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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Title: PERIODIC BRIEFING ON EEO PROGRAM

Location: ROCKVILLE, MARYLAND

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PERIODIC BRIEFING ON EEO PROGRAM

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PUBLIC MEETING

Nuclear Regulatory Commission
One White Flint North
Rockville, Maryland

Monday, February 8, 1993

The Commission met in open session,
pursuant to notice, at 2:00 p.m., Ivan Selin,
Chairman, presiding.

COMMISSIONERS PRESENT:

IVAN SELIN, Chairman of the Commission
KENNETH C. ROGERS, Commissioner
FORREST J. REMICK, Commissioner
JAMES R. CURTISS, Commissioner
E. GAIL de PLANQUE, Commissioner

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STAFF SEATED AT THE COMMISSION TABLE:

JAMES TAYLOR, Executive Director for Operations

PAUL BIRD, Director, Office of Personnel

PATRICIA NORRY, Director, Office of Administration

PAULINE BROOKS, Affirmative Action Advisory Committee

CARDELIA MAUPIN, Blacks in Government

LARRY PITTIGLIO, Joint Labor-Management Advisory Committee

MARK AU, Asian Pacific American Advisory Committee

EDWARD TUCKER, Manager, Civil Rights Program, SBCR

CLARE DeFINO, Federal Women's Program Advisory Committee

SHARON CONNELLY, Committee on Age Discrimination

MARIA LOPEZ-OTIN, Hispanic Employment Program Advisory Committee

JAMES THOMAS, National Treasury Employees Union

JAMES McDERMOTT, Acting Director of the Office of Small and Disadvantaged Business Utilization and Civil Rights

BARBARA WILLIAMS, Assistant for Minority Recruitment and Career Development, Office of Personnel

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

2:00 p.m.

CHAIRMAN SELIN: Good afternoon, ladies and gentlemen.

The Commission meets this afternoon to discuss the most recent status report on NRC's Equal Employment Opportunity Program. The NRC staff and our employment advisory committees meet with the Commission semi-annually to discuss the status of our efforts to achieve our EEO goals and objectives. Our last meeting on this topic was held last July 29th. At our last meeting we used a new format for these presentations and we're continuing the procedure in this afternoon's session.

Copies of the Commission paper containing background information on today's presentations are available in the room.

Just let me say at the beginning I found the paper to be terrific. I thought it was a terrific report. It showed great sensitivity to the issues, concerns and needs associated with our EEO program and I'd like to commend the staff for their efforts in preparing it.

Nevertheless, we need to acknowledge that our progress towards achieving our goals and

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1 objectives is disappointingly slow. In my view, we
2 lack neither the commitment nor the programs to ensure
3 that we use and develop our human resources wisely and
4 in the best interest of the agency and our people.
5 What we need to do is to determine how to refine and
6 implement more effectively the many initiatives that
7 we have underway in the EEO area to ensure that we
8 obtain positive results in the shortest possible time.

9 Our purpose in meeting today is to get a
10 general report, but more specifically it's to
11 concentrate on how this improvement and this execution
12 can best be done.

13 Before I turn the meeting over to the
14 Executive Director for Operations, do any of my
15 colleagues have anything to say?

16 Mr. Taylor, the floor is yours.

17 MR. TAYLOR: Good afternoon.

18 Before I make some observations on some
19 key elements of our EEO program, I'll introduce Ed
20 Tucker, Program Manager in the Office of Civil Rights
21 and Small Business, and ask him to introduce the
22 people at the table from the committees.

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

24 Participating in this afternoon's briefing
25 are Mr. Paul Bird, the Director of the Office of

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1 Personnel, and representatives of the various EEO
2 constituency group committees. Seated at the table,
3 beginning at my far left, is Ms. Maria Lopez-Otin,
4 Chairperson of the Hispanic Program Advisory
5 Committee; Ms. Sharon Connelly, Chairperson of the
6 Committee on Age Discrimination; Ms. Clare DeFino,
7 Chairperson of the Federal Women's Program Advisory
8 Committee; and on my far right Mr. Mark Au,
9 Chairperson of the Asian Pacific American Advisory
10 Committee. Seated next to him is Mr. Larry Pittiglio,
11 Chairperson of the Joint Labor-Management EEO Advisory
12 Committee and next to him is Ms. Cardelia Maupin,
13 President of the NRC Chapter of Blacks in Government;
14 and Ms. Pauline Brooks, Chairperson of the Affirmative
15 Action Advisory Committee.

16 Mr. Bird?

17 MR. TAYLOR: I have a few remarks, Ed.
18 I'll pick up there.

19 I'd like to acknowledge that Mark Au is
20 Chairperson for our most recently formed committee,
21 the Asian Pacific American Advisory Committee.

22 At our last EEO briefing -- well, I'll
23 first ask Paul to introduce the Personnel staff who
24 are also here to answer questions.

25 Paul?

1 MR. BIRD: We didn't have enough room now
2 to get all the people that might participate today at
3 the table, so I would like to introduce a few
4 individuals who have been interacting directly with
5 the EEO advisory committees and in various EEO and
6 affirmative action efforts. From your left, from the
7 Commission's left to right, I'd like to introduce Jim
8 Thomas, the local Chapter 208 President of the
9 National Treasury Employees Union. Jim. Patricia
10 Norry, Director of the Office of Administration who
11 has been serving as the chair of the Executive
12 Resources Board Review Group and it's a function that
13 we'll be talking about shortly. Jim McDermott, who is
14 formerly the Deputy Director of Personnel, currently
15 the Acting Director of the Office of Small and
16 Disadvantaged Business Utilization and Civil Rights;
17 and Ms. Barbara Williams who is serving in my office
18 as the Assistant for Minority Recruitment and Career
19 Development in the Office of Personnel.

20 Additionally, several members of my staff
21 who are actively participating in EEO and affirmative
22 action efforts are available in the row directly
23 behind should there be any specific questions that can
24 they can help with during the briefing. Thank you.

25 MR. TAYLOR: At our last EEO meeting on

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1 July 29th, we introduced a new format for these
2 briefings and I'd like to continue using that format.
3 I've provided the Commission, as the Chairman noted,
4 with an information paper. In that paper I describe
5 six affirmative action objectives which we're
6 focusing. I've provided various demographic data
7 depicting work force trends at the NRC and responded
8 to questions by the Commission in its SRM from the
9 last EEO briefing. Also, I provided the responses,
10 the staff responses to issues and recommendations from
11 the seven advisory committees.

12 I'll summarize the key points in our
13 Commission paper quickly. We're focusing on -- first
14 we're focusing on enhancing the opportunities for
15 recruiting Hispanic employees in all occupations.
16 Two, we're enhancing opportunities for recruiting
17 women and minorities in professional positions. We're
18 trying to expand the pool of women and minorities
19 eligible for supervisory, management and executive
20 positions. Four, trying to attract and retain
21 disabled employees. Five, we're providing a training
22 and development program, including rotational
23 opportunities to enhance job performance in support of
24 affirmative action. Six, we're trying to improve
25 communication and awareness about EEO and affirmative

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1 action objectives throughout the staff.

2 One of the EEO-related areas we've focused
3 a great deal of energy and concern on in the past six
4 months is prevention of sexual harassment. We're
5 committed to communicate to all employees that sexual
6 harassment will not be tolerated in the work place.
7 We've had to deal forthrightly and aggressively with
8 allegations of sexual harassment that have come to our
9 attention. During the last fiscal year, one formal
10 grievance was filed and five complaints outside the
11 formal complaint process or grievance procedure were
12 brought to management's attention. In each of these
13 instances, management took action, including
14 initiating disciplinary action where appropriate to
15 ensure that the offensive behavior was stopped and
16 that the feelings of the aggrieved parties were
17 understood by the offenders.

18 An announcement is being distributed to
19 all employees identifying several instances of
20 inappropriate behavior. Those are only examples. But
21 our objective in publishing this information is to
22 make employees aware of the Agency's intolerance of
23 this behavior and our intention to take disciplinary
24 action as needed.

25 We're also communicating the Agency's

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1 sexual harassment policy to all employees through
2 publication, distribution of an Agency brochure,
3 Prevention of Sexual Harassment. In this document,
4 employees are given concrete advice about identifying
5 the offensive behavior and dealing with it. The
6 Agency's responsibilities, supervisor's
7 responsibilities and employee's responsibilities are
8 described and sources of information and assistance
9 are provided.

10 One of the resources available to our
11 employees is counseling services for victims of sexual
12 harassment. This special expertise is available
13 through our Employee Assistance Program in the Office
14 of Personnel and is being used. Additional guidance
15 on responding to complaints of sexual harassment has
16 been provided to all managers and supervisors in a
17 recent memorandum from me. Actions to be taken by
18 management when a complaint is lodged or offensive
19 behavior is observed are outlined in this document.

20 Finally, we're offering a continuing
21 sexual harassment prevention training to all employees
22 throughout Headquarters and the regions. Although we
23 have offered training in this subject since 1983,
24 we've recently renewed our effort to train all
25 supervisors and employees in this area. A sexual

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1 harassment prevention workshop recently revised and
2 currently being presented by the Office of Personnel
3 Management and representatives from the Office of
4 Personnel and the Office of the General Counsel
5 provide statutory information about sexual harassment,
6 management's roles and responsibilities in preventing
7 inappropriate behavior and in dealing with it and the
8 rights, responsibilities and remedies that victims of
9 sexual harassment have and can exercise.

10 Since April of 1992, we've trained
11 approximately 30 percent of the staff and sessions
12 will be offered continuously throughout this year and
13 next year until all supervisors and employees have had
14 an opportunity to attend.

15 Now I would like to start dialogue this
16 afternoon by asking Pat Norry to discuss the role of
17 the Executive Resources Board Review Group that I
18 appointed and initiated in April of 1992.

19 Pat Norry?

20 MS. NORRY: Good afternoon.

21 The Executive Resources Board Review Group
22 was established by the EDO on April 28th, 1992. The
23 members, in addition to myself, are Jack Heltemes from
24 the Office of Research, Jim Blaha from the EDO's
25 Office, Jesse Funches from the Controller's Office,

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1 and Jose Calvo from NRR.

