



# OFFICE OF THE INSPECTOR GENERAL

U.S. NUCLEAR REGULATORY COMMISSION

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

## Audit of DNFSB's Human Resources Program

DNFSB-20-A-04

January 27, 2020



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**DEFENSE NUCLEAR FACILITIES  
SAFETY BOARD**

WASHINGTON, D.C. 20004-2901

OFFICE OF THE  
INSPECTOR GENERAL

January 27, 2020

MEMORANDUM TO: Glenn Sklar  
General Manager

Richard Tontodonato  
Acting Deputy General Manager

FROM: Dr. Brett M. Baker **/RA/**  
Assistant Inspector General for Audits

SUBJECT: AUDIT OF DNFSB'S HUMAN RESOURCES PROGRAM  
(DNFSB-20-A-04)

Attached is the Office of the Inspector General's (OIG) audit report titled *Audit of DNFSB's Human Resources Program*.

The report presents the results of the subject audit. Following the January 06, 2020, exit conference, DNFSB staff indicated that they had no formal comments for inclusion in this report.

Please provide information on actions taken or planned on each of the recommendation(s) within 30 days of the date of this memorandum.

We appreciate the cooperation extended to us by members of your staff during the audit. If you have any questions or comments about our report, please contact me at (301) 415-5915 or Mike Blair, Team Leader, at (301) 415-8399.

Attachment: As stated

cc: R. Howard





# Office of the Inspector General

U.S. Nuclear Regulatory Commission  
Defense Nuclear Facilities Safety Board

OIG-20-A-04

January 27, 2020

## Results in Brief

### Why We Did This Review

The Defense Nuclear Facilities Safety Board (DNFSB) was established to oversee the Department of Energy's (DOE) defense nuclear facilities, and to provide the Secretary of Energy with advice and recommendations to ensure adequate protection of public health and safety at these facilities.

DNFSB's staff is composed of excepted service and general schedule staff. In addition, Senior Executive Service (SES) employees are assigned to lead DNFSB's offices.

From 2018 through 2019, DNFSB lost approximately 25 percent of its technical staff. As a result, Congress directed DNFSB to increase the number of its staff.

The audit objective was to determine if DNFSB's human resources program is designed and implemented to effectively support the execution of its mission.

### *Audit of DNFSB's Human Resources Program*

#### What We Found

DNFSB's human resources program is currently not designed and implemented to effectively support the execution of its mission.

DNFSB's hiring process has been ineffective and inefficient. DNFSB must be able to select candidates efficiently and effectively; however, there is a lack of agency consensus and communication regarding DNFSB's hiring practices. As a result, the agency remains understaffed, which may negatively impact DNFSB's ability to accomplish its mission.

Additionally, nearly half of DNFSB's Senior Executive Service (SES) positions are vacant. DNFSB should establish its SES positions to provide more effective management of its staff; however, DNFSB's senior leadership does not believe SES positions are needed. As a result, agency's responsibilities may be ineffectively managed.

#### What We Recommend

This report makes four recommendations to improve the effectiveness and efficiency of DNFSB's hiring practices; and two recommendations to provide more effective SES management of agency staff.

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## ABBREVIATIONS AND ACRONYMS

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ATD	Associate Technical Director
DNFSB	Defense Nuclear Facilities Safety Board
DOE	Department of Energy
ES	Excepted Service
FY	Fiscal Year
GS	General Schedule
HR	Human Resources
OGC	Office of the General Counsel
OIG	Office of the Inspector General
OGM	Office of the General Manager
OPM	Office of Personnel Management
OTD	Office of the Technical Director
SES	Senior Executive Service
SME	Subject Matter Expert

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## I. BACKGROUND

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The Defense Nuclear Facilities Safety Board (DNFSB) was established in 1988 as an independent agency within the executive branch of the United States Government to oversee the Department of Energy's (DOE) defense nuclear facilities, and to provide the Secretary of Energy with advice and recommendations to ensure adequate protection of public health and safety at these facilities.

The agency is led by five<sup>1</sup> presidentially appointed Board members including a Chairman. DNFSB is organized into three staff offices:

- Office of the General Manager (OGM).
- Office of the General Counsel (OGC).
- Office of the Technical Director (OTD).

### Staff Classification

DNFSB is composed of both technical and general staff. OTD technical staff are classified as excepted service (ES) employees. The ES classification schedule begins at the DN-I band and ends at the DN-V band. Staff in OGC and OGM are classified as competitive service employees, also known as general schedule (GS) staff. The GS classification schedule starts at the GS-1 grade and ends at GS-15. DNFSB's three offices are led by individuals in the Senior Executive Service (SES).

