

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Title: **BRIEFING ON EEO PROGRAM - PUBLIC
MEETING**

Location: **Rockville, Maryland**

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 ***

4 BRIEFING ON EEO PROGRAM

5 ***

6 PUBLIC MEETING

7
8 Nuclear Regulatory Commission
9 One White Flint North
10 Room 1G-16
11 Rockville, Maryland
12

13 Wednesday, July 31, 1996
14

15 The Commission met in open session, pursuant to
16 notice, at 2:07 p.m., Shirley A. Jackson, Chairman,
17 presiding.
18

19 COMMISSIONERS PRESENT:

20 SHIRLEY A. JACKSON, Chairman of the Commission
21 KENNETH C. ROGERS, Member of the Commission
22 GRETA J. DICUS, Member of the Commission
23
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25

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1 STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

2 PAUL BIRD, Director, Office of Personnel

3 PETER BLOCH, Affirmative Action Advisory Committee

4 JOSE IBARRA, Hispanic Employees Program Advisory
5 Committee

6 SUBINOY MAZUMDAR, Asian Pacific American Advisory
7 Committee

8 REGINALD MITCHELL, Advisory Committee for African
9 Americans

10 LARRY PITTIGLIO, Joint Labor-Management Equal
11 Employment Opportunity Committee

12 ROXANNE SUMMERS, Federal Women's Program Advisory
13 Committee

14 JAMES TAYLOR, EDO

15 EDWARD TUCKER, Director, Office of Small Business
16 and Civil Rights

17 LAWRENCE VICK, Committee on Age Discrimination

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P R O C E E D I N G S

[2:07 p.m.]

CHAIRMAN JACKSON: Good afternoon, ladies and gentlemen.

I could say I know what everyone is interested in. Our briefings are never this full.

[Laughter.]

CHAIRMAN JACKSON: The Commission is meeting today to discuss the status of the Agency's Equal Employment Opportunity Program, with particular focus on the status of Agency efforts during the first half of fiscal year 1996.

As you know, Section 209 of the Energy Reorganization Act of 1974, as amended, requires that the Executive Director for Operations report on the status of NRC EEO efforts as well as any problems and progress associated with those efforts at semi-annual public commission meetings. The last Commission meeting on EEO matters was held on December 14, 1995.

Today's meeting will include a discussion by the staff of the NRC EEO efforts and, as has been our practice, a discussion of issues identified by the various EEO advisory committees.

I welcome each of you and each of you in the audience who, through your attendance, display your commitment to helping the NRC continue to strengthen its EEO

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1 activities. Before the staff begins its presentation, let
2 me share the following thoughts.

3 Each of us is aware that, at a time of government-
4 wide budget reductions, streamlining and downsizing, it is
5 important that the NRC effectively utilize its human
6 resources and that it maintain an environment where all
7 employees can contribute their unique skills and talents
8 toward achieving the Agency's mission. Managers and
9 employees need to work together toward that end.

10 Supervisors must be fair and objective in rating
11 their employees and in identifying employees whose sustained
12 performance merits special recognition, regardless of race,
13 gender, national origin, age or disability. Employees
14 should continue to seek training, rotational and other
15 developmental opportunities to broaden and to enhance their
16 performance.

17 I commend the staff and the EEO advisory
18 committees for their dedication and look forward to hearing
19 more about the activities and issues so aptly described in
20 the paper. I am particularly interested in hearing about
21 the process by which any unresolved EEO advisory committee
22 concerns will be addressed.

23 Commissioner Rogers, Commissioner Dicus?

24 COMMISSIONER ROGERS: I have no comments.

25 CHAIRMAN JACKSON: Commissioner Dicus?

1 COMMISSIONER DICUS: No.

2 CHAIRMAN JACKSON: If you have no comments,
3 Mr. Taylor, you may proceed.

4 MR. TAYLOR: Good afternoon.

5 With me at the table, on my right, are Paul Bird
6 of the Office of Personnel, on my left Ed Tucker, the Acting
7 Director of the Office of Small Business and Civil Rights.
8 Also at the table are the chairs and representatives of the
9 various advisory committees, the EEO advisory committees,
10 and I will now ask Ed Tucker to introduce those persons.

11 MR. TUCKER: Thank you, Mr. Taylor.

12 On my far left is Mr. Reginald Mitchell, who is
13 the Chair of the Committee for African Americans. Next to
14 him is Mr. Jose Ibarra, Chair of the Hispanic Employees
15 Program Advisory Committee. Next to him is Ms. Roxanne
16 Summers, who is Chair of the Federal Women's Program
17 Advisory Committee. And next to her is Mr. Larry Vick, who
18 is Chair of the Committee on Age Discrimination.

