



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 17, 2001

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM:      SECY-01-0106

TITLE:                      CHILD CARE TUITION ASSISTANCE

The Commission approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of August 17, 2001.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in cursive script, reading "Annette L. Vietti-Cook".

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Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc:      Chairman Meserve  
         Commissioner Dicus  
         Commissioner McGaffigan  
         Commissioner Merrifield  
         OGC  
         EDO  
         PDR

VOTING SUMMARY - SECY-01-0106

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X				X	6/27/01
COMR. DICUS	X				X	6/25/01
COMR. McGAFFIGAN	X				X	7/31/01
COMR. MERRIFIELD	X				X	7/20/01

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Commissioner Dicus would have preferred the staff's recommended income ceiling for eligibility. Commissioner Merrifield would have preferred a phased approach to distribution of tuition assistance. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on August 17, 2001.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN MESERVE

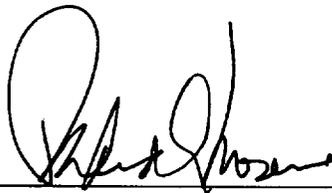
SUBJECT: **SECY-01-0106 - CHILD CARE TUITION ASSISTANCE**

Approved  <sup>w/comments & edits</sup> X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

See attached.



\_\_\_\_\_  
SIGNATURE

June 27, 2001

\_\_\_\_\_  
DATE

Entered on "STARS" Yes  X  No \_\_\_\_\_

## **Chairman Meserve's Comments on SECY-01-0106**

Arranging for adequate child care services is a very high priority for parents with children under the age of 13 and can be prohibitively expensive for many families, even when both parents are employed full time. In recognition of this widespread social problem, Congress has authorized pilot programs designed to ease the financial hardship on lower income Federal employees for child care services. While I recognize that there are a number of uncertainties associated with the pilot program and the staff's proposed plan, I believe the NRC cannot long remain on the sidelines of this initiative without imposing hardships on our employees and without affecting employee morale.

I am mindful that Congress has not yet extended the authorizing legislation to encompass FY 2002. If it should do so, it is my view that the NRC should join the growing roster of agencies that support this initiative. Involvement in the pilot is consistent with the NRC's growing emphasis on addressing our human capital needs: this experiment could help to attract new employees and to retain current ones.

I have some suggestions for the announcement.

To: NRC Employees

SUBJECT: CHILD CARE TUITION ASSISTANCE

Under current legislation, Federal agencies have an option to use a portion of their appropriated funds to assist their lower income employees with the costs of child care (Public Law 106-58, Section 643, and Public Law 106-554, effective October 1, 2000). Under the law, Federal agencies may elect to use funds appropriated for salaries and expenses to help defray some of the costs incurred by their lower income employees to provide child care for children age 13 years old and younger. The child care must be provided in a licensed facility (e.g., a licensed child care center, a child care home licensed by the appropriate local jurisdiction, a licensed after-school care program). Agency Ppayments from an agency to cover a share of child care expenses must be made directly to the appropriate child care facility.

This law is currently in effect through September 30, 2001. Extension beyond FY 2001 is uncertain at this time. Nonetheless, if the authorizing legislation is extended, NRC is preparing to implement a program to provide tuition assistance to its lower income employees on a sliding scale based on total family income (as reflected in the employee's most recent Federal income tax forms) and child care costs. NRC's program will be administered by an outside organization.

Employees who wish to receive more information about this program, and about how to apply for tuition assistance, should call Carolyn Swanson (301-415-7530) or Jude Himmelberg (301-415-6974) for more information.

Paul E. Bird, Director  
Office of Human Resources

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER DICUS  
SUBJECT: **SECY-01-0106 - CHILD CARE TUITION ASSISTANCE**

Approved   x   Disapproved        Abstain       

Not Participating       

COMMENTS:

I enthusiastically support the staff's proposal for a child care tuition assistance program. As we strive to maintain our work force and attract new employees to careers at the NRC, programs that promote a family friendly atmosphere will become increasingly beneficial to our agency as a whole.

Annette Vietti-Cook  
SIGNATURE

June 25, 2001  
DATE

Entered on "STARS" Yes   x   No

NOTATION VOTE

RESPONSE SHEET

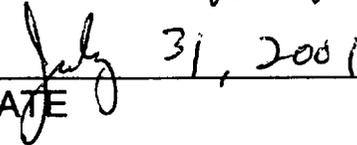
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-01-0106 - CHILD CARE TUITION ASSISTANCE**

Approved  <sup>w/comments</sup> Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

See attached comments.

  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

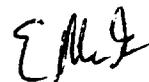
### ***Commissioner McGaffigan's Comments on SECY-01-106***

I approve establishing a program to provide child care assistance to certain employees with children under the age of 13, and I offer the following comments for the staff's consideration. I also approve establishing eligibility for this program based on a sliding scale and reprogramming \$50,000 of FY 2002 budget for this program.

In my opinion, NRC and other Federal agencies would be best served by a government-wide child care tuition assistance program to provide a stable and predictable program in much the same way as Federal employees benefit from government-wide health care, leave, retirement and mass transit subsidy programs. For the most part, there are rules, procedures and clear guidelines governing the administration of such programs that provide a "level playing field" for all Federal employees. I believe a more rational public policy would consist of a government-wide tuition assistance program authorized by Congress on a multi-year basis that would result in uniform eligibility rules and benefit levels for all agencies' employees, unlike what is occurring under agency-specific programs, as described in the Office of Personnel Management's March 2001 report to Congress. The current approach using annual appropriations riders allows neither agencies nor employees to make long-term child care plans and leads to inequities across agencies.

