

POLICY ISSUE INFORMATION

November 20, 2003

SECY-03-0203

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (EEO) BRIEFING

PURPOSE:

To inform the Commission of the status of the Equal Employment Opportunity (EEO) Program at the Nuclear Regulatory Commission (NRC).

BACKGROUND:

The Energy Reorganization Act of 1974, as amended, requires the NRC Executive Director for Operations (EDO) to report to the Commission, at semi-annual public meetings, on the problems, progress, and status of the Agency's Equal Employment Opportunity (EEO) Program. For the next briefing, scheduled for December 9, 2003, the staff will provide a status of progress and significant issues addressed since the last briefing on May 29, 2003. The discussion will focus on four areas related to the Agency's EEO program: (1) enhanced management accountability; (2) EEO complaint activity, including use of alternative dispute resolution (ADR); (3) diversity strategies for senior level positions; and (4) performance appraisal and age. The impact of new requirements and challenges in achieving EEO goals will also be discussed.

Accomplishments of the program will include a discussion of activities/data through September 30, 2003, based on the following four guiding principles in the NRC's Affirmative Employment Plan (AEP): (1) create a discrimination-free work environment; (2) ensure that agency policies, processes, and procedures provide employees the opportunity to participate in the Agency's mission and enable fair and equitable competition for career enhancement and

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advancement; (3) employ a competent, highly skilled, and diverse workforce in a positive work environment; and (4) recognize and value diversity, thereby demonstrating trust, respect, and concern for the welfare of all employees within the Agency.

Following the last briefing on May 29, 2003, the Commission requested, through a Staff Requirements Memorandum (SRM) dated June 16, 2003, that the staff provide information or status on six issues:

1. The programs available or planned for enhancing training opportunities that enable long term employees to enhance their careers and improve their skills.
2. The exact number of women and minorities in the technical positions and a breakdown of those numbers by offices.
3. What courses in EEO and managing diversity have been offered by NRC? How many of our current managers and supervisors have attended? What is the plan and the timetable for those managers and supervisors who have not attended courses on EEO and managing diversity so that they are properly trained to carry out their EEO responsibilities as stipulated in their performance plans?
4. A review of recent performance appraisal information and opportunities for employees over age fifty.
5. The Commission encouraged the staff to develop appropriate measures to determine the extent to which the agency's EEO initiatives are achieving their intended objectives.
6. The Commission also encouraged the staff to consider all the institutions that serve large minority student populations for NRC recruitment and to develop a legislative initiative with regard to connecting the agency better with minority serving institutions in order to build a larger recruiting base.

SRM items 1, 2, 3, 4, and 6 were addressed in our responses dated August 12, 2003, August 21, 2003, and October 20, 2003. A copy of the SRM and our responses are provided in Attachment 1. Item 5 is addressed in this paper under Management Accountability.

This report includes EEO Workforce Profile Data by grade, ethnicity, gender, occupation, and age for Fiscal Year (FY) 1999 - FY 2003 (Attachment 2); a joint statement from the five EEO Advisory Committees (African American Advisory Committee, Hispanic Employment Program Advisory Committee, Federally Employed Women Advisory Committee, Asian Pacific American Advisory Committee, Committee on Age Discrimination); and a statement from the Joint Labor Management Equal Employment Opportunity Committee (Attachment 3).

DISCUSSION:**Enhanced Management Accountability**

Creating a discrimination-free workforce is an on-going objective that requires continuous focus. Existing strategies include: practicing sound management and leadership in support of effective communication, team-building, inclusion, and respect; embracing diverse approaches to problem solving, leading to continuous improvement and innovation; and facilitating early resolution of issues.

Managers will continue to play a lead role in formulating and implementing these strategies and will continue to be provided with tools to assist them in these efforts. Since the last briefing, a team consisting of the major Executive Director for Operations (OEDO) offices was established to develop a new Senior Executive Service (SES) performance management system. The revised system strengthens the emphasis on management accountability in all aspects, including EEO and diversity management, with such "key leadership attributes" as building diversity (i.e., promoting, developing, applying, and evaluating approaches to achieving and maintaining workforce diversity and positive workforce relations), coaching, motivating, and mentoring.

The establishment of EEO and diversity performance measures will also strengthen the emphasis on management accountability in EEO and diversity management. The Office of Small Business and Civil Rights convened a diverse task force composed of senior executives, and technical, administrative, legal, and clerical staff to develop EEO and diversity performance measures. These proposed measures are designed to assist managers in achieving goals that help foster a work environment that is free of discrimination and provide optimal opportunities for all employees to use their talents in support of the Agency's mission. The Task Force proposed three goals: (1) increase pipeline of highly skilled, talented, and diverse individuals for senior positions; (2) recruit diverse employees at all levels; and (3) develop and retain diverse employees by promoting an environment that values differences. Measures to achieve these goals will be linked to the Agency's Strategic Plan, Affirmative Employment Plan, and the proposed new SES performance plan, and support expected outcomes of the agency's EEO and diversity process. The goals are being finalized for senior management review.

Formal training also serves as a tool to assist managers and supervisors. Currently, the agency offers a 2-day course entitled *EEO & Diversity for Supervisors and Managers*, which is mandatory for new managers and supervisors. To date, 222 (43%) of the 509 NRC managers and supervisors (including 164 Team Leaders) have completed the 2-day course. Additionally, 182 (36%) of the 509 managers and supervisors have completed a managing diversity course and 105 (21%) have not completed any EEO and diversity training. Beginning in FY 2004, the 2-day course will continue to be mandatory for new supervisors and managers, and a new 1-day *EEO & Diversity for Managers and Supervisors* course will be mandatory for those managers, supervisors, and team leaders (287) who have not taken the 2-day course. To accommodate training for this group, approximately 14 sessions of the 1-day course will be conducted during FY 2004 and FY 2005.

