

Department of Commerce

For period covering October 1, 2017 to September 30, 2018

PART A Department or Agency Identifying Information	1. Agency	1. Department of Commerce
	1.a 2nd level reporting component	
	2. Address	2. 1400 Constitution Ave. NW.
	3. City, State, Zip Code	3. Washington, DC 20230
	4. Agency Code 5. FIPS code(s)	4. CM00 5. 1300

PART B Total Employment	1. Enter total number of permanent full-time and part-time employees	1. 41566
	2. Enter total number of temporary employees	2. 4531
	3. TOTAL EMPLOYMENT [add lines B 1 through 2]	4. 46097

PART C	Title Type	Name	Title
Agency Official(s) Responsible For Oversight of EEO Program(s)	Head of Agency	Wilbur Ross	Secretary of Commerce
	Head of Agency Designee	Tom Gilman	Chief Financial Officer and Assistant Secretary for Administration
	Principal EEO Director/Official	Tinisha Agramonte	Director, Office of Civil Rights
	Affirmative Employment Program Manager	Stacy Carter	Director, Policy and Evaluation Division
	Complaint Processing Program Manager	Paul Redpath	Director, Administration & Special Projects Division
	Diversity & Inclusion Officer	Lisa Casias	Deputy Assistant Secretary for Administration
	Hispanic Program Manager (SEPM)	Cristina Bartolomei	EEO Specialist
	Women's Program Manager (SEPM)	Cristina Bartolomei	EEO Specialist
	Disability Program Manager (SEPM)	Monique Dismuke	Senior Disability Program Manager
	Special Placement Program Coordinator (Individuals with Disabilities)	Roseal Fowlkes	Veterans and Disability Employment Program Manager
	Reasonable Accommodation Program Manager	Laura Soria	EEO Specialist
	Anti-Harassment Program Manager	Frank Milman	Labor and Employee Relations Officer
	ADR Program Manager	Bernadette Worthy	Director, Client Services Division
	ADR Program Manager	Bernadette Worthy	Director Client Services Division
	Compliance Manager	Kathryn Anderson	Director, Administration & Special Projects Division
	Compliance Manager	Jerry Beat	Deputy Director, Office of Civil Rights
	Principal MD-715 Preparer	Cristina Bartolomei	EEO Specialist
Principal MD-715 Preparer	Cristina Bartolomei	EEO Specialist	

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PART D
List of Subordinate Components Covered in
This Report

Subordinate Component and Location (City/State)	Country	Agency Code
Department of Commerce Silver Spring, MD	United States	CM54
Department of Commerce Washington, DC	United States	CM51
Department of Commerce Washington, DC	United States	CM61
Department of Commerce Gaithersburg, MD	United States	CM57
Department of Commerce Suitland, MD	United States	CM63
Department of Commerce Washington, DC	United States	CM55
Department of Commerce Washington, DC	United States	CM67
Department of Commerce Washington, DC	United States	CM52
Department of Commerce Washington, DC	United States	CM53
Department of Commerce Alexandria, VA	United States	CM56
Department of Commerce Washington, DC	United States	CM65
Department of Commerce Washington, DC	United States	CM59
Department of Commerce Alexandria, VA	United States	CM62

EEOC FORMS and Documents	Required	Uploaded
Reasonable Accommodation Procedure	Y	Y
Agency Strategic Plan	Y	Y
Anti-Harassment Policy and Procedures	Y	Y
Personal Assistance Services Procedures	Y	Y
Organization Chart	Y	Y
Alternative Dispute Resolution Procedures	Y	Y
EEO Policy Statement	Y	Y
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	N	N
Diversity Policy Statement	N	N
EEO Strategic Plan	N	N
Federal Equal Opportunity Recruitment Program (FEORP) Report	N	N
Human Capital Strategic Plan	N	N
Disabled Veterans Affirmative Action Program (DVAAP) Report	N	N

Department of Commerce

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EXECUTIVE SUMMARY: MISSION

The mission of the Department of Commerce (DOC) is to create the conditions for economic growth and opportunity. The DOC promotes job creation and economic growth by ensuring fair and reciprocal trade, providing the data necessary to support commerce and constitutional democracy, and fostering innovation by setting standards and conducting foundational research and development. Through our bureaus and 46,097 employees located in all 50 states, every U.S. territory, and more than 86 countries, we provide U.S.-based companies and entrepreneurs invaluable tools through programs such as the Decennial Census, the National Weather Service, NOAA Fisheries, and the Foreign Commercial Service. Among many other functions, the Department oversees ocean and coastal navigation, helps negotiate bilateral trade agreements, and enforces laws that ensure a level playing field for American businesses and workers.

This Department of Commerce Management Directive 715 Annual Report and Plan were prepared in accordance with the U.S. Equal Employment Opportunity Commission (EEOC) laws and authority governed under the auspices of Section 717 of the Civil Rights Act of 1964, as amended; the Reorganization Plan No. 1 of 1978, Executive Order 11748 and Section 501 of the Rehabilitation Act of 1973, as amended. The Report and Plan demonstrate the agency's commitment to equal employment opportunity and pursuit towards a Model Equal Employment Opportunity (EEO) Program.

The Department's Office of Civil Rights (OCR) is the designated office responsible for implementing the agency's overall continuing affirmative employment program to promote equal employment opportunity and to identify and eliminate discriminatory practices and policies. Throughout the year, OCR collaborates with the bureau-level EEO and Civil Rights Offices, as well as key stakeholders, to review DOC's workforce data, policies, practices, and programs to identify and remove barriers to EEO while ensuring that each organization is free of discrimination, harassment, retaliation, or reprisal.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

The Department of Commerce (DOC) recognizes that continuous data analysis is key to identifying effective practices and areas of opportunity. Throughout the year, the Department conducts workforce analyses to devise data driven strategies and approaches to ensure equality of opportunity, as it strives to build a diverse, engaged, high-performing workforce and inclusive work environment to accomplish its mission.

This section contains a summary of the workforce analyses conducted in accordance with Management Directive 715 (MD-715) instructions and based on available workforce data for the DOC. Also included in this summary are definitions of terms that will be used throughout.

DEFINITION OF TERMS

Civilian Labor Force and Occupational Civilian Labor Force

To determine whether any demographic group (racial, ethnic, gender, or people with disabilities) is participating in the workforce at rates we would expect, we compare their participation levels against several benchmarks, including the civilian labor force (CLF) and occupational civilian labor force (OCLF) rates. The CLF and OCLF benchmarks consist of U.S. Citizens age 16 or older who are employed or seeking employment and are not in the military or institutionalized. The OCLF is a subset of the CLF and is occupation specific. The OCLF allows the DOC to more definitively identify potential barriers to EEO and provide key decision makers with relevant and useful information about the state of the agency. A low participation rate is considered a “trigger,” which is a situation which alerts the agency to the possible existence of a barrier to equal opportunity.

Triggers

Triggers are numerical disparities that may indicate a potential barrier to equal employment opportunity. They can be a trend, disparity, or anomaly that suggests the need for further inquiry into a particular policy, practice, procedure, or condition. **It is simply a red flag.** Triggers can be gleaned from various sources of information, beginning with workforce statistics.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Mission Critical Occupations

Mission-critical occupations are those occupations without which the DOC cannot fulfill its mission. These occupations also tend to be the most heavily populated relative to other occupations within the Department and also typically follow a career path to senior leadership positions.

DOC's 10 most populous MCOs are: 0301 Miscellaneous Administration & Program, 0343 Management & Program Analyst, 0482 Fishery Biology, 0905 General Attorney, 1101 General Business and Industry, 1224 Patent Examining, 1301 General Physics Science, 1340 Meteorology, 1530 Statistician, and 2210 Information Technology Management.

Inclusion Rate

To better illustrate the gap between the CLF and workforce participation levels for groups, broken out by race, ethnicity, gender, and disability, Commerce uses the Inclusion Rate (IR). The IR measures the percentage of representation of a particular group relative to their respective CLF. For example, if the CLF for group "A" is 10% and they represent 5% of Commerce's workforce, the IR would illustrate that group A's workforce representation level is at 50% of the CLF. The calculation is as follows: $(5 \div 10) \times 100$. A percentage rate of 100 or more means that demographic group has reached or exceeded the expected level of representation relative to the CLF.

Similarly, the Inclusion Rate for Mission Critical Occupations (MCOs) is calculated by dividing the current participation rates of a particular demographic group in a specific MCO and the same group's participation rates in a similar or qualifying occupation in the OCLF. For example, if males represent 69.5% of IT Specialists at Commerce and males represent 70.4% of the IT Specialists in the OCLF, the inclusion rate will be 98.7%. The calculation is as follows: $(69.5 \div 70.4) \times 100 = 98.7\%$.

WORKFORCE ANALYSIS

The DOC's FY18 total permanent and temporary workforce included 46,097 employees, with 41,566 full-time and part-time permanent employees and 4,531 temporary employees.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

The FY18 rates of participation in the workforce, based on ethnicity, race, sex, and disability, showed that DOC's largest group was Whites (63.97%), followed by Blacks (16.82%), Asians (12.49%), Hispanics (5.23%), American Indians/Alaska Natives 0.8%, and Native Hawaiian or Pacific Islanders (0.19%). This includes 55.33% (25,504) males and 44.67% (20,593) females. (Source: Table A1 of the DOC workforce data tables).