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<sup>1</sup> There is a total of three Board members currently as two positions are vacant.

### Parties Involved With Hiring

According to DNFSB's Enabling Legislation, the Chairman decides how many and the type of staff the agency should hire each year. However, except for SES hires, the Chairman has delegated his hiring authority to the office directors. Alongside the three office directors, the division of Human Resources (HR) within OGM has the responsibility for hiring staff. Finally, at least one Board member is involved with interviewing applicants for technical positions before the final hiring decision is made.

### ES Hiring Process

DNFSB posts its ES vacancies for technical positions on USA Jobs,<sup>2</sup> in addition to DNFSB's public web page and other sources such as newspapers. DNFSB may also receive technical applications during job fairs and conferences, as well as through staff networking. Unlike with DNFSB's GS hiring process, the Office of Personnel Management (OPM)<sup>3</sup> is not involved with screening the applications received for DNFSB's technical vacancies. HR receives and screens all applications received for technical vacancies, determines an applicant's qualifications for a specific DN band, then sends the remaining applications to technical staff subject matter experts (SMEs)<sup>4</sup> for review. The SMEs screen these applications, and along with the Technical Director,<sup>5</sup> decide who from the remaining applicants will be interviewed. The Technical Director selects the new hire; however, the selection is final only after Board members have an opportunity to interview the candidate and agree with the Technical Director's selection.

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<sup>2</sup> USA Jobs, or [www.usajobs.gov](http://www.usajobs.gov), is the United States Government's website for listing civil service job opportunities with federal agencies. The site is operated by the Office of Personnel Management.

<sup>3</sup> OPM is an independent agency of the United States Federal Government, which maintains statutory responsibility to guide, enable, and assess strategic human capital processes.

<sup>4</sup> SME refers to an employee who is an expert in his/her field. In the context of this audit report, SMEs refer to experienced OGM, OTD, and OGC staff.

<sup>5</sup> The Technical Director is the head of OTD.

### GS Hiring Process

DNFSB posts its GS vacancies on USA Jobs. Unlike the ES hiring process, DNFSB contracted with OPM to service the GS applications received through USA Jobs for these vacancies. OPM screens the applications received and then sends qualified applications to DNFSB's HR group. If the agency receives 10 or fewer applications, HR will assess the qualifications of each candidate and refer a ranked list to the selecting official. When there are more than 10 applicants, HR convenes a panel of SMEs to further screen these applications against the qualifications described on the position description. Once the screening is completed, applicants are interviewed and the office director selects a candidate. HR then communicates this decision to the candidate and, upon the candidate's acceptance, finalizes the hiring.

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## **II. OBJECTIVE**

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The audit objective is to determine if DNFSB's human resources program is designed and implemented to effectively support the execution of its mission. The report appendix contains information on the audit scope and methodology.

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## **III. FINDINGS**

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DNFSB's human resources program is currently not designed and implemented to effectively support the execution of its mission. Specifically,

1. DNFSB's hiring process has been ineffective and inefficient. DNFSB must be able to select candidates efficiently and effectively; however, there is a lack of agency consensus and communication regarding DNFSB's hiring practices. As a result, the agency remains understaffed, which may negatively impact DNFSB's ability to accomplish its mission.
2. Nearly half of DNFSB's Senior Executive Service (SES) positions are vacant. DNFSB should establish its SES positions to provide more



effective management of its staff; however, DNFSB's senior leadership does not believe SES positions are needed. As a result, agency responsibilities may be ineffectively managed.

### **A. DNFSB's Hiring Process Has Been Ineffective and Inefficient**

DNFSB's hiring process has been ineffective and inefficient. DNFSB must be able to select candidates efficiently and effectively; however, there is a lack of agency consensus and communication over DNFSB's hiring practices. As a result, the agency remains understaffed, which may negatively impact DNFSB's ability to accomplish its mission.

#### ***What Is Required***

#### **DNFSB Must Select High-Quality Candidates Efficiently and Effectively**

In a presidential memorandum, former President Barack Obama stated agencies should improve the quality and speed of agency hiring by substantially reducing the time it takes to hire mission-critical and commonly filled positions; measuring the quality and speed of the hiring process; analyzing the causes of agency hiring problems and actions that will be taken to reduce them; and providing every hiring manager training on effective, efficient, and timely ways to recruit and hire well-qualified individuals.

