

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BRIEFING ON EQUAL EMPLOYMENT OPPORTUNITY (EEO)

PROGRAMS

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ROCKVILLE, MARYLAND

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WEDNESDAY, NOVEMBER 30, 2005

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The Commission met in open session at 9:30 a.m., at the Nuclear Regulatory Commission, One White Flint North, Rockville, Maryland, the Honorable Nils Diaz, Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ	Chairman of the Commission
EDWARD MCGAFFIGAN, JR.	Member of the Commission
JEFFREY S. MERRIFIELD	Member of the Commission
GREGORY B. JACZKO	Member of the Commission

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

STAFF AND PRESENTERS:

WILLIAM KANE, Deputy EDO

ROY ZIMMERMAN, NSIR

BELKYS SOSA, HEPAC

CORENTHIS KELLEY, SBCR

JAMES McDERMOTT, HR

JOHN HARRISON, NAAC

GREGORY SUBER, ACAA

MELISSA JENKINS, FWPAC

MICHAEL CULLINGFORD, APAAC

KERRI CAVANAUGH, CAD

DALE YEILDING, NTEU

ANNETTE VIETTI-COOK, Secretary

KAREN CYR, OGC

P R O C E E D I N G S

COMMISSIONER McGAFFIGAN: Good morning. We are going to get going this morning. The Chairman regrets that he is at a meeting downtown and will not be able to be here for about another half hour. He wanted me to proceed.

And Commissioner Lyons, of course, is at the IAEA headquarters in Vienna for an important meeting and expresses his regrets about missing this meeting.

I'm going to read the Chairman's opening remarks. I have just had a chance to glance at them. I agree with everything he says, but this is on behalf of the Chairman.

The Commission meets this morning to discuss the problems, progress and status of the Agency's Equal Employment Opportunity Program. The NRC staff briefs the Commission semiannually on this subject as required by Section 209(c) of the Energy Organization Act of 1974.

Our last meeting was held on June 28th, 2005.

Today's briefing differs from our June meeting in that we now have available a full year of statistical data to use in evaluating our EEO efforts. Consequently, we will take a broader more comprehensive look at our EEO activities today than we did in June.

Our discussion will be focused on our performance in fiscal year 2005 and on ways to improve our EEO program.

A good example of how we continue to improve our program is the presence at today's meeting of new a participant in our new EEO activities. The Commission is pleased to welcome the newly formed Native American Advisory Committee and its representative, John Harrison, to this meeting.

We look forward to receiving the advice, views and comments of the NAAC in future EEO Commission meetings and your active participation in NRC's EEO activities throughout the coming year.

As always, our goal in these special EEO meetings is to ensure that we have effective programs in place, to achieve and maintain a work force environment that fosters equal employment opportunity for all NRC employees.

My Commission colleagues and I are looking forward to the staff's presentation this morning.

And I would just ad lib that I think it is very important, given the challenge we face in the coming years of renewing the staff at this place, that we do well in this area, with this tidal wave of new staff that we are trying to hire, and I understand this year we are on track to hire -- and we have a big meeting on the 16th of December, two Fridays from now where you are wining and dining, the EDO himself, a large number of college --

MR. McDERMOTT: 40 to 45 students.

COMMISSIONER McGAFFIGAN: This is a change. Those of

us who came here as Commissioner Merrifield and I did, the thought was that we were managing a downsizing. This is a radical change, but it is also tremendous opportunity and it is a challenge we have to meet.

At this time, unless my colleagues have comments, and it looks like my colleague, Commissioner Merrifield does, I'm pleased to turn the meeting over to Bill Kane.

But let me first go to Commissioner Merrifield.

COMMISSIONER MERRIFIELD: I would say and I concur with the comments you read on behalf of the Chairman and your own ad libs, we do have an opportunity. And we have all spoken about the challenge we that have ahead of us as an agency to try to replace a very qualified work force with an equally or more qualified work force going forward in addition to growing as an agency, in light of the significant number of potential new reactor orders we may face in the coming years.

I would say looking back on these meetings -- and I have participated in at least 10 or 12 of them at this juncture, perhaps more -- that we have had various presentations on data. And the Commission has bemoaned the fact that progress has not gone as quickly as we would like and we were dealing with a lot of historic information. It takes time for people to get through the pipeline. There were a lot of reasons for why we are where we are and why we were where we were.

But given the scope as you have outlined of this change, it

does provide us our greatest opportunity in my time here to significantly impact and create a highly skilled, highly qualified work force, even more so than we have today.

And I would just say as a warning, I may not be here five, six, seven years down the road, others may be, you would hate to posit a Commission in the future chastising the staff for having missed its greatest opportunity to make a difference.

And so, I think it is with that idea in mind that we need to engage in a dialogue today.

COMMISSIONER McGAFFIGAN: Thank you.

Commissioner Jaczko.

COMMISSIONER JACZKO: I don't have anything to add. I think I certainly agree with the comments of both Commissioner McGaffigan and Commissioner Merrifield and the Chairman through his remarks.

COMMISSIONER McGAFFIGAN: Thank you very much.

Mr. Kane, we turn it over to you.

MR. KANE: Thank you and good morning, Commissioner McGaffigan, Commissioner Merrifield, Commissioner Jaczko.

As you know, the Executive Director for Operations, Luis Reyes, is also in Vienna, and I will be representing him today.

We are pleased to be here to provide the Commission with information on the status and progress of the agency's equal employment

opportunity and diversity management program, and including some information on the agency's small business program.

This semiannual Commission briefing represents the EEO year-end briefing and includes a presentation by the Director of the Office of Nuclear Security and Incident Response on their office level EEO initiatives and a joint statement from the EEO advisory committee.

Since our last briefing to the Commission in June, I believe we have maintained a strong and steady focus on EEO and diversity management.

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

Joining me on the left is Roy Zimmerman, Director of the Office of Nuclear Security and Incident Response; to his left, Belkys Sosa, who is the Chair of Hispanic Employment Program Advisory Committee; seated on my right is Ren Kelley, Director of the Office of Small Business and Civil Rights; and to her right, James McDermott, Director of the Office of Human Resources

Seated in the first row behind me from your right to left are John Harrison, representing the new recently established Native American Advisory Committee; Gregory Suber, representing the Advisory Committee for African-Americans; Melissa Jenkins, representing the Federal Women's Program Advisory Committee; Michael Cullingford, representing the Asian-Pacific American Advisory Committee; Kerri Kavanagh, representing

the Committee on Age Discrimination; and Dale Yeilding, President of the National Treasury Employees Union.

Can I go to Slide 2, please.

I want to begin by emphasizing that NRC's management remains committed to an effective EEO and diversity management program. And we certainly appreciate and acknowledge the challenges that you provided to us in your opening remarks. I certainly agree with those.

One of the key accomplishments over the past year has been the roll out and implementation of the agency's Comprehensive Diversity Management Plan, or as we will be referring to it throughout the presentation, CDMP.

This is the first full year under this agency-wide initiative. And the three goals identified in the plan have been incorporated into all office operating plans.

Our challenge for fiscal year 2006 will be to fully institutionalize this plan into operation and our planning processes and to develop a small set of common measures for offices to measure and monitor performance.

This will contribute to a common focus and a more structured and integrated approach in achieving the agency's diversity management goals.

As you mentioned, we now have an advisory committee representing Native Americans. I want to welcome this new group and we

look forward to their insights and support.

The EDO recently met with this group as well as the other advisory committees to gain insights into their perspective on how the agency can achieve its diversity management goals and to recognize the committee's contributions to the agency.

These contributions are essential to our diversity management effectiveness and success.

The last accomplishment I want to highlight is the agency's recognition as one of the top three best places to work in the Federal government.

Overall, the NRC ranked number 3 of 250 government organizations.

In the area of diversity management, the agency was ranked number one among African-American employees. As well as number one for employees under 40.

The agency was ranked number two in their support for diversity and among women employees.

This is, I believe, an outstanding accomplishment for the agency and a recognition that reflects on all of us here at the NRC.

Go to Slide 3, please.

Future efforts and challenges include institutionalizing the CDMP, as I mentioned earlier, staffing for new work, including new reactors

and succession planning.

As you know, the agency will need to hire over 300 employees per year over the next several years.

In addressing this hiring challenge while still maintaining a diverse work force, we will be instituting a number of new strategies. These include a university champion program and recruitment strategies to expedite hiring such as establishing application review teams for generic vacancies and university specific vacancy announcements.

To address the challenge of succession planning and preparing the next generation of diverse leaders, the EDO committed at the June briefing to accelerate our Senior Executive Service candidate development program and the leadership potential program. This has been done.

The current SES candidate development program class will graduate in December and the next class will begin in January.

The graduating SES candidate development program class will result in an increase in the number of women and minorities for SES placement.

One, these include one Hispanic, four African-Americans, two Asian-Pacific Americans, five Caucasian women and nineteen Caucasian men.

The last leadership potential class graduated in October of 2004, and a current class started this October.

Nineteen of twenty-five leadership potential program graduates have been placed, and twenty-nine staff were selected for the class that started this October.

This class includes two Hispanics, two African-Americans, three Asian-Pacific Americans, seven Caucasian women and fifteen Caucasian men.

We will continue to use the SES candidate development program and the leadership potential program as the primary strategy for succession planning and maintaining diversity in leadership positions.

I will now turn over the briefing to Ren Kelley to discuss progress and accomplishments and challenges for the EEO and diversity management programs and also to provide information on the small business program.

MS. KELLEY: Thank you, Bill.

Good morning, Commissioner McGaffigan, Commissioner Merrifield, and Commissioner Jaczko.

I will provide information on progress the agency has made related to the comprehensive diversity management plan, aspects of the agency's civil rights program, planned strategies to address future hiring and retention needs and the status of the agency's small business program.

But before I make my presentation, we have with us, Roy Zimmerman, the Director of the Office of Nuclear Security and Incident

Response. And he will provide highlights of NSIR's EEO and diversity management progress and challenges, followed by Belkys Sosa, chair of the Hispanic Employment Program Committee, who will provide highlights of the EEO advisory committees' joint statement, followed in that order.

MR. ZIMMERMAN: Thank you, Ren.

Good morning, Commissioners.

