

**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**

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**BRIEFING ON EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM**

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**PUBLIC MEETING**

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**Nuclear Regulatory Commission**

**One White Flint North**

**Rockville, Maryland**

**WEDNESDAY**

**JUNE 2, 2004**

The Commission met in open session, pursuant to notice, Chairman Nils J. Diaz, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman of the Commission  
EDWARD MCGAFFIGAN, Member of the Commission  
JEFFREY MERRIFIELD, Member of the Commission

STAFF AND PRESENTERS SEATED AT OR NEAR THE COMMISSION TABLE:

PAUL BIRD, Director HR  
CORENTHIS KELLEY, SBCR  
PATRICIA NORRY, DEDM  
LUIS REYES, EDO  
GREGORY SUBER, ACAA  
JESSIE DELGADO, HEPAC  
UJAGAR BHACHU, APAAC  
MELISSA JENKINS, FWPAC  
LISA CLARK, JLMEEOC  
LAWRENCE VICK, CAD  
DALE YEILDING, NTEU  
ANNETTE VIETTI-COOK, SECY  
KAREN CYR, OGC

(This transcript is produced from electronic caption media and audio video media provided by the Nuclear Regulatory Commission.)

**PROCEEDINGS**

CHAIRMAN DIAZ: Okay. Good morning. The Commission is meeting to discuss the status of the agency's Equal Employment Opportunity Program. The NRC staff briefs the Commission semi-annually on this subject, and I think this is our mid-year Correction. Is that what we call it? Is that what in budget space mid-year correction?

MR. REYES: Mid-year update.

MS NORRY: Update. Not a correction.

CHAIRMAN DIAZ: Thank you. Not a correction. All right. I understand that.

We had our last meeting in December. Today's briefing is a little different from those we have held in the past. Rather than consuming, you know, a significant amount of time to demographic data that is very recent and where we need to complete and put it in appropriate form, we are focusing our attention this morning on major issues that the staff is addressing and the progress achieved today with regard to those issues.

We will undertake a more comprehensive review of the demographic data at the second EEO program that will be held at the end of the year.

As always, our goal in this special EEO meeting is to evaluate our progress in achieving a workplace environment that fosters equal employment opportunity for all NRC employees and take those necessary actions to make it better. That's really why we meet.

The Commission looks forward to today's briefing and, my fellow commissioners, do you have any comments?

COMMISSIONER MERRIFIELD: No.

CHAIRMAN DIAZ: Then, Mr. Reyes, please.

LUIS REYES: Thank you Chairman Diaz, Commissioner McGaffigan, Commissioner Merrifield, and, good morning to everyone.

We are pleased to be here today to provide the Commission with information on the status and progress of the agency's Equal Employment Opportunity, EEO, and Diversity Management Program.

As you know, this is my first EEO briefing as Executive Director for Operations. This area and the Agency Human Capital Management Program are important for the agency and are important to me. As a Regional Administrator, I maintained emphasis on opportunities for all employees. As Executive Director for Operations, I will continue to do that.

This EEO briefing represents a status update of major EEO and diversity management initiatives and any significant demographic changes since the comprehensive EEO briefing on December 9th. As such, today's briefing will provide the Commission with a briefing on the fiscal year mid-point. A comprehensive full scope program briefing will be provided at the end of the fiscal year.

Before we proceed, let me introduce those at the table.

Joining us on my right is Patricia Norry, Deputy Executive Director for Management Services; Ren Kelley, the Director of the Office Small Business and Civil Rights; Paul Bird, the Director of Human Resources. To my left is Gregory Suber of the Advisory Committee for African Americans, who will present a joint EEO Advisory Committee statement.

Also, participating in the briefing sitting in the first row behind me from left to right are Jessie Delgado, Hispanic Employment Program Advisory Committee; Ujagar Bhachu, Asian Pacific American Advisory Committee; Melissa Jenkins, from the Federal Women's Program Advisory Committee; Lisa Clark, Joint Labor Management & Equal

Employment Opportunity Advisory Committee; Lawrence Vick, Committee on Age Discrimination; and Dale Yeilding, President of NTEU. And, they are all here.

I want to begin my report by reiterating that NRC management remains committed to an effective EEO and diversity management program. The key areas for discussion today are agency progress from existing affirmative employment initiatives; the new SES Candidate Development Program; the agency's Comprehensive Diversity Management Plan; EEO and diversity training for managers and supervisors; and the mid-year demographic data.

As part of the April 2004 Senior Manager's meeting, the senior managers discussed the framework for the agency's Comprehensive Diversity Management Plan and Accountability, and the important link between achieving our EEO and diversity management goals and achieving our overall mission goals. This discussion as well, as the work of the EEO on diversity management goals and measured task force, provide an important insight on information for what you will hear today.

The vision for NRC's EEO and Diversity Management Program is for NRC to become a model agency, where all employees are valued and have equal chances to succeed, thereby increasing our organizational capacity to achieve the agency's mission.

As part of the agency's Human Capital Management Program, we are actively working to complete an integrated, comprehensive diversity management plan. This plan will provide a framework for EEO and diversity management programs and goals that effectively integrate with key NRC systems, such as the Strategic Plan and the SES Performance Management System. The plan will provide a disciplined agency program and approach, including goals and measures. It will provide the framework for collaboration and accountability.

The Office of Small Business and Civil Rights, working with other offices, will look at

what can be accomplished in the near term and what can be accomplished in the future. Once this plan is completed and reviewed by the Commission, leadership and implementation will make it real. I look forward to reporting on its implementation and progress at a later date.

And now, Pat Norry will now discuss progress from existing affirmative employment initiatives and the new SES CDP Class. Pat?

MS. NORRY: Good morning, Chairman Diaz, Commissioner McGaffigan, Commissioner Merrifield.

I want to note at the outset as the Chairman and EDO have mentioned that we have a new format for the semi-annual briefings. At the year-end briefing, we will have the traditional approach that we had in the past, which is we'll have an office director, a regional administrator here at the table who will talk about office level initiatives. We'll have a full year's worth of data, and it will be a much more comprehensive plan. This today is an update.

We have continued to achieve some progress on existing affirmative employment initiatives. To date in 2004, the use of our employment model has resulted in some success on diverse groups of employees. Outreach to attract entry level candidates raise the applicant pool from about 600 in FY 2003 to over 900 in FY 2004. Entry level offers are at the same pace as last year, 64. So far, we have 43 acceptances, and 33 already on board -- excuse me, 13 already on board.

The hiring data that are in the paper, which are as of March 31st, don't reflect some degree of progress we have made in the last 60 days. An additional 40 employees have entered on duty. Among these are five more African Americans for a total of 16 so far this fiscal year, and nine more Asian Pacific Americans for a total of 13.

The percent overall representation of employee groups has remained

relatively the same: 25 percent minorities, 25 percent white women, and 50 percent white men. That's a very rough breakdown.

Total hires as of March 31 are lower for minorities and higher for white women and white men when compared to calendar year, I mean, to FY 2003 hires during the same period. But we have maintained our overall representation in light of a competitive job market.

In order to take better advantage of the results of recruitment trips, we have instituted a personal follow-up process for hot prospects that we find at job fairs on campuses. What we're trying to do is make sure that management's attention is drawn to these candidates much more promptly and thereby enable more expeditious hiring decisions. Ideally, what we want to do and we're moving toward this is to make more on-the-spot offers at recruitment events.

Now, in order to do this, we have to have prepared the necessary merit promotion package, the necessary veterans preference screening. All those things still must apply even when you do on-the-spot offers. And, of course, the representation of a senior manager, who is authorized and able to make such an offer.