That all said, I generally agree with Commissioner Merrifield's comments and am sympathetic to his concern that we not design a program where employee expectations could not be met or where we are an outlier in terms of income eligibility. I support capping eligible total family income at \$50,000 and adopting a sliding scale as described in Commissioner Merrifield's vote. I recognize Commissioner Merrifield's point that we really do not know whether \$50,000 will be enough to cover eligible NRC employees, particularly when new hires throughout the year may produce additional eligible employees. However, as an alternative to a phased-in approach, which might produce great uncertainty for NRC employees with a \$35,000 - \$50,000 total family income, I would recommend that in the first year (fiscal year 2002) we be prepared to supplement the \$50,000 reprogrammed with recycling program revenues, which are currently allocated between the Employees Welfare and Recreation Association (EWRA) and the existing child care tuition assistance program for eligible employees who have children enrolled at the NRC Headquarters' Child Development Center. If \$50,000 proves insufficient for FY 2002, I would not reduce the child care tuition assistance contribution per family, but I would reduce, if necessary, the recycle funds going to EWRA, which have grown from \$0 prior to FY 2000 to \$38,000 in FY 2001 to cover such employee programs as the noontime concerts. While I appreciate EWRA's efforts, I believe child care assistance, whether through the new or the old program, should be the focus of the recycling program revenues. EWRA should not become dependent on the recycling funds for its activities. If in FY 2002 the combination of the reprogrammed \$50,000 plus recycling funds diverted from EWRA are not enough to cover the program, I would support further reprogramming of appropriated funds to cover the shortfall. However, the staff should concurrently consult with the Commission on options for redesigning the tuition assistance program in FY 2003 and beyond to ensure that program costs are within budget. At that time, one option that should be considered would be to reduce the tuition assistance contribution per family so that all eligible employees receive some level of assistance.

Finally, the draft NRC announcement in Attachment 4 is too vague. I suggest that it be modified to include specific program attributes (e.g., salary cap, percentage or approximate percentage of NRC contribution), so that potential applicants, some of whom may be reluctant to be identified at first, can independently determine their eligibility without first contacting the Office of Human Resources.

A handwritten signature in black ink, appearing to be 'E. M. J.', located in the lower right quadrant of the page.

NOTATION VOTE

RESPONSE SHEET

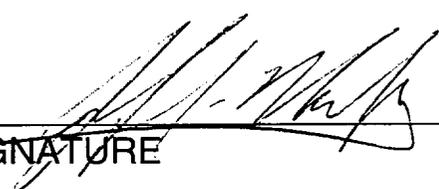
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: **SECY-01-0106 - CHILD CARE TUITION ASSISTANCE**

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

*See attached comments.*

  
\_\_\_\_\_  
SIGNATURE

*7/20/01*  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

## COMMENTS OF COMMISSIONER MERRIFIELD ON SECY-01-0106

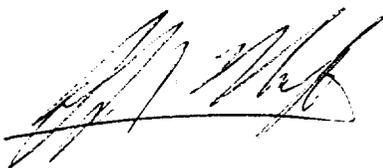
I approve establishing a program to provide Child Care assistance to employees with children under the age of 13, whose joint family income falls below certain levels. I also approve establishing eligibility for this program based on a sliding scale and reprogramming \$50,000 of FY 2002 budget for this program.

However, it is clear to me that the annual \$50,000 budget for this initiative requires a different implementing plan than the one proposed in the paper. Several details have been overlooked and should be considered. It is imperative that the plan not create an expectation of child care assistance benefits that we could not fulfill because of budget constraints. The paper suggests that additional funds be reprogrammed, if necessary beyond the \$50,000 per year, to meet expectations and it makes this suggestion without any indication of the additional funds that may be necessary to completely carry out the plan. Clearly, the Commission cannot write a blank check, as this indicates. Without these essential funding details, we have no way of knowing the financial ramifications of the plan or whether there will be adequate funding to implement it. We risk raising expectations beyond what we could meet. Such a plan is simply irresponsible and unacceptable.

Employees need certainty when it comes to making child-care arrangements. The offer of funding assistance will raise expectations and could be an incentive for employees to change their present child care arrangements. It goes without saying that making child care arrangements is a very difficult and logistically complicated endeavor for many families with young children. As a result, we need to ensure that the agency has the resources to implement whatever plan it approves. Otherwise, although the program's lofty goals will enhance employee morale in the short term, that enthusiasm will quickly shift if the plan is not appropriately administered.

With these concerns in mind, I recommend the following revised implementing plan. Using a sliding scale, implement the program in phases, starting with the employees that have the least combined family income, (e.g., families within the first and second levels of the staff's plan that have a combined total family income below \$35,000). Complete the program with respect to those employees before moving on to the next level of assistance. If there are adequate funds remaining from the original \$50,000, continue with this phased-in process until all employees that have a total family income of \$50,000 or less have been offered child-care assistance. This method will ensure that those employees with the lowest total family income will receive benefits, and will receive them first.

I recommend capping the eligible total family income at \$50,000 because I believe that this amount will: 1) allow the agency to better ensure that it can continue to provide assistance to those employees already within the program, 2) respond to rising child care costs, and 3) allow room for new hires that will be eligible for the program. Because the budget recommendation for FY2003 and FY2004 remains at \$50,000 per year, such a cushion is necessary. Basing eligibility on a total family income of \$50,000 is consistent with the program being implemented by the Office of Personnel Management, the lead agency for this initiative, and is well above the \$40,000 total family income cap set by several other agencies. Accordingly, the sliding scale shown on page 5 of the staff's paper should be revised. The total family income for the fourth level, providing for 20% NRC contribution, should be revised from "\$45,001-\$55,000", to "\$45,001-\$50,000". The fifth level should be eliminated.



7/20/01