Employees also have a responsibility to assist management in successfully managing diversity. To enhance employee understanding of the concept of managing diversity, Small Business & Civil Rights (SBCR) conducted seven managing diversity sessions for employees in regional and headquarters offices. The importance of EEO accountability among managers and supervisors continues to be emphasized by senior managers, including discussion at Senior Management Meetings. During the October 2003 Senior Management Meeting, the EDO highlighted the goals and objectives of the agency's revised Strategic Plan to include management accountability, feedback, employee development, and EEO and diversity expectations. Also during this meeting, the Director of SBCR highlighted the major goals and objectives of the agency's EEO and diversity initiatives, and discussed new EEO and diversity requirements enacted by law and by the Equal Employment Opportunity Commission (EEOC). Elements of managing, leading and fostering change in support of the agency's mission are included among the proposed five goals of the Plan (Safety, Security, Openness, Effectiveness, and Management Excellence). These new requirements are discussed in more detail in this paper. With proper management tools, enhanced management accountability, and strong support for EEO and diversity management objectives, a highly qualified and diverse workforce in a supportive environment will be achieved.

EEO Complaint Activity Including Use of ADR

The ADR process continues to be offered to employees as an option for resolving informal and formal allegations of discrimination. The data below depicts informal and formal complaint activity for FY 2002 and for FY 2003.

FY 2002

Informal Complaint Activity:

35 Initiated
 35 Closed (6 settled, 7 withdrew,
 22 received notice of right to
 file/15 filed formal)
 3 ADR (2 settled, 1 unsuccessful)

Formal Complaint Activity:

15 Filed
 14 Closed (8 settled, 4 final agency
 decision, 2 dismissal)
 1 ADR (settled)

FY 2003

Informal Complaint Activity:

30 Initiated
 24 Closed (4 settled, 9 withdrew, 11
 notice of right to file/8 filed formal)
 4 ADR (3 settled, 1 unsuccessful)

Formal Complaint Activity:

9 Filed
 16 Closed (6 settled, 9 final agency
 decision, 1 withdrew)
 4 ADR (1 settled, 3 unsuccessful)

Our rate of success in bringing EEO complaints to closure continues, resulting in 21 closures by mid-year to a total of 40 closures by the end of FY 2003. Cooperative efforts of complainants, managers, EEO counselors, mediators, SBCR staff, and members of the Office of the General Counsel and the Office of Human Resources continue to enhance our ability to resolve potential allegations of discrimination.

Long Term Strategy To Diversify Supervisory and Management Corps

NRC is committed to diversifying its SES corps consistent with workforce and executive succession planning strategies. The agency initiated formal management and leadership development programs such as the Leadership Potential Program (LPP) and the SES Candidate Development Program (SES CDP) to accomplish this objective. These actions are consistent with recent General Accounting Office (GAO) recommendations to be considered by all Federal agencies. Recent developmental program activity and status are as follows:

2003 Leadership Potential Program (LPP) Selectees

25 selections: 6 (24%) African Americans, 2 (8%) Hispanics, 3 Asians (12%), 5 (20%) white women, and 9 (36%) white men

2002 Leadership Potential Program (LPP) Graduates

40 graduates: 9 (22%) African Americans, 4 (10%) Asians, 3 (7%) Hispanics, 1 (3%) Native American, 10 (25%) white women, and 13 (33%) white men; 26 selected or placed in team leader or supervisory positions: 4 Asians, 3 African Americans, 2 Hispanics, 1 Native American, 5 white women, and 11 white men.

2002-2003 SES Candidate Development Program (SES CDP) Selectees

22 selections: 2 (9%) African Americans, 1 (5%) Asian, 6 (27%) white women, 13 (59%) white men; 12 placed in SES positions: 1 African American, 3 white women, and 8 white men.

The agency maintains a strong and successful recruitment initiative to attract highly qualified and diverse women and minority applicants at the entry level. In FY 2003, a total of 71 entry level/interns were hired: 58 engineers and scientists, and 13 other entry level/interns. Of the total number hired, 33 (47%) are minorities, 13 (18%) are white women, and 25 (35%) are white men. The results of these efforts continue to enhance overall representation at the NRC.

Diversity at the higher levels requires creative strategies at intervening levels. To accomplish this, the agency has enhanced its efforts to attract experienced employees, expand the pool of minorities and women in the GG-13 through GG-15 pipeline, and diversify the SES corps. Strategies to accomplish this goal include use of diverse recruitment teams, targeted recruitment, developmental programs and mentoring. As a result in FY 2003, a total of 154 experienced employees (grades GG-12 thru GG-15) were hired: 84 engineers and scientists and 70 other. Of the total number hired 34 (22%) are minorities, 19 (12%) are white women, and 101 (66%) are white men.

During FY 2003, diverse teams of managers and staff participated in over 70 recruitment events, and conducted information sessions/classroom presentations at 11 targeted institutions. Active liaison with professors, students, and representatives of professional organizations will continue to assist in enhancing awareness of NRC as the employer of choice for a diverse group of highly qualified individuals. It is anticipated that the results of these collective efforts will significantly assist in building and maintaining a diverse workforce at NRC at all levels.

