UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

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BRIEFING ON THE STATUS OF THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

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ROCKVILLE, MARYLAND

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THURSDAY, MAY 29, 2003

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The Commission met in open session at 2:00 p.m. at the Nuclear Regulatory Commission, One White Flint North, Rockville, Maryland, the Honorable Nils J. Diaz, Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman of the Commission

EDWARD McGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission

ALSO PRESENT:

Ujagar Bhachu, Asian Pacific American Advisory Committee

Paul Bird, HR

Karen D. Cyr, Esq., General Counsel

Jessie Delgado, Hispanic Employment Program Advisory Committee

James Dyer, Region III

Buck Ibrahim, Committee on Age Discrimination

Corenthis Kelley, SBCR

Patricia Norry, DEDM

Amy Snyder, Federal Women's Program Advisory Committee

King Stablein, Joint Labor Management Equal Opportunity Advisory Committee

Gregory Suber, Advisory Committee for African Americans

William D. Travers, Executive Director for Operations

Annette L. Vietti-Cook, Secretary

Dale Yeilding, National Treasury Employees Union

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

CHAIRMAN DIAZ: Good afternoon. The Commission is getting a little punchy after a long day. So good afternoon. It's a pleasure to have you here. I see a lot of good, familiar faces. It's always one of the best attended meetings that the Commission has, and we welcome all of the participants.

I think you realize how important these issues are to the Commission. It is not only the issue of discrimination or the issue of diversity, but there are so many things that actually impair our ability of making, you know, the right judgment if we are not sure that our employees are really getting all of the chances they need and deserve for growth, for training, for doing all of the kinds of things that to me are important for the work force.

So we eagerly look to your report. I'm sure the Commission will have some concerns. I'm sure I always have a couple of them, and we look forward to the information and to the very prolific exchange that always happens on these meetings.

And unless any of my fellow Commissioners have a comment.

COMMISSIONER MERRIFIELD: I would only recognize, Mr. Chairman, that we have seated at the table today Corenthis Kelley, who is taking over. This is her first briefing on these issues, and I certainly want to welcome her in her new position.

CHAIRMAN DIAZ: He is always so good on this because they gave me a note on this, but since I never read my

notes, okay?

(Laughter.)

CHAIRMAN DIAZ: I mean this drives my staff crazy because they say, you know, "I wrote it. It's there."

COMMISSIONER McGAFFIGAN: As a former staffer, what I would learn, if I were a learning staffer of Commissioner Diaz, is not to bother giving him notes.

(Laughter.)

CHAIRMAN DIAZ: but it says in here please. So you are very welcome.

Dr. Travers, sir.

*** DR. TRAVERS: Good afternoon. Thank you, Chairman Diaz, and good afternoon to you and the Commission.

We're all glad to be here to provide you with a status of our equal employment opportunity and diversity programs, and we do that twice a year, and we certainly look forward to providing that information to the Commission. We're glad that so many of the staff have come out.

Before we proceed with the briefing, let me introduce quickly those at the table. Joining me on my right, of course, is Pat Norry, my Deputy for Management Services.

We already mentioned that Ren Kelley is the Director of the Office of Small Business and Civil Rights, and this is her first meeting with you in that capacity.

Paul Bird is our Director of Human Resources.

On my left is Jim Dyer, who is the Regional Administrator for Region III, who will discuss implementation of the EEO Program in his region.

And Amy Snyder, who is the Co-chair of the Federal Women's Program Advisory Committee and who will provide an EEO Advisory Committee perspective roll-up.

Also participating in the briefing and seated in the first row just behind me -- and if I've got it right from left to right -- are Jessie Delgado, and I think I do, Co-chair of the Hispanic Employment Program Advisory Committee; Gregory Suber, who is Chair of the Advisory Committee for African Americans; Ujagar Bhachu, who is the Co-chair of the Asian Pacific American Advisory Committee; Buck Ibrahim, Co-chair of the Committee on Age Discrimination; King Stablein, Joint Labor-Management Equal Employment Opportunity Committee; and Dale Yeilding, who, of course, is the President of the NTEU.

COMMISSIONER MERRIFIELD: The last two of which are flipped.

DR. TRAVERS: Oh, and I should have looked again over my right shoulder. I looked over my left shoulder, but not my right. I apologize to them.

I would like to begin my report by again emphasizing NRC management's commitment to an effective EEO and diversity program and to enhancing management accountability in this area.

I again want to thank managers and staff and

1 particularly the committees for working together on EEO and diversity
2 initiatives. It's been very helpful.
3 We certainly have many challenges in our EEO
4 program, but to begin I'd like to briefly highlight some of the
5 successes we have achieved.
6 Entry level hiring efforts continue to be a viable
7 source of highly qualified and diverse employees, we believe.
8 Minority representation in the general work force
9 continues to keep pace with the agency's growth, except for
10 Hispanics, which actually doubled over the past couple of years.
11 The number of Asians and white women in
12 supervisory positions increased from four to five percent and from 13
13 to 15 percent, respectively.
14 While some progress has been made, however, as I
15 noted, challenges still remain. Some of the challenges include
16 improving diversity in supervisory and SES positions and insuring that
17 managers have the proper tools to carry out the agency and office
18 specific EEO and diversity objectives.
19 Our approach to address these challenges needs to
20 be an aggressive one in order to improve and maintain a highly
21 qualified, diverse work force. To that end, I have taken several
22 measures. I'd like to talk about them very briefly.
23 First, with the recent implementation of the EEO in
24 appraisal elements for managers and supervisors, I am holding
25 managers to a higher standard of EEO performance.

I again want to reaffirm to the agency's top leadership that achieving our EEO and diversity goals is an integral part of achieving our overall mission goals, and that management support is critical to achieving those goals.

There continues to be a need for a focus on EEO and diversity in hiring, retention and career development. As managers, we must set the stage for success in EEO and diversity and encourage staff support of our EEO and diversity objectives.

Annually I evaluate office and management EEO and diversity performance, and I will recognize managers who are doing innovative things in their organizations in the area of EEO and diversity.

Second, to enhance our efforts to identify, recruit, develop and retain highly qualified staff, especially minorities and women, at the mid, supervisory, and SES levels, changes regarding how we hire and place staff at these upper levels are being considered. We have been very successful with identifying and hiring highly qualified interns and entry level applicants, and a cooperative recruitment effort, including managers and staff, has enhanced our ability to attract and hire a diverse group of employees at the entry level.

But to enhance diversity at the mid level and supervisory and SES levels, our efforts will focus on attracting and hiring minorities and women with experience to increase their representation in the GG-13 to GG-15 pipeline and at the supervisory

and SES levels.

In a moment Pat and Ren will provide some additional information about NRC's mid and senior level trends at these levels.

Third, encouraging management support of EEO and diversity objectives alone is not enough to insure the success of the EEO and diversity program. Managers must be provided with the appropriate tools to help them create and maintain a discrimination free and positive work environment.

During this fiscal year, NRC offered several opportunities for EEO and diversity training courses to management and supervisors. This course is designed to enhance management awareness regarding acceptance of differences, unique perspectives and diverse approaches to problem solving.

The course also provided an update on current EEO laws and management responsibilities.

Additionally, the Office of Small Business and Civil Rights piloted two EEO courses in Regions I and II to provide employee information on current EEO and civil rights laws and information on their rights and responsibilities.

With clarification and mutual understanding of practices that can give rise to allegations of discrimination, trust and teamwork will be improved.

Ren will also discuss in a moment trends in NRC's civil rights activities.

Communicating our successes to the staff enhances

everyone's awareness and appreciation of the joint efforts of managers and employees in achieving our EEO and diversity goals. Likewise, communicating EEO and diversity challenges to the staff and inviting their input insures that diverse viewpoints are considered when developing strategies to address these challenges.

Our success in EEO and in diversity is dependent upon our individual ability to work together to achieve our common EEO and diversity goals.

I will now ask Pat to discuss NRC'S mid and senior level trends and highlight some of the strategies that are being considered for improvement.

Pat.

MS. NORRY: Thank you, Bill.

Mr. Chairman, Commissioners, I'd like to echo congratulations and appreciation for Ren Kelley having taken over the Office of Small Business and Civil Rights. And we look forward to great things.

I'd like to focus my brief remarks on an area that was highlighted by a recent General Accounting Office report, which was dated January 2003, and was titled "Senior Executive Service Enhanced Agency Efforts Needed to Improve Diversity as the Senior Corps Turns Over." This report was furnished to the Commission.

What GAO did was to use the SES on board at the 24 so-called CFO agencies as of October 1, 2000, and the actual appointment rates for SES appointments from '95 to 2000, and so

they used this to project outward to what would happen to the SES population by 2007.