On behalf of the Office of Nuclear Safety and Incident Response, I welcome the opportunity to brief you this morning on NSIR's implementation of the CDMP and our EEO initiatives.

As we know, diversity is an all-inclusive term that extends beyond race, religion and gender. In NSIR, we are committed to cultivating our staff as an inclusive work force. We have recognized that by harnessing the creativity and knowledge of our staff, it will make us a stronger organization.

We are also committed to fostering an environment that respects the individual and the individual's views, recognizing that across a diverse organization we will have diverse views and that makes our organization stronger.

And we also are committed to offering an opportunity for each person to develop to his or her full potential in pursuit of the agency's mission.

If you will indulge me for a moment, I want to tell a quick story

that years ago, I visited a power reactor site, and the senior vice president was holding a meeting with his direct reports in their meeting room where they typically met.

In that room, they had a picture hanging from the wall that caught my attention because it was unusual for me to see a picture like that on the wall. And it was a picture of meerkats, which at the time I had never heard about. Meerkats are like prairie dogs.

And the picture showed about eight of these meerkats at their house, which was basically a dirt hole. And they were looking in different directions. Which they do by their nature. It showed one looking to the left, one to the right and one behind.

And I inquired about it because I was very interested in why they had that picture in their room. And it has become symbolic to me.

And in talking to the senior management, I learned that this was a print from an original hanging at the Smithsonian gallery. And it was hanging in this room because this was his management team. And he was looking at them to avoid blind spots just the same way that by their nature, these animals were avoiding blind spots.

And that's parts of my management style and makeup. One of the things that had stayed with me is that a diverse organization made up of individuals with different backgrounds, different views, different experiences will strengthen NSIR, and it will help us avoid blind spots.

Next slide, please.

Let's talk for a moment with regard to Goal 1 of the CDMP with regard to recruiting diverse employees at all levels.

We rolled out the CDMP at an all staff meeting back in January of this year. And we track our progress, as Bill Kane mentioned, in our operating plan.

We recognize that staff get hired into an organization and may move out of an organization and the whole of how it applies to the NRC, is people get promoted with diverse backgrounds is a strength for the agency.

So we opted for this briefing to look at our external hires over the last year and a half. And that's the numbers that I want to present to you here today. That individuals hired outside of the agency over the last year and a half, from March of '04 to current, we have hired 46 individuals into NSIR. And 33 percent of those are women and minorities.

We have also attended a variety of recruitment fairs. We have targeted historically, underrepresented populations at universities. Where in ten visits to universities, six of those were targeted to specific populations. That was in '05.

In '06, we have already participated in eight recruitment events, again, targeted historically, under represented groups.

We expect out of this visit that we will likely be bringing in members for our next nuclear safety professional development program.

Individuals from NSIR will likely come out of this last batch of targeted visits. So we are excited about that.

There's a number of highly qualified individuals that we identified and that will be coming in for interviews in the next month.

With regard to our rating panels, all of our rating panels are made up of diverse individuals, all of them have either women or Title VII protected participant involved.

In a snapshot of NSIR at the end of FY 05, we had a total of 195 employees on board. That comprised 21 percent minorities and 29 percent women.

Next slide, please.

With regard to Goal 2, develop and retain diverse employees by promoting an environment that values differences, we are pleased with the successes that we have had with regard to upward mobility.

There are three female employees that were in our organization as secretaries that are now on a track where they have been promoted into other administrative positions that will go up to the GG-11 or above position working as licensing assistants or program support assistants. So we see the upward mobility program as working well.

We have also done what we called an organizational pulse check.

In addition to our all hands meetings that we hold and various

staff meetings and written communications and such, on an annual basis we have brought a contractor in that does interviews, individual group focus interviews as well, to look at what the group feels, what the NSIR staff feels are the strengths and challenges of our organization.

We have benefited from this significantly and plan to continue to do this in the future.

The individuals that make up the interviewees are volunteers, should they want to have that opportunity, as well as randomly selected individuals.

We have had two differing professional opinions raised in areas of our responsibility. And we welcome those. Differing professional opinions, DPOs, are not a bad word. They are positive. They are an outlet for raising issues that have not worked well in coming up through the normal chain. And they are very important to making NSIR and the NRC a more effective organization.

We have completed one of those differing professional opinions during this year. It dealt with force-on-force evaluation criteria. And as a result of the submitter raising this issue, it has resulted in enhancements to our force-on-force program. And we are better for that.

The second differing professional opinion is in the emergency preparedness area. And that one continues to work.

Another activity that --

COMMISSIONER McGAFFIGAN: Can I ask a clarifying question?

Nonconcurrences. I can think of at least one example in a paper where a fairly senior person had a nonconcurrency, and the Commission agreed with Mr. Kane and company, I think -- but how often do you have a formal nonconcurrency process like Jim Dyer has established at NRR and the regions have or are you still working on that?

MR. ZIMMERMAN: It is more the latter. We have nonconcurrency capability. We practice it in the case that you mentioned. Our staff is aware of it. And can continue to practice that. Again, it is an important aspect of letting various views being raised.

With regard to revising procedures to more formalize it, chances are that we will do some flattery toward NRR and other offices that have it and look at what they have done, so we don't reinvent the wheel to put it more formally into our procedures.

But as demonstrated, we do have a nonconcurrency process. We just need to get it formalized.

COMMISSIONER McGAFFIGAN: Thank you.

MR. ZIMMERMAN: We also hold brown bag lunches. We find these to be very worthwhile.

We want to open up as many lines of communication as we possibly can with the staff. We do it in written form as well as verbal.

We talked about all hands and division and branch meetings.

Brown bag lunches are when Mike Webber and I break bread with whoever wants to show up. They are very informal. We go to our conference room. It's voluntary. It's over lunch. If somebody wants to come in, we are there.

Sometimes we have an open agenda, whatever anybody wants to talk about. Sometimes we take advantage of it to talk about issues whether it's budget issues or other issues that are important at the time. We will tailor it.

Sometimes we will do with secretaries. Sometimes we will invite our new nuclear safety development professional program, has not quite rolled off the tongue yet. We invite that class to join us or co-ops to join us. So we have tailored them.

COMMISSIONER McGAFFIGAN: You have managed to get the ERB to return that, the nuclear safety and security professional development program?

MR. ZIMMERMAN: Every now and then we use the "s" as security stuff.

COMMISSIONER MERRIFIELD: We want simpler, not more complicated interaction.

MR. ZIMMERMAN: But this has been very positive.

I just want to bring out a few of the ideas that have come out of

these settings and we wanted to continue these brown bag lunches because they are very, very useful.

One was because the NSIR staff has accelerated staffing so much as it has that there basically were the potential for silos to be developed. As new people came in, they had to learn their task, they are doing their job, they got their head down. But they are curious about what's going on in these other parts of NSIR. What is this other section doing, and this other one? I really would like to know but I don't have time to find out.

So out of a brown bag a recommendation came that why don't we take an afternoon and set up in the auditorium basically a fair and let every section go over and have their booths and invite staff from other offices to attend.

I know the EDO came down. We really appreciated that.

It's an opportunity for the staff to walk around. It was a grass-roots initiative. And they learned a great deal. And it was something that we pride ourselves in but the pride really is the fact that it is a grass-roots initiative.

It wasn't a management idea. It was the staff's idea. And those are the best kind of ideas that you can have. And it worked very well.

We have gotten comments on the employee skill set related to the strategic work force planning to make sure we were enabling staff with experiences that perhaps we were not familiar that in their past lives that

they had this additional capability, as well as punctuating the need for a secure LAN because of all the many safes that we have for sensitive documentation.

Also the development of pure performance reviews came out of these brown bag lunches.

So we pride and appreciate the staff's feedback during these.

With regard to awards for this fiscal year, about 70 percent of the NSIR staff is recipient of awards, 60 percent of the women in NSIR are receiving awards and 62 percent of minorities are receiving awards this year.

With regard to training, all managers completed the EEO diversity training in '05.

And 63 percent of our staff have completed the 24 plus annual training hours. That number is low. Not satisfied with that number, and that's one of the areas for improvement.

Next slide, please.

With regard to Goal 3, maintain the diversity of employees in senior and managerial positions, currently, we have 33 percent of the supervisors and management team are minorities and/or women.

It was interesting to note in preparing for this, that 78 percent of our SES in NSIR are CDP graduates. It's just a reminder that the program has been around for a while.

In NSIR, we have ten SES, four of which are minority or

women.

We also have been active in support for the SESCDP class that Bill Kane addressed. We had three individuals or have three individuals that will be graduating next month, two of which are minorities. And similarly, we are supporting the leadership potential program. We have three individuals in it, one of which is a minority.

Next slide, please.

With regard to moving forward, it is all about continuous improvement. We think that we have a good number of initiatives that are underway, but we think there's more that can be done.

One of those areas is we want to increase our outreach to enhance our communication on issues and concerns through interactions with the EEO committee, from our representatives in the EEO committee. We have had some meetings but we have not had them on a regular basis that I think will be beneficial. So we will be making headway there.

Similarly, in training and qualification, as I believe you know that in NSIR we are building a qualification program, a formal qualification program right now in the security area to actually qualify those individuals that go out on force-on-force and do related activities. That activity will be completed in '06. I think that's another step that will assist us by having additional structure into our training program.

And lastly, for us it is all about living the CDMP. The vision of

making NSIR stronger through a high-qualified diverse work force.

Thank you very much.

MS. SOSA: Thank you. Good morning.

On behalf of the agency's EEO advisory committees, I want to thank the Commission for the opportunity to present our joint statement today.

I just want to acknowledge the establishment of the new Native American Advisory Committee.

The joint statement that I am presenting today represents the collective interests, concerns and recommendations of the advisory committees and emphasizes areas of mutual concern.

We believe that one of the most important strategies in the successful management of human capital is ensuring that the work place is inclusive and supportive of full participation of all the employees.

It is therefore essential that the agency continues to examine recruitment practices, promotional and developmental opportunities provided to employees, to identify strategies that might benefit all employees including under-represented groups.

We welcome the opportunity to highlight this year's achievements in the EEO arena and to offer additional insights regarding areas of concern where we the committees feel the agency has an opportunity for improvement.

Slide 10, please.

During 2005, the agency maintained a strong and successful recruitment initiative to attract highly qualified and diverse women and minority applicants at the entry level. Women and minorities comprise 57 percent of the total hires for fiscal year 2005.