When we have not in the past been able to pull all these pieces together ahead of time, we found that making an on-the-spot offer of an interview with a definite time arranged in headquarters or regional office is effective. If the interview goes well, which we would certainly hope if we find these good people, then we can make an on-the-spot job offer right then. But clearly that's only one way.

We have to be able and put ourselves in a position to do more of the up-front work, get the office where the merit promotion requirements are taken care of, and get the offices ready to commit to authorize one person who's going on this trip to make an on-the-spot offer that can be accepted right there. So we're working on that.

I think that the new SES Candidate Development Class, which was just announced, certainly makes a step forward in our efforts to improve diversity in the SES. These people, who were selected, it was once again a very competitive selection that involved a lot of tough choices. They represent the results of a number of years of staff development, opportunities for rotations, and managers focused on preparing staff for senior level management opportunities.

The new class is composed of 31 people. Four of them are African Americans, two are Asian Pacific Americans, and one Hispanic. The program begins this month and will be completed in 18 months.

Ren Kelley will now discuss SBCR's role in the development and implementation of the comprehensive diversity management plan and the status of EEO and diversity training for managers and supervisors.

MS. KELLEY: Thank you, Pat. Good morning, Chairman Diaz, Commissioner McGaffigan, Commissioner Merrifield. Before I begin my remarks this morning, I'd like to invite Gregory Suber, who is the Chair of the Advisory Committee for African Americans, to make the joint statement on behalf of the advisory committees. Gregory.

MR. SUBER: Thank you, Ren. Good morning, Chairman Diaz, Commissioner McGaffigan, and Commissioner Merrifield. My name is Gregory Suber, and I'm a project manager in the License Renewal Section in the NRR, and the chairman of the Advisory Committee for African Americans.

First, I would like to thank the EDO and the Commission for the opportunity to speak on behalf of the joint Equal Employment Opportunity Advisory Committee.

I will start my discussion with a brief description of the structure of the joint EEO Advisory Committee and outline our major concerns. I will then cover recent agency

achievements in the EEO arena and address some areas of concern where we, the committees, feel the agency has an opportunity for improvement.

The joint EEO Committee is composed of five authorized committees: the Advisory Committee for African Americans, the Asian Pacific American Advisory Committee, the Committee on Age Discrimination, the Federal Women's Program Advisory Committee, and the Hispanic Employment Program Advisory Committee.

The EEO committees work in concert with the Office of Small Business and Civil Rights to contribute to the agency's goal of creating a work environment that provides an opportunity for all employees to optimally use their diverse talents in support of the agency's goals. The joint statement that I am presenting today represents the collective interests, concerns, and recommendations of the EEO Committee and emphasizes areas where our concerns overlap.

Our major concerns can be characterized in what we call the three R's: Representation, Retention, and Recruitment.

Representation refers to the presence of minorities in upper management positions.

Retention speaks to the ability of the agency to foster a positive, healthy work environment that encourages all employees to stay employed with the NRC.

Recruitment addresses the agency's commitment to actively seek out outstanding minority applicants at all levels.

With respect to recruitment, we commend the agency on its success in hiring a diverse group of employees for entry level positions of Grades GG-5 through 12. The agency is also beginning to address the important issue of representation as evident in the diversity seen in the current leadership potential program, which is composed of 44 percent minorities and 20 percent white females, and also I see as in the SES Candidacy Program.

Additionally, the agency has increased the level of diversity in this core of first-line supervisors, and it is our hope that these positive trends will continue in the future. The NRC has made some progress. However, many challenges remain.

With respect to representation and upper management, the scarcity of minority men and women, especially Asians and Hispanics, is troubling. Though credit must be given for the recruitment success of minority employees at the entry level, this does not address issues associated with the upper management pipeline, especially for Hispanics. Consequently, other strategies such as recruitment of experienced personnel from outside of the NRC and active employee development must be emphasized to address the historic under-representation of minorities in the feeder groups for management positions.

Active employee development and improving the work culture are strategies that can be implemented immediately. Many EEO groups identified perceived obstacles to career development, including such key factors as discrimination, the quality of work assignments, and the lack of mentorship.

With respect to work assignments, the perception exists that high profile assignments go to the same group of people, usually older, more experienced personnel. The result is that the growth of motivated, competent, but less experienced employees becomes stifled by the lack of opportunity. Training managers who consider the professional development of all employees will result in more opportunities for many minority employees to shine.

With regard to mentorship, almost every senior manager at the NRC can point to an individual or a small group of individuals who were instrumental in their advancement here at the NRC. Unfortunately, many minority and female employees lack an opportunity to participate in these mentoring relationships. Managers and supervisors

should consider it part of their responsibility as a leader to be approachable and even reach out to minority and female employees, thus, giving them the same access to the types of career building experiences as their white counterparts.

As mentioned previously, some groups simply do not have significant representation in the management pipeline. A strategy focused solely on internal employee development will not produce positive results in the near term. Consequently, the agency must also actively recruit middle and upper level employees to achieve the desired level of diversity in upper management at the NRC.

We understand that recruitment of experienced personnel is often dictated by financial concerns that may limit management's ability to make an immediate impact. However, to address the pipeline issue to Hispanics and to a lesser extent, African Americans, external recruitment efforts must be emphasized as a part of a comprehensive diversity strategy. Another area of concern is in the way administrative and support employees perceive their status at the agency. They remind that this group is not limited to secretaries, but also include employee groups, such as IT support, budget and finance, and human resources.

Without question, the NRC is a technical agency. However, approximately 30 percent of the NRC work force is comprised of administrative and support staff. Many employees in this group believe they're second-hand status as non-technical employees is evident in the allocation of resources for training and development. The perception of unnecessarily limits on opportunities for administrative personnel to improve their skill hinders the progress of the agency, creates acrimony in the workplace, and prevents the agency from enjoying the full potential of a larger percentage of its staff.

Opportunities must be increased for administrative and support staff to receive both internal and external training, participate in rotations, and take advantage of

the programs that already exist at the agency that many people feel are not well supported financially and not well publicized.

At the December 2003 EEO briefing, the joint EEO Advisory Committee raised the issue of a correlation between performance appraisal ratings and age. Since then, Dr. Dan Lorry, an NRC statistician, conducted a survey and the results confirmed that:

(1) older non-supervisory engineers and scientists received lower performance appraisal ratings than their younger colleagues, and

(2) some employees as they got older, their performance ratings decreased.

What the study did not determine was the reason for the disparity in the appraisal ratings. Older employees hold a wealth of knowledge that may potentially be lost if the factors for the stated problems are not identified and addressed. If we as an agency want to get the best out of every employee, we must identify concerns and make sincere attempts at addressing them.

In summary, to address the issues stated, we recommend the following actions:

We should hold management accountability for the development of all employees. Managers should consider all employees equally when assigning work to ensure that all groups are provided with an equal opportunity to demonstrate their capabilities to receive and perform tasks of increased complexity and responsibility.

Secondly, we should make a commitment to better support the developmental needs of administrative employees with both internal and external training.

And finally, we should identify and address factors that contribute to the performance disparity between younger and older employees. Take a critical look at the way supervisors manage and evaluate older employees, and maybe go as far as to

conduct an independent study to ascertain the reasons for lower performance appraisal ratings for older non-supervisory scientists and engineers so that strategies can be developed to address the root causes of the evaluation disparities.

In conclusion, the joint EEO Committee is heartened by the efforts made by the agency thus far, and we have every confidence that progress will continue. We challenge the agency to continue its exemplary effort in diversity and offer our assistance in any way possible to help the NRC achieve its safety mission and reach its diversity goals.

I would like to personally thank SBCR for their support not only in creating this statement, but in aiding the efforts of the various committees throughout the years.

I thank the Commission for the opportunity to speak, and I look forward to working with you in the future.

MS. KELLEY: Thank you, Gregory.