So for the NRC, the projection says that all things being equal, if the regular appointment rate continues, if the regular attrition rate continues, that for NRC by October 1, 2007, minorities would decline from 11.5 percent to 8.6 percent. White women would increase from 11.5 percent to 14.4 percent. White men would remain about equal at 77 percent.

In the report, it highlights that at the present time, at the time the report was put together, which was 2000, NRC had the lowest percentage of women in the SES, 13.7 percent, of all the 24 agencies and the sixth lowest percentage of minorities, 11.5 percent, all of this as of October 1.

And the projection would say that we would continue to have, compared to the other agencies, the lowest percentage of women in the SES and minorities would be the fifth lowest, this once again using the projections based on what has happened in the past.

Our data as of March 31st of this year supports those projections. Since October 1, 2000, the percentage representation of minorities has decreased to ten percent, and we're talking SES now. White women have increased to 13 percent, and white men have remained unchanged at 77 percent.

Well, obviously, if we are going to intervene to prevent this happening in 2007, the pipeline positions at the Grades 13, 14, 15 have to increase. We have been extremely successful, as

was pointed out, in our intern hiring, but you're not going to get from here to 2007 by expecting that interns who are here now, just having come in the door, will be ready to move into SES.

I'm sure they'll do well, but we have to focus on those who are at the pipeline level. So we're looking at strategies, how we can identify, recruit, develop, and retain minorities and women. I mean not just minorities and women obviously, but we have to put a focus there at the mid level, supervisory level, and SES levels.

And so how are we going to do this? Well, one thing, as Bill mentioned, we have put a lot of emphasis on managerial accountability. We need to focus that accountability and make sure that managers, office directors on down are focusing on their part of what must be done to promote diversity initiatives, and that covers the waterfront, hiring, retention, development, mentoring, and so forth.

And we have a mechanism for doing that, and it's called the SES performance evaluation, and clearly the focus has got to move in that direction.

I'd just like to mention at this point because it was recently brought to my attention in the last day or so that -- and this is not to say that this region is the only region that is working hard -- but Region I has had some recent successes in this fiscal year. Eighteen experienced technical staff have been hired, which included four African Americans and one Asian Pacific American. Now, that's at the experienced level.

They also hired four entry level technical staff, all of

whom were minorities. So in other regions, and you'll hear some from Jim Dyer what they're doing, and there's other efforts going on, but I thought this was an indication of a huge focus that's being put on this area.

Obviously we have to continue and increase the mandatory EEO and diversity training for managers, and then we have to develop a strategy to focus our recruitment efforts specifically toward attracting at the mid and higher levels minority candidates. And we're developing a strategy now that will get us there.

We obviously will continue to encourage women and minorities to participate in the leadership potential program, as well as the SES candidate program. Now, we are uncertain when the next SES candidate program will be initiated. We have to look carefully at expectations in terms of attrition and in terms of how we time that.

So that decision has not yet been made. In the meantime the Office of Personnel Management is initiating a nationwide SES candidate program. Their stated intent for this program is to increase the number of women, minorities, and persons with disabilities who will be able to be certified for SES positions nationwide.

OPM has said this program will begin later this fiscal year, and they expect to run it twice a year, which is kind of a really ambitious schedule and up to 50 participants would be included in each session.

When we get the information from OPM on how this

is going to work, we will distribute it obviously to everyone, and then we'll have to work out details. I think OPM will expect all of the agencies to cooperate in this and make positions available and make rotations available and all of that. But those details remain to be seen.

But I thought it was interesting that OPM said the purpose of this program is to increase minority representation. So how that will be described I don't yet know.

In the meantime we have announced a new leadership potential program. That was announced in April, and selections will be made later this fiscal year.

Interestingly enough, of the 40 people who graduated in June of 2002 in the last leadership potential program, 24 of those have been selected for supervisory positions. Of those, 38 percent were white men, 17 percent were white women, and 45 percent were minorities.

And eight additional graduates of that program were promoted to nonsupervisory, but mid-level positions. In other words, they went up a grade, and that was three white men, two white women, and three minorities.

We have taken steps to enhance the awareness of these graduates, make sure that when offices are considering placing people in positions that they are aware of the availability of these graduates, but I need to stress we're doing well with this because one way of looking at it is that out of the 40, 80 percent have benefitted in

some fashion. They've either been put in a supervisory job or they've been promoted.

And remember that this program does not guarantee anything. This program was designed to give people training and rotational opportunities, and then if they were moving laterally into a supervisory position from a nonsupervisory, say a nonsupervisory 15 could move laterally into a supervisory 15, but beyond that there's no guarantees. There's no everyone has to compete.

So I think that program has done well.

Some of the other specific minority initiatives, we are placing heavy emphasis on encouraging managers to provide feedback. We keep talking about feedback, and I think feedback in general has improved.

We developed a little course on how to do this, and people are, I believe, getting more comfortable, but we have to be sure that we provide that in an even handed way and that everyone feels comfortable in seeking feedback.

We certainly are going to continue the targeted recruitment of minorities at the entry level, and as I said, much increased focus on such targeted recruitment at mid-level and senior level.

And the use of the team approach in how we do recruiting, which includes minority staff in some cases, which includes managers, is a good approach. I mean, and we've gotten a lot of support from managers on that, and they are willing to give their time,

and that has been a big plus.

So Ren is now going to talk about other aspects of the EEO and diversity program.

MS. KELLEY: Thank you, Pat.

First I'd like to thank you for the opportunity to serve in this position, and before I give my remarks this afternoon, I would like to give an opportunity for Amy Snyder to offer the perspective of the EEO Advisory Committees.

*** MS. SNYDER: Thank you, Ren.

Mr. Chairman, Commissioners and management, thank you for the opportunity to present to you the Equal Employment Opportunity joint statement for the EEO Advisory Committees. Thank you, Office of Small Business and Civil Rights, Office of Human Resources, regional administrators, and office directors for your continued support of the EEO Advisory Committees and their efforts to address EEO issues confronting this agency.

On behalf of the EEO Joint Committee, I want to inform the Commission of three things: the current perspectives regarding the agency's progress related to the EEO program and diversity management process; the common issues identified by the committees; and recommendations for addressing them.

We appreciate your efforts to focus on important EEO and diversity management issues. The committee has seen progress in the following areas: recruitment and retention initiatives, particularly in the areas of increasing representations of Hispanics

and other minorities and women through entry level hiring, largely through the intern program.

Progress has been made in the development of minorities and women through the Leadership Potential Program which will hopefully increase diversity in management and supervisory levels.

NRC has revised its EEO and diversity training program for managers, and this has assisted managers in their understanding of their roles and responsibilities in EEO and to enhance their awareness of diversity management principles. The agency has placed greater emphasis on management accountability and provided tools for managers to enhance management skills and understanding of feedback and constructive communication.

These efforts have the potential to increase overall agency diversity, improve morale, and reduce the under representation and under utilization of women and minorities, enhance diversity in supervisory and management positions, and ultimately enhance productivity and efficiency for the entire staff.

Progress has been made, but more needs to be done. The committees have identified common issues, and they are the representation of minorities in Senior Executive Service has decreased slightly. The representation of minorities in senior level service positions has increased slightly, and this upward trend should be encouraged.

Recruitment of quality minorities with experience from

within and outside the agency should be enhanced, and there is a perception of inequality in appraisal staff performance for persons over the age of 50.

Congress is also interested in the Federal Government's efforts to improve diversity in SES. In January 2003, the United States General Accounting Office issued a report to Congressional requesters on Senior Executive Service entitled "Enhancing Agency Efforts Needed to Improve Diversity as Senior Corps Turns Over."

GAO concluded that SES across federal agencies, including NRC, needs to be more diverse than GAO's projection estimates. The work force faces large losses over the next five years primarily through retirement, and the government, including NRC, has an important opportunity to affect SES diversity, but little will change if current appointment trends do not change.

To address under representation of minorities in supervisory and Senior Executive Service ranks, the Joint Committee believes that strategies should be focused:

To enhance career development for mid and senior level staff, to enhance their potential for advancement;

Recruit staff to mid and senior level positions;

Insure that the merit selection principles are implemented fairly and do not create an artificial barrier to diversity;

Continue to hold managers and supervisors accountable via the EEO performance element for accomplishment of

agency and office specific EEO goals, especially for enhancing diversity in SES;

Explore proactive strategies, such as succession planning, to incorporate diversity principles and objectives into agency work force succession models;

And, finally, enhance sensitivity to age related factors associated with evaluation of staff performance.

In conclusion, the EEO Joint Committee appreciates the Commission's support and recommends that the Commission continue to set the standards and shape a climate within the agency that supports a more successful EEO and diversity management program.

