FINAL REPORT:

TASK FORCE AGAINST RACIAL

PROFILING

JANUARY 2000

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EXECUTIVE SUMMARY

In the Summer of 1999, Energy Secretary Bill Richardson established the Department of Energy Task Force Against Racial Profiling, headed by Deputy Secretary T.J. Glauthier. The 19 member body includes senior Federal and contractor officials, and a U.S. Civil Rights Commissioner. The Task Force was chartered to provide the Secretary with:

- *Accurate observations and assessments of workplaces within the national DOE complex; and*
- *Recommendations to ensure that policies against racial profiling are carried out effectively.*

Between June and November of 1999, the Task Force conducted nine (9) fact-finding visits to a variety of DOE facilities. Four (4) on-site consultation visits were also made to private corporations, which were top-rated by employees for diversity management and workplace excellence -- Fannie Mae, the Marriott Corporation, Freddie Mac, and Union Bank (San Francisco).

These site visit teams included Asian American national leaders who served as participant-observers at the invitation of Secretary Richardson. They participated in an Action Forum in November to organize, analyze, and assimilate materials gathered through Task Force activities and those submitted by DOE employees. Final recommendations were developed from: suggestions of the Asian Pacific Americans (APA) national leaders; "best practices" advice from private corporations; and recommendations from Task Force members. The Task Force's recommendations are intended for implementation at all DOE workplaces (i.e., Headquarters and Field activities).

Improvements in leadership, communication, trust-building and assessment were identified as priorities. Recommendations include such immediate steps as: selection of a National DOE Ombudsman; implementation of an Agency-wide Equal Employment Opportunity (EEO)/diversity stand-down; and a revamping of EEO systems and procedures to establish better accountability and to expedite timely resolution of individual cases. Also recommended are future investments to continue improvements, such as: multi-year workplace surveys; enhanced training; organizational self-assessments; and appraisal of individual leadership effectiveness.

This Task Force Report is not intended to serve as an indictment, nor as an absolution. Instead, it seeks to present an honest workplace assessment. It offers substantive tools for improvement, and provides the Department with an avenue to establish a plan to fulfill its commitment to enhancing diversity management\and assuring equity and pluralism.

1. THE TASK FORCE AGAINST RACIAL PROFILING

1.1 Background

In the wake of alleged Chinese espionage at the Department of Energy's major nuclear weapons laboratories, the potential for racial profiling against Asian Pacific Americans (APA) increased at DOE laboratories and facilities nationwide. In response, Energy Secretary Bill Richardson established the DOE Task Force Against Racial Profiling, headed by Deputy Secretary T.J. Glauthier. The Task Force is comprised of 19 senior Federal and contractor employees from throughout the country, including Commissioner Yvonne Lee, U.S. Commission on Civil Rights. [Task Force membership is provided at Section 1.4.]

1.2 Fact-finding Delegations Formed

To assist the work of the Task Force, Secretary Richardson formed a fact-finding delegation to follow-up on his assurance to APA employees at the three national nuclear weapons laboratories that the Department will neither commit nor tolerate racial profiling. Site visits were conducted at the following labs on June 28-30, 1999:

- Los Alamos National Laboratory, New Mexico;
- Sandia National Laboratory, New Mexico and California; and
- Lawrence Livermore, California

The three-member delegation included two senior DOE Federal employees and Commissioner Yvonne Lee.

In October and early-November 1999, additional fact-finding delegations visited the following facilities:

- Oak Ridge National Laboratory, Tennessee;
- Savannah River Site Facility, South Carolina;
- Argonne National Laboratory, Illinois;
- Brookhaven National Laboratory, New Jersey;
- Stanford Linear Accelerator Center, California; and
- Lawrence Livermore National Laboratory, California (a follow-up visit)

These delegations were complemented by representatives from various National Asian Pacific American groups, who accepted Secretary Richardson's invitation to participate. [The objectives and process used by the fact-finding delegations are provided at Section 2.]

1.3 Task Force Meetings

The first meeting of the Task Force was conducted on September 14, 1999. At that meeting, the fact-finding delegation to the three (3) national nuclear weapons laboratories presented its findings. [See Section 3.] Thereafter, the Lab Directors reviewed measures previously taken to alleviate or mitigate problems and discussed Action Plans designed to address issues raised by the delegation's site visits. [See 4.0. A Meeting Summary is provided at Appendix A.]

The Task Force met again on November 18-19, 1999, in an Action Forum with the following stated objective: *"to develop the steps we will recommend to the Secretary that DOE should take to ensure that managers and employees neither commit nor tolerate racial profiling."* To achieve that objective, four (4) specific areas of consideration were identified:

- Trust-Building;
- Communications;
- Leadership; and
- Assessment.

Representatives from the APA National Community Groups participated in a portion of the Action Forum. [See Section 5.0]

1.4 Task Force Membership

T.J. Glauthier Deputy Secretary and Chairman of the Task Force

John Browne	Director, Los Alamos National Laboratory
Paul Robinson	Director, Sandia National Laboratory
Bruce Tarter	Director, Lawrence Livermore National Laboratory
Jim Turner	Manager, Oakland Operations Office
Yoon I. Chang	Acting Laboratory Director, Argonne National Laboratory
Martha Krebs	Director, Office of Science
Bob Gee	Assistant Secretary for Fossil Energy
Tom Gioconda	Acting Assistant Secretary for Defense Programs
Ed Curran	Director, Office Counterintelligence

Mary Anne Sullivan	General Counsel
Joe Mahaley	Director, Office of Security Affairs
James Lewis	Director, Office of Economic Impact & Diversity
Poli Marmolejos	Acting Director, Office of Civil Rights
Brooke Anderson	Director, Office of Public Affairs
Tim Dirks	Director, Office of Human Resources Development
John Robinson	Office of the Secretary
Yvonne Lee	Commissioner, U.S. Commission on Civil Rights
Tom Tamura	Deputy Director, Office of Management and Administration

1.5 Task Force Charter Provisions

1. To recommend to the Secretary steps that the Department should take to ensure that managers and employees neither commit nor tolerate racial profiling at the Department of Energy or at any of its Laboratories and to prevent adverse discriminatory actions against all employees.

2. The Task Force's initial plan will contain specific tasks and dates and will be submitted to the Secretary in September 1999.

3. A final report of accomplishments by the Lab Directors and Headquarters staff will be presented to the Secretary in November 1999. (This date was subsequently revised to January 2000.)

2. FACT-FINDING DELEGATIONS: OBJECTIVES & PROCESS

2.1 Objectives

Individual fact-finding delegations conducted their reviews with the objective of gathering relevant information to assist in developing recommendations to eliminate and prevent racial profiling at DOE. The delegations sought to identify and address clear and obvious patterns of inappropriate activity.

2.2 The Process: "Clear and Obvious Patterns: Hotspots at 3,000 Feet"

The delegation teams employed a process of fact-finding best characterized by a pilots' metaphor: Viewing the scene from 3000 feet but being able to observe "hotspots" (e.g., reflections from windshields of vehicles and small ponds). Using these "hotspots", the teams were able to establish "clear and obvious patterns".

The teams utilized a variety of methods to gather relevant information, including:

- **Entrance and exit meetings with senior management officials:**

  Delegation members determined that these meetings were extremely productive: Lab Directors appeared to be engaged in the process, and it was clear that they had already taken significant steps to ensure implementation of the Secretary's policy.

- **All-Hands Meetings (i.e., open forums for all employees):**

  Delegation members noted that these sessions were generally well-attended, and the discussions were both candid and revealing.

- **Small group meetings with employee representation groups (e.g., Asian Pacific Americans, Hispanics, African-Americans, Native Americans):**

  Delegation members noted that these meetings allowed for input into the process by individuals most directly affected by the problems being addressed.

- **One-on-one interviews with employees:**

  Delegation members determined that these interviews provided an excellent source for specific examples of issues and concerns.

3. MAJOR OBSERVATIONS FROM SITE VISITS

3.1 General Observations

The following comments summarize general perceptions and opinions gathered by the delegation teams during site visits. While no specific opinions were universally held within all workforce units, the comments provided herein represent a fair cross-section of perceptions presented to the Task Force.

- An atmosphere of distrust and suspicion was common and was attributed to:
    - The media exploitation of the espionage and related allegations, resulting in fears of profiling and discrimination; and
    - Managers and supervisors, as well as co-workers, questioning the loyalty and patriotism of some employees based upon racial factors.

- Asian Pacific Americans employees cited a hostile work environment, and speculated that their opportunities for promotions, choice job assignments, and developmental training have been greatly reduced (the “glass ceiling effect”) as a result of this atmosphere of distrust and suspicion.

- The heightened security posture created a perception of ambiguity over the definition and treatment of both foreign nationals and naturalized U.S. citizens, resulting in increased anxiety at all levels of the workforce. In addition, there was a perception of resulting "brain drain"; i.e., the negative impact on the Department’s ability to recruit and retain highly qualified employees from all ethnicity groups.

- Effective communications lagged. While Lab Directors and other senior leadership embraced the Secretary’s stated policies of non-discrimination and fairness, the delegations found that middle management and lower-level supervisors were less consistent and energetic in embracing and implementing those policies.

- Counterintelligence efforts were perceived to target employees of Chinese ethnicity, raising angst among APA employees. (Subsequent to the June 1999 delegation visits, Ed Curran, DOE's Director of Counterintelligence, directed the counterintelligence community to "sensitize" their briefings, directives and policies, and to eliminate even the appearance that any particular group of employees was being targeted.)

3.2 Site-Specific Observations

The following comments summarize site-specific perceptions and opinions gathered by the delegation teams during site visits. Delegation members were generally of the opinion that, while specific incidents and examples of racial profiling may differ from site to site, the general concerns and issues were virtually identical Department-wide. Accordingly, the "banner headlines" associated with each site [below] were applicable to all sites, in varying degrees.

A. Los Alamos National Laboratory: *"Sins of Omission, Not Sins of Commission"*

Employees at the three (3) national nuclear weapons laboratories alleged that middle managers and low-level supervisors were not fully embracing the Secretary's policy. They cited not only what is said but often what was not said. One Los Alamos National Laboratory employee stated, for example, that she did not perceive overt discrimination (implying that managers are too intelligent to engage in such overt discrimination); instead, she stated that management commits "sins of omission, not sins of commission".

A number of employees asserted that managers down the line have not been aggressive enough in reiterating and reinforcing their Lab Directors' strong support for the Secretary's policy. Employees also asserted that supervisors are not immediately sanctioning – and holding accountable – individuals who commit acts of racial profiling.

Concerns were expressed by managers and employees alike over the "brain drain" syndrome – the belief that the current climate will result in an adverse impact on the Department's recruitment and retention of diverse employees.

B. Sandia National Laboratory:
AM + ØT = AN: The "Ambiguity Leads to Anxiety" Syndrome

A number of employees at sites nationwide cited ambiguity in the current working climate as giving rise to increased employee anxiety. The delegation team developed a "formula" to represent this condition:

AM Ambiguity - unclear and confusing policies about security and counterintelligence measures...
+ ØT Plus an atmosphere of zero tolerance - no room for mistakes...
= AN Equals anxiety at all levels.

This syndrome was common at all sites; however, the first delegation was made keenly aware of the impact of this syndrome on the workforce at the three nuclear weapons laboratories.

Managers have been unclear in providing guidance to lower level managers and supervisors regarding a range of topics, including access to sensitive areas, escorting requirements, changes in hiring practices, etc. Lower level managers, in turn, pass on their own anxieties with even less clear (or more draconian) measures which exacerbate the syndrome. The team observed that DOE Headquarters appeared to be at fault in disseminating unclear and, in some cases, conflicting guidance and answers to questions.

C. Lawrence Livermore National Laboratory:
Why come?...Why stay?: The "Brain Drain" Syndrome

The delegation team noted a pattern of concern regarding what it termed the "brain drain" syndrome. This syndrome has serious implications far beyond the efficacy of the laboratories themselves and perils the ability of our nation to continue our world leadership in advanced sciences and basic research.