The results of these efforts continue to enhance overall representation at the NRC. The present representation of African-Americans, Asians and Native Americans increased slightly.

The overall representation remained the same for Caucasian women but it decreased for Hispanic Americans from five to four percent.

The agency's percent representation for minorities in management and supervisory positions has increased, although the total number of minorities in SES positions for each minority group remain the same.

As noted early, there is a significant increase in the percent representation for African-Americans in supervisory positions, and a modest increase in the percent representation for Asians and Native Americans. However, the percent representation for Hispanic Americans and Caucasian men and women decreased slightly in this area.

It is our hope that the positive trends achieved in 2005 to diversify supervisory and management ranks will continue in the future and be expanded to include all under-represented groups.

Another important accomplishment is the SES candidate development and the leadership potential development programs, which continue to demonstrate the agency's commitment to diversity in the SES ranks.

The placement of SESCO graduates and selection of LPP participants will result in an increase in the total number of women and minorities in supervisory and management positions.

We hope the NRC will continue to demonstrate its commitment to diversity consistent with the objectives of the Comprehensive Diversity Management Plan and executive succession planning strategies.

Slide 11, please.

We believe the agency is moving in the right direction with enhanced management accountability, a focused diversity management plan and a targeted recruitment and hiring strategy.

However, the work force profile data continues to demonstrate, in part, that progress is slow.

Many of the concerns expressed by the EEO advisory committees going back several years still remain a challenge today.

In the past five years the permanent work force participation rate remained relatively unchanged for all employee groups. While we were consistently successful in hiring diverse entry-level employees through the nuclear safety professional development program during the fiscal year

2005, the total number of NSPDP employees hired decreased by 63 percent from the 2002 levels.

Some progress has been made in hiring intermediate and mid-level women and minorities in fiscal year 2005. However, we encourage the agency to continue to emphasize aggressive external recruitment as part of a comprehensive diversity strategy, and to expand their recruitment efforts through innovative and effective hiring practices to recruit employees at all levels for all minority groups.

In addition, we recommend the agency monitor the work force composition by office on a quarterly basis to assist in developing proactive and effective diversity management and human capital strategies.

There was a marked decrease in rotational assignments for equal and all minority groups except for Asian Americans, whose rate increased by 3 percent.

We recommend managers encourage employee participation in rotational assignments to further develop employee skills and enhance experience.

We note that while there may always be hires and departures of all employee groups within the NRC work force, it is of particular note that the departure rate for Hispanic Americans doubled in fiscal year 2005 from a rate of two percent to four percent of all departures.

To improve retention, we recommend that management

provide women and minorities more challenging assignments, provide women and minorities more exposure to management through senior level briefings, support internal/external developmental programs, utilize more experienced senior staff as mentors to transfer knowledge and skills and offer awards and incentives to the Asian work force to support mentoring.

Increasing diversity in senior and managerial positions still remains a challenge. As I referenced earlier, although there was an increase in the overall representation of African-Americans and Asians in SES positions, there was no increase in the total number for any minority group in 2005.

In addition, the SES percent representation and the total number of Caucasian women, SES decreased.

On a positive note, three Caucasian women and one Asian man were selected for SLS positions in 2005.

We recognize there will be some future growth for employee groups in SES and SLS, but we strongly encourage management to sustain an aggressive focus and develop ways to enhance minority participation in leadership development programs like the SESCDP and the LPP. This will expand the pool of highly qualified applicants for SES, SLS and supervisory positions.

In summary, the EEO advisory committees are committed to assist in the accomplishments of the NRC's diversity management EEO and

human capital goals.

The committees appreciate the Commission's attention, and continuing efforts to improve the equal employment opportunity and diversity at the NRC to enhance the agency's organizational capacity.

We are encouraged by the progress made thus far, and we are optimistic that further progress will be made.

Thank you.

MS. KELLEY: Thank you, Belkys.

As Bill mentioned, one of the agency's accomplishments is the roll out and the implementation, initially so, of the Comprehensive Diversity Management Plan.

My office has the lead responsibility to provide oversight and guidance to offices regarding accomplishments in EEO, diversity management and small business.

May I have Slide 12, please.

During FY 2005, offices were requested to work toward EEO and diversity management achievements based on goals consistent with the CDMP and the agency's four guiding principles and the affirmative employment plan, along with additional strategies offices identified to address their office specific EEO and diversity management concerns.

Although we are in the early stages of realizing benefits of our initial assessment, based on ongoing discussions with managers, based on

our monitoring of the agency's progress overall, the indications are that the implementation of the CDMP helped management and staff focus on behaviors and practices that impact equal opportunity and diversity management in a variety of areas to include leadership commitment, merit staffing and recruitment, staff development, awards and recognition, inclusion and work force culture and communication.

And some examples of these areas: Aggressive recruitment strategies to hire nuclear safety professional development program and mid-level employees, staff development, and mentoring better prepared employees to successfully compete for formal leadership development programs and to facilitate knowledge transfer from one employee to another.

Use of graduates of the SES candidate development and the leadership potential programs enhanced diverse representation in supervisory positions.

Enhanced communication, work force culture and inclusion strategies enhanced management and employees' views of a more supportive work environment.

Additionally, the demographic profile of the agency improved in some cases. For example, the total number of minorities and women increased in all employee groups.

However, this reflects a percent increase only for African-Americans, Asians and Native Americans. And as Belkys has

mentioned, the percent representation for Hispanics actually decreased by one percent.

We continued to make progress with diverse hires. There was an increase in hiring of women and minorities in FY 2005 overall. However, the overall number of women and minorities hired for the NSPDP decreased from 35 to 25, and especially for Hispanics, which there was only one Hispanic hired in this program for the last two years.

Plans are underway to host a headquarter's recruitment event. And Commissioner McGaffigan already mentioned this.

This event will take place in December, during which about 42 students representing about 12 schools will be in headquarters. And that's an opportunity to interview these individuals and the expectation is that many of these individuals will receive offers.

Additional FTE is allocated for the NSPDP in 2006 and beyond to help address the agency's future staffing needs due to new work requirements.

Further, the total number and percent representation in supervisory and managerial positions also increased for African-Americans, Asian and Native Americans. White women decreased in this area by one percent. And Hispanics essentially remained the same.

As Bill noted, the graduating SES candidate development program class and the selection of leadership potential program graduates

will result in an increase in managerial and supervisory positions including seven minorities, five Caucasian women and nineteen Caucasian men.

Implementation of the agency's CDMP has brought more focus to the agency's efforts to meet its EEO and diversity goals. It takes a village of management and staff to be committed to change and to make that change happen.

The CDMP message is consistent and the vision is clear. Create an agency where all employees are valued and have an equal chance to succeed, thereby using increasing organizational capacity to achieve the agency's mission.

During FY 2005, the Commission's message and commitment to the CDMP, as expressed by Chairman Diaz and the EDO, was repeated by video across every office in this agency and every region.

We believe the CDMP will continue to provide a structured approach to make additional progress in areas highlighted today and for years to come.

Also, as mentioned, our challenge for 2006 will be to fully institutionalize the CDMP in office operating plans.

Offices are expected to include the three CDMP goals in those operating plans already -- to have done that already, and my office will issue 2006 operating plan guidance in this area by the end of this calendar year. We will continue to track and monitor progress at the agency level.

Additionally, to further enhance the potential for agency success in the future, we are working with offices to develop common measures that will enable us to measure progress across the agency. And we hope to put those in place by 2007.

During FY 2005, federal agencies were required to submit annual accomplishments under EEOC's management directive -- may I have Slide 13, please -- under EEOC's Management Directive 715.

As I mentioned during the last briefing, MD 715 set forth guidance for agencies to achieve and maintain a model EEO program. The agency has made progress in some of the areas that were identified as a result of our initial assessment of the 715.

We have made progress in terms of staffing. My office and a number of the areas where we needed to improve really were directly related do not having adequate resources to accomplish timely or conduct some of the other things that EEOC requires to us do in order to be a model office -- for the agency to have a model EEO program, I should say.

Training for employees required by the NOFEAR Act is available online. And to date, over 1,560 employees or roughly, 49 percent of the agency have taken that training.

May I have slide 14, please.

We experienced a decline in the total number of formal complaints filed. While we had a substantial number of contacts to the

offices that do not actually go into the complaint process, that remains constant at about 150 or so per year.

The number of complaints declined slightly. We contribute this in part to our ability to expedite mediation and resolve personnel matters or allegations of discrimination, use of the alternative dispute resolution process to resolve issues and the efforts of the staffs that work together to address personnel matters, including the Office of General Counsel, Human Resources and, of course, the Office of Small Business and Civil Rights.

In FY 2005, nine cases were filed and four were settled by the alternative dispute resolution process.

The most common basis for complaints filed in 2005 was reprisal, disability and age discrimination. The most common issues were nonsexual harassment, assignment of duties and training.

May I have Slide 15, please.

During FY 2005, we made progress in establishing a framework for the agency to process discrimination complaints filed under Title VI and Title IX and of the Education Amendment Act.

This act prohibits discrimination based on race, color or national origin in programs and activities receiving federal financial assistance.

My office has drafted appropriate compliance procedures for processing complaints under these statutes, conducting pre and post-award

reviews, preparing outreach information and materials, and reporting to the Department of Justice and Education regarding the agency's results in this area.

Progress made in the civil rights areas I just highlighted will improve our ability to create and maintain a discrimination-free work environment and in the Federal financial assistance programs that we support.

Slide 16, please.

As you know, staffing for NRC's new work presents exciting and challenging opportunities for the agency.

Innovative recruitment strategies must be implemented to ensure continued success in meeting NRC's staffing needs for the new work requirements. The Office of Human Resources has implemented several strategies to support improved hiring, recruitment, retention and student outreach efforts.

For example, the agency has gained efficiencies as a result of the following:

Expanded use of quick hire. The agency's automated application process to rate and rank NSPDP applications. This will minimize the need for rating panels for these positions.

Utilize senior level SES and SLS level recruiting teams to review applications for generic vacancies.

Program office use of two-person teams to review branch chief applications.

Developed a new recruiting activity tracking system to track time frames related to merit staffing process from start to finish. Results will inform the process regarding areas requiring improvement.

