



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2021-000015

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RESPONSE TYPE

INTERIM

FINAL

REQUESTER:

Serita Sanders

DATE:

02/04/2021

DESCRIPTION OF REQUESTED RECORDS:

Records of informal and formal decisions, agreements, approvals, and/or records showing alignment of union-related topics on behalf of bargaining unit employees that the National Treasury Employees Union (NTEU) President and/or Vice president entered into with NRC

PART I. -- INFORMATION RELEASED

- The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) <https://www.nrc.gov> ; (2) public ADAMS, <https://www.nrc.gov/reading-rm/adams.html>; (3) microfiche available in the NRC Public Document Room; or FOIA Online, <https://foiaonline.gov/foiaonline/action/public/home>.
- Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (See Part I.D -- Comments) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Part I.D -- Comments.

PART I.A -- FEES

- | | | |
|--------|--|--|
| AMOUNT | <input type="checkbox"/> You will be billed by NRC for the amount indicated. | <input checked="" type="checkbox"/> Since the minimum fee threshold was not met, you will not be charged fees. |
| | <input type="checkbox"/> You will receive a refund for the amount indicated. | <input type="checkbox"/> Due to our delayed response, you will not be charged search and/or duplication fees that would otherwise be applicable to your request. |
| | <input type="checkbox"/> Fees waived. | |

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). See 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- You may appeal this final determination within 90 calendar days of the date of this response. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-6 A60M, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to FOIA.resource@nrc.gov. You may fax an appeal to (301) 415-5130. Please be sure to include on your submission that it is a "FOIA Appeal." Only a pre-registered user may file an appeal through FOIA Online, <https://foiaonline.gov/foiaonline/action/public/home>. A user who has not registered an account prior to filing the initial FOIA request may still submit an appeal by one of the above mentioned options.

PART I.C -- REFERENCES AND POINTS OF CONTACT

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at ogis@nara.gov, send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at <https://www.archives.gov/ogis>.



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PART I.D -- COMMENTS

By virtue of several attempts to simplify your request, in an email dated January 15, 2021, you provided us with your final modification, which sought the following: "1) Agreement w/NTEU [National Treasury Employees Union] and agency on guidance for performance standards. Sandy Pearlman sent the updated performance guidance to NTEU on 2/12/2019 and indicated that in 2 weeks a follow-up meeting would be scheduled for NTEU's agreement. This meeting took place. This is the agreement that I am seeking. If it was verbal indicate that it was verbal. (OCHCO [Office of the Chief Human Capital Officer] presented this topic in all divisional all-hands meeting to present the new standards to employees and specifically mentioned that NTEU was in agreement); 2) Parking agreement (Excluding COVID-19). I want the last agreement that changed visitor parking days for BU employees. I think the last change was no parking T-Th; and 3) Regional office consolidation (The one that consolidated RV into RIV and in 2018 NTEU agreed to look into consolidation – scrap this). I received a call from BU employee about their involvement in 2015 effort, as he was on an NTEU working group. He believes that a report of some kind was prepared by NRC on this study. Also, I do know that the EDO came to NTEU in 2018 to discuss and answer any questions that NTEU might have on this, as well as our agreement. Our request is for the last agreement on any type of regional office consolidation review. These words are not strictly confined and the receiver knows the intent of the request."

OCHCO was the office tasked to conduct a search and their staff has informed us that the attached documents, although, not what you requested, are the documents the agency provided to the union during its discussion with them on the performance guidance provided to managers. Since there was no change, there was no signed agreement between the union and agency regarding the performance guidance that the agency provided to its managers. In addition, there were no records located pertaining to any parking agreement. In reference to the Regional office consolidation, it is possible that there are responsive documents only in paper format located at the agency; however, there is a "high unlikelihood" of this since that consolidation took place decades ago. Nonetheless, due to the COVID-19 pandemic and NRC's telework policy, we can only provide a response regarding records that are maintained electronically.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2021.02.04 10:34:14 -05'00'

Guidance for Implementing Performance Standards

Goals

- Clarify performance expectations for both rating officials and employees, and enhance consistency in applying standards.
- Address lack of details with current matrix chart, particularly for quality (e.g., better shows what “rare & exceptional” is).
- Differentiate the expectations for supervisory and non-supervisory employees.
- Generate more meaningful performance dialog between supervisors and employees.
- Align to the NRC Leadership Model.
- Seize the opportunity in our transformation/innovation environment to attempt to address some long-term concerns with the current system (viewed by some as too subjective, too entrenched in NRC culture to make needed enhancements).

How it would work

- Generic descriptions clarify performance standards at each level, and not just at the Fully Successful level.
- Each and every criterion in the guidance does not have to be met in absolute terms to assign a particular rating level. The sum of the employee's performance, in the rating official's judgment, should meet the intent of the assigned level's criteria.
- Different descriptions/standards will not be developed by grade. We believe the generic nature of the guidance allows it to be applied across grades and occupations.