## What We Found

### DNFSB's Hiring Is Ineffective and Inefficient

DNFSB's hiring process is ineffective and inefficient as the agency has taken several months to hire four new employees from January 2019 through October 2019, despite attempts to fill several existing vacancies.<sup>6</sup>

In August 2018, Chairman Bruce Hamilton sent a letter to Congress proposing to reform DNFSB by "managing hiring strategically." In the letter, the Chairman stated the agency was too large as currently constructed and proposed a reorganization of DNFSB. The reorganization called for an overall decrease of approximately 34 percent of its staff, with a target of 79 total employees by the start of fiscal year (FY)2020 from the 120 requested in the agency's 2018 budget request.

In September 2018, Congress precluded action to implement the Chairman's proposed reorganization in the *Energy and Water Development and Related Agencies Appropriations Act, 2019*.<sup>7</sup> Consequently, the Chairman authorized the hiring of additional staff in January 2019. Despite this authorization, the agency remains severely short-staffed.

### Attrition Rates

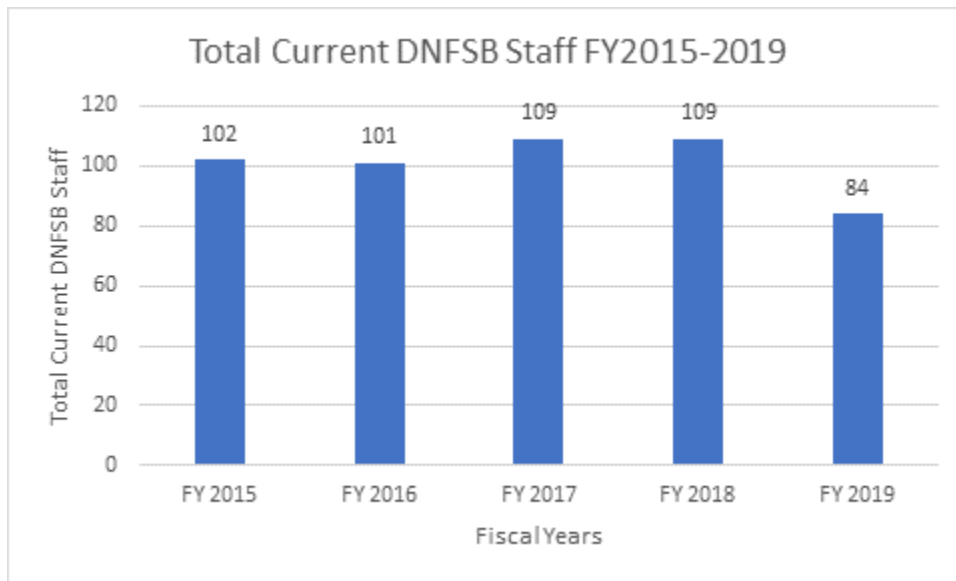
OIG examined personnel data provided by DNFSB to determine attrition rates for the past 5 years beginning in December 2014 through August 2019. During this period, DNFSB has had approximately 61 separations and 28 new hires for a net total of 33 separations. Overall, DNFSB was at its lowest staffing levels in FY19. See Figure 1 for DNFSB staffing levels from FY15 through FY19.

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<sup>6</sup>During the OIG/DNFSB Exit Conference held on January 6, 2020, DNFSB informed OIG it had recently hired two additional staff, with two more pending arrivals.

<sup>7</sup>The *Energy and Water Development and Related Agencies Appropriations Act, 2019*, stated that \$31 million was to remain available to DNFSB until September 30, 2020, and added that none of these funds shall be available to implement any reform or reorganization plan of DNFSB, "including the plan announced on August 15, 2018."