And develop an automated questionnaire for employment investigations processing which eliminates manual efforts.

Additionally, the agency hosted a special job fair at DOE Savannah River Office, and 75 applicants were interviewed.

Two offices applied for direct hiring authority based on critical skills needs, and two additional offices have indicated their intent to apply for this authority.

Senior level of recruitment champions have been identified who will establish close liaison with colleges and universities and have an NRC presence at these institutions.

NRC's recruitment material is being updated to reelect the agency's being among the best places to work.

HR implemented a development initiative to identify high school students with potential in math and science. And the goal is to market the NRC programs and encourage them to consider a future career in engineering and science and to work for the NRC.

Also, the agency established a vehicle to allow credit of annual

leave for nonfederal service new hires. This process will award up to 6 to 8 -- 6 or 8 hours of annual leave time to some employees with up to 15 years of nonfederal service.

Slide 17, please.

In addition to efforts made to attract and retain employees, we have implemented student educational initiatives based on authorities legislated to the NRC and DOE under the Energy Policy Act.

The Act provides opportunities for the agency to support nuclear-related science and technology educational initiatives and increase collaborative efforts with industry, government, and academia. The staff plans to fund efforts in FY 2006 and beyond and cooperate with DOE's implementation of work force grants, educational programs in science and math, especially for Native Americans, and to support the establishment of a national power plant operations technology and educational center.

Also, my office is developing guidance related to the expanded use of historically black colleges and universities and the Hispanic serving institutions and tribal college initiatives.

We are seeking additional resources to support expanded efforts in these areas to establish better track links between student research activities and the recruitment of the students. Where do they go?

Historically, we have not tracked where the progress and the careers of the students once they accepted employment. We plan to do that

so we can know the benefits of the investment that we are making in these programs.

May I have Slide 18, please.

During the last briefing, the Commission asked that we provide more details regarding the status of the agency's small business program.

Federal procurement dollars contribute substantially to the small business community. The NRC program, although small compared to that of other agencies, especially large agencies, has made progress in achieving its goals.

Preliminary data for FY 2005 indicates that NRC increased in its dollar awards in four of six categories that are tracked by the Small Business Administration. We increased from \$35 million to \$39 million in FY 2005.

It is important to note that NRC's largest dollar contracts are all currently being performed by large businesses. These are all long-term, multi-year contracts that together make up a significant portion of the agency's annual procurement expenditures. Therefore, it limits the amount of contract dollars that is available to be granted to small businesses.

NRC has statutory authority in three areas when it comes to small business contracting. In those three areas, the 8-A and the small business program, we historically have done very well.

We also have statutory authority in the area of HUBZone -- I'm

sorry, small business and disadvantaged businesses, but those contractors are very few and far between. And so, they don't exist in large numbers, so we compete with other agencies to be able to attract them.

Slide 19, please.

The agency met its small business goal in 2005 from a percentage standpoint in three categories.

Since most of our contracts are multi-year contracts, we are confident that we will continue to exceed these goals in these areas in the future. However, we did not meet three of the percentage goals categories for small disadvantaged business, the HUBZone or the service-disabled veteran-owned businesses.

COMMISSIONER McGAFFIGAN: Could you explain what a HUBZone is?

MS. KELLEY: A HUBZone is a business that is set in an economically depressed area. And it is specifically characterized so by SBA. You have to be within a economically depressed area, operating in that area in order to be --

COMMISSIONER McGAFFIGAN: Are there any in the Washington D.C. area? Is there any HUBZone anywhere close to Washington or to any of our regional offices?

MR. McDERMOTT: There is one in Harrisonburg, Virginia. When you go down there to James Madison, there is a big sign when you

get into the town: This is a HUBZone, an economically depressed area, and we're trying to do business. But not aware of any one closer than Harrisonburg.

MS. KELLEY: If someone from ADM can answer that. I would venture to guess.

COMMISSIONER McGAFFIGAN: Somebody is standing up.

MR. HAGAN: Yes, there are several areas in Maryland that are designated HUBZones. They don't come to mind right now, but there -- I believe Lanham might be one, an area like that. I'm not sure.

COMMISSIONER McGAFFIGAN: Near our regional offices there are similar opportunities? None of our regional offices are situated in depressed areas. There may be something within 50 or 100 miles.

MR. HAGAN: Sure.

MS. KELLEY: These firms either had changes in the category that we did not meet, the small and disadvantaged business.

We met it in 2004. We did not meet it in 2005. We are only two-tenths of a percentage point away from meeting that goal from a percentage standpoint in 2005.

These are preliminary numbers that we are talking right now. So my hope is that once the final numbers are in and calculated, that we will meet that goal from a percentage standpoint as well.

But there were a number of firms that either had changes in

ownership that changed their status from small disadvantaged business to small business or they outgrew their small business status and became large businesses.

Small disadvantaged business will continue to be a focus for SBCR in the future.

COMMISSIONER MERRIFIELD: Hold on for a second. I think there is an important clarification here.

One of the successes of this small business program is that people graduate and become bigger businesses unless they no longer qualify. It makes our statistics -- and we have been subject to this -- it makes our statistics look worse because they go away and we don't hire them anymore. But they have gone away in part because of the contracts we have given them along with other government agencies

So these statistics are a little harder to track in that respect.

MS. KELLEY: Yes. I agree.

HUBZone and service-disabled veteran-owned business goals have only been in place since 2001. And the NRC, like other Federal agencies, has had limited success in identifying qualified contractors to meet these goals.

NRC'S use of HUBZone and service-disabled veteran-owned businesses has increased by about 50 percent in each of the last three years. Even at one at 1.8 percent, NRC is still short of the 3 percent

statutory goal.

The 8-A business development program continues to be the most valuable tool in helping the agency award contracts to meet its goals. The program allows the agency to set aside or limit competition in award contracts on the sole source basis to qualified firms. These firms must have a cost estimate below \$3 million.

Accomplishments in this area increased by 40 percent over the past year.

May I have Slide 20, please.

Over the past two years, NRC has awarded numerous service contracts in five different areas: Technical, IT, telecommunications, professional and others. IT and telecommunications has the largest number of awards.

SBA and its efforts to enhance agency support for small businesses has increased NRC's goal for 2006 based on the agency's past performance. However, this may continue to be a challenge for us if we are not successful at identifying those companies. They are few and far between and every Federal agency is competing for the same contractors.

May I have slide 21, please.

Our most significant accomplishment was the roll out and implementation of the CDMP over 2005. This, along with other agency initiatives, helps to set the framework for which our collective efforts bring

forth planned results.

Also, the three CDMP goals have been incorporated in office operating plans. The CDMP helped to focus efforts on enhancing the representation of women and minorities in SES and supervisory positions by those in the presents SESCDP class, as well as helped to focus efforts in enhancing the diversity of the NRC total work force.

HR has developed and implemented several innovative recruitment strategies to attract entry level and experienced hires, encourage staff retention, and encourage our youth to consider careers in engineering and science.

For example, we expanded the use of quick hire and implemented a number of other initiatives to improve our recruitment strategies and efforts.

We have made progress in increasing SBCR's program resources that has resulted in improvements in SBCR's planned results such as the NOFEAR Act training and the decline of the number of complaints.

I want to just take a moment to thank the Commission for supporting my office in its efforts to increase staffing, because it is very necessary to have the resources in order to accomplish the programs that we are responsible for carrying out. And I want to take this opportunity to say thank you very much for your support in that area.

We are in the process of recruiting the staff members that we

been approved to hire, and I know that they will enhance our ability to carry out our mission.

Small business dollars increased overall for the agency. And the agency met three of six goals but certainly contributed to the advancement of small businesses in a number of categories.

These are successes for which we are proud. However, challenges remain, and we must remain vigilant and committed to the objectives of the CDMP, EEO and the small business development.

We must continue our efforts to diversify supervisory and managerial cores, enhance representation of women and minorities in the GG-13 to 15 pipeline and certainly, at the SES levels, recruit entry level and experienced employees, especially Native Americans and Hispanics.

As the committee's presentation reflected, when it comes to diversifying NRC's SES core, that is something that we have brought before the Commission for a number of years. And I want to just note that even though the statement was that there were no minorities placed in the SES this year, there are certainly opportunities based on the SESCDP. Some of those individuals have already been selected.

So that will increase representation for African-Americans and Asians. But when it comes to Hispanics it's been 15 years since a Hispanic was placed in the SES. And the last person was Luis. And I wanted to just note that.

We recognize that change is not swift and as we would like -- not as swift as we would like. However, we are all committed to the objectives of the CDMP and will continue to support strategies that result in a diverse and highly qualified work force and a positive work place where all employees are provided an opportunity to use their diverse talents to support the agency's mission.

Thank you very much.

MR. KANE: Thank you, Ren.

Just a couple of comments. More recently, we have had a Hispanic woman selected for SES and the statistics do not include those persons selected who have not yet been certified. So the person is operating in a SES position and I trust will be certified.

The bottom line is that challenges remain. We understand those challenges. And under the leadership of the Executive Director for Operations, we are committed to aggressively deal with those challenges. Thank you. That concludes our presentation.

CHAIRMAN DIAZ: Thank you very much Mr. Kane and Ren and Belkys. Now, do we have statements from --

COMMISSIONER McGAFFIGAN: Is this where everybody has a --

MS. VIETTI-COOK: No, she had the joint statement.

COMMISSIONER McGAFFIGAN: Just the joint statement.

CHAIRMAN DIAZ: Alright sir.

MR. YEILDING: Thank you very much, Mr. Chairman and Commissioners. My name is Dale Yeilding and I'm President of the local chapter of the National Treasury Employees' Union.

I think most people know me. I been around for quite some time. I always try to make sure my statements are appropriate and connected with the topic of the meeting, equal employment opportunity. And by saying that I work to make this agency a better workplace, and retain employees that we recruit, kind of opens up my topic for discussion to just about anything.

But I will start off with a couple of statements regarding something I heard in today's meeting, starting off with the DPO program Mr. Zimmerman talked about.

It's been an extensive effort to promote that program by the DPO program manager and the Office of Enforcement, taken over that responsibility quite some time over a year ago, and I look forward to the DPO annual report that is a little bit past due. I hope maybe the Commission or the senior managers look forward to that as much as I do to see if we've been meeting some deadlines and goals that established that program well over a year ago.

