

UNITED STATES OF AMERICA
U.S. NUCLEAR REGULATORY COMMISSION

BRIEFING ON EQUAL EMPLOYMENT OPPORTUNITY
(EEO)
AND SMALL BUSINESS PROGRAMS

DECEMBER 1, 2011

9:30 A.M.

TRANSCRIPT OF PROCEEDINGS

Public Meeting

Before the U.S. Nuclear Regulatory Commission:

Gregory B. Jaczko, Chairman

Kristine L. Svinicki, Commissioner

George Apostolakis, Commissioner

William D. Magwood, IV, Commissioner

APPEARANCES

NRC Staff:

Bill Borchardt
Executive Director for Operations

Corenthis Kelley
Director,
Office of Small Business and Civil Rights

Miriam Cohen
Director,
Office of Human Resources

Tuwanda Smith,
Outreach and Compliance Coordination Manager

Lori Suto-Goldsby
Civil Rights Program Manager

Thomas Boyce
Director,
Office of Information Services

Elmo Collins
Regional Administrator, Region IV

Jocelyn Lian
Chair,
Asian Pacific American Advisory Committee

Dale Yeilding, Chapter President, National Treasury
Employees Union

1 PROCEEDINGS

2 CHAIRMAN JACZKO: Good morning everyone, the Commission
3 meets today to receive its semiannual update on the agency's equal employment
4 opportunity and small business programs. These are both very important issues
5 for the agency. Through the agency's Equal Employment Opportunity Program,
6 the NRC works to maintain a diverse and talented workforce and to provide all of
7 our employees the opportunity to engage in challenging and meaningful work
8 and through our Small Business Program the agency provides maximum
9 opportunities for small businesses, including those owned by the disadvantaged,
10 women and veterans, to participate in our contracting program.

11 I want to recognize this staff's high quality work on both these
12 important initiatives, but before we begin the staff presentations I want to take an
13 opportunity to say a few words about Ren Kelley and to congratulate her on her
14 tenure here and her upcoming retirement from the NRC. Ren joined the NRC in
15 1976 as an auditor, in what is now known as the Office of the Inspector General
16 and she has held increasingly responsible positions during her 39 years of
17 federal service. In fact, if the numbers are correct, this is her 18th appearance at
18 this EEO Commission meeting.

19 [laughter]

20 Maybe I wasn't supposed to say that and in addition deputy director
21 Barbara Williams is also retiring after 36 years of federal service, with 26 of those
22 being at the NRC -- there's Barbara over there. So on behalf of the Commission,
23 Ren and Barbara, we appreciate your many years of dedicated service to the
24 NRC and wish you the very best in your retirement and I will say we're not going
25 to be easy on you because it's your last meeting, so expect tough questions. I

1 want to take a -- I'm sorry?

2 CORENTHIS KELLEY: No, I'm just kidding, nothing.

3 CHAIRMAN JACZKO: I'd also like to take this opportunity to
4 congratulate Vonna Ordaz who will take over as the new director of the Office of
5 Small Business and Civil Rights and I'm assuming -- she's right behind you, so
6 it's perfect.

7 We all know that -- I think Vonna will do a great job building on the
8 tremendous legacy that Ren and Barbara have set in motion here at the NRC, so
9 again I want to thank you for your work and everything you've done on behalf of
10 the agency and for all the workers here and really how you've been a model and
11 made this agency a model for the rest of the federal government when it comes
12 to diversity and I think I heard yesterday that is the -- OPM was putting together
13 their -- and maybe you'll talk about this a little bit -- their diversity management
14 kind of guideline that it seemed to have a lot of similarities with the diversity
15 management plan that's been adopted at this agency and I think that's just one
16 example of the way that you've helped to make us a leader and not only help
17 people at this agency but throughout the federal government so we thank you for
18 your service. With that I'll offer my colleagues an opportunity to make any
19 remarks -- Commissioner Svinicki?

20 COMMISSIONER SVINICKI: Yes, please I told Ren yesterday, I
21 said "Now Ren prepare yourself people are going to say nice things about you
22 tomorrow so you have to be prepared for that." A lot of us don't take that well
23 and aren't comfortable with it but I want to add my voice to Chairman Jaczko's
24 just saying thank you for your tremendous contributions to NRC and to Barbara
25 as well, thank you to both of you and I thought about, you know, you're both very

1 wise women, but I thought maybe instead of getting sentimental I'll say
2 something that I think is a piece of wisdom from Maya Angelou and she said this,
3 she said "I've learned that people will forget what you said and people will forget
4 what you did, but people will never forget how you made them feel." So I think
5 that that's very true and on behalf -- I count myself in the community of people at
6 NRC that -- you've made us feel like, you know, our contributions here matter,
7 that we're heard and seen and really part of the organization and so looking
8 forward I would share another wonderful saying from Maya Angelou, she said
9 "Life is not measured by the number of breaths we take but by the moments that
10 take our breath away." So knowing both of you as I do, I'm confident that in the
11 future you'll have many more moments that take your breath away and I wish that
12 for you, thank you.

13 COMMISSIONER APOSTOLAKIS: Yeah, I join my colleagues in
14 wishing you the best in your retirement, thank you.

15 COMMISSIONER MAGWOOD: Well, I was actually not planning to
16 say a whole lot, I was going to catch up with both of you later, but let me just say
17 that for both of you, that, you know, the Chairman's already discussed your
18 backgrounds and the leadership you provided so I don't need to elaborate on that
19 but in my personal experience, that you won't both were not just leaders but you
20 were consciousness for the agency and I think everyone here appreciates that,
21 that you provide not just the intellectual leadership but also the emotional
22 leadership and you brought a caring and emotional side to this -- these issues
23 and you've done it with real class and real grace and -- for many years and I
24 think we all thank you for that, so thank you.

25 CHAIRMAN JACZKO: Well thank you for those comments. I'll now

1 turn it to Bill and Ren to start the meeting.

2 BILL BORCHARDT: Thank you Chairman, so let me just add on,
3 on behalf of the staff I wanted to thank Ren and Barbara. Between the two of
4 them they have about 75 years of federal service --

5 [laughter]

6 -- about 30 years in SBCR, so you know, it's going to be a
7 important transition, we see it in all other areas of the work force where we're
8 transferring knowledge from some very experienced people to people like Vonna
9 that are fully capable of stepping up and continuing the success for the agency,
10 so I wanted to thank them.

11 And while I'm in the thanking mode I wanted to thank the entire
12 NRC staff for their participation in the Federal Employee Viewpoint survey. We
13 had a very high response, one of the highest in the government. Those
14 responses are incredibly important to me and to the entire management team to
15 help us continue to make improvements in the work place at the NRC. So
16 although there's a risk of having survey fatigue, and next year is maybe going to
17 be one of those peaks where it's going to really be a challenge, I encourage them
18 to continue to participate in those, because that's -- frankly, over the years, where
19 we've gotten the best ideas on how to make this a better place to work. And we
20 don't need to restrict their input to those surveys, but those are a very valuable
21 tool to us. So I wanted to thank them for that.

22 And also to recognize separately the efforts of the advisory
23 committees -- and we're going to hear a joint statement later this morning -- but
24 they continue to perform a very valuable service to the entire agency. Not just to
25 their specific constituency, but so many of their activities reach out to the entire

1 staff, and it's a resource I encourage the entire staff to take advantage of it. I
2 mean, they do things that frankly we can't do as well, from an organizational
3 basis. So I want to applaud their efforts. It's on a lot of their own personal
4 initiative that they use to conduct to those activities, and their efforts are widely
5 recognized here. So with that, I'll turn to Ren to begin the briefing.

6 CORENTHIS KELLEY: Okay. Thank you very much, Bill, and
7 good morning, Chairman, Commissioners. I want to start by saying thank you
8 very much for the opportunity to serve in this position, on my behalf, and thank
9 you on behalf of Barbara Williams. We've been very much honored to serve this
10 great nation and this great agency from these positions. And it is not without a
11 bit of sadness that we leave the agency. And that's on my behalf and I'm sure
12 Barbara's as well, because it feels like home, and so -- but I guess it comes a
13 time when it's time, so -- and we know that the agency is in good hands going
14 forward, and I really want to compliment the Commission, the EDO and all the
15 office directors, regional administrators and the entire staff for the support that
16 they've given to these areas. These are areas that don't just happen; it takes a
17 lot of effort and focus. They are maybe not necessarily mainstream for the
18 agency's safety mission, but they are certainly very much related. There is a
19 nexus. And it would not happen if we did not get the support from the top and
20 throughout the organization to have the wonderful programs that we've had over
21 the years that had been very helpful for the entire federal government in a
22 number of ways. So I really want to say thank you.