Of the DOC's full-time and part-time permanent employees the participation rates are as follows: 23,579 (57%) were male and 17,987 (43%) were female, 1,028 were Hispanic males (2.43%), 1,028 were Hispanic females (2.47%), 16,222 were White males (39.03%), 10,428 were White females (25.09%), 2,527 were Black males (6.08%), 4,267 were Black females (10.27%), 3,568 were Asian males (8.58%), 1,965 were Asian females (4.73%), 44 were Native Hawaiian or Pacific Islander males (0.11%), 33 were Native Hawaiian or Pacific Islander females (0.08%), 139 were American Indian or Alaska Native males (0.33%) and 155 were American Indian or Alaska Native females (0.17%). People with Disabilities (PwDs) (which include People with Targeted Disabilities or PwTDs) represent 8.79% of the DOC permanent workforce, while PwTDs represent 2.34%. (Source: Table A1 and B1 of the DOC workforce data tables).

When looking at the Inclusion Rate for each gender, race, ethnicity, and disability in the DOC's permanent workforce, the following groups are represented at or above 100% of their CLF: Males (in the aggregate), White males, Black males and females, Asian males and females, and Native Hawaiian or Pacific Islander males and females.

The following groups are not represented at their expected rates: Females (in the aggregate), who are at 90% of their expected rates, Hispanic males at 47%, Hispanic females at 52%, White females at 72%, American Indian and Alaska Native males at 61%, American Indian and Alaska Native females at 70%, and People with Disabilities at 73%.

Barrier Analysis

The Department's OCR conducted an examination of potential barriers pertaining to the recruitment, advancement, and retention of Hispanics, People with Disabilities, and Females, as they are the groups with lower expected representation rates in the overall workforce, the leadership pipeline, and in mission critical occupations.

OCR obtained workforce data and applicant flow data (AFD) from Workforce Analytics. The analysis of this data focused on tables A4/B4 "**Participation Rates for General Schedule (GS) Grades (Permanent)**," tables A6/B6 "**Participation Rates for Major Occupations**," tables A7/B7 "**Applicants and Hires for Major Occupations**" and tables A11/B11 "**Internal Competitive Selections for Senior-Level Positions**." Tables A4/B4 and A6/B6 provide rates of representation in GS grades and Mission Critical Occupations, respectively, broken down by race, ethnicity, gender, and disability status. Tables A7/B7 and tables A11/B11 contain data on applicants who voluntarily identified

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

their race, ethnicity, gender, and disability status. Below we include the results of this analysis based on the available, collected, and reported applicant flow data.

*Disclaimer: Table A4/B4 analysis includes two separate sets of data. The first includes the analysis of workforce data for employees in the **GS pay scale only**. That is, other pay bands are not included in the analysis as they were not converted to the GS pay scale. The second includes analysis of workforce data on **GS and equivalent pay-bands/pay scales** based on comparative GS salaries. That is, all pay bands were converted to their salary equivalent in the GS pay scale. EEOC may access the GS-only data tables in the "supporting documentation" section in the FedSEP portal. The GS and equivalent pay bands data tables are included in the full workforce data table submission.

Hispanic Leadership Representation:

Hispanics at Commerce are well below their expected representation rates at all leadership levels (GS-13 to SES). The higher the grade level, the lower the representation becomes.

Analysis of Table A4 with only GS pay scale data reveals the following:

Hispanic Male and Hispanic Female representation decreased at the highest GS levels below their respective 2.4% and 2.5% benchmarks. These benchmarks represent the total percentage of permanent Hispanic male and permanent Hispanic female employees in the DOC workforce. Hispanic females are above their 2.5% benchmark in grades GS-3-GS-8, and GS-12, but starting at leadership grades GS-13 to SES, the representation falls below this benchmark. Hispanic male representation is below their 2.4 benchmark at leadership grades GS-15 and SES.

Additionally, if we were to use the CLF as a benchmark, Hispanic Males at all levels would fall significantly below the 5.17% CLF benchmark and Hispanic Females at all levels above GS-5 would fall significantly below the 4.79% CLF benchmark, with the exception of GS-8 which has a 5.67% Hispanic female representation rate. (Source: Table A4 of the workforce data tables).

Analysis of Table A4 with GS and GS-equivalent data reveals the following:

Hispanic Male and Hispanic Female representation decreased at the highest levels below their respective 2.4% and 2.5% benchmarks. Hispanic females are above their 2.5% benchmark in grades GS-3-GS-9, GS-11, and GS-12, but starting at leadership grades GS-13 to SES, the representation falls below this benchmark. Hispanic male representation is below their 2.4 benchmark at leadership grades GS-15 and SES. Hispanic Males at all levels fall significantly below the 5.17% CLF benchmark and Hispanic Females at all levels above GS-6 fall significantly below the 4.79% CLF benchmark. (Source: Table A4 of the workforce data tables).

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Both analyses reveal a similar trend – the higher the level, the lower the representation of Hispanics, particularly Hispanic females.

Applicant Flow Data (AFD) analysis for **Internal Competitive Selections for Senior Level Positions*** shows triggers in the available AFD for Hispanic males at grades GS-13, GS-14, GS-15, and SES when analyzing their number of applications, qualification rates, and selection rates. Hispanic males are not found qualified at the expected rates when comparing them to the number of Hispanic male applicants. They are also not being selected at the expected rates when comparing them to the qualified number of Hispanic male applicants. (Source: Table A11 of the workforce data tables).

AFD for Hispanic females for Internal Competitive Selections for Senior-Level Positions shows a potential trigger for grades GS-14, GS-15, and SES in the qualification stage. This means that Hispanic females are applying to senior-level positions at levels we would expect, but they are not found qualified at the same rates. Hispanic females are also not being selected at levels we would expect in grades GS-13, GS-14, GS-15, and SES when compared to the qualified number of Hispanic females. These are all triggers. (Source: Table A11 of the workforce data tables).

*The DOC did not have relevant applicant pool data for FY18, which is the percentage of Commerce employees who are eligible to apply for senior level positions, thus we were unable surmise if there is a potential barrier preventing certain groups from applying to senior level positions. In FY19 DOC will seek guidelines from the EEOC about the preferred calculation for the relevant applicant pool percentage.

Hispanic Representation in Mission Critical Occupations (MCOs):

Hispanic males have less than expected participation rates in 6/10 MCOs: Miscellaneous Administration and Program (75%), Management and Program Analysis (83%), Fishery Biology (80%), General Attorney (54%), General Physical Science (84%), and Information Technology Specialist (52%).

Hispanic females have less than expected participation rates in the following 6/10 MCOs: Miscellaneous Administration and Program (59%), Fishery Biology (23%), General Business and Industry (13%), Patent Examining (18%), General Physical Science (38%), and Information Technology Management (43%). (Source: Table A6 of the workforce data tables).

AFD analysis of DOC's 10 most populous MCOs shows no triggers for Hispanic male applicants when compared with the available OCLF data. This means that Hispanic males are applying at rates on par with their OCLF.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

However, when comparing the qualified number of Hispanic males to the total applicant number of Hispanic males, DOC found triggers for 7/10 MCOs. When comparing the number of selected Hispanic male applicants to the number of qualified Hispanic male applicants, DOC found triggers in 4/10 MCOs. *(Source: Table A7 of the workforce data tables).*

Of note, Hispanic males are applying at the expected rates but are not found qualified and are not being selected at their expected representation rates in the following MCOs: Miscellaneous Administration and Program (0301), General Attorney (0905), General Physical Science (1301), and IT Specialist (2210).

AFD analysis of DOC's top 10 MCOs shows triggers in applications from Hispanic females in 4/10 MCOs when compared with the available OCLF data. This means that Hispanic females are not applying at rates on par with their OCLF in the following MCOs: General Business and Industry (1101), Patent Examiner (1224), General Physical Science (1301) and IT Specialist (2210). Furthermore, when comparing the number of qualified Hispanic female applicants to the total amount of Hispanic female applicants, DOC found triggers for 9 out of the 10 MCOs. When comparing selected applicants to qualified applicants, DOC found triggers for 6 out of the 10 MCOs. *(Source: Table A7 of the workforce data tables).*

Of note, Hispanic females are not applying, are not found qualified, and are not being selected at their expected participation rates in the following MCOs: Patent Examiner (1224), General Physical Science (1301), and General Business and Industry (1101). These 3 MCOs also have below 40% inclusion rates of Hispanic females, with 18%, 38% and 13% inclusion rates, respectively.

Hispanic Separations:

For FY18, Commerce's overall separation rate for the permanent workforce was 6.4%, whereas for Hispanic male, the separation rate for the permanent employees was 6.9% and for Hispanic females the separation rate was 7.1%. **Hispanics are separating at higher rates than the average Commerce employee.**

People with Disabilities (PwDs) and People with Targeted Disabilities (PwTDs) Leadership Representation:

Analysis of Table B4 with only GS pay scale data reveals the following:

Representation for PWD (including PwTDs) is below the 12% benchmark for grades GS-13 to SES. Representation for PwTDs is below the benchmark of 2% for grades GS-14, GS-15, and SES. *(Source: Table B4 of the workforce data tables).*

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Analysis of Table B4 with GS and GS-equivalent data reveals the following:

Representation for PWD (including PwTDs) is below the 12% benchmark for grades GS-13 to SES. Representation for PwTDs is below the benchmark of 2% for grades GS-13, GS-14, GS-15, and SES. (Source: Table B4 of the workforce data tables).