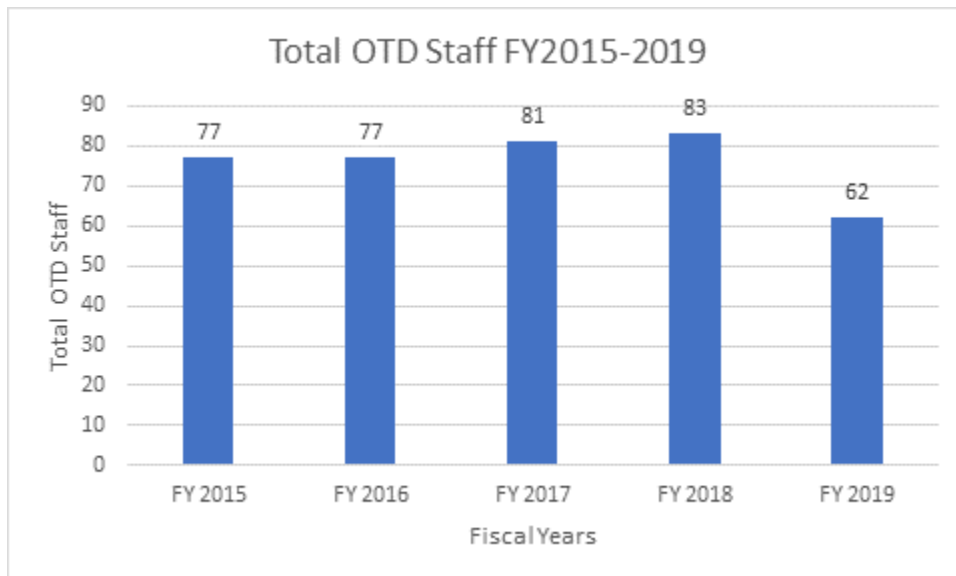
Figure 1 – DNFSB Staffing Levels from FY15 – FY19



Source: OIG generated

Of the 33 total DNFSB net separations, 27 (nearly 82 percent) were from OTD. From FY18 through FY19, OTD dropped from 83 to 62 staff. This equates to a 25 percent decrease in the agency's technical staff in less than 2 fiscal years. See Figure 2 for OTD staffing levels from FY15 through FY19.

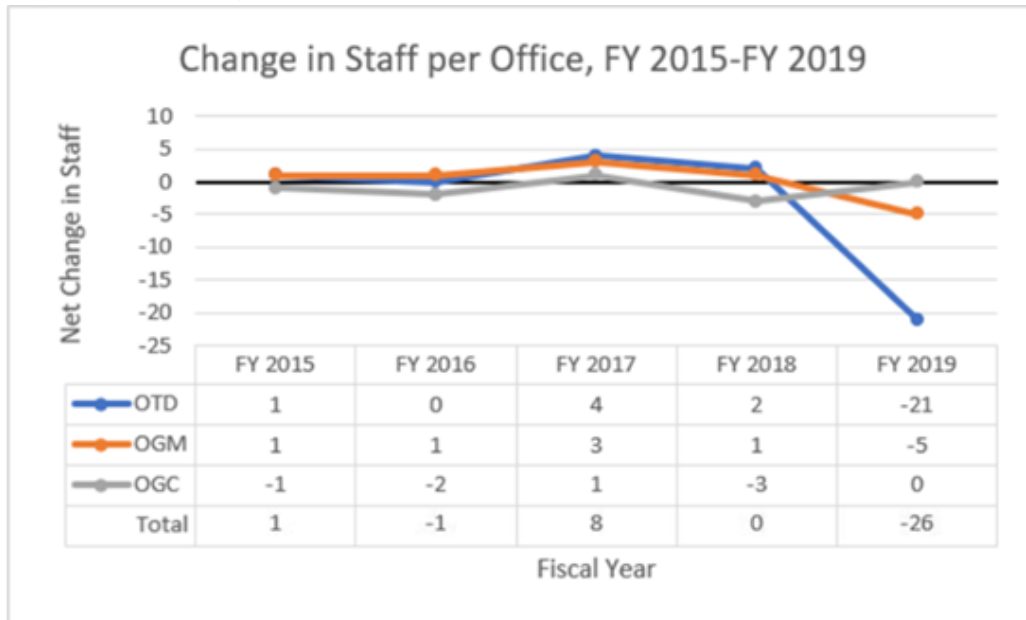
Figure 2—Total OTD Staff FY15-19



Source: OIG generated

While OTD has suffered the most significant employee losses, OGM and OGC have also suffered from departures, especially in FY19. See Figure 3 for a change in staffing levels per office from FY15 through FY19.

Figure 3—Change in Staff per Office, FY15-FY19



Source: OIG generated

Congress expressed its concern that DNFSB is not adequately staffed, and in its FY20 Appropriations Bill,<sup>8</sup> directed DNFSB to increase its staff to a minimum of 110 full-time equivalents.

In addition to analyzing staffing data, OIG learned that two of DNFSB's new hires in 2019 took 5 months to join the agency. The first new hire applied for a GS position in March 2019 and did not join the agency until August 2019, while the second new hire applied for an ES vacancy on April 1st, 2019 and was not hired until September 2019. One of the new hires stated the process took longer than he anticipated, especially after DNFSB made him a formal offer.