19 On my far right is Mr. Larry Pittiglio, who is the
20 Co-Chair of the Joint Labor-Management EEO Advisory
21 Committee. Next to him is the spokesperson for the
22 Affirmative Action Advisory Committee, Mr. Peter Bloch.
23 Next to him is Mr. Subinoy Mazumdar, Chair of the Asian
24 Pacific American Advisory Committee.

25 MR. TAYLOR: Thank you, Ed.

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1 I would note that today's briefing marks a
2 departure from previous briefings and is primarily a six-
3 month status update. Therefore, we will not look at
4 detailed statistics and data analyses but, instead, will
5 provide a brief status report on progress made in achieving
6 the Agency's EEO goals and Affirmative Action objectives
7 during the first half of this fiscal year.

8 The information paper you received prior to this
9 briefing provided you with an update in six areas on which
10 the Agency has been focusing: Enhancing opportunities for
11 recruiting Hispanic employees, enhancing opportunities for
12 recruiting women and minorities in professional positions,
13 expanding the pool of women and minorities for supervisory,
14 management, executive and senior level positions, improving
15 opportunities for attracting, developing and retaining
16 disabled employees, finding training and developmental
17 opportunities and improving communication about EEO and
18 Affirmative Action objectives and evaluating progress made.

19 The paper also provided you with the staff
20 response to the Commission's question following our last EEO
21 brief as well as demographic data and statements from the
22 advisory committees.

23 You may recall that the committees prepared a
24 joint statement last year containing nine common goals.
25 These were published in the December 1995 EEO information

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1 paper. You asked the staff to respond to these nine common
2 goals, which we did in April, and a copy of our response was
3 included in our most recent July 10, 1996, information
4 paper.

5 The EEO advisory committees have agreed that some
6 of these common goals have been reached and wish to work
7 collaboratively to realize some of the other goals that are
8 of particular importance to them.

9 In a few moments, Ms. Roxanne Summers, Chair of
10 the Federal Women's Program Advisory Committee, will speak
11 on behalf of all of the committees on their collective
12 agenda and plan. I am pleased that the committees have
13 agreed to work cooperatively on common issues.

14 At the December 1995 meeting, I said I would look
15 into whether Asian Pacific Americans who appeared on the
16 best qualified lists were being overlooked in selections for
17 high-graded positions. Paul Bird will address our findings
18 on that matter at the end of my remarks.

19 I also wanted to take this opportunity to convey
20 to you that despite our downsizing efforts since 1992, in
21 most instances, the proportion of minorities and women hired
22 and selected for various positions and programs has
23 continued to increase. For example, since the end of fiscal
24 year 1992, total staff has decreased by 9.9 percent but
25 representation of women and minorities in professional

1 positions has increased by 8.8 percent. Similarly, since
2 the end of fiscal year 1992, staff at grades 13 to 15 has
3 decreased by 2.4 percent but women in this group have
4 increased by 13.6 percent. African Americans in this group
5 have increased by 12.7 percent, Hispanics in this group have
6 increased by 20.7 percent, Asian Pacific Americans have
7 increased by 9 percent and Native Americans in this group
8 have remained the same.

9 It will continue to be a challenge, as you noted,
10 Chairman, in times of downsizing and budget and FTE cuts to
11 improve our representation of women and minorities as
12 employees but I believe everyone at this table is committed
13 to doing just that.

14 Paul Bird will now continue with findings relative
15 to the Asian Pacific Americans on the best qualified list.

16 Paul?

17 MR. BIRD: Thank you, Mr. Taylor.

18 As Mr. Taylor mentioned at our last EEO briefing
19 in December, a concern was raised regarding Asian Pacific
20 Americans being overlooked in selections for higher-level
21 positions, especially those positions at grade 14 and above.
22 We have taken a look at this issue and I would like to
23 convey our findings at this time.

24 In a broad context, approximately 55 percent of
25 the Agency staff is now at grade 14 and above. In

1 comparison, approximately 72 percent of all Asian Pacific
2 Americans at the NRC are at those grade levels. In FY '96
3 through July 18, Asian Pacific Americans were on the best
4 qualified lists for 16 NRC competitive positions at grades
5 14 and 15. Of these 16 opportunities to select, four Asian
6 Pacific Americans or 25 percent were selected. Only one of
7 these 16 opportunities was for a supervisory position,
8 however. One Asian American was among the best qualified
9 for that opportunity but was not selected.