2 The purpose of this group as outlined in
3 the memorandum from the EDO is to examine the rating
4 and selection process for grade 15 and SES positions
5 to help ensure that the principles of EEO are applied
6 in these selections. The way we operate is that we
7 meet each week and review packages of having been
8 through the panel and listing the best qualified list
9 for those panel reviews. The Board receives copies of
10 all the application packages in advance and the
11 discussion focuses on whether there are highly
12 qualified women and/or minorities represented on the
13 best qualified list. I'd just like to stress that our
14 review, of course, is not just a repetition or a
15 straight out endorsement of what is on the best
16 qualified list, but rather we make an independent
17 judgment that highly qualified women and/or minorities
18 are or are not on the BQL. After the meeting, I write
19 to the office director stating the results of this
20 review.

21 I'd like to show three charts which
22 illustrate some of the things that have happened with
23 29 positions that were from April 28th, the time we
24 were established, through December 3rd.

25 (Slide) If I could have the first chart,

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1 please.

2 This shows the distribution of selections
3 based on the opportunity to select. What this means
4 is that, for instance, for white males there were 28
5 certificates on which there were white males and white
6 males were selected 12 times. Similarly for white
7 females, there were 17 certificates where white
8 females were represented on the BQL and there were
9 eight selections. With minorities, there were 14
10 opportunities and nine selections.

11 (Slide) If we look at the next chart we
12 get a better feel for what the total population was --
13 chart 2, please -- the total population of the BQL.

14 This shows you broken down further in the
15 minority categories the total numbers of the entire
16 population of all the best qualified lists that we
17 looked at for all 29 packages, the total numbers that
18 were on there and the percentages of selections.

19 (Slide) Finally on the third chart, may
20 I have chart 3, please?

21 This is the distribution of selections and
22 it shows you the numbers and the percentages as
23 against the previous chart that you just saw of what
24 the BQLs were. This shows you how the selections came
25 out for each category.

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1 In addition to the numbers, there are a
2 few observations that the group has made. First of
3 all, we believe that there's no question that there
4 has been increased awareness of the need to consider
5 all qualified candidates and the importance of equal
6 opportunity in personnel selections.

7 We also note and share with observations
8 that have been made and that will be made later in
9 this briefing that the pool of eligible to move up
10 into these categories need to be increased and I
11 believe that you will hear a presentation about
12 several strategies to do that. Obviously there's a
13 lot of progress having been made in recent hiring in
14 women and minorities at the intern and entry levels,
15 but the pool available to move up into some of these
16 positions is not as great as it needs to be. This is
17 particularly true in the regions where there are
18 simply not as many women and minority candidates who
19 show up on the best qualified list because they
20 haven't applied for one thing.

21 So those are the observations. I'd be
22 glad to answer any questions that you may have.

23 COMMISSIONER de PLANQUE: Yes, Pat. One
24 question. This represents 29 positions in the 15 SES
25 category, right?

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1 MS. NORRY: Right.

2 COMMISSIONER de PLANQUE: These were all
3 competed positions.

4 MS. NORRY: That's correct.

5 COMMISSIONER de PLANQUE: In that same
6 time period, how many positions in the 15 SES category
7 were filled non-competitively?

8 MS. NORRY: Do you have that figure? I
9 don't think there were any SES positions that I'm
10 aware of that were filled. Were there any others?

11 MR. BIRD: There were SES positions that
12 were filled from within the SES ranks. So, there was
13 movement within the SES.

4 COMMISSIONER de PLANQUE: Right.

15 MR. BIRD: But in order to go from a grade
16 15 to SES, of course --

17 COMMISSIONER de PLANQUE: Yes, I
18 understands.

19 MR. BIRD: -- there had to be competition.

20 COMMISSIONER de PLANQUE: I'm just looking
21 for how many. What was the total number?

22 MR. BIRD: I don't have the total, but I'm
23 sure at the grade 15 level there may also have been
24 reassignments of people who were already at the grade
25 15 level. I just don't have that.

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1 COMMISSIONER de PLANQUE: Right.

2 MR. BIRD: I don't have the number on it.

3 COMMISSIONER de PLANQUE: Okay.

4 MR. BIRD: We could certainly check that.

5 COMMISSIONER de PLANQUE: And just one
6 more question. Can you give us some idea of how
7 widely advertised these positions were? Were they
8 mostly within NRC or within the federal government?

9 MS. NORRY: Most of them were pretty
10 widely advertised. Of course there's a requirement
11 for the SES positions, that they be widely advertised,
12 and my recollection is that the grade 15 ones were
13 advertised in places other than NRC, but I defer to
14 Paul on that.

15 MR. BIRD: Yes. I don't believe that was
16 true in all cases. I think probably in the majority
17 of cases that is true. We do try at that level to get
18 a broad cast of applicants. But I don't believe
19 that's exclusive. Certainly some of them may have
20 been within NRC, if we felt we had a base of
21 candidates within the Agency that was large enough to
22 support the action. Again, we can do a breakdown of
23 that for you against that particular time frame, if
24 you'd like.

25 COMMISSIONER de PLANQUE: Okay. Thanks.

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1 MR. TAYLOR: Are there questions of Mrs.
2 Norry?

3 Thank you, Pat.

4 I believe these numbers do show the
5 effectiveness of what Pat Norry and the group are
6 doing. This is definitely a move in the right
7 direction.

8 Before we move on to a dialogue between
9 the Commission and the various members of the
10 committee and staff here, I'd like to ask Jim Thomas,
11 who has been introduced to you, the President of the
12 local chapter of the NTEU, who did not have a written
13 statement but I believe has some comments.

14 Jim?

15 MR. THOMAS: Thank you. Good afternoon.

16 I have two general areas of comment. Some
17 I would characterize as old business items, items that
18 had been considered by the Commission in previous
19 briefings and then some new items raised by the report
20 itself. One item that was brought up in previous
21 briefings is the area of rotational assignments. NRC
22 and NTEU have reached an agreement in that area. But
23 there's a problem that keeps popping up dealing with
24 the administration of rotational assignments that I
25 think I should bring to your attention. It has to do

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1 with a swapping that is often times required to
2 implement a rotational assignment. An employee will
3 come forward and say, "I'd like to go on rotation,"
4 and that same employee will have to find a replacement
5 for his or her position.

6 Now, that may not be a serious problem
7 when you're dealing with an employee who is seeking a
8 rotational assignment for career enhancement. We have
9 situations where employees are seeking a rotational
10 assignment to get away from a poor supervisory-
11 employee relationship. Recently we had a probationary
12 employee who, as you now know, probationary employees
13 have to serve two years before their probation is
14 ended. During the approximately 18 months of his
15 probationary period, he surmised that the relationship
16 between he and his supervisor was not what it should
17 be and requested a rotational assignment and could not
18 find a replacement. So, he had to serve out that
19 period.

20 We would suggest that Personnel should be
21 given some authority in the area to actually find a
22 replacement or implement a rotational assignment when
23 it's being requested due to a personality conflict
24 between employee and supervisor.

25 With regard to another item --

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1 CHAIRMAN SELIN: That goes against the
2 whole sense of what our rotational assignment is
3 supposed to be. A situation like that, if it's just
4 a personality conflict, it should be a reassignment.
5 If it's really an incompetent supervisor, the idea of
6 sending in some other sacrifice to that -- that sounds
7 like sort of using one process, which is supposed to
8 be a training and broadening process, to solve a
9 different management problem. Isn't there a more
10 direct solution than just passing the pain around to
11 a set of candidates?

12 MR. THOMAS: Well, the suggestion was
13 intended to provide management some relief. I would
14 actually feel that in the probationary period that if
15 things are not working out during the first year that
16 a reassignment, a permanent reassignment be
17 implemented. If that's not possible, at least the
18 rotational assignment would give management a second
19 supervisor who could evaluate because right now for a
20 probationary employee there's one person who is God.
21 If that supervisor says that there's a problem, you're
22 out on the street.

23 CHAIRMAN SELIN: I see.

24 MR. THOMAS: But I would agree with you,
25 the reassignment is a more permanent solution, but

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1 this would allow somebody to go into another area and
2 if that new supervisor felt that this was a competent
3 employee, then a permanent reassignment could be
4 arranged.

5 In the area of EEO profiles, I think
6 several times I've raised the issue of requesting
7 information regarding the EEO profile of the best
8 qualified candidates and the selectees. That's
9 something that I think personnel is either on the way
10 for developing or has developed and I would suggest
11 that that would be included in all the future
12 briefings as an item for the Commission to consider.

13 In the area of sexual harassment, during
14 the last briefing I brought to the Commission's
15 attention a case in Region III involving a former
16 supervisor that had harassed several women. That case
17 has now been resolved, I think hopefully to the
18 satisfaction of most of the parties. But during the
19 resolution process there were some issues that were
20 raised that I think reflects some of the problem we
21 have in dealing with sexual harassment in the Agency.
22 There seems to be an undue focus on the actions or
23 lack of actions on the part of these women prior to
24 filing the complaint. Now, if you're dealing with
25 alleged harassment on the part of a co-worker, that

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1 may be a legitimate question to raise. When you are
2 dealing with alleged harassment on the part of one's
3 supervisor, you are asking an individual to make a
4 complaint to the very individual that makes a direct
5 determination on their career in this Agency.

6 To me it's very much like the situation
7 that non-smokers faced ten or 15 years ago. The
8 burden was on the non-smoker to raise the complaint
9 and prevent the smoke from being blown in their face.
10 The situation has now changed to where if you want to
11 light up in a conference room or any other area of the
12 Agency, you've got the problem, not the non-smoker.

13 Likewise I think that more of the burden
14 must be placed away from the individual being harassed
15 here, that they cannot always be called upon to check
16 the conduct of their supervisors because that could be
17 career damaging. In this particular case in Region
18 III, the individual that initiated the complaint was
19 a probationary employee and obviously they can be
20 terminated without cause at any time. So, it's a
21 difficult thing for them to step forward.

22 CHAIRMAN SELIN: Could I stop you for a
23 second?

24 MR. THOMAS: Sure.

25 CHAIRMAN SELIN: First of all, in general

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1 principle I agree with you. In fact, I've looked not
2 at that particular case but a couple of other cases
3 where it's very clear that for a whole lot of reasons
4 the women who are being harassed are really very
5 reluctant to come forward, not just because of the
6 fact that they might be subject to some supervisory
7 action, it's just a very hard thing to do. In fact,
8 one of the things I believe is absolutely essential is
9 that management take a much stronger hand with
10 supervisors who should have known something was going
11 on but either didn't or went out of their way not to
12 find out that things were going on. I think we've
13 done this in a couple of cases recently to make it
14 clear that this is the responsibility of the -- not
15 the person necessarily involved in the complaint, but
16 when there's somebody who's supervising people who
17 have been subject to a couple of complaints, that
18 that's clearly -- making sure that these actions stop
19 is clearly part of the management's responsibility.

