



CHAIR

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 28, 2023

The Honorable Byron Donalds
United States House of Representatives
Washington, DC 20515

Dear Representative Donalds:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your May 18, 2023, letter requesting information regarding the NRC's telework policies. Responses to your specific inquiries are enclosed.

If you have any questions or need additional information, please contact me or have your staff contact Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

A handwritten signature in black ink, appearing to read "C. T. Hanson". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Christopher T. Hanson

Enclosure:
As stated

**U.S. Nuclear Regulatory Commission
Responses to Questions in the May 18, 2023, Letter**

1. With respect to employees whose primary office location is at the agency's Washington, D.C.-area headquarters:

a. How many such employees do you currently have?

RESPONSE:

As of May 20, 2023, the agency has 1,761 full-time and 21 part-time employees whose primary office location is at the agency's Washington, D.C.-area headquarters.

b. How many are in telework-eligible positions?

RESPONSE:

NRC does not currently designate positions as telework-eligible. However, in practice, most positions are eligible for some amount of fixed or project-based telework. An employee can request a telework agreement, which will either be approved or denied in accordance with the Collective Bargaining Agreement and Management Directive 10.166, *Telework*, as appropriate.

- Management Directive 10.166, *Telework*:
<https://www.nrc.gov/docs/ML2304/ML23047A079.pdf>
- U.S. Nuclear Regulatory Commission and National Treasury Employees Union Collective Bargaining Agreement, Article 7, *Telework*:
<https://www.nrc.gov/docs/ML2303/ML23038A024.pdf>

c. How many have telework agreements in place with the agency?

RESPONSE:

There are 1,680 telework agreements in place for some amount of fixed or project based telework.

d. Of this number, how many are engaging in telework?

RESPONSE:

All employees with current telework agreements are actively using these arrangements to conduct some amount of fixed or project-based telework.

e. What is the average number of days that employees with telework agreements telework per week?

RESPONSE:

The average is three days of telework per week.

2. How many of your agency's employees based in offices located in the Washington, D.C. area have returned to the office on a full-time basis (engage in no regular telework)?

RESPONSE:

There are 102 NRC employees at our Headquarters location without telework agreements in place.

3. What is the average occupancy rate of each of your Washington, D.C.-area office locations on each day of the week?

RESPONSE:

Headquarters Average by Day of Week (6AM-4PM): February – May 2023

Monday	Tuesday	Wednesday	Thursday	Friday
440	798	696	573	228

4. What plans has your agency made to adjust its real estate footprint based on current and future telework plans?

RESPONSE:

The NRC's strategic space plans consistently seek to reduce our footprint as appropriate. Since fiscal year (FY) 2019, the NRC has reduced its Washington, D.C.-area headquarters office footprint by approximately 28%. In addition, the footprint in three of our four regional offices will decrease by approximately 50% by the end of FY 2025.

For all agency employees, regardless of official duty station:

1. OMB Memorandum M-21-25 stated agencies should rely on evidence when making postreentry personnel policies and work environment decisions. Describe the evidence your agency utilized to determine how personnel policies and procedures were impacting mission delivery and outcomes. Provide the Committee with documentation of all such evidence and any related assessments used to inform current and future policies.

RESPONSE:

Management Directive (MD) 10.166, "Telework" and the Collective Bargaining Agreement (CBA) between the NRC and the National Treasury Employees Union (NTEU) contain the NRC's telework policies and are consistent with those in place pre-pandemic.

Postreentry time and attendance data from October 1, 2022, through April 8, 2023, show that NRC employees agency-wide, in the aggregate, teleworked approximately 44% of the total amount of hours recorded. The total amount of hours recorded includes all regular hours worked, all paid and unpaid leave taken, and all overtime, compensatory time, and credit hours worked.