I want to echo Luis's remarks regarding management's commitment to an effective EEO and diversity management program to enhancing management accountability and to the agency becoming a model agency that supports the maximum potential of all employees, thereby increasing organizational capacity in pursuit of the agency's mission.

The EEOC has described six elements of a model agency to include: demonstrated commitment to EEO and diversity from agency leadership, integration of diversity into the strategic mission, enhanced management accountability, prevention of unlawful discrimination, efficient and fair dispute resolution process, and compliance with EEO laws and directives.

Establishing a diversity management framework that incorporates EEO and diversity management goals and these six elements will help the agency achieve its mission by creating an inclusive work environment and simultaneously will help the agency

become that model organization where all employees have an equal chance to succeed.

As part of the agency's human capital management initiatives, my office established a task force composed of senior executives, managers, supervisors, technical, professional, administrative, and clerical staff to develop EEO and diversity goals and performance measures. These goals and measures are designed to ensure consistent focus and common approach in making progress toward achieving the agency's EEO and diversity management objectives.

The task force focused on identifying NRC's major diversity management challenges, which led to the development of the following three goals:

- (1) recruit diverse employees at all levels;
- (2) develop and retain diverse employees by promoting an environment that values differences; and
- (3) enhance the pipeline of highly skilled and talented, diverse individuals for senior positions.

The measures will be incorporated into the agency's Affirmative Employment Plan and in the operating plans, and tracked at the agency and office levels as appropriate. Buy-in to this is key to the successful attainment of our EEO and diversity management goals.

Establishing comprehensive diversity management plan framework that links to NRC's key systems, such as the organizational values, the strategic plan, the performance plan, the SES performance management system, and the affirmative employment plan demonstrates the agency's commitment to institutionalize the approach and seek consistency in our efforts to make progress in this area.

We are continuing to finalize the diversity management plan and will request additional comments on the measures from office directors, regional administrators, from

the Office of the General Counsel, and from NTEU in the future. Upon EEO and Commission approval of the final plan, SBCR will educate the staff, monitor agency progress, and report on the status of our accomplishments in this area.

My office will also continue to provide input to the EDO for his evaluation of EEO and diversity management accomplishments of senior executives. Implementation of the comprehensive diversity management plan will require the support of managers and staff in order to move the agency toward its vision of being that model agency where all employees are valued and are focused on the mission.

During the last EEO briefing, I noted that 287 managers had not completed EEO and diversity training since 1999. To date, in FY 04, approximately 140 employees have completed this training, including employees in the current leadership potential program who are not presently in supervisory positions. This figure differs a little bit from what was in the EEO briefing because we added those individuals who've taken the training since that document was issued. A success --

COMMISSIONER MERRIFIELD: I'm sorry. So, how many are left?

MS. KELLEY: That would be 240. We have roughly 300 -- I'm sorry, 160.

COMMISSIONER MERRIFIELD: 160?

MS. KELLEY: Uh-huh, roughly. Approximately 300. Yeah, 160.

An efficient number of sessions have been scheduled to accommodate the remaining managers, supervisors, and team leaders. The training is also a part of the curriculum for the future LPP and SES CDP programs.

Additionally, the No Fear Act requires agencies to train managers and supervisors and employees on their responsibilities in the EEO area. To enhance management's awareness of EEO requirements and diversity management, this training is

required for all managers, supervisors, and team leaders every three years.

Also, the No Fear Act requires agencies to post on their public web sites information on EEO complaint activity for the FY 2004 and the five preceding years. NRC's complaint activity has been posted on the agency's web site. An NRC site address can be found on page four of the EEO Commission paper, and this site will be updated quarterly.

As Pat mentioned, we have maintained relative success in our affirmative employment efforts. However, two areas that need additional focus are the development and advancement opportunities for paraprofessional and clerical staff and maximizing the use of experienced employees.

NRC is a highly-technical agency, and the contribution of all employees, technical and administrative, must be valued and viewed as central in carrying out our mission. NRC's paraprofessional and clerical staff serve a vital role that is critical to the day-to-day operation of the agency.

Over the past five years, the group of employees has represented approximately 16 percent of the total work force. As with NRC's technical staff, we must ensure that we provide the developmental and advancement opportunities for this group of employees to excel and to succeed. Therefore, to enhance awareness of developmental opportunities for the administrative staff, we will issue a yellow announcement highlighting the various administrative developmental programs and encourage staff development and implementation of IDP's and encourage managers and supervisors to mentor and coach employees in areas where they seek growth and development.

Additionally, it is important for the NRC organization to obtain the maximum contribution from all staff, both experienced and junior level. We will continually encourage

the more experienced staff to compete for and rotate into critical mission related positions, and also we will continue to encourage the more experienced staff to serve as mentors, and enhance knowledge transfer efforts to junior staff, and increase overall productivity. We are examining other ways to facilitate utilization of the experienced worker.

Affirmative employment strategies also extend to outreach efforts to attract small businesses. During FY 2003, three strategies were implemented to improve our program accomplishments. They include enhanced communication, staff training, and closer monitoring of the office level accomplishments. This effort resulted in increased dollars for five of the six small business categories. In the final analysis, NRC exceeded three of its six small business goals.

It is our projection that implementation of the improved strategies will continue to yield gains in this area. There is still much to achieve, and progress in some areas will be achieved more quickly than in others.

In summary, we recognize the success of our intern program. Recent recruitment of mid-level hires and the progress made in using senior level developmental programs, such as the LPP and the SES Candidate Development Program to diversify our supervisory and management levels.

We believe we are moving in the right direction with enhanced management accountability, a focused consensus driven diversity management plan and targeted affirmative employment strategies. However, the most important piece is the consistent, visible leadership from the top and throughout the organization to move the agency to be the employer of choice and maintain a competitive edge for attracting and retaining a high quality, diverse work force and a positive work environment.

Thank you very much.

COMMISSIONER MERRIFIELD: One clarification. You mentioned in your statement -- intern program. Isn't it true that we have renamed that program?

MS. KELLEY: That is true.

COMMISSIONER MERRIFIELD: it is now called -- if you could repeat it for the audience.

MS. KELLEY: The Nuclear --

MR. BIRD: The Nuclear Safety Professional Development Program.

MS. KELLY: Thank you very much, Commissioner. I stand corrected.

MR. BIRD: We could not think of a term that was generic that could apply to the whole class. So we're having a contest --

MS. NORRY: We're giving an award to whoever can come up with the best name.

CHAIRMAN DIAZ: It was just too simple, one word.

[Laughter]

CHAIRMAN DIAZ: All right. Are you finished? Do we need to recognize --

MR. REYES: I think those were the prepared remarks, and we're ready to entertain any questions.

CHAIRMAN DIAZ: Before we do that, I think we need to recognize Mr. Dale Yeilding. Did you need to make a statement at this time?

MR. YEILDING: Thank you very much, Commission, for an opportunity, and senior management, to say a few words on behalf of the National Treasury Employees Union. My name is Dale Yielding. I'm the chapter president.

The union's representation involvement in EEO is through the Joint Labor

Management Committee, which we have Lisa Clark here representing that committee, and they participate with the individual committees also.

A few statements I would like to make are related to the three R's that were mentioned: Representation, Recruitment, and Retention.

The union looks at representation with a different aspect. Of course, we're the representative, the exclusive representative, of employees of the Nuclear Regulatory Commission. We utilize that aspect through representation to enhance recruitment and retention. Those are probably the two major elements that would affect our EEO position here at the agency.

Our position in supporting this enhancement is through negotiation of changes through the collective bargaining agreement and to enhance a family friendly workplace. I won't go into all details of the past, but a few summary items related to recruitment to attract a work force that's competitive with the private sector would be related to:

Our flexible work schedules;

Our family friendly environment;

Our work-at-home program, which is growing not quite at the rate that we had expected, but people are taking advantage of work at home; and

The Union National Treasury Employee's Union has worked closely with Congress to revise pay rates. I think everyone noticed that in November of last year, our overtime pay rates changed a little bit in relation to higher paid employees getting paid instead of being capped. So that was an enhancement for people working overtime.