<sup>8</sup>H.R. 1865, *Further Consolidated Appropriations Act, 2020*.

## *Why This Occurred*

### **There Is a Lack of Agency Consensus and Communication Regarding DNFSB's Hiring Practices**

Agency employees agreed that there is a lack of consensus and communication regarding DNFSB's hiring practices. This is especially true when it comes to hiring technical staff under the ES hiring authority.

#### ES Hiring Authority

DNFSB's ES hiring process is not fully understood by both HR and the other employees involved with hiring. According to several OTD staff, DNFSB does not seem to utilize its ES flexibilities. ES agencies set their own qualification requirements and are not subject to the appointment, pay, and classification rules listed in Title 5 of the United States Code. For example, ES hiring allows an agency to bypass GS hiring requirements such as veteran's preference and public notice. However, several staff questioned why hiring technical staff takes so long even though ES hiring requirements allow for more flexibility.

In discussing the differences between GS and ES hiring, DNFSB's HR Director and an HR staff member stated there may not be a timeline difference because ES candidates still must go through most of the same processes as GS candidates. They added that the two processes are similar especially when ensuring compliance with Federal requirements. DNFSB's General Manager stated DNFSB is looking for a consistent, repeatable hiring model, which was not historically always the case at DNFSB. He emphasized that the hiring process should be fair, even-handed, and competitive.

According to the Merit Systems Protection Board report, *Reforming Federal Hiring—Beyond Faster and Cheaper*, the ES hiring authority is in place “to help speed and simplify the hiring process.” Furthermore, “ES appointments are exempted from the competitive examining process,” “do not require agencies to follow competitive examining procedures,” and “recruitment and assessment rules are not as proscriptive as those in the competitive service.” The report also says, “ES hiring can streamline recruitment, allow for faster hiring decisions, and provide the ability to tailor hiring procedures to meet mission requirements.”



Finally, it adds that “an increasing number of hiring flexibilities and appointing authorities simplify or eliminate some of the steps” GS hiring has.

Similarly, in its report<sup>9</sup> detailing the comprehensive history of DNFSB, the Library of Congress stated that “a lack of excepted service authority would hamper [agency] hiring efforts” and by having such authority, DNFSB was “able to hire without going through a lot of red tape and difficulties” and it “allowed greater flexibility in hiring.”

In fact, DNFSB sent a letter<sup>10</sup> to DOE advocating the benefits of the ES hiring authority. In the 1994 letter, DNFSB expressed its concern that “DOE remains at a severe recruiting disadvantage because it has not obtained statutory authority from Congress for excepted service hiring of scientific and engineering personnel.” DNFSB added “excepted service authority greatly enhances an agency's ability to directly recruit and hire a highly competent staff,” and “with this excepted authority, agencies have the flexibility to hire personnel directly, and to establish pay commensurate with the duties and responsibilities of each position and the market for such talent.”

### DN Qualifications

Another area appearing to lack agency consensus involves the rating of technical applicants. As mentioned earlier in this report, technical staff fall under the DN band (as opposed to GS). The DN bands range from DN-I to DN-V. Some OTD staff expressed concerns over how HR rates technical applications received through USA Jobs. For example, if an applicant applies for a job listing with multiple bands, such as DN-III, DN-IV, and DN-V, HR determines the applicant's appropriate band and then forwards the application to OTD. If OTD disagrees with HR's decision on the applicant's band, the two groups discuss it and make a final determination. However, if an applicant applies for a specific band only (such as DN-V), and if HR determines the applicant only qualifies for a lower position (such as DN-IV), OTD would not receive the application for review.

OTD staff have expressed concerns with this process because OTD and HR do not always agree on applicant band levels. Because OTD's line of work is highly technical, it can be difficult for HR to screen applicants in relation to OTD responsibilities. This is also true when it comes to military or teaching

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<sup>9</sup> *DNFSB: The First Twenty Years*, Federal Research Division, Library of Congress, September 2009

<sup>10</sup> Letter number 94-0002659, dated May 12, 1994.

experience. Both OTD and HR staff said they have had differences in opinion on band levels applicants should be placed in based on previous military or teaching experience. HR looks for more direct engineering experience, while OTD often wants to credit applicants for their applicable military or teaching experience. This can lead to disagreements, and thus delays, in making offers to applicants. The Technical Director stated that he would like to be involved in the screening of applicants. He believes this would help expedite the process and would eliminate the possibility of missing out on qualified applicants. An HR staff member responded that the Technical Director “cannot take over HR” responsibilities, and it is HR’s job to screen applications. Nevertheless, there is a disconnect in the screening process and how to quickly determine to what pay band an applicant should belong.