The NRC continuously achieves its safety and security mission as demonstrated through the agency's established performance management program. This program is implemented through agency guidance on Performance Management (<https://www.nrc.gov/docs/ML1807/ML18073A261.pdf>) and Enterprise Risk Management (<https://www.nrc.gov/docs/ML2307/ML23073A073.pdf>)

The evidence used to assess performance is available in the NRC's Congressional Budget Justification for fiscal years (FY) 2021, 2022, and 2023, and in the NRC's Annual Performance Plan and Report for FY 2024. Please see the following documents:

- Congressional Budget Justification: Fiscal Year 2021 (NUREG-1100, Volume 36), Annual Performance Plan, pgs. 95 – 118, <https://www.nrc.gov/docs/ML2002/ML20024D764.pdf>
- Congressional Budget Justification: Fiscal Year 2022 (NUREG-1100, Volume 37), Annual Performance Plan, pgs. 101 – 126, <https://www.nrc.gov/docs/ML2118/ML21181A336.pdf>
- Congressional Budget Justification: Fiscal Year 2023 (NUREG-1100, Volume 38), Annual Performance Plan, pgs. 97 – 109, <https://www.nrc.gov/docs/ML2208/ML22089A188.pdf>
- Annual Performance Plan and Report: Fiscal Year 2024, <https://www.nrc.gov/docs/ML2303/ML23038A113.pdf>

Consistent with the NRC's Strategic Goals and OMB Memorandum M-23-15, on May 15, 2023, the NRC submitted to OMB a Work Environment Plan that describes the agency's objectives to improve organizational health and stakeholder confidence while continuing to meet its safety and security objectives. The agency will have the first set of data for those objectives at the end of FY 2023 and will adjust as it gains experience. In addition, on June 9, 2023, the Commission directed the NRC staff to provide the Commission no later than 10 business days before the NRC is expected to reach a final agency decision on its Work Environment Plan, information about: (1) the staff's proposed decision; (2) anticipated guidance for implementing "Presence with Purpose" norms and behaviors; (3) key performance indicators for monitoring accomplishment of the NRC's mission, organizational health, and public confidence; (4) expected changes to policies, management directives, the Collective Bargaining Agreement, and other governing documents; (5) data relied upon to reach its proposed decision, and (6) an internal strategic communication plan. The staff's paper will include a summary of all formal and informal feedback received from OMB and discuss how the staff responded to this feedback, including highlighting any feedback that was not incorporated into the Plan. The paper will also include a narrative and relevant data on how the NRC's plan for the work environment compares to other agencies of similar size and function. As the NRC staff continues to meet with OMB and the President's Management Council, the NRC's Executive Director for Operations will regularly update the Commission.

- COMAXC-23-0001: [ML23164A041](#)
- SRM-COMAXC-23-0001: [ML23160A274](#)
- Voting Record for COMAXC-23-0001: [ML23158A234](#)

With respect to assessing organizational health, from maximum telework (in March 2020) through re-entry (in November 2021), FEVS results for "Senior Leaders Support

for Work/Life Programs* have declined by 20 points. Overall, in that same period, employees' satisfaction has also decreased.

- NRC FEVS Results 2020: <https://www.nrc.gov/docs/ML2109/ML21097A173.pdf>
- NRC FEVS Results 2021: <https://www.nrc.gov/docs/ML2212/ML22123A185.pdf>
- NRC FEVS Results 2022: <https://www.nrc.gov/docs/ML2309/ML23094A067.pdf>

Between the first quarter of FY 2022 through the first quarter of FY 2023, NRC exit surveys show that employee dissatisfaction with telework has become one of the most common reasons stated for leaving the agency.

2. Are all agency workers teleworking only pursuant to written telework agreements? If not, please explain why.

RESPONSE:

Yes, employees utilizing telework, regardless of work schedule, have a written telework agreement in place.

3. Describe the management controls your agency has implemented to ensure workers are either adhering to the provisions of a telework agreement or are otherwise fulfilling their official duties.