We're looking in the future for changes also through Congress to possibly get

compensatory time for travel, which would enhance recruitment and retention. The union is working locally with management right now in collective bargaining unit negotiations to work on the merit selection process dealing with the best qualified list.

In the aspect of retention, I'd like to make a few comments on some recent attention that was given to an Employees Concerns Program. The agency addressed that and senior management determined that our current programs were adequate and the union applauds that.

Employee concerns could be addressed in two represents, the technical respect dealing with the mission of the agency and, of course, employee concerns with their workplace conditions. And, employee concerns with anything dealing with the workplace should be conducted to NTEU, and we a workforce of stewards to address employees with those types of concerns. And, I think that's been handled adequately in the past several years.

Employee concerns dealing with technical aspects have existing processes to handle that. I guess the most prevalent process is the differing professional opinion process, which has just recently been revised. There was reference in this study to an ombudsman, which would act as a central focal point for employees' concerns. And, union's concern is the person in charge of the Differing Professional Opinion Program, is not really acting in the all encompassing aspect of an ombudsman because the union would view that any concerns related to the work place condition should be directed to the union and our many union stewards to handle those.

But as far as the project manager for the DPO process handling the technical aspects of timely resolution of DPOs, we applaud that also.

And, last but not least, on-the-spot hiring. Of course, the union represents existing employees that are working here at the agency, and we're always looking at promotion potential to be enhanced for existing employees. So, we will be watching closely to be ensure that the on-the-spot hiring program, as Pat Norry said in her opening statement, wouldn't circumvent any of our merit selection processes for existing employees to be considered for merit selection promotions.

Thank you very much.

CHAIRMAN DIAZ: Thank you, Mr. Yeilding. We appreciate your comments. And I think it's my turn this time to go to bat first.

Let me start with something that I heard several times. I think when something is repeated several times, you need to pay attention to it. Let me start with management accountability, which is obviously an issue that we have been working with. Where are we? Can we say we are much better than last year? And, do we have plans in place to be better next year? Because management accountability is something that I heard as a theme, and I think, therefore, it's something that should rise to the top level.

MS. NORRY: I would just say it's built into the new SES performance appraisal process. All of the performance plans, which are now in place, reflect accomplishments and commitment to the general EEO goals. As well, it is designed to track progress that is reflected in office operating plans in this area. And, when this comprehensive diversity management plan is completed after we get office director comments, and so forth, that will provide further mechanism to attract management accountability. So it's working.

MR. REYES: Let me add to that, as a result of the recent management

changes, we had to accelerate the appraisal of certain individuals because their supervisors were moving, etc., and I happen to be in that situation. I can tell you that we have completed the appraisals for a small group of SESers that were affected by the change, and I was pleasantly surprised and pleased that the new plan allows us to be very specific. In fact, I think if you talk to some of the individuals who were the subject of the appraisal, they got a clear message specifically on diversity. And --

CHAIRMAN DIAZ: I saw you yesterday afternoon.

MR. REYES: I know you're aware of my operational. Buy my point being -- to try and to answer your question, we have a good instrument, a tool to help us have accountability, and we're exercising that.

CHAIRMAN DIAZ: And measures. We have -- you know one time we talk about putting some way of measuring --

MS. NORRY: It's very difficult. We measure things on an agency-wide basis and, of course, they are tracked on an office basis. But when you talk about using those measures to judge how the performance of an office director and subordinate managers, gets difficult. But that's where we're aiming with this diversity management plan.

CHAIRMAN DIAZ: That's one area that I think the Commission has placed significant interest in making sure that we get appropriate measures. I know it is difficult, but we need to be working on that.

MS. KELLEY: Just two additional pieces in terms of the management accountability. The Equal Employment Opportunity Commission in its recent Management Directive 7.15 levied a number of requirements on agencies that address that area in terms of increasing management accountability. One is that the head of each organization must address in written pronouncement to each agency a statement that covers this area. Before that was required, only when there was like a change of the -- at the head, but that's

a requirement that is annual now. It is intended to keep the issue before management and staff.

In addition, the information that is posted on the web is another way of increasing accountability, keeping that before management so that you can be aware of how the agency is progressing with regard to complaint activity. That particular management directive calls on agencies to do self-assessments and to monitor progress and identify places where you may have some hindrances or problems or obstacles to having a discrimination-free environment.

So, there are a number of things that we will be doing as an organization to look at ourselves and keep a tally on how we're doing in this area.

CHAIRMAN DIAZ: Okay. Let me broaden the question a little bit because this is an area where we believe we can do better, which is the area of specific measures on the EEO program. At one time we were really working on it. I know you have been working hard on it. How have we progressed in the general area of specific measures? Like, how do we measure the effectiveness of the training programs? What are we doing that we can eventually come up and meet in here and say, "This measure was aimed at gauging how this has progressed. This is what the measure is, and this is where we are."

MS. KELLEY: Well, we're making progress in terms of developing measures that will get at experiences such as what you mentioned. As Pat said, it's somewhat difficult because even though this is something that all agencies right now are grappling with, there are probably only a couple of agencies that kind of have overcome and that was with a lot of investment of time and effort in terms of putting in place EEO and diversity measures that bring about the kinds of goals and objectives that the agency chooses.

We are working on that. We do have a draft goals, and measures, and they need to be vetted because in order to have the buy-in as we mentioned throughout the organization, it must be something that the offices can live with, can actually execute, and be fair and equitable to everyone.

So that's where we are. We have them, and we're in the process of vetting them through the offices and regions.

CHAIRMAN DIAZ: When do you expect we will get the first set? By December of this year? Or self-measures --

MS. NORRY: Hopefully, we can do it before then.

CHAIRMAN DIAZ: But we will certainly --

MS. NORRY: The next EEO briefing likely will be in December, and we can certainly talk about them there.

I think it's also important to note that too often when we think about measures, we think only in terms of demographic data. How many of this? How many of that? And, we sort of have to say, "Okay. What else is there that is a real genuine indication of management accountability that can be measured?" There are other things. So, that's what we'll be talking about.

CHAIRMAN DIAZ: I think that's a very important issue because we've been coming, meeting, making progress. You know, there is a time now in which we need to be able to bite on something, and say, "This is the area that we need to move forward, and so forth." Okay --

COMMISSIONER MERRIFIELD: Mr. Chairman, if I could just ask an important question just to interrupt for a second.

I mean, I think in terms of evaluating outcomes as we get deeper in, and in

looking at individual managers, I think it's important for the staff to recognize -- and there is a legitimate concern about measurement in terms of numbers, you know, number of people who have been brought in -- but there is a separation from that measurement versus the measurement of effort.

What efforts are being made in order to accomplish a more diverse workforce, rather than simply looking at what are the outputs you are getting from that effort? There need to be a need to sort of look at both.

I mean, there may be managers who are very committed to working with training of the staff, or working with them for recruiting at mid levels, recruiting at entry level. But perhaps it may not necessarily reflect in the numbers that are on the paper, but they may be very committed to it. I think we need to be reflective of that type of achievement as well.

CHAIRMAN DIAZ: Thank you. Let's see. I guess I heard the three R's. I totally agree that the three R's are important. There's no doubt about it. The easiest of the three R's to deal with because it's the one you can really show that you're doing something is recruitment. Recruitment has been a major effort for the past few years. We look at the data this year, and it appears that we might not be doing as well this year.