10 Also in this same time frame, there were no SES
11 positions posted for which Asian Pacific Americans were
12 among the best qualified. There were two senior level
13 service selections made during this time and, although Asian
14 Pacific Americans were on the best qualified lists for those
15 positions, they were not selected.

16 In this review, we found that Asian Pacific
17 Americans appear to be receiving appropriate consideration
18 for higher-level positions and that during the first part of
19 fiscal year 1996, several Asian Pacific Americans have been
20 selected for a number of these positions.

21 We certainly will continue to monitor, work with
22 SPCR and with the Asian Pacific American Advisory Committee
23 to ensure that Asian Pacific Americans in the NRC continue
24 to receive full consideration for all our positions at all
25 levels.

1 That concludes my remarks at this time and I will
2 return the program to Ed Tucker.

3 MR. TUCKER: Thank you, Mr. Bird.

4 One of the primary goals of the Agency's Equal
5 Employment Opportunity Program is to identify well-qualified
6 minorities and women that can compete for positions and
7 contribute to programs and activities relative to the
8 mission of the Agency.

9 Although we have a legitimate interest in
10 increasing the participation rate of underrepresented
11 minorities and women, we are cognizant of the need to
12 develop policies and initiatives that are the least
13 intrusive and do not harm the rights of any interest group.
14 As Mr. Taylor indicated, we are pleased that, during these
15 times of downsizing and the reduction of the supervisor to
16 employee ratio, we have still been able to make some
17 progress, especially with regard to recruitment of
18 minorities and women for important developmental initiatives
19 such as the Nuclear Reactor Regulation Reactor Intern
20 Program, the Graduate Fellowship Program and the Resident
21 Inspector Development Program.

22 We have been working closely with the constituency
23 group committees over the past several months and, as
24 Mr. Taylor further indicated, we are pleased with the
25 efforts of the committees to form joint working groups to

1 review various generic issues and attempt to develop
2 strategies and recommendations that will take into
3 consideration the interest of all groups.

4 Finally, I would like to say that the staffs of
5 SBCR, Personnel and OGC have completed what we termed "town
6 meetings" with headquarters and regional managers and
7 supervisors for the purpose of discussing the overall EEO
8 program goals and objectives, lessons learned and the
9 responsibilities of managers and supervisors in assisting to
10 implement the program. We feel that this type of dialogue
11 is extremely beneficial to the staff and we plan a new round
12 of meetings, possibly commencing during the fall of this
13 year.

14 At this time, we will have comments by Ms. Roxanne
15 Summers, who is representing the various EEO committees.

16 MS. SUMMERS: Thank you, Mr. Tucker, and thank you
17 for having us here today. It is a pleasure to speak on
18 behalf of the EEO committees and on behalf of FWPAC. It is
19 a pleasure to see so many women on your side of the table.
20 I notice that you outnumber those on this side of the table.

21 CHAIRMAN JACKSON: That is only temporary.

22 [Laughter.]

23 MS. SUMMERS: The package that you have before you
24 contains a joint statement on behalf of all of the
25 committees as well as a separate statement from each

1 individual committee and that does represent the way that we
2 have begun to work together more closely. We do feel that
3 the issues most of the time don't concern just one group but
4 are common issues not only to women and minorities but
5 sometimes to all employees and so we feel that proceeding
6 this way with a joint statement, I think the last briefing
7 that you had was the first time we collaborated like that,
8 we feel this is a positive step and is reflective of the way
9 we are working together.

10 You heard Mr. Tucker speak and I think Mr. Taylor
11 also mentioned that we are setting up joint working groups
12 where members from each of the committees will work together
13 to look at certain issues that we think are important.

14 The first three issues that we have chosen are the
15 issue of pre-selection, the issue of diversity in
16 communications training, the issue of performance
17 monitoring. We will start with those. We will also discuss
18 a paper written by Clarice Nizer on reviewing job functions
19 as a result of enhanced information technology capabilities.
20 In other words, really, what does the advent of computers
21 mean for many of our employees.

22 So, as we have been working closely together, we
23 have, however, resisted the effort to make us into one joint
24 diversity committee for two reasons. We do feel that we
25 have -- we do this work mostly on our own time, as much as

1 we possibly can and, due to work loads and other job
2 responsibilities, there are only a few people who can
3 actually work on any given issue at one time. We feel that
4 if we are combined into one committee, that will probably
5 result in fewer members and fewer bodies actually to do the
6 work. That is one reason. But we also feel that we would
7 miss some of the representation that we have on the issues
8 that are important to each of the individual committees. If
9 we only had one or two members representing those
10 committees, we might not have as broad a representation on
11 the issues as we think would be valuable. So we would like
12 to keep our separate committees even though we are working
13 much more closely together.