Both analyses reveal a similar trend – the higher the level, the lower the representation of PWDs.

AFD analysis for **Internal Competitive Selections for Senior-Level Positions*** shows triggers in the available AFD for for PwDs in the qualification and selection stages.

PwD applicants are not found qualified at expected rates for grades GS-13 and GS-15 when compared to the number of PwDs applicants. When comparing the number PwDs who were selected to PwDs who were found qualified, we found triggers on all available grade levels (GS-13-GS-15). **That is, PwDs are not being selected at the expected rates when compared to the number of qualified PwDs.**

For PwTDs, OCR found that when comparing the number PwTDs who were qualified to the number of PwTDs who applied, there were no triggers for grades GS-13-15. However, when comparing the number PwTDs who were selected to PwTDs who were found qualified, we found triggers for all available grade levels (GS-13-GS-15).

Of note, there were no PwD or PwTD applicants for SES positions, which may indicate a trigger in the application stage. (Source: Table B11 of the workforce data tables).

*The DOC did not have relevant applicant pool data for FY18, which is the percentage of Commerce employees who are eligible to apply for senior level positions, thus we were unable surmise if there is a potential barrier preventing certain groups from applying to senior level positions. In FY19 DOC will seek guidelines from the EEOC about the preferred calculation for the relevant applicant pool percentage.

PwD and PwTD Representation in Mission Critical Occupations (MCOs):

PwDs have less than expected representation in 10/10 of DOC's most populous MCOs: Miscellaneous Administration and Program (85%), Management & Program Analysis (88%), Fishery Biology (42%), General Attorney (37%), General Business and Industry (62%), Patent Examining (45%), General Physical Science, (44%), Meteorology (61%), Statistician (62%) and IT Management (63%).

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PwTDs have less than expected representation in 7/10 most populous MCOs: Management & Program Analysis (84%), Fishery Biology (66%), General Attorney (51%), General Business and Industry (86%), Patent Examining (66%), General Physical Science, (73%), and Meteorology (93%). (Source: Table B6 of the workforce data tables).

AFD analysis of DOC's top 10 MCOs for PWDs shows triggers in 9/10 MCOs in the qualification stage and triggers in 7/10 MCOs in the selection stage. AFD for PwTDs shows disproportions in 8/10 MCOs in the qualification stage and disproportions in 8/10 MCOs in the selection stage. (Source: Table B7 of the workforce data tables).

PwDs are not found qualified and are not being selected at their expected representation rates in the following MCOs: Miscellaneous Administration and Program, Management & Program Analysis, General Attorney, Patent Examining, Meteorology, Statistician.

PwTDs are not found qualified and are not being selected at their expected representation rates in the following MCOs: Management & Program Analysis, Fishery Biology, General Attorney, Meteorology, Statistician, and IT Management.

PwD/PwTD Separations:

For FY18, Commerce's overall separation rate for the permanent workforce was 6.4%, whereas for PwD in the permanent workforce it was 9.5% and for PwTD the separation rate was 8.6%. **PwD and PwTDs are separating at higher rates than the Commerce overall separation rate.**

Female Leadership Representation:

Females at Commerce are below their expected representation rates at all leadership levels. The higher the grade level, the lower the representation becomes.

Analysis of Table A4 with only GS pay scale data reveals the following:

Female representation decreased at the highest GS levels below their 43% benchmark. This benchmark represents

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

the total percentage of permanent Female employees in the DOC workforce. Females are above their 43% benchmark in grades GS-3-GS-11, but starting at grades GS-12 to SES, the representation falls below this benchmark. *Source: Table A4 of the workforce data tables).*

Analysis of Table A4 with GS and GS-equivalent data reveals the following:

Females have less than expected representation starting at GS-12 to SES when compared to their 43% representation benchmark. They are above the benchmark from GS-3 to GS-11.

Both analyses reveal a similar trend – as grades increase, representation decreases.

Below is the data breakdown for leadership positions and Senior Executive Service (and equivalents):

Women in the Leadership pipeline and Senior Executive Service (GS-scale only):

- Females at SES/SL = 120 (**29.48%** of the total count 407)
- Females at GS15 = 897 (**37.08%** of the total count 2,419)
- Females at GS14 = 2,527 (**32.85%** of the total count 7,692)
- Females at GS13 = 2,051 (**36.25%** of the total count 3,607)

Women in the Leadership pipeline and Senior Executive Service (including converted pay bands into the GS scale):

Females at SES/SL = 1,513 (**39.93%** of the total count 4,739)

Females at GS15 = 1,442 (**38.75%** of the total count 3,721)

Females at GS14 = 3,500 (**35.53%** of the total count 9,852)

Females at GS13 = 2,598 (**38.22%** of the total count 6,797)

AFD analysis for **Internal Competitive Selections for Senior Level Positions*** shows one trigger in the available AFD for Females at grade GS-13 when analyzing their application, qualification, and selection rates. At grade GS-13, females were not found qualified at the expected rates when comparing them to the number of Female applicants. AFD analysis of GS 14, GS 15, and SES positions did not show triggers. That is, females qualified and were selected at the expected rates when compared to the number of female applicants. *(Source: Table A11 of the workforce data tables).*

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*In FY 18, the DOC did not have relevant applicant pool data, which is the percentage of Commerce employees who are eligible to apply for senior level positions. Thus, we were unable to surmise if there is a potential barrier preventing certain groups from applying to senior level positions. In FY19, DOC will seek guidelines from the EEOC about the preferred calculation for the relevant applicant pool percentage.

Female Representation in Mission Critical Occupations

Females have less than expected participation rates in 5/10 most populous MCOs: Meteorology (83%), Fishery Biology (82%), General Business and Industry (74%), General Physical Science (71%) and Patent Examining (37%). (Source: Table A6 of the workforce data tables).

AFD analysis of DOC's top 10 MCOs shows triggers in applications from Females in 5/10 MCOs when compared with the available OCLF data. This means that Females are not applying at rates on par with their OCLF in the following MCOs: Miscellaneous Administration and Program Series (0301), General Business and Industry (1101), Patent Examiner (1224), General Physical Science (1301) and IT Specialist (2210). Furthermore, when comparing the number of qualified Female applicants to the total amount of Female applicants, DOC found triggers for 3 out of the 10 MCOs. When comparing selected applicants to qualified applicants, DOC found triggers for 2 out of the 10 MCOs. (Source: Table A7 of the workforce data tables).

Of note, Female participation for Patent Examiners (1224) is 63% below their expected rates when compared to the OCLF benchmark. They are also applying 69% below their expected rates for this series and are not found qualified at the expected rates. However, they are being selected at higher rates, which indicates Females are qualified for Patent Examiner positions, but they are not applying at the expected numbers. There is a trigger in the recruitment stage for females in this series.

Female Separations:

For FY18, Commerce's overall separation rate for the permanent workforce was 6.4%, whereas for Females in the permanent workforce, their separation rate was 7.0%. **Females are separating at higher rates than the DOC overall separation rate.**

See Part I and Part J of this report for plans to address the identified triggers.

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EXECUTIVE SUMMARY: ACCOMPLISHMENTS

The DOC is comprised of 13 bureaus, the Bureau of Economic Analysis (BEA), Bureau of Industry and Security (BIS), U.S. Census Bureau (Census), Economic Development Administration (EDA), International Trade Administration (ITA), Minority Business Development Agency (MBDA), National Institute of Standards and Technology (NIST), National Oceanic and Atmospheric Administration (NOAA), National Technical Information Service (NTIS), National Telecommunications and Information Administration (NTIA), U.S. Patent and Trademark Office (USPTO), Economic and Statistics Administration (ESA), and Office of the Secretary (OS).

Below are accomplishments from some of the bureaus, highlighting strategies they have used to address workforce triggers in policies, practices or procedures.

Engagement and Retention Initiatives

To address the Department's ***Federal Employee Viewpoint Survey (FEVS)*** lowest positive response rates, in FY18 the Departmental Office of Civil Rights (OCR) conducted workforce demographic briefings for senior leadership from several organizations throughout the Department and the Departmental Management Council (DMC). The briefings included breakdowns of the FEVS New Inclusion Quotient Index (IQ) and Employee Engagement Index (EEI) and provided a barrier analysis perspective and highlighted FEVS lowest positive response rates under each of the *New IQ (Fair, Open, Cooperative, Supportive and Empowering)* and *EEI (Leaders Lead, Supervisors and Intrinsic Work)* categories. The briefings also provided senior leaders information to help them formulate strategic plans that will address concerns indicated in the FEVS results.

To address the high separation rates of various demographic groups at the DOC, in FY18 OCR began the development of a ***Retention Survey*** to invite and encourage the Department's workforce to provide insight into why employees may want to leave the Department, as well as their reasons for staying. Once implemented, results from the survey will lead to the improvement of policies, practices, and procedures that can positively affect retention of Hispanic employees and other groups with lower than expected participation rates. OCR partnered with the Center for Behavioral Science Methods (CBSM) at Census and entered into a Memorandum of Understanding (MOU) to utilize their expertise for the survey design and will launch the survey in FY19.