23 Regarding the federal sector, right now there is quite a bit of
24 attention in a number of areas in the program areas that are in -- that SBCR
25 happens to lead. One thing that is of significance is that there's been a recent

1 Executive Order for diversity and inclusion, and an implementing guidance from
2 OMB recently came out that will try to put the entire federal government on the
3 same page in terms of what are we doing to increase representation, to ensure
4 that the federal workforce looks like America, and that there isn't a single sector
5 that is not touched and not included in the federal workforce at all levels.
6 Representation right now is very much there primarily at the lower levels. But
7 when you look at the top, maybe there is a need for the federal government to
8 improve the demographics of that group.

9 So the Executive Order and the implementing guidance -- there are
10 three agencies that are leading that: OPM, EEOC and OMB. There will be
11 requirements of each federal agency to establish the first thing a strategic plan,
12 and that plan should like alike across the government. There may be measures
13 against that plan. There will be a requirement for some training. One of the
14 other things that's being considered is the establishment of a diversity council.
15 Some agencies have such a council right now. That's not something that NRC
16 has, but there are a number of things that will be included. It is an area that will
17 get attention and focus. I think that we're going to fare very well, because as Bill
18 mentioned, there -- I'm sorry, the Chairman mentioned that there is a
19 resemblance in our present comprehensive diversity management plan and the
20 strategic plan that's being proposed, and some of its components. It has three
21 objectives, three goals, and basically the CDMP will largely get us there. There
22 may be a need for some revisions to touch those areas that are not specifically
23 included, but I think that we're in good position.

24 In addition to that, there's a number of -- there are a number of
25 requirements in the small business are, particularly increasing the promptness

1 and speed of payments to small business, to try to leverage their financial state.
2 And with the benefit that the government believes that is there, the strength of
3 the small businesses equates to a stronger economy. And so a number of things
4 are taking place that will improve the overall small business community and the
5 federal government's contribution in terms of contracts awarded to small
6 businesses.

7 Another thing that's recently happened is GSA put in place a portal
8 to try to make it easier for small businesses to see what opportunities are
9 available in the federal government. So there will be some requirements for us to
10 participate in those specifics once they are made aware in terms of what
11 specifically agencies need to do. Those are just a view of some of the things that
12 are going on at the global level in these areas.

13 Regarding NRC, I am happy to have Lori Suto-Goldsby, the civil
14 rights program manager, and Tuwanda Smith, the outreach and compliance
15 program manager, here at the table, and they will provide updates on their
16 respective areas. And so I will mention only a couple of points on our --
17 regarding to NRC for our affirmative employment diversity management program
18 area and also the small business.

19 Regarding the AEDM area, I guess the first thing I want to say is
20 that the agency continues to be a best diversity company. We still have that
21 recognition, and the agency did very well in the View Point survey in those
22 questions that relate to, you might say, the diversity area. In addition to that, with
23 regard to a recent change -- I'm sorry, I haven't asked for a single slide. Do you
24 all know where I am?

25 [laughter]

1 Okay. I am on Slide 5, please. Okay, I think that's it. Thank you.
2 With regard to the comprehensive diversity management plan and the measures,
3 this year we took a little bit of a different approach. Each office put in place a
4 diversity plan, including those actions, initiatives, strategies, the things that that
5 office needs to focus on. This is a new process; we are seeing some early
6 successes from it. We summarize that information and give feedback to the
7 offices, as well as to the EDO's office. And while we don't have trend data on
8 that, because it's so new, but we feel very confident that that's going to yield
9 some very good results for us, at least help us to keep the focus on that area so
10 that offices can be responsive to those things that they need to.

11 And regarding the small business area, we continue to do very well
12 as an agency, and have a very strong small business program. And so some of
13 the successes in this area are that we did very well on our overall score card,
14 and that in terms of going forward for 2012 and 2013, we will -- we're requesting
15 SBA to consider a reduction in our goals. Our goal was overall 37 percent for
16 small business contracting percentage. SBA's already agreed to reduce us to
17 31, and we're looking at trying to bring that number even lower because of the
18 need to kind of counteract what may be included in our base from our DOE
19 contracts. And so for that reason, we're asking them to consider a request to
20 bring our goals even lower than the 31 percent. And with that, I'm going to give it
21 to Lori.

22 LORI SUTO-GOLDSBY: Okay, good morning Chairman and
23 Commissioners. Thank you for the opportunity to present today on the civil rights
24 program. And today I'm going to talk to you a little bit about our EEO complaint
25 status, as well as progress in alternative dispute resolution and settling cases,

1 and also our training and agency initiatives. And we're on Slide 8.

2 LORI GOLDSBY: Okay, great, it's there. First of all, there has
3 been an increase in EEO complaint activity federal government wide. It's not
4 been a dramatic increase, but there has been an increase over the last couple of
5 years. We have looked into this and talked to other federal agencies, and found
6 that most likely the reasons are because of downsizing and streamlining
7 operations, and also there's more competition in applying for positions and also
8 promotions. There's also been some new laws that have been passed such as
9 the Americans with Disabilities Act amendments. And therefore, that's why we
10 believe that there is an increase in cases. It's costing the federal government an
11 enormous amount of money to process complaints, and also to attempt
12 settlement and achieve settlement prior to cases that are going to hearing or
13 district court.

14 For example, within the last three years, compensatory damage
15 awards have jumped from five million to \$10 million, and also attorney fees
16 awards have also jumped from nine million to \$14 million. Last year, EEOC
17 reported there was only five percent of cases that were found to be discrimination
18 or merit. So this tells us that many cases are settled prior to reaching a hearing
19 are also going into district court.

20 Here, at the NRC, we are also having an increase in cases. We
21 don't feel that it's an unhealthy thing to have an increase in complaints that are
22 being filed, and it's actually a sign that employees are aware of their rights and
23 know how to use the EEO complaint process. We have not had a finding of
24 discrimination since 2004, and so we work very hard to try to settle cases that we
25 feel there could be a weakness in the case, or if in fact we find that we can find a

1 mutually agreeable settlement between the parties. The settlements save
2 money, time, resources, et cetera.

3 Our cases since 2009 have actually doubled here at the NRC, and
4 we are -- we have a pulse on this, and we're looking into the trends as to why this
5 might have occurred and which I'll talk about in moment. We have seen that with
6 our cases in the last two years or so, that 70 percent of the cases that have come
7 to our attention have been based upon age, reprisal and also race. We're seeing
8 that national origin and also disability cases are on the rise. We've had several
9 employees who have come to our office and felt that they were not getting a
10 reasonable accommodation in a timely fashion, and we are working with those
11 employees and also with HR.

12 We're also seeing that 70 percent of our cases involve several
13 different issues. These issues are denial of promotion, performance appraisal
14 issues and also assignment of duties. And the assignment of duties issue is
15 interesting, because we're thinking and looking at our data that a number of
16 employees feel that in order to get promoted that they would like to have high
17 profile assignments so that they get the recognition so that it can be put into their
18 performance appraisals. So we're looking at those trends.

19 Within the last two years, we have not had any sexual harassment
20 complaints filed with our office, the Office of Small Business and Civil Rights,
21 which is a good thing. Eighty percent of our complaints, though, have been filed
22 by employees who are at the 13 through 15 grade levels. And we get very few
23 cases from employees who are filed below that, at the -- perhaps 7, 9, 11 grade
24 levels. We're also seeing that more males than females have filed formal
25 complaints of discrimination. And in addition to that, we're seeing that there has

1 been a request in hearings. Now we know that our EEO cases have gone up
2 here at the NRC, but we're seeing compared to prior years more complainants
3 are savvy are the EEO complaint process, and they're also requesting to have a
4 hearing in front of an Administrative Law Judge at the Equal Employment
5 Opportunity Commission.

