

November 25, 1998

FOR: The Commissioners

FROM: William D. Travers /s/
Executive Director for Operations

SUBJECT: THE COMMISSIONER'S ASSISTANT CANDIDATE POOL

PURPOSE:

To inform the Commission of the staff's intention to abolish the Commissioner's Assistant Candidate (CAC) pool.

BACKGROUND DISCUSSION:

The idea of a competitively selected group of candidates who would be available to serve as Commissioner Assistants (the CAC pool) was raised in FY 1995 during an update of the Commissioner's Assistant Handbook. A competitive merit selection process was developed as an option available to a Commissioner for selecting personal staff. A Commissioner could competitively select assistants from the pool or could select them noncompetitively apart from the pool.

The intent of using a merit selection process for establishing a CAC pool was to provide a means for Commissioner Assistants to retain not only their pay but their grade when they leave a Commissioner's office and return to an appropriate NRC staff position.*

* Under current procedures, Commissioner Assistants returning to the NRC staff retain their pay to the extent permitted by law but return to the grade they held before their appointment to the Commissioner's staff.

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The process provided for: merit-based competition requiring the posting of multiple Commission staff positions (technical assistants for reactors, materials, and legal counsel; administrative assistant; and administrative secretary); an independent merit selection panel to rate and rank all applicants; and the development of a "best qualified list" of candidates to be provided to a Commissioner for selection. A competitive selection process relies on strict adherence to these procedures and creates the potential for third party review of the selection should an unsuccessful applicant allege that the selection was inconsistent with law or applicable procedures. If selected by a Commissioner from the CAC pool, the assistant would be able to return without further competition to a staff position at the grade attained while on the Commissioner's staff, if such a position were available.

Because of the confidential nature of Commissioner Assistant relationships with Commissioners, a Commissioner Assistant serves at the pleasure of his or her Commissioner. Therefore, at NRC and throughout the Federal Government, staff selections for these positions may be -- and generally have been -- noncompetitive. This enables a Commissioner to have substantial latitude and flexibility to determine position requirements and make selection, compensation, and other personnel decisions outside of a formal competitive selection process. Due to the unique nature of the positions and the need for Commissioners to have wide latitude in their ability to select and remove staff as necessary to carry out their responsibilities, Commissioner Assistant positions are not established as permanent positions. Criteria and requirements for such positions vary based on a Commissioner's specific and unique needs.

STATUS:

A merit competition to determine the best qualified candidates for NRC Commissioner Assistant positions was initially held in the spring of 1995. Sixty-seven candidates, from a pool of approximately 150 applicants, were subsequently certified as "best qualified." This constituted a pool of candidates that was available as one source from which Commissioner Assistant positions could be filled.

RECOMMENDATION:

Due to the confidential and unique relationship between Commissioner Assistants and Commissioners and the need for Commissioners to have flexibility unrestrained by the rigid procedural requirements of open competition in the employment of staff, it is my intention to approve HR's recommendation to discontinue the CAC pool. Staff requests action within 10 days. Action will not be taken until the SRM is received. We consider this action to be within the delegated authority of the EDO.

William D. Travers
Executive Director for Operations