I thank you.

*** MS. KELLEY: Thank you, Amy.

I'd like to acknowledge the support and cooperation that the Advisory Committees have given me in my first six months in the Office of Small Business and Civil Rights, and that relationship, those relationships, I should say, really helped us to focus on the initiatives and the issues that are important to their constituents, to the Advisory Committees, and to the agency at large, and look forward to continued effort in working with the Advisory Committees.

I want to echo Bill's remarks regarding management's commitment to an effective EEO and diversity program. Office directors and regional administrators continually seek innovative ways to achieve their EEO goals and frequently request SBCR's input and

support in developing strategies to achieve these goals.

I have recently met with managers in NMSS and NRR to provide an overview of the agency's current EEO objectives and discuss strategies to enhance representation of women and minorities at the entry, mid, and senior levels.

I also plan to meet with the other office directors and regional administrators later this fiscal year to discuss their office specific EEO strategies and offer SBCR support as needed.

It takes a joint effort to identify and address diverse concerns that impact the day-to-day interaction of both employees and managers. In this regard, the EEO Advisory Committee members continue to work with SBCR, HR, and managers to support the agency's efforts to have an effective EEO and diversity program.

During this fiscal year, Hispanic, African American, and Asian Pacific committee members, along with office managers and staff from the Office of Human Resources, participated in recruitment and follow-up activities. The value of diverse recruitment teams enhances NRC's marketability and help attract a highly qualified and diverse group of applicants.

As of March 31, 2003, NRC recruitment teams participated in 59 recruitment events, including 39 college fairs and 20 focused recruitment events.

During FY 2003, this collaborative effort has helped the agency hire a total of 100 new employees, to include 25 percent minorities, 19 percent white women, and 56 percent white men.

Overall, minority representation of permanent staff at the NRC over the past five years has increased from 22 percent to 24 percent. And white women and white men have remained relatively the same at 25 percent and approximately 50 percent, respectively.

In addition to enhanced representation of minorities overall, we continue to make progress in attracting and hiring qualified and diverse interns and employees at the entry level. As of March 31st, this fiscal year, 49 of the 71 nuclear safety intern offers have been accepted. This includes 24 minorities, which is made up of 11 Hispanics, ten African Americans, and three Asians.

Of the offers also are white women, six white women, and 19 white men. Seven additional offers are pending.

The co-op program also served as a source for highly qualified and diverse employees. To date, four of the 14 co-op participants have accepted NRC offers and will be converted to permanent status later this fiscal year.

Our ability to attract and hire a highly qualified and diverse staff must be matched with our ability to retain these individuals. We are continually focusing on ways to enhance employee retention through a number of developmental and nurturing activities.

SBCR continues a facilitated mentoring program for all employees to assist them in focusing on their career goals and strategies. During the fiscal year, SBCR sponsored a special mentoring orientation for NMSS interns and their mentors.

In addition, mentoring orientation is planned later this fiscal year for NMSS and NRR interns. During 2003, the number of employees and managers participating in the formal mentoring relationships increased from 151 to 164.

Additionally, the agency continues to offer career counseling to all employees. During this fiscal year, 27 employees received career counseling, 15 percent minorities and seven -- I'm sorry. Fifteen minorities, or 56 percent, and seven, or 26 percent, white women and five, or 18 percent, white men.

Rotational opportunities continue to be an important factor in retention and career advancement. As of March 31st, minority participation in rotational assignments has increased over the past five years from 22 percent to 41 percent. It is expected that these developmental activities will help employees advance their career objectives and their potential for advancement.

These initiatives support our efforts to create a positive work environment. However, employee conflicts and office conflicts can still arise. Managers, staff, and employee counselors play a vital role in having an effective EEO program that can help address and resolve EEO related conflicts in the work place and foster ongoing dialogue between managers and staff.

My office, working with OGC and HR, facilitates the implementation of the agency's EEO complaint process and use of the ADR process to resolve allegations of discrimination. Over the past two years, my office has worked aggressively to resolve and

close a significant number of informal and formal cases.

So far, in FY 2003, we've closed ten informal and 11 formal cases. Of these cases, five were settled either directly or indirectly through ADR. Sixteen cases are currently pending in FY 2003. During the 2002 year, we ambitiously closed 35 informal cases and 14 formal cases. Of these cases, four were settled either directly or indirectly through the ADR process.

In addition to focusing on EEO and diversity management for employees, the agency provides advocacy for small business in the NRC procurement process. Over the past few years, the agency consistently met its procurement goals.

In FY 2001, to enhance efficiencies, changes were made to the information technology business model used to procure IT services. As a result, major contracts were awarded to large businesses.

In FY 2002, NRC had a decline in awarding prime contracts to small businesses and only met two of its six goals. To address this issue, in March of this year, the EDO issued a statement of commitment to office directors and regional administrators requiring their support to change strategies, to include enhanced communication with program offices regarding new procurement opportunities, training those individuals who work with the procurement process, and enhancing outreach activities to identify small businesses.

In summary, we are making progress in achieving our

EEO and diversity goals, but more needs to be done. Some objectives, like recruitment of women and minorities as interns, can be achieved quickly. Some other objectives, like development of women and minorities for supervisory and SES positions, may require more time.

Whatever the time frame, as we continue to work together, we must seek to understand each other, accept each other's differences, and appreciate the contribution of our colleagues and peers.

As a closing statement, to make the agency as a goal, to make the four guiding EEO principles a reality for all employees, to enhance diversity at the most senior and at all levels within NRC, and to appreciate the link between managing diversity and accomplishing the agency's organization and missions, these are important because together everyone achieves more.

Thank you very much.

MS. NORRY: Thanks, Ren.

Now I'd like to introduce Jim Dyer, Region III Administrator.

*** MR. DYER: Thank you, Pat.

Good afternoon, Chairman, Commissioners. I'm pleased to address the Commission regarding the Region III activities related to the equal employment opportunity and diversity management.

With the assistance of the Office of Small Business

and Civil Rights, the Office of Human Resources, and the agency level Advisory Committees, we in Region III have worked hard to recruit and retain a highly skilled and more culturally diverse work force, as well as to improve the quality of work life for all of our employees.

Today I'd like to brief you on our progress made since my predecessor last briefed the Commission in 1997, and I will focus my discussion in the areas of Region III demographics, safety culture improvements, recruiting, personnel development, awards, and the value added by internal committees.

The work force demographics within Region III are changing. As of February 28th of this year, there was a total of 221 permanent employees in the Region III office and at its 18 remote sites, down from 240 in 1997. While the total number of employees had been reduced, both minority and female representation have increased slightly.

More importantly, we have made progress in promoting women and minorities into management and other key positions. In 1997, we had three minority and female managers within Region III. We now have seven.

Additionally, there are several female and minority employees occupying key senior technical positions within the region. These occupants will help us diversify the candidate pool for future leadership opportunities within the NRC.

While we are making progress in achieving a more

culturally diverse work force, we realize that we must do more if we are to maintain that work force. The 1998 OIG cultural survey confirmed the findings of our own 1997 self-assessment that our working environment needed improvement. We pursued region-wide change initiatives and believe those efforts were responsible for the improvements noted in the 2002 OIG cultural survey results.

However, while we were pleased that we made progress, it is clear that we must do better. Accordingly, we are now focusing on the areas of weaknesses identified in the 2002 survey to address the different issues within our respective divisions in the region.

With respect to recruiting, we have expended significant efforts to identify and attract highly qualified and culturally diverse candidates to meet our hiring needs. In response to the goals set by the EDO, 25 percent of all new professional hiring be done at the entry levels, special emphasis has been placed in this area, and we have exceeded our goal in each of the last three years.

All of our nuclear safety interns have superior academic qualifications, and several have advanced degrees. This focus on entry level hiring, professional hiring has clearly been a significant influence on the improvement of our overall work force diversity.

Line managers are integrally involved in our recruiting efforts. Region III managers and human resources staff participate in 15 to 20 recruiting events annually, including university career fairs

and professional conferences that attract women and minority applicants.

We have also established an ongoing relationship with a number of key universities, including the University of Puerto Rico, the University of Illinois, Purdue, North Carolina A&T, Florida A&M, and the Tuskeegee Institute. Intern candidates are hosted for a final pre-hire interview in the Region III office, and when possible, a visit to a nearby power plant where they actually talk to the occupying resident inspectors.

We have established an adopt a school relationship with the University of Illinois-Urbana, and through personal support from one of our division directors have established close liaison with the Society of Women Engineers at the University of Illinois-Chicago.

These recruiting efforts, while time consuming and labor intensive, are critical investments in making Region III an employer of choice for highly qualified and diverse applicants.