6 With respect to ADR and settlements, we had a record year last
7 year in settling cases. In fact, we had about 17 settlements, which is a great
8 thing. The settlement saved agency resources and time, avoided hearings, as I
9 mentioned, opened the communication between parties, which is also very
10 important, and repaired working relationships. Our participation rate for
11 alternative dispute resolution last year was 52 percent, which exceeds the federal
12 government participation rate of 46 percent. We also polled the participants in
13 our ADR or mediation process, and found that 84 percent were satisfied with
14 mediation and 92 would actually participate again. I always want to take a
15 minute to say thank you to the supervisors, managers and employees who use
16 this process because it's very beneficial to resolve cases at the lowest stage
17 possible. We are going to continue to ensure that we market our ADR program
18 and ensure that employees, managers, supervisors are aware of its value to the
19 agency.

20 With respect to our EEO counselor training conference that we had
21 in August, I want to mention that in order to have a viable EEO program, it's very
22 important to have EEO counselors who are trained. We have 25 collateral duty
23 counselors who are located agency wide. A number of them are here in
24 headquarters. We have about three or four counselors in each regional office. In
25 August, we conducted an EEO counselor training course or seminar entitled "You

1 Make the Difference.” And we also decided that we needed to bolster up our
2 EEO counselor roster, so we selected four counselors from here in headquarters,
3 OIS, OIP, OI and OCFO. So we thank you very much for having those
4 employees participate as collateral duty counselors because we know it takes a
5 great deal of time to help us with the complaint process.

6 During our counselor conference, we wanted to ensure our
7 counselors were trained on important areas such as providing reasonable
8 accommodation, conflict resolution and also recent EEOC cases when there was
9 a finding of discrimination. We even touched upon the topic of bullying in the
10 work place, which has been getting a lot of attention lately. So kudos to those
11 EEO counselors who have stepped up to help the Office of Small Business and
12 Civil Rights process our cases because they truly do make a difference.

13 With respect to training, we recently conducted a very successful
14 training seminar on November 15th, entitled “EEO and Diversity Awareness in
15 Challenging Times.” In fact, we had over 300 supervisors, managers and team
16 leaders attend this training. We had an Administrative Judge from EEOC come
17 in and talk to our supervisors, managers and team leaders about the EEO
18 process and also about the potential pitfalls or actually, I guess I should say,
19 ways to avoid potential complaint activity.

20 We also just announced that we're going to be having a -- we've
21 issued a No FEAR Act online training course, which all employees must take
22 before February 29th of next year. And I do want to mention that OPM has
23 recommended that this No FEAR Act online training course be adopted as a
24 model across the federal government.

25 So where are we? We're looking at ways to try to assist the agency

1 to address potential complaint activity in the civil rights area. We are actually
2 partnering with several federal agencies such as NIST, DOE, OPM and we want
3 to take a look at their trends to see whether they have anything similar that might
4 be happening at their agencies, and to share best practices with them. Since we
5 have been touted as the best place to work in the federal government for the last
6 couple of years, we've had a number of contacts from federal agencies on how
7 our EEO, civil rights and diversity program has been operating. So we frequently
8 meet with partners from other agencies. We're also encouraging or actually
9 ensuring that management continues to champion and address EEO diversity
10 management and change management through its daily operations, and we'll
11 continue to have training seminars throughout the next year. So thank you very
12 much.

13 TUWANDA SMITH: Good morning, Chairman. Good morning,
14 Chairman, Commissioners. My name is Tuwanda Smith; I'm the manager of the
15 Outreach and Clients Coordination Program. This is a program that you
16 approved in 2007, so it's still fairly a new program in the Office of Small Business
17 and Civil Rights. It was actually implemented for the purpose of assuring equal
18 opportunity and fair practices in our programs and activities.

19 There are two different types of programs that -- and activities --
20 that we focus on. One is the NRC conducted programs and activities and those
21 are activities and programs that involve the public, or either we provide a service
22 or benefit or sometimes a collection, but that's one type.

23 The other type, the recipients that we provide NRC federal financial
24 assistance to. There are approximately five internal compliance programs and
25 eight external compliance programs. In addition to that, the OCCP Program,

1 which is Outreach and Clients Coordination Program, also administers agency
2 minority serving institutions program, which comprises four sub-programs, three
3 of which are the historically black colleges and universities, the Tribal colleges
4 and universities and the Hispanic serving institutions. And the final is our small
5 minority serving institution grant program.

6 So, we have about 17 program areas that we're in charge of. What
7 I'd like to do today is just give you a brief update on those program areas. Could
8 I have the first slide please? Thank you.

9 As I stated, internal efforts are going to deal with NRC-conducted
10 programs. This year, we've had significant progress in the area of our limited
11 English proficiency program. We actually rolled that program out in 2008 and
12 we've received agency-wide cooperation. This past year, we coordinated with
13 about 20 of our offices that actually have public involvement and were able to
14 redraft our limited English proficiency plan. It met the new requirements of the
15 Department of Justice, but it also laid out a strategic plan for carrying out agency-
16 wide, uniform procedures and processes for how we would provide equal and
17 meaningful access to the LEP populations.

18 In addition to that, we've incorporated the LEP program into some
19 of our key management directives that deal with conferences and staff-
20 sponsored meetings. And we also have incorporated the notification to the LEP
21 populations through our social media contacts such as the Twitter and the
22 YouTube. So we're making advancements in that area and we feel pretty good
23 about that.

24 With respect to our continuing monitoring of education and training
25 programs, we actually focus more on the agency's grants programs and the

1 awards process; and that's just due to the size of staffing and there's quite a bit
2 to do there. We've been successful in participating in all types of endeavors to
3 ensure that minority-serving institutions have the ability to access NRC's
4 programs, the opportunity to participate in funding opportunities and we look at
5 the procurement or the awards process to ensure that they are included, as well.

6 With regards to the third area that we're looking at, it's our internal
7 disability program. That's actually, we have done some work, but we are really in
8 the process of increasing what we do in that area. And that's because we're
9 receiving more and more inquiries that relate to our disability initiatives and we
10 are starting to see some complaints come in. What we have done in the past is
11 make available information on the agency's website and we're starting now to
12 pick up our efforts to provide outreach and technical assistance. And we're
13 feeling pretty good about that initiative and there's more to come at the next
14 briefing about the additional type of resources that we will make available to help
15 our offices actually understand the regulations, what the requirements are and,
16 most importantly, how they can comply. Could I have the next slide, please?

17 With respect to our external compliance initiatives, NRC has an
18 oversight role as well as the role of making sure that we monitor our recipients
19 and, where necessary, we enforce violations. We have actually had quite a bit of
20 success in this area, and this is one of the earliest rollouts that we had. We
21 make sure that we provide outreach and technical assistance to recipients, so
22 they understand the requirements. We've been able to increase our data
23 collection efforts. We recently had -- or recently OMB approved NRC's
24 instruments that cover all the different areas, Title 6, Title 9, disability and age
25 requirements, so that we're able to ask for the information that we need to make

1 a determination regarding whether the recipients are actually in compliance with
2 the requirement. So, we've done pretty good at putting those in place and using
3 those. We've made available educational information via one-on-one
4 conferences with recipients, mail-outs and by using the website to make sure that
5 their information and resources are available all the time.

6 In addition to that, we've conducted some training activities and so
7 we're seeing quite a bit of the fruits starting to come in for those particular
8 initiatives. Now, the obligation that we have internally is to make sure that, prior
9 to the agency issuing any grant awards, we conduct a pre-award compliance
10 review. That allows the agency the opportunity to see if there are any red flags
11 or issues of concern regarding discrimination. We've been very successful in
12 that we've been able to complete 100 percent of the requests that we've received
13 this past year. Just to help you look at what does 100 percent look like, we've
14 received 103 requests and we were able to meet all of those requests.

15 In addition to our pre-award effort, we are required to make sure
16 that throughout the duration of the federal financial assistance that those
17 recipients continue to comply. So, we do post-award monitoring. We are able
18 now to enhance those monitoring efforts in that we were able to send out a
19 widespread announcement that all recipients received informing them of their
20 civil rights obligations that are imposed as a condition of receiving NRC funds.
21 So they know exactly what they have to do, what the requirements are and what
22 they have to report back to NRC. We're starting to see a lot of that information
23 coming back to us. We're starting to see recipients rely on us for information and
24 touch bases when they're just not sure of what they should do or if something
25 has taken place that they want to make an inquiry.