To broaden the scope of Departmental EEO engagement strategies, OCR implemented the ***First-Generation Professionals (FGP) Research Initiative***. Via an interagency agreement, OCR collaborated with Census Bureau researchers to screen over 150 Commerce employees who self-identified as FGPs to select individuals to participate in 5 focus groups, and 13 hiring officials (FGP and non-FGP) to participate in one-on-one interviews. Although focused on Commerce's workforce, this initiative caught the attention of Office of Personnel Management (OPM) senior officials who requested an initial and follow-up briefings to discuss research findings. Dr. Pon, the former OPM Director, expressed an interest in having OPM partner with Commerce to identify strategies to address the barriers identified in the research, to include a potential government employee resource group; diversity training module on socio-economic class discrimination and biases; and a review of job qualifications standards and considerations to reduce biases that may prevent full consideration of the strengths and diversity of life experiences FGPs may bring to the workforce. In addition to presenting to OPM, OCR presented at the Social Security Administration, the Office of Management and Budget, Health and Human Services, Department of Labor, and at the Federal Dispute Resolution Conference.

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In continuation of Commerce's commitment to EEO and D&I principles, the **Special Emphasis Program Committee** (SEPC), which is comprised of representatives from Commerce bureaus located in the Department's headquarters and OCR representatives, successfully hosted 11 Special Emphasis Program events with an average rating of 4.6 on a 5-point scale from attendees. The events were designed to educate the participants and celebrate the contributions of the various EEO groups.

The Herbert C. Hoover Building (HCHB) **Diversity and Inclusion Council** was also established, creating an inter-organizational council amongst the seven bureaus assigned at the headquarters location. The Council is tasked with developing and maintaining inter-agency D&I collaboration within the Department's headquarters and meets monthly. The Council is planning a FY19 D&I Summit to officially launch planned initiatives.

In continuation of training and education of Commerce employees in EEO and D&I principles, OCR Certified **Civil Treatment** (CT) trainers developed customized curriculums and presented CT training to approximately 100 employees in the Department's headquarters and field locations outside the DMV area (Anchorage, AK; Denver, CO; and Chicago, IL). These trainings covered various topics including anti-harassment and anti-retaliation laws and policies, best practices for maintaining civility in the workplace to improve business performance and mitigate risk and fostering an environment which encourages diversity and inclusion. Additionally, OCR certified trainers consulted with and aided USPTO and NIST CT trainers, who were certified through an OCR initiative, to successfully launch CT training in those bureaus.

Bureau Outreach and Recruitment

As the U.S. Hispanic population continues to increase, Commerce bureaus continue to establish and implement strategies for increasing Hispanic employment as part of a larger diversity hiring effort.

The Department and bureaus continue to maintain their long-standing partnerships and coalitions with external organizations and groups representing the Hispanic community to include professional associations, organizations, national councils and networks such as: Hispanic - Serving Institutions (HSIs), HSI Alumni Groups, National Council of Hispanic Employment Program Managers (NCHEPM), League of United Latin American Citizens (LULAC), Society for Advancement of Chicanos and Native Americans in Science (SACNAS) and the Hispanic Association of Colleges and Universities (HACU), amongst others.

The **Census** identified its need for employees with first-hand experience in reaching hard-to-count communities was essential. Thus, Census continued to include Hispanic employees in the 2020 Census Planning Groups and have Hispanic employees placed in career paths that will lead to management positions by 2020.

The devastating natural disasters of Hurricane Irma and Maria affected Puerto Rico and other Hispanic subsidiary territories. However, this did not halt the bureaus from engaging in partnerships and activities to promote opportunities in this Hispanic community.

The **EDA** has been supportive in rebuilding these impacted areas by committing more than \$5.5 million to support technical

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assistance and long-term recovery planning in San Juan, Puerto Rico. Their primary strategy is to partner with other federal agencies, local governments, and municipalities of Puerto Rico to strategize a recovery plan which includes a recruitment commitment to hire "local - on the ground talent" in support of disaster recovery and relief in Puerto Rico.

USPTO recruiters participated in a job fair at the University of Puerto Rico, Mayaguez. The recruiters presented an information workshop about the job opportunities available at the USPTO and met with potential recruits to further discuss applying to work at the USPTO. Due to their efforts, the University of Puerto Rico continues to rank among the top schools for recruiting patent examiners at USPTO.

USPTO partnered with its chapter of the **Society of Hispanic Professional Engineers (SHPE-PTO)** to contact chapters at schools prior to recruiting trips, asking that they notify their members that the USPTO would attend the job fairs. SHPE-PTO also provides a welcoming community for new employees upon arrival. For example, they host regular lunches and dinners to meet the new employees and even aid in obtaining housing and picking up new employees from the airport. Their generous efforts help the new employees quickly acclimate to the Washington, DC area and the USPTO, which helps retain the new hires.

In FY18, 261 hires were made through the **Pathways Programs**, a 30% increase from the previous year, aiding in the recruitment of generationally diverse employees. Additionally, the Department hosted 40 interns from diverse backgrounds from the Washington DC area through the 2018 Mayor Marion S. Barry Summer Youth Employment Program.

Efforts to Continuously Monitor MD-715 Activities and Barrier Analyses

OCR continued its quarterly Barrier Analysis Workgroup (BAWG) meetings to conduct holistic and in-depth analysis of Commerce's workforce profiles to identify cross-cutting triggers affecting all bureaus. This collaboration with EEO, HR, and OGC representatives from major bureaus has been effective in providing the following: enhanced communication between the Department and the bureau EEO and HR offices; productive knowledge-sharing, particularly with recruitment and retention efforts; reconciliation of data discrepancies; accessibility to crucial data sets; and performance and accountability reporting, with focus on the MD-715 report.

OCR set into motion a plan to ensure, as a Department, we stayed on track to meet the spirit and intent of the EEO laws that require agencies to 1) maintain a continuing affirmative employment program, and 2) periodically evaluate the effectiveness of that program. In July 2018, the OCR Director required all bureau EEO Directors to submit quarterly MD-715 status reports via a scorecard. The scorecard was designed to capture bureau's progress on the Objectives/Barriers and associated Planned Activities and Accomplishments for Parts H, I and J that are outlined in the MD-715 reports. The scorecard also includes a portion related to workforce data access and any challenges bureaus experience with the data tables.

Initiatives to Increase the Participation Rate of People with Disabilities (PWD)

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Strategic Recruitment:

The Department hired a **Selective Placement Program Coordinator (SPPC)** to improve outreach and recruitment through external sources. The SPPC established a collaborative working group to revise the Department's Strategic Operations Plan for the Recruitment, Hiring and Advancement of PWD and PWTD. The Department continued to promote the use of **strategic hiring initiatives**, including those for PWD and veterans (e.g., Schedule A, 30% or more disabled veteran authority, etc.). In FY18, the Department of Commerce hired 609 veterans of which 253 were disabled veterans. Additionally, training sessions related to the employment of veterans and people with disabilities were offered to all HR professionals and supervisors, of which 92% completed the trainings.

The **ITA** utilizes the Department of Labor's Workforce Recruitment Program (WRP) as a tool to help managers find Schedule A employees/persons with disabilities.

In continuation of practices from previous years, the **MBDA** utilizes the SPPC to identify resumes of qualified applicants who are eligible for employment under direct hire authority.

Census utilized the Selective Placement Program, which resulted in 169 candidates receiving job offers and were hired. Additionally, the Feds Hire Veteran program is used very effectively in **BIS** and ensures that BIS continues to exceed the Commerce goal for veteran recruitment.

Retention:

The **BIS** conducts exit interviews with all its employees who are separating, retiring or transferring to other agencies to collect information on retention barriers. This data will be used to analyze the strengths and weaknesses of the organization and assist with ideas on how to improve the Veterans Program to retain current disabled veterans.

Self-Identification of Disability Status:

The Department conducted **two resurvey campaigns** to encourage the workforce to update their disability status in the

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Department's personnel database. In addition, when an employee submits a Reasonable Accommodation (RA) request, the **Reasonable Accommodation Coordinator (RAC)** encourages the employees to update their disability status in the database. The Department used this data to conduct analysis of participation rates, awards and recognition, and hiring and separation data to identify barriers for people with disabilities.

Reasonable Accommodations:

In FY18, the Department hired a **Reasonable Accommodations Coordinator** for the Office of the Secretary. The RAC provides guidance and assistance with processing request for RA. In addition, the RAC provides training on RA procedures for employees and managers. RA training was also incorporated in the Department's mandatory No FEAR Act training that all federal employees are required to complete every 2 years. Finally, the Department updated its Reasonable Accommodation procedures to meet EEOC requirements. In FY19, the procedures will be publicized and distributed to the workforce via the Department's electronic broadcast, workshops and on the OCR Disability webpage.