RESPONSE:

Supervisors are responsible for ensuring that staff are working in conformance with their approved telework agreements. Supervisors also have the authority to deviate from these plans in accordance with mission requirements. Further, supervisors are responsible for validating time and attendance every pay period.

4. Provide annual leave and sick leave usage data for employees of your agency for years 2018-2022.

RESPONSE:

Sick Leave Data, 2018 – 2022

Year	Total Sick Leave Used	Number of Employees
2018	208,408 hours	Average: 3107 Range: High 3185 to Low 3040
2019	199,570 hours	Average: 2957 Range: High 3031 to Low 2898
2020	115,637 hours	Average: 2853 Range: High 2895 to Low 2809
2021	115,771 hours	Average: 2829 Range: High 2869 to Low 2802

2022	143,463 hours	Average: 2769 Range: High 2804 to Low 2722
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Annual Leave Data, 2018 – 2022

Year	Total Annual Leave Used	Number of Employees
2018	540,830 hours	Average: 3107 Range: High 3185 to Low 3040
2019	512,851 hours	Average: 2957 Range: High 3031 to Low 2898
2020	418,251 hours	Average: 2853 Range: High 2895 to Low 2809
2021	466,017 hours	Average: 2829 Range: High 2869 to Low 2802
2022	555,105 hours	Average: 2769 Range: High 2804 to Low 2722

5. Describe any adverse impacts expanded telework and remote work have had on any aspect of agency performance.

RESPONSE:

For Fiscal Years 2021 through 2022, the NRC consistently met its safety and security objectives even as the agency expanded telework and remote work during the public health emergency. As such, the agency has not identified adverse impacts on agency performance from expanded use of telework and remote work. The agency's performance metrics for Fiscal Years 2021, 2022, and 2023 are available in the annual Congressional Budget Justification submitted to Congress (<https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1100/index.html>), and the agency's performance metrics for Fiscal Year 2024 are available in the NRC's Annual Performance Plan and Report (<https://www.nrc.gov/docs/ML2303/ML23038A113.pdf>). Consistent with the NRC's Strategic Goals and OMB Memorandum M-23-15, the NRC has developed metrics to monitor our organizational health and stakeholder confidence, in addition to continuing to monitor the safety and security objectives. The agency will have the first set of fiscal year data for those new objectives at the end of Fiscal Year 2023 and will make adjustments as we gain experience in gathering evidence on those new objectives.

6. Describe how your agency is enforcing regulations to ensure workers are reporting to their worksite at least twice per pay period, as required by OMB Memorandum M-21-25.

RESPONSE:

Employees are required to enter their time and attendance every pay period, including an indication of hours worked in office or in a telework status. Supervisors validate and approve time and attendance for their employees in accordance with the agency's Management Directives on Telework and Time and Labor Reporting.

- Management Directive 10.166, Telework (<https://www.nrc.gov/docs/ML2304/ML23047A079.pdf>)
- Management Directive 10.43, Time and Labor Reporting (<https://www.nrc.gov/docs/ML1807/ML18073A273.pdf>)

7. Describe how your agency is ensuring employees working under a remote work agreement are paid based on the appropriate locality rate. How many of your agency's employees are paid based on a locality rate that is higher than the locality rate of their duty station?

RESPONSE:

When an employee is approved for remote work (i.e., fulltime telework), the remote location becomes their official duty station on which pay, including locality pay is based. Locality pay is calculated based on the address of the remote work location. Because the remote work location serves as the employee's duty station, the employee receives locality pay appropriate to that location. The NRC has no employees that are paid based on a locality rate that is higher than the locality rate of their duty station. If there is a delay in updating a change in duty station location, the agency corrects the error, to include addressing any employee indebtedness for overpayment.

8. Describe whether teleworking employees possess secure network capacity, communications tools, necessary and secure access to appropriate agency data assets and federal records, and equipment sufficient to enable each such employee to be fully productive.