1 In addition, for the first time, we required them to submit the
2 mandatory annual EEO report for their organization so that we actually see what
3 they are doing and we're starting to conduct the desk audits for that process. So,
4 we're moving along in the efforts to rollout our post-award process and to make
5 sure that it remains compliant with the requirements. We also engaged, as we
6 have in the past, in providing information through audits and reports to the
7 oversight agencies, such as Department of Justice, regarding what NRC is doing
8 in this area. So the things that I'm telling you, we're reporting, and they seem
9 satisfied. Could I have the next slide, please?

10 The third area that I would like to discuss is our minority-serving
11 institution program. That program has been a model program; it was one of the
12 first programs that we rolled out. We rolled out in 2006 and the purpose of the
13 program was to increase academic excellence in the STEM areas and to
14 produce a diverse, skilled workforce that would be able to serve both NRC as
15 well as the nation.

16 In fiscal year 2011, staff continued to provide assistance to the
17 groups that I named and we actually focused not only on increasing academic
18 excellence but helping those institutions to develop capacity, capability and
19 infrastructure to also help them be able to initiate efforts where they could reach
20 outside of the institution and back to K through 12, because that is where the
21 foundation must be the strongest in moving our students into the college arena,
22 and then being able to have the curriculum necessary in that area to maintain
23 those students and also, to have the infrastructure and the things that they need
24 to effectively compete for federal resources and programs. We also helped them
25 assist in the development of human capital, be it the faculty or the students.

1 This year, we were able to make 28 grant awards totaling \$2.876
2 million dollars. NRC's minority-serving institution program continues to be
3 viewed as a model program by many, especially at the White House level. To
4 that degree, we've been asked, or was asked, to lead a number of national
5 training programs, some of which seems surprising for most people. For
6 example, we were asked to lead an initiative that dealt with emergency
7 management preparedness at HBCUs and MSIs. This afforded the opportunity
8 not only to take a look at those things that dealt with natural, man-made disasters
9 but to also look at new careers and fields of study. It was very successful. We
10 ended up being at the forefront of producing a CD that's speaks on that and
11 acknowledges NRC's efforts in those areas. We also have participated in
12 innovation and science workshops at the request of the White House. And,
13 believe it or not, asked by DOE to present at their small business expo this past
14 year to talk about minority-serving institutions in their forum as well as in the
15 sense of the business. We continued to co-sponsor with other federal agencies
16 our annual MSI capacity-building and technical assistance conference.

17 Also, during this year, we've had the pleasure of participating in a
18 White House survey or audit that deals with STEM education as well as a JO
19 audit. I call it a pleasure because we've had an opportunity to present the types
20 and caliber of programs that NRC has fostered from our program.

21 I must tell you that we didn't do this alone, a number of the NRC
22 offices and staff have stepped up to the plate and readily helped us out in this
23 endeavor. So, not only through the university champions, which have been
24 instrumental, but the offices have participated in recruitment efforts, they have
25 collaborated with the schools, they have been present for presentation,

1 experiential learning and, in fact, we've received, from what I understand, one of
2 the highest number of applications received by MSIs for funding this year. NRC
3 received 115 applications and NRC offices and staff came to our rescue in
4 helping us evaluate and rank these proposals. This is the conclusion of my
5 presentation, and I thank you for this opportunity.

6 THOMAS BOYCE: Chairman, Commissioners, good morning. I
7 truly appreciate the opportunity to represent the Office of Information Services
8 with our comprehensive diversity management plan. As Ren said in her opening
9 remarks, these things just don't happen. I think our focus here at NRC on these
10 types of activities is just one of the things that makes us a unique place to work.
11 Slide 14, please.

12 You can see these are the focus areas of our diversity
13 management plan and I'm going to talk quick because I want you to be able to
14 hear from my staff on this, so Slide 15.

15 Some of the activities that I'm particularly proud of: we worked with
16 the federal CIO council on something called IP Job Shadow Day, where we
17 partnered with a local school that has an IT focus in the high school and we bring
18 those students and you'll see some of the results of that in our outreach to the
19 local colleges and universities, we've worked with the D.C. Government on their
20 youth employment program this summer and my alma mater, University of
21 Maryland University College in their cyber security job fair. I also believe that
22 employees should take hold of their own career development with support from
23 management, so if you move to Slide 16.

24 We have over 30 staff members in the past year alone that have
25 participated in rotations and details and where appropriate even temporary job

1 promotions as they take on additional duties. I sponsored myself a workshop for
2 leadership potential program candidates that we opened to the whole agency
3 trying to get these people to plan ahead, write well and understand what's going
4 to be needed from them as a potential leader. I'm very supportive of work-life
5 balance through NEWFlex and Telework, and we appointed an open,
6 collaborative work environment champion and that's -- direct result in OAS
7 having its first team player award, but rather than hear from me, I'd like to turn to
8 the video and let you hear from our staff and how we lived the plan.

9 [video playing]

10 [applause]

11 THOMAS BOYCE: Thank you for indulging us, letting us hear from
12 my staff how they think diversity is at play, I particularly like we had the co-op
13 students and the IT Job Shadow Day students that we've managed to hire
14 through our diversity actions represented here because it's really, to me, the key
15 goal of diversity is you've got to get the people into the pipeline first and that's the
16 first step, you've got to support it throughout your programs, but I think we were
17 able to do it -- I appreciate your indulgence and with that I'll turn it over to Elmo.

18 ELMO COLLINS: Chairman, Commissioners, good morning.
19 Thank you for giving me the opportunity to come to the table and share with you
20 some aspects about Region IV focused on diversity. Slide 21.

21 Diversity is important for any number of reasons, but being the
22 regional administrator, heading up a regional office charged with day to day
23 safety oversight of facilities, I have a pragmatic reason why I believe diversity is
24 important and that's because I think it's a key ingredient to the organization as it
25 comes together to increase -- improve the reliability we have as we try to achieve

1 the safety outcomes that we need in our mission and that's something in Region
2 IV, the staff and myself, we place a premium on that, the safety and the day to
3 day oversight and so I would offer you the proposition, actually, accept the
4 proposition and increasing our diversity has a positive contribution to the ability of
5 Region IV to accomplish its mission. Slide 22.

6 Just a little bit, a couple of areas important to us in Region IV in
7 diversity, I would offer to you. Region IV diversity is increasing in areas of
8 leadership and we report on some of these numbers periodically. We've
9 increased five percent in our leadership and non-supervisory 15 for women and
10 minority in Region IV in FY 2011. Our feeder groups percentages increased in
11 FY 2011 and of our new -- the people we brought into the region in FY 2011 45
12 percent would qualify for helping us increase our diversity.

13 We're not where we want to be, but we're moving in the right
14 direction. In the last four years overall we've increased six percent in Region IV
15 with our -- in our diversity.

16 Veterans is one of our strengths, we have over 35 percent of the
17 Region IV workforce are veterans and so we're very proud of that. We have
18 active relationships with the Veteran's Administration in the Dallas area and also
19 the joint reserve base in Fort Worth and we recruit from there. Slide 23.

20 When I think about Region IV and diversity, one item that I
21 appreciate, maybe more than any other is the work of our diversity management
22 advisory committee and so I'm glad to be able to have the sitting chairman of that
23 committee here with me this morning, this is Dr. Natasha Greene -- and you've
24 got to raise your hand so you know who she is.

25 [laughter]

1 Her leadership and the work of this committee, I think are not only
2 exciting and fun, but they've added a lot of value to Region IV to promote the
3 agency plans. This committee has a broad membership, if you look at our last
4 diversity day, you look on the back of the pamphlet there's a list of all the
5 members and at large members and it's three dozen people that are working on
6 this, so it's across the region, high level of participation and certainly they help us
7 increase the awareness of and the value of diversity. Slide 24.

8 We've established, with the help of this committee, fairly long
9 history of exciting, meaningful diversity days. The last one, conducted in 2011,
10 the theme was dimensions of diversity, understanding a world of difference. I'm
11 always amazed at the themes that this committee comes up with, as it offers for
12 us to celebrate and rally around and this is a picture of Dr. Chatterjee who
13 presented to us dimensions of diversity and also the bottom picture is something
14 that's become a tradition in Region IV and that's our fashion show that we have
15 every year so you can see the fashion show participants there from Region IV.
16 Slide 25.