Significant progress in diversifying the management corps, however, will be a longer term process. Highlights of demographic trends for senior level positions covering a five year period (FY 1999 - FY 2003) show the following:

SES:

African Americans decreased from 9 to 8
Asians increased from 4 to 6
White women increased from 15 to 19
White men increased from 110 to 111
Hispanics remained the same at 2
Native Americans are zero

SENIOR LEVEL:

Asians increased from 4 to 5
Hispanics increased from 1 to 2
African Americans increased from 0 to 1
White women increased from 9 to 10
White men increased from 35 to 53
Native Americans are zero

NON-SES SUPERVISORS AND MANAGERS:

African Americans decreased from 18 to 17
Asians increased from 9 to 13
Hispanics increased from 5 to 8
White women increased from 27 to 33
White men increased from 122 to 127
Native Americans are zero

TEAM LEADERS:

Asians decreased from 7 to 4
African Americans increased from 13 to 19
Hispanics increased from 1 to 3
White women increased from 21 to 26
White men increased from 93 to 112
Native Americans are zero

Additional details are provided in Chart 2, under EEO Workforce Data.

Performance Appraisal and Age

During the last EEO briefing, the EDO indicated that SBCR would conduct a study to determine if there is a correlation between performance appraisal ratings and age. Dan Lurie, an agency statistician, conducted the study (FY 1988 - FY 2000) and the results were provided in our SRM response dated October 20, 2003 (Attachment 1). The basic conclusions indicate:

1) employees who received "fully successful" or better performance appraisal ratings (average age 47) were, on the average, 12 years younger than employees who received "minimally successful" (average age 59); 2) employees who received "outstanding," on the average, were 3 years younger than all other employees appraised; and 3) as some employees got older their performance ratings decreased. The cause for any of the findings cannot be determined from the study, however, to enhance sensitivity to the age related concerns, managers and

supervisors will continue to be reminded to evaluate employees fairly and appraise performance based on objective standards.

New Initiatives In The Areas of EEO & Diversity Objectives

Recently, EEOC issued management directives and has outlined new EEO guidance and standards related to affirmative programs for EEO, affirmative actions under the Rehabilitation Act, and reporting requirements. While these new requirements may pose additional workload challenges, their implementation will enhance NRC's ability to meet its EEO and diversity objectives. The new No Fear Act requires Federal agencies to notify employees and applicants for employment about their rights and responsibilities under the discrimination and whistle blower protection laws, and provide managers training in managing diversity, dispute resolution and communications. As stated earlier in this paper, management training in these areas is mandatory.

The new Equal Employment Opportunity 715 Management Directive requires demonstrated senior management commitment, integration of EEO and diversity into the agency's strategic mission and enhanced management accountability. The EEOC will provide guidance on implementation in the near-term.

Executive Order 13166 (Improving Access To Services For Persons With Limited English Proficiency) requires agencies to take reasonable steps to ensure that Limited English Proficiency (LEP) individuals in the United States are provided meaningful access to programs conducted by federal agencies and entities receiving financial assistance from the Government. Identifying reasonable measures to ensure this will involve consideration of the number or proportion of LEP individuals affected by the federal activity or program, frequency of contact between LEP individuals and the program activity, and nature/importance of the agency program and program resources available to provide access for LEP individuals. The diversity of industry professionals, organizations and the public with whom we interact has increased. It is NRC's responsibility to ensure that we have systems and processes in place to communicate appropriately with all stakeholders. SBCR has the lead on this initiative which will involve the translation of selected documents and inclusion of needed LEP information on public meeting notices, as appropriate. SBCR is currently preparing the draft guidance for senior management review. Upon approval, SBCR will work with individual offices and the Department of Justice (the lead agency in the LEP program) to identify best practices that meet the requirements of the LEP program in the most cost effective manner possible.

Summary and Challenges

Implementation of new and existing EEO, affirmative employment and diversity initiatives has resulted in a more diverse NRC workforce overall and has placed additional emphasis on creating and maintaining a diverse and highly qualified workforce in a positive work environment. However, more still needs to be done. Since the last EEO Briefing, management implemented several strategies to achieve this objective. These strategies include 1) enhanced managerial accountability in the new SES performance plan that is being developed; 2) mandatory EEO and diversity training for new and existing managers, supervisors and team leaders provide tools necessary to enhance understanding of EEO and diversity management; 3) focused recruitment efforts to increase the pool of potential internal and external minority candidates at entry, mid-level, and SES; 4) use of the LPP and SES CDP programs to provide a pool of diverse and highly qualified graduates available for selection and placement in

supervisory and SES positions; and 5) linkage of EEO and diversity measures to the agency's Strategic Plan, SES Performance Plan, Affirmative Employment Plan, and the EEO and Diversity goals.

With continued success in these areas, we still face some challenges. While the Nuclear Safety Intern Program (NSIP) has consistently increased diversity overall in the workforce, it will take some time before these graduates can be eligible for SES positions. The continuing diversity of the NSIP will contribute to future progress in this area. Continuing strategies to increase diversity in the pipeline, develop and retain employees, and attract women and minority candidates for mid and senior level positions will help to increase diversity in mid-level and SES positions.

Management and staff commitment to diversity management principles and an emphasis on EEO and diversity goals and measures will enhance understanding and improve communications among the staff and external stakeholders, to build an organization based on acceptance of differences and trust. In addition, EEOC guidance (MD 715, No Fear Act, and Limited English Proficiency) will contribute to the agency's focus on EEO and diversity goals and measures. NRC's future organizational strength will be improved by attracting, developing and retaining the most talented and diverse staff. Our continued success in achieving this goal lies in our individual efforts to make NRC the employer of choice for our employees and highly qualified applicants.