14 We do welcome the new spirit of cooperation with
15 the Office of Small Business and Civil Rights and with the
16 NRC staff and we look forward to working with them to find
17 some solutions to the issues I have mentioned and the issues
18 that you find in these papers. I might add, I was asked to
19 say that the union shares the opinions that we expressed in
20 our joint statement and also on behalf of FWPAC, we strongly
21 support the joint labor/management statement that you find
22 in your package.

23 So I thank you for this opportunity and we welcome
24 any questions. All of the committee chairmen will respond
25 individually.

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1 CHAIRMAN JACKSON: Well, my initial questions
2 probably are directed more to the staff.

3 You have a chart, it is 1.3, which shows no
4 minority females in SES positions. Can you just tell me a
5 little bit about how this is being addressed, if at all, or
6 what you think the prospects are for improving or
7 increasing, having some number show up.

8 MR. BIRD: I certainly believe the prospects are
9 good and that in the future that might not be the data that
10 is showing. I certainly know that the pool of women,
11 including minority women, that are available now for
12 competition to SES positions and that are included in the
13 SES candidate development pool represent a good opportunity
14 for this agency to look at those candidates, they are very
15 viable candidates and, in my view, I don't believe that will
16 continue to be a statistic that does not reflect that
17 minority women are included in the SES ranks.

18 CHAIRMAN JACKSON: let me ask another question.
19 On page 5 of the paper, you have some limited data on EEO
20 complaints and, I guess, since we are talking the statistics
21 of small numbers, the question becomes what conclusion do
22 you feel the Commission should draw from the comparison of
23 five complaints being filed during the six months versus 18
24 during FY '95 with 12 complaints being held in inventory
25 pending a final disposition? Are there any pending

1 complaints behind the statistics here that could lead to any
2 grievances or lawsuits or is that something you can talk
3 about?

4 MR. BIRD: Ed is probably in a better position to
5 speak to that in terms of formal complaints. I can say
6 before Ed speaks there are some complaints that we work with
7 SBCR on that come in through the institutional grievance
8 procedure and we are treating some complaints that aren't
9 reflected in that statistic through that process. But I
10 think Ed could speak to the chart itself.

11 MR. TUCKER: Well, I think that is an accurate
12 statement.

13 The process is that if an individual feels that
14 there is a problem associated with some personnel action,
15 they must consult an EEO counselor and be counseled by that
16 individual. Following the counseling process, which lasts
17 up to 30 days and could be extended for an additional 60
18 days based on the approval of the office of SBCR, the person
19 gets a notice of final interview and at that time the
20 individual could file a grievance and raise the EEO issue
21 under the grievance process or they could file a complaint
22 under Title VII.

23 So there are some grievances or complaints that
24 are under the grievance process that don't show up in these
25 statistics. We have, I think, at this point about eight

1 complaints. This data in the paper just shows up to March
2 31 the information on complaints but currently we have about
3 eight formal complaints in the works.

4 CHAIRMAN JACKSON: Let me ask you another
5 question. On page 6, you indicate that non-selected job
6 candidates can contact various sources such as personnel
7 specialists, supervisors or career counselors to get
8 constructive feedback in terms of performance and what they
9 might do to make themselves more competitive. How often and
10 when are employees reminded of these avenues and how
11 successful have they been in the past?

12 MR. BIRD: Well, let me --

13 CHAIRMAN JACKSON: And then the next question is,
14 do the personnel specialists and supervisors receive any
15 training in job counseling of this sort?

16 MR. BIRD: Let me answer the last question first.
17 Our training programs for supervisors do include segments on
18 providing feedback to employees, how to provide feedback,
19 what feedback is appropriate, how to communicate with regard
20 to selections and so forth.

21 In addition, in our town meetings, we have
22 addressed those issues with the managers. We talked to
23 individual managers quite often, we, SBCR and OGC, about how
24 to communicate back the results or questions that might come
25 up relative to selections or grievances or promotions or

1 anything of that nature.