Now, I understand that. Because if we do very, very well in a year or two, then, you know, you might not be able to be keep doing that well. But can you give me some feedback on what is happening in the recruitment arena that might give the impression that we're not progressing or doing as well as we were doing as last year.

MR. BIRD: I can comment on that. Of course, you know when we took the pulse on this in March, we're not at a point where interns generally come in. I think it was

mentioned earlier that we have 13 people who've already arrived. We have another 30 that are expected to arrive, and that does to some extent change the diversity profile and certainly would enhance the number of women coming into the work force. That data really is better compared at the end of the year than it is in the mid-year.

CHAIRMAN DIAZ: Understand. Understand. But can you tell me from what you know, are we on track to be close to what we did last year, or we're not on track?

MR. BIRD: No. I would say we're on track to be close to where we were last year. There are some variations. For example, we expect in the end to have a greater percentage of African Americans and a greater percentage of Asians. You know, we've had success in the previous years with Hispanics. So, it won't be quite the same as it was in the previous year, but I do think we're pointed in the right direction and that diversity -- looking at the full workforce, will certainly be apparent in the entry -- particularly in the entry hiring this year.

CHAIRMAN DIAZ: I think Mr. Yielding pointed out something that, of course, we've all been concerned about is that sometimes you try to do good in one area, and it appear that you might be hurting something. So you start hiring a lot of mid-entry level managers and the pool of that is mostly white Americans. Then, in a certain way, you're impacting the diversity issue. You might be impacting also the promotion of employees. So, this is a difficult balancing act and we all recognize it.

I think what we just want to make sure is that when this balancing is done that the objective that the Commission has set up, which is continue to be very, very caring about all our employees but increase their representation -- the under represented minorities as good as we can. That this continues to be a centerpiece of the development of our workforce.

And, I know this is difficult, but I'm sure you guys are trying. Sometimes when we get together, maybe in December, we can address this issue as a whole. What are we doing to balance these things. I know you don't have time to do that.

Let me go back to Mr. Suber. There are three things that I think you were -- when you expressed your concerns. There were many issues, but let me focus on three things that you were talking about when you had said there are three things and you said that you're concerned. You said discrimination, lack of high profile assignments, and mentorships. Let me just address the first one.

The Nuclear Regulatory Commission does not accept discrimination in the workplace in any shape or form. That's fundamentally something that cannot be here, should not be here, and it will not be tolerated. So we need to put that and make sure it doesn't raise its ugly head. It has no place in this workplace.

So I'm going to leave that in there as a poll. No. Nothing. We're not going to have that. Okay.

Lack of high profile assignments and mentorship. Let me -- this issue of lack of high profile assignments is one of these very difficult issues that we all -- and I more probably than anybody is at fault when I need to get something done, you go ahead and grab whoever is going to get that done. It's a fact of life.

I see some people smiling in the back because I think that I hit them with a 2 by 4 quite frequently on this issue. They think they're doing something else, and suddenly doing what they were not planning to do.

It's a very, very important issue. I think it's an issue that is telling us that if the time is not of the tremendous essence that we need to start making a concerted effort of

saying, "Wait a minute. Let me stop, and let me not just reach to whoever I know is going to be doing this because he knows me very well.

It is one of the things that I think goes to the commitment that the agency has. The issue of management being committed to start bringing people in to do problem solving that is not the usual suspects, as Commissioner McGaffigan taught me through years to use.

Do you have any specific recommendations in this area, Mr. Suber?

MR. SUBER: Yes, sir, Chairman Diaz. If I were to make specific recommendations, it would be to create an environment where managers can afford to take a chance on people. I think the worse thing a manager wants to do is take a chance on a junior person to do something that's high profile, to do something that a lot of people are looking at, and have them run into obstacles.

If we empowered our managers not to fail but to take chances and to step out on a limb and if we encourage them to do that and train them on how to, you know, get involved with junior people and help them along in a process as opposed to just defaulting to the all-stars on the team, then if we made that part of our environment and part of the way that we operate, then that would encourage managers and supervisors to look over the landscape and to see where people have potential, where they need to be nurtured, and provide them with those opportunities. So, I think that's where it would start. It would start with empowering managers -- or encouraging managers I guess I should say to take that chance and to not always, you know, fail safe.

Take chances on people. Give them the extra supervise that they may need at the beginning of the project, knowing that in the long run what you're going to do is

you're going to produce a much more competent, a much more confident employee. Eventually, either he'll be your go-to guy or he'll be able to be promoted out of your section and be someone else's go-to guy.

CHAIRMAN DIAZ: Thank you. I think those were very good points.

Mr. Reyes, would you like to comment on?

MR. REYES: I agree with the recommendations. I think that we all are humans and the tendency is you have a high profile assignment, a time schedule constraint, and your typical reaction will be to go to somebody who has a proven record.

But, I agree with Greg that we do need to step out of that role and let other people have opportunities. There are several ways you do it. I mean, you don't have to put them on the biggest, most significant project we have as a lead contributor. They could be a contributor, and they can learn as we go along. I have done it. There is different ways to do it, and I think we should. I mean, it's a great suggestion.

CHAIRMAN DIAZ: Okay. Very good. Commissioner McGaffigan.

COMMISSIONER MCGAFFIGAN: Thank you, Mr. Chairman. I may come back to that. Let me go to the questions I was originally planning to ask.

The data on Hispanics this year you say is not going to be as good as it was last year. Last year it was about I think still below the percentage of Hispanics in our nation, which I think is the largest or if it isn't the largest, will soon be the largest minority. I'm struck, and I look at page 4 of the briefing paper. We seem to be very dependent, and I know it's the EDO's alma mater, on the University of Puerto Rico for our recruitment there.

It just strikes me, and I have said this many times before at these meetings,

there are other parts of our country where you have a pretty good shot of getting a minority -- Hispanic students in particular, to show up at a job fair in New Mexico and Texas.

I really think Region IV, for example, may be separate from whatever the headquarters does, and maybe it already does it, could be targeting Hispanic serving institutions. I happen to know, in New Mexico, almost everyone of them, University of New Mexico, New Mexico Tech and New Mexico State have very large numbers of Hispanic students.

Now, we're competing with the national labs, with Sandia and Los Alamos, and we're on their home turf. So, maybe that isn't as good. But in Texas, there are schools that have significant Hispanic populations of engineering, of technical students. And, you know, I mentioned last time the Center for Nuclear Waste Regulatory Analysis, in some sense we are responsible, I guess we're going get data in the future, for their performance as an FFRDC. And, they clearly, San Antonio, could be recruiting Hispanic employees, and I'm sure they do.

So the question is what efforts are we making to reach beyond the EDO's alma mater to other universities in our recruiting efforts. Not that there's nothing wrong with the EDO's alma mater.

COMMISSIONER MERRIFIELD: No indeed. We've gotten some excellent candidates.

[Laughter]

COMMISSIONER MCGAFFIGAN: No, including the EDO.

MR. BIRD: As you mentioned, it is highly competitive with a lot of the other campuses, but we have had some success at Florida International.

COMMISSIONER MCGAFFIGAN: I met a young woman who's a summer intern at the awards ceremony reception last week. So, Florida International wasn't down on your list here. You didn't do a special trip there.

MR. BIRD: We didn't do a special trip there. But it is a place that's ripe for Hispanics. Some of the other Florida schools, of course. We do recruit in Texas, and I think you're going to see some greater momentum there with Region IV, outreach programs that is are now under way in Texas.

We've never really recruited heavily in New Mexico, and I think there's certainly room for some development of some sources there, and we haven't really invested heavily.

COMMISSIONER MCGAFFIGAN: We have a fair number of contractors who work for us from New Mexico, I believe, and not just the two national labs. You know, it strikes me we have a base there to build from if we wanted to.