Training and Development:

NIST Workforce Management Office (WFMO) Reasonable Accommodation website **includes tools and links that educate** individuals on the interactive process, a flowchart of the entire reasonable accommodation process, instructions on how to request an accommodation, documents for employees to give their health care provider, information on premium class travel accommodations, workers compensation, FAQs, and outside resources on reasonable accommodation such as Computer/Electronic Accommodations Program (CAP), Job Accommodation Network (JAN) and OPM.

NIST's Human Resources Management Office and the Civil Rights and Diversity Office (CDRO) **offer training sessions to hiring managers on the Schedule A Hiring Authority**, non-competitive hiring authorities, reasonable accommodation, Workers' Compensation and Employee Assistance Program. Additionally, NIST's Human Resources Management Office hosted a HR4U Wellness Fair in April 2018 and shared helpful tips and information to educate and encourage the NIST community to adopt a healthier lifestyle. This free event featured demonstrations, massages, and screenings. In FY18, Census' Diversity Council hosted the annual Diversity and Inclusion Showcase.

NOAA's National Marine Fisheries Service (NMFS) Program Office for Equal Employment Opportunity (EEO) and Diversity presented a 3-hour "**Disability Awareness and Etiquette**" session, covering the correct ways in which supervisors and managers should interact with applicants and employees with disabilities.

USPTO's Hiring People with Disabilities' webpage speaks directly to people with disabilities and those that hire through the Schedule A authority, garnering nearly 1,000-page views in FY18. The Bureaus' webpage **ranks within the top 10 most requested pages** and has an average length of stay of one minute.

EXECUTIVE SUMMARY: PLANNED ACTIVITIES

As we strive to achieve a Model EEO Program, the DOC is committed to identifying and removing any barriers that impede equal opportunity in our recruitment, hiring, promotion, retention, and professional development and training. Below are various FY19 planned activities that will address deficiencies that were identified in this report's Part G and Part H, along with other planned activities that will aid in the advancement of EEO, diversity and inclusion.

In FY19, the Departmental OCR plans to **launch a new website**, offering a more elegant user experience and intuitive access to OCR's expansive programs and initiatives, along with improved accessibility to OCR services. New features on the site will include refined search results, providing users with the ability to quickly find information, a calendar of events, and more.

In FY19, the OCR will launch the **Retention Survey** for employees to voice concerns and provide input on workplace retention issues, which will lead to enterprise-wide improved policies, practices, and procedures.

By the end of 2019, the Office of Civil Rights plans to establish an **EEO Awards** program to provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity.

In FY19, the Office of Civil Rights will work with the appropriate staff offices to ensure the inclusion of **EEO and Diversity and Inclusion** principles in the Departmental Strategic Plan.

In FY19, **Census** will **re-establish a Hispanic Employment, Outreach & Retention Committee**. This multifunctional committee will work to address employment and retention of Hispanics and ensure all divisions successfully implement practices to improve outreach recruitment, hiring, career development, retention, and advancement of Hispanics. The Committee will be comprised of staff from across the organization, including: Equal Employment Opportunity (EEO) Office, Human Resources Division (HRD), Human Capital Office, the Diversity & Inclusion Office (DIO), Talent Acquisition Programs Branch, representatives from key Directorates/program areas and the Census Latino Employee Organization (CLEO) AG.

In FY19, the ITA is **piloting an outreach organization called Prospanica, geared towards Hispanic communities**. Prospanica, originally founded as the National Society for Hispanics in Master Business Administration Programs (MBA), is an organization that promotes Hispanics in the workplace and has both university and corporate partners. Its mission is to enhance opportunities for Hispanic MBAs from school to leadership positions through job placement.

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**CERTIFICATION of ESTABLISHMENT of CONTINUING
EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS**

[Redacted] am the
(Insert Name Above) (Insert official title/series/grade above)

Principal EEO Director/Official for

[Redacted]
(Insert Agency/Component Name above)

The agency has conducted an annual self-assessment of Section 717 and Section 501 programs against the essential elements as prescribed by EEO MD-715. If an essential element was not fully compliant with the standards of EEO MD-715, a further evaluation was conducted and, as appropriate, EEO Plans for Attaining the Essential Elements of a Model EEO Program, are included with this Federal Agency Annual EEO Program Status Report.

The agency has also analyzed its work force profiles and conducted barrier analyses aimed at detecting whether any management or personnel policy, procedure or practice is operating to disadvantage any group based on race, national origin, gender or disability. EEO Plans to Eliminate Identified Barriers, as appropriate, are included with this Federal Agency Annual EEO Program Status Report.

I certify that proper documentation of this assessment is in place and is being maintained for EEOC review upon request.

[Redacted]
Signature of Principal EEO Director/Official
Certifies that this Federal Agency Annual EEO Program Status Report is in compliance with EEO MD-715.

[Redacted]
Date

[Redacted]
Signature of Agency Head or Agency Head Designee

[Redacted]
Date

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Agency Self-Assessment Checklist

Essential Element: A Demonstrated Commitment From agency Leadership

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.1. The agency issues an effective, up-to-date EEO policy statement.				
	A.1.a. Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "Yes", please provide the annual issuance date in the comments column. [see MD-715, II(A)]	X			The Secretarial EEO Policy statement was issued on June 16th 2018. 6/16/2018
	A.1.b. Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)] If the EEO policy statement covers any additional bases (e.g., marital status, veteran status and political affiliation), please list them in the comments column.	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.2. The agency has communicated EEO policies and procedures to all employees.				
	A.2.a. Does the agency disseminate the following policies and procedures to all employees:				
	A.2.a.1. Anti-harassment policy? [see MD 715, II(A)]	X			
	A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)]	X			
	A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:				
	A.2.b.1. The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	X			
	A.2.b.2. Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 CFR §1614.102(b)(5)]	X			
	A.2.b.3. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.	X			http://www.osec.doc.gov/opog/dmp/daos/dao215_10.html
	A.2.c. Does the agency inform its employees about the following topics:				
	A.2.c.1. EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If "yes", please provide how often and the means by which such training is delivered.	X			Employees are informed about the EEO complaint process and other avenues of redress in the annual Secretarial EEO policy statement, and the No FEAR Act training.
	A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.	X			Employees are informed about the ADR process in the annual Secretarial EEO policy statement and the No FEAR Act training.
	A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.	X			Via routine reasonable accommodation training for employees, managers and supervisors throughout the year, via the annual No FEAR Act training, and via the OCR website.

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A.2.c.4. Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If “yes”, please provide how often.	X		Annually. On June 15, 2018, Secretary Ross issued the first stand-alone statement on harassment informing employees of their rights.
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A.2.c.5. Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR §2635.101(b)] If “yes”, please provide how often.	X		Employees are informed about inappropriate workplace behaviors via routine Civil Treatment training and Proactive Prevention workshops.
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 Compliance Indicator		Measure Has Been Met			
 Measures	A.3. The agency assesses and ensures EEO principles are part of its culture.	Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report

A.3.a. Does the agency provide recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a)(9)] If “yes”, provide one or two examples in the comments section. .		X	
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A.3.b. Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]	X		
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Agency Self-Assessment Checklist

Essential Element: B Integration of EEO into the agency's Strategic Mission

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.1. The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.				
	B.1.a. Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]		X		See Part H-2
	B.1.a.1. If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If "yes," please provide the title of the agency head designee in the comments.	X			Chief Financial Officer and Assistant Secretary for Administration.
	B.1.a.2. Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	X			
	B.1.b. Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	X			
	B.1.c. During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If "yes", please provide the date of the briefing in the comments column.	X			The EEO Director presented the State of the Agency briefing on 4-25-18.
	B.1.d. Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.2. The EEO Director controls all aspects of the EEO program.				
	B.2.a. Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)] If not, identify the office with this authority in the comments column.	X			
	B.2.b. Is the EEO Director responsible for overseeing the completion of EEO counseling? [see 29 CFR §1614.102(c)(4)]	X			
	B.2.c. Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	X			
	B.2.d. Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	X			
	B.2.e. Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	X			
	B.2.f. Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]	X			
	B.2.g. If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2); (c)(3)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	B.3. The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.	Yes	No	N/A	
	B.3.a. Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]	X			
	B.3.b. Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.		X		

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 Compliance Indicator	Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
	B.4. The agency has sufficient budget and staffing to support the success of its EEO program.				
	B.4.a. Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:				
	B.4.a.1. to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	X			
	B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]	X			
	B.4.a.11. to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	X			
	B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	X			
	B.4.a.3. to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR §§ 1614.102(c)(5); 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]	X			
	B.4.a.4. to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column.	X			
	B.4.a.5. to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)]	X			
	B.4.a.6. to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	X			
	B.4.a.7. to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)] If not, please identify the systems with insufficient funding in the comments section.	X			
	B.4.a.8. to effectively administer its special emphasis programs (such as, Federal Women’s Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]	X			
	B.4.a.9. to effectively manage its anti-harassment program? [see MD-715 Instructions, Sec. I; EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C. 1]	X			
	B.4.b. Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]	X			
	B.4.c. Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	X			
	B.4.d. Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II) (A) of MD-110?	X			
	B.4.e. Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills				
	B.5.a. Pursuant to 29 CFR §1614.102(a)(5), have all managers and supervisors received orientation, training, and advice on their responsibilities under the following areas under the agency EEO program:				
	B.5.a.1. EEO complaint process? [see MD-715(II)(B)]	X			
	B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]	X			
	B.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]	X			Managers and supervisors receive general information on their responsibilities to address allegations of harassment and are informed of their responsibilities under the DOC's harassment procedures.
	B.5.a.4. Supervisory, managerial, communication and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	X			
	B.5.a.5. ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	B.6. The agency involves managers in the implementation of its EEO program.	Yes	No	N/A	
	B.6.a. Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	X			
	B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	X			
	B.6.c. When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I]	X			
	B.6.d. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR §1614.102(a)(5)]	X			