20 But I don't believe it's factually correct
21 that the person who is harassed has to go to in most
22 cases her supervisor to make the complaint. I believe
23 there are a number of different avenues to make that
24 complaint. Is that not correct?

25 MR. THOMAS: Maybe I wasn't quite clear in

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1 what I was saying. In the resolution process, there
2 seems to be a focus on, "Why didn't you come in
3 earlier?" No, the current process does not require
4 the individual to go their supervisor. The new
5 procedure has any number of individuals they can go
6 to, but certainly in the case of a probationary
7 employee that is a risky thing for them to undertake.

8 One of the things that I would suggest
9 that we give some serious consideration to in the area
10 of sexual harassment and employer-employee relations
11 in general is the implementation of some sort of a
12 system to allow employees to evaluate supervisory
13 performance. We've put together a package like this
14 in the past with, I would say, rather limited success.
15 Whenever we presented it at the bargaining table we
16 get a reaction of basically the NRC does not care to
17 be at the cutting edge of labor reform. When we've
18 gone to various supervisors and said, "Well, why don't
19 you try this?" the response is something along the
20 lines, "That's a novel idea but I don't want to be the
21 first."

22 I have a package that we've had for some
23 time. I'd like to send that to the Commission, the
24 EDO, Personnel and the EEO Office to get some idea of
25 how it might be implemented. It's merely a situation

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1 where on various factors the supervisor is evaluated
2 on a self-evaluation, how he or she thinks they
3 communicate with their staff, how they resolve
4 problems, do they deal fairly and equitably with their
5 employees and then how the composite of their staff
6 views that same supervisor. I think that in areas
7 where this has been implemented in some of our other
8 chapters, it's provided a lot of soul searching on the
9 part of supervisors regarding, "Well, maybe I'm not
10 doing this as well as I thought I was." It can prove
11 to be a very positive force here.

12 In the area of the EEO report itself, I'll
13 finally get into new business. One thing about the
14 report that sort of sticks out in my mind is the
15 actions or the direction of the Commission doesn't
16 really seem to focus on where we have a lot of our
17 documented EEO problems. If you take a look at the
18 EEO complaints that have been filed in the Agency, the
19 preponderance of complaints deal with the area of age
20 discrimination, except for some sort of, I guess, I
21 would call it general training guidelines in one of
22 the recommendations. That's missing altogether. We
23 have time and time again EEO complaints where I think
24 an objective third party will take a look at the
25 qualifications of the selectee, the qualifications of

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1 the complainant and say, "There is a problem here."

2 I brought one case to your attention
3 during the last briefing where a board certified
4 health physicist and a Master's candidate in health
5 physics were both passed over for a senior health
6 physicist position in favor of a younger candidate who
7 doesn't even have a college degree. Now, somewhere
8 down the ride, that individual is going to be trained
9 by the people who didn't get the job and that doesn't
10 work out for morale and it generates a lengthy
11 litigation process to resolve these matters.

12 I think that some attention needs to be
13 devoted to that area. One area that I would suggest
14 is with regard to the issues being discussed by Ms.
15 Norry earlier. In addition to focusing on women and
16 minorities who are on the list and are not selected or
17 not considered, I would think that we would do well to
18 really have a screened best qualified list where we
19 don't end up with a process where we have ten
20 applicants and all ten make the best qualified list
21 and there's a huge range of difference between the top
22 and the bottom, and then have that committee focus not
23 only on women and minorities but situations where the
24 top candidate was not selected. There are many
25 situations where management legitimately does not

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1 select a top candidate. But if the process was one of
2 where the supervisor more or less had to document the
3 rationale for the selection, there would be a little
4 balancing between the qualifications and the
5 subjective factors that are often times used in the
6 selection process.

7 CHAIRMAN SELIN: I wasn't clear whether
8 those two points were the same about age
9 discrimination and about the best qualified list, but
10 I'd like to go back to the age discrimination
11 question. It's true that there are a number of
12 individual complaints, a large number of individual
13 complaints concerning age discrimination and that
14 those have to be looked at. But a lot of what we do
15 in the EEO is just what it says. It's truly
16 affirmative action. In other words, take a look at
17 what our profiles are measured different ways and say,
18 "We are just grossly under represented in a number of
19 areas." Hispanics is the outstanding example, but
20 there are a number of others that are very
21 significant. That goes beyond saying that we have a
22 complaint here or a complaint there. It says we're
23 not getting enough people into the pool. It's not so
24 much -- we don't even have enough people in the pool
25 to say that we're treating people fairly or unfairly

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1 once they're in the pool.

2 Now, a lot of what we do, whether it's the
3 rotational program, it's the training programs, the
4 sensitivity on the selection is to get more candidates
5 into the Agency or up to levels where we have a
6 reasonable number of candidates for any of these
7 groups that are clearly under represented, grossly
8 under represented in our profiles. There's nothing
9 like that on the age side. In the absence of some
10 kind of a profile argument, you have nothing other
11 than the specific case by case situations to say,
12 "This is wrong. Something happened," which can be
13 looked at.

14 But to go beyond that, one would really
15 need some kind of a profile to say we're
16 systematically -- well, I don't want to say we're
17 systematically excluding, but the results don't show
18 reasonable basis at these levels or what have you for
19 different groups. I think that explains why most of
20 the effort doesn't go in the age-related area, but in
21 the minorities or women or some combination of the two
22 that are just clearly under represented in many of
23 these groups.

24 MR. THOMAS: Mr. Chairman, in fairness,
25 I've been seeking that profile for three years now and

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1 I believe that once the data is developed regarding
2 best qualified list as far as age and the selection
3 list, you will generate an overall base there to show
4 that there's a clear connection between the number of
5 EEO complaints that we have and the selection process
6 in the Agency. As things stand right now, we can only
7 obtain the data for individual complaints. The union,
8 frankly, does not take the cases forward unless there
9 is a basis to argue discrimination. Too costly.

10 CHAIRMAN SELIN: You realize that what
11 you're saying, although it may be correct, is not an
12 answer to what I'm saying. We're not looking at the
13 statistics to say is some group systematically
14 discriminated against in the selection process.

15 MR. THOMAS: Understood.

16 CHAIRMAN SELIN: It's looking at the
17 growth statistic. We're not even getting people into
18 the selection process that are much more concerned
19 about.

20 MR. THOMAS: My problem is not in any of
21 the six recommendations. I guess I'm focusing on here
22 is an area that in my judgment there's a serious
23 problem in this area and there's a lack of focus on
24 that area. I didn't mean that that should exclude any
25 of the other items.

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1 CHAIRMAN SELIN: Thank you. I'm sorry,
2 Mr. Thomas, please continue.

3 MR. THOMAS: The one final area I would
4 like to address has to do with staffing. I and I
5 suppose a lot of the people who came into the NRC in
6 the early part of our careers assumed that the nuclear
7 industry was going to be something that was going to
8 be expanding through the end of this century and
9 beyond. That's not happening. For some time now, we
10 have been expecting proposals from management dealing
11 with the focus of the Agency as the focus changes from
12 nuclear power reactors, licensing, research in that
13 area, to what the NRC is going to be like in the 21st
14 Century. We don't see that happening. In fact we see
15 in those areas an increase in staffing that has been
16 occurring in the 1980s and early 1990s.

17 One of the fears that we have is that
18 somewhere down the road, either through congressional
19 action or court action, the NRC is going to be placed
20 in a RIF situation, a situation far -- in the case of
21 NRR and some other reactor-related offices, a RIF
22 situation far more severe than what we encountered in
23 NRR in the mid-1980s.

24 What we would like to -- the problems that
25 this really focused on, the hearing regarding a second

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1 building. As you know, there's a difference of
2 opinion between management staff and NTEU regarding
3 how the second building should be configured. In that
4 hearing, one of the documents that -- I should say
5 after the hearing. One of the documents that the NRC
6 attempted to introduce was a document showing that the
7 fifth and sixth floor in this building will be
8 required for NRR expansion. That doesn't seem to mesh
9 up with the licensing needs that at least I perceive
10 that is going to be needed for the rest of this
11 century and beyond. Something may change. Hopefully
12 it does. But it looks like we are sort of waiting
13 around for either Congress or the courts to act. The
14 problem with that is that the veterans preference
15 that's in the law is going to create a situation where
16 women and a lot of minorities are going to be
17 disadvantaged if you get into a RIF situation.

18 So, I'd like to see some action on the
19 part of the Commission to move into that mode through
20 attrition so that we don't have a RIF somewhere down
21 the road.

22 Thank you.

23 CHAIRMAN SELIN: Thank you.

24 Comments?

25 COMMISSIONER de PLANQUE: I have one

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1 question for you since you brought up the issue of
2 rotation. It's my understanding that that's
3 particularly difficult at the clerical level. Is this
4 a problem that's unsolvable or are we --

5 MR. BIRD: I don't believe it's
6 unsolvable. I certainly agree with Jim that we can't
7 place the onus on an employee to find a replacement
8 for him or herself. We do work very hard to try to
9 get within offices, particularly in the area of
10 secretaries where there's a base of employment in a
11 relatively large office, something set up so that
12 those who want to participate can do it in a timely
13 fashion. Maybe not all at once, but certainly in
14 looking at it from an office perspective, those
15 rotations can be worked out.

16 We've looked into the use of the private
17 sector temp authority for this purpose and we're right
18 now as an Agency very liberally applying that. There
19 may be some latitude to use that to bridge this. I
20 hate to commit to that right now because it's not
21 clear the extent to which our authority to operate
22 within the law permits us to do that. Certainly we
23 know that we have some latitude that other agencies
24 don't. We have to be very careful when we're not
25 dealing in the technical scientific area to apply the

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1 latitude and jeopardize to any extent our accepted
2 authority. We're very careful in that particular case
3 when we're replacing secretaries to be sure that we
4 don't use the private sector temp to develop an
5 employer-employee relationship. There's some very
6 strict requirements that apply there on days that the
7 private sector temps can work, on the length of time
8 the private sector temps can be in place in a
9 particular job. Within that framework, to the extent
10 there is some latitude, we try to do that.