17 Our 2010 theme in diversity was a tapestry of purpose, a vision in
18 mission. Now we asked Region IV personnel to provide a square that
19 represented them, something about their heritage, something that was unique
20 about them and so you can see this was presented at our last diversity day, how
21 that came together. You know, this is symbolic of us coming together, to become
22 one, an organization aimed at the same mission that we're trying to accomplish
23 and so I think we -- I took the liberty of bringing it here today so you could see the
24 quilt, that's been -- it was prepared. If you look close at the border of the quilt it
25 forms a Roman number one, I and the V and that's Region IV, so -- thank you.

1 NATASHA GREENE: This is actually going up in our new building.

2 ELMO COLLINS: Yeah and we'll -- we will, we'll have that in the
3 new building. I challenge you to find my square in there --

4 [laughter]

5 I'm a part of Region IV, too. Slide 26 is a picture of that diversity
6 day and that fashion show. Slide 27, this is from an earlier diversity day that we
7 celebrated in Region IV, I did want to put this in here because Ren was able to
8 join us in that celebration, this gives me opportunity to thank Ren for her
9 leadership, her support and your inspiration for us, throughout the years. We're
10 really going to miss you. Slide 28.

11 I'll close with where I began and this is the value of differences and
12 diversity to help us accomplish our mission. This is a quote that once I read and
13 I secured it and play it back from time to time, so thank you for letting me share it
14 with you here, but there truly is a nexus between an organization as we look at a
15 problem, the differences we bring to that problem actually to help us pool our
16 observations and have more reliable outcomes when we make decisions, so
17 thank you very much, that concludes my presentation.

18 BILL BORCHARDT: Jocelyn?

19 JOCELYN LIAN: Good morning Chairman Jaczko, Commissioners
20 Svinicki, Apostolakis, and Magwood, Mr. Borchardt and NRC staff. I would like to
21 thank you for the opportunity to present the summary of the equal employment
22 opportunity advisory committee's joint statement. They are seven EEO advisory
23 committees at the agency: the advisory committees for African-Americans, the
24 advisory committees for Employees with Disabilities, the diversity advisory
25 committee on Ageism, the Asian/Pacific-American advisory committee, the Native

1 American advisory committee, the Hispanic Employee Program advisory
2 committee and the Federal Women's Program advisory committee.

3 For many years, the committee's have worked with the Office of
4 Small Business and Civil Rights and the Office of Human Resources, along with
5 the National Treasury Employees' Union to promote diversity in the workplace.
6 This joint effort has resulted in continual progress in minority recruitment for the
7 entry level positions. Therefore, we will continue to maintain the partnership with
8 HR and SBCR to further improving minority recruitment.

9 I will now present some highlights from the joint statement, as well
10 as more information on our recruitment efforts. In fiscal year 2011, the
11 percentages of woman and minorities in Senior Executive Service and team
12 leader positions are comparable from those from previous years, except for a
13 notable decrease in Asian-Pacific-American team leaders from five percent to
14 two percent. Although most of the percentages remain stable, they are still below
15 the overall percentages of women and minorities at agency, therefore the
16 agency's continual encouragement for women and minorities to apply for those
17 positions is essential to improve the percentages. The agency's under the goal
18 of two percent of employees with targeted disabilities.

19 It is also under the government goal of 25 percent of employees
20 who are veterans. The agency's ability to achieve its diversity goals in these two
21 areas has improved with the use of the special hiring authorities for disabled
22 veterans and people with disabilities and it can be further improved if managers
23 and supervisors have more exposure to information regarding those special
24 hiring authority procedures.

25 In terms of recruitment, recruitment is still very valuable tool for

1 increasing representation of women, minorities and people with disabilities at the
2 agency. The committees, along with the diversity management advisory
3 committee, have communicated their recruitment strategies with HR and SBCR
4 and we have supported and participated in HR's virtual career fair, SPDP
5 invitationals, school science fairs, university recruitments and professional career
6 fairs. By participating in those recruitment events, we play an active role in
7 reaching out and attracting a larger number of qualified women, minorities and
8 people with disabilities.

9 Even with the reduced number of hirings, it is still important to gain
10 and build recognition of the agency amongst students and professionals so that
11 we can attract more qualified candidates when we can increase our hirings
12 again.

13 In closing, the NRC has remained a top tier status as the best place
14 to work in the federal government. This recognition highlights the value that NRC
15 has for its employees and respect for diversities. As the committees continue to
16 assist the agency's leaders in meeting its objectives of the comprehensive
17 diversity management plan and with your support, we can continue to make NRC
18 a place where valuing diversity is ingrained in agency's culture. Thank you.

19 BILL BORCHARDT: Thank you Jocelyn. That completes the staff's
20 presentation.

21 CHAIRMAN JACZKO: Well thank you very much, we'll start with
22 Commissioner Svinicki.

23 COMMISSIONER SVINICKI: Well thank you again to all of you for
24 your presentations and I would like to also acknowledge the advisory committees
25 and I know there's a number of representatives here in the audience, I appreciate

1 all they do throughout the year and so I have tried to participate in as many of
2 their significant annual events as I could. Those are always wonderful occasions
3 to gather and focus on our shared values and our diversity and how that
4 strengthens us so I thank everyone who, partly on their own time, is working on
5 those advisory committees and all they give to that throughout the year.

6 I wanted to return to something basic I think really everyone at the
7 table may have some perspective on this as well, but Elmo commented that you
8 were able to increase your diversity in Region IV so that's very impressive but
9 Tom was mentioning the fact that the really important thing, of course, to retain
10 the diversity we have now and grow it into the future, is to look our hiring and
11 recruitment and we have to get people in the feeders, in the pipeline and with the
12 objective, as Ren was saying of, you know, having the federal worker population
13 look more like the American population and have it -- to have a parallel there, but
14 it will, I think, become challenging as where we're not growing and hiring as we
15 were in the past and now agencies are perhaps looking over the longer term at
16 contracting and so it'll be a challenging environment.

17 So you know, Ren and Bill, from your perspective, or Tom or Elmo,
18 from kind of leading certain organizations within NRC, what are ideas that we
19 have or strategies in terms of an environment where we're not hiring the way we
20 were in 2007, 2008. How do we -- if we have to kind of stabilize or contract, how
21 do we hold on to, at a minimum, the diversity we have now and perhaps increase
22 and improve it.

23 BILL BORCHARDT: You're exactly right, Commissioner, it wasn't
24 too many years ago we were hiring 500 people a year, that it was easy to make
25 some significant changes to just replace normal attrition for our staffing levels to

1 stay where they are, we'd be looking at about 200 people a year, we're going to
2 be hiring much less than that over this year and probably for the next couple of
3 years, but that doesn't mean we can't make progress. I mean, we have
4 leadership potential programs, we have one posting now, I mean we have -- as
5 retirements do happen, there will be opportunities to get promotions, not as many
6 as before, but there still will be opportunities and just to maintain that focus of --
7 you know, looking at opportunities to increase the diversity in LPP program, the
8 SESCO program, which we won't have new class for a little while yet but we
9 will eventually have one and to take advantage of those kinds of training
10 opportunities. We're not slowing down on rotation assignments, details, those
11 opportunities to give individual staff members a broadening experience, so that
12 they are well-positioned when the opportunities do present themselves.

13 COMMISSIONER SVINICKI: Tom or Elmo, would you have
14 anything or Ren?

15 CORENTHIS KELLEY: I would also add to Bill's comment that first
16 of all, I wanted just to note that the agency did decrease a little bit in its
17 permanent staffing levels but we have not seen a decrease in women and
18 minorities, the representation, even though there was a slight decrease in overall
19 permanent staff, but in terms of the things that distinguish NRC as an agency,
20 those things are very important, in terms of us being very competitive as a great
21 place to work in the federal government among the best, and we have a lot of
22 things within our borders that really separate us from other federal agencies and
23 to large extent even some private sector organizations. Work-life balance, our
24 opportunities there for having the day care and having an exercise facility,
25 promoting telework and having leadership that really values diversity.

1 This briefing is another thing that distinguishes us from other
2 federal agencies. I think we're the only federal government agency that has a
3 public briefing before the Commission to talk about these issues. They have
4 private meetings and so it is just not done. So I believe that there are some
5 things that help us to build and maintain a positive work environment and I think
6 those things will also help us, if we continue to do them and do them well.