MR. BIRD: Some of the -- also in the northeast, there's some schools in the New York area that we think are ripe for that and we're trying to --

COMMISSIONER MCGAFFIGAN: Region I can focus there. But I just urge you this think about it. I don't have a magic solution, but I think there is an opportunity there. I do think -- you know, the Chairman was kind -- I do think what we did last year needs to become the norm in terms of the outcome there.

I'm not trying to impose any quota or whatever. It just strikes me that there is a very large growing number of young qualified Hispanic scientists and engineers from which to draw and just as with Asian Pacific Americans, with Black Americans, and women, we are recruiting against a lot of other folks. I think we can do every year what we did last year if we target our recruiting efforts properly.

CHAIRMAN DIAZ: If I may add, really south Florida now has become --

COMMISSIONER MCGAFFIGAN: University of South Florida?

CHAIRMAN DIAZ: No. No, no, no, all of South Florida, including all of these schools. You know, the reality is that it has become, you know, a little America there. There's no longer Cuban and Puerto Ricans. It is not. It has everybody now in there. I mean, there is significant representation. So it's a very good area to get, you know, diversity even between Hispanics.

COMMISSIONER MCGAFFIGAN: The other point I would make and I guess we don't get -- the data that we have here is more for the hires. But the summer intern program that we have, I met some of the people like I said at the reception last week, and it strikes me that that's a very good place. I mean, that's the place where if we get the right folks, they are going to spend a summer with us. They might spend another summer. Most of them didn't have any yellow badge. The OPM clearance process at the current time takes longer. But by next summer and if they're interested in coming back next summer, they'll have a yellow badge. I think the real focus should be made on the summer intern program to get good minority representation there. Again, it's a way to sort of get your toes in the water with some of these other schools where we haven't been historically maybe as successful.

MR. BIRD: I totally agree with that. The ideal path is to attract summer employees, who become cooperative education students, who may come back, even during their breaks and work here. Then, by the time they graduate, it's natural for them to come to work for the agency.

COMMISSIONER MCGAFFIGAN: That's how congressional offices work at

least Senator Bingaman's office. We put a lot of emphasis on the summer intern program, and then we kept in touch with folks all the way through their college careers and often times hired a legislative correspondence from that pool of people that we had a real track record with. So it's a way for both parties to figure out whether there is a future.

I'll come to Mr. Suber and this issue of administrative staff and opportunities there. I said at, I think, it was the Materials Briefing that I had been struck that we had in IMNS, I think is the proper division, GS-15's, perhaps even SES's doing what a good administrative assistant might have been able to do in terms of this initial database on high risk sources. You know, follow-up phone calls, pressing folks for responses to our requests for information.

I was told in a briefing that, you know, we have two administrative staff for seven, eight people or something. So, we roll up our sleeves and do the work, and I'm sympathetic with that. I was in a Senator's office and basically there was no secretarial support whatsoever. We all typed our own things, and we all filed our own files, and we all did our own things.

With the Senator, of course, as Commissioners and senior staff, we don't treat ourselves quite the same way. We have good administrative support, and I think they're critical. It allows you to maintain a good record system.

But I wonder whether the bias in this agency isn't towards hiring that last scientist or engineer as opposed to having adequate administrative support so that we can, down in the divisions, so that we don't have GS-15's or GG-15's and SESers making follow-up phone calls about surveys or doing whatever else.

Another example that comes to mind, the IG scolded us, I think, absolutely

appropriately about sending off some safeguards information to wrong addresses because we didn't have an up-to-date database as to the licensee's address. Some of these administrative things that we don't necessarily do so well, I wouldn't do them so well if I were in that position because I would be focused on the substance as opposed to making sure my list was right. But that lends itself, and it's terribly important.

Getting it wrong, you know, comes back and hurts you. So are we -- I don't know -- it's more than a secretarial function. Keeping a database and keeping it up to date whether it's a database of addresses, up-to-date addresses, up-to-date lists of people who have clearances at various sites, up-to-date list of high risk sources. Those are all, I would think, pretty exciting jobs and not highly technical, but they are exactly what a good technical assistant might be able to do.

So, do we have enough of those folks and are we encouraging people to do that or are we sort of saying, "Yeah, you know, GG-15s out of your spare time, do all that stuff?"

MR. BIRD: If you look at the growth in the profile of administrative positions to technical, you would certainly say that we have invested heavily in the non-technical positions and certainly these are professional and paraprofessional.

MS. NORRY: And when you see the '06 budget, you will see that those offices that felt they were not properly represented in that area are asking for additional resources so they can do some of those things. I think I would agree with Paul. Sometimes it's a question of -- the resources may not be in that particular unit. But that's an office problem. An office should be able to take people and assign them to a high priority task regardless of which particular unit they happen to be sitting in.

COMMISSIONER MCGAFFIGAN: But, you don't know whether something is a high priority task, like having an up-to-date list of who -- addresses of licensees. You didn't know that was a high priority task until we had to send out our operation, whatever it was, March 17th of last year, Liberty Shield. We had to communicate with 1,500 or 2,000 entities on short notice, and we didn't necessarily have the right list.

But you didn't know that in advance, but keeping those things up to date is a priority for somebody, should be. It turns out to be a high priority yesterday sometimes but -- I'll give Mr. Suber a chance to comment if he wants on this discussion.

MR. SUBER: Well, to add to the discussion, what I would say is a lot of the staff, and it's not just secretaries, it's secretaries and other support staff, what they are looking for is a pathway to progress in the agency. And like you said, there are positions that exist that they can fulfill, but there has to be some kind of mechanism or some kind of pathway where we direct them. You know, some core of competencies that they need or some group of experiences that they need and group of training that they need that will enable them to do those things.

And, what we want to see is we want to see, (1) the agency makes an effort to specify those pathways and let it be known to people. It's like, hey, if you are a GG-5, this is how you move to an 11. These are the groups of experiences and groups of training that you need to be able to move from an 11 to a 12 to a 13 and take on some of these responsibilities that you talked about. The knowledge of how to get there, we don't think it is widespread. Not only is the knowledge of how to get there widespread, but the support as far as training is concerned, both internal and external training, and as far as rotations, I think a lot of the administrative personnel are finding it difficult to move from one section to

another section, and having difficulty back filling their positions -- the responsibility of back filling their position when they go to another position, and it just becomes very difficult for them to expand their breadth of knowledge through rotations if rotations are limited to them.

I mean, everything that you were talking about, as you well have said, you could get someone who isn't an SES or who isn't a GG-15 to do that. But to accomplish that, you would have to train them. You would have to allow them a certain degree of mobility as far as rotational assignments are concerned and as far as internal and external training is concerned. And that's what we are hoping would get some attention and that group is hoping that we will put a little bit more emphasis on those things.

COMMISSIONER MCGAFFIGAN: Is there a course? Is Mr. Suber talking sort of technical lingo for the -- and obviously people pick it up as they're here but sort of for paraprofessionals. Here's what high risk resources are. Just give them a quick -- or is it left to the manager. I mean I suppose if I am a manager down IMNS I can, you know, sit down in an hour or so, give the person the background they need in order to know the lingo and then make sure they're comfortable with. Or, maybe I need more than that. I don't know.

MS. NORRY: Well, I'm not sure that we have a specific course like that. But the issue that Greg raises is causing us to put out and I believe Ren mentioned an announcement, which we haven't done in some time. There really are a number of programs we have. They're just not well publicized. They're not well known.

Then, we'll see once we publish those and talk with Greg and others about whether those appear to be meeting the needs that are being expressed.

COMMISSIONER MCGAFFIGAN: Let me just finish up by saying I agree

with Mr. Suber. This is somewhat selfish on my part about the notion that people should be willing to take risks on high profile assignments.

