

**REQUEST FOR BOARD ACTION**

**Title of Action Document:**

**Complete Review By:**

Board Approval of Redaction for 2019-300-041 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 content of an amendment, which is 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:**

**Responsible Office Director Signature:** CASEY  
BLAINE

Digitally signed by  
CASEY BLAINE  
Date: 2019.08.09  
16:08:54 -04'00'

**Executive Secretary Signature:**

**Final Disposition of Proposed Action:**

**Executive Secretary Signature:**



## **DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Washington, DC 20004-2901

July XX, 2019

### **DEFENSE NUCLEAR FACILITIES SAFETY BOARD EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The Defense Nuclear Facilities Safety Board (DNFSB) is proud of its role in providing oversight of the Department of Energy's defense nuclear facilities. As part of that role, we are committed to achieving and maintaining a diverse and inclusive workforce free of discrimination, harassment and retaliation. We value differences and draw strength from the innovation and creativity that diversity brings to our work.

It is DNFSB's policy to provide equal opportunity in all personnel/employment programs, practices, and decisions, and to prohibit discrimination based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability, genetic information, marital status, veteran's status, political affiliation, and reprisal for engaging in protected activity or other non-merit based factors. DNFSB is committed to a culture of inclusion, integrity, dignity and respect. These protections extend to all management practices and decisions, including recruitment and hiring practices, appraisal systems, promotions, training, and career development programs.

Managers and supervisors must be alert to issues which might result in allegations of discrimination, and must work together with employees for the prompt and equitable resolution of disputes.

Consistent with federal laws, acts of retaliation against an employee who engages in protected activity, whistleblowing, or the exercise of any appeal or grievance right provided by law will not be tolerated in our workplace. In addition, consistent with the Alternative Dispute Resolution Procedures OP-622.1, the DNFSB will not tolerate retaliation against ADR participants.

Employees will be subject to appropriate disciplinary action if they are found to have engaged in discrimination, harassment or retaliation. Harassment of any form, including sexual harassment, is unacceptable and will not be tolerated.

Our skilled workforce must represent the diversity of America. Promoting diversity and inclusion is a joint endeavor; all employees, regardless of hiring mechanism or position, must actively support and adhere to this policy. DNFSB's commitment to EEO, diversity and inclusion is not only a legal obligation but is also a moral imperative (we treat others with respect and value the humanity of each

and every person) and a business imperative (to attract and retain talent, to be innovative to enhance our workplace culture, and to deliver the best on behalf of the American people).

Any DNFSB employee or applicant who believes that he or she has been subjected to discrimination or retaliation and would like to initiate an EEO complaint must contact an EEO counselor within 45 calendar days from the day the discrimination occurred. You can find additional information about the DNFSB's EEO Program on the intranet.

Equal employment opportunity, diversity and inclusion are at the heart of what makes an effective and productive workforce. DNFSB is dedicated to removing impediments to inclusion by enforcing EEO laws and policies, advancing diversity, and providing an environment free of discrimination and harassment where all employees are valued and can contribute to their fullest potential.

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Bruce Hamilton  
Chairman

**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT:** 2019 EEO Policy Statement

**Doc Control#:** 2019-300-0041

The Board acted on the above document on 08/06/2019. The document was Approved.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Bruce Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/05/2019
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/06/2019
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/05/2019

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#:** 2019-300-0041

**DATE:** 08/05/2019

**VOTE:** Abstain

**COMMENTS:**

This 2019 EEO Policy Statement combines Equal Employment Opportunity requirements and Diversity and Inclusion initiatives, but these 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 imposed 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. Combining Diversity and Inclusion in this Policy Statement dilutes the attention placed on EEO.

My proposed amendment to remove Diversity and Inclusion from this Policy Statement was not supported by the majority of the Board, so I decline to approve this document.

That said, I also decline to disapprove this document, since such disapproval might mistakenly taint my full-throated support for EEO.

I therefore abstain.

*Bruce Hamilton*

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**  
**NOTATIONAL VOTE RESPONSE SHEET**


**FROM:**     **Jessie H. Roberson**

**SUBJECT:**  **2019 EEO Policy Statement**

**Doc Control#2019-300-041**

**Approved**   X                      **Disapproved**                           **Abstain**         
**Recusal – Not Participating**       

**COMMENTS:**     **Below**            **Attached**            **None**   X  

  
\_\_\_\_\_  
**Jessie H. Roberson**  
August 5, 2019  
Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Joyce L. Connery

**SUBJECT:** 2019 EEO Policy Statement

**Doc Control#:** 2019-300-0041

**DATE:** 08/05/2019

**VOTE:** Approved

**COMMENTS:**

None

*Joyce L. Connery*

**AFFIRMATION OF BOARD VOTING RECORD**

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

**Doc Control#:** 2019-300-0046

The Board acted on the above document on 08/20/2019. 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"/>	08/13/2019
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/20/2019
Joyce L. Connery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/13/2019

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

*Nicholas Moore*

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 2019-300-041

**Doc Control#:** 2019-300-0046

**DATE:** 08/13/2019

**VOTE:** Disapproved

**COMMENTS:**

I believe deliberative process privilege should be waived for this.

I therefore disapprove.

*Bruce Hamilton*

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**  
**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Jessie H. Roberson

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

**Doc Control#:** 2019-300-0046

**DATE:** 08/20/2019

**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 2019-300-041

**Doc Control#:** 2019-300-0046

**DATE:** 08/13/2019

**VOTE:** Disapproved

**COMMENTS:**

None

*Joyce L. Connery*