7 COMMISSIONER SVINICKI: Thank you.

8 ELMO COLLINS: At the risk of sounding redundant, just what Bill
9 emphasized is development. I think that the emphasis -- we'll have opportunity to
10 hire -- it'll be limited but development is still in front of us. Make sure we make
11 those programs available, have to help people formulate their plans and help
12 them develop so they can move up into the organization and contribute, so --

13 COMMISSIONER SVINICKI: Thank you Tom, did you have
14 anything else?

15 THOMAS BOYCE: The obvious answer is each hire becomes
16 even more important because you really have to put emphasis on that but on the
17 development we may need to take a step back and a fresh look at okay -- and I
18 would say the strategic view, the long term view so if things have slowed down a
19 little bit, okay we acknowledge that and we go, "Okay, now we need a long-range
20 plan to make sure we have these targeted areas for development, focusing" --
21 you know, I recognize that internal need for our leadership potential candidates
22 to do a little bit more development well in advance of when the package is
23 produced. You recognize these opportunities and you take advantage of them.

24 COMMISSIONER SVINICKI: Okay, thank you. Ren and Laurie
25 you talked a little bit about increase in the filing of complaints. I know that an

1 important thing that the agency keeps an eye on is our timeliness in terms of
2 addressing those complaints and looking into that and processing of them.
3 We're just talking about downward pressure on federal employee FTE numbers,
4 so if you have to process these do you think that there will be an inevitable slow
5 down in the timeliness of processing, or what are your strategies for addressing
6 that?

7 CORENTHIS KELLEY: We, for a number of years, were able to
8 contain -- to have 100 percent timely processing for all our complaints as
9 compared to EEOC guidelines. And because of the increase in complaints,
10 we've had to push out the timeline on a few. We still have very impressive
11 numbers that far outpace where the federal government is. We're probably still
12 in the 90 plus percentage in terms of all our complaints being processed timely.
13 Over the long run, though, we think that if we continue to see this level of activity,
14 the present staffing will not be sufficient to sustain us so we will need to look at
15 possibly augmenting the staff with contractor support. We've not previously used
16 contractors to process complaints. We've used them in other ways, such as
17 mediation, investigation, counseling, but we've not used them to actually carry
18 that complaint on a day-to-day basis and see it through to the end. And we may
19 have to do that.

20 LORI SUTO-GOLDSBY: Just one thing that I might add to what
21 Ren has already said is that we are looking for innovative ways whereby we can
22 continue to make sure that our cases are timely. I will say that in the last three
23 years, we've only had one complaint that has exceeded the time frame for
24 investigations and that was this past fiscal year, Fiscal Year 11. But we're also
25 going to be working with the Department of Veterans Affairs. We have an

1 employee's interested in coming over on a rotational assignment for a couple of
2 months, which will give this employee an opportunity to see how we operate in
3 SBCR and will also provide us with counseling and investigative skills. And this
4 employee is coming from the Office of Resolution Management, so we hope that
5 we'll learn something from that agency. Also, we'll be going out with a solicitation
6 for some of our internal EEO counselors who serve a collateral duty we've
7 trained to perhaps come onboard to SBCR to help us out for a few months as
8 well.

9 COMMISSIONER SVINICKI: Okay, great. Thank you. Thank you
10 for your creativity in approaching that in a difficult climate. I would just say,
11 finally, that Commissioner Ostendorff -- he's not here today because he's off on
12 other official business, but I know that he would ask if someone could just briefly
13 touch on our continued outreach to Wounded Warriors and returning veterans
14 from Iraq and Afghanistan. That program is very close to his heart as it is for so
15 many of us. But is there anything just briefly you could talk about our continued
16 outreach in that area?

17 CORENTHIS KELLEY: Yes. I know that HR has a program and
18 it's been very active in terms of looking for opportunities for Wounded Warriors
19 and -- I don't know if Miriam -- okay, Glenn. I don't know if Glen would want to
20 say something more specific in terms of what those have been.

21 GLENN TRACY : I'll briefly state that Len Carsley constantly
22 monitors such activities. We have constant coordination with the contacts that
23 deal directly with that program and just showing that our entire Veterans Day
24 celebration, half of that entire celebration was focused directly on the Wounded
25 Warrior Program. It was a filled audience that was also videoed, and the bottom

1 line is those attending could not only witness specific heroes who had returned
2 and those stories but how they could be directly introduced in terms of our
3 agency.

4 COMMISSIONER SVINICKI: Okay, thank you for that update.
5 Thank you Mr. Chairman.

6 CHAIRMAN JACZKO: Commissioner Apostolakis.

7 COMMISSIONER APOSTOLAKIS: Thank you, Mr. Chairman. I'd
8 like to thank all the presenters for their great presentations, both in content and
9 quality. I really appreciate the fact that you didn't read your testimonies and I find
10 myself in the unusual situation, Mr. Chairman, of having nothing to ask. But --

11 [laughter]

12 CHAIRMAN JACZKO: Commissioner Magwood.

13 COMMISSIONER MAGWOOD: That is unusual.

14 [laughter]

15 COMMISSIONER MAGWOOD : Let me start with Bill and Ren, just
16 to -- especially since this is sort of Ren's swan song. As you sort of reflect on the
17 last few years, especially during the growth spurt, you know, clearly there's been
18 -- I make presentations to universities and talk about some of our activities and I
19 have some charts that show how the diversity of the agency has changed over
20 the -- especially during this growth spurt. And we've taken advantage of the fact
21 that we were tiring to sort of change the configuration of the staff. But I wonder
22 whether even as I look at those numbers, whether we were aggressive enough
23 and are we still aggressive enough in that area? There has clearly been some
24 outreach, but has there been enough? And as you look back in the last few
25 years, do you think we did enough? Do you think there's more we could have

1 done, especially in reaching out to the MSIs to assure that we were getting
2 opportunities to interview, you know, some of the students that are graduating
3 from some of the HBCUs and HSIs and others? Do you think we were
4 aggressive enough?

5 BILL BORCHARDT: Well, I'll just speak from my own perspective,
6 having gone on a number of recruiting trips to some MSIs and other recruitment
7 opportunities. At that time, before the economy changed over, there was a lot of
8 competition. We have a compelling mission, but we didn't have all of the tools
9 that some of the private industry had and we were competing for that -- you
10 know, the highly technical skills and graduates that existed. I mean, it's hard for
11 me not to say we could have done more. I mean, clearly, you could always try to
12 do more. But I think we were generally competitive. We had some success and
13 we're able to fill the important positions. So, I think what we need to do now is to
14 maintain that relationship with MSIs so that when we do have hiring
15 opportunities, we're already there. You know, we don't want to lose the
16 relationship and have to rebuild it in order to be able to get back up on the step.

17 COMMISSIONER MAGWOOD: Ren?

18 CORENTHIS KELLEY: I agree with Bill. With the program that we
19 have, our outreach and compliance program, that affords us great opportunity to
20 stay connected. We also have the Champions Program, University Champions,
21 which is a program led through HR. But both of those give us great opportunity
22 to stay connected with MSIs, to identify students to bring them on board as
23 opportunities are available, such as maybe through the summer program. A
24 number of the students that we've brought through the outreach and compliance
25 program have ended up becoming NRC employees and have done very well and

1 so we've had some successes as an agency through identifying talent and
2 obtaining that talent on a temporary basis and then deciding to make permanent
3 offers. And I would say, to the extent that we can still seize those opportunities, I
4 think it places us in a good position to stay current and even to grow as
5 opportunities present.

6 COMMISSIONER MAGWOOD: Tuwanda, did you want to add
7 anything since I brought up your program? Any additional comments?

8 TUWANDA SMITH: Just, you know, I think it's very important -- I
9 agree with all the comments made. I just wanted to go back and say that the
10 MSI program is actually continuing to harvest those students and, in fact, we do
11 have a veterans program that we are rolling out as we speak that will work with
12 individuals not only to provide certification, because often times their military
13 occupational specialty is a very good thing to have, but they need the additional
14 credentials. So we have schools that are working right now, as we speak, to put
15 that program into reality and it will provide a number of services. NRC is at the
16 helm of that, and so there will be more to come on those efforts, as well as some
17 of the other technical efforts.