Another statement was made about formalizing the nonconcurrent process. The collective bargaining agreement Article 3.9

establishes the ability for any employee to not concur. That to me is as formal as it can get.

When there's talk to formalize it more, I get a little antsy thinking that formalization more than giving the person the ability to withhold their signature and of course to write a short paragraph or long paragraph as to why, I don't know what more formalization is needed. And I'm worried that maybe there might be restrictions on the individual office formalization of nonconcurrency where maybe an employee might have to go through additional, for lack of a better term, hoops to jump through, in order to withhold their signature.

COMMISSIONER McGAFFIGAN: Mr. Yeilding, I'm the one who raised that and that's clearly not the intention of anybody on any side of the table here.

I think the problem is not everybody knows about Article 3.9 of the collective bargaining agreement. And clearly, Mr. Dyer had to create the nonconcurrency process, the regions had them. He already realizes he has to formalize it, put it into procedures and we all believe that any employee has the right to write their paragraph. And we want the diverse views. So, there is no agenda by anybody to make it more difficult which I think the entire thrust of the Commission in recent years including at All Hands Meetings is to make it clear we want to make it easier.

MR. YEILDING: I applaud that if that's the course we are going.

I will support that and hope to be asked to establish a non-concurrence process agency-wide rather than office specifics so we have one set of rules and guidelines to go by.

Another comment regarding training: I heard that 49 percent of employees have taken the NOFEAR Act training. I know Mr. Merrifield is always the advocate of ensuring we are a properly trained work force here, and I look forward to seeing that number increase.

I had the pleasure of inviting a NTU speaker yesterday who was a previous deputy special counsel to the Office of Special Counsel. And he reminded me of an initiative that he undertook five years ago when he joined as the number two man in the Office of Special Counsel. For those people who don't know, the Office of Special Counsel is the Federal agency well-known for administering the Hatch Act, political Hatch Act, and the Whistleblower Protection Act. I'm just going to read one paragraph out of 5 USC 2302.

"The head of each agency shall be responsible for the prevention of prohibited personnel practices for the compliance with the enforcement of applicable civil service laws, rules and regulations and other aspects of personnel management and for ensuring, in consultation with the Office of Special Counsel, that agency employees are informed of the rights and remedies available to them under this chapter in Chapter 12 of this title."

Long story short, he created an initiative in the Office of Special Counsel that established a certification program for all Federal agencies well over several years ago. And before he spoke yesterday, he called some colleagues from his office and asked where NRC was in that process. And I guess NRC hasn't done anything in the past year to establish the formal certification of educating employees, providing posters and working in conjunction with the Office of Special Counsel to ensure that we satisfied the statutory requirement.

So I look forward to -- he asked me to keep an eye on that report back to him.

CHAIRMAN DIAZ: I think we are doing it. But we will certainly look at the issue.

MR. YEILDING: One other topic that I would be remiss if I didn't make comments on. The Union office received the most contacts in the past six months since the last EEO meeting regarding discrimination comments associated with the agency's recruitment at particular universities.

The first initiative was at the University of Puerto Rico. The reason why these comments flooded into the union office is because there was a change. Previous to this change, there was recruitment activities that did not affect the selection process.

The change is, the selection process has now been changed by restricting available applicants to a particular university. And I heard that

mentioned at the beginning of this presentation with the term "university specific recruiting."

And of course, I have heard the EDO make statements on this and even to the short explanation in his e-mail announcements, identifying that they did of course check to make sure this was legal through OGC and 5 USC 7106a does permit agency to recruit from -- to hire from any appropriate source.

The appearance here is this was a resolution to a problem that the EDO explained. And the problem was this: There is always, almost always, a vacancy open for new entry engineers. It is a nuclear safety development program for our new hire engineers at entry level out of college. This vacancy announcement being always open, is huge. Too many applications to process in a timely manner.

So since it's huge and can't be processed timely, when the agency goes out on a recruitment trip and they see candidates that are available, they tell them to put their application into this huge bucket and they can't process the application and hire soon enough before the qualified candidate takes a job somewhere else.

So the fix to say we are going to only open this vacancy to this university and will process it next week and assure that someone here is going to be selected, seems like it is a fix but not the correct fix. The correct fix would be for HR to resolve the problem and allow the applicants from that

university to be considered with other qualified applicants from Maryland University and other university students that hadn't been out on a recruiting trip to compete fairly against everybody.

I hope our mode de force to move toward hiring 300 folks, numbers, does not sacrifice quality because if the specific university student got to compete against other universities, I think we would get a well qualified, rounded entry level set of new hires into this agency.

My last topic, I'm sad to say, in my six year as being President of the Union here at the NRC, I had to file my first unfair labor practice with the Federal Labor Relations Authority.

I won't go into details but the subject of it is the agency's attempt to restrict travel options for employees and the Union's extensive efforts to meet at the bargaining table to try to resolve, limit, control, minimize or at least, fairly implement the new travel restrictions that were issued unilaterally by the EDO and the CFO.

So I'm not sure how that will pan out but I'm sure I will be reporting the findings of the unfair labor practice as the Federal Labor Relations Authority determines. Thank you very much.

CHAIRMAN DIAZ: Thank you very much Mr. Yeilding. I appreciate your comments.

COMMISSIONER McGAFFIGAN: Mr. Chairman, before we get on with what potentially is my time, could we give Mr. McDermott a

chance to respond to the next to the last point that Mr. Yeilding made?

Are we, as a result of implementing this authority, going to be unfair to the University of Maryland, Penn State or some of the other schools that we've traditionally looked to for folks because we were not doing something special there?

MR. McDERMOTT: No. We are not doing anything that is unfair. As a matter of fact, we have hired over the years, twice as many Maryland graduates as graduates from any other institution. And number two is Penn State. So we are not neglecting those sources. We used what is effectively Monster.com to intake resumes from all over the country for our intern programs. We have a timing problem. You do have to make offers quickly if you're going to get the best and brightest.

So we have done what is clearly legal, and I don't think it is unfair. What we do is we say, look, and it's by the way, quite practical.

We go to a school, the first one we went to was the University of Puerto Rico at Mayaguez. We are going to other schools in the same -- we've done it in other schools also.

We go out and we say, boys and girls to the students, pay attention here. We're coming to campus and we want to interview you and we want you to apply for our positions so that, you know, you will be eligible for selection. Now, the trick is to make a timely selection.

And we use the same rating qualifications for the big pool, if

you will of candidates as we use for the small pools. We score them exactly the same way.

This is just an attempt to move and identify a segment of candidates into a zone where we can get them selected. And the key element in the selection process, I would venture to say, the key element is an interview.

We cannot schedule interviews for literally, thousands of individuals who apply. But when we go to a campus, we go there to market as well as to select and we make a strong pitch. We get some interested candidates.

This was an administrative tool to move these candidates along through the process faster. These interviews are conducted by senior managers and they identify students that they say, hey, these are what we call in the trade, keepers, get these people before somebody else gets them.

COMMISSIONER McGAFFIGAN: Do you identify keepers in the big pool speaking as minority in that I'm a Harvard graduate at one point and Cal Tech graduate -- if you get the rare Harvard or Cal Tech graduate, I think it's rare because there's not engineering at either school, it' science. If the person looks pretty good even though they are in the big pool, can they move to the top quickly and get a quick interview.

MR. McDERMOTT: The people in the big pool are out there before selecting officials also. As fast as we can -- I don't want to take too

much time -- but we have the big pool. The apparatus for running the big pool is a big vacancy announcement.

We have stages, that's our term of art. At particular points in time, we freeze the pool, say, this is what we got, who are the best qualified in this group in a variety of engineering positions. We put these people on varieties of lists and start moving them through the managers, saying come on, take a look at these, here are some good ones. And it is an art as well as a science. If somebody, a smart recruiter, one of my staff looks and says, you know, there's something about this one that looks really good; for three years, president of the IEEE section at their University, something like that, those flags go up and we try to do as best we can, highlight top candidates from any source.

If are you going to have a clam bake and you are going to eat corn on the cob, you're going to go down the row until you find some really good corn. You are not going to stop and say, no, we can't pick any corn until we have looked at the whole field. You'll never have dinner. That is kind of our approach.

CHAIRMAN DIAZ: Sounds like we are into agriculture at the present time.

Well, first let me thank Commissioner McGaffigan for starting the meeting. I was out there trying to raise money for the agency. So I hope you all will excuse me for being late. This is an area in which I, as my fellow

Commissioners, have a strong interest. This is why we have this meeting twice a year and believe me, we do pay attention.

I think Commissioner McGaffigan will do me the honors of starting first so I can recover.

COMMISSIONER McGAFFIGAN: Thank you, Mr. Chairman. Let me start where I mentioned in my opening statement, that this is a time of extraordinary challenge, both in initial recruiting and mid-career recruiting and it is a time of extraordinary opportunity to have a more diverse work force.

One of the things that I think address -- we get very strong staff attendance at these meetings and I think Ren mentioned it in passing -- but every employee in this agency has a stake in making sure we have a quality work force going forward.

And there is a bounty program now, I don't know whether it's called a bounty program but it is -- every person in the agency if they bring a good recruit in at either the entry level or mid-career level, can get a \$500 bonus, except for the five of us on this side of the table. We are not eligible for anything.

MR. McDERMOTT: If I may, there are a few other restrictions. I can't get one either.

COMMISSIONER McGAFFIGAN: You can't either. Otherwise, every person you recruit, you would get a \$500 bonus. But most of the

employees in the agency outside of HR and the Commission itself are eligible for bonuses. And I think you should take advantage of that. I think you should be out there talking to your neighbors, talking to your children's peers who are in engineering schools or law schools or whatever, and helping us. So I put that challenge to the agency except Mr. McDermott --

MR. McDERMOTT: We are still fixing to get ready to start. We haven't actually put it in place, truth in advertising. We haven't got out and said, here it is, it's effective today. But we hope to do that very, very shortly. It's working through the loops we have to work it through we can --

COMMISSIONER McGAFFIGAN: Which loops are those?

MR. McDERMOTT: Well, there are loops I want to talk to Dale about it. I don't know whether it's negotiable or not but I want him to know what we're doing because his phone will ring off the hook when we come out with this.

