

January 18, 2007

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - COMSECY-06-0060 - NRC POLICY  
FOR PREVENTING AND ELIMINATING HARASSING CONDUCT  
IN THE WORKPLACE

The Commission has approved the proposed policy preventing and eliminating harassing conduct in the workplace, subject to the comments and changes noted below.

Comments and Changes to the policy in COMSECY-06-0060

1. Page 1, section I., paragraph 1, subparagraph 3, revise line 1 to read ' ... an expedited, fair, and impartial ...'
2. Page 1, section I., paragraph 1, subparagraph 4, revise to read ' ... in this Policy ~~before it becomes severe or pervasive~~; and'
3. Page 1, section I., paragraph 1, subparagraph 5, revise line 1 to read ' ... may include including disciplinary ...'
4. Page 2, one of the conditions included as part of the definition of harassing conduct is that the "behavior reasonably can be considered to adversely affect the work environment." This appears to be a different and less stringent standard than the "unlawful hostile work environment" defined by statute. The statement does not define what standard we are using for "adversely affecting" nor who determines the "reasonableness" of it; consequently, the uniform application of this condition does not appear to be assured. The staff needs to address this condition clearly in its planned briefing and training sessions for employees.
5. Page 1, section I., paragraph 2, change "Agency" to start with a lowercase letter in lines 1 and 3. This correction should be made throughout the document.
6. Page 2, revise lines 2 through 3 from the top to read ' ... orientation, or retaliation for ~~based on opposition to discrimination or participation in protected the EEO activities. complaint process under either of the following conditions:~~ To constitute harassing conduct under this Policy, one of these two conditions must be present:'
7. Page 2, subparagraph A., revise to read ' ... considered to ~~adversely~~ affect the work environment adversely, or'

8. Page 2, 1<sup>st</sup> subparagraph after subparagraph B., delete the colon in line 2.
9. Page 2, 2<sup>nd</sup> subparagraph after subparagraph B., revise line 2 to read ' ... includes; but are not limited to ÷ promoting or not promoting an employee ÷ or ....'
10. Page 2, section IV., paragraph 1, delete the extra space after "if" in line 5.
11. Page 2, section IV., paragraph 2, replace the comma after "unlawful" with a semicolon.
12. Page 3, section V., paragraph A., revise line 2 to read ' ... conduct and is expected to do the following by:'
13. Page 3, section V., paragraph A.1., revise to read 'Complying with ....'
14. Page 3, section V., paragraph A.2., revise to read 'Attending a briefing ....'
15. Page 3, section V., paragraph A.3., revise to read 'Refraining from ....'
16. Page 3, section V., paragraph A.4., revise to read ' ... reporting any ....'
17. Page 3, section V., paragraph A.5., revise to read 'Cooperating with any ....'
18. Page 3, section V., paragraph B., revise line 1 to read ' ... requirements in A ÷ above, each aAgency manager ....' Revise lines 2 and 3 to read ' ... responsible for the following activities creating and maintaining a work environment that is free from harassing conduct by:
19. Page 3, section V., paragraph B.2., revise line 1 to read 'implementing Providing interim measures to protect alleged ....' Revise line 2 to read ' ... the inquiry and to ensure that further alleged misconduct ....'
20. Page 3, section V., paragraph B.3., revise line 1 to read ' ... corrective action, including disciplinary action, to ....'
21. Page 3, section V., paragraph B.5., revise line 2 to read ' ... actions under items B.1 through 4 numbers 1 through 4 above.'
22. Page 3, section V., paragraph C., revise to read ' ... responsible for the following actions:'
23. Page 4, paragraph D., revise line 1 to read 'The aAgency's Designated Official (DO) is responsible for the following actions:'
24. Page 4, paragraph D.5., revise line 1 to read ' ... prompt, fair, and impartial ....'
25. Page 4, paragraph D.6., revise line 1 to read ' ... supervisors on implementing providing interim measures to protect ....' Revise line 2 to read ' ... of the inquiry and ....'
26. Page 4, paragraph D.7., revise line 2 to read ' ... corrective action, including ....'