Will help both rating officials and employees understand what's envisioned at the various levels, and what it might take to achieve a higher level.

Next steps

- Provide new guidance to NTEU for awareness.
- Issue advance copy of network announcement to executives, first line supervisors, and team leaders.
- Issue network announcement to all employees.
- Supervisors to be prepared to discuss during mid years and at end of year appraisals.

Summary Rating Descriptions

“OUTSTANDING” means performance of rare, exceptional quality with a very high quantity of work significantly ahead of established schedules or deadlines and with very little supervision.

“EXCELLENT” means performance of unusually good or high quality with a high quantity of work produced ahead of established schedules or deadlines and with less than normal supervision.

“FULLY SUCCESSFUL” means performance which is of good quality with the expected quantity of work that meets deadlines or schedules for completion of work.

“MINIMALLY SUCCESSFUL” means performance which is not “Unacceptable,” but needs improvement to achieve the “Fully Successful” level. This may be evidenced by the need for close supervisory review, discussion, training and correction of work products.

“UNACCEPTABLE” means performance which fails to meet established performance standards in one or more critical elements of the employee’s position.

At-a-Glance Performance Evaluation Matrix for GG Employees

The chart below may be helpful to NRC managers when rating employees against individual elements and standards:

Rating	Quality	Timeliness	Quantity	Supervision
Outstanding	Rare, exceptional	Significantly ahead of schedule	Very high	Very little
Excellent	Unusually good, high	Ahead of schedule	High	Less than normal
Fully Successful	Good	On schedule	Expected	Normal
Minimally Successful	< Good	Late	< Expected	> Normal
Unacceptable	< MS	< MS	< MS	> MS

Please refer to the guidance on the next page for implementing performance standards.

Guidance for Implementing Performance Standards

The guidance below is intended to clarify General Grade performance expectations, at all rating levels, for both rating officials and employees, as well as enhance consistency in applying standards across the agency. For example, instead of “rare and exceptional,” the guidance attempts to better show what “rare and exceptional” might look like.

The guidance may be helpful for evaluating performance in any element, at any grade level. Additionally, it is intended to cover supervisory and non-supervisory positions. **Nonsupervisory guidance would apply to all employees including supervisors. The supervisory guidance would be in addition to the broader guidance described for non-supervisors.**

Rating officials should use this guidance as a tool to help determine which level best describes the employee’s performance on a given element. Each and every criterion in the descriptions below would not need to be reflected in absolute terms to assign a particular element rating. The sum of the employee’s performance in the element should, in the rater’s judgment, meet the intent of the assigned level’s criteria.

OUTSTANDING **NONSUPERVISORY**

This is a level of extraordinary, very high-quality performance. The quality and quantity of the employee’s work substantially exceed the Fully Successful level standards and rarely leave room for improvement. The impact of the employee’s work is of such significance that organizational objectives were accomplished that otherwise would not have been. The accuracy and thoroughness of the employee’s work on this element are exceptionally reliable. Application of technical knowledge and skills goes well beyond that expected for the position. The employee significantly improves work processes and products for which he/she is responsible. Employees’ thoughtful adherence to procedures and formats, as well as suggestions for improvement in these areas, increase the employee’s usefulness.

This person proactively plans so that work follows the most efficient, logical, and practical sequence, and where backtracking is not needed. He/she proactively develops contingency plans to handle potential problems and adapts quickly to new priorities and changes in procedures and programs without losing sight of the longer-term purposes of the work. These strengths in planning and adaptability result in completion of the majority of work significantly ahead of schedule under all but the most extraordinary circumstances. Exceptions occur only when delays could not have been anticipated. The employee’s planning skills result in cost-savings to the government.

In meeting element objectives, the employee handles interpersonal relationships with exceptional skill, anticipating and mitigating potential causes of conflict and actively promoting cooperation and collaboration with clients, co-workers, and his/her supervisor.

The employee seeks additional work or special assignments related to this element at increasing levels of difficulty. The quality of such work is high and is done on time without disrupting regular work. The employee proactively seeks solutions to problems and most problems are resolved with exceptional skill under minimum supervision.

The employee's oral and written expression are exceptionally clear and effective. They improve cooperation among participants and prevent misunderstandings. Complicated or controversial subjects are presented or explained effectively to a variety of audiences so that desired outcomes are achieved.

SUPERVISORY

The employee is a superior supervisor. In addition to the Fully successful and Excellent levels, at the Outstanding level performs a variety of coordinating, coaching, facilitating, and planning functions in a way that not only facilitates accomplishment of organizational goals, but also results in substantial innovation in work processes that results in the overall quality, quantity, and timeliness of products. Applies superior leadership and team building skills and techniques in the day-to-day accomplishment of work priorities.