While clear evidence is not available, and probably will not be until some passing of time, there were many anecdotal indications that a serious problem was quickly developing. Many employees at the sites visited told the delegation teams that they were asking themselves, "Why should I stay?", and "Why should others want to come?" Grave concerns were expressed by managers and employees over the potential for a ruinous impact upon recruitment and retention, given the current workplace environment.

D. Oak Ridge National Laboratory: *"Heightened Security: Ill-Conceived and Rushed"*

Asian Pacific Americans employees at all sites expressed angst over the apparent disparate application of heightened security measures implemented in the wake of the situation at Los Alamos National Laboratory. While employees generally understood and acknowledged the need for change, they expressed serious concerns that some of the changes and implementation actions appeared to be ill-conceived and rushed, resulting in negative consequences. Cited examples included:

- At least one severe, adverse action (loss of access to Oak Ridge facilities) toward a Chinese Foreign National at Oat Ridge National Laboratory, which many believed to be grossly unfair. (Access was restored in December 1999, following a review of the circumstances.);

- Officials making remarks about APAs that were considered insensitive or offensive; and

- New security policies and procedures that are viewed (management and employees alike) as unnecessary, irrational, demeaning, and corrosive to scientific research.

At several sites, Asian Pacific Americans employees cited examples to suggest that the security briefings associated with the DOE-wide security stand-down program contained racially insensitive remarks and repeatedly accused Chinese students and other Chinese nationals of stealing secrets, spying, and "exporting knowledge" to China. Management at several sites acknowledged that the briefings could be viewed as insensitive and offensive and stated that they have already taken steps to terminate or revise the briefings.

E. Savannah River Site: *"The Catalytic Effect: But what About the Rest of Us?"*

A variety of other employee representation groups (e.g., African American, Hispanic, gay/lesbian, women and disability) expressed sympathy and solidarity with the Asian Pacific Americans. They also noted that they, too, had long-standing problems and issues which should not be forgotten – continued racism, lack of communication, minimal management accountability, pay inequity for minorities and

women, and disproportionate representation of minorities and women in management ranks. Several groups prepared speeches and briefing material based on concerns they had registered months or years before the delegation visits.

The delegations noted the concerns expressed by these groups and cited the Task Force's objective of formulating recommendations to eliminate and prevent racial profiling, which results in adverse discriminatory actions against ***any*** employee.

F. Argonne National Laboratory:
"Why Us Too?"

Management and employees at the two science labs (Argonne and Brookhaven) were vocal in expressing their concerns, confusion and frustration over what they characterize as a "mismatch" of the enhanced security measures with the nuclear labs and science labs. They asked why the same procedures were being applied to science labs, where little (if any) of the work performed is classified on a national security basis. They further questioned the relevance of the Security Stand Down Program to the science labs and expressed both concern and disappointment over management's perceived lack of responsiveness to these questions.

G. Brookhaven National Laboratory:
"Atmosphere of Distrust and Suspicion Reaches Us"

The delegation team opined that extensive publicity in the wake of the Los Alamos situation exacerbated problems and concerns, which warrant specific actions on the part of management. These were grouped into three (3) categories:

- Unfair and uneven application of existing rules and regulations;
- Inhospitable work environment for distinct classes of employees; and
- Impaired BNL reputation in the larger scientific community.

H. Stanford Linear Accelerator Center:
***"Breaking the Glass Ceiling and the Hostile Environment*"**

The major concern expressed by employees at Stanford Linear Accelerator Center was the lack of minorities/diversity in management ranks. (This concern was echoed – to varying degrees

– by individuals at all of the sites visited by delegation teams.) Comments ranged from, “Employees of color are in the lower ranks, with no representation in management,” to “Stanford Linear Accelerator Center may meet the State and Federal EEO requirements, but subtle racism is pervasive within the lab.” The issue of “disproportionate representation” was heard at all sites, and defined within the context of a “hostile environment”.

4. EFFORTS OF LAB DIRECTORS

4.1 General Observations: Lab Directors are Action-Oriented/Heavily Engaged in Seeking Solutions

When the fact-finding delegation visited the three nuclear weapons laboratories in late-June, they discovered that the lab leadership was heavily engaged in working on the problem of racial profiling. At the first Task Force meeting on September 14, 1999, the Lab Directors reviewed measures previously taken to alleviate or mitigate problems and discussed Action Plans designed to address issues raised by the site visits of the delegations.

4.2 Initiatives of the Lab Directors:

The Task Force noted the following initiatives (among others) utilized by the Lab Directors to address racial profiling issues:

- Enhancing public outreach efforts with local community leaders and the media;
- Providing more frequent and targeted focus group meetings with affected employee groups;
- Reissuing the Secretary's policy statements regarding racial profiling;
- Attempting to identify specific offenders to departmental policies concerning racial profiling and taking appropriate corrective actions;
- Developing a pro-active recruiting effort for qualified and essential foreign nations, thereby aiding in retention efforts; and
- Re-establishing diversity and sensitivity training requirements for managers and employees.

[Updated Action Plans (as provided by the Lab Directors) are contained in Appendix B.]

5. CONTRIBUTIONS OF NATIONAL Asian Pacific American COMMUNITY LEADERS:

– ***"When the ice is three feet thick, it is not due to the coldness of one day."***

5.1 National Asian Pacific American Community Leaders Participation

On several occasions, Secretary Richardson personally met with representatives from various national APA organizations to:

- Reiterate his concerns regarding the continuing impact of the espionage matter on the Asian Pacific American community and employees; and
- Assure the representatives that the Department will take all actions necessary to eliminate prejudice within the Department.

Secretary Richardson invited the Asian Pacific American leaders to observe the work of the Task Force Against Racial Profiling. Several Asian Pacific American leaders accepted his invitation, and actively participated in additional fact-finding delegation visits and the Action Forum of the Task Force. [See Section 6.0.] Participants included:

Dr. Jeremy Wu	Chairperson, Asian American Government Executive Network (AAGEN)
Ms. Daphne Kwok	Executive Director, Organization of Chinese Americans
Dr. Carson Eoyang	Program Chairperson, AAGEN
Ms. Jin-Sook Lee	Executive Director, Asian Pacific American Labor Alliance
Ms. Aryani Ong	Representing Karen Narasaki, Exec. Dir., National APA Legal Consortium
Dr. Sumiye Okubo	Past Chairperson, AAGEN
Ms. Bel Leong-Hong	Board Member, AAGEN
Ms. Joanna Su	Executive Director, Asian American Institute

5.2 Issues/Major Areas of Concern

Under the leadership of Dr. Jeremy Wu, the National Asian Pacific American Community Leaders group presented their observations and recommendations at the Action Forum of the Task Force Against Racial

Profiling, November 18-19, 1999. Dr. Wu cited an ancient Chinese proverb as relevant to the deliberations of the Task Force: “When the ice is three feet thick, it is not due to the coldness of one day.”

The presentation of the National Asian Pacific American Community Leaders group focused on the following five (5) issues and major areas of concern:

- **Adverse Impact of Recent Security Changes:**

  While the employees generally understand and acknowledge the need for policy and procedural changes due to heightened security, there are serious concerns that some of the changes seem to be ill-conceived and poorly targeted.

- **Communications:**

  Employees generally believe that there have been inadequate communications to inform employees – and especially APA employees – about recent security and workplace changes and the reasons for those changes.

- **Hostile Environment:**

  Asian Pacific American employees generally believe that working conditions at DOE facilities could be improved. They cite an increase in insensitive jokes and comments, perceived disparate treatment, and overall sense of isolation leading to distrust and suspicion.

- **Impaired Scientific Reputation and Leadership:**

  Concerns were expressed over the perceived “brain drain” syndrome and the loss of an atmosphere of openness and collaboration adversely impacting scientific research.

- **Perception of a Glass Ceiling and Employment Barriers:**

  The perceived general absence of APA and other minorities in the management ranks – and in the decision-making process – is of great concern. Employees express concern that available statistics

show not only a disproportionate representation of minorities but an unexplained, significant decline in the number of APA managers in the last few years.

5.3 Recommendations

The National APA Community Leaders group made a number of recommendations, including:

- Act immediately on individual cases and issues resulting from changes in security procedures;

- Establish an inclusive review process for making future changes in security procedures, with input and advice from local management and employees;

- Hold contractors accountable for establishing a performance plan with performance goals and measures regarding human resource management (recruitment, outreach, retention, promotion, training, etc.). The plan should adhere to both the letter and the spirit of the Government Performance and Results Act;

- Reform basic operations relating to coordination and collaboration between Federal and contractor management, EEO procedures, etc.;

- Conduct a one-day equal employment opportunity and sensitivity training stand-down; and

- Form inclusive, open, local management-employee partnerships.

[See Appendix C for a copy of the full report to the Task Force, dated November 18, 1999.]

6. ACTION FORUM ACTS

– ***"Our main purpose ultimately is action"***

6.1 Background/Issue Teams

At an Action Forum held November 16 -17, 1999, at DOE Headquarters, the Task Force considered observations from the nine (9) site visits. [See Section 1.2.] The objective of the Task Force was to develop recommendations to ensure that managers and employees neither commit nor tolerate racial profiling. This objective was addressed by dividing the participants into the following Issue Teams:

- Trust-Building: How do we ensure that the workplace environment treats each person with dignity and respect?

- Communication: How do we effectively communicate DOE's commitment to the values and principles which support a positive workplace environment?

- Leadership: How do we encourage, promote, and enforce current policies and effective practices?

- Assessment: How do we know when we are successful in carrying out our policy against racial profiling?

6.2 Action Forum Recommendations

Representatives from several national Asian Pacific American community groups briefed Task Force members on their observations (several having visited DOE sites as part of a fact-finding delegation team) and made specific recommendations for the Task Force to consider. [See Section 5 for highlights; See Appendix C for full report.]

At the conclusion of the Action Forum, these action recommendations were proposed for inclusion in the final report of the Task Force:

- **Trust-Building:**

  - Acknowledge lessons-learned from the security crisis, focusing on the unintended effects on the workforce;
  - Improve the vetting process (e.g., use of town meetings, focus group sessions) in security matters prior to Field issuance;
  - Revisit and reissue DOE Core Values Statement, with inclusion of a statement related to racial profiling (e.g., treating all employees with dignity, fairness and respect);
  - Review new security procedures; abolish one-size-fits-all approach to facilities; and
  - Establish and publish baseline data on hiring and promotion of minorities at labs.

- **Communication:**

  - Create a website regarding DOE workplace environment; publish results of workplace improvements in diversity management;
  - Develop definitions and a glossary for such terms as “diversity”, “diversity management” and “racial profiling”, drawing from private sector “best practices” models;
  - Include counterintelligence leadership in the development of DOE policy so that they are more “in the loop” for all departmental concerns, particularly with respect to human resource management;
  - Address recruitment and retention problems (“brain drain” syndrome) through a lab consortium; and
  - Maintain deliberate and open public accountability with legitimate interest groups.

- **Leadership:**

  - Hold leadership accountable for building trust and communicating effectively;
  - Identify, communicate, and institutionalize values of the organization, and act accordingly; and
  - Hold managers, as well as employees, accountable for their actions.

- **Assessment:**

    - Conduct a multi-year workplace satisfaction survey, including management practices and diversity management. (Requires collaboration between the labs.);
    - Collect APA employment statistics to validate the nature of the problem;
    - Conduct follow-up visits (Spring 2000); include Headquarters work sites among those visited;
    - Require an organizational self-assessment based on "best practices";
    - Develop a model to assess leadership effectiveness in diversity management, utilizing peer and subordinate evaluations (i.e., benchmarking for individuals); and
    - Consider establishing a blue ribbon panel based on best practice models. Pair DOE facilities with nearest "best practices" sites for mentoring and exchange of information (i.e., organizational benchmarking)

7. HIGHLIGHTS OF "BEST PRACTICES" SITE VISITS

– ***"Diversity management training must be mandatory, high quality, and based on business results***"

7.1 Site Visits

Task Force members conducted "best practices" site visits at the following companies:

- Fannie Mae – District of Columbia;
- Marriott Corporation – Bethesda, Maryland;
- Freddie Mac – Tyson's Corner, Virginia:
- Union Bank – San Francisco, California

The purpose of these visits was to learn how some of the "50 Best Companies" (as identified in a recent publication) handled issues related to diversity management and racial profiling.