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Essential Element: C Management and Program Accountability

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.1. The agency conducts regular internal audits of its component and field offices.				
C.1.a. Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.		X			The OCR Director leads the Departmental EEO Council, which meets with bureau EEO heads on a quarterly basis to discuss program deficiencies. The EEO office also uses a quarterly tracking tool.
C.1.b. Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.		X			DOC Office of Civil Rights staff lead the Barrier Analysis Workgroup, which meets on a quarterly basis to discuss bureau efforts to remove barriers from the workplace.
C.1.c. Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]		X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.2. The agency has established procedures to prevent all forms of EEO discrimination.				
C.2.a. Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]			X		On 5/10/18 OCR and OHRM Directors convened a working group to revise the procedures. A revision of the current harassment procedures was submitted on 8/6/18 and is currently awaiting final Departmental clearance. See Part H-4.
C.2.a.1. Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]		X			
C.2.a.2. Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]		X			
C.2.a.3. Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]		X			
C.2.a.4. Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [See Enforcement Guidance, V.C.]		X			
C.2.a.5. Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120123232 (May 21, 2015); Complainant v. Dep't of Defense (Defense Commissary Agency), EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.		X			
C.2.a.6. Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR §1614.203(d)(2)]			X		All Commerce bureaus reported they met this measure except the National Oceanic and Atmospheric Administration (NOAA) and the Patent and Trademark Office (PTO).
C.2.b. Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR §1614.203(d)(3)]		X			

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C.2.b.1. Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR §1614.203(d)(3)(D)]	X			
C.2.b.2. Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	X			
C.2.b.3. Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR §1614.203(d)(1)(ii)(B)]	X			
C.2.b.4. Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR §1614.203(d)(3)(i)(M)]	X			
C.2.b.5. Does the agency process all initial accommodation requests, excluding ongoing interpretative services, within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If “no”, please provide the percentage of timely-processed requests, excluding ongoing interpretative services, in the comments column.		X		85% of requests are timely processed. See Part H-5.
C.2.c. Has the agency established procedures for processing requests for personal assistance services that comply with EEOC’s regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR §1614.203(d)(6)]	X			
C.2.c.1. Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR §1614.203(d)(5)(v)] If “yes”, please provide the internet address in the comments column.	X			http://www.osec.doc.gov/opog/dmp/resources/DOC_Procedures_

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.3. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.				
	C.3.a. Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	X			
	C.3.b. Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:				
	C.3.b.1. Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	X			
	C.3.b.2. Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	X			
	C.3.b.3. Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	X			
	C.3.b.4. Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]	X			
	C.3.b.5. Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	X			
	C.3.b.6. Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	X			
	C.3.b.7. Support the EEO program in identifying and removing barriers to equal opportunity?. [see MD-715, II(C)]	X			
	C.3.b.8. Support the anti-harassment program in investigating and correcting harassing conduct?. [see Enforcement Guidance, V.C.2]	X			
	C.3.b.9. Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]	X			
	C.3.c. Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]	X			
	C.3.d. When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.4. The agency ensures effective coordination between its EEO program and Human Resources (HR) program.				
	C.4.a. Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	X			
	C.4.b. Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]	X			
	C.4.c. Does the EEO office have timely access to accurate and complete data (e.g., demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]		X		See Part H-6
	C.4.d. Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]	X			
	C.4.e. Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:				
	C.4.e.1. Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	X			
	C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	X			
	C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)]	X			
	C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	X			
	C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.5. Following a finding of discrimination, the agency explores whether it should take a disciplinary action.				
	C.5.a. Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR §1614.102(a)(6); see also Douglas v. Veterans Administration, 5 MSPR 280 (1981)]	X			
	C.5.b. When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If "yes", please state the number of disciplined/sanctioned individuals during this reporting period in the comments.	X			DOC (excluding PTO) had one finding in FY18. However, the individual who engaged in discrimination was terminated for inappropriate conduct unrelated to the finding.
	C.5.c. If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct (e.g., post mortem to discuss lessons learned)? [see MD-715, II(C)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	C.6. The EEO office advises managers/supervisors on EEO matters.				
	C.6.a. Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If "yes", please identify the frequency of the EEO updates in the comments column.	X			Via the annual State of the Agency briefing, via a digital dashboard updated quarterly, and quarterly workforce demographic briefings to senior leadership and the Departmental Management Council.
	C.6.b. Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]	X			

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Agency Self-Assessment Checklist

Essential Element: D Proactive Prevention

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.1. The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.	Yes	No	N/A	
	D.1.a. Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	X			
	D.1.b. Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	X			
	D.1.c. Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR §1614.203(d)(1)(iii)(C)]		X		See Part H-7
 Compliance Indicator	D.2. The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	D.2.a. Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	X			
	D.2.b. Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	X			
	D.2.c. Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]	X			
	D.2.d. Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.	X			The 462 Report (complaint/grievance data), FEVS results, special emphasis program evaluations, anti-harassment program, and reasonable accommodations program.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.3. The agency establishes appropriate action plans to remove identified barriers.			N/A	
	D.3.a. Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	X			
	D.3.b. If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	X			
	D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	D.4. The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Yes	No	N/A	
	D.4.a. Does the agency post its affirmative action plan on its public website? [see 29 CFR §1614.203(d)(4)] If yes, please provide the internet address in the comments.	X			http://www.osec.doc.gov/ocr/CivilRights/MD715%20Report%20FY17_MD715_Fe
	D.4.b. Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR §1614.203(d)(1)(i)]	X			
	D.4.c. Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR §1614.203(d)(1)(ii)(A)]	X			
	D.4.d. Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR §1614.203(d)(7)(ii)]	X			

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Agency Self-Assessment Checklist

Essential Element: E Efficiency

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.1. The agency maintains an efficient, fair, and impartial complaint resolution process.				
E.1.a. Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?		X			
E.1.b. Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?		X			
E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?		X			
E.1.d. Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If so, please provide the average processing time in the comments.		X			15 days from receipt.
E.1.e. Does the agency ensure that all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?		X			
E.1.f. Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?		X			
E.1.g. If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?		X			
E.1.h. When the complainant did not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?		X			
E.1.i. Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?		X			
E.1.j. If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.		X			Their products are due in advance of the regulatory due date and are reviewed for sufficiency. If products aren't satisfactory, they are returned for corrections and resubmitted before the due date.
E.1.k. If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]		X			
E.1.l. Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]		X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.2. The agency has a neutral EEO process.			N/A	
	E.2.a. Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)] If "yes", please explain.	X			N/A
	E.2.b. When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.	X			There are several attorneys on staff at the Office of Civil Rights to perform this task.
	E.2.c. If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]	X			
	E.2.d. Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]	X			
	E.2.e. If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, Attaining a Model Agency Program: Efficiency (Dec. 1, 2004)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	E.3.a. Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	X			
	E.3.b. Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]		X		See Part H-8
	E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]	X			
	E.3.d. Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	X			
	E.3.e. Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	X			
	E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.4. The agency has effective and accurate data collection systems in place to evaluate its EEO program.				
E.4.a. Does the agency have systems in place to accurately collect, monitor, and analyze the following data:					
E.4.a.1. Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]		X			
E.4.a.2. The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]		X			
E.4.a.3. Recruitment activities? [see MD-715, II(E)]		X			
E.4.a.4. External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]		X			
E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)]		X			
E.4.a.6. The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]		X			
E.4.b. Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]		X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.5. The agency identifies and disseminates significant trends and best practices in its EEO program.				
E.5.a. Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If "yes", provide an example in the comments.		X			The DOC monitors trends in our EEO Program via a digital dashboard that is updated on a quarterly basis with complaint, workforce, ADR, and reasonable accommodation trends.
E.5.b. Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments.		X			OCR participated in OPM's Hispanic Council workgroup to review gov-wide Hispanic Employment reports. DOC adopted some of the best practices, including FEVS score analysis process and more.
E.5.c. Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]		X			

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Agency Self-Assessment Checklist

Essential Element: F Responsiveness and Legal Compliance

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	F.1. The agency has processes in place to ensure timely and full compliance with EEOC orders and settlement agreements.				
	F.1.a. Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	X			
	F.1.b. Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	X			
	F.1.c. Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	X			
	F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	X			
	F.1.e. When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX) (H)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	F.2.a. Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	X			
	F.2.a.1. When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]	X			
	F.2.a.2. When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]	X			
	F.2.a.3. When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]	X			
	F.2.a.4. Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	X			

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 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	F.3. The agency reports to EEOC its program efforts and accomplishments.				
	F.3.a. Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]	X			
	F.3.b. Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]	X			

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Plan to Attain Essential Elements