The employee is a strong leader who works well with others and handles difficult situations with dignity and effectiveness. The employee encourages independence and risk-taking among subordinates, yet takes responsibility for their actions. Open to the views of others, the employee successfully promotes cooperation among peers and subordinates, while guiding, motivating, and stimulating positive responses. The employee's work performance demonstrates a strong commitment to fair treatment and equal opportunity.

EXCELLENT NONSUPERVISORY

This is a level of unusually good performance. The quantity and quality of work under this element are consistently above average. Work products seldom require many revisions. Thoroughness and accuracy of work are reliable. The knowledge and skill the employee applies to this element are clearly above average, demonstrating problem-solving skill and insight into work methods and techniques. The employee follows required procedures and supervisory guidance so as to take full advantage of existing systems for accomplishing the organization's objectives.

The employee plans the work under this element so as to proceed in an efficient, orderly sequence that normally does not require backtracking and consistently leads to completion of the work by established deadlines. He or she uses contingency planning to anticipate and prevent problems and delays. Exceptions occur when delays have causes outside the employee's control. Cost savings are considered in the employee's work planning.

The employee works effectively on this element with co-workers, clients, as appropriate, and his or her supervisor, creating a highly successful cooperative effort. He or she seeks out additional work or special assignments that enhance accomplishment of this element and pursues them to successful conclusion without disrupting regular work. Problems which surface infrequently require supervisory intervention to correct.

The oral and written expression applied to this element are noteworthy for their clarity and effectiveness, leading to improved understanding of the work by other employees and clients of the organization. Work products are generally given favorable consideration because they are well presented.

SUPERVISORY

The employee is an unusually good leader, establishes sound working relationships and shows good judgment in dealing with subordinates considering their views. He or she provides opportunities for

staff to have a meaningful role in accomplishing organizational objectives and makes special efforts to improve each subordinate's performance.

The supervisor effectively distributes work and monitors subordinates' work performance to ensure completion of work in accordance with assigned tasks and work plans, resulting in improvements to the overall quality, quantity, and timeliness of work products and processes. Coordinates, coaches, and facilitates work in a way that enables the branch to consistently deliver high quality services and/or work products that exceed established standards of performance of quality and timeliness, and contribute significantly to the accomplishment of organizational goals and objectives.

Proactively attempts to resolve EEO issues before they give rise to complaints. Supports and participates in activities related to EEO and DM, and encourages employees to do so. Encourages all employees to apply for vacancies and provides access to appropriate training and rotational assignments consistent with management expectations. Sets clear expectations aligned with agency goals for staff performance, consistently and effectively involves employees in the performance management process from the development of performance plans to the final rating of record discussions, appraises and provides constructive feedback on staff performance and recommends appropriate awards and recognition for all deserving employees.

FULLY SUCCESSFUL **NONSUPERVISORY**

This is the level of good, sound performance. The quality and quantity of the employee's work under this element are those of a fully competent employee. The employee's work products fully meet the requirements of the element. Generally, except perhaps for new hires in entry level positions, major revisions are rarely necessary, most work requires only minor revision. Tasks are completed in an accurate, thorough, and timely way. The employee's technical skills and knowledge are applied effectively to specific job tasks. In completing work assignments, he or she adheres to procedures and format requirements and follows necessary instructions from supervisors.

The employee's work planning is realistic and results in completion of work by established deadlines. Priorities are duly considered in planning and performing assigned responsibilities. Work reflects a consideration of costs to the government, when possible.

In accomplishing element objectives, the employee's interpersonal behavior toward supervisors, co-workers, and users is professional and promotes attainment of work objectives.

The employee completes special assignments so their form and content are acceptable and regular duties are not disrupted. The employee performs additional work as his or her work load permits. Routine problems associated with completing assignments are usually resolved by the employee with assistance from supervisor, as needed. The employee speaks and writes clearly and effectively.

SUPERVISORY

Promotes an open and collaborative work environment, as assessed, for example, by the extent to which the supervisor and employees share information, employees express differing viewpoints, and differences are addressed in a constructive manner. Most activities (appraisals, award or corrective action documentation, participation in selection and on-boarding process) are comprehensive and consistent with agency goals, policy, values, objectives, and resource allocations. Implements recruiting, retention, and developmental strategies that support organizational performance objectives, agency hiring goals and successful transition to become highly qualified employees.

Assigns work to employees in ways that use their skills efficiently and shows a commitment to fair treatment and work life balance. Periodically works with employees to assess their training needs, reviews and communicates with employees at least annually about their interests and needs, and supports continued development appropriate to each employee (e.g., mentoring, coaching, formal and on-the-job training, participation in special purpose teams, etc.) within the established guidelines and budget. Usually completes activities such as initiating performance plans and appraisals, hiring activities, participation in EEO processes, in accordance with prescribed timeframes.