7.2 Highlights

Common themes or highlights arose from "best practices" site visits. Some such theme/observations reported by Task Force members include:

- **Conducting mandatory training for the workforce, with special seminars in effective diversity management for top management, based on business lines, products and services:**

  This was a consistent finding at all "best practices" sites. Docking a department $1,000 if a senior member missed training stood out as a feature at one site. It was also the case that training was of an extremely high quality and was based on business results, products and services.

- **Pre-screening of new management hires (i.e., instituting entry control in hiring and promotion) to ensure competency and proficiency in diversity management:**

  This was done both formally and informally at the highest ranks of company leadership to minimize the chance of admitting ill-equipped or insensitive leaders. Pre-screening recognizes the high cost of hiring/promoting individuals who are not proficient in diversity management, and the low probability of reforming those individuals.

- **Linking effective diversity management to pay increases and bonuses:**

  This was done consistently as a percentage of annual bonuses, but only for those at the top tier, and only in some organizations. The impact was expected to cascade down to middle management and lower levels.

- **Conducting multi-year workplace assessment surveys and/or sampling:**

  Although highly recommended, this practice was not always performed in a consistent manner. When done correctly, such surveys are expensive and time consuming. It was suggested that outside consultants conduct such surveys. A multi-year assessment is recommended to assist in identifying trends and to aid in measuring success (or lack thereof).

- **Aggressively seeking advice and innovative ideas from inside and outside the organization on a regular basis:**

  The Task Force noted that human resource and diversity executives within "best practices" organizations routinely participate in national forums and maintain extensive personal networks. Each organization also expressed a willingness to render assistance to Government agencies seeking their counsel.

8. ACTION RECOMMENDATIONS

– ***"It is imperative that we find new, creative and meaningful ways to build trust, enhance communications, motivate leaders, and assess the results"***

8.1 Background

The action recommendations in this section originated from a number of sources, including: extensive input from DOE Federal and contractor employees; suggestions from national Asian Pacific American community leaders; ideas from "best practices" site visits; and suggestions from members of the Task Force.

As Task Force members began to classify, then analyze their observations and insights, the following four categories emerged as discrete organizational areas for consideration and action:

- Leadership;
- Trust-Building;
- Communication; and
- Assessment.

The action recommendations herein are structured in accordance with these categories. It should be noted that these recommendations are not intended to be all-inclusive; instead, they represent a starting point for improvement. As these recommendations are implemented, they should be subject to ongoing revision, based upon a continuous process of self-assessment.

These action recommendations apply to federal and contractor managers and employees nationwide.

8.2 Leadership

It is imperative that those with greatest authority use it to alleviate fears, model appropriate behavior, and provide positive and negative incentives to guide excellent diversity management and prevent racial profiling. At each site where the top leader let his or her personal commitment be seen, heard and experienced first hand, the positive results were observable. This leadership role cannot be delegated to even the most able of subordinates.

Leadership Recommendation L1:

Issue a letter from the Secretary to all Federal and contractor employees which:

- Reiterates the Secretary's policy against racial profiling – that the Department will neither commit nor tolerate any racial profiling (re-issued most recently on December 13, 1999);

- Acknowledges that in the urgency to heighten our security and enhance our procedures:

    - some of the course materials used during the security awareness stand-down were outdated and not sufficiently "sensitized" and, therefore, may have inappropriately targeted a certain group of employees; and
    - changes to security procedures were not adequately communicated, in some cases.

- Summarizes the steps that have already been taken, or are planned, to address the racial profiling problem in the Department.

Additionally, DOE should issue a similar letter from the Secretary (through appropriate public affairs channels) to the broader national Asian Pacific American community.

Rationale: Task Force members were surprised to hear at several sites that this acknowledgment was still necessary. Workers still want a reality check. It was commonly understood that the media played a large part in heightening sensitivities and causing anxiety, yet both community

members and employees want to hear that the departmental leadership recognizes that the overall effect was hurtful and produced stress.

Leadership Recommendation L2:

Reform operations of the Office of Economic Impact and Diversity (ED) by:

- Appointing a "National Ombudsman", located at Headquarters, who will continue the Department's work in eliminating racial profiling, monitor and review diversity management matters, and advise the Department on improving systems for primarily addressing contractor employees' concerns and resolving workplace disputes;

- Requiring ombudsman functions at each DOE field activity;

- Requiring Economic Impact and Diversity to collaborate with Field contractor counterparts to improve workplace complaint procedures and improve confidence in these operations both in the Field and at Headquarters. A combination of an ombudsman approach and the traditional EEO activity is recommended; and

- Advocating the use of alternative dispute resolution techniques.

Rationale: The recent security crisis provided a test of these systems. It suggested strongly that DOE contract provisions for civil rights and diversity management lack the specificity and assessment features necessary to ensure effectiveness. These functions can be improved by sharing "best practices" and by strengthening contract language.

Leadership Recommendation L3:

Assign responsibility to the DOE Executive Steering Committee on Diversity – in collaboration with the National Ombudsman – for monitoring and reviewing diversity and racial profiling issues for Federal and contractor employees, following the sunset of this Task Force.

Rationale: The work of continuing to monitor progress in these areas should be the function of a standing group. The Deputy Secretary chairs the Steering Committee. The Ombudsman should become a member of the Executive Steering Committee.

Leadership Recommendation L4:

Improve leadership accountability for Federal executives and managers by developing a model to assess effectiveness in diversity management. The model should seek employee feedback and assessment of results. Additionally, performance in this area should be linked to promotion, bonuses, and hiring.

Rationale: Although current performance standards include general references to human resource practices and EEO goals, the link to bonuses, promotion, and hiring should be universal and applied with consistency. Priorities within the workplace are most strongly influenced by leadership behaviors and attitudes. A reliable leadership model will provide bench marking for individual leaders and a visible way to assess accountability. This recommendation emulates "best practices" findings.

Leadership Recommendation L5:

Develop contract language, which ensures fair and meaningful assessment of EEO activity by contractors. The Department should take steps to hold Management and Operating (M&O), Management and Integration (M&I) contractors, and laboratory facilities accountable for human resource management (recruitment, outreach, hiring, retention, promotions, training, etc.), by requiring that they include relevant performance goals and measures in their strategic plans, in accordance with the letter and spirit of the Government Performance and Results Act. To support this objective, contractors should conduct regular "quality of work life" surveys in measuring employee opinions and attitudes. [See Section 8.5.]

Further, contractors should routinely publicize to their employees relevant employment statistics and related information, which demonstrates progress toward strategic goals and make available copies of audits and reviews conducted by the Department of Labor's Office of Federal Contract Compliance Programs. [See Section 8.4.] Contractor performance in this area should be linked to performance fees and should be utilized as part of an overall assessment of past performance for a variety of contract management purposes (e.g. exercising options, conducting evaluations for future awards, etc.).

Rationale: See Leadership Recommendation L3, above.

Leadership Recommendation L6:

Establish a team to promptly address any outstanding individual cases regarding security practices. This team would report to the Deputy Secretary on a regular basis.

Rationale: Several such cases were presented to the Task Force and were resolved by a similar method. For the individuals involved, an outstanding security issue constitutes a personal crisis. DOE should provide a high profile and efficient method for timely resolution of these matters. This should include examination and response to concerns involving security practices and/or perceptions of unwarranted delays.

Leadership Recommendation L7:

Conduct an EEO/diversity stand-down, similar to the approach utilized for the Security Awareness stand-down (while modifying the specific method and duration, as appropriate). In conducting an EEO/diversity stand-down, care should be taken to avoid duplication of efforts and initiatives already undertaken by M/Os, M/Is and laboratories (in town meetings, etc.).

Rationale: EEO/diversity is critical to the success of the Department. A stand-down not only provides an opportunity for universal dissemination of consistent information, but also makes clear the importance which the Secretary places on this issue.

Leadership Recommendation L8:

Ensure that an inclusive review process is utilized for making future security changes, with input and advice from line management, employees, and human resource professionals. The current Field Management Council process, which was established in April 1999, should be utilized to ensure proper coordination and collaboration between appropriate staff offices.

Rationale: Clearly, much of the anxiety generated by sudden security procedure changes might have been prevented by consulting with appropriate Headquarters and Field activity staff. Although the urgency caused by the recent security crisis might not have been preventable, DOE can ensure that future crises are better anticipated and managed.

8.3 Trust-Building

Underlying many of the complaints and criticisms which Task Force members heard was a simple but pervasive distrust in what had been said, published or announced, a general suspicion of the motives of those in authority, and an uneasiness about the integrity of our management and leadership. Though not common to all site visits, the number of employees who expressed discomfort speaking at open meetings was surprising. Task Force members were told on more than one occasion that they were, themselves, "witting or unwitting tools being used in a dubious process". Trust will be enhanced through improvements to Leadership [Section 8.2], Communication [Section 8.4], and Assessment [Section 8.5]; however, the following recommendations may also yield significant gains in trust-building:

Trust-Building Recommendation T1:

Review security procedures to ensure that they do not take a "one-size-fits-all" approach for all sites.

Rationale: Information gathered by the Task Force indicates that a single policy or practice may not be appropriate for uniform implementation at all sites, and that flexibility is a key to success. (This matter has been under review for some time by the Office of Security Affairs, and appropriate changes have been made or are pending.)

Trust-Building Recommendation T2:

Publish baseline human resources management data on hiring, promotions, and diversity representation by grades, with respect to all Federal and contractor employees.

Rationale: This is an area where there is great suspicion, defensiveness, and marked differences of opinions. Public access to data would relieve the debate of some of the rhetoric.

Trust-Building Recommendation T3:

Include Asian Pacific American leaders and representatives of other minority groups in future workplace assessments.

Rationale: Although the public accountability of Government is inherent in our standard evaluation and review processes, consultation with local community leaders during site visits was extremely valuable, because these

are the communities where DOE workers and their families live. Inclusion of Asian Pacific American leaders as participant-observers was seen as beneficial and positive by all who participated.

8.4 Communication

When good intentions went wrong in establishing trust, faulty communication was the frequent culprit. From Lab Directors to employees, from executives to front line managers, between lead offices within headquarters – there were numerous examples.

Communication Recommendation C1:

Require Federal, M/Os, M/Is, and laboratory executives to issue annually and in writing diversity policy statements and publish them in a universal manner to coincide with performance appraisal cycles. Require discussion of these policies at performance appraisal review sessions. Develop a set of definitions and a glossary for diversity, pluralism, racial profiling, etc. based on private sector models.

Rationale: Employees complained that policies were not shared with 100% of the workforce 100% of the time. The lack of agreed-upon terminology was confusing to Task Force members and those who communicated with the Task Force. Accordingly, uniform and consistent terminology and definitions should be established, as appropriate to the Department's workplace. Such an effort will help to guide and focus our continuing corporate discourse.

Communication Recommendation C2:

Consider creating a DOE web-site on workplace improvements, and publishing progress reports on improvements in diversity management, to include human resource management data. [See Trust-Building Recommendation T2.]

Rationale: Existing technology can be utilized at minimal cost to inform the workforce of changes made on their behalf and in their interest.

Communication Recommendation C3:

Form appropriate consortiums to plan for – and to combat – the recruitment and retention problems being experienced throughout DOE laboratory facilities (the "brain drain" syndrome). (The three nuclear

weapons labs have already been heavily engaged in such an effort through a formal Tri-Lab committee arrangement.)

Rationale: There is much to be gained, and savings to be realized, through a formal alliance utilizing effective communication.