My first assignment in government, and I had a couple of internships in summers, but I joined the Foreign Service in late May of 1976. We go through the foreign Service Institute, and it turns out the Assistant Secretary for Political Military Affairs was looking in early July for a staff assistant, which is much like an EDO technical assistant.

I mean, it is an Assistant Secretary and you're soon marching the halls dealing with the Secretary's staff on press guidance and evening notes to the President. So it's a fairly responsible position. He interviewed George Vest. They interviewed several people, and I happened to get the job, but I'm brand new to the Foreign Service.

He was committed to taking somebody who's brand-new to the Foreign Service because he only interviewed people from the class that was graduating from the Foreign Service Institute. And there you are, walking the halls, beating up office directors to get press guidance, and input for evening notes to the president.

COMMISSIONER MERRIFIELD: So that's how you got your training.

COMMISSIONER MCGAFFIGAN: Beating up people -- but that high profile opportunity then led to my whole career. You know, you then sort of bounce around. But you're known. You're a known quantity to a bunch of senior folks.

And, I don't know, in the Foreign Service environment, you have senior managers who is are willing to take risks. I guess they only have to live with their risks a short period of time. I guess it's one of the good things. If I had been a Bozo, I suppose I would you would have been out of there within six months.

But I think you want that sort of environment. You know, that we're bringing

in a lot of good young recruits, and I think the more flexibility we can have in giving them a chance to shine early in their careers -- as I say, it is totally selfish on my part because I was given that opportunity -- I think we'll be better off as an agency, as opposed to everybody having to wrench it up, sort of step by step by step. When they get to be fifty-odd, they get to be EDO or something.

I'd be frustrated in an environment like that where you didn't have opportunities early in your career. You'd lose people like me if you weren't giving us that sort of opportunity. Thank you Mr. Chairman.

CHAIRMAN DIAZ: Thank you, Commissioner McGaffigan. Commissioner Merrifield?

COMMISSIONER MERRIFIELD: Thank you, Mr. Chairman. I won't go into detail with the Commission that in a closed meeting recently with our senior manager about some of the issues that we have talked about today. In that meeting I had voiced concern about the fact that we were sending people out on recruiting trips, and we weren't doing the kind of follow-up process that I thought was going to really get us the outcomes that we all desired.

You outlined in some detail this morning the personal follow-up process. Is this something -- you hadn't discussed that in a meeting we had a couple of months ago. Is this something you now engaged on --

MS. NORRY: Yes.

COMMISSIONER MERRIFIELD: -- relative to that meeting that we had recently.

MS. NORRY: Yes. Yes.

MR. REYES: We know how to follow directions, sir.

COMMISSIONER MERRIFIELD: Good. We have a very responsive EDO and I appreciate that. I think this is a good step in the right direction. If we're going to spend the money to send people out on recruiting trips and targeting effort, we've got to get results. And, the results is tracking those people and doing the follow up and making sure that those high quality recruits get brought into the process. So I compliment you on that effort.

On the training of the senior managers, I had asked this question a couple of years ago. I guess you said so far this year we have trained about 140 folks, was that the number?

MS. KELLEY: That's correct.

COMMISSIONER MERRIFIELD: I know I had the pleasure of doing that with Luis Reyes, Pat Norry, Roy Zimmerman, Bill Kane, and Jackie Silber and a few others. We all had one recently, and it was a very helpful, very useful eight-hour training. I appreciate the hard work that SBCR and the folks from Equal Opportunity Employment Commission made in making that a good program.

We have 160 folks left. In your presentation material, you said you have a sufficient number of sessions scheduled this year to facilitate providing this training, the remaining managers and supervisors and team leaders who have not completed the training. Is that still the case?

MS. KELLEY: Yes. We started off with roughly 300 who needed the training this year, and 140 so far have taken it. We have enough sessions for the remaining 160 to take the training by the end of the calendar year and that is the plan.

COMMISSIONER MERRIFIELD: Great. I know a couple of years ago, I had asked for a list of those who had not taken the training. Mrs. Norry prevailed on me to

back off of that request, which I was pleased to do. I will insist on January 1st to get a list of those who have not taken the training, and I'm not going to back off this time.

On the issue of -- let's see. On the issue of upward mobility, Commissioner McGaffigan asked a question about that, and I have to agree. I think we really do need to reassess are we -- do we have barriers in the ability of our support staff, either administrative or technical support staff in terms of moving up? I do hope perhaps when we meet next time we can reflect on that one in a little bit more detail.

I was understanding of an example, one case where there may be some differences for example between -- and this is a positive from the Office of Administration, differences in terms of opportunities available in the Office of Administration versus, for example the EDO's office -- I'm sorry, the CFO's office, for having folks involved in contracts. There may be, for example, some requirements in the CFO office where for an individual to have upward mobility, they have to have a college degree, whereas, that's not necessarily --

MS. NORRY: Well, it is in contracts now. It's a government-wide initiative that says a contracting professional needs to have a college degree. Now, having said that one of the great successes in the Division of Contracts over the years was using the upward mobility to bring people up the line and become contract professionals. But now, everyone who is coming into the field has to be getting a college degree.

COMMISSIONER MERRIFIELD: That's reclusive of individuals who are currently in your agency?

MR. NORRY: Well, we have made some arrangements that certain people if they get to certain level and they're already there. But anybody whose coming up the line now that's the expectation.

COMMISSIONER MERRIFIELD: Well, I guess the general issue is I wonder

if we can just do a quick reassessment of the opportunities available for individuals for upward mobility and whether are any -- obviously, we can't do what's beyond our scope. We have to follow the law. But if have some internalized glass ceilings or barriers, perhaps we ought to make sure that we look at those and make sure that we can remove those where they are inappropriate or unnecessary.

In terms of target recruitment in the mid-range areas, I agree with the comments made by Mr. Suber. In order to deal with the pipeline, and I think I said this in some previous meetings, we really do need to put the focus on that area as well. Perhaps can we get a little bit more -- Paul, can you tell us a little bit more about that particular area and what you're focusing?

MR. BIRD: I think the thing that should be pointed out here is that largely outside of our entry hiring, we tend to select from within, particularly with senior manager. But even when you come to middle management, we have good intake at the entry level. They are viable candidates, and the tendency more times than not if you have a competition it is to turn to an internal selection rather than an external selection for those mid levels and that generally is true for both technical and administrative positions.

There are exceptions to that, and certainly when you're expanding like in NSIR -- particularly in a new field -- there's some room for some outside hiring there. Even with NSIR, a lot of the mid level hiring has come from within the agency. The tendency to is to do that, and we have a good select group to move up.

COMMISSIONER MERRIFIELD: Well, it's a difficult balance. You beat the drum of upward mobility, and you beat the drum of bringing diversity in mid-range. It's difficult to get the music playing the right way, but it does further enhance the notion that

we have got to make more progress at the entry level.

Because if you look at them -- despite all the work -- I know some folks who are working hard, but if you look at where we are versus where we were five years ago, you know, we're jogging in place. If we don't do something different five years from now and with a different Commission, they'll be asking the same questions and that would be a bad thing.

There was a recent report that came out by the Office of the Inspector General. It was an action issue that I had asked him to take a look at relative to implementation regulations concerning non-discrimination based on handicaps was an issue we talked about today. I do, the report, I think the positive thing is in the main, you know, they did find that generally we do comply with applicable federal regulations relative to non-discrimination based on handicap.

There are some areas where I think we can have some improvement and certainly would recommend to the EDO and to Mrs. Norry to take a look at that report, and seeing if there are areas where we can enhance.

One thing that I did note and I talked to Ren Kelley about this. During the training that I took, we did not have a note that as it relates to accommodations for individuals with disabilities. Our Federal Register Notices and meeting notices I don't think are quite where they need to be, and I know Mrs. Norry you already mentioned to me and others that perhaps we are already in the midst of taking some action to make sure we do appropriately conform to that.