2 CHAIRMAN JACKSON: Is this done in an ad hoc
3 manner or is it on a systematic basis.

4 MR. BIRD: It is done more on an ad hoc manner.
5 We have not put out formal guidance to employees or to
6 managers and supervisors recently, although some of that
7 guidance is included in training materials. But we do plan
8 to do that; we plan to notify the employees and remind them
9 of these sources of information and encourage them to tap
10 these sources and that would include, as you mentioned, the
11 personnel management staff associated with a particular job,
12 selecting officials, rating panel members, in order to try
13 to obtain constructive feedback.

14 I think the word "constructive" is very important
15 because that certainly would be the effort to try to enhance
16 the chances that those employees getting that feedback could
17 do things that would suggest that they might be better
18 candidates for the next job that might come up. We are
19 planning to do that. We are planning some additional
20 efforts with the managers and supervisors specifically with
21 regard to this. I think that is very important and Ed and
22 OGC staff and we have talked about means of being able to go
23 out and advise the managers on how to respond.

24 We are also going to do something further in that
25 regard and that is talk with OPM and other federal agencies

1 and perhaps even some private sector employers about how
2 they do this, about how do they communicate these things
3 back, particularly to employees who are not selected for
4 jobs. We hope out of that we will be able to consider some
5 best practices and then perhaps institute or plan to develop
6 a limited pilot program which would call on selecting
7 officials to provide constructive feedback to nonselective
8 job candidates who are on the best qualified lists,
9 particularly at the beginning, because this could become
10 negotiable later on, for non-bargaining unit positions.
11 Then, based on that pilot program, if this is constructive
12 and if it is helpful and worthwhile, I would suspect we
13 would want to expand on that.

14 So we are going to move out proactively to try to
15 address this. I know we are planning to meet with the EEO
16 committees to discuss ways to do this. My staff will
17 certainly be involved in that effort on the things that
18 Roxanne mentioned and hopefully out of that, we will be able
19 to develop something that is a means of getting constructive
20 feedback as a result of this process.

21 CHAIRMAN JACKSON: Let me ask you this, does the
22 Office of Small Business and Civil Rights participate on the
23 Executive Resource Board Review Group?

24 MR. TUCKER: No. Well, let me clarify that.

25 Barbara Williams, who is the Federal Women's

1 Program Manager and Affirmative Action person, she does
2 serve as the secretary, I believe, on that particular review
3 group but we do not have a participant as such on that
4 particular board.

5 CHAIRMAN JACKSON: Has any consideration been
6 given as to whether SBCR should participate?

7 MR. BIRD: Well, I believe Barbara does
8 participate quite often as do members of my staff.
9 Certainly, they are encouraged at all times. That is not
10 something I think would present any problem having them
11 there or having them participate, quite frankly.

12 MR. TAYLOR: We will give you more on that, too.
13 We will follow up on that.

14 CHAIRMAN JACKSON: That would be helpful.

15 Tell me a little more about what you are doing in
16 terms of monitoring training programs to improve programs
17 for employee development and also what you are doing
18 relative to expanding opportunities for the disabled.

19 MR. BIRD: Okay. Let me speak to training first
20 of all.

21 Certainly, training has been and will continue to
22 be evaluated on a regular basis. Even the development of a
23 training course, we will elicit feedback from office staff
24 with regard to the nature of what we are hoping to
25 accomplish in the course. We will then develop the course

1 from that. Quite often, we will pilot the course, invite a
2 cross-section of people from the agency to participate and
3 give us comments and then, most often, we will revise a
4 course based on that input.

5 After the course is presented, we are sort of
6 continually monitoring, getting an evaluation at the
7 completion of the course, looking at the evaluations and
8 tweaking the course appropriately based on those
9 evaluations. I might say we also look at training larger --
10 longer training programs such as our candidate development
11 programs and did quite a bit of revamping of that program
12 when we reintroduced it in 1993.

13 In addition to that, we had previously been
14 participating in a program known as the executive -- what
15 was the name of that -- Executive Potential Program, which
16 was an OPM sponsored program to develop supervisors. We
17 assessed that to the point that we felt, based on feedback
18 from those that participated as well as those managers who
19 were recipients of people who attended that training that it
20 was not effective training.

21 We subsequently dropped out of the participation
22 in that program and developed our own supervisory
23 development program which I think is a much better and more
24 viable program and I guess the feedback that we've gotten so
25 far would support that, to really train managers for the

1 NRC.

2 I think those developmental opportunities are
3 certainly a suggestion of how our training is being
4 monitored.

5 There is one thing we are planning to do that I
6 think may be responsive to your interest and that is, in
7 addition to those things I have mentioned, we are planning,
8 for some programs, training programs, after about three
9 months do a followup with both the employees who
10 participated and the managers who are the recipients or the
11 beneficiaries of the training to see how well that worked.
12 Was this effective, did the employees gain better skills,
13 are they better able to do their jobs as a result of the
14 training? And, hopefully, based on the feedback from both
15 the manager who was the recipient and the employee who
16 participated, we can do refinements for that.