/RA William F. Kane Acting For/

William D. Travers
Executive Director
for Operations

Attachments:

1. SRM and Staff Responses
2. Equal Employment Opportunity Workforce Profile Data
3. EEO Advisory Committees Joint Statement

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**Staff Requirements Memorandum
June 16, 2003**

**Memorandum to the Commission from Cyr
August 12, 2003**

**Memorandum to the Commission from Travers
August 21, 2003**

**Memorandum to the Commission from Travers
October 20, 2003**

Attachment 1

IN RESPONSE, PLEASE
REFER TO: M030529B

June 16, 2003

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON EQUAL
EMPLOYMENT OPPORTUNITY PROGRAM (SECY-03-0075),
2:00 P.M., THURSDAY, MAY 29, 2003, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

The Commission was briefed by the NRC staff on the Equal Employment Opportunity (EEO) Program. In addition, the Region III Administrator provided the status of EEO efforts in that region and representatives of each EEO advisory committee and the National Treasury Employees Union (NTEU) made presentations to the Commission.

The Commission requested that the staff provide the following additional information:

- a. The programs available or planned for enhancing training opportunities that enable long term employees to enhance their careers and improve their skills.
- b. The exact number of women and minorities in the technical positions and a breakdown of those numbers by offices.
- c. What courses in EEO and managing diversity have been offered by NRC? How many of our current managers and supervisors have attended? What is the plan and the timetable for those managers and supervisors who have not attended courses on EEO and managing diversity, so that they are properly trained to carry out their EEO responsibilities as stipulated in their performance plans?
- d. A review of recent performance appraisal information and opportunities for employees over age fifty.

The Commission encouraged the staff to develop appropriate measures to determine the extent to which the agency's EEO initiatives are achieving their intended objectives.

The Commission also encouraged the staff to consider all the institutions that serve large minority student populations for NRC recruitment and to develop a legislative initiative with regard to connecting the agency better with minority serving institutions in order to build a larger recruiting base.

cc: Chairman Diaz
Commissioner Dicus
Commissioner McGaffigan
Commissioner Merrifield
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

August 12, 2003

MEMORANDUM TO: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Karen D. Cyr **/RA/**
General Counsel

SUBJECT: DRAFT LEGISLATION RELATED TO MINORITY-SERVING
INSTITUTIONS AND RECRUITING

In Staff Requirements Memorandum M030529B (June 16, 2003) - BRIEFING ON EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (SECY-03-0075), the Commission "encouraged the staff to consider all the institutions that serve large minority student populations for NRC recruitment and to develop a legislative initiative with regard to connecting the agency better with minority serving institutions in order to build a larger recruiting base." In response, we have developed draft legislation that would authorize the NRC to (1) carry out a program to award scholarships and fellowships (based on financial need) to students in science, engineering, law and other critical skills academic areas, and (2) establish an outreach program with Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges. Attached for your consideration is a "legislative package" consisting of a proposed transmittal letter to Congress, the draft bill and a section analysis.

Attachment: as stated

cc: SECY
EDO
OCA

The Honorable Richard B. Cheney
President of the United States Senate
Washington, D.C. 20510

Dear Mr. President:

I am enclosing the Nuclear Regulatory Commission's (NRC) legislative proposal to provide the NRC with authority to (1) carry out a program to award scholarships and fellowships to undergraduate and graduate students, based on financial need, in science, engineering, law, and other critical skills academic areas and (2) establish an outreach program with Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges for the performance of collaborative research and to enhance the capacity of these institutions to train and mentor personnel and students in science, engineering, law, or other critical skills academic areas.

This proposal would assist the NRC in recruiting and retaining employees with critical skills needed to fulfill the agency's mission of protecting the public health and safety and the common defense and security.

Sincerely,

Nils J. Diaz

Enclosures: Draft Bill Section Analysis

DRAFT BILL

To authorize the United States Nuclear Regulatory Commission to establish and operate a program to award scholarships and fellowships to undergraduate and graduate students, based on financial need, in science, engineering, law, or other critical skills academic areas and to establish an outreach program with Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges for the performance of collaborative research and to enhance the capacity of these institutions to train and mentor personnel and students in science, engineering, law, or other critical skills academic areas at these institutions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE

This Act may be cited as the "Nuclear Regulatory Commission Critical Regulatory Skills Recruitment and Retention Act of 2003."

SECTION 2. NRC SCHOLARSHIP AND FELLOWSHIP PROGRAM.

Chapter 19 of the Atomic Energy Act of 1954 (42 U.S.C. 2015 et seq.) is amended by inserting after section 241 the following:

"Sec. 242. Scholarship and Fellowship Program.

(a) The Commission is authorized to carry out a program for--

(1) awarding scholarships to undergraduate students who--

(A) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, science, engineering, law, or another field of study that the Commission determines is in a critical skill area related to its regulatory mission; and

(B) pursuant to subsection (b) of this section, enter into an agreement to be employed by the Nuclear Regulatory Commission in the area of study for which the scholarship was awarded;

(2) awarding fellowships to graduate students who--

(A) are United States citizens to enable such students to pursue education as part of a graduate or professional degree program of a United States institution of higher education in science, engineering, law, or another field of study that the Commission determines is in a critical skill area related to its regulatory mission; and

(B) pursuant to subsection (b) of this section, enter into an agreement to be employed by the Nuclear Regulatory Commission in the area of study for which the fellowship was awarded.