COMMISSIONER McGAFFIGAN: I do think it is an opportunity. I thought it was already in place, if clearly there is authority to do it. And it is a very good tool.

We are a great place to work and we are number three among Federal agencies. We, I think, created a place that people should be proud and are proud to work at. But everybody can be part of the solution, not just the recruiting people or the small disadvantaged business people. Everybody can be part of the solution here. I mention that to folks because it

is an enormous challenge.

Let me mention an issue on the Veterans side. We seem to have problems recruiting veterans and obviously in the small disadvantaged business area, we tend to get group settings in the terms of disabled veterans. We have no contracts at all with disabled veterans businesses.

We need to put some focus on this it strikes me. What can we do to get veterans into the nuclear safety development program ranks or get them ready to get into the ranks? What can we do to get contracts with disabled veterans businesses that we are not doing?

Have you guys done some thinking about that, guys and gals?

MR. McDERMOTT: Yes. Yes. If I may. First of all, we are hiring a fair number of veterans. We get a lot of applications from veterans and we hire them.

Roy said it is going up and down. He has hired quite a few.

COMMISSIONER McGAFFIGAN: It may be easier in security than it is in some of the other offices.

MR. McDERMOTT: Obviously. But we have strong outreach to good veteran sources. We go to military association meetings and things like that to try to network with them so that we can reach out to the veterans. That's a good thing.

Getting veterans for the NSPDP is a problem. Where are they in terms of academic preparation. They have to do some things before they

are ready for that or they did them a long time ago and they are more suitable mid-level hires.

COMMISSIONER McGAFFIGAN: But as the young people come back from service in Iraq, presumably a lot of them are going to universities. And we could make sure that in our recruiting we tell folks, consistent with the law, we have a veterans preference and please, if are you interested in nuclear engineering or electrical engineering or mechanical engineering -- I mean a lot of these young men and women come out of the military with strong practical skills and which they then have to be encouraged to get scholarships and to get on with their education and then become eligible.

But we can do some of that, it strikes me.

MR. McDERMOTT: I agree.

COMMISSIONER McGAFFIGAN: Commissioner Merrifield, do you want to mention something?

COMMISSIONER MERRIFIELD: If I could just intercede. I don't know if we have thought at all, but obviously, the military also has a legal corps of its own, a judge advocate general of the corps. I don't know the extent to which we have ever tried to recruit in that particular pool.

There are a lot of folks who have come back from service abroad as well who are in law schools not just for the technical programs. But that may be an area where we may have some benefit, too.

MR. ZIMMERMAN: Based on the nature of the work we do at NSIR, we have been hiring individuals that have come out of the military.

MS. KELLEY: With regard to the service-disabled veteran-owned businesses that I reference, that category, we do show zero right now, but we held a procurement fair in '05. We dedicated that fair to that group. So we have had special strategies that we have put in place already to try to encourage that group of businesses to do business with NRC.

And we have had some successes, I believe.

They did not show up in '05, but probably will show up in the numbers for '06. We have a number of things in the works already, potential contracts that will likely be let and one of them in particular.

So, we believe we will see some dollars devoted to that business in 2006.

COMMISSIONER McGAFFIGAN: My time is short. Let me just ask one last question to Mr. Kane. And I may be in an area that is dicey, so tell me if I'm there, because I'm sure Mr. Yeilding has views on this, too.

We are clearly limited on parking in the garage. And I know people have long waits to get parking. And that can be a real disincentive to recruitment or retention if somebody does not have the prospect of a parking space within geological time frame.

So have we thought about all of those spaces outside of the

building that are reserved for people who might be visiting or whatever, because most of the time they are vacant.

Can we get our hands on those and do something to expand the pool, because we are stuffing more and more people into these buildings, which itself is a problem. But it is a fact for the immediate term and we don't seem to have -- I think we have a fairly long queue to get parking.

So what about the outside parking?

MR. KANE: Well, it's a good question. I will take that -- I will take that under advisement.

But Jackie may be able to address that.

MS. SILBER: I will look to Tim, but we have looked at those issues and we will give you the latest update on them.

MR. HAGAN: We, this past year completed an assessment on our parking program. And as part of the bargaining unit agreement, there is a task force that's being formed with the union to go through the parking management.

The assessment we did, though, came up with a variety of options that would expand employee parking. As you know, we have daily parking right now in the garage. We are thinking about expanding to monthly parking in the garage as one of the options, and also then expanding the exterior parking and getting the lines drawn on the new entrance so we have

some more parking

And the new garage across the street is about to open. And the daily parking there is about \$7.75, so it is reasonable.

Over the long term, though --

COMMISSIONER McGAFFIGAN: \$7.75 times 20 gets to be a lot more than the internal parking.

COMMISSIONER MERRIFIELD: It's better than downtown D.C., I will tell you that much.

MR. HAGAN: It would be good to accommodate the daily parkers. It would maximize the monthly parking.

COMMISSIONER McGAFFIGAN: We do own that space where there is a big pool of water and I hope it has not been designated by EPA to be a wet --

COMMISSIONER MERRIFIELD: Are you talking about the retention pond? Sorry, you can't touch that one.

(Laughter)

CHAIRMAN DIAZ: There is one darker --

COMMISSIONER McGAFFIGAN: One of the few perks of being a Commissioner, other than getting paid less than a lot of people is that we do get parking spaces fairly quickly when we come back.

COMMISSIONER MERRIFIELD: And we pay as much as everybody else.

COMMISSIONER McGAFFIGAN: We pay as much as everybody else, right. There is no sweet deal for Commissioners except that we get one.

CHAIRMAN DIAZ: I think Commissioner McGaffigan is saying look at the space outside to see where we can put a parking garage.

COMMISSIONER McGAFFIGAN: Or just use the spaces more efficiently.

COMMISSIONER MERRIFIELD: Pat Norry isn't here to weigh in. There is a lot of history that went along with the building of White Flint One and Two and negotiations with Montgomery County over the allowable number of spaces that we could have. It was the desire on the part of the County to maximize a number of individuals who were using the subway.

So it is more than just an arrangement between ourselves and our work force. It is also an arrangement between ourselves, our work force, the County and then obviously, the Federal government has made commitments on it as well.

COMMISSIONER McGAFFIGAN: But the County has to recognize we have more people in these two buildings than we used to have five or six years ago.

CHAIRMAN DIAZ: Commissioner Merrifield.

COMMISSIONER MERRIFIELD: The first question I've got relates to the statistic that was mentioned today that we have a drop in our

nuclear safety professional development program of 63 percent compared to FY 2002.

I would also note looking at the statistics of that, of the cohort in the nuclear safety professional development program, there has also been, it appears, a significant drop in the amount of Hispanics who are represented in that cohort.

So I'm wondering if you can talk to those issues and what we are doing about that?

MR. McDERMOTT: I can address them. The drop followed a comparable spike in 2002 in the NSPDP, formerly known as intern hiring.

The year the -- the big year, we had, I think, more than 60 intern hires. And from a point of view of culturing, absorbing them and getting them trained at the TTC, it was a stretch. I'm attempted to say it was too many. I think the right number is about 50, given our current resources to make sure we treat them well.

Because if we hire them and don't treat them well, they are gone. We will not keep them.

So if you compare the highest year with a low year, yes, it looks like a huge drop. It is really not. The drop is about half of what would be normal steady state, the percentage is about half.

I don't know why we missed the boat in terms of hiring more Hispanic students in that particular year.

I looked at that. I said it looks like we could not generate management interest in them when we had them circulating. So we had candidates circulating through the process. And it just didn't happen.

Part of that, I think, was a backlash, if you will, from having overstocked the pond and having really strained not just the training, but the hardest job is the job of the immediate supervisor of the new employee --

COMMISSIONER MERRIFIELD: I appreciate that.

I think the bottom line is that you want to -- in good management practices, you want to avoid cycles and you want to have something that builds. And given the program we are in right now, we clearly need to do that.

In addition, given the other gaps in the demographic data we have, particularly as it relates to Hispanic representation and diversity within the agency, I think, again, that cycle is not where we want to be.

You want to have it grow and meet the expectations. I think that is consistent with the comments we received from the joint task force.

I just want to note briefly ADR, I appreciate the positive comments. It is well known I have been the leading proponent of that in the agency.

I think what is noteworthy is when you combine both the informal and formal complaints, half of those which gone to ADR have resulted in success. I think that really speaks for the need for that program.

And as you mentioned, expedition of claims, cost saving to the agency, quick resolutions, less management time, and minimum attorney fees those are all, I think, positive things.

I was noting in the analysis of complaint activity, formal complaint activity during the course of 2002 and 2005, the number of cases filed and the number of cases closed, more recently we have been closing more cases than we have been filing. That is a good thing. We have been reducing our backlog.

But I didn't see, and I may have missed it, what our current backlog is and what the time line we are seeing right now in terms of working through those issues.

Is it here or has the Commission not been given that?

MS. KELLEY: We may not have given information in terms of the current backlog or the current number of cases that we are carrying. We are presently processing about 20 cases right now. We got about 20 cases that are open.

Some of them come from prior years. We have had nine that were filed in this year. And we are at various stages of completing those.

In terms of the processing time, we have seen some decline in the time line for processing complaints in 2005 verses 2004.

And we do have some cases that are still on our docket that definitely increased the average times. But we have seen the ones that have

come into the pipeline more recently, we have been successful in getting them out in far less time than we were at one time able to do.

So we have seen increases in that. But right now, we have about 20 cases that we are working.

COMMISSIONER MERRIFIELD: I would say as a follow on, I would like to get a more detailed understanding of what your backlog is, how many you have, how long they been kicking around, perhaps putting those in various time lines. And perhaps sometimes you have some that linger longer for justifiable reasons, but certainly for those that are more dated, perhaps a brief explanation of why those may have lingered as long as they have.

And that's something, I think, looking forward to next year's presentation, certainly I think, something which would enhance this presentation.

CHAIRMAN DIAZ: Thank you, Commissioner Merrifield.  
Commissioner Jaczko.

COMMISSIONER JACZKO: My first question is related to some of the things that Roy had mentioned.

And it's not necessarily a question for you, Roy, but maybe a broader question.

You talked about some, what I think are really innovative ideas and tools that your office is using, you talked about the brown bag lunches,

things like that.