17 I don't believe as many courses we give we can do
18 that for every course but that was certainly the key ones
19 and the key programs. That is how we would plan to approach
20 and address that in the future. We're getting sufficient
21 feature to know there is a payoff, there's a bottom line
22 associated with having given these training opportunities.

23 CHAIRMAN JACKSON: Then opportunities for the
24 disabled?

25 MR. BIRD: Yes. As you recall, the last time we

1 met there was a question as to why the percentage of
2 disabled that had self-identified in the Agency had dropped.
3 I suggested at that time that perhaps we should resurvey.
4 That particular program or that identification is based on a
5 confidential entry that employees volunteer to us. We do
6 hold that confidentially and we do it periodically to
7 update our records. Of course, as a result of that, our
8 number increased from 172 to 205, which is basically a 19
9 percent increase in those who self-identified. But we also
10 know that there are disabled employees who don't self-
11 identify. Either they didn't fit the categories that were
12 shown on the particular identification form or they don't
13 choose to voluntarily do this.

14 We are trying to be more proactive in addressing
15 disabled employees in general. We are developing and we had
16 out about two years ago a brochure that listed a whole
17 variety of things that we were doing on behalf of disabled
18 employees. We have updated that. That is about to be
19 republished and, certainly, I think that will be something
20 that will be useful to employees and managers to know the
21 resources that we make available.

22 Maybe I should just mention a few of those that we
23 have been involved with. One was the placement of key card
24 boxes to make sure that we can accommodate disabled. The
25 delay times on the doors, as you might have noticed, have

1 been changed and the elevators have been changed. Ramps, we
2 have added ramps, allowed parking spaces near elevators.
3 Those are some of the more common things.

4 I think, beyond that, there are some things that
5 might not be well known. We have provided special equipment
6 including wheelchairs, ergonomic chairs, special computer
7 telecommunications software, telephone receiver amplifying
8 devices, professional readers, optical scanners. We will
9 arrange certainly for sign language interpreters for
10 important meetings. We do offer a training course also. It
11 is called Working With People With Disabilities and we think
12 this is a very good way to have people know how to respond
13 and react in working with disabled employees.

14 Even the fitness center, in the development of the
15 fitness center, we also took that into account and have a
16 number of things in the fitness center, including an upper
17 body ergometer, which allows aerobic activity for disabled
18 employees. So we are trying to take that into account on
19 all fronts and educate the staff and supervisors in ways to
20 do this and my staff is certainly available to work with
21 anyone who would want to address this type of an issue.

22 MR. TUCKER: I might add that each year the Agency
23 submits an annual report to the U.S. Equal Employment
24 Opportunity Commission on initiatives designed to increase
25 the number of disabled employees that we hire and we also

1 submit an accomplished report to the EEOC.

2 CHAIRMAN JACKSON: You have charts 1.9 to 1.11
3 that show the number of minorities in let's call them SES
4 feeder groups, the grades below. How many in those groups
5 are currently SES qualified, do you know? And how many of
6 these are women?

7 MR. BIRD: I don't know that I could do, from that
8 chart, certainly, I can't get that information. I can ask
9 my staff if they could look for the information of those
10 that are in the candidate development program.

11 CHAIRMAN JACKSON: You could just provide it.

12 MR. BIRD: In the candidate development program,
13 did you ask for minority women or minorities?

14 CHAIRMAN JACKSON: Minorities and women.

15 MR. BIRD: Let me just count real quickly.

16 I believe the count is six, if I read that
17 correctly. We will double check that, but I believe that is
18 correct, of those that are in the candidate development
19 program that are basically prequalified for SES.

20 CHAIRMAN JACKSON: Then of the groups that we are
21 interested in in this briefing, as represented by the
22 committees, we talked about various reorganizations and
23 streamlining. Were there any decreases in terms of the
24 number of supervisors as a result of reorganizations of
25 these groups?

1 MR. BIRD: Yes. Of course, overall, there was a
2 substantial decrease in the agency. We then looked at the
3 impact on minority groups and women and found that, in
4 general, there had been less impact on minorities and women
5 than there has been on white men.

