would be to continue to serve as champions for this
5 area, promoting the principles of diversity management across the
6 agency.

7 And to continue to participate to a limited extent, I
8 know you're all busy, but to a limited extent in terms of recruitment
9 activities.

10 I think it really sends a powerful message when you
11 see the Commission taking part in that effort to the extent that you
12 have and to have that presence. And to continue to set the
13 expectation for managers and employee supervisors across the
14 agency that everyone needs to be engaged and contribute to the
15 success of this effort across the agency.

16 And if we can, maybe recognize and reward those that
17 really hear that message and do so.

18 CHAIRMAN KLEIN: Good comments. Melissa?

19 MS. JENKINS: We would like to see the continued
20 development of women and minorities. Also, continue the
21 communication tools that we have with the yellow announcement

1 announcing the various developmental programs that the agency
2 has to offer.

3 Continue to provide resources, educational resources.
4 Resources related to work-life balance. Resources so that
5 employees can develop themselves in the professional and
6 technical arena, such as professional associations.

7 If an employee is say, for example, interested in
8 structural engineering, provide resources so people could develop
9 the skills and competencies to move forward in the future.

10 CHAIRMAN KLEIN: Thanks. Well, I'd like to again
11 thank you for the presentation. It's been very helpful. I can tell by
12 our questions the Commission is very interested in this area.

13 Just like we tell the utilities, they cannot become
14 complacent. We cannot become complacent in this area as well.
15 So we just need to keep working and make it better. So, thank you
16 very much.

17 This meeting is adjourned.