Recruiting brings new members to the team, but we must also support strategies to enhance productivity and job satisfaction to retain these employees. To this end, we have significantly increased our investment in staff development. During fiscal year 2002, 17 courses were conducted in the region to maximize opportunities for staff participation and 184 individual external training experiences were funded in addition to the required inspector training.

In 2003, 23 on-site courses have been scheduled,

and we expect to fund an equal or greater number of external training opportunities for our employees.

Employees are also encouraged to seek NRC-wide development opportunities. During this year, an Hispanic male employee was accepted for a Master's degree under the NRC graduate fellowship program.

Managers are also encouraged to complete training to enhance their leadership skills. Region III has two supervisors who are currently participants in the SES candidate development program. All regional SES managers, branch chiefs, and team leaders have completed the Franklin Covey Seven Habits for Highly Effective People course and many have completed the Aubrey Daniels course, Bringing Out the Best in People.

The Office of Small Business and Civil Rights has facilitated two sessions for EEO and diversity for managers and supervisors course and piloted an EEO course for all of our Region III employees.

As a result of our Aubrey Daniels training, awards nomination reviews are now a standing item on our weekly principal staff meeting agenda. This weekly awards board process insures employee achievements are promptly and appropriately considered for recognition.

We also recognize the need for our own employees' involvement in making Region III a better organization in which to work. They are uniquely positioned to help us maintain an awareness

of how our policies, programs, and day-to-day management decisions affect our work lives of our employees and, in turn, our ability to fulfill our mission.

The Region III EEO Advisory Committee identifies and recommends solutions to general EEO concerns and assists the Region III management in accomplishing our EEO objectives. The committee is comprised of representatives corresponding to each of the NRC agency EEO Advisory Committees and includes a representative for persons with disabilities.

I meet with the committee quarterly to discuss the status of internal activities and obtain information regarding the various agency EEO Advisory Committee activities.

In addition, the committee oversees the region's Diversity Day celebration and our annual Take Your Kids to Work Day, where we typically have 60 to 70 children attend.

The committee has sponsored awareness seminars, participated in professional development workshops, conducted surveys on the accessibility of our facilities for persons with disabilities, and obtained feedback from our nuclear safety interns regarding their work experience at the Nuclear Regulatory Commission.

Additionally, the Region III Partnership Committee addresses issues and concerns that have impact on the work place and in employees' lives.

In summary, we've made progress in support of the

objectives the affirmative employment plan guiding principles, but still have much to do. I want to assure you of the entire Region III team's collective and individual commitment to pursuing the continuous improvement in all areas of the EEO and affirmative employment. We look forward to reporting our further progress in a future Commission meeting.

That completes my presentation.

DR. TRAVERS: Mr. Chairman, that completes our presentation from the table here.

Thank you.

CHAIRMAN DIAZ: Well, thank you, Dr. Travers. I would certainly like to thank you all for giving this presentation.

We do appreciate the efforts of not only all of those at the table, but all of those who have contributed to these programs, and if you haven't joined in, you're welcome to join the crowd because every time we do something for anybody in the NRC, we're actually doing something for ourselves. There is nothing that we do that improves the quality of our people that does not improve ourselves, and that's something that is a very, very clear message that I don't know whether I have delivered all of these years, but I thought I might deliver it again.

There is no doubt that the Commission has always been very concerned and really keeping up with the issue of management of our human resources and, of course, the EEO issues. This is central to the things that we do, and as you well know, we're all

getting not old, but mature in our jobs. This is our second term, and at times, you know, probably not obvious to the staff, but the Commission spars on the issues. No, I mean argues on the issues, but this is one issue that there is no argument about. This is one issue that the Commission is totally and solidly behind the efforts to maintain an environment that is free of discrimination.

We are all concerned with giving opportunities to every one of our employees. We want to see success, and we're always concerned about how do we measure that success. How do we actually assure ourselves that this tremendous amount of work that is obvious, how is it really getting the job done?

We have achieved many successes. There is no doubt that things have improved and have changed, and they all have changed for the better. I remain concerned that at times, the statistics do not reveal some of the underlying issues that still can pose some impediments to some of our best people to reach the right positions.

I'm not so sure that everybody is really aware of the efforts that everybody supports at the senior management levels and the Commission to get the message across that everybody deserves an opportunity regardless of race, creed or age.

Look. You even have now a 45 year old Chairman. So that certainly should help.

This program is mature. It is no longer, you know, a beginner's program, and maturity carries some responsibility in the Commission, as Commissioner Merrifield already knows as he has

already passed me in age, but --

(Laughter.)

COMMISSIONER MERRIFIELD: I'm not 45 yet.

(Laughter.)

CHAIRMAN DIAZ: Gosh, I thought I had him.

But maturity is an important issue. We actually had gone to an issue of the industry maturing and the agency maturing. This program is mature. What does that mean?

It means that there is a time where we can sit and look and say: are we getting there in all of these areas that we really should be getting there?

And it's beyond statistics. It actually goes to the issues are we achieving results in every of the major areas. Maturity means that we can look at weaknesses, not only at successes, and start putting our time and efforts into the weaknesses areas because maturity is supposed to free you from all of the things that you always have to do and concentrate on those that maybe you should be giving more attention.

With that presentation, let me give you my whole measurement of success for an EEO and diversity program, which I don't know if I ever stated, but it goes like this.

The less you are needed, the more successful you are. This is that one program that as you achieve success, where you really are doing it, is because you are not longer needed as much. I think we're a long way from being able to get to that point, but I think

that should be what we should do.

In discrimination there is no doubt. Okay? There should be no reason in this time and age where we are having real concern about it, but we have to be vigilant.

There are issues that, you know, the Commission struggles with all the time. How do we open SES? How do we resist constraints? How do we give advancements to the people?

And I think there has to be more creativity in some of these issues. I'm not so sure that I know all I want to know about it, and you guys really know more, but we keep looking at this and say how can we do it a little better. How can we actually go forth?

And I'm going to stop there because if not, we won't finish this afternoon. Commissioner McGaffigan is already looking at -- he doesn't have a watch. So I'm in good shape.

Let me start with a couple --

COMMISSIONER McGAFFIGAN: Looking at the sundial here.

CHAIRMAN DIAZ: Oh, that's what it is.

Let me start with a couple of questions, and it again goes how do we measure success. When we look at our EEO efforts and, you know, creating a discrimination free work place, all of those things that we really are, you know, focused on, how do we measure success in this area? Where do we think we are? what are the key things rather than just, you know, we increase this?

Could you Ren, and I appreciate you being here, and

I will pay more attention to my staff now.

MS. KELLEY: Not a problem.

How do we measure success? Certainly you have to acknowledge that, yes. Looking at the numbers is one way to gauge increases or enhancing diversity throughout the organization in various grade levels and what have you.

But I think there are a number of other things that contribute to giving assurance or being able to measure whether you have an environment that is truly discrimination free, that values all of its employees, where everyone is respected and a part of a team.

Those things are more difficult to put your hands on, to say how do you determine when you have hit that mark, but one of the things that is a contributor to this is to increase awareness of managers, supervisors, and employees that managing diversity has a nexus and a very close link to the agency's accomplishment of its mission.

To get that point across so that everyone recognizes that EEO and diversity is not something that's a nuisance on the side that we have to deal with, and I'm not saying that that's the way this agency treats it, but to where that it is a very core part of what the agency does because the extent to which you have a cadre and a work place and employees, staff, managers and everyone who knows what is expected of them knows that they are valued, that they are important, that they see models that give them some impression that, yes, I can reach the next level because I see individuals like me in

positions above me.

There are a number of things that would point to -- and I believe that would permeate the entire organization with an attitude, with an appreciation, a cooperation with other ways and other manifestations that would point to that.

CHAIRMAN DIAZ: Should we look for other measures? Because, you know, I could probably ask the question if we were, you know, looking at it and say if ten is completely there, okay, and we were two ten years ago -- I don't know where we are -- but where are we now?

Should we look for some additional measures of success that allows us to make fruitful this tremendous amount of work? Because I know that all of the senior managers are stressed, because I know that the regions do it.

Where do we go? What do we do to be able to look at our work force and say, you know, we actually have an indication beyond the statistic because the statistics sometimes, you know, they're good, but they're not the only thing?

Is there something else? Should we be thinking about it? Are there efforts going in that respect? Because I always get concerned that, you know, statistics do not give you the entire picture.

MS. KELLEY: I think another thing would be to ensure that every manager, supervisor and employee receives the training that would enhance or raise awareness of the importance of

diversity, the importance of cooperation and inclusive in an environment that is free of discrimination.