PART H.1

STATEMENT of MODEL PROGRAM ESSENTIAL ELEMENT DEFICIENCY:	E.3.b. Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	
The agency does not require managers and supervisors to participate in ADR once it has been offered to and elected by the aggrieved or complainant.		
OBJECTIVE:	<u>Date Objective Initiated:</u> Apr 30, 2018	<u>Target Date For Completion Of Initiative:</u> Sep 30, 2018
To determine if not requiring managers to participate in ADR after elected by the Complainant is a barrier to resolution efforts.		
Responsible Official	Tinisha Agramonte	
Planned Activities	<u>Target Date</u>	<u>Planned Activity</u>
	Sep 30, 2018 12:00 AM	The Agency will continue to monitor OS-serviced bureaus and other bureaus' trends for ADR election cases.
Dec 31, 2019 12:00 AM	Continue advising senior management of the complainant election rate and participation rate of managers and supervisors in ADR.	
Report of Accomplishments and Modifications to Objective	<p>The Department remained committed to the early resolution of workplace disputes. In FY 2018, of the 76 instances where ADR was elected by the Complainant, there were 11 management declinations. This represents 14.5% of the total number of cases accepted into ADR. Management agreed to participate in ADR 85.5% of all elections. This figure is very similar to the data that was reported in the FY 17 MD 715 Report. The bureaus where the declinations occurred were: BIS (2), Census (3), NTIA (1), ITA (1), NOAA (4). (The report excludes PTO.) In addition, in recognition that feedback from participants is crucial to marketing ADR at the Department, to assess the effectiveness of ADR/mediation sessions, the OS EEO Office continually solicits feedback from all participants. In FY 2018, 100% of the participants (including Complainants, their representatives, management officials and Agency counsel) reported they would utilize mediation in the future and recommend to others. To further promote proactive prevention of workplace disputes, the Department's OCR offered a series of nine (9) proactive prevention workshops in FY 2018, focusing on cross cultural awareness, multigenerational work teams and emotional intelligence to all employees in the DC metro area. A total of nine (9) sessions were held beginning on June 14th and commencing with the final workshop on September 27, 2018. A total of 160 employees from across the Department attended the various sessions. Twenty-six percent (26%) of the workshop participants were in supervisory positions; and 61% of the attendees were females and 39% males. Because attendee feedback is the cornerstone of measuring the effectiveness of these sessions, CSRD was successful in soliciting feedback from 90% of the workshop participants. The nine workshops received a combined average rating of 4.5 for overall value; and the facilitator of the sessions received a combined rating of 4.5 on a 1 to 5-point scale with 5 being the highest positive rating. Lastly, it should also be noted that in October 2018, NOAA issued a policy requiring agency officials to participate in ADR once the Complaint has elected to participate. DOC's OCR will monitor this initiative to determine if it creates more of an incentive for Complainants to elect this alternative.</p>	

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Plan to Attain Essential Elements

PART H.2

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

A.3.a. Does the agency provide recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a)(9)] If “yes”, provide one or two examples in the comments section. .

The Department of Commerce does not provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity.

OBJECTIVE:	<u>Date Objective Initiated:</u> Feb 11, 2019	<u>Target Date For Completion Of Initiative:</u> Sep 30, 2020
	To establish the departmental program that will recognize employees, supervisors, managers, and units demonstrating superior accomplishment(s) in EEO and diversity and inclusion.	

Responsible Official Tinisha Agramonte

PlannedActivities	Target Date	Planned Activity
		Sep 1, 2019 12:00 AM
	Jan 30, 2020 12:00 AM	Develop award criteria and entry template. Determine what type of recognition/ award will be provided to winners.
	Mar 30, 2020 12:00 AM	Vet quality and validity of award criteria and entry template/survey.
	May 30, 2020 12:00 AM	Announce and launch the program Commerce-wide.
	Jul 31, 2020 12:00 AM	Assess entries and determine winners.
	Sep 30, 2020 12:00 AM	Announce and recognize winners.

Report of Accomplishments and Modifications to Objective This is a new Part H, accomplishments will be included in the FY19 report.

Department of Commerce

For period covering October 1, 2017 to September 30, 2018

Plan to Attain Essential Elements

PART H.3

STATEMENT of MODEL PROGRAM ESSENTIAL ELEMENT DEFICIENCY:	B.1.a. Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	
The EEO Director/OCR Director is not under the direct supervision of the Secretary of Commerce.		
OBJECTIVE:	<u>Date Objective Initiated:</u> Jan 29, 2018	<u>Target Date For Completion Of Initiative:</u> Jan 29, 2019
To address the reporting structure of the EEO Office, EEO Director, and OCR Director.		
Responsible Official	Tinisha Agramonte	
PlannedActivities	<u>Target Date</u>	<u>Planned Activity</u>
	Jan 29, 2019 12:00 AM	Revise the Department Organization Order 20-10, which prescribes the functions and organization of the Office of Civil Rights to show the OCR Director has a dotted reporting line to the Secretary of Commerce.
Report of Accomplishments and Modifications to Objective	The Office of Civil Rights (OCR) revised Departmental Organization Order 20-10, which revises the reporting structure of OCR and its Director, with a dotted reporting line to the Secretary of Commerce. The Office of the Inspector General (OIG) completed its review of DOO 20-10 on July 25th, 2018. However, all the revised Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA) Departmental Organization Orders (DOO) are on hold pending finalization of changes to DOO 10-5, which is the CFO/ASA DOO. OCR falls under the CFO/ASA.	

Department of Commerce

For period covering October 1, 2017 to September 30, 2018

Plan to Attain Essential Elements

PART H.4

STATEMENT of MODEL PROGRAM ESSENTIAL ELEMENT DEFICIENCY:	B.3.b. Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.
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The Department of Commerce's strategic plan does not reference EEO/diversity and inclusion principles.

OBJECTIVE:	<u>Date Objective Initiated:</u> Feb 11, 2019	<u>Target Date For Completion Of Initiative:</u> Sep 30, 2020
	To include EEO/Diversity and Inclusion principles in the DOC's strategic plan.	

Responsible Official	Tinisha Agramonte Christine Heflin
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	<u>Target Date</u>	<u>Planned Activity</u>
Planned Activities	Mar 27, 2019 12:00 AM	The Director of Civil Rights will discuss the lack of EEO/D&I in the DOC's strategic plan with the Chief Financial Officer and Assistant Secretary of Administration.
	Apr 21, 2020 12:00 AM	OCR will work with the appropriate staff offices to ensure the inclusion of EEO and Diversity and Inclusion principles in the Departmental Strategic Plan.

Report of Accomplishments and Modifications to Objective	This is a new Plan H, accomplishments will be included in the FY19 report.
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Department of Commerce

For period covering October 1, 2017 to September 30, 2018

Plan to Attain Essential Elements

PART H.5

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

C.2.a. Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]

The Department did not have an Anti-Harassment policy, and its procedures do not currently comply with EEO guidance and feedback.

OBJECTIVE:

Date Objective Initiated: May 10, 2018
Target Date For Completion Of Initiative: Dec 30, 2019

Update the current Departmental anti-harassment procedures to comply with EEOC guidance.

Responsible Official

Frank Milman
Valerie Smith

Planned Activities

<i>Target Date</i>	<i>Planned Activity</i>
Jun 1, 2019 12:00 AM	Issue revised harassment procedures to comply with EEOC guidance, specifically defining harassment, providing examples of prohibited conduct, expanding coverage to address contractor rights, addressing the need for timely inquiries, and clarifying the specific roles and responsibilities of individuals raising claims, managers/supervisors, human resources, EEO and Office of Inspector General staff.
Jun 1, 2019 12:00 AM	Once the procedures have been updated, manager/supervisors and all staff with responsibilities under the procedures will be informed of the updates.

Report of Accomplishments and Modifications to Objective

This is a new Plan H, accomplishments will be included in the FY19 report.

Department of Commerce

For period covering October 1, 2017 to September 30, 2018

Plan to Attain Essential Elements

PART H.6

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

D.1.c. Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR §1614.203(d)(1)(iii)(C)]

The Department of Commerce does not conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion retention, and advancement of individuals with disabilities.

OBJECTIVE:	<u>Date Objective Initiated:</u> Apr 30, 2018	<u>Target Date For Completion Of Initiative:</u> Apr 30, 2019
	To develop and conduct a Departmental retention survey that includes questions on recruitment, hiring, inclusion, retention, and advancement of individuals with disabilities.	

Responsible Official	Tinisha Agramonte Jerry Beat
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Planned Activities	<u>Target Date</u>	<u>Planned Activity</u>
		Sep 30, 2018 12:00 AM
	Sep 30, 2018 12:00 AM	Develop questions for retention survey
	Mar 20, 2019 12:00 AM	Disseminate survey to OGC, Unions, Privacy Offices, Departmental Management Council, and the PHRM Council for testing, review and comments.
	Apr 30, 2019 12:00 AM	Launch Retention Survey

Report of Accomplishments and Modifications to Objective	In FY18, the Office of Civil Rights (OCR) began the development of a Retention Survey to invite and encourage the Departments workforce to provide insight into why employees may want to leave the Department, as well as their reasons for staying. Once implemented, results from the survey will lead to the improvement of policies, practices, and procedures that can positively affect retention of individuals with disabilities and other minority groups. OCR partnered with the Center for Behavioral Science Methods (CBSM) at the Census Bureau and entered into a Memorandum of Understanding (MOU) to develop the survey. More accomplishments on this effort will be provided in the FY19 MD-715 Report.
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Department of Commerce

For period covering October 1, 2017 to September 30, 2018

Plan to Attain Essential Elements

PART H.7

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

C.2.a.6. Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR §1614.203(d)(2)]

This is a bureau deficiency. See NOAA and PTO MD-715 reports.