11 But we also work across offices in that
12 regard. If we can find a secretary in office A who's
13 basically at a level of a secretary in office B, we
14 facilitate those interchanges and I think we've done
15 quite well as an Agency in being able to bring those
16 about. We can't do every case at once and I think
17 that's something that we're working on again with the
18 offices to see what we can do within the office
19 framework to stage those. But we are looking at some
20 additional opportunities to be able to help that
21 situation, particularly with clerical, secretarial and
22 support staff employees.

23 COMMISSIONER de PLANQUE: Okay.

24 MR. TAYLOR: Thanks, Jim.

25 At this point the staff and all the

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1 participants from the committees are prepared to
2 answer questions from the Commission.

3 CHAIRMAN SELIN: Let me start with the
4 Hispanics. There's lots of room for improvement in
5 our performance in a number of areas, but that's the
6 one area that really comes out. It's hard even to see
7 -- the programs sound pretty good, but it's hard even
8 to see a beginning, a start on solving the problems
there. Are we doing the right thing, it takes longer?
10 Are we not doing the right thing? What's our
11 assessment of what's going on in this particular --

12 MR. BIRD: Well, I think the data that's
13 in the paper here is this past fiscal year. I'm glad
14 to say that in the early portion of this year there
15 are some indications that this focus and this effort
16 is beginning to pay off. We've had several
17 acceptances from Hispanic employees. At the same time
18 I say that, it's a little disappointing that we're
19 still getting where we've made bona fide offers, some
20 turn downs, again mostly related to an unwillingness
21 to move. A lot of the effort has been directed to
22 areas of the country in the western part of the
23 country where there's somewhat of a reluctance to
24 locate to Washington and most of the job opportunities
25 have been in the Washington metropolitan area.

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1 On the side of clerical and support staff
2 recruitment, we've worked very, very hard in the
3 community and I've been quite surprised to find that
4 we haven't had a lot of success in the immediate area
5 in hiring in that particular area. Again we have one
6 problem with citizenship, non-citizens that are in the
7 work force. We're again working directly in the
8 community now to try to help not only in the
9 recruitment of these individuals but in the
10 development of the skills of these individuals, work
11 with them on getting the skills that we need in order
12 to bring them into the mix.

13 But I'm with you, I'm not satisfied with
14 the progress with Hispanics. It's the one group
15 that's under represented in almost every category
16 across the line. But I think the focus is correct.
17 I think the recruitment effort is good and I think
18 we're beginning to see some payoff now that would show
19 up hopefully by the next briefing. I think in the
20 long term we'll get a corner on this, but there's a
21 lot of effort that will have to continue to go into
22 that particular focus.

23 CHAIRMAN SELIN: Do you have anything --

24 MS. LOPEZ-OTIN: I just wanted to add I
25 just got back from a recruitment trip and we're

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1 bringing back three qualified Hispanics and I think
2 that one has already been interviewed. Hopefully
3 we'll get him. He's willing to move. We also got an
4 African-American from Haiti, a citizen, and I was told
5 that he's going to given an office.

6 Our statements speak for ourselves. We
7 would like some creative measures and I'm sorry to say
8 I can't even tell you what they would be right now.
9 I have been working with Paul some to see what we can
10 do because something is needed. I can't tell you what
11 the barriers are other than now maybe recruitment in
12 the East Coast may have some payoff and some kind of
13 mentoring, more focus on the people who are already
14 here so that we can bring -- as you know, we're very
15 close knit. Somehow we talk to each other whether
16 we're Colombians or Peruvians and maybe we ourselves
17 see some progress inside the Agency that could also
18 help on the recruitment.

19 MR. BIRD: I would like to thank Maria for
20 one for participating in our ad campaign. As you
21 know, we featured some of our employees in ads
22 throughout the country. There's been quite a good
23 response to that.

24 Maria, you made an excellent model for the
25 ad. We appreciate it.

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1 MS. LOPEZ-OTIN Thank you.

2 MR. BIRD: That kind of effort, I think,
3 will help because in this area people tend to identify
4 with other Hispanics. We've had Jose Calvo, for
5 example, has had direct calls. I think Maria has had
6 some direct calls from people who might not otherwise
7 have contacted the Agency. So, we believe that's a
8 very positive effort that may bring some results.

9 MR. TAYLOR: Any questions, sir?

10 CHAIRMAN SELIN: Well, I wanted to ask you
11 a question about African-Americans in these mid-
12 grades. Are we really getting a flow of people
13 through the grades? It's sort of hard to tell without
14 looking at the transitions. The number of 13s has
15 increased significantly. The number of 15s has
16 increased a little bit. Are we getting more people
17 into this pre-SES pool?

18 MR. BIRD: In expanding to the outside, in
19 bringing in directly from the outside, I don't think
20 the progress has been that good for African-Americans.
21 I think we can do a better job there finding
22 experienced African-American employees and we're
23 trying to identify them. Certainly within the industry
24 we work in, however, the private sector employer is
25 quite intent on keeping that focus as well. We

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1 sometimes find ourselves in bidding wars where we
2 don't win when we're competitive.

3 We have made progress again at the entry
4 levels to a greater extent than we have in expanding
5 the bases at the higher levels. More effort is needed
6 there and we're focusing our recruitment efforts now
7 on that experience base to a greater extent than we
8 have in the past.

9 MS. MAUPIN: I would also like to respond
10 to that question.

11 CHAIRMAN SELIN: Please.

12 MS. MAUPIN: Basically we thought that
13 maybe in addition to looking at the time in grade in
14 terms of male and female that's presented here in this
15 paper, that we might also want to look at time in
16 grade for African-Americans. That way you can get a
17 clearer picture in terms of if African-Americans are
18 truly moving up or are they being pigeonholed in some
19 grades.

20 CHAIRMAN SELIN: I think that would be
21 useful. The thing that's hard to get a feeling on is
22 the following. It's clear that you can't just
23 overnight change patterns at say the SES level.
24 You've got to hire people at a number of different
25 areas. Just trying to recruit a small number of very

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1 highly qualified GG-14s so we have some better numbers
2 isn't going to do it. But without better profiles,
3 it's hard to see if we're getting more good people
4 into the system at all stages, primarily at the entry
5 level and bringing them or whether it's just sort of
6 a few quick victories with a few outside recruitments.
7 And maybe some of the time in grade statistics broken
8 down by different groups would give us an insight into
9 that.

10 MR. BIRD: We can certainly do that. As
11 you know, having read the paper, we're working very
12 closely with IRM to try to enhance our ability to do
13 that kind of study. Right now we have several
14 different databases running on different hardware,
15 utilizing different software. So it makes it
16 sometimes hard to do these cross cuts and historically
17 particularly. If we can get a consolidated database
18 that allows us to do that a little more efficiently,
19 I think we can do this a lot more often. That's our
20 hope as well as being able to take our best qualified
21 list and other measures that we might have an automate
22 them so that we can run this data without having to do
23 it manually.

24 CHAIRMAN SELIN: I would like to
25 reemphasize the point that the objective is to have

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1 better results and not just nicer charts, in spite of
2 what I'm about to ask you.

3 The third area where I have some unusual
4 interest is have we been able to figure out a way to
5 correlate what are clear improvements in the
6 availability of training and rotations to women and
7 minorities and other groups? Have we been able to
8 correlate these improvements with any improvements in
9 assignments? You know, the last thing you want is
10 people getting trained and rotated and then sent back
11 to the job where they started from as if they hadn't
12 got this training and additional opportunities. Can
13 we see if the improvements in access to training and
14 rotation are reflected not just in overall statistics
15 but individuals doing better, getting more promising
16 assignments after the training period is over?

17 MR. BIRD: Well, here again, we're now
18 developing indicators for all the programs that we're
19 running so that we can then track individual employees
20 in that context. Right now, again, we find it very,
21 very hard to do that except for doing it manually,
22 going to hard copy records and that sort of thing.
23 But we're putting the designators in, we're doing
24 reprogramming to try to be able to identify by
25 individual employee against all the demographics those

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1 variables so that we can do the kinds of things that
2 you're talking about with some ease.

3 We've done this a little bit now in a few
4 cases, but certainly not as often as we would like to.
5 It's very, very difficult to be able to do that. We
6 haven't had those indicators in the past in the
7 system. When we have those available to us, and we
8 are working on that right now with IRM, then we should
9 be able to track this over a progression of history
10 and show the results and whether or not people who
11 avail themselves of this training and these rotations
12 have made progress in the Agency.

13 CHAIRMAN SELIN: Is there any anecdotal
14 information from any of the groups about what happens
15 to people after they get into the training rotation
16 program?

17 MR. PITTIGLIO: Let me just make a
18 comment. I think that was one of the major concerns
19 that we brought up at the last briefing, was the fact
20 that once somebody completed a rotational assignment
21 and was very successful, they wound up going back to
22 where they were. The response, I guess, that we
23 received at that time was the bottom line is that it
24 was just an FTE issue and I don't know whether that
25 concern has been resolved, that the FTE is associated

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1 with that individual and forces them back to where
2 they go. Until that issue is resolved, I don't know
3 what will happen. But I have talked to a few people
4 that have gone through the program, rotated into a
5 different area and are now back working, for example,
6 at the secretarial level.

7 MR. BIRD: Yes. Again, having
8 participated in the program doesn't necessarily result
9 in a reassignment. In some cases certainly that has
10 been the result. In other cases it has not. The
11 employee generally is shared -- if it's across
12 offices, from one office to another, in effect there's
13 a return expected at the end of the rotational
14 assignment and there again there's not an automatic
15 bridge or an automatic solution or another employee
16 who shows up as a replacement for rotation. These are
17 generally lateral. They're at the same grade level
18 and hopefully they are not far departures from that,
19 although people have found work in other areas to be
20 more satisfying than the work they may have been
21 doing.

22 We don't have a total solution to that,
23 but we are working with these individuals and I think
24 even some of the cases that you were citing earlier
25 have been resolved now in favor of the employee moving

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1 on into the areas that they're more interested in.

2 CHAIRMAN SELIN: Does the women's program
3 or the black program or the Latin program have any
4 particular feedback on this one way or another?

5 MS. LOPEZ-OTIN: We had two of our
6 Hispanic employees who talked to me and to someone
7 else who were asked the same thing that Jim Thomas was
8 talking about, "Before we do anything with you, you
9 have to find your own replacement." That turned out
10 to be too hard for them to do. So, some sort of pool
11 or working with Paul, which we're going to be doing,
12 about counseling these people of how do you really do
13 it, especially now that we're competing I think for
14 rotational may clear that up. Otherwise we have a
15 problem.