Communication Recommendation C4:

Improve training for the DOE Federal and contractor workforce in effective diversity management, with special seminars for executives. The Office of Economic Impact and Diversity, in collaboration with Heads of Headquarters and Field Elements, should ensure that all Federal and contractor employees undergo mandatory training on equal employment opportunity and interpersonal sensitivity. Also, site managers should conduct periodic focus group meetings to discuss employee diversity issues, including racial profiling.

Rationale: This was the most consistent aspect of EEO/diversity programs at "best-practices" organizations. Good organizations plan for – and train for – their real priorities. They recognize the high value and influence of those with greatest authority and responsibility.

8.5 Assessment

How do we know when we are successful in carrying out policies against racial profiling? How much is enough? Can we be inoculated against strongly held – but unsubstantiated – opinions and beliefs? Can we honestly appraise our progress toward goals without defensiveness and rhetoric? Effective tools for assessment in the area of diversity management were virtually non-existent. Tracking hiring statistics without measuring other critical variables generated more heat than light in the discussion of access and promotion.

Assessment Recommendation A1:

Conduct follow-up fact-finding visits in Spring 2000 to assess whether management has successfully carried out its policy against racial profiling; look for innovations, and provide feedback and suggestions for improvement to Federal and contractor work force management..

Rationale: Employees expressed a desire to have regular visitations for workplace assessments. Lab leadership also found the feedback helpful in many cases. Follow-up visits would allow the Department to ensure that the policy against racial profiling is being effectively implemented nationwide.

Assessment Recommendation A2:

Monitor, track and follow-up on pertinent data with respect to representation of minorities, women, and underrepresented groups in the Federal and contractor workforce.

Rationale: The DOE Office of Economic Impact and Diversity is the appropriate Headquarters Office to assume oversight responsibility for this task.

Assessment Recommendation A3:

Conduct a multi-year workplace satisfaction evaluation survey; include topics such as management practices and diversity management. The survey should be repeated at given intervals (e.g., biannually). If costs are prohibitive for a comprehensive survey of all employees/contractors, utilize a statistically significant sample.

Rationale: This is highly recommended by "best practices" organizations. Some questions will vary from year to year, but others (such as fairness in the workplace) should remain constant.

Assessment Recommendation A4:

Require an organizational self-assessment based on "best practices".

Rationale: To complement the employee survey, each DOE workplace should develop the means to assess their own deployment of resources and techniques benchmarked against the "best practices" organizations. This need not be a public examination. Publication of good results, however, may be useful in building trust with the workforce, and in combating the "brain drain" syndrome.

9. FINAL COMMENTS

– "***What does this Task Force effort mean for DOE, and for the DOE workforce?***"

9.1 Conclusion

The conclusion of Task Force activities presents an opportunity to thank all who contributed to this effort. Lab Directors and their staffs accommodated visits, arranged meetings and compiled copious notes. APA leaders accompanied site visit teams at their own expense. Task Force members and their staffs provided the foundation of this inquiry.

Although the recent security crisis was the catalyst for this exercise, the implications of the report go far beyond that basis. The results of this effort make clear that the necessity for security can fairly be balanced with respect for the individual. Like all Federal agencies, the Department needs to utilize management techniques emphasizing inclusion as well as efficiency. Good diversity management is good management.

Many of the comments made about DOE could be made of most Federal workplaces – and have been. What is different now is the provision of tools to improve. This report is neither an indictment nor an absolution. It has given us an honest workplace assessment, and provided some new tools with which to improve. Further, it has provided the Department with an avenue to establish a plan to fulfill its commitment to enhancing diversity management and assuring equity and pluralism.

To quote Sir Winston Churchill, "This is not the end. This is not the beginning of the end. This is the end of the beginning."

9.2 Contacts

If you have any questions or comments regarding this report, please contact the following individuals:

- John Robinson
  Senior Policy Advisor to the Secretary for Workforce Matters
  202-586-7700
  John.Robinson@hq.doe.gov

- Tom Tamura
  Deputy Director
  Office of Management and Administration
  202-586-8010
  Thomas.Tamura@hq.doe.gov

DOE Task Force Against Racial Profiling
9/14/99 Meeting Summary

Meeting Objectives: Inform Task Force of Fact-Finding Delegation's findings and suggestions for actions/issues that the Task Force could consider.

Date and Time: 3:00 - 4:00 September 14, 1999

Location: Program Review Center, (Forrestal 8E-089)

Attendees:
T.J. Glauthier, Deputy Secretary, Task Force Chair
Merna Hurd, Office of the Deputy Secretary
John Browne, Director, Los Alamos National Laboratory
Michael Trujillo, Office of Equal Employment Opportunity, LANL
Ron Cochran, Lawrence Livermore NL (representing Bruce Tarter)
Joan Woodard, Sandia NL (representing Paul Robinson)
Poli Marmolejos, Acting Director of Civil Rights
James Lewis, Director, Office of Economic Impact and Diversity
Tim Dirks, Director, Office of Human Resources Management
Mary Anne Sullivan, General Counsel
Bill Valdez, Office of Science (representing Martha Krebs)
Brooke Anderson, Director, Office of Public Affairs
Ed Curran, Director, Office of Counterintelligence
Joe Mahaley, Director, Office of Security Affairs
Jim Turner, Manager, Oakland Operations Office
Roger Lewis, Defense Programs (representing Tom Gioconda)
Bob Gee, Assistant Secretary for Fossil Energy
Yoon Chang, Acting Laboratory Director, Argonne National Laboratory
John Robinson, Office of the Secretary
Yvonne Lee, U.S. Commission on Civil Rights
Tom Tamura, Deputy Director, Office of Management and Administration

HandOuts: Briefing Book Tab F insert (Reports from Lab Directors)
Briefing Book Tab G insert (May 19, 1999 Memorandum from Secretary Richardson on Asian Pacific American Concerns, Prepared remarks for Secretary Richardson Committee of 100 New York, NY April 30, 1999)

Meeting Agenda:

- Welcome and Purpose Statement (5-min) T.J. Glauthier, Chair
- Discuss proposed membership and charter (5-min) John Robinson
- Awareness briefing (10-min) Fact-Finding Delegation
- Brief report from Lab Directors (10-min) John Browne, Joan Woodard, Ron Cochran
- Discuss suggested action items (10-min) Fact-Finding Delegation
- General discussions (15-min) All
- Summary and next steps 5-min) T. J. Glauthier

Meeting Next Steps/Action Items

Who	What	When
Everyone	**Formulate your views on the kinds of actions the Task Force should consider for the final report**	
Tom Tamura	**Collect information on member's suggestions for Task Force final report action items and circulate to everyone**	
Everyone	**Share with either Tom or John where you feel you will be most useful re: suggested action items and issues.**	
MA	**Arrange next Task Force meeting including when and how**	
John Robinson and Yvonne Lee	**Coordinate follow-up visits to lab sites**	
Jim Turner	**Supply Fortune Magazine Article re: 50 Best Companies for Asians, Blacks, and Hispanics (July 19, 1999) to Task Force Members**	**(see attached)**
John Browne	**Share best practices with Poli Marmolejos**	
Bob Gee	**Help to coordinate meetings with outside groups and related activities**	

Meeting Summary

- T.J. Glauthier opening remarks:

    - Review Task Force purpose – recommending actions to the Secretary that will help ensure that racial profiling does not occur at the Department. Task Force time frame is short. The Task Force will deal with the results of fact-finding delegation visits to labs, make additional visits and present recommendations to the Secretary by the end of November.

- Lab visits had four major objectives (1) reiterate Secretary's pledge of fairness, vigilance and equity in the DOE workplace, (2) to record and report faithfully observations, focusing especially on Asian employees, (3) seek recommendations for our agenda, and (4) to assess leadership and management effectiveness in dealing with this situation. I was at two of the labs during the fact-finding delegation's visits and I know personally that there was a lot of interest from lab employees.

- Meeting today is not about Dr. Wen Ho Lee per se, but about treating our employees with respect and dignity, and about finding ways to prepare/avoid the next situation.

- John Robinson discussed proposed charter and membership
  - Logic of the Task Force membership: this is an internal group; and pertinent offices lend expertise, corporate approach.
  - Substitutions are OK but they should be relevant people.
    Info from Task Force can be shared but in ways that are helpful.
    Because this is an internal group, we need to address how to approach the community organizations.
    We are a membership of 19, which is enough to get some work done. After meeting, determine how best to maximize contributions.
    Looking at the charter: Taking Action Steps – what we do needs to make a difference in the ways T.J. is talking about. "To Ensure" – there is a lot in the verb "ensure." It also says we will guard against discrimination against ALL employees – result of meetings was catalytic which is why we have assembled this group to deal with all discrimination, not just discrimination against one group.
    Our goal is to provide the Secretary a Work Plan by the end of September that summarizes path forward.

- Tom Tamura presented Awareness Briefing on Findings from the Fact-finding Delegation (See Tab D Briefing Book)

- Lab Directors' Reports (See Tab F Briefing Book)

  - Los Alamos is focused on communication, engaging employees and teaming with other labs to share best practices. LANL has also attempted to separate diversity issues from affirmative action issues by creating two organizations.
  - LLNL is focused on communicating and working with the Asian community to identify causes of concern, meeting with focus groups, and working with local newspapers.
  - Sandia has established an 18-point action plan, and has involved groups to further prioritize their actions; which include eliminating the DICE briefing, getting information down to first level supervisors, and addressing local citizen groups concerns.

- Tom Tamura and John Robinson reviewed the Suggested Action Items and Issues (Refer to Tab G Briefing Book)

  - Item #1: Secretary's 5/19 memo - all three labs have accomplished this. Need additional focus on the "brain drain" issue in their Action Plans.
  - Item #2: Polygraph Program - Security Affairs and Counterintelligence are participating in and organizing briefings at HQ and in the field at employee and management levels. Counterintelligence teams are also briefing reporters in the field on this and working with Public Affairs here at HQ. Also, we are currently in the comment period of the public rulemaking process. Sandia raised the issue that people want to discuss "what if" scenarios. General Counsel clarified that the comment period of the rule making process is legally distinct from the resolution process. Once we have a final rule we can have more briefing sessions to answer the "what if" types of questions.
  - Item #3: Sensitive country identification on badges of foreign nationals – required in uniform set badge requirements Security Affairs recommended to the Secretary last year (he accepted the recommendation) and are necessary for security personnel at the labs to do their jobs. Sandia has submitted a request to the Department to include only whether or not the person is from a sensitive country and not which country.
  - Item #4: Memo clarifying difference between foreign national and naturalized U.S. citizen – this issue has been dealt with effectively by the Office of Counterintelligence. (Referenced July 14, 1999 Secretarial Memo forwarding new DOE Policy/Notice on "Unclassified Foreign Visits and Assignments".
  - Item #5: Revisions to the Defensive Information to Counter Espionage (DICE) briefing were discussed. (Note: Subsequent to the meeting, Ed Curran advised that the offensive DICE briefing will not be used in the future.)
  - Item # 6: Follow-up visits to labs endorsed by the Task Force. Members of the Task Force will be asked to participate in the visits.

  - John Robinson reviewed briefly the Suggested Issues (Tab G), and suggested that we should be governed by the following guiding principles:

    - Balancing communication – face to face is important
    - Using best practices
    - Rebuilding trust through participation
    - Finding ways to get feedback

- **General Discussion**

  - Yvonne Lee – we need to ensure communication process is broadened beyond leadership groups to all employees
  - Roger Lewis – involve other labs in this Departmental efforts by sharing best methodologies from Sandia, LLNL and LANL.
  - Jim Turner – re a Fortune 500 article on the Top 50 companies for Asians, Blacks and Hispanics. Suggest we consider researching some of these companies and find best practices that we can apply here. Some common characteristics included: opportunity to talk freely about feelings via

extensive dialogue groups, diversity throughout management, no glass ceiling.