#### Lack of Communication/Transparency

A common theme expressed both by applicants and by OTD hiring officials was the lack of communication by HR during the hiring process. OIG interviewed DNFSB job applicants, including applicants who did not take jobs with DNFSB, and was told there was little communication from HR in keeping them informed during the hiring process. Likewise, OTD hiring officials said they were often uninformed during the hiring process and would need to proactively reach out to HR to obtain status updates.

Part of the reason HR may not have been able to provide timely updates to DNFSB hiring officials, or even to applicants themselves, is because HR does not proactively track that type of data. OIG requested that HR provide data related to its most recent job postings, such as the number of job postings, applications received, time it took HR to screen the applications, time it took HR to contact applicants, the number of applicants interviewed, etc. OIG wanted to measure the duration of each of the hiring steps. However, HR was not able to provide this data as staff said they do not collect this type of information, nor do they formally track how long it takes to hire new employees. Therefore, HR was unable to say which of its internal steps may delay hiring. Furthermore, HR currently does not have any hiring goals or timeliness metrics.

There are no strict guidelines or timeliness rules in Federal hiring, but OPM does provide an 80-day hiring standard as a suggested timeframe for agencies to use, and a diagnosis tool to determine where in the hiring process improvements could be made. While not required, such a model could provide a metric for

Federal agencies to monitor against. DNFSB's HR Director stated that, while they do not do so now, their goal is to eventually follow this metric.

### Guidance

Some DNFSB hiring officials stated they received no instructions on how to screen the applications they received. For example, OGM SMEs involved with screening applications received different criteria. Specifically, a couple of SMEs said the description of the position and responsibilities contained in the USA Jobs announcement were very different from DNFSB's internal position description. An OGM staff member said there are multiple position descriptions "floating around the agency," and if one cannot clarify which position description to assess applicants against, there will be inconsistencies. Therefore, SMEs have had to ask management for clarification on which position descriptions to use to evaluate candidates. This was compounded by the fact that there was no hiring guidance the OGM panel was aware of, so they were on their own to "figure it out."

### Other Issues

According to HR, one of the reasons for the extended hiring delays was due to the performance of OPM as DNFSB's HR contractor. The consensus from HR and OGM senior management was that OPM's support was a "disaster" and did an extremely poor job in screening DNFSB applications. Reportedly, OPM was so ineffective that DNFSB is preparing to switch to another HR contractor.

Another issue that contributed to hiring delays was HR's own staff shortage. Agency executives said HR typically has 4 full-time employees, but they had 1 vacancy for approximately 1 year, and their most experienced HR employee had been out several months on extended leave. This essentially left the HR office with 2 fewer full-time equivalents which impacted them considering the sudden, renewed interest in agency hiring.

### *Why This Is Important*

#### **Reduced Staff May Negatively Impact DNFSB's Ability to Accomplish Its Mission**

The ineffectiveness of the HR hiring program results in reduced staff, which may negatively impact DNFSB's ability to accomplish its mission. With a shortage in staff, technical work may be put aside as employees can only review so much. Technical staff cannot "dig into things deeply and sometimes the problems are not obvious without searching a little deeper." Management has also limited the number of reviews because they do not have the staff to do more. In fact, during 2018 and 2019 public meetings, a Board member stated, "the turnover has been problematic in terms of maintaining quality and quantity of product." As one staff member described, DNFSB is in "crisis mode."

#### **Recommendations**

OIG Recommends that DNFSB

1. With the involvement of the Office of the Technical Director, develop and implement an Excepted Service recruitment strategy and update guidance to reflect this strategy.
2. Develop and implement a step-by-step hiring process metric with periodic reporting requirements.
3. Update and finalize policies and procedures relative to determining the technical qualifications of OTD applicants. These should include examples of experience such as military and teaching, and their applicability to OTD positions.
4. Develop and issue hiring-process guidance and provide training to DNFSB staff involved with the hiring process.

## **B. Nearly Half of DNFSB's SES Positions Are Vacant**

Nearly half of DNFSB's Senior Executive Service (SES) positions are vacant. DNFSB should establish its SES to provide more effective management of its staff; however, DNFSB's senior leadership does not believe SES are needed. As a result, agency responsibilities may be ineffectively managed.