16 MR. BIRD: We've been fairly successful
17 when we've worked directly with the managers. When
18 we're brought into the loop, I think we can get to the
19 resolution more often than not.

20 MS. DeFINO: FWPAC would encourage the
21 Agency to do some better tracking of rotational
22 assignments of people, especially of women who have
23 more instances of rotational assignments. Also, the
24 Agency has gone to great expense to put programs in
25 place for development of women and minorities and we'd

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1 like to see some monitoring of the program successes,
2 especially in both the new institution of the
3 Supervisory Development Program and the Career
4 Development Program.

5 CHAIRMAN SELIN: Did you want to say
6 something?

7 MS. MAUPIN: In looking at it from an
8 African-American perspective, I know a lot of times in
9 the past these rotational assignments came more so as
10 a word of mouth type of thing. It was more so who you
11 knew. If you knew something then in turn there was
12 the possibility you could get a rotational assignment,
13 that you could become aware that there was an opening
14 of a rotational assignment. But as the new process
15 proceeds, we will have the opportunity to compete and
16 hopefully we would get better representation and
17 better achievements through that program.

18 But we would like to be involved in the
19 process. As Clare just stated, we would like to
20 piggyback. We would like to have some monitoring of
21 these programs. There have been a significant number
22 of programs that have been developed, the mentoring
23 program, the IDP program, but we have no type of
24 feedback in terms of the successes of these programs.

25 CHAIRMAN SELIN: Let's take the program

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1 that Ms. DeFino mentioned, the Supervisory Development
2 Program. What kind of results have we had there?
3 Have they been popular?

4 MR. BIRD: Certainly popular in terms of
5 responses. I think both the Supervisory Development
6 Program and the SES Candidate Development Program have
7 elicited a very large response. Now, those have not
8 come in at this point to the central source. The
9 original applications have gone to the offices. Those
10 in March of this year will be looked at centrally and
11 we are developing a tracking system to know the
12 profile of the candidates as well as the profile of
13 those selected and we can track that then throughout
14 the duration of those programs and into the future.
15 So, we are building that out so we'd be in a better
16 position to evaluate progress for those who have
17 participated in the program.

18 CHAIRMAN SELIN: Is it too early to have
19 some feeling for the response of the people in the
20 program?

21 MR. BIRD: I would believe so, yes.

22 CHAIRMAN SELIN: And finally, my last
23 question before I go on. What about the professional
24 track at the SLS level? Not the SES, but the
25 technical and professional track. Has there been any

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1 activity there?

2 MR. BIRD: We're just now starting. We
3 have some competition underway right now at that
4 level. This is the first time that we've actually
5 been introducing jobs at that level to that
6 competition and there's been good interest, I would
7 say. These are very specialized skill areas. So,
8 we're not getting hundreds of employees interested,
9 but we're having our share of employee interest as
10 well as outside interest in those jobs that we've
11 advertised so far and there's several that are about
12 to be advertised throughout the Agency and throughout
13 the country in the senior level.

14 CHAIRMAN SELIN: Commissioner Rogers?

15 COMMISSIONER ROGERS: Well, just
16 continuing on that line, do you have any numbers,
17 total numbers of those positions that you've
18 identified so far and where they are in NRR, NMSS,
19 Research?

20 MR. BIRD: I don't have the number handy
21 in front of me, but I can tell you that NRR, the
22 Office of Research and NMSS have been the three
23 principal offices for which there has been some
24 designation and there are about, if I'm remembering
25 correctly, ten jobs that are working their way into

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1 some form of competition. We're proceeding carefully,
2 but we are proceeding. There's an ERB, or I should
3 say a senior level review board process that has been
4 involved here. Mr. Taylor and ERB have been involved
5 and I think there are about ten of those that will
6 occur during the next few months.

7 COMMISSIONER ROGERS: Well, I think we'd
8 probably like to hear how that comes out in toto,
9 including how many minority and women candidates there
10 are that present themselves for those positions and
11 how they succeed.

12 MR. BIRD: We'll certainly track that.

13 COMMISSIONER ROGERS: I think another
14 point in this program, I think this is an excellent
15 move. It will take some time for it to develop at NRC
16 as a really recognized career track in a certain
17 sense, the way SES is, but I wonder if you are
18 starting to think about ways of developing
19 professionally while at NRC to qualify for those in
20 the same way that we look at ways to develop potential
21 managers. It seems to me that while it's not quite
22 the same, it is a bit different, it's still equally
23 important that we think of ways of developing the
24 technical skills of people to ultimately qualify for
25 those senior scientific and engineering positions.

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1 That's just as important to us as qualified managers.
2 So, both aspects of career development, I think, are
3 important in the future.

4 Obviously the scientific senior level and
5 engineering senior level positions require a different
6 approach from those for executive management
7 positions, but I think that just thinking about how to
8 do that is very salutary.

9 MR. BIRD: We have thought of that, been
10 thinking about how to address that. Certainly there's
11 no training that we provide now that's directly
12 related to these career fields. But we've talked with
13 TTC and there is some outside training that's in line
14 with some of those and we certainly would be open to
15 support that.

16 COMMISSIONER ROGERS: Well, you know, a
17 scientific or engineering mentoring program could be
18 very important there. We think of that at lower
19 levels, but it could be very valuable in strengthening
20 internally our whole technical area where outstanding
21 technical people act as mentors for others, younger
22 people coming up who might want to somehow develop the
23 same kind of expertise in a particular area that one
24 of the distinguished SLS people at NRC already
25 possesses. Yes.

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1 MR. TAYLOR: We have our first graduate
2 fellowship too.

3 COMMISSIONER ROGERS: Yes.

4 MR. TAYLOR: Which I think is very
5 important in an area where we need this type of
6 expertise in the staff. It's in digital
7 instrumentation INC.

8 COMMISSIONER ROGERS: Well, I think that
9 going outside, for training outside, education outside
10 is fine, but I think inside we have some real
11 resources that we can tap as well to think of creative
12 ways of doing that should be encouraged.

13 It seems to me in looking at the report
14 that while I quite agree that with the Chairman's
15 observations about pools of people, I think we
16 still -- the report in some way comes through to me as
17 suggesting we still have a significant internal
18 problem in several ways. If I look at the committees
19 -- the last enclosure to the report, Section 4, there
20 was an issue relating to communication of EEO goals
21 and objectives on page 4.8. It seemed to me that the
22 issue raised was that the committee is concerned about
23 a perceived lack of management support in EEO-related
24 areas. This issue was raised at the last Commission
25 briefing and the committee believes that it's not been

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1 resolved.

2 The response to that, while I won't take
3 the time to read it, seemed to me just totally empty.
4 It didn't say anything. It said, "Yes, there's a
5 problem. This is a difficult area. There's problems
6 with it," but didn't offer any constructive specifics
7 in that response. It seems to me that that's a
8 serious problem that we have, I believe.

9 As evidence of that, if you look at your
10 own data in the earlier Section 3 of the report where
11 the SES ratings on the EEO subelement were listed.
12 There's no page on that, but it's request number 3 in
13 enclosure 3. I noticed that the percentage that are
14 rated outstanding in the different areas, that
15 Research for instance has only 16 percent of its SES
16 managers rated outstanding. I think that's abysmal.
17 That's a serious problem.

18 If we look at where by position the
19 ratings of outstandings fall, it's clear that the
20 first level management with only a rating of -- with
21 only 39 percent of those managers at first level
22 management are rated outstanding, there's a serious
23 problem. It seems to me that's -- the failure to
24 recognize the necessity and achieving success in
25 communication of EEO goals and objectives within the

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1 organization is clear from these numbers, that we're
2 not doing very well with some of our senior managers.
3 Particularly sensitive is the first level management.
4 That's really where many of the problems arise in
5 advancement and that's the lowest percentage of
6 outstanding ratings by group.

7 So, it seems to me that we have some
8 internal difficulties besides those that relate to
9 attracting more people into the Agency. I think we
10 have to look very, very carefully at the performance
11 of our managers in EEO ratings. It seems to me that
12 a percentage of 16 percent in any particular section
13 of our activities is just unacceptable of outstanding.
14 The total NRC, it's 45 percent.

15 So, I would say those are some matters
16 that I'm particularly concerned about that seem to
17 just hop right out at me as I look at this report.

18 So, I think communication, successful
19 communication of EEO objectives has got to have more
20 success. I don't know whether it needs more
21 attention, but it seems it needs more success. It's
22 not taking hold.

23 I wondered if you wanted to comment on
24 that.

25 MR. BIRD: Well, I certainly am familiar

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1 with the data and the communication reaching the first
2 level supervisor. Certainly that's in essence where
3 things get done or don't get done. We are concerned
4 about that. We've talked about that a lot with the
5 EEO committees in our regular meetings. We have
6 talked about that at the latest senior management
7 meeting. I attended that meeting and that was one of
8 the subjects that was discussed with the office
9 directors at that meeting. I think there's great room
10 for improvement there, making sure that the commitment
11 and the effort is carried on at that first line level
12 is the key to future success.

13 MR. TAYLOR: We have Barbara Williams who
14 spends a lot of time in that area. I wonder if she'd
15 care to add to that, talking to first level
16 supervisors. She's principal assistant in Personnel
17 for these matters.

18 MS. WILLIAMS: Good afternoon. What I'd
19 like to add is that what I try to do on a daily basis
20 is meet with employees who either contact me with
21 individual kinds of problems from their perspective
22 related to their assignments, in terms of what they
23 perceive is fair treatment related to performance
24 appraisal ratings, attitudinal kinds of problems, what
25 have you.

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1 In turn, what I always try to do with that
2 is to take it back to the manager position, back to
3 the manager's lap so to speak to make sure that the
4 two people come back to a point where they're
5 communicating. So, mine is much more of an individual
6 kind of process on a day to day basis as opposed to
7 being more global. But we do try to get employees and
8 managers talking at the first line levels and
9 sometimes we do have to take it all the way up to the
10 division director's level and the office director's
11 level.

12 COMMISSIONER ROGERS: Well, I'm not really
13 talking about difficulties. I'm talking about
14 communicating the top level policy position of this
15 organization all the way down to first level managers.

16 MS. WILLIAMS: Okay.

17 COMMISSIONER ROGERS: That's what I'm
18 concerned about. This kind of communication involves
19 two elements. There's the transmitter and the
20 receiver. The transmitter can be at full power and
21 the receiver can be turned off and there's no
22 communication then. I think we've got to find a way
23 to make sure that that message is received and acted
24 upon. That's why I think that the EEO ratings in
25 performance evaluations of managers are extremely

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1 important. I think that's one way to find out whether
2 that message is getting across or not.