(b) In awarding a scholarship or fellowship under this program, the Commission shall require a recipient of any scholarship or fellowship to enter into an agreement that, in return for such assistance, the recipient--

(1) will maintain satisfactory academic progress, as determined by the Commission, and agrees that failure to maintain such progress shall constitute grounds upon which the Commission may terminate such assistance;

(2) will, upon completion of such recipient's education under the program, and in accordance with such determinations by the Commission, be employed by the Nuclear Regulatory Commission for a period specified by the Commission, which period shall be not less than one and not more than three times the period for which the assistance was provided; and

(3) if the recipient fails to meet either of the obligations set forth in paragraph (1) or (2), will reimburse the United States Government for the entire amount of the assistance provided the recipient under the program, together with interest at a rate determined by the Commission.

(c) Recipients of awards of scholarships or fellowships pursuant to this section shall be selected on their financial need."

SECTION 3. PARTNERSHIP PROGRAM WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC SERVING INSTITUTIONS, AND TRIBAL COLLEGES.

Chapter 19 of the Atomic Energy Act of 1954 (42 U.S.C. 2015 et seq.) is amended by inserting after section 242 the following:

"Sec. 243. Partnership Program with Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges.

(a) DEFINITIONS.--- In this section:

(1) HISPANIC SERVING INSTITUTIONS.--- The term "Hispanic Serving Institution" has the same meaning as given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101(a)).

(2) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.--- The term "Historically Black Colleges and Universities" has the same meaning given the term "part B institution" in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(3) TRIBAL COLLEGES.--- The term "Tribal Colleges" has the same meaning as given the term "tribally controlled college or university" in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

(4) **ACTIVITIES**---For purposes of the Partnership Program the term "activities" may include collaborative research, mentoring, and training activities conducted at Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges, or at United States Nuclear Regulatory Commission's facilities.

(b) **PARTNERSHIP PROGRAM**--- The Commission is authorized to establish and participate in outreach partnership programs in science, engineering, law, or other critical skill fields to increase the participation of Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges in activities that will enhance their capacity to train personnel and students in science, engineering, law, or other fields of study that the Commission determines are critical to its regulatory mission.

SECTION ANALYSIS

Section 1 would entitle this Act the “Nuclear Regulatory Commission Critical Regulatory Skills Recruitment and Retention Act of 2003.”

Section 2 would authorize the United States Nuclear Regulatory Commission (NRC) to establish a scholarship and fellowship program. The NRC would be authorized, under this program, to award scholarships to undergraduates in institutions of higher learning who are United States citizens to enable them to study science, engineering, law, or other critical skills needed by the NRC to meet its regulatory mission. This program would also authorize the NRC to award fellowships to United States citizens who are graduate students, or students pursuing professional or post-graduate degrees in science, engineering, law, or other critical skills areas.

Recipients of these scholarships or fellowships would be required to enter into a written agreement with the NRC. In the agreement, the recipient shall agree to maintain satisfactory academic progress and that failure to maintain such progress shall constitute grounds for termination of the assistance. The recipient shall also agree to be employed by the NRC upon completion of the recipient’s education under the program in the area of study for which the scholarship or fellowship was granted for a period not less than one, and not more than three times, the period for which the assistance was provided. Failure to meet any of these requirements will require the recipient to reimburse the United States Government for the entire amount of the assistance provided with interest. The award of scholarships or fellowships will be based on the financial need of the potential recipient.

Section 3(a) would define the terms Hispanic Serving Institutions, Historically Black Colleges and Universities as having the same meaning for those terms, respectively, in the Higher Education Act of 1965 and the term Tribal Colleges for the term “tribally controlled college or university” in the Tribally Controlled College or University Assistance Act of 1978.

The term “Activities,” for purposes of the Partnership Program in this Act, may include collaborative research, mentoring, and training activities conducted at Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges or conducted at NRC facilities.

Section 3(b) would authorize the NRC to establish and participate in outreach science, engineering, or law partnership programs to increase the participation of Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges in activities that will enhance their capacity to train personnel and students in science, engineering, law, or other critical fields needed by the NRC to meet its regulatory mission.

August 21, 2003

MEMORANDUM TO: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: William D. Travers **/RA/William D. Travers**
Executive Director for Operations

SUBJECT: STAFF REQUIREMENTS MEMORANDUM (SRM M030529B)
RESPONSE FOLLOWING THE EEO COMMISSION BRIEFING

In response to the subject Staff Requirements Memorandum (SRM) of June 16, 2003, the staff is providing the information below for SRM items #1 and #2. The remaining items will be provided at a later date.

e. The programs available or planned for enhancing training opportunities that enable long term employees to enhance their careers and improve their skills.

Substantial training opportunities are provided to all employees at NRC. While employees entering new positions receive training relevant to their positions, there are also substantial training opportunities available for long-term employees to enhance their skills, keep current in their profession, and assist them in preparing for advancement opportunities.

Competitive merit promotion procedures are followed when selecting employees for training that is primarily to prepare trainees for advancement and that is not directly related to improving performance in their current positions. To help document an employee's career strategy, the NRC Form 321 Individual Development Plan is available for employees and their supervisors to outline an employee's goals and planned developmental activities, when needed. NRC's training programs fully meet the federal laws and regulations regarding government training. Supervisor approval is needed to request training.