- Mary Anne Sullivan – allow surrogates to attend every meeting so they know what's going on and can step in effectively
- James Lewis - interested in what LANL is attempting to accomplish by separating diversity and affirmative action – - to which John Brown and Michael Trujillo replied that each is equally important but distinctively different and having separate offices highlights each and gives each better definition which leads to better understanding. LANL diversity groups and Lab Council strongly endorse the concept and it seems to be working so far.
- Poli Marmolejos – would like John Browne to share best practices with his office because many of these issues are systemic and not unique to the Asian population. Civil Rights would like to incorporate best practices into their training on hostile work environments.

- **Next Steps**
  - **See table above**

Los Alamos National Laboratory

Los Alamos, New Mexico 87545 Operated by the University of California for the Department of Energy

Office of the Director

October 15, 1999

Mr. T. J. Glauthier
Deputy Secretary of Energy
US Department of Energy
Forrestal Bldg., Rm. 7A-219
Mail Stop 7E-079
Washington, DC 20505

Dear Mr. Glauthier:

Enclosed is our latest report and action plan regarding the observations of the Fact Finding Delegation on Racial Profiling. This communication summarizes our Senior Executive Team accomplishments as well as presenting our plan for future actions. We will continue to develop and implement action oriented plans that promote a quality work environment, fully utilizing the talents and capabilities of the Laboratory's diverse workforce. We will create a welcome environment where all employees can flourish and perform at their full potential emphasizing well-being, civility, and fairness in the workplace.

I reiterate that I will not tolerate any disregard for civility, equal opportunity, or mutual respect at our Laboratory. I will not tolerate racial profiling or illegal discrimination of any kind. Our Laboratory will continue to support and emphasize AA/EEO, managing diversity, and human resources programs.

I have asked Mick Trujillo, our Equal Employment Opportunity Officer, to serve as my back-up and lead person in assuring that we complete and evaluate our performance in each area of our action plan.

I again thank Tom Tamura, John Robinson, and Yvonne Lee for their leadership and support. We look forward to working with them and you in the future.

Sincerely,

John C. Browne
Director

JCB:em

(505) 667-5101 / Fax (505) 667-2997

Los Alamos National Laboratory

I. Review of Past Actions

1. Laboratory Director Browne has made public anti-discrimination statements. On May 17, 1999, he stated in an all employees memorandum:

   "...I want to make it very clear to our employees that discrimination on the basis of national origin, or ancestry is illegal and will not be tolerated by the Laboratory. If any employee feels that their rights are being denied as a result of recent events, please bring this to my attention immediately."

   "...We recognize the outstanding talent that you (visitors from foreign countries) bring to our institution and the valuable contributions you make. It is inevitable that the current criticisms directed at the Laboratory by the media and politicians have heightened your fears about your positions and future involvement with the Los Alamos scientific community. If any of our foreign visitors experience inappropriate treatment while present at the Laboratory, I want you to bring it to my attention. I will do everything in my power to protect our ability to continue to engage in appropriate collaborations with the international scientific community."

   "Your research in support of our mission has high-level support across the nation. Secretary of Energy, Bill Richardson in a recent New York Times article noted the importance of international Science: "It is critical that our laboratories which hold so many of our important research facilities and our finest scientists do not become isolated from the world. We interact with the best scientists in the world because it's in our national interest. We must understand that for science to rapidly advance at the frontiers, it must be open. Excellent science underpins all the national security work we do".' "

2. Laboratory Director Browne has reinforced his anti-discrimination message to all employees. On September 24, 1999, he stated in the all employees OEO Newsletter:

   "...I reaffirm the Laboratory's commitment to workforce diversity, Affirmative Action, and Equal Employment (AA/EEO)."

   "...As we continue to deal with the issues related to allegations of espionage at the Laboratory, I want to reiterate that there will be zero tolerance for discrimination including racial profiling at the Los Alamos National Laboratory."

"I concur with remarks recently made by Secretary of Energy Bill Richardson. The alleged actions of any one individual are not a reflection on any other person, whatever their race, color, creed, ethnic background, or nation of origin."

3. The October/November 1999 all employees issue of the OEO Newsletter explained the split of the former Diversity Office into two distinctly different, yet equally important organizations; the Office of Equal Opportunity (OEO) and Managing Diversity (DV). Services and contacts were identified (a copy is included).

4. Laboratory EEO Officer, Mick Trujillo, presented the DOE Taskforce Against Racial Profiling Observations to the Laboratory's top management at a Laboratory Information Meeting (LIM) on September 27, 1999. Director Browne required the review of the University of California, DOE, and Laboratory policies of zero tolerance for racial profiling or discrimination of any kind with all Laboratory supervisors and managers. These managers in turn will communicate this message to all employees. Division Directors and Program Directors will report completion of this assignment to the Laboratory's EEO Officer.

5. Director Browne met with members of the Asian American Diversity Working Group on March 18, 1999. (This organization includes non-citizen Asian and Pacific Island employees). The Asian and Pacific Island employees were encouraged to participate in a candid discussion concerning allegations of racial profiling and/or their experiences since the allegations of espionage surfaced.

6. Associate Laboratory Director for Nuclear Weapons, Steve Younger, hosted a series of Division meetings with one major topic, zero tolerance for racial profiling. One of these meetings was held on May 7, 1999, with all X-Division employees.

7. During the month of May 1999 the Acting Associate Laboratory Director for Strategic and Supporting Research, Hans Ruppel, met with foreign national employees from Biosciences (B), Center for Non-Linear Studies (CNLS), Chemical Science and Technology (CST), Environmental Science and Waste Technology (E), Earth and Environmental Sciences (EES), Los Alamos Neutron Science Center (LANSCE), Materials Science and Technology (MST), Physics (P) and Theoretical (T) Divisions. The purpose of the meetings were to disseminate concise, accurate, and up-to-the-minute information regarding the status of foreign nationals in light of the recent challenges. Results of one such meeting is conveyed in the attached e-mail from T-Division.

8. On October 8, 1999, the Deputy Director for Business Administration and Outreach, Joe Salgado, facilitated the reorganization of the Laboratory's Ombuds Office. In order to enhance early resolution resources for Laboratory

employees, the Mediation Center has been organizationally moved under the Ombudsman. The Ombuds organization and Mediation Center were approved for additional personnel in order to increase services and reduce appointment waiting time.

9. Lisa Gutierrez is the new Managing Diversity Office Director and will hire on December 1, 1999. She is immediately responsible for developing and implementing a Laboratory Diversity Strategic Plan including elements of diversity awareness training, civility, ethics, and zero people mistreatment incidents. A copy of her introductory diversity awareness and sensitivity training program is included in the action portion of this report.

10. The Office of Equal Opportunity published their first all employees newsletter in October. The major themes are fairness, equal opportunity, and affirmative action and elements of managing diversity.

11. The Laboratory Employee Work Environment Survey was distributed to ~7,000 Laboratory employees. The deadline for return was October 8, 1999, and we received 2,904 responses or 41.4%. Results will be presented to top management in the following meetings: Deputy Director for Business Administration and Outreach, Joe Salgado, November 1, 1999; Senior Executive Team (SET), November 8, 1999; and All Managers, December 13, 1999. Following these briefings, Deputy Director Salgado, Diversity Office Director Gutierrez, EEO Officer Mick Trujillo, and a group of Laboratory employees will identify future actions.

12. On July 16, 1999, Director Browne held a "Brown Bag Meeting" with Asian and Pacific employees. This was an informal question and answer meeting with an emphasis on the latest challenges as a result of the allegations of espionage.

13. The Los Alamos National Laboratory will stop using the DICE Counterintelligence presentation because of concerns raised by minority and female employees.

II. Future Actions

1. The Los Alamos National Laboratory along with Johnson Controls Northern New Mexico (JCNNM), Protection Technology of Los Alamos (PTLA), and the Department of Labor (OFCCP) initiated the Northern New Mexico Industry Liaison Group (NNMILG). The NNMILG brings together Federal contractors, subcontractors, and the Department of Labor in a sharing, teaming, and cooperative forum of information exchange. John Browne will deliver the UC, DOE, and Laboratory policy of zero tolerance for racial profiling at the December 1999 NNMILG meeting.

2. Dr. Carolyna Smiley-Marquez will address top management at the Laboratory Information Meeting (LIM) on November 15, 1999. The title of her talk is "I'm a Stranger Here Myself: The Dynamics of Difference." A copy of her bio and abstract are included.

3. Dr. Carolyna Smiley-Marquez will lead a 4-hour workshop for the Laboratory's Human Resource generalists and assistants on November 15, 1999. The title of her talk is "I'm a Stranger Here Myself: The Dynamics of Difference."

4. Santiago Rodriguez, Diversity Director for Microsoft Corporation, will address Laboratory's leaders at an All Managers meeting in January. The title of his talk is "Evaluating Our Own and Different Cultures." Santiago's presentation to Laboratory leaders and managers is a pilot presentation for their review and evaluation. We anticipate positive reviews resulting in future sessions for all Laboratory employees, managers, and supervisors.

5. Director Browne is scheduled to meet with the Laboratory Diversity Council (LDC) in November. The primary topic of the meeting is "Zero Tolerance for Racial Profiling," however, LDC members may raise other issues if they so desire.

6. Director Browne will request a November meeting with the members of the Los Alamos Chinese Cultural Association, Los Alamos Chinese Bible Study Group, Los Alamos Chinese Choir Group, Informal Korean Group, and Informal Indian Group. Again, John Browne will address issues/concerns raised by the membership of these groups.

7. The Laboratory's Senior Executive Team (SET) is responsible for communicating polygraph testing information to all employees in a timely manner. Information will be provided at division meetings, group meetings, and through the Laboratory Newsbulletin.

8. Laboratory Human Resources Division leaders are re-engineering our employment process to include emphasis on Affirmative Action/Equal Employment Opportunity.

9. The Laboratory's EEO Officer, Mick Trujillo, will expand the EEO Tri-Lab Forum in order to share best practices and learn from others experiences how to further equal employment opportunity and affirmative action.

10. The Laboratory's Diversity Office Director, Lisa Guitars, will implement diversity awareness and sensitivity training. A copy of her initial training program is included.

11. The Laboratory's EEO Officer, Mick Trujillo, Director of Human Resources, Helga Christopherson, and the Asian American Diversity Working Group will develop a significant, highly visible, and measurable affirmative action plan to

increase the representation of Asian Pacific American employees in top management. The plan will include a division leader level champion reporting directly to the Senior Executive Team.

12. On a regular basis, and in compliance with the Laboratory's AA/EEO programs, managers are required to inform their employees that racially oriented jokes are prohibited.

13. The Laboratory's Human Resources leadership will review recruiting strategies and recruiter training to assure currency, accuracy, and sensitivity of associated information in order to provide complete information to potential employees.

14. In cases of unresolved issues associated with polygraph tests, Laboratory management will do everything possible to protect employees jobs. Re-assignment to other positions, consistent with allowable security level and skills consideration, will take place whenever possible.

15. Due to funding concerns related to Laboratory Centers where many foreign nationals are employed, the decision has been made to protect all post-doc positions.

Sandia National Laboratories
Operated for the U.S. Department of Energy by
Sandia Corporation

Wendell Jones
Laboratory Ombudsman

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Fax: (505) 844-9768

Internet: wbjones@sandia.gov

October 12, 1999

Mr. Tom Tamura
Deputy Director,
Office of Management and Administration
MA-1
Department of Energy
Washington, DC 20585

Dear Tom:

Attached is The Sandia National Laboratories Amended Action Plan for the work of the Task Force Against Racial Profiling. We continue to focus on those actions identified as being most worthwhile by our Asian Pacific American employees and community.

Please feel free to contact me if you'd like more information.