18 COMMISSIONER MAGWOOD: Okay, thank you. And also
19 appreciate your discussion of the success of your program and the recognition
20 you're getting from other parts of the federal government, it is pretty gratifying to
21 be on the receiving end of that. I wanted to ask a couple questions about the
22 advisory committees. First, you know, I mean, as, I should point out that, you
23 know, there's, the -- we -- there's a lot -- there's seven advisory committees, but it
24 doesn't seem to cover all the ground. And, clearly, there's some employees who
25 are very concerned about, particularly with a new building going up, about the,

1 you know, the location of elevator buttons being too low, the door handles being
2 too low, I mean, ceilings being too low, I mean, some of the very high stature
3 employees have not been well-represented in these conversations, and they've
4 made their views clear to me --

5 [laughter]

6 -- so I just wanted to highlight that, and perhaps a new advisory
7 committee for employees of, say, 6'4" or 6'5" or so or higher should be
8 considered. So, I just wanted to highlight that.

9 Now, also, you know, I've been here for 18 months, and GLOBE is
10 very active, but it's still not formally an advisory committee, and I understand that,
11 and I understood early on in my tenure here that there was some activity at the
12 federal level to bring gay and lesbian advisory groups into the family. Where are
13 you on that?

14 CORENTHIS KELLEY: In terms of the federal level that the, that
15 law has not passed, but it does not keep us from doing that, taking that step on
16 our own, and we've had dialogue with GLOBE as an organization, when they
17 were first formed here at NRC. The management structure did offer an
18 opportunity, and we've had dialogue, but that group has not really fully decided. I
19 kind of don't want to speak on behalf of the group. The sense that I've gotten
20 based on those earlier conversations was that that was not something that
21 GLOBE had decided that it wanted to do for sure. The opportunity was there.
22 The group seems to be very active, and they may not feel that there's anything
23 that they would gain. I don't know. I shouldn't say that, because I don't want to
24 speak for GLOBE. At the same time, I think that it is clear that I didn't sense any
25 opposition from the agency management structure that had GLOBE wanted to be

1 included as an advisory committee, that that wouldn't have happened. We still
2 work and talk with GLOBE and include them in meetings and other activities that
3 are conducted, so it's not like they're left out.

4 COMMISSIONER MAGWOOD: Okay. No. I appreciate that. So,
5 it's really, there's a dialogue that's going on there? That's, okay. That's helpful to
6 know. I'll, I think I'm having, I'm going to the GLOBE dinner next week, so I'll ask
7 what's going on. I'm sure they'll tell me.

8 One final thing. One of, and I recognize this is a little bit different
9 space than Ren you normally deal with, but we have a lot of contractors in the
10 building that do various things, you know, cafeteria, mail rooms, IT, what access
11 do people in those organizations have to the sorts of benefits that NRC
12 employees have? I mean, if someone in, who is working a contract or working in
13 our building year after year feels they're being discriminated against, what
14 recourse do they have? Is it something completely outside of your venue, or is
15 there something there?

16 CORENTHIS KELLEY: If someone believes, if a contractor
17 believes that they've been discriminated against, they can certainly bring that
18 matter to SBCR. We would have to look at it and determine whether the case is
19 something that we can accept, because there are specific requirements. If the
20 contractor is being treated as an employee, then they certainly may be able to
21 have the rights of an employee in situations where that's demonstrated.
22 Otherwise, we may not be able to make the case that that is a complaint that we
23 can accept, and I'm going to ask Lori to expand on that.

24 LORI SUTO-GOLDSBY: Sure. Thank you very much. And that's
25 an interesting question that you have, if an employee feels that they have a

1 concern, of course, whether it's filing a complaint or not or any concern here at
2 the NRC, of course they can bring it to our attention, to SBCR's attention, to HR,
3 or to their supervisor manager, et cetera. With Ren speaking about filing a
4 discrimination complaint, if you're talking about that and extending that benefit,
5 it's on a case by case basis, and, as Ren mentioned, it depends upon the
6 employee, the contractor's supervisory authority, their work duties,
7 responsibilities, et cetera. EEOC case law has been sort of, they have vacillated
8 over the past couple of years as to whether a contractor can file a complaint with
9 an individual agency, or they have to go to the Equal Employment Opportunity
10 Commission to address that. Of course, we'd like to address the issue here
11 internally if we can possibly do so.

12 COMMISSIONER MAGWOOD: Do you think that the contractor
13 employees are aware that there's an SBCR avenue that they could bring an
14 issue to you? I mean, if they felt it was appropriate? I'd be surprised if they
15 were. I wasn't aware, but maybe they are.

16 CORENTHIS KELLEY: Okay. We have had matters brought by
17 contractor employees that we've assisted in trying to resolve. It did not come in
18 as, into the complaint process specifically, but we gave them the services that
19 were needed to try to work through that matter. The other thing I might mention
20 is that as far as the anti-harassment policy through HR, contractors do have an
21 opportunity to avail themselves to that process, if there are harassment issues
22 that they believe they've encountered, or, and so that process is available. Do
23 they, do I believe that they are aware of this? I don't, we have not given specific
24 focus to contractors, but we have put out policy, and we have not specifically
25 excluded them. So, I venture to say that unless someone has raised a specific

1 question, there's nothing to indicate to them that the services are not available to
2 them.

3 COMMISSIONER MAGWOOD: You have been in government a
4 long time.

5 [laughter]

6 Bill or Steve, if you have any comment on that, because I --

7 STEPHEN BURNS: Not particularly. I can follow up with it with
8 Ren on that. I just don't know off hand.

9 COMMISSIONER MAGWOOD: Yeah. I do, I just, maybe for the
10 record of the meeting, just to follow up on that to let us know what the avenues
11 are and what you are -- what the thoughts are about whether these contract
12 employees know about what avenues exist. There are a lot of them in the
13 building. They work here for long -- for many years. They look like employees. I
14 don't see any reason why they should be treated any different when those --
15 when things arise. And, finally, Vonna, best of luck. Look forward to interacting
16 with you. Tough act to follow, but, you know, you get 30 odd years to practice,
17 so.

18 [laughter]

19 Thank you very much.

20 CHAIRMAN JACZKO: Ren, I wanted to, or, maybe Lori, you can
21 touch a little bit on this. You did mention, I think, in your presentation, we have
22 seen an increase in complaint activity, and I think it's important to put a little of
23 that in context. Well, it's been a doubling. The number has gone from, I think,
24 about 24 to 50, so the numbers we are talking about are still very, very low. But,
25 nonetheless, I think it's an important issue. We want to try and understand the

1 cause of that, and, I think, Ren, you touched a little bit on that; but, I'd rather give
2 you this opportunity to maybe talk a little bit about some of the things you're
3 doing to address the increase, and if there are some things you think that will be
4 more helpful or more productive in that way, or strategies that you think will be
5 most effective.

6 LORI SUTO-GOLDSBY: Thank you. Thank you for that
7 opportunity, too. Yes. We have been looking at our complaint activity and the
8 direction that it's going. I want to mention, first of all, that even though there has
9 been an increase in complaint activity, we're still at about one percent of our
10 workforce that have filed complaints, compared to other federal government
11 agencies, that's very, very low. So, we're still in very good standing.

12 But, we've looked at actions. We're planning to, of course, conduct
13 additional training for supervisors, managers, and team leaders. We want to get
14 information out on our SBCR website. For instance, we're looking at revamping
15 that so that it's easily, more user-friendly, I should say, to anyone who might want
16 to file a complaint or to have the appropriate links to supervisors and managers.
17 We also are going to have some publications available. For instance, survival
18 techniques for EEO complaints in our little SBCR library that we'll publicize. We
19 want to reach out to various offices and provide lunch and learn sessions on
20 alternative dispute resolution, so that we're available to answer any questions, so
21 employees feel comfortable about using that process. We're finding that
22 employees are a little reluctant to sit down at a table with a mediator, and across
23 from the supervisor and manager to discuss their issues and they would rather
24 go through traditional EEO counseling by having a counselor present those
25 issues. So we're trying to make the comfort level a little bit better.

1 We're also, as I mentioned, partnering with other federal agencies,
2 which I think is very important. We want to find out from those agencies what
3 they're doing to find out if they have any strategies that can help us to ensure
4 that our case load doesn't increase any higher or actually will be reduced in the
5 future.

6 CORENTHIS KELLEY: The only thing I would add to that is that it's
7 good for the agency to continue its focus on living the NRC values. I believe
8 that's another thing that really distinguishes us, because we have a set of values
9 and we talk about them and we make efforts to do them. To the extent that we
10 can keep a focus on that and having maintaining an open, collaborative work
11 environment and showing respect and having integrity and having the key, critical
12 discussions. And a lot of times what we find is that complaints are steeped in
13 miscommunications. And to the extent that you can remove those and have
14 effective communications in your daily dialogue, that overall helps the
15 environment and is likely to keep those numbers -- or at least, certainly not
16 contribute to an increase in those numbers.