Long-term employees may select, with supervisory approval, any job-relevant external training course or educational conference, attend job-relevant training available at NRC's training facilities, compete for selection into various NRC sponsored developmental programs, use the NRC's Individualized Learning Center and OPM's GoLearn self-study courses, obtain one-on-one career counseling and speech enhancement counseling, and mentoring. Each of these training opportunities is summarized below:

1. External Training - All employees have the opportunity to request to attend commercially available courses and educational conferences conducted outside NRC. Long-term employees who have completed relevant in-house courses offered at the Technical Training Center (TTC) and Professional Development Center (PDC), benefit greatly from the use of external training. Requests for external training are approved by management.

2. NRC Training - Classroom and self-study courses are available at the TTC, PDC, Individualized Learning Center (ILC), and Regional offices. These courses target both employees learning new positions at NRC and long-term employees. A catalog and course registration for all the available HR courses are on the NRC internal web page under Employee Training and Development.

3. NRC Developmental Programs - Employees may be considered for special programs, such as the Administrative Skills Enhancement Program, Information Technology/Information Management Program, Leadership Potential Program, SES Candidate Development Program, and Graduate Fellowship Program. Details of these programs are described below:

- The Administrative Skills Enhancement Program helps secretaries, administrative assistants, and other support staff employees obtain training and education in an administrative area (non-competitive).
- The Information Technology/Information Management Program assists secretaries, administrative assistants, and support staff employees in obtaining training and education in an information technology area (non-competitive).
- The Leadership Potential Program prepares high-performing individuals for team leader and supervisory positions (competitive).
- The SES Candidate Development Program prepares high-performing individuals for certification in the SES (competitive).
- The Graduate Fellowship Program supports technical individuals who obtain an advanced degree that is of benefit to the NRC (competitive).

4. Individual Counseling - Provides one-on-one career counseling and speech enhancement counseling by appointment for all staff. Long-term employees can obtain assistance in evaluating their careers, capabilities and interests, developmental goals and planning, and job application techniques. Speech enhancement counseling is also available for those for whom English is a second language (voluntary).

5. Mentoring - Provides employees an opportunity to discuss and evaluate their career goals and aspirations one-on-one with experienced NRC employees. The goal of the program is to enhance productivity and assist the Agency in transferring employee skills and knowledge. All participants complete an orientation that provides information regarding roles and responsibilities, and expectations (voluntary).

2. The exact number of women and minorities in the technical positions and a breakdown of those numbers by offices.

Technical positions are defined as those in engineering and scientific occupational categories (Occupation series 800 - 899 and 1300 - 1399). There are a total of 283

minority men, 97 minority women, and 165 white women in technical occupations. The combined count of 545 for this group represents 33% of all technical positions. See the attached table for details.

Attachment: As stated

cc: SECY
CFO
OGC
OCA
OPA

October 20, 2003

MEMORANDUM TO Chairman Diaz
 Commissioner McGaffigan
 Commissioner Merrifield

FROM: William D. Travers **/RA/**
 Executive Director for Operations

SUBJECT: RESPONSE TO ACTION ITEMS: STAFF REQUIREMENTS
 MEMORANDUM (SECY-03-0075); MAY 29, 2003, EQUAL
 EMPLOYMENT OPPORTUNITY COMMISSION BRIEFING

In response to the above referenced SRM, the staff is providing the following information for items 3 and 4:

Item 3 a. What courses in Equal Employment Opportunity (EEO) and managing diversity have been offered by the NRC?

The staff reviewed information from 1999 onward, as this best reflects current and relevant training in this area. The courses in EEO and managing diversity offered by the NRC since 1999 are as follows:

1. *EEO and Diversity for Managers and Supervisors*
2. *EEO for Managers and Supervisors* (no longer available)
3. *Leadership Seminar: Managing Diversity* (no longer available)
4. *Managing Diversity for Employees* (no longer available)
5. *Managing Diversity*

b. How many of our current managers and supervisors have attended?

A total of 404 of NRC's 509 ¹managers and supervisors have completed at least one of the courses listed above and 105 have not completed any of the courses since FY 1999.

A total of 222 of the 404 managers and supervisors have completed at least one of the courses listed as 1 and 2 above. The *EEO and Diversity for Managers and Supervisors* course is a 2-day mandatory training requirement for new managers and supervisors. This course is designed to provide managers and supervisors a basic understanding of current EEO laws and regulations as well as their responsibility with respect to EEO, affirmative employment and managing diversity.

¹ For the purpose of this report, team leaders are included as supervisors because they also assign and direct work.

Additionally, a total of 182 of the 404 managers and supervisors have completed at least one of the courses listed as 3 through 5 above related to managing diversity. These courses do not include vital information on EEO laws and regulations, and management responsibilities with respect to EEO.

A total of 105 have not completed any of the courses listed. Managers and supervisors who have completed courses listed as 3 through 5 and those who have not completed any training listed (a combined total of 287) will be required to complete a new 1-day *EEO and Diversity for Managers and Supervisors* course (see c below) that is currently being developed.

- c. **What is the plan and the timetable for those managers and supervisors who have not attended courses on EEO and managing diversity, so that they are properly trained to carry out their responsibilities as stipulated in their performance plans?**

During FY 2004 and FY 2005, up to 14 sessions of the 1-day course will be conducted for managers and supervisors who have not completed the training. Thereafter, the course will be offered up to three times annually, as needed. The long-term plan is to make the 1-day training available on the web.