I think this is an element that the Agency has been working on. We have additional employees who need to take that training. But that's one of the things that certainly is underway. The course that we mentioned that SBCR piloted in some regions, we are looking at ways to take that course to the agency at large working with HR.

CHAIRMAN DIAZ: Let me give you an example and then maybe you could go forth. Has anybody made an attempt to put in specific value on the impact that the EEO element has been added to SES supervisor appraisal? Is there a way to gauge whether that actually has contributed and that it's getting better?

MS. KELLEY: That level of accounting, that measure has been put in place and at this point it is so new that we don't have very good information in terms of the impact of that. We are looking at that and assessing it. I think we know that there has been progress since that was put into place. But it's a little bit difficult now to know fully.

CHAIRMAN DIAZ: That's why I'm looking for those types of measures in different areas. That's what the point is. Do we have those types of things coming along? Are we thinking creatively and saying "Let me just go a little beyond the statistics and start putting some"? That's the type of things that we really need.

MS. NORRY: I would just add to what Ren has said.

I believe and I think she mentioned awareness. If you look at the discussions that go on in the Executive Resources Board Staffing and Development Committee which consists of all the heads of all the offices and as well the special EEO related subcommittee of the Executive Resources Board which is chaired by Margaret Federline which has been in existence for a long time, the awareness has no question increased. Those are the things that are perhaps not as easy to measure as the statistics are but you can tell something by the awareness. It's there.

So I think we do have to as Ren indicated think about how we can measure what we put in place in terms of management accountability in the EEO element. We have to do that. But when we did that, we shied away from making that a number. We said "We're not going to say that in order to be rated whatever, you have to do this many hires and this much" because that statistical approach didn't lend itself to different circumstances. But we do have to find a way that will lay out so that everyone can see "here's what success is" in that element.

CHAIRMAN DIAZ: So even in PRA, there are very quantitative and some qualitative answers but there are answers. I think that's what I'm saying. Due to the maturity of the program, I think we need to be looking for additional measures of success. They all not need to be a number on a statistics.

In this vein, to what extent are the LPP, Leadership Program, and the SESCDP seen as linked? Is there a link between

these programs so that we can say people that are in this program would eventually be able to go? What criteria or pathways are there to make sure that people know there is a pathway that could sometime get them into the right row of doors -- what many people consider one of the ways to success in this agency is the SES?

MS. NORRY: I think when we started the LPP we already had a candidate class. Questions were raised by some of the people who wanted to apply for the LPP and they said "should I apply for this or should I wait for the next candidate class". Some people applied for both. Generally the LPP was intended to be for people at lower grades but it was open to Grade 15 which is where you get your candidates for the candidate class.

I don't think we have defined a gradation that says the LPP is here and then you graduate to the candidate class. But clearly a lot of the people, particularly the ones who have moved on to supervisory positions, are going to be in a very strong position to apply for the next candidate class when we announce it. So I think there is a linkage there.

CHAIRMAN DIAZ: You know I think you and I had a conversation when I went to the senior managers and talked that I personally value training not only as a matter of enhancing the particular knowledge of an individual entering some level. But I think it's a tremendous management tool.

I wish you had more resources to do more training because things do change, both management wise, information wise,

technically wise. I think we are using training quite well for the people that we are hiring. I think the fact is using some of our best people sometimes to train them. Are we opening training pathways so that the people who have been here feel also that they have the opportunity to get into training programs? I'm really not familiar with this so I would like you to answer that.

MS. NORRY: Paul, do you want to address that?

MR. BIRD: Yes, I think again there are some programs that are more apparent than others and certainly the Intern Program which is a training environment is quite different from somebody who has been here and at mid-career is looking to enhance their skills. I think the Work Force Planning effort that we've had underway where we have people go in and self-identify skills and we're doing work to identify opportunities that reflects the Agency's needs really creates a whole other avenue for training and development.

Many people that we've talked to would say "Yes, this opened their eyes to what those needs were in the Agency". Certainly through external training as well as internal training, we can encourage people to invest in that type of training where we know there are opportunities that are going to exist. Again I think there's a better effort now or a better means of being able to accomplish that than in the past. Those that are motivated to learn I believe are generally given the opportunity to do that both externally and internally here and at universities.

CHAIRMAN DIAZ: I think that's a vital component of retaining our best people because in many ways it not only enhances their careers or their ability to do work. It is actually that they are realizing that we are willing to make the investments in their careers. So it's a two-way street that serves many purposes. We would like to know if you have any additional information on what programs that we have or planning that are in our budgets so whichever way they are set for enhancing training opportunities. I certainly would appreciate seeing them.

MR. BIRD: Sure.

CHAIRMAN DIAZ: I think I have already used too much time, Commissioner McGaffigan.

COMMISSIONER McGAFFIGAN: Thank you, Mr. Chairman. I'm going to throw around a couple of issues. Jim Dyer, you mentioned that one of your division directors has established a close liaison with the Society of Women Engineers at the University of Illinois, Chicago. Just as a matter of fact, is this the same division director who is a woman?

MR. DYER: Yes.

COMMISSIONER McGAFFIGAN: I just would have expected that.

MR. DYER: Ms. Peterson, the current Safety Division Director.

COMMISSIONER McGAFFIGAN: I think that says something about how the world works. The person most likely to take

an interest of that sort would be someone who already is an alumna.

MR. DYER: A member.

COMMISSIONER McGAFFIGAN: She's a member. The next issue just in passing since that wasn't an issue and I'm reading the whole paper so this is to you and to the group as a whole is we continue to seem to be very dependent on the University of Puerto Rico for our Hispanic recruiting. Having worked for a New Mexico senator —-

COMMISSIONER MERRIFIELD: No knocks against a fine institution.

COMMISSIONER McGAFFIGAN: No knocks against the University of Puerto Rico.

COMMISSIONER MERRIFIELD: Okay, make that very clear.

COMMISSIONER McGAFFIGAN: There are other fine institutions that serve Hispanics and the Chairman of our Senate Appropriations Committee, Senator Dominici has several of them in his state. I think I've said this before so I'll sound like a broken record but I do think you need to broaden because we're still way low.

I noticed in Region III we've gone from two percent to four percent Hispanic and it's mostly women so we must be recruiting a fair number of women from the University of Puerto Rico. But I think there are a lot of other institutions that you could tap in to and I would encourage you to do that. So I just make that as a suggestion.

Two times ago and this goes to Karen Cyr actually, I

think the SRM said something to the effect that you all should develop a legislative initiative with regard to connecting us better with Hispanic serving institutions. I know we haven't put together a legislative program for this Congress at this point.

But I was reading the Energy Bill as reported by the Senate Energy Committee and there's a very strong encouragement in one of the provisions in that Bill for the DOE labs to build stronger ties with Hispanic serving institutions. There's a definition of Hispanic serving institutions, etc. in there. I honestly think there is an opportunity if we want to do it and there was some consensus that we wanted to do this to get a quick legislative provision drafted and while the Energy Bill is sitting on the Senate floor, get somebody, the Chairman of the Committee, might well do an amendment of that sort.

MS. CYR: We pulled out some of the others and based on the time, we hadn't come up with it but that's something we can look into it.

COMMISSIONER McGAFFIGAN: I couldn't lay my finger on it but I happen -- it tells you what Commissioners do at home at night with the Congressional Record, it's sleep inducing but sometimes it doesn't induce sleep rapidly enough -- I came across this provision that encourages the DOE labs to build stronger ties with Hispanic serving institutions.

I would urge you to take a look at that and see if we want to build off of it. If we have stronger ties with a broader group of institutions as we do with historically black colleges and universities, I

think we can build a larger recruiting base and continue to work on this issue.

The issue of women in the SES, I would like a fairly frank answer. We have four of the 22 women who are in the SES at the table. I did a little list here and I could get to 15 of the 22. So I think that means at least two-thirds of them are at headquarters. Maybe I should be able to name all 22 having been here as long as the Chairman implies we've all been here, and we have.

But it strikes me that there are a fair number of these women who came up through the Materials program. The legal profession is another way to get there. But the core work of NRR, there are very few women. There's Suzey Black, Cindy Carpenter, Kathy Gibson who is in the SES Development Program but there's a relatively small number. That may reflect the demographics of who we recruit. But is there any pipeline in terms of getting women?

We can try to get Mary Lee Slosson to come back to us. She was the senior woman in the NRR bureaucracy back when I arrived here. She would have been in the NRR bureaucracy except she was Shirley Jackson's executive assistant. But how do we tackle the fact that there seems to be a decent base but not an overwhelming base in the Materials program.

Certainly in the OGC there's a very decent base of potential candidates for the SES. In fact we could turn all the lawyers into technocrats and have them man the place and we could solve a lot of problems. Karen agrees. But how do --

COMMISSIONER MERRIFIELD: And make a few more.