I'm wondering if the agency as a whole is doing things to try to collect kind of the office best practices and how they are implementing the comprehensive diversity management plan, and will be distributing that or providing some kind of an option so that other offices if they are not doing those kinds of things they can benefit from the things that you are doing and vice versa.

MR. ZIMMERMAN: It is a great question, and it is something that the agency is doing.

As I mentioned in my comments, if an office has a formalized process in one area that we don't have that level of specificity and we can borrow that and flatter them by bringing some of their good work. We will not reinvent the wheel.

So there is an application of best practices listing that has been pulled together that identifies -- each office needed be able to provide to Ren the items that we were working on, what some of our best practices were.

All of the offices have that on a compiled list to be able to pick and choose from what fits their situation. So that we are not all out there reinventing the wheel.

MR. KANE: Just to add to that, we, of course, have four regions. One of the things we do each year is to identify -- or sooner if needed -- is to identify best practices across the four regions and then try to

normalize those in a way that we can gain the benefits from all the regions.

I'm speaking more generally as opposed to the issue of brown bag lunches.

MR. ZIMMERMAN: When we did this NSIR activity in the auditorium and set up the booths, we invited our peers from other offices, managers to be able to come down and take a look at it and see if it struck any cords with them. That if they had done a lot of recent hiring people have not gotten a chance to get out of their work place very often, it may inspire some additional related thoughts like that.

We are not afraid to steal good ideas. I don't think my peers are either.

COMMISSIONER JACZKO: My next question is probably a question for everyone, but it came out of one of the points that you mentioned, Belkys, on the joint statement.

One of the issues that you pointed out and didn't go into too much depth on is the issue of rotations and that the 2005 data seems to show that rotational assignments for women and some minority groups have generally decreased.

As I understand, the rotational assignments are looked upon in a very positive way in terms of promotional opportunities and things like that. So I am wondering what, if anything, might be the causes of that?

And then, second, what kinds of things are going on to try to

increase those rotational opportunities?

MS. SOSA: As far as addressing the causes, at this point, I think that we are all just trying to look at the data to highlight why this is happening.

Other than encouraging managers and supervisors to be aware of the issue, I don't know what else to do in that area.

The different committees work with their constituents to try to encourage them to apply. But I think it really has to be approached from both sides. Supervisors have to be aware that this is an issue. And we want to maintain the levels, slowly increased not decrease.

MS. KELLEY: I was going to say one of the things that we are doing is we have partnered with HR to provide a lot of information to offices on a quarterly basis.

It will contain a lot of data points on just your overall profile, what is the agency's profile, what is civilian labor force profile. What is the information in terms of awards, rotations, promotions, and what have you.

That will keep the offices aware of where they are in terms of progress. And it will help them to look at that information and make decisions and course adjustments if need be in terms of what that information is telling them.

So I believe that is one way to assist in and just informing the strategies that offices implement in terms of continuing to make progress in

this area.

MR. YEILDING: A quick comment, I want to state the obvious. The union hears the most frequent obstruction for approval of rotations is the supervisor. The supervisor to approve a rotation has to reduce his work force and obviously gets less done.

COMMISSIONER JACZKO: Thanks. That was all.

CHAIRMAN DIAZ: Thank you, Commissioner Jaczko.

I'm just thinking in here. I am looking at how many years I have been here dealing with this subject. And I had a bunch of little notes of things, but I think just for a minute I'm going to take the high road in here. And let me think about this.

You know, as we look at the progress and the challenges that we have in the program, we are always come year after year and we try to be creative and do things.

I do you believe that if we look at some of the themes, it is always the same things. This Commission will not tolerate discrimination, harassment or intimidation. And we are going to do whatever is needed to eradicate this from this agency or we are going to put the tools in place to make sure it does not happen.

That is so clear and evident that I think it's there.

Now, we might not have all of the tools working at the same time. But the fact that they are not going be tolerated is obvious to every

manager and the Commission. One hundred percent of this issue is that there is not even a thought about it.

So those are there. And those we need to continue to tweak to make sure that they do not happen. We need to make sure the tools get better.

I don't think there is any argument about that.

A more difficult area is when you get into the issue of what are we doing with the people we have here, how do we bring people in?

So the issue of upward mobility or lack of upward mobility or sideways mobility, the issue of retention, how do we retain the people that we need to and especially, I see the issue of retention of people that we just hired and been here for a few years. What do we do to make those.

The issue of hiring the right people so we can retain them. Those are always dynamic. They are always changing. They always require something.

But I was thinking in here, have we lately taken a seat back and looked at institutionally, do we have the right programs? Have we continued to use the same things?

Is there something else that we can do to bring more minorities, for example, to the SES program? Is there something different?

Is there something we need to do with the managers so the managers can provide the right latter of upward movement?

Are we set? Are we old? Are we too structured? Are we not really doing what we know is right? We need to provide the mobility side our work force to make things happen.

Is it time we just take a step back and say, this thing served me well, but there is something in here, a little hook, there is a little way of doing things. This may be to an extra page that I'm feeling that is holding me down. What is it out there?

And we don't know. I mean, I don't know. Okay.

So at the level of your offices, I think in this year in which we are going to hopefully see many changes when the agency is finally well funded -- for many years we have not been. What is it that we need to do?

Is training an issue where we can do better?

We need to take this step back because you are the wealth of this agency. You are really the motors that make the agency move.

And I think we need, indeed when we get to some of this times that are to me, critical times, we need to take a step back.

Do we have the right things in place? Are we just too used to using them and we don't see that they slow things up? Are there bumps? I throw we don't have barriers, but are there bumps in there?

Do we need to file them down so the bumps will be a little less? Is there something else that we need to do?

I think that my fellow Commissioners have expressed this very

well in their questions. But, there is a time in which the agency sometimes, like we are doing with new reactors or so many other things, we need to stop and take a look. Reassess and say, is this the right way?

Are we just too used to doing this, so used to doing it that we don't see that it is not as effective as it used to be?

So my parting words are – that is necessary.

MR. ZIMMERMAN: I don't know, Chairman, if you want a comment or do you want leave it on this side of a table.

CHAIRMAN DIAZ: I would love to hear a comment.

MR. ZIMMERMAN: Okay. I would offer to give you a comment.

It is multifaceted. I think it goes back to what we were saying about best practices. That there is a benefit, again, to look at how the different offices deal with their new hires. Identify those best practices, and apply them as appropriate from office to office.

Again, flattery, steal after you flatter and bring it into your organization.

I think there are a lot of basics in place. I don't think we are there yet. But there are things that will lead to identification of best practices

I think it is pretty typical for an office, and it is for ours, to develop a mentor for our new hires as well as a buddy. Somebody else that they can talk to that they can take very candidly to and informally to.

So again, you are dealing with people that are relatively young, at least relatively new with the agency so we give a couple of different people.

It is important as was brought around the table that that marriage, that that match be a good match. That you just don't take individuals and put the two of them together. You have to make sure you match them well.

You need to communicate regularly with the new hires, to make sure that they are getting the type of attention that they need to get.

They need to get a special training in addition to other training about ways you can quickly get in trouble working for the Federal government if you don't do something right that you may not know but the next thing you know, you could be sitting in a situation where you violated some Federal requirement by doing something.

Whether it is something done on travel or whatever else. And they just need someone to sit them down and explain to them. Those have been built into the process.

And I think there is a benefit for higher levels of management within the office to meet with them and to talk with them and to get feedback from them. So you use multiple ways.

An example is we met with some of our class in NSIR and realized that we met a little late, because some of the courses they

recommended for the next class that you swap what courses are taken in what order.

So getting that feedback earlier rather than later is very useful.

So you have to sit down and meet. You have got to invest the time in order to be able to understand what are the areas and where their itches are and work that through. Let them know that they are truly cared about in this agency.

CHAIRMAN DIAZ: Okay. Any other comments?

MR. KANE: I will let Mr. McDermott talk first.

MR. McDERMOTT: I would say that your point about our structure is really right, is something we have been worried about and we have addressed that.

You have seen the reorganization plans for the major program offices.

A big piece of that is to improve the availability of first level supervisors to the people who work for them.

There is an adage in our business that people join organizations, they leave supervisors. It is very important.

The only other point I would make is that sometimes it is simple things that are not getting done.

Every year, at least once a year, employees have a conversation with the supervisor. It should be a serious conversation about

not just appraisal but about career and subjects like training and rotational assignments should be addressed in that. It is such a great time.

I would love to have them say don't give me just your performance appraisal, where is your training plan as well. Let's broaden these conversations.

CHAIRMAN DIAZ: How do we inform or communicate to all our staff that that is needed? How do we cross that gap that could exist?

I think I want to hear how we are going to do that because I think it is important.

MR. McDERMOTT: I have an idea. It is very complex and sophisticated.

It is a laminated card and it says, this is the employee side and this is the supervisor side.

When you meet employee, you are supposed to bring you up these subjects. The other side says the same thing.

They should take the card to the meeting and say, we need to talk about these things. Now it's okay to bring these subjects up because we have told everybody you need to talk about these things in a conversation.

It does not have to be at appraisal time.

CHAIRMAN DIAZ: We need a few of those simple things.

MR. McDERMOTT: That's right.

MR. KANE: I will try. It is a great question and I think it's worth

taking back and thinking about, as you say, are we doing the right things?

I know we are doing things, and we are I think we are doing them well. But are we doing the right things?

CHAIRMAN DIAZ: For today?

MR. KANE: For today. I think there are three areas that you touched on, retention, development and selection. And certainly, those are the big key to what we are trying to do.

I think there are two aspects to retention, development and selection that are important. And that is in terms of, one, the appraisal process and being fair in terms of defining for all of our people honestly the areas for improvement that we see.

Those areas for improvement really are needed for people to do their own self-study or to work with them to address those areas for improvement. And that should help them going forward.

And I think that's an area that has always been an issue that I think we can do a better job on.

I believe the second issue is to make sure that people have mentors, whether they are formal mentors or informal mentors. I just think that program needs to be expanded out because that provides great assistance in terms of feedback to employees, when they have questions and they can get that -- get those answers outside of the line management process.

I think what we have to do is to go back and expand out some of these programs to make them more inclusive.

And that's my two cents.