6 CHAIRMAN JACKSON: Okay. Last question for now.
7 I don't want to take the whole show. You know, the
8 committees have issued a joint statement of issues and I
9 think the Commission appreciates that. There were nine
10 issues identified in the December '95 briefing and then
11 there were topics that remained to be resolved to the
12 satisfaction of the committees and I will just read them out
13 and you can tell me if these are, in fact, the right ones:

14 Monitoring and evaluation of Affirmative Action
15 programs, strategic planning, management accountability,
16 increased representation of women and minorities, which we
17 have already been speaking to, and examination and report on
18 specific concerns of EEO committees and root causes.

19 Then there were two new issues that were raised by
20 the Committee having to do with the need for a strong and
21 independent Office of Small Business and Civil Rights and
22 the issue of preselection which Ms. Summers mentioned in her
23 remarks. So I guess I am inviting you, Ms. Summers, if you
24 would like to comment on these areas as to where you think
25 things stand with respect to the follow-on issues and if you

1 would like to elaborate on your two new ones. Then I would
2 like to ask Mr. Bird or whomever, Mr. Taylor or Mr. Tucker,
3 to comment on what process we have in place for resolving
4 these issues.

5 MS. SUMMERS: I am not sure I will hit all of them
6 but one of the working groups will look at monitoring so
7 that is a second one that I mentioned that will be taken up
8 with our working groups. As far as strategic planning is
9 concerned, I believe that one is being -- that is on sort of
10 hold while we wait to see what the results of the strategic
11 planning initiative are.

12 As far as the increased -- we have discussed -- I
13 think the staff has discussed some of the statistics. We
14 might want to bring up some other statistics that haven't
15 been mentioned here as specific committees might wish to do
16 but, speaking for all the committees, I think enough maybe
17 has been said about that.

18 We were concerned, as a group of committees, with
19 the response that we had been getting at some times from the
20 staff on our concerns. At some points, we felt that some of
21 our concerns were being not addressed and we didn't really
22 have a reason why they hadn't been addressed or the reason
23 that we were given didn't seem to be satisfactory. That is
24 one of the reasons why we are setting up these working
25 groups to work more closely with the SBCR office.

1 The root causes for some of those issues are very
2 complex and I don't think it is easy for the staff to come
3 up with answers. But I think we see a new willingness now
4 on the part of the SBCR to look for issues and look for
5 answers to those issues and I hope that's the case and I
6 hope that will continue when the head of that office is
7 chosen.

8 The new issues that we raised, one of them is
9 exactly that. We felt that there could be a conflict of
10 interest by having the head of the Small Business Civil
11 Rights Office report to the EDO rather than report to the
12 Commission, that the whole objective of finding potential
13 problems with some of the ways in which selections have been
14 made and things like that would reflect, perhaps, negatively
15 on the upper management which is also the management of the
16 head of the Office of Small Business and Civil Rights and
17 perhaps that would be something that could be changed. I
18 checked and found that many of the other agencies do have
19 the head of the EEO office or whatever it is called and
20 other agencies reporting directly to the head of the other
21 agency so I think there is some justification for
22 considering that.

23 In terms of preselection, I think it is the
24 feeling of the committees that this is not an issue that is
25 limited only to women and minorities. That it is a problem

1 that affects a very large number of employees here and I do
2 hope that our working group will be able to identify some
3 remedies for that because I think if you -- if each employee
4 feels that they are being fairly considered for the jobs
5 they apply for, regardless of whether they are women and
6 minorities, if they are being fairly considered then I don't
7 think we have an EEO problem in the agency.

8 MR. PITTIGLIO: If I could, I would like to
9 emphasize one aspect of what Ms. Summers had said. We are
10 gratified at this point that the joint committees of the EEO
11 committees are working together with the staff. I am
12 particularly gratified at the statement of cooperation that
13 Mr. Bird made at the table today.

14 But the important thing is that there is this
15 cooperation that is promised and that means active
16 negotiation and goodwill and an effort to see the different
17 difficulties and the different points of view and I am
18 optimistic that this is going to mean a more constructive
19 approach in the future so that the acrimony that you have
20 seen at this table at times is not going to be present any
21 longer.

22 MR. BIRD: Yes, I certainly think we have common
23 objectives in trying to provide a fair and equitable system
24 and one that employees trust is as good as we can make it
25 and I think those are the bottom line, at least as far as I

1 am concerned, of trying to approach these working groups.