COMMISSIONER MCGAFFIGAN: we solve this problem? It strikes me you are pushing against the straws or something here when the best preponderance of your program that there aren't a lot of women in the pipeline.

Research is the same. Research I regard as an arm within our arb because we've had a separate meeting about how small the Materials program is within Research. The only woman in Research who is in SES is Cheryl Trottier. Is she the only woman in Research? She's a Materials person. So the reactor part of Research is an entirely male SES. The senior reaches of NRR are primarily male. There are not a lot of people in the pipeline. So how do you solve this problem?

DR. TRAVERS: One way that we've come upon and we're open to suggestions and certainly the discussion with you may provide some of those is to look outside the Agency at a higher level than the entry level people that we've focused on. We've had some success at the entry level if you look at the numbers, 23 percent.

COMMISSIONER McGAFFIGAN: Right, a fair number of the residents. There are a lot of resident inspectors now.

DR. TRAVERS: I think some of where we've had some success is if you look at the Leadership Potential Program. I think you'll see a fair number of women in that program who are probably very likely to do well. But nevertheless I think Pat and Ren

have pointed out that GAO has correctly identified this common trend that we have and that other government agencies have and that is if you look and project out just a few years we could be worse off in many instances than we are today.

So the strategy that we are beginning to focus on is one that would look outside the Agency. That doesn't mean we don't see the importance and value in focusing inside. We do but I think we need to do both. We need to look from within and at higher grades from without in the minority arenas and women certainly, including men.

COMMISSIONER McGAFFIGAN: But to just continue this experiment and I won't continue it very long, but if you look for women in the reactor research or reactor operations area, there isn't going to be the nuclear Navy for the most part. The National labs are I think pretty thin as well and we also have trouble recruiting there because they pay a hell of a lot. Then you have, I guess, industry. To the extent that industry is promoting women and there are a few now who are getting to senior reaches there, it seems like the recruiting base is also in the reactor area - I think Materials, lawyers, the smaller offices we do very well - but in sort of this core area, I look outside and I'm not sure how I'm going to solve the problem looking for senior hires.

DR. TRAVERS: It's definitely a challenge. It's always been and probably always will be one but maybe not always. But certainly, if you look at the economy today, one piece of leverage that

we have today that we didn't have three or four years ago is a much more attractive looking place of employment. Hopefully we can use some of that as a leverage to attract some of the people that we're most interested in seeing.

MS. NORRY: I also think the pipeline is not quite as --

COMMISSIONER MCGAFFIGAN: Maybe it's in the regions.

MS. NORRY: I think we have more in the pipeline. What we talked about when we talked about that we need to go out and recruit, we do but we need to first focus on making sure that everyone here who wants to be and can be developed, that's our first priority. We're not going to get there without some outside hiring too. I don't think the pipeline in reactors is quite as bad as you say but I'm not there.

COMMISSIONER McGAFFIGAN: I think about the Commission meetings where people sit on the other side of the table and the Research meeting was entirely males. They were not all white males by any means but the Reactor meetings for the most part, Suzey Black or Cindy Carpenter will occasionally be at the table. For the most part they aren't there.

There are other folks. Melinda Malloy has been at the table on the issue of environmental impact statements and that sort of thing. It just strikes me that there's a gap there. I don't know how to fill it because I think it may be that we're going to solve the

problem where there are a large percentage of women who have gotten the appropriate degrees in law or health physics, or whatever.

In the long term we'll have a growing percentage of senior managers in NMSS and State and Tribal programs, in OGC and other small offices. In International programs, I think both of her recent recruits have been young women who have done outstandingly well. We just face this very hard problem in the Reactor area where we have to do all we can and there are Mary Lee Slossons and Cindy Carpenters to tap.

DR. TRAVERS: Gail Good.

COMMISSIONER McGAFFIGAN: But they are unfortunately because all you guys when you went to class were in classes with almost all males, there aren't a whole lot of people to recruit. I don't have a solution. It just strikes me that the data shows that the problem on the women SES side is going to be largely solved outside of NRR.

MS. KELLEY: Just to provide some feeder group information and that is the pool of individual technical staff from 13s to 15s, it shows that we have over 300 in the technical series at NRC that are women.

COMMISSIONER McGAFFIGAN: Three hundred women.

MS. KELLEY: It's over that. It's actually 295 white women and I don't have specific numbers for the other minority groups but there are other groups of women in those positions as

well. That is across the entire Agency.

COMMISSIONER McGAFFIGAN: Is that broken down by office in what you have there?

DR. TRAVERS: You've actually picked the one category where GAO would project us going up interestingly enough.

COMMISSIONER McGAFFIGAN: White women but we go up and remain last.

DR. TRAVERS: But I think your point is well taken for Reactor.

COMMISSIONER McGAFFIGAN: The reason I'm focused on that is not because I'm not worried about the other categories.

MS. KELLEY: I see. I'm sorry.

COMMISSIONER McGAFFIGAN: But I think Pat's point was the GAO projects that we actually go up and we remain last among the 24 agencies that they surveyed so it's an improvement in last place.

MS. KELLEY: Commissioner, I stand corrected. It's 106 white women in the technical positions. I don't have the exact figures for the minorities in the technical positions but certainly we can provide those.

COMMISSIONER McGAFFIGAN: I would bet that there's a disproportionate non-Reactor element to that but you'll look at the data. Thank you.

CHAIRMAN DIAZ: Thank you. Commissioner

Merrifield.

COMMISSIONER MERRIFIELD: Thank you, Mr. Chairman. As I was listening to the presentation, this is probably the eighth or ninth of these that I've had the pleasure of being part of. I had some feeling like I was watching Bill Murray in "Groundhog Day." There's a degree of commonality. I don't mean that in a pejorative way.

What I mean by that is what is very clear is that our staff is excellent at dealing with focused issues. I know the Chairman encouraged the staff some years ago to put a lot more focus on improving what we were doing with the hiring of Hispanic candidates. Clearly the successes that we have demonstrated including a terrific number of very highly qualified individuals from the University of Puerto Rico, we hope to continue to bring their fellow students here. That's been a real success.

COMMISSIONER McGAFFIGAN: That's Louise Reyes' alma mater, right, which is probably similar to the University of Illinois, Urbana situation?

COMMISSIONER MERRIFIELD: Yes. But I do remember asking questions in the first meeting that I had back in what would have been either late 1998 or early 1999 asking about the pipeline issues. Were we getting enough individuals at the SES level? Were we getting folks at the mid-level positions so that we wouldn't have this problem down the line?

It didn't take a GAO report for us to see that. We've

been talking about that for a long time. While we've done an excellent job I think of problem identification, we have a little bit more to do in terms of problem resolution.

Now I speak with two voices on this. I agree with the impetus that Bill Travers gave. I think we have to give a full and fair opportunity for individuals within this Agency right now, members of what I like to say are the "NRC family" to have an increased opportunity within the Commission itself to advance, to provide them the training, to provide them the opportunities, to provide them the skills so that they can excel in their positions.

But on the other hand, we also have to recognize that with a terrific pipeline and if we are able to do for other minorities what we have done for Hispanics as we should, it's going to be a Commission many years down the road that will be at the point where the Chairman has eloquently envisioned that we won't have to worry about these things anymore. As was identified, we're going to have to reach out and we're going to have to bring some folks in at the SES level. We're going to have to bring some folks in at the mid-level in order to get where we need to be. It is very clear.

Now, Mr. Chairman, I would say that I commend Pat Norry and Bill Travers for putting the focus on the managers and making sure that as part of their performance evaluation of senior management that EEO issues be considered within part of that. I think that's the right thing to do. I would encourage you as our new Chairman in your role as the overseer of the senior level management

to do the same thing. You may or may not know - I certainly don't know - but that level of expectation that we have for managers should cascade throughout the organization including the individuals who report directly to you.

As a follow-up to that, we've talked about the problem identification. I would suggest and I'll encourage it in an SRM coming out of the meeting that the Commission have a closed meeting to get a better understanding of how our staff is identifying specific strategies to address these very same issues. I think we need as a Commission to continue to follow up on this. I'm convinced the staff is going to do the right thing. They have shown it so often but I think we need to be vigilant as members of the Commission to give them our oversight and encouragement.

I have a couple of questions. One of them is regarding the placement of SES candidates and potential SES candidates. I just wanted to make sure. I'm trying to think of the right way to phrase this. Are we convinced that the senior managers in the Agency are providing sufficient opportunities for individuals in the candidate pool to be considered for positions? Are they taking it seriously enough or is there further encouragement from the Commission necessary?