3 MR. TAYLOR: I think part of this growth
4 there, we'd have to go back to the statistics, but a
5 lot of people were getting outstanding when they
6 didn't rate it.

7 COMMISSIONER ROGERS: Well, that's another
8 aspect, of course.

9 MR. TAYLOR: That is an issue, people that
10 get outstanding in the EEO areas where they didn't
11 rate it.

12 COMMISSIONER ROGERS: Well, that's a
13 separate issue and I have -- when you present me with
14 some numbers, I have to assume the numbers have some
15 validity. If they don't, that's another question.

16 MR. TAYLOR: But you need to look at where
17 it was in years past too because people weren't paying
18 attention in this area and it is an area of emphasis.
19 So, I think the fact that there aren't that many
20 outstandings should be indicative of management
21 insisting that people be fairly evaluating supervisory
22 positions in EEO.

23 COMMISSIONER ROGERS: Well, I quite agree
24 with you, Jim, that we have to be careful about
25 outstanding ratings. However, I have to assume that

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1 there's some kind of uniformity in the organization
2 and when there's a big disparity between levels, then
3 I think there's a message there. Whether 39 percent
4 is really a good number or not is not really what I'm
5 arguing about. Maybe that's a very good number and
6 maybe some of the other ones maybe other ratings are
7 too high, but I'm saying when I look at one area
8 versus others, one level versus others, I assume that
9 they're being rated on something of a comparable
10 basis. Otherwise it's another kind of problem.

11 MS. WILLIAMS: Additionally, if I can add
12 also, one of the things that we've tried to do is to
13 get with individual offices. What I've additionally
14 done is to meet with managers and supervisors
15 separately in offices to communicate with them what
16 the EDO's policy is and what his position is on
17 awareness in the Agency about EEO.

18 The very first year, which is a year ago,
19 we really were very, very proactive in that process
20 and we tried to get back to all of the offices
21 including the regions at least biannually for that
22 process. The managers have been very, very well
23 attendant in this process. The office directors and
24 the regional administrators have made a commitment
25 that their managers and supervisors will attend these

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1 sessions.

2 Secondly, we asked that all interested
3 employees also attend a separate session so they too
4 can voice their opinions and/or concerns about various
5 kinds of EEO-related issues or problems, individual
6 problems that they may be having. So, we are trying
7 to do more PR, if you would call it that, of this
8 particular awareness process and we will be doing
9 more.

10 COMMISSIONER ROGERS: Thank you.

11 COMMISSIONER de PLANQUE: Can I make a
12 comment on that issue?

13 COMMISSIONER ROGERS: Yes.

14 COMMISSIONER de PLANQUE: It's funny what
15 you can do with statistics when you really try. I
16 think I had asked for these numbers at the last
17 briefing because I had the suspicion that maybe we
18 weren't using this as an effective tool for
19 affirmative action. If you read the subelement, one
20 wonders if 100 percent of the managers here, which is
21 what the bottom line amounts to, are really excellent
22 and outstanding in this area.

23 While I didn't have '92 statistics
24 available to me, I went back and I looked at the '91
25 SES ratings overall and I found it kind of interesting

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1 that the outstandings were 42 percent and if you look
2 at the subelement of EEO for '92 I realize it's two
3 different years, but I'm assuming they're relatively
4 close, top management was 44, SES was 45. So, those
5 numbers are very close. The same thing happens with
6 the excellent. The overall rating is 57 percent and
7 the EEO is 56 and 55 for those two groups.

8 The question that raises in my mind, since
9 we know we have big problems in the EEO area, what
10 does it say about performance overall. So, you can
11 look at this several different ways, but I guess I
12 would like to look at it as a tool. There should be
13 more uniformity of judgment into how one performs
14 under that subelement. But I think it's clearly a
15 tool and I'm not sure it's being used effectively as
16 such.

17 COMMISSIONER ROGERS: If I could just turn
18 to the Joint Labor-Management Equal Opportunity
19 Committee Report, there was a comment in there that
20 the committee doesn't recommend that the policy
21 statement that was being developed at the time that
22 they wrote this, I guess, be issued in its current
23 form because it's not effective and does not
24 necessarily reflect the concerns of the parties
25 affected. Where does that stand? This announcement

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1 that came out on February 3rd, I take it, is not the
2 policy statement. This is just a statement of some
3 information, of some examples of things that we're not
4 going to tolerate.

5 MR. BIRD: Right.

6 COMMISSIONER ROGERS: But where does the
7 policy statement itself stand?

8 MR. BIRD: The policy statement is soon to
9 be issued in March, I believe it is. We've had
10 interaction with the employee groups on this. We've
11 recently gotten input from all of them. There was
12 certainly a lot of involvement by OGC and other
13 interested parties in the organization in developing
14 that. I think the latest version that I saw would
15 certainly respond to the concerns of the past and
16 again we've gotten a lot of input from the various
17 parties at the table and we appreciate that. I think
18 the policy book, if you will, will answer a lot of
19 questions from a lot of different perspectives here
20 and certainly it's timely to go ahead now and get it
21 out. I believe that's already been sent to the
22 publisher, if I'm not mistaken.

23 MR. PITTIGLIO: Could I make a comment
24 regarding that? Our committee is providing some
25 additional comments. We have reviewed it. Our

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1 comments have not been incorporated and we haven't
2 provided them, but there were some comments in the
3 initial policy statement in the revised version that
4 causes some problems.

5 For example, when you read the statement,
6 it indicated one of the problems may be the dress of
7 the individual. It went from a policy statement to a
8 how-to to avoid sexual harassment. When you read it,
9 it to me gave the impression that it was again pushing
10 the burden back on the individual rather than
11 establishing guidelines for the Agency. It didn't
12 heavily emphasize what was the implications for
13 violation of a sexual harassment. Again, it just put
14 the burden back on the employee.

15 I understand that dress could be a
16 problem, but I don't think that that is appropriate to
17 be put in a policy statement. And certainly who would
18 be adequately able to judge what is appropriate dress
19 and those kinds of issues was the comment that our
20 committee made. We intend to provide comments, but we
21 have not at this time yet provided them.

22 MR. BIRD: We had the comments. When you
23 provided it or not, we were certainly aware of it,
24 Larry, and there is nothing in there to that affect.

25 MR. PITTIGLIO: Yes, I provided that to

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1 Barbara about two or three days before it went in.
2 But that was only one of several comments. That was
3 a concern. It was the connotation of those types of
4 statements that caused problems. I'm not sure that --
5 I talked to other committees. I'm sure the Federal
6 Women's Program had some comments and I don't know
7 whether they were incorporated or not. I think if
8 it's going to be an agency position, it should best
9 reflect the interested parties.

10 MR. BIRD: We totally agree and that's why
11 we'd asked all the committees to give us their
12 comments. We set a deadline for that. We had
13 comments, including those from your committee, to the
14 extent we had them in. We'd certainly entertain any
15 further comments that you have, Larry.

16 MR. PITTIGLIO: Well, we intend to provide
17 comments within the next month to you on that
18 statement.

19 MR. BIRD: Certainly we would appreciate
20 that at any time. We did take that particular issue
21 into account and the language does not reflect that.

22 COMMISSIONER ROGERS: There was also in
23 that report some comments about the amount of time
24 that could be used on EEO activities and that there
25 was one amount of time that was a one hour limit per

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1 month that was then changed to take it four hours per
2 month. But I think that it seems to me that I don't
3 know what's the right amount of time and I wouldn't
4 attempt to judge that, but it does seem to me that
5 that episode illustrates a lack of communication. You
6 shouldn't put something out even on a tentative basis
7 that raises such an uproar that you have to change it
8 by multiplying it by a factor of four.

9 I mean I would think that somehow the
10 dialogue should be such that it's a sensitive area.
11 The perception is that these things are not being
12 taken seriously enough by management. I don't think
13 that's correct, but I think it seems to me it's a
14 fumble. I think that one ought to be able to come a
15 little closer to something that you can stand by and
16 stick with by having talked it out beforehand before
17 having to change substantially what that management
18 position would be, namely from one hour to four hours
19 per month.

20 MR. BIRD: Ed, would you like to comment?

21 MR. TUCKER: Yes. It was a fumble. It
22 was a misunderstanding. Some years back there was
23 some guidance provided to the committees in terms of
24 how they should operate. We did circulate a draft to
25 the committees in terms of their procedures that they

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1 would follow. We certainly understand that the
2 committees need much more than an hour to conduct
3 committee business. In fact, they're spending more
4 than four hours if you take into account all of the
5 additional activities they get involved in in
6 preparing for Commission briefings. If the committees
7 are involved in special programs, then of course this
8 too is going to add to the time that they spend.

9 What we were trying to do is try to reach
10 some sort of agreement based on the concerns of the
11 management supervisory staff with respect to the
12 amount of time that committee members were spending on
13 committee activities vis-a-vis their regular
14 responsibilities. We feel like there has to be some
15 balance in terms of --

16 COMMISSIONER ROGERS: Oh, clearly.

17 MR. TUCKER: -- what goes on.

18 COMMISSIONER ROGERS: There has to be.

19 MR. TUCKER: We encourage the committees
20 to the extent possible to try to reconcile with their
21 supervisory staff the time that they're going to be
22 spending on these types of activities and there has to
23 be some give and take.

24 COMMISSIONER ROGERS: My point is not how
25 much time because I don't know what's the right amount

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1 of time. But my point is that I think that the
2 communication should be such that when you set a
3 number it's one that is more easily accepted by
4 everybody.

5 MR. TUCKER: Well, it wasn't really
6 setting a number, it was a draft document. We were
7 going out to the committees to find out --

8 COMMISSIONER ROGERS: Yes, but when you
9 put out a draft position, that says where you're
10 coming from. It says where you stand at this point,
11 unless somebody pushes you to a different position.
12 It seems to me that that initial position is an
13 important one because it carries a message with it.
14 That's really what I'm saying.

15 MR. TUCKER: The point is well taken.

16 MR. PITTIGLIO: Could I make another
17 comment regarding that? It caused a burden on the
18 individual and it's certainly not the committee's
19 member to have to go back to their management to
20 justify the position. If the Agency doesn't want to
21 strongly support the committee's activities, that's
22 certainly an agency's position. But for an individual
23 or a committee member to have to go back and defend
24 their position or time is certainly discouraging and
25 it makes it very difficult to try to recruit people to

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1 participate in a committee that may be viewed as a
2 negative impact on their career.