2 Some of these issues are very elusive issues and
3 they are hard issues to deal with, in some cases even hard
4 issues to talk about and discuss. But we will certainly
5 continue to do that and I think the whole theme of the
6 spirit of cooperation, working together, trying to answer
7 questions, even deal with difficult questions sometimes is
8 the nature of what we are trying to accomplish and do and I
9 have worked very closely with many of the people at this
10 table in that regard and I know my staff has and we would
11 continue to do that.

12 I think that communication is one of our key
13 issues and I think this is certainly a means for that to
14 carry on and hopefully get to some productive solutions for
15 everybody and constructive solutions. So I certainly
16 support that effort, as I believe Ed does.

17 CHAIRMAN JACKSON: Commissioner Rogers, do you
18 have any comments or questions?

19 COMMISSIONER ROGERS: Nothing specifically right
20 at the moment.

21 CHAIRMAN JACKSON: Commissioner Dicus?

22 COMMISSIONER DICUS: Yes.

23 One of the issues that has been raised previously
24 by the advisory committees and one that has concerned the
25 committees as I have gone back and done a little review of

1 this is the committees' desire to have data systematically
2 developed to address various committee concerns. Now, when
3 this issue was raised, the response to the concern noted
4 that there was reluctance to expend some of the agency's
5 resources when they, of course, obviously are finite to
6 collect data that had not been previously collected in areas
7 where there is limited historic indications of the problems.

8 So if that is the background, the question
9 concerns the fact that as new systems are developed to track
10 or maintain databases on personnel issues, what is being
11 done to determine if the newly implemented systems can
12 include data that is requested or might be requested by the
13 committees to assure that there is a cost effective
14 opportunity to develop better databases before those data
15 might be lost?

16 MR. BIRD: I'll try to respond to that with an
17 example.

18 One of the issues that the committees were
19 concerned about and therefore we became concerned about was
20 trying to monitor by ethnicity those on best qualified
21 lists. We didn't have any automated means of doing that.
22 The records were -- some of the records, historically, were
23 in the warehouse. Some records had been destroyed over
24 time. It was a very large set of records that would have to
25 have been gone through in order to do that.

1 We now have an automated system which collects
2 that data. Of course there is a resource cost that you have
3 to put the data into the system, but we are doing that and
4 we have been able to do some things or some analysis at
5 least regarding our best qualified lists that we weren't
6 able to do in the past and I think those types of things
7 certainly have to be well thought through. Hopefully, you
8 know, it would be worth the investment to make an automated
9 system and to continue an automated system and feed an
10 automated system to provide data.

11 But I think that is a good example of where it
12 does provide an additional means for monitoring that we
13 didn't have previously. So I would think that we continue
14 down that path, that as these automated systems improve, we
15 will be in a better position to make good, rational
16 decisions with regard to those that lend themselves to that.

17 MR. PITTIGLIO: Commissioner Dicus, I believe that
18 there is an ongoing effort to get new data for personnel
19 and, so far, that is not working in tandem with the work
20 force, the task force group that is going to be looking at
21 the same issue. I would hope that, as we evolve that
22 effort, there will be a tandem effort to decide what you are
23 going to collect in the future and what the goals are going
24 to be.

25 COMMISSIONER DICUS: I would encourage that.

1 CHAIRMAN JACKSON: Well, if there are no further
2 comments, I would like to bring this briefing to a close by
3 thanking all of the participants for their insights,
4 comments and suggestions. Even though it was shorter than
5 the allotted time, this was a comprehensive briefing. I am
6 assuming a shorter time because we do have this more focused
7 approach and the cooperativeness that each of you spoke
8 about. It is a briefing on a very important subject for
9 assuring that all NRC employees can work with pride and
10 achievement and without the resentment and frustration that
11 can result from concerns about EEO policies and practices
12 all around.

13 So you are to be commended for what appear to be
14 quite assiduous efforts in implementing and strengthening
15 the Agency's EEO program and I encourage each of you to
16 continue to play a significant role in ensuring that NRC
17 enhances its EEO program, particularly as we engaged in the
18 strategic assessment and re-baselining effort currently
19 under way.

20 I will expect that NRC managers and supervisors
21 will do their best to help each of their employees reach
22 their full potential and to effectively accomplish the
23 agency's mission. This requires activism, planning, good
24 communications and goodwill.

25 If there are no other comments, we are adjourned.

1 [Whereupon, at 2:58 p.m., the briefing was
2 concluded.]
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This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: BRIEFING ON EEO PROGRAM - PUBLIC
MEETING

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: Wednesday, July 31, 1996

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company

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