17 BILL BORCHARDT: I'll just add, too, we've recognized this. We
18 have put together an action plan to try to make sure it stays a focus over the --
19 for the foreseeable future. Really has four elements. One is to reaffirm
20 management's commitment to this area. To be very clear about that, the training
21 of supervisors, team leaders and even employees, was previously mentioned.
22 We want to thoroughly understand the information. We don't want to over react,
23 we don't want to under react. We need to understand what we really have before
24 us. And then the final fourth one is just to raise or to reemphasize the awareness
25 of the issue. I mean, it's really an educational, it's a sensitivity thing. It's tied to

1 the values. It's completely consistent with the way we want to do business every
2 single day. So it's nothing new, really, but we just need to keep a spotlight on it.

3 COMMISSIONER JACZKO: Well, good. And I think Bill probably
4 captured, we don't want to under react and we don't want to over react. And
5 while it is an increase, the numbers are still very small. But, certainly if there are
6 ways we can tackle it, I think that's great and it sounds like you're definitely
7 taking a look at a number of issues, which is very good.

8 One of the areas that we I think recognize and I think in past
9 meetings we've talked about are -- is trying to work on improving the
10 representation of women and minorities in supervisory and SES positions. I think
11 that's something that's come up in past meetings. The Commission's
12 encouraged all of you to continue the efforts to enhance the diversity in the
13 managerial ranks and, so again, I thought you could maybe give me an update or
14 give us all an update on what kinds of things you've been doing to address this
15 particular issue and what kinds of challenges you think are still out there for us? I
16 don't know who --

17 BILL BORCHARDT: Well, Glen might be able to add a little more
18 detail, but this really has to go with a little bit where we were talking about before,
19 about having a combination of individual development plans that, you know,
20 supervisors and employees can work on them, make sure that individuals get the
21 broad-based experiences and the work experiences to help them be positioned
22 for leadership roles. Then we have the Leadership Potential Program which is --
23 is really the entryway into that whole, long stream, right, of career progression
24 because that gets you that first line supervisor job. But I think there's been
25 historically good diversity for that program and there's a very high percentage of

1 people that go through that program that end up in first-line supervisor position.

2 Then the next position after that is the SESCO, which as I
3 mentioned earlier, we had been having every 18 months to two years. It's been
4 a while since we've had one. It's probably going to be at least 9 months or a
5 year before we start another class. And that's just based on structural
6 reorganizations that we're doing, trying to thin down the number of SES positions
7 and then also the current attrition rate. So we don't -- we have an existing group
8 of SESCO graduates that are ready for placement. That's over 20 people, so
9 we need to work that down a little bit before we can really justify creating a new
10 class. But that's an important element of getting all minority representation into
11 the SES.

12 COMMISSIONER JACZKO: Great, thanks. Anybody else want to
13 add anything? Well I thought I would just end my comments with a couple of
14 statistics and I think perhaps Ren you'll appreciate some of these, and I think it's
15 a reflection on your work and Bill in your leadership in these areas and the work
16 the agency's been doing for a long time. The Federal Employee Viewpoint
17 survey gave us some good insight to things on how we're doing in a lot of these
18 areas of job satisfaction and diversity and I think they continue to reflect that this
19 is a very good place to work and one of, if not the best place, in the federal
20 government. And I think some of the statistics are very telling. We had a 77
21 percent positive response in terms of overall job satisfaction, and that compares
22 to about 68 percent within the government and that placed us number one in
23 terms of large agencies.

24 Our employees also feel the policies and programs promote
25 diversity in the workplace. We scored about 85 percent positive responses in

1 this area, so again I think very, very telling statistic compared to about 59 percent
2 government-wide. Our employees feel managers and supervisors and team
3 leaders work well with employees of different backgrounds. Here we scored an
4 80 percent positive response rate compared to 65 percent government-wide, so
5 again very strong scores in this area.

6 And, finally, according to the Partnership for Public Service, we rate
7 in the top three of the large federal agencies among all the various work force
8 demographics, age, gender, race. And we rated number one among employees
9 under 40, Asians, Black or African Americans and multi-racial employees. So,
10 again, I think very positive statistics and things that you should all be proud of in
11 the work that you've done to continue to foster an environment in which our
12 employees are saying those kinds of things about this agency. So, I appreciate
13 all your work to do that, and Ren you've done a great job in getting us to that
14 point and Vonna will have, I think, big shoes to fill but I think she'll do a very good
15 job of continuing with that strong tradition as we go forward. So, with that I'll turn
16 to Dale for his comments before we end the meeting.

17 DALE YEILDING: Thank you, Chairman and Commissioners, my
18 name is Dale Yeilding, I'm your coughing president of the National Treasury
19 Employees Union for the agency here. I'll be brief since we're a little bit over the
20 time. Part of the issues presented by the advisory committees dealt with
21 recruitment and reaching out to minorities and women in recruitment and in the
22 advancement into management; and those are two areas that the union is not
23 involved, so the relationship of the union and how we can promote increase in
24 numbers in EEO would be how we can make this a better place to work than it
25 already is and all the different benefits that we have in the collective bargain

1 agreement.

2 In the aspect of our current economic situation, federal employees
3 pay freeze, the agency's decision to cut awards in half, these are all kind of
4 negative aspects that probably would not encourage someone to enter
5 government service or may not even encourage existing employees to stay here
6 at the NRC. What we can do to turn that around, I think, is only dealing with what
7 how we vote at the polls, but I was very disappointed that the agency walked
8 away from the bargaining table on our aspect of bargaining the decrease in
9 awards by 50 percent and we'll have to move into litigation on that but we'll see
10 how that comes out.

11 The union's focusing on an upcoming collective bargaining on
12 appraisals and I think that's a major issue that makes employees either happy or
13 sad at the end of their performance year. I think supervisors don't even look
14 forward into going into the appraisal time. And in proposing changes to the
15 appraisal process, we're going to embrace employees and establish working
16 groups and a large bargaining team and to be honest I don't have a whole solid
17 direction right now of how to go in and improve the appraisal process. But I think
18 gathering input from employees and ideas, having managers at the bargaining
19 table that may be open to changing the appraisal process, increasing the
20 communication of it in some way such that at the end of the year the employee is
21 not surprised or the first-line supervisor is not surprised when he gets overruled
22 by a second-line manager and has to change an appraisal process. So we're
23 looking at a lot of ways to change that dreaded end-of-year time period.

24 And, last comment, dealing with some statements Lori made and
25 your questions, Mr. Chairman, on the decrease in the number of discrimination

1 complaints. You might correlate that to our initiative for the past several years on
2 open, collaborative work environment and how that is strictly focused right now
3 towards mission-related issues. And the agency has a strong move to
4 encourage employees to step up and disagree and voice their mission-related
5 concerns. And I think that strong move is because statistics show that there is a
6 reluctance for employees to disagree with a manager because it would possibly
7 affect their career.

8 I think Lori made the point and I'm going to make the point with the
9 grievance process that that reluctance exists in non-mission-related issues. An
10 employee is reluctant to disagree or file a complaint, whether it's an EEO
11 discrimination complaint or whether it's a grievance, and I can see that firsthand
12 by the low number of grievances that are filed every year as opposed to the
13 number of employees that come in the union office with a problem and I explain
14 their option of how we can resolve it through the grievance process and I get a
15 hands-up, no-show, stop all actions on that aspect.

16 So I guess on the six month time frame when we have this meeting
17 twice a year, I think the next meeting in six months is on human capital and it's
18 not related to EEO, we may ask HR to report the number of grievances that are
19 filed and maybe the same question you presented to Lori, "Why is that number
20 so low? And how can we reach out and tell employees that we have an open,
21 collaborative work environment to bring workplace issues through an appeal
22 process also?" Thank you very much.

23 COMMISSIONER JACZKO: Well thank you for those comments
24 and again I want to thank everybody for a very, I think, thoughtful and productive
25 meeting and thank OIS for their video production, as well, and everybody for their

- 1 work that they do and the employees of this agency who continue to work hard
- 2 and insure we have a diverse and talented workforce. Thank you very much.
- 3 [Whereupon, the proceedings were concluded]