MS. NORRY: Yes, yes, we are.

COMMISSIONER MERRIFIELD: Okay. I guess that's a note to SECY as

well. We need to stay on top of that.

MS. VIETTI-COOK: They've contacted me.

COMMISSIONER MERRIFIELD: Okay. Good. There are other federal agencies that I think, and I've got some examples if you need them of who I think had some good notices in that area, and I certainly hope we can fix that one really quick.

Mr. Suber, you laid out the three R's: Representation, Retention, and Recruitment. I don't mean to put you on the spot, but do you think you might be able to provide me or provide us what you think is our strongest to our weakness, ranking those three?

MR. SUBER: Sure. I think I could do that. Our strongest "R" is probably retention. I think the environment here at the NRC is such that we are an employer of choice. If you survey, especially recently, the different groups, I think that the retention aspect of getting people here and keeping them is probably where we're strongest.

The second would be recruitment, especially the recruitment of entry level of people. Maybe we have challenges, as Mr. Bird just stated. We have challenges with mid-level and upper level recruitment. But with respect to entry level recruitment, that would definitely be our second strongest suit.

And, the weakest would be representation, which is sort of like an artifact. If we had ample resources in a pipeline, then representation wouldn't be an issue.

One group that I would like to point out specifically is Hispanics. We have done a great job of recruiting Hispanics. So, the "R" for recruitment as far as the Spanish are concerned is terrific. But then, when you look at the pipeline for Hispanics going into upper management, Hispanics going into the LPP, the Hispanics going into the SES

Management Program, we're kind of missing the mark.

In five years, seven years, we'll be there because we're retaining people, and we're recruiting people. We're bringing entry level people in. So in five years as far as Hispanics, we'll be there. We'll have a pipeline, but the question is what are we going to do between now and those five to seven years as those people progress through the system. So representation is probably where we are the weakest as an organization.

COMMISSIONER MERRIFIELD: Well, I think that's a good point. I think that underscores some of the comments that you made today. Certainly, I think we all -- I reflected on this as well. Obviously, our office provides opportunity for some of that representation in giving people a higher profile. Certainly I try to be mindful, and I know that the EDO will as well in terms of being mindful in providing those opportunities as well.

Last question I have got for Ren Kelley. I won't make you do it in seriatim, but you mentioned the six-point model EEO program. Having looked at that and being the champion for these issues in our agency, are there some areas in there that you think we did particularly well and some areas where we have room for improvement.

MS. KELLEY: Go to my model. I just want to make sure I get them right. I'm just going to for sake of the audience so we can all be on the same page repeat them so that we'll know. One was the demonstrated commitment to EEO and diversity from agency leadership. Integration of diversity into the strategic mission. Enhanced management accountability. Prevention of unlawful discrimination. Efficient and fair dispute resolution process and compliance with EEO laws and directives.

I think that we're doing very well in each of the categories. When it comes to demonstrated commitment to EEO and diversity from agency leadership, I believe that we're seeing that. I believe --

COMMISSIONER MERRIFIELD: You can show people the video of today's meeting as well.

MS. KELLEY: That's correct. And so, I believe that certainly from the top and I believe what happens at the top and if the agency and other managers believe that -- can see that type of visible support -- I think it causes everyone else to align with that, with the top. So I believe that the agency is doing well in that category.

Integration of diversity into the strategic mission. This is a new requirement for all federal agencies, and we are doing well there too because the goals and measures that we are preparing will take us to this point. We were out ahead of this requirement in terms of doing that, and our strategic plan does include statements along the lines of diversity management. So while the completion of our goals and measures and the inclusion of them in the diversity management plan will close the loop and complete that effort for us.

COMMISSIONER MERRIFIELD: And we'll that strategic plan out probably in the next four to six weeks somewhere in that range? Everyone will be able to see that.

MS. KELLEY: Enhanced management accountability. There are a number of efforts underway that will help us improve in that area. As I mentioned, Management Directive of 7.15 does outline a number of things that agencies must do. In other words, taking a self-examination. This is the first year that we're required to do a self-assessment to look at how we are doing in a number of specified areas and report that.

It's an increased monitoring and barrier identification, looking at the diversity of our applicant pool, and also having a firm statement from the head of the agency in EEO and diversity space. Those are just a few of the things that are required there. So, we're making progress in that area.

And, as Pat mentioned, we do have built into the SES performance plan a way of assessing management -- requiring management accountability to the initiatives that the agency has undertaken in that area.

Prevention of unlawful discrimination. I would have to say that we're doing well there. If we can use the indicator of the number of cases of discrimination that we have had, the agency has a very good track record there. I might add though that we've settled a number of cases. So I won't say that discrimination did not take place because we settled the case. I won't say that it did either.

We certainly have a very good track record in terms of having a finding of discrimination, and the EEOC has upheld the agency's findings of their decisions in the EEO cases. I believe those are some of the indicators. Is there still room for improvement? Yes, and so we are working to bridge gaps in communication, and I think a lot of times what we see are problems with communication between management and staff that gets exacerbated and turns into a problem or an issue and everyone, in some cases, may be guessing what is really at the core of this issue?

So, the next one kind of helps us to get at some of those and that's the efficient and fair dispute resolution process. We were recently audited by EEOC in terms of our use of a dispute resolution process. They did find that we offer it in 100 percent of the cases. It is often chosen by the complainant and used to try to resolved EEO complaints. So we're making good use of that as a tool.

Even though it may not resolve the issue for which you go to the table, I believe it goes a long way in terms of resolving some of the communication issues and bringing about a closer working relationship, and removing other problems or issues that

may be at the core of that particular situation.

And, compliance with EEO laws and directives. Nothing comes to mind right now that would lead me to say that we're not in compliance. Certainly our look-see during our self-assessment will give us an opportunity to look and to examine how we're doing and if anything comes to mind, of course we'll have to report that. But certainly, I think that we're doing well there, as well.

COMMISSIONER MERRIFIELD: Mr. Chairman. One last comment I would make. I appreciate Ren Kelley going through that. I think it's useful for us to think about these issues.

One issue that did get raised by Mr. Suber was the issue of motivation for our workers over 50. I think this is something I certainly hope that perhaps our new EDO can take a look at and see if there are strategies that we can utilize to make sure that that part of our work force who has been dedicated to us for many, many years and remain important contributors to our agency, have the incentive to come here every day and performing 110 percent. And if there are some things we can do to improve in that area, I'd be interested in his recommendations down the line. He's had an awful lot of things on his plate lately.

MR. REYES: If I could address that. We met with Gregory and the other representatives from the other groups. In fact, we had an office director there, and he offered to have the Committee on Age Discrimination to get back with him on suggestions so that we could actually move from studies to doing things. So we have asked them to give us some suggestions, and this office director is committed to engage to start addressing some of those and see if we can move forward. So we agree with that, and it's our intention to take action.

COMMISSIONER MERRIFIELD: Thank you, Mr. Chairman.

CHAIRMAN DIAZ: Thank you, Commissioner Merrifield. If there are no other questions or comments, I would like to thank the staff and the representative of the EEO advisory committees for a very good briefing.

Also, I want to thank Mr. Yielding for his comments. There is no doubt that we have some important initiatives underway, and we have devoted a significant amount of time to them. So, we look forward to getting the right fruit from every one of these activities.

The Commission values your efforts, your comments, and your suggestions as we work together to achieve a workplace in which equal opportunity employment is a reality.

I think you probably see from the interest of the Commission that we all realize as you do that this is not just some work. It is actually how we make this agency better. It is part of how we make the NRC not only a better workplace but a better agency. It is indispensable that we put every effort to move everybody forward in a manner that they feel they have opportunities.

And with that, we're adjourned.