Best regards,

Wendell Jones

Glauthier action plan assignments expected to be completed before 8/30/00

Action Response Number*	Action required	Responsible person	Target date	Status
1	Commitment from Counterintelligence to not use the DICE tapes in the future. Memo is written to the Chair of the Asian Leadership and Outreach Committee (ALOC), Dahwey Chu, agreeing that Ray Semko will not be used for any future all-hands briefings and that the DICE tapes will not be used because of the need for a more balanced presentation. Executive management will preview future counterintelligence all-hands briefings to ensure that "profiling" is absent and that an effective balance and counter to inappropriate generalizations about classes of people, by race and/or gender, are included	Roger Hagengruber Lynn Jones draft a letter for Roger Hagengruber to send to ALOC. Roger Hagengruber or delegate.	10/15/99 11/1/99 As they occur	
2	Several Vice Presidents have committed to have their Division Diversity Councils follow-up with the Asian Pacific American community and recommend further actions as appropriate. As these issues are worked, they should become part of the Division Diversity Action Plan.	VPs as appropriate	8/1/99	Complete
3	Send a copy of the Paul Robinson/Joan Woodard letter that was addressed to all employees dated May 11 to various local concerned citizens' groups.	Paul Robinson sends memo. Dahwey Chu provides distribution list and drafts a cover letter for Paul Robinson.	11/1/99	
4	Briefing is given to recruiters and staffing specialists at the beginning of each recruiting year advising them on the access restrictions (internal web. technical area, LDRD) by foreign nationals.	Lynn Jones (Melanie Florez) and Charlie Emery (Ed Gullick)	12/1/99	
5	Memo is sent from executive management to all management and ALOC giving some general guidelines about what to do if people are asked by the FBI to be interviewed as a result of any acquaintance they may have or had with Wen Ho Lee. If no other general guidelines are given, they should at least be encouraged to speak with their management or Security.	Lynn Jones	11/15/99	
6	Continue to provide input to DOE regarding the importance of limiting the use of polygraph testing. Work to ensure that communications regarding an	Lynn Jones	10/15/99	

Glauthier action plan assignments expected to be completed before 8/30/00

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3	Send a copy of the Paul Robinson/Joan Woodard letter that was addressed to all employees dated May 11 to various local concerned citizens' groups.	Paul Robinson sends memo. Dahwey Chu provides distribution list and drafts a cover letter for Paul Robinson.	11/1/99	
4	Briefing is given to recruiters and staffing specialists at the beginning of each recruiting year advising them on the access restrictions (internal web. technical area, LDRD) by foreign nationals.	Lynn Jones (Melanie Florez) and Charlie Emery (Ed Gullick)	12/1/99	
5	Memo is sent from executive management to all management and ALOC giving some general guidelines about what to do if people are asked by the FBI to be interviewed as a result of any acquaintance they may have or had with Wen Ho Lee. If no other general guidelines are given, they should at least be encouraged to speak with their management or Security.	Lynn Jones	11/15/99	
6	Continue to provide input to DOE regarding the importance of limiting the use of polygraph testing. Work to ensure that communications regarding an	Lynn Jones	10/15/99	

	such testing describe it as just one tool that is used to ensure that security is appropriately protected and that polygraph test results do not constitute the singular and sole basis for determining suitability for the work.			
7	Same as #6			
8	Work with DOE to clarify the rules on reporting requirements for contacts with foreign nationals; i.e., prior approval, off-site, on-site, face-to-face, and ask for DOE's help to ensure consistent application between field offices. SNL Internal Security and Counterintelligence offices get together and agree on consistent rules and applications. Once rules have been clarified, make sure that there are consistent rules on the internal web and make it clear on this site that sensitive country foreign national requirements DO NOT apply to native born or naturalized U.S. citizens. Include a list of authoritative contacts that people can call with questions and make sure those contacts give consistent information. Work with DOE to clarify the intent of the Secretary's message that deliberate actions that compromise security (moving classified material to an unclassified computer) will be punished.	Lynn Jones (Melanie Florez, Bruce Dove, John Kirby, Dahwey Chu) Lynn Jones (Melanie Florez, Bruce Dove, John Kirby, Dahwey Chu) Lynn Jones (Melanie Florez, Bruce Dove, John Kirby, Dahwey Chu) Lynn Jones (Melanie Florez, Bruce Dove, John Kirby,)	11/15/99 12/1/99 12/15/99 11/15/99	
9	Briefing is given to recruiters and staffing specialists at the beginning of each recruiting year to update them on the following: the proper way to ascertain citizenship, the fact that "naturalized" citizens are NOT sensitive country foreign nationals, and the importance of relaying the Laboratories' commitment to diversity and Paul Robinson's anti-discrimination message.	Charlie Emery (Margaret Harvey, Ed Gullick)	11/15/99	
10	In the EEO/AA briefing package available to all managers, include the message that racially-oriented jokes are prohibited, just as sexually-oriented jokes are prohibited. Reaffirm in the briefing package that the DOE "zero tolerance" policy on security is not a reason for discrimination.	Charlie Emery (Margaret Harvey)	11/15/99	

11	VPs will clearly communicate to their directors and the directors will clearly communicate to their managers and the managers will clearly communicate to their direct reports, the following: ■ That it is important for everyone to be responsive to any potentially discriminatory issues, to make sure we retain outstanding employees and can recruit outstanding candidates. (People should know that choosing not to consider someone to work on a project based on ethnicity in order to meet milestones or deliver a product does not translate into a good business decision. It translates into discrimination and racial profiling.) ■ That we are committed to Secretary Richardson's stance** on nondiscrimination. ■ That all of Sandia's policies on nondiscrimination and unacceptable behaviors will be adhered to. ■ That it is expected that the entire management team will retain a high degree of sensitivity and concern around these issues and will exhibit it through appropriate communications and actions and will expect the same from their staff. ■ That management and non-management alike, who don't adhere to the rules and policies, will be coached to address inappropriate behaviors and actions. ■ That "zero tolerance"*** for mistakes is not a reason for discrimination. (Good faith efforts for recruiting Asian Americans, as well as other minorities, should be rewarded, even if security later is raised as an issue.) ■ That we should continue to build an environment focused on inclusion. We should continue to build a culture where it's expected that concerns are brought forward and that management acts on those concerns. Note: (Such communications can be reiterated within the context of annual EEO/AA briefings conducted by managers. In those briefings, managers should include the message that racially-oriented jokes are prohibited, just as sexually-	All VPs, Directors, and Managers. Conduct a roll-up accounting that is compiled in the EVP office (Wendell Jones)	11/15/99	EVP initiated the roll-down (9/27/99)

	oriented jokes are prohibited. Tools for developing competence in managing diversity (e.g., awareness courses like "Inclusion is a Conscious Choice" and the web-based development tool, "Managing Diversity Competence: Achieving Results Through People") will be available as part of the competency portfolio for managers.)			
12	Continue to work with DOE to have the country of citizenship on the badges of foreign nationals removed.	Lynn Jones	12/1/99	
13	Promptly notify all foreign national employees when policy changes occur regarding internal web access by foreign nationals. Clarify Sandia's policy for temporary employment of non-citizens as well as permanent employees via a memo from Joan Woodard.	Lynn Jones (Jennings Hamilton) Joan Woodard send memo to all management. Charlie Emery to draft memo.	As necessary 12/1/99	
14	Paul Robinson will send a memo to all employees summarizing where we stand on the polygraph issue and state that polygraph failure in itself does not cause a loss of employment. In the letter, he should announce the establishment of the new polygraph testing web site referred to below. Establish a polygraph testing web site that describes the polygraph process and includes an e-mail address for submitting questions. First populate the site with Q&As that have already been received and responded to. Make sure that we describe polygraph testing as just one tool that is used to ensure that security is appropriately protected and that polygraph test results do not constitute the singular and sole basis for determining suitability for the work.	Paul Robinson to send memo to all employees drafted by Lynn Jones Lynn Jones to establish the web site.	12/1/99 12/1/99	
15	Paul Robinson will contact General Habiger and propose that he go on record and be seen stating the intent and practices of DOE security is not and will not use ethnicity as a basis of security actions.	Paul Robinson	12/1/99	
16	Sandia will share more details of the EEO/Ombuds/Ethics system with other DOE Labs.	Margaret Harvey, Wendell Jones, Miguel Robles	As opportunities arise	
17	See actions under #10 and 11			
18	Sandia's New Employee Orientation will include a segment on "People: Our Competitive Advantage." The segment will focus on dimensions of diversity,	Charlie Emery (Margaret Harvey)	11/1/99	

	some of the associated issues, and some of the tools available to all Sandians to help in promoting an environment that is inclusive of all our employees. This segment will include information regarding Sandia's Outreach/Inreach Committees and Networking Groups, with appropriate contacts identified, so that employees will be aware of some of their networking opportunities.			
	Generate and provide data regarding recent EEO filings to the SNL EEO office to check for APA initiated charges.	Charlie Emery (Margaret Harvey)	10/1/99	9/30/99
	Generate and provide data regarding APA employee representation in the management ladder and the parallel staff ladder.	Charlie Emery (Margaret Harvey)	11/15/99	

*Response number corresponds to the actions in Sandia's response to T. J. Glauthier dated 8/30/99.

**Richardson said in a recent memo that he *"will not tolerate racial profiling at the Department of Energy or any of its laboratories"* and that the *"alleged actions of any one individual are not -- and never will be -- a reflection on any other American citizen, whatever his or her race, color, creed, ethnic background or nation of origin. This is a central belief of the Department of Energy, the Clinton Administration, the laws of this land, and the fundamental fairness of the American people."*

***DOE's zero tolerance security policy: *"...Under this new policy, he [Secretary Richardson] is sending a signal that no security infractions are acceptable. Penalties will be strengthened, including immediate suspension for verified breaches that risk a significant national security compromise, or display a willful disregard for security procedures."*

Lawrence Livermore National Laboratory

AFFIRMATIVE ACTION AND
DIVERSITY PROGRAM

November 3, 1999

The Honorable T.J. Glauthier
Deputy Secretary and
Chief Operating Officer of the
Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Dear Mr. Glauthier:

It was our pleasure to participate in your visit to Lawrence Livermore National Laboratory (LLNL) last month. I am sure it was evident during your visit that the topics of racial profiling and the need to ensure continued technical education with foreign nationals have generated a great deal of passion among many LLNL employees who feel directly impacted by it. I trust it was also apparent that our management is equally concerned about resolving these issues. Lawrence Livermore National Laboratory is accustomed to solving large, complex problems. We realize that the delicate sociological implications of issues such as these often do not lend themselves to the comparatively "straightforward" solutions of technical problems! However, with your help, we are confident that we will resolve these matters with the same degree of excellence that has characterized Livermore technically through the years.

Enclosed please find the Laboratory's *Newsline* publication covering your October 21 visit. We hope that the article captures to your satisfaction the salient features of your visit, as well as the overall mission of the Task Force. We have also included the document that appears on our web page showing the status of the follow-up actions on related Laboratory commitments.

LLNL is working toward being a Diversity leader for Northern California and the DOE complex. Demographic projections clearly indicate that successfully negotiating America's future diversity, particularly in the areas of science and technology, will greatly depend upon Asian Americans and our ability to gain a better understanding of their values and concerns. We are committed to working with our employees to transform this unfortunate episode into a valuable opportunity for achieving lasting improvements.

We look forward to your comments and observations from this last visit. In the meantime, we will continue to implement the actions detailed in our implementation plan. Please let me know if I can further assist you in any way in our joint efforts to resolve these issues.