DR. TRAVERS: This one is mine. The expectation, in fact, the one I have and the one I think is being met is that as we conduct these searches for SES candidates and as we begin these classes that we don't select anyone into them whom the management

team doesn't feel is going to be placed in the SES Corps. Not one. I will frankly tell you and I think I may have mentioned it in the past that it has not always been the expectation nor the follow through of some of the classes that have been held in past years. Certainly in the recent past, under Callen and myself, I think that's been the case.

But we have been successful I believe if you look at the numbers in providing to all of the people who are selected in to that rigorous evaluation process the opportunity to serve as SES members. Before anyone is placed in to the SES, they have to come through me and Ms. Norry and show that they have either selected a member of the SES candidate program or have about 100 or more reasons why they should be selecting someone who isn't in that group.

I think what we have today is near optimal as it relates to selection into the SES Corps as a function of the people who we've selected at SES Candidate Development Program itself. I think it's working.

COMMISSIONER MERRIFIELD: I appreciate that. Mr. Chairman, again I think it should be clear to everyone that reports, be it to the EEO or the Commission as a whole, that preference for the SES candidate program is certainly a program that we are dedicated to and these are individuals who are highly trained and certainly shouldn't be boxed out of positions for any reason.

Ren, you mentioned a little bit about the training on diversity and we've been trying to get to the right place on this. How

do we go about tracking who has been trained among our managers on diversity? Do we keep a list of such?

MS. KELLEY: Yes, it is. That list is retained by HR because they actually conduct the training. We assisted HR in working with EEOC to provide a contractor for the training but HR actually provides the training and tracks it.

COMMISSIONER MERRIFIELD: And of the individuals who are supposed to have received the training, how far along are we?

MS. KELLEY: I'd like to get back with you on that, Commissioner. I'm unable to say precisely.

COMMISSIONER MERRIFIELD: But not all?

MS. KELLEY: Not all. We have some managers who have not taken the training yet. As we meet with the different offices, we are of course emphasizing that and encouraging them to allow their supervisors and managers to take the training. We've been getting good results and good reactions to our request that it take place. It's the training for EEO for the employees that we piloted recently. That is something that we're working with HR also to make that training available Agency wide.

COMMISSIONER MERRIFIELD: If you could do this, it's an information request for the breakdown of who has and hasn't taken it. In fact, if you could provide to me and the other members of the Commission, a list of those who have not taken that training that would be helpful.

The last comment I want to make is there have been some issues raised I know at least by one of the advisory committees regarding age discrimination and some statistical issues about individuals over the age 50 with some questions about performance appraisals. I don't want to necessarily comment about that. My understanding is the EDO is taking a look at that. Certainly I just wanted to recognize that it was an issue that had been raised. I would be interested in getting the EDO's review of that issue.

DR. TRAVERS: In fact, it's been raised a few times. I think most recently some of the data that has been utilized to take a look at that, and it may actually be reported on today, we are going to take a look at as well to make sure we understand what it is, if anything is being observed in the context of the numbers and as a minimum to reemphasize the expectation that everyone in this Agency should be appraised fairly. If I can learn more by looking at the data that will help me emphasize that, I intend to do that.

COMMISSIONER MERRIFIELD: Thank you, Mr. Chairman.

CHAIRMAN DIAZ: Thank you. Mr. Travers, is there any other issue that comes to your mind that we should hear about? Well, I think you've seen the significant importance the Commission puts on these issues. It seems like every time we get a little deeper and we intend to keep going a little deeper. I think this is a fundamental issue that impacts everybody in the Agency and my fellow Commissioners have really emphasized the concerns that we

have about doing this as well. I'm sorry. You have the statements. That's correct. Please, you go ahead. You know what it is.

MEMBER NORRY: Jessie Delgado.

MS. DELGADO: Good afternoon. I'm Jesse Delgado, the Co-chair of the Hispanic Program Advisory Committee. Thank you for the opportunity to say a few words. The NRC Hispanic Community is very pleased to have the first Hispanic NRC Chairman. Likewise NRC Hispanic Community is pleased with the Commission. As we have stated, in the past this Commission has done an outstanding job in facilitating the hiring and promotions of Hispanics. We are very pleased that we now make up to four percent of the staff compared to just two percent just two years ago.

The NRC is a model agency showing the Federal Government and private industry how to go about increasing the Hispanic representation. While we are making big strides, we need to keep in mind the Hispanics today make up 11 percent of the U.S. population and about six percent of the private labor force. Like in the past HEPAC will continue to actively assist and advise NRC management on how to elevate the Hispanics under-representation in our agency.

So the good news today is that the top NRC representative is Hispanic and we have a sizable pool of very talented technical individuals at the entry level. But the bad news is that the middle management and the top technical advisor ranks are in desperate need of Hispanic representation especially in Senior

Executive Service and Senior Level Service. Also we encourage representation of Hispanic in the Leadership Potential Program which is currently open.

While the Hispanic pool ready for SES and SLR is small, the small pool is very technically competent and supervisorally experienced and able to move to the next major level. We look forward to the next SES Candidate Development Program and bring to the attention of the Commission and NRC management the need for Hispanics to be represented in all levels of technical and management positions through both recruitment and internal promotions. Thank you again for the opportunity to provide this statement.

CHAIRMAN DIAZ: Thank you, Jessie.

MS. NORRY: Gregory Suber.

MR. SUBER: Good afternoon. My name is Gregory Suber. I would thank you for the opportunity to speak on behalf of the Advisory Committee on African Americans. We are pleased to report that progress has been made on two important areas. In the past few years, the Agency has shown a serious commitment in the recruitment of qualified African Americans at the entry level and to a lesser extent the experience level.

Additionally there is a growing perception among many African American employees that management accountability efforts have resulted in a more equitable distribution of work and improved opportunities for African American staff to develop

professionally and to demonstrate their talents in high profile assignments. That is the good news.

However, the Agency must still deal with the historic goal deficit and under-representation in certain critical areas. As indicated in the recent report released by the General Accounting Office which Ms. Norry talked about earlier, the number of African Americans in the Senior Executive Service Corps at the NRC is dwindling due to retirement. If current trends persist, the number will continue to decrease in the foreseeable future.

But there is still yet a bright side. The NRC has a unique opportunity to diversify its ranks across the board specifically in the SES Corps. The Office of Personnel Management has initiated a program to increase the number of minorities in the SES. We are encouraging the NRC to participate in that program.

We can also prepare African Americans for management positions by ensuring their representation, in important developmental programs like the upcoming Leadership Potential Program. We are excited and encouraged by the prospect of potential change here at the NRC and we challenge the NRC to take advantage of this historical opportunity to create a diverse work force from top to bottom. Thank you for your attention and for the opportunity to speak.

CHAIRMAN DIAZ: Thank you.

MS. NORRY: Ujagar Bhachu.

MR. BHACHU: Good afternoon. The Asian Pacific

American Advisory Committee appreciates the opportunity given to them to address some of the issues facing the NRC and the members of this community. During the past year, the Agency has continued to make a concerted effort to enhance representation of Asian Americans especially at the entry level. Additionally focus on enhanced management training and accountability has helped to create an environment towards acceptance and trust.

However the population of Asian Americans remain historically low compared to the available pool of highly qualified APAs in the Agency. We can, we must do more to apply the outstanding talent from the APA community to the realms of NRC activities. We would like to reemphasize our concern and recommend determined management engagement and focus on the issues of advancement of qualified APA employees to management positions.

Our recommendations are as follows:

1) Enhance APA population through development training, mentoring, coaching and nurturing into supervisory SES and LSS positions;

2) Increase hiring of APAs at identified universities, institutions for entry level, mid level and senior level professional positions; and

3) Accelerate opportunities for and effective utilization thereof of APA rotations through EDO and Commissioner offices.

In summary, the APAs desire increased participation in management and contribution to policy making decisions can only

be assured if the source and supply pipeline is maintained at a rate in excess of the attrition to be caused by the anticipated retirements in the foreseeable future. We urge that management seize this window of opportunity about to present itself on massive departure of retirees, embrace and adopt APA recommendation and open the door to the track that will lead more Asians to join management and SES rank. Thank you, ladies and gentlemen.

CHAIRMAN DIAZ: Thank you.

MS. NORRY: Buck Ibrahim.

MR. IBRAHIM: Good afternoon, Commission. On behalf of the Committee on Age Discrimination, I would like to express my thanks to you for giving us the opportunity to address the Commission on age issues. The Committee would like to thank the EDO, Dr. Bill Travers for meeting with us to discuss our concerns and goals. In addition, we thank Ms. Kelley, SBCR Director and Head of Staff, for providing performance data for our analysis.