27. Page 5, paragraph 11., revise line 1 to read ' ... and support, to ensure ~~assure~~ compliance ....'
28. Page 5, paragraph E., revise line 1 to read ' ... responsible for the following actions:'
29. Page 5, paragraph E.1., revise line 1 to read ' ... Director, OHR, in ensuring ....'
30. Page 5, paragraph E.5., revise line 2 to read ' ... ~~providing~~ implementing interim measures to protect alleged ....' Revise line 3 to read ' ... the inquiry and to ensure ....'
31. Page 5, paragraph E.6., revise line 2 to read ' ... corrective action, including ....'
32. Page 6, paragraph F., revise line 1 to read ' ... responsible for the following actions:'
33. Page 6, paragraph F.3., revise line 1 to read ' ... Director, OHR, in ensuring ....'
34. Page 6, paragraph F.4., revise line 1 to read ' ... Director, OHR, and DO ....'
35. Page 6, paragraph G.1., put the text in outline form.
36. Page 7, section VI., paragraph D., revise lines 1 and 2 to read ' ... employee from ~~conflicting the alleged harasser and~~ telling the alleged harasser ~~him/her~~ to stop ....'
37. Page 7, section VI., paragraph E., revise line 1 to read ' ... an employee communicate with ~~confront~~ the ....'
38. Page 7, section VII., paragraph A.2., revise to read ' ... any potentially harrassing ....'
39. Page 8, revise line 1 from the top to read ' ... prevent further alleged incidents ~~misconduct~~ while the ....' Revise line 2 to read ' ... investigated, (i.e., providing appropriate interim measures); and'
40. Page 8, paragraph 3. near the top of the page, revise line 1 to read ' ... or witnessed and ....'
41. Page 8, paragraph B., revise line 1 to read ' ... harassing conduct, he/she ~~s/he~~ will ....'
42. Page 8, paragraph C., revise lines 1 through 3 to read ' ... either directly from ~~by~~ the complainant; ~~or~~ through a supervisor, manager, or RPO; or from other sources, the DO will take the following actions:'
43. Page 8, paragraph C.3., revise line 5 to read ' ... addressed, (i.e., providing appropriate interim measures).'
44. Page 8, paragraph D., revise line 4 to read ' ... alleged harasser ~~offender(s)~~ as well ....'
45. Page 9, paragraph F., line 2, delete the comma after "misconduct".
46. Page 9, paragraph G., revise lines 2 and 3 to read ' ... inquiry. ~~(The summary may be~~

~~brief, depending on the complexity and seriousness of the case. The DO shall ....'~~

47. Page 9, section VIII., paragraph B., revise line 2 to read ' ... this Policy, he/she ~~s/he~~ will be ....'
48. Page 9, section VIII., paragraph C., revise line 2 to read ' ... this Policy, he/she ~~s/he~~ will be ....'
49. Page 9, section VIII., paragraph D., delete the comma in line 2 and change the semicolon to a comma in line 3.
50. Page 10, section IX., revise line 6 to read ' ... conduct; (e.g., disciplinary action). Further, ....'
51. Enclosure 2 (Yellow Announcement) should be rewritten as follows:

"I am pleased to inform you that the Commission has approved an updated and expanded version of its policy statement on harassment in the workplace. The new policy supercedes the NRC Sexual Harassment Prevention Program Policy, which was originally approved by the Commission in the late 1980s and last updated in 1998. Under the new policy, the definition of harassing conduct has been broadened to include harassment based on race, color, religion, national origin, age, disability, sexual orientation, and reprisal for engaging in protected EEO activities in the workplace as well as sexual harassment. The policy also provides more explicit procedures for reporting, investigating, and resolving allegations of harassment.

Although the policy statement has been updated and expanded, its purpose remains the same – to maintain an NRC work environment that is free from harassing conduct. The Commission believes that the most effective way to maintain such a work environment is to inquire promptly into allegations of harassing conduct and, if proven true, take necessary and appropriate corrective action.

The text of the policy statement, which describes in detail the procedures that will be followed to report and investigate alleged harassment incidents and the appropriate roles and responsibilities of all NRC employees in carrying out the policy, is available on the Office of Human Resources (HR) Web site at [link]. HR staff will offer employee briefings on the policy statement in the near future, and the handling of harassing conduct will be incorporated in manager, supervisor, and employee training.

Maintaining a work environment that is positive; promotes professional and cooperative working relationships; protects personal privacy; and fosters confidence, mutual trust, and respect is in everyone's interest. To that end, I strongly encourage all NRC employees to become thoroughly familiar with the new policy statement. My Commission colleagues and I are counting on you to help us eliminate harassing conduct and make the NRC an even better place to work."

cc: Chairman Klein  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons  
OGC  
CFO  
OCA  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR