

REQUEST FOR BOARD ACTION

Title of Action Document:

Complete Review By:

Board Approval of Redaction for 2019-300-041A Notational Vote Package.

Brief Description of Purpose:

Pursuant to OP-11.1-3, OGC reviews notational vote packages for information that must or may be redacted prior to the vote package being made publicly available. With respect to deliberative information, the OP specifically provides:

In the case of all other material proposed for redaction, the General Counsel shall request Board approval via a Request for Board Action (RFBA). The proposed redaction and the reason for it shall be provided with the RFBA as background material. The General Counsel or designee shall make all redactions once approved by the Board.

The highlighted portion of the attached notational vote package meets the triggering criteria in the OP because it reveals the amendment language and the justification, which are protected by the deliberative process privilege. Further, Section 3.1(C)(2)(j)(1)(b) of the Board Procedures provides:

The amendment language including any justification or supporting information will not be posted to the Board's public website. Any Board Member may propose a separate Board Action to post to the Board's public website.

Therefore, the General Counsel is providing this redaction to the Board for its consideration.

If the Board approves this RFBA without removing the highlight, the notational vote package will be posted online with the highlighted material redacted.

If the Board rejects this RFBA, it will be deemed to have waived its deliberative process privilege per the OP. In this case, the notational vote package will be posted without a redaction.

Relevant Background Information Attached (initial): JSG

Summarize any staff difference of opinion regarding the proposed action: None

Summarize any time sensitive considerations: OGC will endeavor to clear the vote package for public posting within one business day of a Board decision on this RFBA.

Requester Signature: JOSEPH
GILMAN

Digitally signed by
JOSEPH GILMAN
Date: 2019.08.08
13:16:21 -04'00'

Responsible Office Director Signature: CASEY
BLAINE

Digitally signed by CASEY
BLAINE
Date: 2019.08.08 13:21:36
-04'00'

Executive Secretary Signature:

Final Disposition of Proposed Action:

Executive Secretary Signature:

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: 2019 EEO Policy Statement

Doc Control#: 2019-300-0041A

The Board acted on the above document on 08/02/2019. The document was Disapproved.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/01/2019
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/02/2019
Joyce L. Connery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/02/2019

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.

Shelby Qualls

Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: 2019 EEO Policy Statement

Doc Control#: 2019-300-0041A

DATE: 08/01/2019

VOTE: Approved

COMMENTS:

Equal Employment Opportunity requirements and Diversity and Inclusion initiatives are distinctly and fundamentally separate in nature and should not be intertwined. EEO, originating from and required by statute, is a passive constraint prohibiting discrimination in the workplace as an illegal activity. Diversity and Inclusion is a proactive human capital initiative with the stated rationale of improving the quality and productivity of the workforce. Unlike EEO, Diversity and Inclusion is defined not by statute but by Presidential Executive Order 13583 of August 18, 2011, which establishes Diversity and Inclusion as a goal in the federal workplace. That Executive Order does not direct that Diversity and Inclusion be part of an agency's EEO policy. Additionally, the Board's EEO Policy Statement should parallel the Board's EEO Directive which appropriately avoids addressing Diversity and Inclusion.

This amendment removes Diversity and Inclusion from the Agency's EEO Policy Statement.

I therefore approve.

Bruce Hamilton

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

SUBJECT: Amendment by Chairman Hamilton to YELLOW FOLDER Doc#2019-300-041, 2019 EEO Policy Statement

Doc Control#2019-300-041A

Approved _____ Disapproved X Abstain _____


Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

There are some changes in the proposed amendment that I could compromise on in the pursuit of unanimity but there are two I cannot support. I do not support deleting the following statement in paragraph #2 of the draft policy statement: 'DNFSB is committed to a culture of inclusion, integrity, dignity and respect'. I also do not support deleting the following phrase in the last paragraph of the draft policy statement: '**...removing impediments to inclusion by enforcing EEO laws and policies, and providing an environment free of discrimination...**'

I advocate that our policies and directives are not just a restatement of the applicable laws but also clearly establish how we will meet them and what our employees (current and future) can expect leaders in the organization to value in the workplace in regards to anti-discrimination - not just in the hiring process but also in demonstrating and advocating equality and access to opportunities beyond hiring.

I believe our policies, including this one, should be committal in addressing our specific challenges.



Jessie H. Roberson
August 1, 2019

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: JOYCE CONNERY

SUBJECT: Amendment by Chairman Hamilton to YELLOW FOLDER Doc#2019-300-041, 2019 EEO Policy Statement

Doc Control#2019-300-041A

Approved _____

Disapproved

Abstain _____

Recusal - Not Participating _____

COMMENTS:


Below

Attached _____

None _____

I do not believe that the Policy Statement on EEO and Diversity and Inclusion policy need to be separate. [REDACTED] Executive Order 13583 notes the need to consolidate compliance efforts when there are related regulatory mandates. Further, it makes logical sense to outline that the Agency is not only committed to ensuring that discriminatory behavior is prohibited while reiterating its commitment to diversity and inclusion. The justification of this amendment seems to indicate that there will be a separate document on Diversity and Inclusion, but I do not believe that to be the case. As the Agency is working through its strategic planning process and developing staffing plans, attracting and retaining diverse talent should be a stated goal and a best practice. Diversity reinforces equal opportunity. Research has clearly shown that physical diversity results in better performance, and the Agency must have disciplinary diversity to perform its functions effectively.

The importance of having a Board level document that explicitly states that our workforce should reflect the diversity of America cannot be understated. As we strive to recruit and retain the best and the brightest, those individuals must be able to see that they are valued and that the environment at the Agency is inclusive. The documentation of this must be evident to the candidate as they go on-line to review the policies of the Agency. Striking out lines such as "our commitment to EEO, diversity and inclusion is not only a legal obligation but is also a moral imperative" undercuts our core values. I cannot, in good conscience, support this amendment.


Joyce Connery
7/31/19
Date

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: RFBA by OGC to Redact 2019-300-041A

Doc Control#: 2019-300-0044

The Board acted on the above document on 08/13/2019. The document was Disapproved.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Bruce Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/12/2019
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/13/2019
Joyce L. Connery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/12/2019

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.

Shelby Qualls

Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: RFBA by OGC to Redact 2019-300-041A

Doc Control#: 2019-300-0044

DATE: 08/12/2019

VOTE: Disapproved

COMMENTS:

This deliberative information does not need to be redacted.

I therefore disapprove.

Bruce Hamilton

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

SUBJECT: RFBA by OGC to Redact 2019-300-041A

Doc Control#: 2019-300-0044

DATE: 08/13/2019

VOTE: Disapproved

Member voted by phone call.

COMMENTS:

None

Jessie H. Roberson

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

SUBJECT: RFBA by OGC to Redact 2019-300-041A

Doc Control#: 2019-300-0044

DATE: 08/12/2019

VOTE: Disapproved

COMMENTS:

None

Joyce L. Connery