Attempts to resolve EEO issues that arise. Supports and participates in activities related to EEO and DM, and encourages employees to do the same. Provides access to appropriate training and rotational assignments consistent with management expectations. Sets expectations for staff performance, involves employees in the performance management process, appraises employees timely and provides constructive feedback on staff performance and recommends appropriate awards and recognition for all deserving employees.

When expectations are clear, assistance from a supervisor is not usually required unless new or unique policy issues arise. Generally resolves day-to-day staff conflicts independently and ensures opportunities for staff development.

MINIMALLY SUCCESSFUL **NONSUPERVISORY**

This level of performance, while demonstrating some positive contributions to the organization, shows notable deficiencies. It is below the level expected for the position, and requires corrective action. The quality, quantity, timeliness, and/or supervision of the employee's work is less than the Fully Successful level, jeopardizing attainment of the element's objective.

While some aspects of the employee's performance are useful, problems with quality, quantity, timeliness, and/or supervision required are too frequent or too serious to ignore. Performance is inconsistent and problems caused by deficiencies counterbalance acceptable work. These deficiencies cannot be overlooked since they create adverse consequences for the organization or create burdens for other personnel. When needed as input into another work process, the work may not be finished with such quality, quantity, and/or timeliness that other work can be processed as planned.

Although the work products are generally of usable quality, too often they require additional work by other personnel. The work products do not consistently and/or fully meet the organization's needs. Although mistakes may be without immediate serious consequences, over time they are detrimental to the organization.

A fair amount of work is accomplished, but the quantity does not represent what is expected of the Fully Successful level. Output is not sustained consistently and/or higher levels of output usually result in a decrease in quality. The work generally is finished within expected timeframes but significant deadlines too often are not met.

The employee's written communication usually considers the nature and complexity of the subject and the intended audience. It conveys the central points of information important to accomplishing the work. However, too often the communication is not focused, contains too much or too little information, and/or is conveyed in a tone that hinders achievement of the purpose of the communication. In communication to co-workers, the listener must question the employee at times to secure complete information or avoid misunderstandings.

SUPERVISORY

The supervisor's performance, while demonstrating some positive contributions to the success of the organization, shows notable deficiencies. Performance is below the level expected for the position. Performance is inconsistent and problems caused by deficiencies counterbalance acceptable work. Performance at this level indicates that improvement or additional development is needed to operate at an acceptable level.

Deficiencies in areas of supervision over an extended period of time adversely affect employee productivity or morale, or organizational effectiveness. At this level the employee does not provide strong leadership or take the appropriate initiative to improve organizational effectiveness. For example, he or she too often fails to make decisions or fulfill supervisory responsibilities in a timely manner, to provide sufficient direction to subordinates on how to carry out programs, to give clear assignments and/or performance requirements, and/or show an understanding of the goals of the organization or subordinates' roles in meeting those goals.

UNACCEPTABLE NONSUPERVISORY

The quantity and quality of the employee's work under this element are not acceptable for the position. The employee's work products fall short of requirements of the element. They arrive late or often require major revision because they are incomplete or inaccurate in content. The employee fails to apply acceptable technical knowledge to complete the work of this element. Either the knowledge applied cannot produce the needed products, or it produces technically inadequate products or results. Lack of adherence to required procedures, instructions, and formats contributes to inadequate work products.

Because of exceptionally poor work planning, critical work remains incomplete or is consistently or unacceptably late. Lack of attention to priorities causes delays or inadequacies in essential work. Routine supervisory involvement is required to review and bring work up to acceptable standards.

The employee's behavior obstructs the successful completion of the work by lack of cooperation with clients, supervisor, and/or co-workers, or by loss of credibility due to irresponsible speech or work activity.

In dealing with special projects, the employee either sacrifices essential regular work or fails to complete the projects. The employee fails to adapt to changes in priorities, procedures, or program direction and, therefore, cannot operate adequately in relation to changing requirements.

The oral and written expression the employee uses in accomplishing the work of this element lacks the necessary clarity for successful completion of required tasks. Communication failures interfere with completion of work.

SUPERVISORY

The supervisor's performance falls below the minimally successful expectations on one or more critical elements. Fails to properly distribute, monitor, and ensure completion of the team's workload. Due to these serious deficiencies, the organizational unit is unsuccessful in delivering work products that meet standards for quality, quantity, timeliness, and accuracy.

Most of the following deficiencies are typically, but not always, common characteristics of the employee's work:

- Inadequate guidance to subordinates;
- Inattention to work progress; and
- Failure to motivate subordinates to meet goals.

Draft