Sincerely,

Tommy E. Smith, Jr.
Director
Affirmative Action & Diversity

Attachments

Cc: Bruce Tarter
Jim Turner
Ronald Cochran
James Lewis
John Robinson
Yvonne Lee
Tom Tamura
Sheryl J. Boute'
Merna Hurd
Daphne Kwok

AADP00-021:TS:cc

ITEM	PRELIMINARY ACTION ITEMS	IMPLEMENTATION	FISCAL IMPACT	BEGIN DATE	DURATION	END DATE
	PART 1 – ETHNIC PROFILING ISSUES RELATED TO ALLEGED ESPIONAGE					
1.00	Reissue a policy statement to all employees	Statement will be issued after Director's televised address	Negligible	11/9/1999 (approx.)	1-week	11/24/99
1.10	Reiterate the Secretary's and Director's policy on ethnic/racial profiling	Director Tarter has had a series of meetings with Laboratory organizations to reiterate the Lab's nondiscrimination policy, and to become more acquainted with employee concerns	None	May-99	Ongoing	Mar-00
1.11	Affirm that the Laboratory makes no distinction between naturalized and native-born American citizens.	Issue statement in conjunction with Director's address and provide other distributed documentation	None	11/9/99	1-Week	11/24/99
1.12	Provide guidance regarding treatment of foreign nationals which builds on new DOE guidance.	New guidance currently being developed by LLNL SAFE program; policies also being reviewed by DOE	Negligible	Dec-99	Ongoing	N/A
1.13	Identify who to notify if there are concerns about ethnic/racial profiling or dealing with foreign nationals.	Actions will take place in conjunction with Director's televised "State of the Lab" address currently scheduled for November 9, 1999, and included on LLNL Web Page – www.llnl.gov/aadp/	None	11/9/99	1-Day	11/9/99
1.20	Increase sensitivity to APA concerns:	Specific actions described below				
1.21	Convey information developed in the ad hoc survey by APA employees to senior managers.	On November SMM meeting agenda	None	Nov-99	1-Day	Nov-99
1.22	Discuss the concerns and specific anecdotes described in the Delegation's observations at directorate meetings; invite Tommy Smith to discuss background and facilitate discussion.	Will occur on as-needed basis; supervisors and managers will invite T. Smith (and/or others) to organizational meetings if viewed as beneficial	None	Nov-99	Ongoing	Mar-00
1.23	Issue a memo to all supervisors as above.	Preliminary guidance issued in earlier documentation; additional instructions incorporating Task Force findings will follow. Topic also addressed in LLNL Supervisory Training class	Negligible	Dec-99	1-Month	Jan-00
1.24	Present to the Diversity Forum results of the survey by APA employees.	On November Diversity Forum agenda	None	11/2/99	1-Day	11/2/99
1.25	Work with APA employees and other groups to advise AADP and the LEO on these matters.	In process, will continue on indefinitely	Negligible	May-99	Ongoing	N/A
1.26	Use focus groups to more finely hone APA issues	Implementation contingent on feedback from above activity	Negligible	Dec-99	2-Months	Mar-99
1.27	Present the Delegation's observations on our Web page together with our action plan responding to these issues.	Currently implemented; changes and updates on-going www.llnl.gov/aadp/	None	Oct-99	Ongoing	N/A
	PART 2 – "WORK CLIMATE" ISSUES BEYOND ETHNIC PROFILING RELATED TO THE ALLEGED ESPIONAGE ISSUE					
2.00	The Delegation pointed out (in Item 11 - Catalytic Effect) that recent events and publicity brought to the surface other issues, not directly related to the allegations of espionage. The Laboratory has taken and will continue to take actions to address them, to reduce the anxiety around this topic by promoting communication and helping to clarify ambiguous policies and guidance.	Specific actions described below				

ITEM	PRELIMINARY ACTION ITEMS	IMPLEMENTATION	FISCAL IMPACT	BEGIN DATE	DURATION	END DATE
2.10	In order to assure appropriate balance between security requirements and the need to avoid even the appearance of racial profiling, the policy intersections between protected unclassified information, zero tolerance, and potential for ethnic profiling of employees will be examined.	A committee of representatives from HR, SAFE, AADP and other relevant organizations is being assembled to develop appropriate practices addressing this issue.	Potential for significant effort costs	Oct-99	Potentially several months	Unknown
2.20	Enhance LLNL's internal communication philosophy and practices, more information to supervisors, etc.	In process - options include monthly info briefings, e-lines, etc.	Unknown (varies with options)	Oct-99	Ongoing	N/A
2.30	Review Sandia's conflict resolution practices that made the Delegation identify it as the benchmark. The delegation cites "better coordination for conflict resolution," "system and staff there were impressive". Adopt "best practices" where feasible.	In-process, working with Sandia Albuquerque.	Unknown but most likely negligible	Oct-99	2-Months	Feb-00
	PART 3 – "WORK CLIMATE" ISSUES: CAREER DEVELOPMENT CONCERNS					
3.00	LLNL will continue to work with Human Resources, AADP, and other organizations to refine procedures for ensuring equity in all aspects of our compensation and performance management systems.	Specific actions described below				
3.10	In addition to efforts to ensure that performance is accurately assessed, and that compensation is commensurate with these assessments, LLNL is also engaged in a number of career development activities focused on minorities and women, these include:	AADP to perform salary reviews. Also make leadership development training available to other Affirmative Action groups	Unknown	Nov-99	2-Months	Feb-00
3.11	Leadership Education for Asian Pacifics (LEAP)	AADP will continue to offer/co-sponsor with Directorates	$65K	Apr-00	4-Months	Aug-00
3.12	Professional Development Mentoring Program	AADP will continue to offer/co-sponsor with Directorates	$30K	Sep-99	Ongoing	N/A
3.13	African American Leadership Development Course	AADP will continue to offer/co-sponsor with Directorates	$25K	Aug-99	Ongoing	N/A
3.14	Technical and Professional Women's Symposium	AADP will continue to offer/co-sponsor with Directorates	$30K	Oct-00	1-Week	Oct-00
	PART 4 – FOREIGN NATIONALS					
4.00	Secretary Richardson has already spoken out regarding the need for international collaboration. Only through such exchanges can we continue to conduct cutting-edge research and development to achieve our missions. Our employees need good guidance—from DOE and Lab management—to assure that security is protected without losing the benefits of such exchanges.	Specific actions described below				

ITEM	PRELIMINARY ACTION ITEMS	IMPLEMENTATION	FISCAL IMPACT	BEGIN DATE	DURATION	END DATE
4.10	In order to assure appropriate balance between security requirements and the need to avoid even the appearance of racial profiling, the policy intersections between protected unclassified information, zero tolerance, potential for ethnic profiling, and impacts on foreign nationals should be examined.	Laboratory committee previously discussed (2.10) will address this issue also.	Potential for significant effort costs	Oct-99	Potentially several months	Unknown
4.20	New badging should be examined to assure there is minimum profiling consistent with national security requirements.	Practices are currently under review.	Unknown	Oct-99	Several months	Unknown
4.30	Use focus groups to more finely hone foreign national issues.	Initial plans developed after November Diversity Forum meeting.	Negligible	Nov-99	2-Months	Mar-00
4.40	Identify a point of contact for foreign national employees to answer questions about Lab policies for them and deal with issues involving foreign nationals. This person would address issues beyond those normally handled in Human Resources.	Currently HR, AADP, SAFE, National Security Directorate – working with Sandia toward adopting their program model in November.	Possibly cost of 1-FTE	Nov-99	4-Months	Mar-00

Report of Observations and Recommended Actions to The Department of Energy Task Force Against Racial Profiling

Carson Eoyang, Program Chair, Asian American Government Executives Network
Daphne Kwok, Executive Director, Organization of Chinese Americans
Joanna Su, President, Asian American Institute
Jeremy Wu, Chair, Asian American Government Executives Network

Washington, D.C.
November 18, 1999

1. Background

"Racial profiling" is generally defined as wrongful and hurtful judgments about an individual or group of individuals based solely on their ethnicity or color of their skins.

In the course of our nation's history, Congress enacted the Chinese Exclusion Act in 1882 to forbid the immigration of Chinese and other Asian laborers into the United States for over 60 years, to be followed by more than 20 years of extremely low immigration quotas. During the Second World War, Americans of Japanese descent were uprooted and interned as their loyalty came under intense suspicion solely because of their race and national origin.

Time and again, Asian Pacific Americans (APAs) have been cast as the scapegoat of America's economic, social, political and other ills. In the words of actor and community activist George Takei, APAs are "Americanized foreigners" - a stigma that forever challenges our patriotism and loyalty and threatens our standing and livelihood in the American society.

In the wake of the Los Alamos allegations, the probity and patriotism of APAs are once again questioned. The atmosphere of suspicion and distrust encourages racial profiling in the Department of Energy (DOE), the rest of the federal government, and other places of employment. The Committee of 100, the Organization of Chinese Americans, the National Council of Asian Pacific Americans, the National Asian Pacific American Legal Consortium, the National Asian Pacific American Bar Association, and many other APA organizations have voiced their serious concerns separately and collectively. The Coalition of Asian Pacific American Federal Employee Organizations prepared a position paper about the potential impacts on employment opportunities across the federal government and recommended action items for the Administration to undertake. The scientific community, including the prestigious American Association for the Advancement of Science and the American Physical Society, has adopted formal positions on national security and scientific freedom, citing the need of continuing scientific collaboration for our national defense and decrying any attack on scientists because of their ethnicity as foolish and destructive.

President Bill Clinton and Secretary of Energy Bill Richardson have repeatedly issued statements commending the major contributions of Asian Pacific American scientists and have spoken strongly against racial profiling in the workplace. The Congressional Asian Pacific

Caucus headed by Congressman Robert Underwood held a briefing on the impact of federal investigations at the Department of Energy (DOE) National Laboratories on the Asian Pacific American community on October 5. A bipartisan resolution sponsored by Congressmen David Wu and Tom Campbell passed the House unanimously on November 2. It was resolved that no member of Congress or any other American should generalize or stereotype the actions of an individual to an entire group of people; that Americans of Asian ancestry are entitled to all rights and privileges afforded to all Americans; and that the Attorney General, the Secretary of Energy, and the Commissioner of the Equal Employment Opportunity Commission should, within their respective jurisdictions, vigorously enforce the security of America's national laboratories and investigate all allegations of discrimination in public or private workplaces.

APA community leaders visited Secretary Richardson and his staff for the second time on September 21, 1999, to express their concerns about the fallout of the Los Alamos espionage allegations and its negative impacts on employees of Chinese and Asian descent. The Secretary reiterated his continuing commitment against racial profiling and pledged to "take all actions to root out any activities that offered the slightest hint of prejudice." During the meeting, the Secretary invited the APA leaders to observe the work of the Task Force Against Racial Profiling. The APA leaders accepted the invitation in sincere appreciation of the Secretary's good faith and openness. Four of them visited 6 laboratories and sites during the month of October. This is a presentation of their observations and recommended actions to the Task Force.

2. Process and Procedures

Four (4) delegations including individual APA leaders were formed by DOE to visit 6 laboratories and sites at Lawrence Livermore, Stanford, Argonne, Oak Ridge, Savannah River Site, and Brookhaven. Each delegation, including about 2 to 4 DOE representatives and one APA leader, spent about one day at each site.

The delegations employed similar fact-finding techniques at all sites in a variety of settings. It included entrance and exit meetings with local management, focus group meetings with employee and community groups of Asian descent as well as other cultural and ethnic background, a meeting open and televised to all employees, one-on-one private meetings with individuals or small groups, and conversations during breaks and lunch hours.

The head of the delegations repeated the purpose of the delegations, introduced the delegation members, and explained the process in each group meeting. Participants were encouraged to contact any member of the delegations during and after the visit; their e-mail addresses and phone numbers were made available to the local employees.

Although what may be observed in one day is limited, the visits to these laboratories produced observations of generally consistent patterns.

3. Issues and Concerns

Although the fact-finding delegations clearly indicated that its purpose was not about the individual case of Dr. Wen-Ho Lee, the topic was still consistently and understandably brought up at various sites. The comments in reference to the overall impact of his case on APAs are included in this summary report to the Task Force, while other comments specifically about his case are duly noted by the delegations but not included in the report.