RESPONSE:

The NRC has implemented various network and communication services to enable its staff to engage as a hybrid workforce effectively and securely.

NRC teleworking employees are furnished with a standard image Agency laptop that has multiple security tools including full-disk encryption (to protect local data), multi-factor authentication (for secure authenticated access), and a full-time VPN (Virtual Private Network) tool (which turns on at initial access and encrypts network traffic). These solutions allow for secure network access to agency technology and information assets and Federal records systems and repositories for which they have permission to access on non-classified systems.

Teleworking employees also have access to other collaboration and communication tools that are Federal Risk and Authorization Management Program (FedRAMP) cloud-based services, such as Microsoft Azure Virtual Desktop, Microsoft Office 365, and Microsoft Intune that allow NRC employees to securely access agency data from a combination of agency furnished and personal mobile devices (with additional controls to ensure that agency information assets are not compromised).

Additionally, as demonstrated during the COVID-19 health emergency, the NRC's IT network infrastructure is redundant and configured with sufficient bandwidth capacity to allow for good performance even when all users simultaneously telework. All of these services are complemented by enhanced logging and monitoring solutions to effectively mitigate risks and ensure proper reporting.

9. Have any collective bargaining agreements impacted or overridden agency processes or missions due to telework or remote work provisions? Please describe and provide copies of any collective bargaining agreements that include provisions related to telework and remote work.

RESPONSE:

The agency's collective bargaining agreement contains an article addressing telework, and the agency strives to ensure that its processes are consistent with the collective bargaining agreement. The telework article confirms that an employee's telework will not be approved if it diminishes the agency's operations.

- Management Directive 10.166, Telework:
<https://www.nrc.gov/docs/ML2304/ML23047A079.pdf>
- U.S. Nuclear Regulatory Commission and National Treasury Employees Union Collective Bargaining Agreement, Article 7, Telework:
<https://www.nrc.gov/docs/ML2303/ML23038A024.pdf>

Identical letter sent to:

The Honorable James Comer
Chairman, Committee on Oversight
and Accountability
United States House of Representatives
Washington, DC 20515
cc: Representative Jamie Raskin

The Honorable Pete Sessions
Chairman, Subcommittee on Government
Operations, and the Federal Workforce
Committee on Oversight and Accountability
United States House of Representatives
Washington, DC 20515
cc: Representative Kweisi Mfume

The Honorable Lauren Boebert
United States House of Representatives
Washington, DC 20515

The Honorable Glenn Grothman
Chairman, Subcommittee on National
Security, the Border, and Foreign Affairs
Committee on Oversight and Accountability
United States House of Representatives
Washington, DC 20515
cc: Representative Robert Garcia

The Honorable Lisa McClain
Chairwoman, Subcommittee on Health Care
and Financial Services
Committee on Oversight and Accountability
United States House of Representatives
Washington, DC 20515
cc: Representative Katie Porter

The Honorable Virginia Foxx
United States House of Representatives
Washington, DC 20515

The Honorable Gary Palmer
United States House of Representatives
Washington, DC 20515

The Honorable Clay Higgins
United States House of Representatives
Washington, DC 20515

The Honorable Andy Biggs
United States House of Representatives
Washington, DC 20515

The Honorable Jake LaTurner
United States House of Representatives
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The Honorable Byron Donalds
United States House of Representatives
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The Honorable Kelly Armstrong
United States House of Representatives
Washington, DC 20515

The Honorable William R. Timmons, IV
United States House of Representatives
Washington, DC 20515

The Honorable Tim Burchett
United States House of Representatives
Washington, DC 20515

The Honorable Marjorie Taylor Greene
United States House of Representatives
Washington, DC 20515

The Honorable Russell Fry
United States House of Representatives
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The Honorable Anna Paulina Luna
United States House of Representatives
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The Honorable Chuck Edwards
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The Honorable Nick Langworthy
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The Honorable Eric Burlison
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