3 COMMISSIONER CURTISS: I just have a
4 couple of questions and a couple of comments. The
5 questions are really on matters that we've spoken
6 about at previous Commission meetings and I'd just
7 like to follow up on them here to see where we stand.
8 We've spoken on a number of occasions about the
9 potential for some turnover, maybe some higher
10 turnover in the SES and the management ranks here with
11 the high three phenomenon with us now in calendar year
12 1993.

13 Could you give us a current status report
14 on what you're expecting in terms of SES and senior GS
15 turnover this year and whether you're seeing roughly
16 the same level of turnover retirements as we've seen
17 in the past or whether there's some peak this year?

18 MR. BIRD: Yes, I can certainly -- some of
19 the -- particularly at the office director level, we
20 are starting now to experience some of the turnover
21 that we anticipated. Certainly you're aware that
22 Harold Denton has announced his intentions. Joe
23 Fouchard has announced his intentions. So, we're
24 starting to see certainly signs of the turnover that
25 we've been projecting.

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1 The best gauge for that is not only moving
2 into the zone of retirement but certainly the age
3 related to the zone which generally throughout
4 government is around age 60. We have a chart that's
5 in the paper, I can call that up if you'd like to take
6 a look at it, which responds to this. It's the chart
7 on page 6. Yes, it's on the board.

8 COMMISSIONER CURTISS: I guess what I was
9 really looking for is whether based upon what you had
10 seen roughly a year or so ago, you're projecting an
11 increase in the retirement in these ranks or whether
12 it's going to be relatively steady.

13 MR. BIRD: No. Actually, we still feel
14 this is a good projection, particularly the second
15 line in that chart which shows the correlation between
16 being in the retirement zone and the age. Now, of
17 course, what will happen as we replace those who are
18 leaving, the numbers would potentially diminish in the
19 out years. Presumably we would get people in that are
20 below age 60. We would get people in place who would
21 be here for some duration. So, the next time we give
22 you an update of this, it may have changed based on
23 those that are now leaving. But we believe that these
24 numbers are still fairly good, particularly that line
25 that associates with age 60 and above. That tends to

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1 track the rest of the government as well.

2 COMMISSIONER CURTISS: Okay. The second
3 area that I've actually raised in the past and I'd
4 just like an update on, we've of course got a day care
5 center planned for the second building and as I see it
6 going up over there and at some point with us moving
7 into it, I assume that the plans are still moving
8 forward to go ahead with the day care center and
9 that's on schedule.

10 MR. BIRD: Yes.

11 COMMISSIONER CURTISS: What is the
12 scheduled opening date for that? Do you know that?

13 MR. BIRD: The scheduled opening date for
14 the day care center is September '94.

15 COMMISSIONER CURTISS: Okay.

16 MR. BIRD: Things are in place for that.
17 Mr. Springer had mentioned that there may be some
18 potential delay as the building is filled and as
19 carpet and that sort of thing is installed, to make
20 sure that the building -- any of the gases or other
21 things that may be in the building at the outset would
22 be eliminated. But we're not expecting a delay in
23 that. Our plan is to open at that time. We have
24 worked with a management group now to the point that
25 we feel we'll be fully functional at that time

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1 provided the building is available for occupancy.

2 COMMISSIONER CURTISS: At some point here
3 soon, I assume we'll be moving into the process of
4 retaining people to actually staff the center?

5 MR. BIRD: Yes. We're already involved
6 with that. Again we're getting outside help and
7 support with that. We'll be looking for Agency
8 employees to serve as board members. We're dealing
9 with liability insurance aspects of it and certainly
10 since you may have an interest, we may be interested
11 in having you participate.

12 COMMISSIONER CURTISS: Okay.

13 MR. TAYLOR: You can tell he's looking for
14 volunteers.

15 MR. BIRD: Yes, sir.

16 COMMISSIONER CURTISS: You know my term is
17 up June 30th. So, just keep that in mind.

18 MR. BIRD: Well, we'll talk to the White
19 House.

20 COMMISSIONER CURTISS: I only have one
21 word of advice. Don't hire any illegal aliens to
22 staff it or we'll all be in trouble.

23 I had two comments, one with regard to
24 HEPAC. I would be particularly interested as you
25 evaluate the process over the next year whether you

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1 think there are special things in terms of the
2 retention efforts that we need to look at and
3 consider. I know that's one that you've looked at to
4 a degree in the past and are currently trying to come
5 to grips with just what is the best way to retain
6 people, particularly ones that come in the intern
7 program, as you've pointed out, an area that's
8 particularly fruitful for recruitment. We obviously
9 invest a lot of our effort and resources in those
10 people and if we're not doing what we need to to make
11 sure that we keep them, I think that's an area that
12 could be fruitfully examined.

13 Finally, let me make a comment on the
14 steps that you've outlined in the sexual harassment
15 area. I commend you for the high degree, and
16 particularly you, Mr. Taylor, for the high degree of
17 attention and visibility that you're giving to that
18 issue. I do think we have all experienced either
19 individual cases or reports on what's happening in
20 this area and I trust we all feel that any single case
21 of sexual harassment is one too many for the Agency.

22 The steps that you've outlined, I think,
23 are steps that not only will give it a high degree of
24 visibility but will assure that everybody within the
25 Agency knows what the procedures are, knows what the

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1 sensitivities are and is fully familiar with the
2 Agency's commitment in that area to root out and
3 address any kind of sexual harassment whatsoever.
4 Whether those steps are being taken fast enough or
5 aggressively enough I think will probably ultimately
6 be proven in terms of whether we have succeeded in
7 eliminating sexual harassment within this Agency.

8 But I do want to commend you because I
9 know you've invested a considerable amount of your
10 time in that effort for the high level of attention
11 that you're giving it to the Agency and express my
12 personal support for that effort.

13 COMMISSIONER REMICK: When Commissioner
14 Rogers suggested the possibility of a mentoring system
15 for young technical folks who might aspire to SLS
16 positions, the thought went through my mind that --
17 and I'll characterize. I forget the exact titles --
18 distinguished scientists and engineers that we might
19 have might serve as a possible mentoring, particularly
20 in the technical maybe not the regulatory aspects of
21 that type of job. What is the status of the senior
22 scientist and engineering program?

23 MR. BIRD: We've done considerable
24 recruitment with regard to those programs. As of the
25 present moment, we haven't identified anyone who would

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1 be of the level that we believe would satisfy the
2 requirements for that. We have some additional things
3 planned. For example, we're contacting all the
4 offices of state geologists looking for seismology
5 experts.

6 So far, I would have to characterize it as
7 not successful. I think certainly people within the
8 community that we're involved with know the people who
9 we might recognize as distinguished engineers and
10 scientists within that community. Those particular
11 people have not yet opted to be candidates for the
12 program as we've laid it out. We have some visits to
13 the national labs planned. We're certainly expecting
14 that there would be some ramifications for the
15 national labs, a revamping if you will, and I believe
16 there's some potential there to draw the types of
17 experts that we're looking for and people that we
18 might recognize as distinguished engineers and
19 scientists from that effort.

20 But so far, despite some extensive
21 efforts, we have not had any success in identifying
22 people who we feel would meet those particular
23 requirements and have the credentials that we're
24 seeking. So we have not had a lot of success with
25 that. However, I do appreciate the point that should

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1 we identify those, they would certainly make good
2 mentors.

3 COMMISSIONER REMICK: Yes. If I recall,
4 those are positions that would be for a several year
5 period. When we contact people, assuming we are, do
6 we point out the possibilities of the
7 Intergovernmental Personnel Mobility Act --

8 MR. BIRD: Yes.

9 COMMISSIONER REMICK: -- possibly applying
10 to make it easier for them to consider a couple of
11 year change?

12 MR. BIRD: Yes. I think with the
13 candidates we certainly outlined the options for
14 various types of employment that they might have or
15 affiliations they might have with the Agency. We're
16 not restrictive there. We're trying to leave as many
17 options as possible open so that if we find someone
18 who does fit the bill, we'll have the mechanism to be
19 able to put them in place quickly. I think the
20 drawback though so far has been that we haven't
21 identified anyone who on staff review has risen to the
22 level that we're seeking at this particular time.

23 COMMISSIONER REMICK: Sometimes those
24 things work best by word of mouth. In other words,
25 people within the Agency knowing people. What are the

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1 areas in which we're seeking again? You mentioned the
2 seismology area.

3 MR. BIRD: Instrumentation and controls,
4 seismology, fracture mechanics and there's one other.
5 Is it metallurgy? Criticality.

6 COMMISSIONER REMICK: Criticality.

7 MR. BIRD: Right.

8 CHAIRMAN SELIN: Commissioner?

9 COMMISSIONER de PLANQUE: I have a couple
10 of comments. First of all, I'd like to thank you
11 again for the report because it gives us a good handle
12 on what's really going on and helps us to formulate
13 the next set of questions as you know usually come.
14 But it's becoming very easy to use. So, I do thank
15 you for that.

16 I would like to congratulate you on some
17 of the more creative programs I'm seeing in here this
18 time. I think some of them are extremely interesting,
19 like advertising in the local Hispanic papers, just to
20 point out an example. But I'm seeing a lot of
21 interesting new programs in here which I think are
22 very good.

23 We discussed the sexual harassment problem
24 and I have made myself aware of a few of the cases.
25 One of the key problems I see again is that the system

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1 works in such a way that whether you like it or not it
2 almost becomes a formal process.

3 I just happened to notice in the Federal
4 Times an interesting thing that the Navy is doing. If
5 you haven't seen it yet, you may want to take a look
6 at it. They have a hotline now that they're using
7 where someone can call anonymously to get information
8 and that's not just for the harassed, but for someone
9 who thinks they may have done something. I thought it
10 was an interesting approach because right now it's
11 hard for us to have any mechanism for an informal
12 testing of the waters on this and that just might do
13 that. So, it might be something else.

14 I know you're looking into a lot of
15 different programs, but that might be one you would
16 like to look into as well.

17 Do you know yet when the 1990 Census data
18 will be available and when they can be used?

19 MR. BIRD: Yes. We believe that that's
20 going to be available in March, April time frame of
21 this year. We're not exactly sure what form it would
22 be available in. We know the data is there. We know
23 OPM has it and the EEOC has it, but they haven't done
24 the compilations by PATCO groups at this point. I
25 think that's what they're working on. But we expect

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1 that in March. We've been told -- we've called them
2 rather incessantly because we've known for a long time
3 that we needed updated data.