### ***What Is Required***

#### **DNFSB Should Establish Its SES To Provide More Effective Management of Its Staff**

According to Title 5 of the U.S. Code, Section 3131, *The Senior Executive Service*, an SES is established to ensure that the executive management of the U.S. Government is responsive to the needs, policies, and goals of the Nation. They are to be accountable and responsible for the effectiveness and productivity of employees under them, ensure accountability for economical and efficient Government, and provide for an executive system which is guided by the public interest and free from improper political interference.

Every 2 years, Federal agencies examine SES position needs and submit a written request to OPM for a specific number of SES allocations. OPM allocates SES spaces to each agency after analyzing agency needs and consulting with the Office of Management and Budget.

### ***What We Found***

#### **Approximately 45 Percent of DNFSB's SES Positions Are Vacant**

Approximately 45 percent of DNSB's SES position are vacant even though OPM approved DNFSB's request for 11 SES. DNFSB's SES distribution currently<sup>11</sup> is as follows:

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<sup>11</sup> According to DNFSB's FY20 Work Plan, the Executive Director for Operations, an SES position, will be created and filled upon legislation from Congress directing this organizational change. In addition, OGM is only authorized to fill the deputy GM position with a GS-15.



- OGM
  - 1 General Manager
  - 1 Deputy General Manager
- OTD
  - 1 Technical Director
  - 1 Deputy Technical Director
  - 5 Associate Technical Directors (ATDs)
- OGC
  - 1 General Counsel
  - 1 Deputy General Counsel

The six SES positions that are currently filled are the General Manager, an ATD who is currently acting as the Deputy General Manager, the Technical Director, the Deputy Technical Director, one ATD, and the Special Assistant to the Chairman<sup>12</sup> who is currently on detail at another agency.

### *Why This Occurred*

#### **DNFSB's Leadership Does Not Believe SES Are Needed**

DNFSB's leadership does not believe SES are needed to lead the agency's divisions. In 2019, the current Chairman instructed HR not to hire SES and stated he only needed three or four SES in the agency. The Chairman said SES are not needed because DNFSB already has too many for the number of employees in the agency, and no thorough analysis has been done to determine that DNFSB needs more. Additionally, another Board member stated the agency is not structured efficiently for the mission and has more SES than it needs. This Board member believes that each of the current SES could manage more staff than they currently manage.

While some senior leaders question the importance of SES in DNFSB, DNFSB's FY15 and FY17 staffing plans noted that the composition of the Board's workforce in terms of SES to staff ratio— also known as “span-of-control” — is 9 percent when fully staffed, which remains comparable to other medium-sized,

<sup>12</sup> The Board re-assigned DNFSB's General Counsel to the position of Special Assistant to the Chairman in August 2018.

independent federal agencies which range from 1 to 12 percent.<sup>13</sup> Furthermore, for FY20-21, DNFSB has continued to request OPM's approval for the same 11 SES as requested in its previous biennial request.<sup>14</sup>

### *Why This Is Important*

#### **DNFSB's Responsibilities May Not Be Effectively Managed**

DNFSB's responsibilities may not be effectively managed. The constant state of vacant SES positions has created a scenario of continuous internal rotations to temporarily fill these vacant SES positions. Thus, SES employees from other offices or divisions, or even non-SES employees, may be temporarily filling these SES roles for up to or more than OPM's guidelines of 240 continuous days. The SES position subsequently becomes vacant again and this creates an endless cycle of employees temporarily filling these vacant SES positions.

The continuous internal rotations may negatively impact agency operations. A staff member said OTD has had a "literal revolving door of supervisors" since the SES positions are not filled with permanent hires, while another said the rotations have created "chaos" since other staff must fulfil the responsibilities assigned to positions vacated by the person on rotation. As an example, DNFSB has not had a permanent General Counsel since August 2018 or a Deputy General Manager since June 2018. During that time, the agency has had GS-15s from OGC filling the General Counsel position, and the Deputy General Manager position had been vacant until June 2019 when an SES from OTD rotated to temporarily fill this vacancy. This SES also fulfilled the role of the Chief Information Officer and the responsibilities of two other division directors. Since this SES from OTD is filling the Deputy General Manager role, others must take on his primary responsibilities in OTD.

OIG conducted an analysis of OTD internal rotations to temporarily fill vacant SES positions in OTD and in OGM. The SES positions were filled either by other

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<sup>13</sup> According to a leading private industry workforce planning organization, there is no ideal industry goal to executive span of control. The nature of the work being performed must be considered. Depending on the work, the optimal span of control could be over 100 staff (e.g., call center), or a maximum of 3 or 4 staff (e.g., executive functions requiring high degrees of collaboration and interaction).

