

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Brooke P. Clark, Secretary
FROM: Commissioner Wright
SUBJECT: SECY-23-0072: Final Agency Decision to Implement
the Flexible Work Model

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Entered in STAR

Yes

No

Signature

Commissioner Wright's Comments on SECY-23-0072, "Final Agency Decision to Implement the Flexible Work Model"

I appreciate the staff's work on this paper, but I am concerned that the proposal in SECY-23-0072 is inconsistent with recent direction from the Office of Management and Budget (OMB) and the White House. OMB Memo M-23-15 stated that, "agencies are generally expected to continue to increase meaningful in-person work..." From my perspective, boosting the number of telework days in a pay period that a first-line supervisor can approve (from six to eight) will not increase meaningful in-person work. I am aware that OMB did not reject NRC's plan outright, but I disagree that the staff's proposal meets the spirit of what OMB directed us to do.

Furthermore, I note that the White House Chief of Staff recently sent a message¹ to cabinet level agencies, which stated:

"[Y]our agencies will be implementing increases in the amount of in-person work for your team. **This is a priority of the President** – and I am looking to each of you to aggressively execute this shift in September and October. We are returning to in-person work because it is critical to the well-being of our teams and will enable us to deliver better results for the American people. These changes will allow us to harness the benefits of enhanced flexibilities that we experienced during the pandemic, while ensuring we have the in-person time we need to build a strong culture, trust, and interpersonal connections. Newer members of our team – who will be the future leaders of our agencies – will have the face-to-face interaction critical to learning and growing, and all of us will benefit from the increases in morale, teamwork, and productivity that come from in-person work. [emphasis added]

Of course, I fully recognize that we are an independent, non-cabinet agency and we are not required to follow this direction. Nevertheless, I believe we must "read the room" and understand that the Federal Government is shifting to a posture that seeks to retain telework flexibilities while increasing the amount of in-person presence. As we decide how best to make this shift, we should be considering not just what is best for individual employees but also what is best for the agency and for all stakeholders that are counting on us to execute our mission.

From that perspective, I believe that the staff's proposal to further increase telework will have a detrimental impact on our ability to recruit and retain personnel for positions where in-person work is essential, such as resident inspectors. Employees in these positions may—understandably—question why they need to be in the field nearly every day while their counterparts in other positions are free to work from home almost exclusively. This raises a question of fairness that the SECY paper does not resolve. I am also concerned that if regional offices expand telework, employees may be less willing to provide backfill support to the residents.

My number one concern is ensuring that the NRC remains capable of executing its vital safety mission. I believe that employees are most engaged and feel the strongest connection to our mission when we strike the right balance between in-person work and remote work.

For these reasons, I disapprove the flexible work model, effective immediately. In its place, the agency should retain its current telework practice (i.e., first-line supervisors should retain the authority to approve up to six days of remote work per pay period), except as applied to

¹ It is my understanding that OMB forwarded this message to the EDO on August 4, 2023.

individuals serving in Senior Executive Service (SES) positions. This exception for SES employees is similar to recent policies adopted by other Federal Executive Branch agencies, such as the Departments of Agriculture, Education, Interior, and Labor, as well as the Environmental Protection Agency. As the most senior career employees of the agency, SES employees are entrusted with critical roles, the performance of key authorities, and agencywide leadership responsibilities that inherently necessitate a higher level of in-person presence. For this reason, in-person work for individuals serving in SES positions should increase to at least six days per pay period, effective at the start of the first pay period that occurs 60 days after the issuance of the SRM.² An in-person day for SES positions is a minimum of six hours.

² For SES employees, this does not affect existing reasonable accommodation or other special circumstances arrangements.