4 COMMISSIONER de PLANQUE: Yes.

5 MR. BIRD: We're told that that should be
6 available in March and hopefully in the form that we
7 can use it.

8 COMMISSIONER de PLANQUE: Okay. You know
9 I've asked about this before and especially about the
10 use of national statistics versus regional statistics.
11 That point came back to mind again when I looked at
12 the difficulties in recruiting Hispanic with a target
13 of 20 and not getting anywhere near that target and
14 with the one indication here that people just didn't
15 want to relocate to Washington.

16 It occurs to me that when targets are set
17 it's very important to look at the regional statistics
18 just for that sort of problem. It may be that in some
19 cases and for some categories our targets are too high
20 and unrealistic. But it may be in other cases our
21 targets are much too low and not representative of the
22 local population. So again when you get those
23 statistics, I'd encourage that.

24 MR. BIRD: Yes. We're very interested in
25 looking at those cross cuts. As you may know, they've

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1 redefined the geographic area, particularly the
2 Washington Metropolitan area, and that could
3 dramatically change the characteristics of that
4 particular PATCO group. But we haven't seen it. So,
5 I really don't know yet how that stacks up. But
6 certain occupations, for example the secretarial
7 clerical occupations, are always going to be locally
8 recruited.

9 COMMISSIONER de PLANQUE: Right.

10 MR. BIRD: So that's a much better
11 indicator of the availability than the national
12 statistics. One important thing to keep in mind,
13 however, with that data, is that it does include non-
14 citizen.

15 COMMISSIONER de PLANQUE: Yes, I know.

16 MR. BIRD: And in many cases, if we're not
17 in the position to be able to hire non-citizens, we're
18 shown to be more disadvantaged and more under-
19 represented than if you could get that data without
20 that.

21 COMMISSIONER de PLANQUE: Right.

22 MR. BIRD: But my understanding is it may
23 not be available without including the non-citizen
24 element.

25 MS. LOPEZ-OTIN: Excuse me. Looking at

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1 the geographic area with the downsizing of DOD, I know
2 that DNA and some of those places are really full of
3 engineers which should be capable and less of
4 Hispanics are there, so maybe we can start working
5 there.

6 COMMISSIONER de PLANQUE: Yes. It's
7 important that you look at it for the targets, so that
8 they are realistic. Some may need to come up.

9 MS. LOPEZ-OTIN: Right.

10 COMMISSIONER de PLANQUE: I have a
11 question on the statistics on page 1.5. I always want
12 to get out my calculator and I did it in this case and
13 I found myself frustrated. This is on professional
14 hires, comparing the profiles of those hires versus
15 the applicants, and I'm struck by the fact that almost
16 half are unaccounted for in the total applicants, the
17 797 that you could not identify that were not self-
18 identified or you didn't know.

19 Is there any way to improve those
20 statistics? Can you legally improve those statistics?

21 MR. BIRD: No, because it's self-
22 identification and we do pursue this with applicants.
23 They're not in any way obliged to identify if they
24 choose not to, and I think there may be various
25 reasons that they don't return that particular form

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1 when we ask them to. When we've interviewed them, we
2 try to do our own identification. We don't want to be
3 presumptuous, but certainly we do try where we can to
4 make that said identify beyond the self-
5 identification. However, in actually using that for
6 a data profile such as this, we generally will not do
7 that.

8 COMMISSIONER de PLANQUE: Yes.

9 MR. BIRD: Because, regardless of your
10 ethnic background, if you choose to identify
11 otherwise, then, so be it. We will record it that
12 way. Certainly we may know it and, in fact, Mr.
13 Tucker's office and we have worked on individual cases
14 in this agency where we believe there's
15 misidentification with individual people and there may
16 be reasons that they choose to identify as they do.
17 So, we don't take that beyond the point that an
18 individual would tell us for the purpose of this type
19 of statistic.

20 COMMISSIONER de PLANQUE: It's
21 unfortunate, because it makes it hard to interpret the
22 numbers. For example, if you look at the numbers that
23 are here and you look at the pool of applicants, you
24 would say that just projecting the same profile you'd
25 expect about 39 percent of the selectees to be

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1 African-American, Asian or Hispanic, and only 21
2 percent are. But, if you add in those 797 applicants
3 to the total and make the extreme assumption that
4 they're all white males, then you would only project
5 21 percent, which agrees with the actual selection.

6 So, it makes it very difficult to
7 interpret the numbers. The same thing would happen in
8 the case of the white males. They're only 45 percent
9 of the applicant pool, but 59 percent of the
10 selectees. That reverses itself if you make the
11 assumption I just made before.

12 MR. BIRD: We've had the same frustration
13 with this data and even with data within the work
14 force. For example, we self-identify for disabilities
15 and we recently put out a new solicitation and just
16 the immediate result of that is an additional 50 some
17 employees who have unreported disabilities that we
18 weren't recording. So we know the frustration, but we
19 don't believe we're in the position to force the issue
20 or to try to make our own interpretation and then
21 include that in anything that we would utilize.

22 COMMISSIONER de PLANQUE: Okay.

23 I think sometime over the last year, I
24 forget exactly when, you accumulated a list of women's
25 colleges and I noted in this report again active

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1 recruitment, the Hispanic organizations, the
2 historically Black colleges, but I didn't see any
3 mention of use of that list in any of your recruiting
4 efforts. Is it being used at all?

5 MR. BIRD: Yes. Thank you very much. We
6 did use that list. We got an update of that list and
7 we've got several specific recruitment events related
8 to women. I'm not sure that they're exclusively
9 women's colleges or from that list, but there is a
10 particular focus there and that list has been included
11 in all the colleges and universities that we look at
12 in trying to select out the places we go. We
13 certainly can't go to every place every year, but in
14 the course of things that is being factored in, very
15 much so. Thank you.

16 COMMISSIONER de PLANQUE: Okay.

17 And one last point. This is Mr. Taylor's
18 favorite question. Can you tell us the status of
19 looking into flexiplace?

20 MR. TAYLOR: As you know, the OPM study
21 was completed and we're now getting ready to get input
22 from office directors and regional administrators on
23 how we should implement this. There's some potential
24 of adversely impacting our mission, so I want to take
25 it in a step by step way, but we are starting.

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1 COMMISSIONER de PLANQUE: We're in an
2 information gathering stage now? Is that --

3 MR. TAYLOR: No. We're going to consult
4 the office directors and regional administrators to
5 get our ideas together on how we could implement it
6 without adversely impacting what we do.

7 COMMISSIONER de PLANQUE: Okay.

8 That's all I have. Thank you.

9 MR. TAYLOR: Mr. Chairman, before we
10 finish this afternoon, I'd appreciate taking the
11 opportunity to acknowledge all the people who have
12 enthusiastically served as mentors in one of the
13 Agency's career development initiatives. This is our
14 NRC Mentoring Program.

15 Approximately two years ago, Blacks in
16 Government took the lead in introducing mentoring for
17 members of the NRC staff. This process of a more
18 experienced employee assisting a less experienced with
19 the express purpose of enhancing career potential for
20 the less experienced employee is gaining acceptance
21 and meeting with some success.

22 We adopted an Agency-wide program in March
23 of last year, 1992, and I must note that we have a lot
24 of very strong contributors to this program. I'd like
25 to specially recognize Barbara Williams, who was

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1 talking to you previously, for working for Paul Bird
2 and me in spearheading the program, broadening the
3 participation, working to enhance the relationships
4 between mentors and the employees that they're
5 counseling.

6 With your permission, I'd like all mentors
7 in the audience and at the table to please stand.

8 Mentors?

9 On behalf of all the management of the
10 Agency, I'd like to thank you for your commitment in
11 support of the program and your time. Your efforts
12 have significantly contributed to the growth and
13 development of the NRC staff, our most precious
14 resource, and I appreciate the individual person to
15 person work that goes on.

16 We are providing recognition certificates
17 prepared by the Office of Personnel and we will be
18 presenting those to our mentors later this month.

19 Again, thank you very much, and I'd like
20 to applaud the mentors.

21 CHAIRMAN SELIN: Well, I'd like to add my
22 recognition to your words, Mr. Taylor, about the
23 mentors. It's one of the best programs we have and
24 it's a terrific investment. It's an ability to get
25 experience and guidance that cannot be duplicated by

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1 any other formal or informal program. The individual
2 effort and attention that goes into this should
3 produce a payoff that we can't get in any other way.

4 Just a couple of wrap-up remarks I'd like
5 to make. First, it's clear that the Commission finds
6 these briefings very useful and, in fact, not just the
7 format but the quality of the analysis that goes into
8 the statistics has improved enormously since we
9 started these a year and a half, two years ago. I
10 think that the emphasis, although there still will be
11 some statistical questions, the emphasis should
12 continue to shift from what are the facts to how are
13 programs doing, are they going to succeed or do we
14 have to do something different.

15 From my own point of view, I find the
16 displays very helpful. I find the remarks about what
17 we're doing, what works and what seems to go slow
18 consistent with the best root cause tradition of the
19 Agency when we're looking at technical problems as
20 opposed to our own management problems.

21 I think we all recognize there's a lot
22 more work to do before we achieve these goals. I hope
23 nobody gets discouraged along the way. Digging into
24 these facts, trying to get them out on the table and
25 seeing where the problems are is essential to success

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1 and without the help in these meetings that we've
2 gotten from the supporting groups we wouldn't be
3 making the progress that we are.

4 I'd like to make one last comment about
5 sexual harassment, something I said to Mr. Thomas, but
6 I just want to make it clear that this is not a
7 bilateral problem between the harasser and the
8 harassee, that we have not, I don't think, in the past
9 been clear enough in telling the management that we
10 expect the managers at all levels to be sensitive to
11 these problems and seek them out, to make sure that if
12 the problems are arising that just "boys will be boys"
13 is not a satisfactory answer.

14 This will be specifically taken into
15 account in promotion, in special awards, and it's
16 something that you can't just look the other way and
17 wish it had gone away. It's an explicit part of our
18 management problem as well as a question of building
19 up sensitivities and getting people to come forward
20 that have complaints or might have complaints.

21 Thank you very much. We look forward to
22 the next presentation.

23 (Whereupon, at 3:44 p.m., the above-
24 entitled matter was concluded.)

25

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