<sup>14</sup> According to OPM, agencies are required to examine its SES position needs every 2 years. Subsequently, agencies are to submit a written request to OPM for a specific number of SES position authorizations for each of the succeeding fiscal years.

SES, or by DN-V employees from OTD. Since January 2015, SES vacancies were detailed to technical staff for 1,799 cumulative days, or nearly 5 years.

In addition to the continuous rotations, several staff stated SES are important because they lend more credibility to DNFSB. DNFSB technical staff must frequently work with DOE senior management, so it is important to have senior level management representing DNFSB as well. One employee said DNFSB has lost its ability to manage strategically and the loss of SES and experience has reduced their ability to provide definitive advice to the Board and DOE on nuclear safety issues.

Should the FY20 Appropriations Bill be approved, Board members stated the new Executive Director for Operations position will play an integral role in determining the eventual outcome of the agency's SES positions.

### **Recommendations**

OIG Recommends that DNFSB

5. Conduct analyses to determine (1) the optimal SES span-of-control that promotes agency efficiency and effectiveness, and (2) the impact on agency activities when detailing employees to vacant SES positions.
6. Develop and implement an action plan to mitigate negative effects shown by the SES analyses.

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## **IV. CONSOLIDATED LIST OF RECOMMENDATIONS**

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OIG recommends that DNFSB

1. With the involvement of the Office of the Technical Director, develop and implement an Excepted Service recruitment strategy and update guidance to reflect this strategy.
2. Develop and implement a step-by-step hiring process metric with periodic reporting requirements.
3. Update and finalize policies and procedures relative to determining the technical qualifications of OTD applicants. This should include examples of experience such as military and teaching, and their applicability to OTD positions.
4. Develop and issue hiring-process guidance and provide training to DNFSB staff involved with the hiring process.
5. Conduct analyses to determine (1) the optimal SES span-of-control that promotes agency efficiency and effectiveness, and (2) the impact on agency activities when detailing employees to vacant SES positions.
6. Develop and implement an action plan to mitigate negative effects shown by the SES analyses.

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## **V. DNFSB COMMENTS**

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An exit briefing was held with the agency on January 6, 2020. Prior to this meeting, DNFSB management reviewed a discussion draft and later provided comments that have been incorporated into this report as appropriate. As a result, DNFSB management stated their general agreement with the findings and recommendations of this report and chose not to provide formal comments for inclusion in this report.



## Appendix A

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**OBJECTIVE, SCOPE, AND METHODOLOGY**

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**Objective**

The audit objective is to determine if DNFSB's human resources program is designed and implemented to effectively support the execution of its mission.

**Scope**

This audit focused on determining if DNFSB's hiring practices are effectively and efficiently supporting DNFSB's ability to accomplish its mission. We conducted this performance audit at DNFSB headquarters (Washington, D.C.) and in Rockville, MD, from May 2019 to October 2019. Internal controls related to the audit objective were reviewed and analyzed. Throughout the audit, auditors considered the possibility of fraud, waste, and abuse in the program.

**Methodology**

OIG reviewed relevant criteria for this audit, including, but not limited to:

- *Enabling Statute of the Defense Nuclear Safety Board*, 42 U.S.C. § 2286 et seq.
- *The Atomic Energy Act of 1954*, as amended.
- Title 5 of the Code of Federal Regulations, Part 250, *Personnel Management in Agencies*.
- United States Code (USC) Title 5 — *Government Organization and Employees, Chapter 23 — Merit System Principles*.
- *United States Office of Personnel Management Guide To The Senior Executive Service*.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our

audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Throughout the audit, auditors considered the possibility of fraud, waste, and abuse in the program.

The audit was conducted by Mike Blair, Team Leader; Roxana Hartsock, Senior Auditor; Connor McCune, Management Analyst; and Stephanie Dingbaum, Auditor.

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## TO REPORT FRAUD, WASTE, OR ABUSE

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### Please Contact:

Email: [Online Form](#)

Telephone: 1-800-233-3497

TTY/TDD: 7-1-1, or 1-800-201-7165

Address: U.S. Nuclear Regulatory Commission  
Office of the Inspector General  
Hotline Program  
Mail Stop O5-E13  
11555 Rockville Pike  
Rockville, MD 20852

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## COMMENTS AND SUGGESTIONS

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If you wish to provide comments on this report, please email OIG using this [link](#).

In addition, if you have suggestions for future OIG audits, please provide them using this [link](#).