



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

November 21, 2007

MEMORANDUM TO: Chairman Dale E. Klein
FROM: Bruce S. Mallett, Chair
Federal Employees Pay Comparability Act Panel
SUBJECT: REQUEST FOR RECRUITMENT INCENTIVES FOR JUDICIAL
LAW CLERKS

The Atomic Safety and Licensing Board (ASLBP) requests approval to use recruitment incentives when hiring judicial law clerks. The Federal Employees Pay Comparability Act (FEPCA) Senior Management Review Panel has reviewed the request and recommends approval of 10% rather than 15% incentives, based on the facts in the enclosed justification provided by the office. FEPCA recommends the change in amount in the interest of consistency with the amounts offered by the Office of the General Counsel when hiring honor law graduates. Judicial law clerk and honor law graduate positions require essentially the same qualifications and target some of the same candidates.

As this request is from a Commission-level office, it falls within your approval purview. I will be pleased to answer any questions you may have regarding the request.

Enclosure: As stated

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CB



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555

October 17, 2007

MEMORANDUM TO: Chairman Klein
THRU: *for Maurice Johns*
James McDermott, Director
Office of Human Resources
FROM: E. Roy Hawkens *EHawkens*
Chief Administrative Judge
SUBJECT: REQUEST TO USE RECRUITMENT BONUS
INCENTIVES FOR JUDICIAL LAW CLERK HIRES
IN THE ATOMIC SAFETY AND LICENSING BOARD
PANEL

I

The Atomic Safety and Licensing Board Panel (ASLBP) requests approval to use recruitment bonuses as an incentive for hiring judicial law clerks to serve two-year term appointments. As defined in NRC Management Directive 10.48, this applies only to newly-appointed Federal employees. I would like to offer 15% recruitment bonuses based on the entry-level salary for an ASLBP Judicial Law Clerk (Occupational Series 905; pay grade GG-11 step10) starting salary for a first-year judicial law clerk. The bonuses would be paid out after employees begin with the NRC and would be subject to the specific service requirements required in MD 10.48.

I have reviewed the criteria outlined in the handbook and have attached a narrative justification that addresses both the criteria to be met in making an initial determination to use pay authority and the criteria for determining the amount of payment.

17 OCT 07
Date

E. Roy Hawkens
E. Roy Hawkens, Chief Administrative Judge

II

We have reviewed the request for use of the above pay authority. We ___ do ☒ do not agree with the amount recommended. We recommend an alternate payment amount of 10% based on the attached evaluation. We recommend that this request be ☒ approved ___ disapproved with any change noted. Justification for this recommendation is attached. *We recommend the incentive be reviewed periodically (for example, every five years).*

11/21/2007
Date

David M. [Signature]
Chair, Federal Employees Pay Comparability Act
(FEPCA) Senior Management Review Panel

III

I have reviewed the request for the use of the above authority and ☒ approve _____
disapprove the request _____ for the amount requested, or for the amount of 1070.

*This authorization expires in 5 years, at which time the Board
may submit a new request.*

12/5/07

Date

Dale Klen

Chairman

Forward to the Director, Human Resources, for implementation.

ASLBP JUSTIFICATION FOR RECRUITMENT BONUSES

ASLBP seeks approval of a recruitment bonus as an incentive to attract the well-qualified judicial law clerks required to support adjudicatory proceedings that will be increasing in number and complexity in the coming decade. Like many federal and state courts, ASLBP offers two-year term appointment judicial law clerk positions to newly graduated lawyers. ASLBP law clerks serve an invaluable support function in virtually every licensing board proceeding by providing legal research and writing assistance to licensing boards.

ASLBP judicial clerkships are entry level legal positions, and they are paid the same as the Office of General Counsel's (OGC) Honor Law Graduate attorneys during their first two years of employment with the NRC. Like OGC, ASLBP must compete for legal talent in a metropolitan area where living expenses are among the nation's highest and where private law firms offer among the highest starting salaries for law school graduates. The recently released 2007 Annual Associate Salary Survey published by the National Association for Legal Career Professionals' (NALP) states that the median starting salary for [law] firms of all sizes in the country is \$113,000, and the prevailing salary in the largest firms has risen to \$145,000 in a number of cities including Washington, D.C. See NALP Press Release, September 14, 2007, "Salaries of Largest Firms Continue to Rise Rapidly." ASLBP law clerks and OGC entry level attorneys receive starting salaries at GG-11 Step 10, which currently is \$72,421 including locality adjustment.

Starting salary, however, is where the competitive balance between OGC and ASLBP ends. OGC is authorized to offer its first year recruits a 10% of starting salary "signing" bonus. ASLBP does not have that authority. In addition, OGC is authorized to offer its recruits participation in the NRC's student loan repayment program pursuant to MD 10.49. Under that program, OGC Honor Law Graduate recruits are eligible annually for a student loan repayment from \$6,000 to \$10,000 up to a maximum gross amount per individual from \$40,000 to \$60,000. ASLBP judicial law clerks are not eligible for the student loan repayment program because they are term appointment employees rather than permanent appointment employees.

The ability to offer a signing bonus to judicial law clerk applicants would significantly enhance ASLBP's recruiting efforts. To offset ASLBP's inability to allow its judicial clerks to participate in the student loan repayment program, I have requested that ASLBP be permitted to offer 15% of starting salary as a recruitment bonus for its judicial law clerks.

Four years ago the ASLBP had two judicial law clerks. During this coming fiscal year we will have seven. In light of the predicted tidal wave of new reactor licensing activity in the coming years, coupled with the High Level Waste proceeding, we anticipate hiring at least four judicial law clerks each year to maintain a stable, rotating group of at least eight. As it is important to the NRC to hire the best and brightest young technical minds to handle the extraordinary challenges presented by new reactor designs and many new applications, it is equally important that ASLBP have the best possible legal talent to support the Licensing Boards in the conduct of their adjudicative functions.

Finally, although I have pointed to OGC's competitive recruiting advantage to support my request for recruitment bonus authority, I wish to emphasize that our offices work

cooperatively in our recruiting efforts. OGC has a strong recruiting program, and it routinely shares candidate information with ASLBP, which enhances our recruiting efforts. I have instructed the ASLBP Chief Counsel to share information on our separately developed candidate pool with OGC, and we routinely recommend to our interviewees that they apply to OGC's Honor Law Graduate Program if they have not already done so. Last year, one of our clerks -- upon completing his clerkship -- moved laterally into OGC, and I expect that to be repeated in the future. Thus, enhancing ASLBP's recruiting competitiveness can be a win-win situation for both offices and for the NRC.