The other primary issues and concerns observed by the APA leaders include:

3a. Adverse impact of recent security changes. While the employees generally understand and acknowledge the need for policy and procedural changes due to heightened security, there are serious concerns that some of the changes seem to be ill-conceived and rushed. As a result,

- Several individuals suffered direct adverse actions that appear to be grossly unfair. The unexplained denial of access to the Oak Ridge National Laboratory effectively terminated the assignment of a Chinese national in July. An employee of South Asian background at the Brookhaven National Laboratory also had his identity card confiscated temporarily by the security personnel while visiting the Los Alamos National Laboratory. Four permanent residents of Chinese descent were also reportedly terminated from their post-doctorate assignments at the Lawrence Livermore National Laboratory.

- Some officials made remarks that are considered insensitive or offensive. Examples include the DICE training video, racially offensive jokes, irresponsible comments reportedly made by a former DOE counterintelligence official, and a security stand-down in which a counterintelligence officer repeatedly accused Chinese students and other Chinese nationals for stealing secrets and spying for China.

- There is significant confusion and anxiety about the recent security changes. Some security policies and procedures were viewed as unnecessary, irrational, ambiguous, demeaning, or corrosive to scientific research. The common questions included, but were not limited to:

    - The need of an escort for employees who work on unclassified projects to visit unclassified areas such as the cafeteria and the library,
    - The built-in bias of questions that may be used for polygraph testing,
    - The unclear meaning of different badges in terms of access and restrictions,
    - The demeaning use of security badges for foreign nationals,
    - The required reporting of foreign contacts without consideration of the practical limitations, and
    - The process and implications to classify countries as sensitive and non-sensitive.

- Unfair and uneven application of rules and regulations was reported. The amount of time and complexity required for approval for visa and clearance appear to have increased for foreign scientists of Chinese and Asian origin as well as for naturalized citizens compared to native-born citizens. Additional delays for APAs have also been reported in the checking of identification, packages and bags.

3b. Communications. Employees generally believe that there has been inadequate communication to inform the employees, especially to APA employees, about recent security and workplace changes and the reasons for these changes.

- Although the employees are aware of and applaud the Secretary's statements and directives against racial profiling, they could not easily locate the statements and directives.

- The Secretary's policies against racial profiling could have been more prominently and urgently communicated to all employees.

- Employees believed management did a poor job disseminating critical security information to the employees.

- There was strong interest on how to maintain a communications channel after the delegation visit. The interest grew out of fear of reprisal, a perceived need to surface issues, and an assurance of follow-up action.

3c. Hostile environment. APA employees generally believe that working conditions at the DOE facilities could and should improve. The allegations and negative publicity of the Los Alamos situation have created or further encouraged a hostile environment of suspicion and distrust. The complaints included an increase in jokes and insensitive comments, loss of opportunities, infliction of psychological pain, disparate treatment in administrative (such as travel) policy, and overall sense of isolation experienced by APA employees. Furthermore,

- There is no clear and consistent plan on how to implement the Secretary's directive against racial profiling at the DOE laboratories and sites. Some employees believed that management indifference could be a form of discrimination, referring to the failure or lack of aggressiveness to deal pro-actively with the atmosphere of distrust and suspicion. Some cited the lack of even an identified point of contact in either local management or DOE to raise and have their concerns about racial profiling addressed.

- APA employees and Asian foreign scientists are experiencing the most disturbing changes in their work climate. Many believe that their working and personal relations with their colleagues and supervisors have become strained. The personal anguish of some individuals in the face of this climate is especially acute. Some do not even know how to act properly under the circumstances.

- There were serious concerns expressed that many APAs would be discouraged from seeking employment opportunities with DOE as a result of the espionage allegations.

Several employees reported that their children or relatives have decided not to even think about working at the DOE laboratories. Some APAs noted that they were reluctant to work on classified projects because of the attention such projects would bring to them and their offices.

- Unsupported generalizations and gross exaggerations made by officials offended many people, but APAs were particularly incensed and frightened by such publicly espoused prejudice and xenophobia. While retractions have taken place in some instances when general reactions became evident, there was not a public repudiation of the racially offensive material or an apology for publicizing it in the first place.

- Foreign scientists find the recent work climate to be oppressive and less conducive to full and open collaboration because of newly imposed restrictions on their activities and work relationships. Requiring an escort is inconvenient to the foreign nationals as well as the hosts; wearing a red badge is a visible stigma that further contributes to suspicion and mistrust on both sides.

- Although the delegation meetings were supposed to be open to all employees, there were reports that some employees were discouraged from or not informed about meeting with the fact-finding delegation. There was suspicion that assignments were given at the same time to prevent some employees from attending the delegation meetings. Many complained about the short notice of the delegation meetings as some received notice only the day before the meeting.

3d. Impaired scientific reputation and leadership.

- The scientific community considers openness and collaboration to be essential for scientific research and progress. If the scientific working conditions continue to deteriorate, the best and the brightest regardless of nationality will not consider the DOE laboratories as the employer or collaborator of choice.

- Should the reputation of the DOE laboratories be diminished in the eyes of the larger research community as an exciting, nurturing, and productive place that attracts world-class scientists, the degradation of the quality of research would be inevitable.

- Evidence of a "brain drain" has appeared at some of the laboratories. Once it is established, the scientific reputation and leadership for the DOE laboratories may take many years to repair with inestimable consequences on basic research, including ironically the potential deterioration of our national security.

3e. Glass ceiling and employment barriers. The glass ceiling, the invisible barrier preventing an employee or a group of employees from achieving their potentials and moving upward in their career paths, also appears to be a major employment barrier in the DOE laboratories. The general absence of APA and other minorities in the management ranks and the decision process is a noticeable void. Available statistics show that there has been under-representation and an unexplained, significant decline in the number of APA managers in the last few years. The statistics tend to

support the pervasive glass ceiling problem alleged by many APAs, creating cynicism and distrust towards any plans that purportedly value diversity.

In face of both widespread ambiguity and lower tolerance for misjudgments, some managers may inadvertently discriminate against APAs to avoid criticism, hostile attention or discipline for transgressing official or implicit security expectations. Funding may be withheld; promotions not approved; job offers not made; travel not authorized; projects discouraged; information not conveyed - all because individual managers may be unwilling to take reasonable risks in a climate of xenophobic paranoia.

- According to statistics available at the Oak Ridge National Laboratory and the Savannah River Site, there has been a 50 percent drop in the number of APA managers at both sites in the last few years. APAs are represented in only 0.6% of the management positions at these sites.

- There was general lack of trust in the credibility and effectiveness of the EEO complaint process and the diversity programs; there was also skepticism of what solutions the Task Force itself might be able to achieve.

- There was no evidence of a consistent plan to recruit and retain employees of color.

- Many long-standing grievances by APA and other minorities about lack of equal employment opportunities surfaced during the fact-finding visits. A variety of complaints around lack of diversity in promotions, senior management appointments, college recruitment, career development, environmental justice, and even access to senior management were raised. There were also complaints about pre-selection for vacancies, biased salary scale, retaliation, and other employment barriers.

- APA employees complained that they are rarely appointed to scientific peer review boards. Inclusion in the peer review process is critical to recognition and advancement in the scientific community. Without APAs serving on peer review boards, they face significant hurdles having their work evaluated and recognized properly.

- APA employees said they are reluctant to apply for job openings because they feel they will not be seriously considered. Although these problems have existed for some time, it is now worse because of prevailing suspicion and prejudice.

- Some non-APA managers readily admitted that they would not hire foreign nationals from sensitive countries such as China at this time not because of prejudice, but because of the attraction of undesirable and hostile attention.

- That APAs do not usually or are reluctant to complain about the lack of equal employment opportunity does not mean they are not experiencing discrimination at the workplace.

- Eight of the 22 strategic goals in the 10-year strategic plan for human resources at one laboratory referred to "Valuing Diversity." There was strong language in the plan to root out tokenism and improve the representation of women, minorities, veterans, and people with disabilities to exceeding appropriate availability at all levels. However, APA employees pointed out that there had been few visible efforts toward achieving these goals and no measurable results to show after 6 years.

4. Recommended Actions

4a. Department of Energy

- Act on immediate issues.
  - Review and decide on identified individual cases as described under section 3a and other reported individual cases.
  - Review and act on identified issues about recent security changes.
  - Ensure that all racially and ethnically offensive materials are eliminated from all security briefings and training sessions; educate producers of briefings and information.
  - Issue a public repudiation of the offensive materials that were used in security stand-downs, including an apology for not screening the materials more carefully for content and tone.
  - Ensure that all DOE policies, Task Force reports, and the Secretary's statements and zero tolerance policy against racial profiling and other discriminatory practices receive the widest circulation throughout DOE by e-mail, newsletters, meetings, and other communications channels.
  - Create a central and well publicized Internet or Intranet web site to post the latest information for wide employee access, including employment statistics and progress in diversifying the DOE and contractor workforce.
  - Examine and respond to concerns of increased denials and delays in obtaining visas, security clearances, and naturalized citizenship.

- Establish an inclusive review process for making future security changes with input and advice from local management and employees.
  - Educate producers of briefings and training sessions to avoid racial profiling practices by, for example, calling attention to the global threats to national security rather then focusing on one or two nationalities.
  - Consider and establish more sensitive alternatives, including the use of modern scanning and other technology, to the "touch-badge" policy, the "red tag" identification badge, and related security issues.
  - Explore constructive, equitable measures to strengthen overall security without inhibiting scientific collaboration or stereotyping any specific class of employees; develop them with common sense, timely dissemination of information, considerate of potential impact, inclusive of different employees, sensitive to ethnic and cultural concerns, and vigilant against racial profiling.

- Hold contractors accountable by establishing performance goals and measures with their strategic plan on human resource management (recruitment, outreach, retention, promotion, training, etc.) in the letter and spirit of the Government Performance and Results Act.
    - Conduct regular quality of work life surveys in measuring employee opinions and attitudes.
    - Inform the employees regularly with employment statistics and related facts and progress toward strategic goals.
    - Link performance and results to payment of bonuses and future award of contracts.

- Reform basic operations.
    - Examine means to improve effectiveness in liaison with and monitoring contractor operations including employment practices, outreach, and EEO issues; clarify and resolve potential differences between local security contractors.
    - Establish a more permanent structure to repeat the efforts of the fact-finding delegations; conduct regular reviews to assess the rate and level of improvement resulting from these initiatives.
    - Empower employees with information about their employment rights and complaint process; designate a high-level person who the employees can trust as a point of contact to address racial profiling issues; rebuild the credibility and effectiveness of the EEO and Diversity programs and processes.
    - Establish clear and effective recruitment and outreach programs.
    - Implement best practices including the use of ombudsman and early conflict resolution.

4b. Laboratory Management.

- Respond to immediate issues.
    - Address unresolved individual cases as identified under section 3a and other reported individual cases.
    - Issue timely and frank communications and apology for any use of racially insensitive and offensive materials or remarks.
    - Assure employees against any reprisal toward their participation and voicing in this matter.
    - Reiterate the Secretary's policy of zero tolerance against racial profiling.

- Conduct an equal employment opportunity stand-down.
    - Publicize the various channels for appeal or complaint for those who believe they have experienced or observed discriminatory or prejudicial behavior in the workplace.
    - Broadcast and re-iterate the Secretary's policy against racial profiling and the Task Force reports.

- Provide sensitivity, cultural, and diversity training; remind security personnel to apply procedures evenhandedly and take special care to explain the purpose and justification for inquiring into individual circumstances; clarify the distinctions between foreign nationals and American citizens in the application of procedures.
- Clarify throughout the organization, the implementation of new security procedures regarding physical access, foreign travel, badge control, and information security. Provide underlying explanations and reasoning.

! Form inclusive, open, local management-employee partnerships.
- Improve effectiveness of two-way communications with employees and communities; examine additional means to improve communications with employees.
- Continue regular dialogue with employee interest groups to solicit concerns and suggestions for improving working conditions, including review of pending security changes. Take follow-up action or provide explanations for non-action to have closure on the matters.
- Involve employees in the improvement of work conditions and the evaluation of management; strive for aggressive outreach efforts with local under-served ethnic and cultural groups to consult, communicate, and recruit.