We would like to take the opportunity to bring some of our concerns to your attention. In the briefing to the Commission in November 2002, we recommended:

1) A seminar for employees and managers which would reinforce, expand and define knowledge and skill related to effectively participate in NRC performance appraisal and promotion system as related to age issues;

2) Mentoring programs to enforce the transfer of knowledge to the new generally young employee; and

3) Statistical analysis of performance appraisal data, promotional data and rotational data for staff age 40 and above.

With respect to recommendation number one, we found some progress has been made. With respect to recommendation number two, we recommend that senior staff in addition to manager be appointed to mentor and utilize their experience in coaching new staff. With respect to recommendation number three, I think Commissioner Merrifield addressed that because we supplied some statistics last time. I would say that although we realize that the age's recommendation may not be the only possible explanation for this finding we presented last briefing the available data did not allow us to investigate the possible reasons.

We recommend that the reasons for these findings be investigated. Whatever these reasons may be the deterioration performance of senior staff means that the resources of the Agency are not utilized as effectively as they might be. If the reasons are understood then corrective action might be taken to improve Agency effectiveness. For the coming year, CAD plans to examine data on rotational assignment and promotion for staff age 40 and above. Again we thank you for the opportunity to address the Commission on aging issue and look forward to our continued interactions. Thank you.

CHAIRMAN DIAZ: Thank you, sir.

MEMBER NORRY: Okay, to complete the EEO committees, King Stablein.

MR. STABLEIN: Good afternoon. It's a real honor to be part of a meeting like this focused on what I think is a critical topic for our Agency. I really love the emphasis that was placed on giving every NRC employee a real opportunity to develop and to contribute to the Agency by having that opportunity.

The Joint Labor Management EEO Committee considers that Amy Snyder's presentation combined with the statements of my fellow co-chairs have ably covered the issues that we have been concerned about and will continue to be concerned about in the future. So I appreciate the Commission taking their time out of their schedule to really focus on these issues today. Thank you so much.

CHAIRMAN DIAZ: Thank you.

MS. NORRY: And Dale Yeilding representing NTEU.

MR. YEILDING: Thank you, Pat, and thank you Commissioners, for the opportunity to speak on behalf of the National Treasury Employees Union and the 2,000 bargaining unit employees that we represent. I usually always try to focus the many issues that the Union tackles between these meetings and focus on the EEO aspect of it. I usually talk about retention and recruiting because the aspects of the Union on increasing the benefits and the opportunities here in regards to changing the Collective Bargaining Agreement and negotiating different changes makes the environment here a better workplace.

I'm not going to focus on that but I'll make one

statement that between this meeting and last meeting we did negotiate successfully with management a new expanded compressed work schedule that makes opportunities for people to travel to sites on different hours which is a lot more flexible. I think that was a successful completion between Human Resources and the Union.

What I'm going to focus on is one of the bullets in the combined statement that said "Ensure that the selection processes are transparent and the methods used are consistent." I think everyone knows that the Union represents the bargaining unit employees. I saw throughout this presentation a huge focus on bargaining unit employees trying to reach the ranks of management.

I think we all know we are approximately an eight to one ratio here at the Agency. That means eight employees for every supervisor. I'm going to be speaking on behalf of the eight times quantity larger, the employees that are trying to be retained so to speak. The aspect I'm going to focus on is promotions. There are several charts in the paper that talks about the number of promotions for non-SES competitive selections.

I'm going to focus on one aspect of it that I've been in active communications with HR. That's the actual merit selection process and management rights versus employees rights. As everyone probably knows for every selection that's made there's a whole bunch of losers and the Union office is usually the stomping ground for all the losers trying to gain consolation or identify if there is

anything the Union can help to help the people who aren't selected.

I always start off with my initial statement that management has a statutory right to select from a properly rated and ranked list. If that list is in front of the manager, they can select any person they want. What I'm going to focus on here is that list itself and the size of that list and how that list is produced. I'm not going to make allegations of preselection but I'll end up with some recommendations on that list.

But the list be it large or be it small is almost a double edged sword. Most candidates that are trying to get selected are trying to reach the hurdle of getting through the rating panel and getting on the best qualified list. So for the candidates, sometimes their goal is a large list.

Managers sometimes would like a large list to be able to have more candidates to interview. But the purpose of the list is to ensure the best qualified candidates are presented to the selecting official. And the list is quantified as being five which is probably news to a lot of people because here at the Agency the list is very rarely five. Sometimes that list is 25.

I'm not necessarily saying things are wrong but I wanted to remind management and we have a couple of cases in front of HR right now to consider the different ways that the list grows from five to 25 and whether it grows properly or improperly. One might allege that maybe a larger list would allow a manager to pre-select. Maybe a larger list would allow more diversified candidates to

be selected from to reach these EEO goals. But here nor there, the Collective Bargaining Agreement specifies the list to be five.

I just want to touch on two ways that I know of be it tax loopholes or what that the Union is trying to plug to keep that list down to five. The definition of "Best Qualified List" is "all candidates within .4 of the top candidate not to exceed five including ties and including one additional candidate for multiple selections." You'll be tested on that later.

What that boils down to is the rating panel has to rate the answers to every one of the questions giving an A, B or C, give you three points, two points or one point and average up your score and that's your score. We have rating panel creep at this Agency because no one gets Cs anymore. Everyone gets As and Bs. Everyone is tied and that's why we have 25 on the Best Qualified List because there is 20 or more ties.

For one reason or another, the bar that was set by the selecting official to establish the criteria for the As, Bs and Cs I guess has been lowered so low to let more people on the Best Qualified List for selection. If you truly have ties, I guess that rating selection wasn't done wrong but the next one the bar should be raised so that we approach our goal of having five on the Best Qualified List.

The other aspect of increasing the size of the Best Qualified List is you're allowed to add one to that five if you truly intend to make to make two selections. We've had one situation where they added five because the selecting official truly intended to

make five selections from one vacancy competition but he ended up only making one or two. That's neither here nor there. That's a management right to select zero, one, two or three but one of the Union's goals is when they are going to make five selections identify it to employees so they know that there's that many more opportunities for that vacancy announcement.

I'll conclude with just four recommendations. Not to count statistics and beans but one could take a look at and report at the next Commission meeting how many selections were made when there were more than five on the list. Just a simple count to see how many ties and how many times that Best Qualified was more than five.

One could take a step further and anytime there was an outrageous number of people on the Best Qualified List, turn the package back and tell the rating panel to do their job over again. If they turned over 25 on the Best Qualified List, maybe they should reevaluate how to analyze each of the candidates' answers to get the list down to a proper number.

Of course, we already have a case with HR. Mr. McDermott is considering it hoping to always instead of putting the word "multiple" on a vacancy, put "multiple" and put the number next to it so candidates really know if there's going to be five, one or two selections. Then if they don't select the number that they had the opportunity to select, candidates would know that they were bypassed that round.

I guess last but statistically more important is these Best Qualified Lists candidates, should we analyze them for the EEO classification criteria because if we truly have five people on the Best Qualified List and none of them meet any of the EEO classification criteria, the manager shouldn't be downgraded on his performance appraisal for not selecting if the minority classes are not reaching the Best Qualified List. So another statistical chart might break down all the Best Qualified Lists from each of the grade levels as to what their EEO classes were. Thank you very much for the opportunity to speak.

CHAIRMAN DIAZ: Thank you very much. I appreciate everybody's participation in the meeting but also your participation in making sure that the Agency actually continues to improve in being free of discrimination and being an Equal Employment Opportunity place and in valuing every one of our employees. I know that we still have work in progress as our EDO would describe and we're going to look forward to making sure that you keep on track.

I think there is many issues that the Commission brought out today which are important. It shows that we are concerned about this. There should be no doubt on everybody's mind that this is an issue that is always in our minds that we want to make every possible effort to make sure that everybody has the opportunities as they deserve. Sometimes it's not easy. There are so many restraints in our systems that it makes it difficult. But we need

to keep trying. My fellow Commissioners.

COMMISSIONER MERRIFIELD: Mr. Chairman, I would like to associate myself with your comments. I'm reviewing my notes and I realized that I had an omission. I will not put it in the form of a question so as not to delay this. As is my want in these meetings, I just typically will ask a question about the use of ADR.

I just wanted to recognize the progress that's being made by Ren and her staff. I may ask follow-up questions of her in terms of whether she has sufficient resources to do what she thinks she needs to do in that regard. But I do want to recognize progress in that important area of our Agency. Thank you, Mr. Chairman.

CHAIRMAN DIAZ: Thank you so very much. We appreciate, Ren, your efforts. I know you have only been here dealing with this a few months but we look forward to great things from you. If nobody else has a comment, the meeting is adjourned.

(Whereupon, the above-entitled matter was concluded at 3:56 p.m.)

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