CHAIRMAN DIAZ: I agree.

MS. KELLEY: I would like to add something, Chairman Diaz, and that is when it comes to people issues, they tend to be very sensitive.

When you look at -- it is a known fact across the agency if you are looking in a technical area, you develop a measure, put in a metric, and you say this is what we are going to do. What gets measured gets done.

It is tough to develop measures that really bring managers and hold them accountable in this area to say here's our target and we are going to hold you accountable to reaching that target. So we need to be creative in terms of coming up with some things for FY '07.

We have made attempts at that in '06, and we ended up with continuing to have offices put in strategies based on what they think they need to do as an office.

We have goals and outcome measures at the agency level. And I recognize the sensitivity in this area. But I believe that that is at the heart of what we really need to do in order to see progress in terms of coming up with what we can measure in order to help the agency move forward.

That's one thing.

It is also true that the numbers don't exist in the work force equally. And so we have to be more creative at tapping qualified candidates and tracking our success at it in terms of the diversity of our applicant pools for all groups.

And while we have that information, it really does not exist in a way that we can look at it and it can tell us what we need to do, tell us where we are falling short. And I believe that is another area where we need to improve in terms of the applicant pool, the diversity of our applicant pools.

We can do that for internal vacancies. We can not do that so well for applicants that come to us from the outside. So there are some limitations there.

We also need to look at the diversity of our applicant pools when it comes to selections. And where we see that we are not successful in having diverse applicant pools, then we need to come up with strategies to see what we may need to do to improve that.

But you're right and I agree, it is worth a further thought and consideration.

CHAIRMAN DIAZ: I'm looking forward to your engagement in this particular arena. And besides engagement, there is a word that I think sometimes solve many issues, it is the commitment to solve it. I'm sure we will find that from you. Commissioner McGaffigan.

COMMISSIONER McGAFFIGAN: Thank you, Mr. Chairman. I

will be brief.

There are a couple of issues I probably will make more statements on than ask questions but, I would be interested in a reaction, if there is one.

One has to do with knowledge management and folks as they are leaving. I know that is a major challenge, passing on to this generation of folks we are about to be hiring our best practices.

One thought I had, I happen to be looking at the weekly bulletin and I noticed that Tad Marsh had retired. He had long experience with the agency, including working for a Commissioner and then decades on the staff.

And I was having a conversation with someone and I said, did we make him give a seminar before he left. I'm not sure this is the right thing.

But we are losing a bunch of folks, and as you lose some of these folks, you almost need to have them stand for an hour in front of other staff and say here's my war stories. Here are the biggest challenges I faced in my decades on the Commission and NRC staff. Here's what I think are the big challenges coming up and whatever.

But I think you almost want to, as you lose the Tad Marsh's of the world, there needs be an exist strategy other than all that paperwork that I went through back in June to make sure you don't have any NRC property

and all that, that sort of capture as little bit of that.

I throw that out as an idea.

The other thing that I think we have to be conscious of, and it has come up in a couple of comments, including by Mr. Yeilding, about supervisors not wanting to free people up for rotations, we are clearly going to be under strain compared to anything we have experienced recently in the coming years as we try to absorb all the folks and adjust to all the retirements.

And business as usual cannot be the way that we proceed. We are going to have to free people up for training. It has got to be a priority.

We have to absorb more people than we think can absorb. I mean, I have heard talks about limits of absorption. We can only take so many safety interns or honor law grads or whatever. And that could be penny-wise and pound foolish in the sense that we may be setting ourselves up for more problems a few years from now if we don't stretch our abilities to absorb at the current time and make opportunities available for training.

To take up the Chairman's point last, I think there are things that we could do that are different from normal. And it might improve the opportunities for folks here.

I think that we are an excellent agency. We have excellent capabilities.

But, I think the oral and written communication skills in English are things that some people need to improve.

I hope supervisors say that to people when they have those annual meetings. But I don't know whether we have any courses in oral and written communication, whether there are -- I'm not even aware that we have any.

But that oftentimes is the single biggest impediment to advancing in the agency.

People have to be honest. You have to improve your written and oral English language communications skills. You are clearly the world's expert on blank, but that does not always come across. And we need to help you. But I don't know whether we can help people in that area as much as we could, because I'm not aware of any course that we have on that. Do we, in the technical training center or anything?

MR. McDERMOTT: I know we have some technical writing courses.

And we don't -- we teach people how to talk to the press in public. But that is a very small segment of people that we talk to.

And we have -- for people who have specific language difficulties, we have a program where they get one on one with a very competent person that we have used for years.

COMMISSIONER McGAFFIGAN: Thank you.

CHAIRMAN DIAZ: Commissioner Merrifield.

COMMISSIONER MERRIFIELD: A couple of things relatively briefly.

I noted in your presentation, Roy, you talked about how 63 percent of the NSIR staff had achieved 24 hours of annual training. I think that is positive.

You yourself said you would like to see that go up.

This is not a question. I think one of the issues we are seeing recently is we may have a structural issue where we have to get a lot of work done and have someone scheduled to go to training, and the work supersedes training, and I think what was pointed out today there may be some issues about supervisors pushing people off on rotational assignments.

I think that is one of those things we need to look at in the big picture to make sure that we are sending the right signals and we are following that up with the right actions. Because we are saying one thing, we want people to do training, we want people to have rotational assignments. But then, we've got a gap, perhaps with some of our first-line supervisors and others who are not following up on that.

I just leave that with you. I think that's something that we need to take a look at.

Mr. Chairman, you talked little but again about thinking a bigger

picture. And, again, this goes to the same issue of training, rotational assignments and it also goes to something that I certainly require of all my staff.

That is that we use the annual evaluation program to look at individual development plans. And I put it as a requirement -- I think it is a good practice, I put it as a requirement for all my staff when they have their annual evaluation to have updated their IDP, and we talk about that in evaluation as part of the overall plan for next year about how we can work together to help them improve and make them better able to contribute to the overall agency mission.

One of the ways that I think you effectuate that, and this may be built into, to a certain extent, the evaluation process, is you have feedback in which the supervisors and the staff as part of their evaluation that is a tickler.

If you make people evaluated on the fact of their follow-up on encouraging their employees, that will certainly improve the focus of that group on making it happen. So I think that may be something else we need to look at.

In the evaluation of our supervisors, are we asking the question as part of their evaluation, are you appropriately evaluating each of your employees, your staff's IDPs and their efforts to move forward.

Last comment. Mr. Yeilding mentioned my support for training,

which I agree with him 100 percent.

I'm interested in knowing a little bit more about how we are doing on the NOFEAR Act implementation and certainly look forward to Ren Kelley providing a little bit more info.

If I need follow-up, we will certainly have opportunities next year for me to chastised people for not doing what they should be doing in training.

Last comment, more of a humorous one. I now understand why you made your comment regarding corn, given your origins as a Nebraskan and a Cornhusker, it certainly makes sense.

Thank you, Mr. Chairman.

CHAIRMAN DIAZ: Commissioner Jaczko.

COMMISSIONER JACZKO: I don't have too much to add. I certainly agree with a lot of the comments of my fellow Commissioners.

COMMISSIONER MERRIFIELD: I'm sorry. Hold on for a second. I apologize, and not to interrupt on your questioning time, I have got something I have to go pop out into.

We are running a little late, I hope I can apologize to everyone. It is not reflective of my lack of interest in this but I do need to get moving. Thank you.

COMMISSIONER JACZKO: As I said, I don't have that much to add.

I think a lot good points have been made. I think certainly, the issue of rotational assignments and training are important issues we have. Yesterday, we had some information on the results of the annual survey, the triannual survey.

And some of the things that came out, certainly, from that survey are reflective of some of the demands on people's time and where they see concerns about access to training and those kind of things. And certainly, workload is an issue.

And I think it is important to send a signal that training and rotational assignments are valued, as difficult as it may be to have to sometimes deal with the loss of a staff member in managing that workload. But I think it is important to continue to reinforce that those are important programs.

So, in summary, I don't have, as I said, too much to add. But I appreciate the Chairman's comments on taking a step back and really looking at are we doing the right things. I think a lot of good things are have been done.

The comprehensive diversity management plan I think is a very good approach to dealing with a lot of these things. And as we start to really implement that and get that up and running, improve on and share some of the good programs and practices, I think we will really be in a good position to move forward on a lot of those issues.

But I think it is important, as the Chairman said, to periodically take a step back and make sure we are on the right track in doing all the things we need to do.

CHAIRMAN DIAZ: Thank you, Commissioner Jaczko.

Commissioner McGaffigan gave me a note in here. It actually brings out a reintroduction of a term that I just did a few weeks ago. It's called the technical/legal interface.

And Commissioner McGaffigan is reminding me that we should actually consider in part of our training, how do we have people really realize when they are in a technical/legal interface, and how do you deal in and out of the technical/legal interface.

I made the comment publicly that we are not a technical agency and we are not a legal agency. We are a technical/legal agency.

I was looking at Karen but she was avoiding me at the present time.

But this is true. This is one of the things that requires a full command.

MS. CYR: We are no different than anyone else in the Federal government in that sense. We are all bound by a statute of regulation --

CHAIRMAN DIAZ: No. But we like to think we are different.

COMMISSIONER MCGAFFIGAN: We are not trying to turn everybody in the technical staff into lawyers. We've got enough

non-practicing nonlawyers who practice law in the Commission that you don't want everybody in the staff to do that either.

CHAIRMAN DIAZ: But at least the Commission recognizes that.

MS. CYR: You can just increase my budget.

COMMISSIONER McGAFFIGAN: Tell us what you need for training.

CHAIRMAN DIAZ: Anyhow, I want to thank everybody for their efforts. I think we all realize the effort that will make the results of what everybody has been talking about really fruitful is everybody pitching in. This is not anybody's thing.

We think about taking a step back. We need to ask the staff to take a step back and see how they can contribute to what lies ahead. And what lies ahead is an exciting opportunity to do a lot of good things.

And they need to be done as a team. And they need to be done with the right English and the right legal know-how and the right technical know-how. And they have to be done within a framework and there are processes where we don't want -- and that is what I was saying, if the process slows us down, we will change it. We want to get ahead and be able to do that.

With that, we are adjourned. Thank you.

(Whereupon, the hearing was adjourned.)