The 2-day course will remain a mandatory training requirement for new managers and supervisors. Effective in FY 2004, the 2-day course will be offered twice annually. The EDO will issue a memorandum to all Office Directors and Regional Administrators regarding these requirements.

Item 4 A review of recent performance appraisal information and opportunities for employees over age 50.

- a. The Office of Small Business and Civil Rights facilitated a review and analysis of performance appraisal data to determine whether there is a statistical correlation between age and performance appraisals. The study was conducted by Dan Lurie, an NRC statistician. The scope of the study covered engineers in the 800 occupational series and scientists in the 1300 occupational series in grades 13, 14, and 15 over a 13 year period from 1988-2000. In order to track and investigate trends, employees with less than 5 years of NRC service and employees who were not in the same occupational series, including SES managers, throughout the period covered by the study were excluded.

A summary of the analysis is described below:

1. Employees who received fully successful (FS) or better on their performance appraisals were, on the average, 12 years younger than those who received a rating of minimally successful (MS). The average age of employees receiving MS was 59. In comparison, the average age of employees appraised at FS or better (including outstanding-O, excellent-E, and fully successful - FS) was 47.

2. Employees who received O appraisals were, on the average, 3 years younger than all other employees appraised. The average age of employees appraised at O was 45. In comparison, the average age of employees appraised at E, FS, and MS was 48.
3. Based on the trend analyzed in this study, as some employees got older, performance appraisal ratings decreased.

Why these trends occurred cannot be determined from this study. However, managers and supervisors will continue to be reminded to evaluate employees fairly and appraise performance based on objective standards. In FY 2004, the EDO will continue to emphasize management's responsibility in this regard and will issue a memorandum to Office Directors and Regional Administrators in support of this objective.

- b. Substantial training opportunities are provided to all employees at NRC including employees over age 50. Such opportunities include external training, NRC in-house training at the Technical Training Center, Professional Development Center, Individualized Learning Center, and Regional offices. Additionally, all employees inclusive of employees over age 50 may be considered for rotational assignment and special developmental programs such as the Information Administrative Skills Enhancement Program, Technology/Information Management Program, Leadership Potential Program, SES Candidate Development Program, and Graduate Fellowship Program. Additionally, individual career counseling is available to all employees to provide guidance on career goals and skill enhancements.

Response to Items 1 and 2 of Staff Requirements Memorandum (SECY-03-0075) were provided to the Commission on August 21, 2003. The Commission also asked the staff to consider all institutions that serve large minority student populations for recruitment efforts and to develop a legislative initiative to better connect the agency with these minority institutions. Response to this issue was provided to the Commission on August 12, 2003.

The Commission also encouraged the staff to develop appropriate measures to determine the extent to which the agency's EEO initiatives are achieving their intended objectives. This item is being addressed by an agency-wide task force. A status of this effort will be discussed at the upcoming EEO briefing in December.

cc: SECY
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Equal Employment Opportunity Workforce Profile Data

Attachment 2

**Joint Statement by
The Equal Employment Opportunity
Advisory Committees**

**JLMEEOC EEO Statement
December 2003 Commission Briefing**

Attachment 3

Joint Equal Employment Opportunity Advisory Committees' Statement
December 2003

The Joint Equal Employment Opportunity (EEO) Advisory Committee is composed of the following five authorized committees: Advisory Committee for African Americans (ACAA); Asian/Pacific American Advisory Committee (APAAC); Committee on Age Discrimination (CAD); Federal Women's Program Advisory Committee (FWPAC); and Hispanic Employment Program Advisory Committee (HEPAC). The EEO Advisory Committees have joined efforts to provide advice and recommendations to the Director, Office of Small Business and Civil Rights (SBCR), regarding factors that may impact policies, procedures, and practices related to selection, promotion, placement, training, upgrading, and career development of NRC employees or selection of applicants for employment.

The EEO Advisory Committees continue to enjoy a good working relationship with SBCR as well as with other offices. With primary assistance from SBCR, the EEO Advisory Committees have been instrumental in focusing management efforts towards achieving greater representation of some minority groups, including an increase in the number of Asians in management and supervisory positions, a slight increase in the number of Native Americans and representation of Hispanics more than doubled. We recognize the commitment of NRC management to increase Hispanic representation especially at the entry level.

We also appreciate the Office of Small Business and Civil Rights and the Office of Human Resources for providing essential EEO related data including EEO Workforce Profile Data presented in EEO briefing papers. The Workforce Profile Data demonstrates, in part, many of the concerns expressed by the EEO Advisory Committees going back several years. Agency initiatives, such as, the "Career Planning Sessions" and "Family-Friendly Work Arrangements" including Flexi-place, foster EEO goals by ensuring that career planning and training is embedded with outcomes that ultimately affect EEO demographics in a positive way. Additionally, the celebration of Diversity Day helps to foster good working relationships, is inclusive and benefits all at the Agency.

There remains a persistent challenge with regard to under representation of some minority groups as it relates to hiring, rotational assignments, and appointments to supervisory and management ranks. The EEO Advisory Committees would like to emphasize to the Commission several important EEO issues that warrant greater attention and resolve.

Issue 1: Limited number of women and minorities in SES positions.

Recommendation: Enhance minority representation in programs such as the Leadership Potential Program, and the SES Candidate Development Program. These programs need to be more inclusive of all EEO constituent groups. Develop new initiatives and strategic approaches to achieve greater minority representation at the SES level. As the Agency refines its initiatives to increase diverse representation, we encourage management to consider additional ways to promote the participation of minority employees in career development programs to ensure an adequate pool of diverse candidates.

Overall, Hispanics remain significantly under represented throughout the agency and most notably, there has been no change in the Senior Level ranks in the past fifteen years.

Recommendation: Enhance Hispanic representation by encouraging managers to consider Hispanics for selection and appointment at the SES level.

Issue 2: A gap still exists in the developmental opportunities for minorities, such as African Americans, Asian/Pacific Americans, and Hispanic Americans in the NRC's administrative ranks. While much emphasis has been placed on the technical workforce, less attention has been given to the administrative and support staff sector. For FY 2002, the data shows, that over the past three years, approximately 31% of the workforce is made up of administrative, clerical, blue collar, and other, with African American employees making up 20%, Asian/Pacific Americans making up 3%, Hispanic Americans making up 2%, Native Americans making up 1%, and women making up 65% of the group.

Recommendation: Increase the focus on career development, career counseling, planning and advancement of administrative and support staff. The challenge is apparent and, in some instances, understandable in a technical agency. Where appropriate, greater emphasis is needed to realize a positive change in the advancement of minorities within the administrative ranks.

Issue 3: A recent independent analysis of performance appraisal data conducted by an NRC statistician, at the request of SBCR, confirmed a CAD concern. This analysis showed (1) older non-supervisory engineers and scientists, on the average, received lower appraisals than younger employees and (2) as some employees got older their performance rating decreased.

Using data supplied by SBCR on performance appraisal ratings from FY 1988 through FY 2000, a period of 13 years, for all Grade 13, 14, and 15 non-supervisory engineers and scientists, CAD performed a longitudinal study to examine the extent to which changes in performance appraisal ratings of individuals, over time, are correlated with age. Approximately 24 percent of the staff had a downward shift and about 13 percent had an upward shift in their ratings at some point in their careers. While there was no correlation with age for the upward shifts, the odds of a downward shift for staff 50 years old and over, were about twice the odds for staff under 50. The data analyzed by CAD suggests that the performance appraisal ratings of older engineers and scientists were more likely to decline than that of younger scientists and engineers. The agency's older engineers and scientists are very experienced, competent, and have the potential to contribute more to the mission when given the opportunity.

Recommendation: Conduct an independent study to understand the reasons for lower performance appraisal ratings of (non supervisory engineers and scientists) 50 years of age and older.

Issue 4: Management accountability to manage EEO and Diversity. We believe this EEO initiative may prove to be one of the best approaches to strengthen management's commitment to EEO and help make the NRC a role model for other Federal agencies.

Recommendation: Provide information regarding implementation of EEO and Diversity management performance for SES managers, non-SES managers and supervisors and that it be included in the next EEO briefing paper. A status report would provide information regarding the effectiveness of the integrated and uniform approach to implementing the Agency's EEO responsibilities. The EEO Advisory Committees stand ready to assist in implementing any recommendations that may result from such a report.

In conclusion, the EEO Advisory Committees are committed to continue working to assist in the accomplishment of NRC's Equal Employment Opportunity and Diversity objectives. When we have questions or concerns in the EEO arena, we will continue to engage SBCR and others in a constructive manner. Thank you for considering our concerns.

JLMEEOC EEO Statement December 2003 Commission Briefing

The Joint Labor Management Equal Employment Opportunity Committee (JLMEEOC) was established by the Nuclear Regulatory Commission and the National Treasury Employees Union (NRC/NTEU) to advise the NRC on matters about equal employment opportunity (EEO). The Committee is currently chaired by Rateb (Boby) Abu-Eid and co-chaired by King (Newton) Stablein. The current members are: Bruce Boger, Lisa B. Clark, John Minns, Maria E. Schwartz, and Cheryl Trottier. The JLMEEOC appreciates the opportunity to brief the Commission on EEO matters. The JLMEEOC acknowledges the EEO progress made since the last briefing and summarizes some of the top EEO issues that continue to be addressed and enhance NRC efforts to expedite resolutions.

The Office of Small Business and Civil Rights (SBCR) and the Office of Human Resources (HR) continue to address EEO and diversity issues confronting the Agency. The NMSS Office met with the JLMEEOC Chair and Co-Chair to discuss specific Committee issues. NMSS continues to address EEO issues through its diversity panel. The JLMEEOC acknowledges NRC's continuing efforts for recruitment of minorities and improving communications. The "Diversity Day" is a successful event supporting EEO notion and awareness. The agency also made significant progress in recognizing the value of a family friendly workplace.

The JLMEEOC believes that the agency needs to continue to build momentum in addressing EEO and diversity management issues, supporting EEO committees, implementing affirmative actions, and achieving the Agency's main goal of discrimination-free work environment. In this regard, the JLMEEOC recommends that NRC focus on the following top EEO and diversity issues:

- NRC should increase opportunities for advancement of women, minorities, and disadvantaged groups in supervisory, management, executive, and senior level positions.
- The agency should continue to implement and enhance the current mentoring program.
- The agency should continue to improve internal communications and awareness about EEO, diversity management, and affirmative action goals and objectives.
- NRC should maintain and enhance corporate knowledge through rewards and incentives to NRC's aging population and more opportunities to the younger generation.

The JLMEEOC is encouraged by certain initiatives and efforts of agency offices to address EEO and diversity management issues and optimistic that further progress will be made. The Committee appreciates the Commission attention and continuing efforts to bring about significant changes to improve EEO and diversity at the NRC.