Department of Commerce

For period covering October 1, 2017 to September 30, 2018

Plan to Attain Essential Elements

PART H.8

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

C.2.b.5. Does the agency process all initial accommodation requests, excluding ongoing interpretative services, within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If “no”, please provide the percentage of timely-processed requests, excluding ongoing interpretative services, in the comments column.

The Department of Commerce does not process all reasonable accommodation procedure requests within the time frame set forth in its reasonable accommodation procedures. The percentage of timely-processed requests is 85%.

OBJECTIVE:

Date Objective Initiated:

Feb 4, 2019

Target Date For Completion Of Initiative:

Mar 31, 2020

To improve the timely processing of requests for reasonable accommodations.

Responsible Official

Monique Dismuke
Stacy Carter

PlannedActivities

Target Date

Planned Activity

May 28, 2019
12:00 AM

Discuss issue with Bureau RACs at quarterly RAC meeting and ensure RA quarterly reports monitor and track timeliness.

Sep 30, 2019 12:00
AM

Secure a new automated reasonable accommodations tracking system to improve the processing of reasonable accommodations within the time frame set forth in the reasonable accommodations procedures

Sep 30, 2019 12:00
AM

Incorporate training on updated RA procedures in mandatory New Supervisors training.

Mar 31, 2020 12:00
AM

Provide training on updated RA procedures for all DOC managers and supervisors.

**Report of Accomplishments
and Modifications to
Objective**

This is a new Plan H, accomplishments will be included in the FY19 report.

Department of Commerce

For period covering October 1, 2017 to September 30, 2018

Plan to Attain Essential Elements

PART H.9

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

C.4.c. Does the EEO office have timely access to accurate and complete data (e.g., demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]

The Department of Commerce (DOC) does not currently have accurate and complete data required to prepare the MD-715 workforce data tables. Although the DOC was able to retrieve most workforce data tables, some data points were missing: applicant data for Career Development/Leadership programs; relevant applicant pool info for internal promotions to senior level positions; applicant flow data for some hires; and appropriate conversion of various pay scales into the GS-scale.

OBJECTIVE:

Date Objective Initiated: Apr 24, 2019 *Target Date For Completion Of Initiative:* Mar 31, 2020

Determine data elements OCR needs for the MD-715 and identify reporting tools for OCR data needs.

Responsible Official

Tinisha Agramonte
Kevin Mahoney

Planned Activities

<i>Target Date</i>	<i>Planned Activity</i>
Jun 30, 2019 12:00 AM	OCR will conduct discovery sessions with Enterprise Services and the Department of Treasury Workforce Analytics team to identify and address data issues related to the coding and conversion of various pay tables into the GS scale. Meetings will occur throughout the month of June 2019.
Sep 30, 2019 12:00 AM	OCR will meet with OHRM to address how to obtain Career Development applicant data. A timetable will be developed to put a system in place where race, ethnicity, gender, and disability status are recorded and available for analysis for FY19 and beyond.
Sep 30, 2019 12:00 AM	OCR will meet with OHRM to address a strategy for ensuring hiring officials close-out referral certs to ensure more complete applicant flow data.

Report of Accomplishments and Modifications to Objective

This is a new Part H, accomplishments will be included in the FY19 report.

Department of Commerce

For period covering October 1, 2017 to September 30, 2018

Plan to Eliminate Identified Barriers

PART I.1

STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:

Provide a brief narrative describing the condition at issue.

How was the condition recognized as a potential barrier?

Females of all races have less than expected participation in the GS13-15 pipeline and have higher separation rates than hiring rates. They also make 61% of all complaints filed.

STATEMENT OF BARRIER GROUPS:

Barrier Group

All Women

All Women

Department of Commerce

For period covering October 1, 2017 to September 30, 2018

Plan to Eliminate Identified Barriers

PART I.2

STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:

Provide a brief narrative describing the condition at issue.

How was the condition recognized as a potential barrier?

Hispanics have less than expected participation in the DOC workforce. They have less than expected participation in the Leadership Pipeline and are separating at higher rates than their hires.

STATEMENT OF BARRIER GROUPS:

Barrier Group

Hispanic or Latino Males

Hispanic or Latino Females

MD-715 – Part J
Special Program Plan
for the Recruitment, Hiring, Advancement, and
Retention of Persons with Disabilities

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 CFR §1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with disabilities and persons with targeted disabilities in the federal government

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

- | | | |
|-------------------------------|--------|-----|
| a.Cluster GS-1 to GS-10 (PWD) | Answer | No |
| b.Cluster GS-11 to SES (PWD) | Answer | Yes |

There is a trigger for PWD in the cluster for GS-11 to SES (includes GS equivalents); their participation is 7.27% which is below the 12% goal.

*For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d)(7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

- | | | |
|--------------------------------|--------|-----|
| a.Cluster GS-1 to GS-10 (PWTD) | Answer | No |
| b.Cluster GS-11 to SES (PWTD) | Answer | Yes |

There is a trigger for PWTD in the cluster for GS-11 to SES (includes GS equivalents); their participation rate is 1.99% which is below the 2% goal.

3. Describe how the agency has communicated the numerical goals to the hiring managers and/or recruiters.

Provided State of the Agency and quarterly briefings to senior leadership to communicate goals and progress in reaching targets. Communicated goals during supervisor/managers' training. Numerical goals communicated to Human Resources, especially recruiting staff to inform hiring managers of agency goals. Hiring managers are made aware of numerical goals with each recruitment action.

Section II: Model Disability Program

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM

1. Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If "no", describe the agency's plan to improve the staffing for the upcoming year.

Answer Yes

2. Identify all staff responsible for implementing the agency's disability employment program by the office, staff employment status, and responsible official.

Disability Program Task	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Processing applications from PWD and PWTD	9	0	36	Roseal Fowlkes, Veterans Employment rfowlkes@doc.gov
Answering questions from the public about hiring authorities that take disability into account	17	0	36	Roseal Fowlkes, Veterans Employment & Selective Placement Program Manager
Architectural Barriers Act Compliance	6	0	0	Michael Rusten Associate Director mrusten@doc.gov
Special Emphasis Program for PWD and PWTD	6	0	0	Monique Dismuke Senior Disability Program Manager mdismuke@doc.gov
Processing reasonable accommodation requests from applicants and employees	13	0	11	Monique Dismuke, DPM & RA Program Manager
Section 508 Compliance	6	0	11	Jennifer Jessup Office of the Chief Information Office jjessup@doc.gov

3. Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Answer Yes

Disability program staff received training offered by various entities, including: USDA Graduate School, ASKEARN Training Center, Disability Management Employer Coalition, Job Accommodation Network (JAN), and EEOC. Staff attended conferences hosted by EEOC, Federal Dispute Resolution (FDR), and the Federal Employment Law Training Group. Some DPMs will attend the EEOC DPM Course in 2019. Additionally, Bureau disability program staff attended internal training coordinated provided by the Office of Civil Rights’ DPM.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If “no”, describe the agency’s plan to ensure all aspects of the disability program have sufficient funding and other resources

Answer Yes

The program does have sufficient funding. However, DOC is researching the plausibility of establishing centralized funding for: 1) targeted recruitment efforts; 2) commonly requested reasonable accommodation items; 3) sign language interpreters, and 4) a DOC-wide automated RA Tracking System.

Section III: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency’s recruitment program plan for PWD and PWTD

A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

DOC uses a variety of programs and resources to recruit and hire PWD/TD, to include: maintaining an internal database of resumes from applicants eligible for non-competitive hiring authorities; use of alternative recruitment sources, i.e. VetSuccess.gov; use of USAJOBS to search for resumes for applicants eligible for Schedule A hire; use of OPM's Bender list of applicants with disabilities; participation in local colleges and university job recruitment fairs; coordination with the Workforce Recruitment Program for access to postsecondary students and recent graduates with disabilities; participation in the VA's Non-Paid Work Experience Program; coordination with the Veterans Vocational and Rehabilitation Program and Disabled Veterans Service Organizations to recruit eligible disabled veterans; and development of DOC's Bureau webpages to disseminate information to interested job applicants w/ disabilities. DOC continuously provides job applicants information about DOC's disability employment programs, various employment opportunities, the government hiring process, points of contacts for reasonable accommodations. This information is provided on DOC Bureau webpages, LinkedIn, Facebook and other social media sites.

2. Pursuant to 29 C.F.R. §1614.203(a)(3), describe the agency's use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTd for positions in the permanent workforce

The Department encourages managers to use Schedule A to fill vacant positions, whenever possible, and to utilize Bureau Selective Placement Program Coordinators (SPPC) to receive guidance in this area. Through outreach to vocational rehabilitation centers and disabled veterans' organizations, the SPPC encourages eligible applicants to make their resumes searchable in USAJOBS by selecting eligibility for special hiring authorities. The SPPC develops recruitment solutions tailored to specific hiring needs, market agency vacancies to persons with disabilities who are eligible for non-competitive placement via Schedule A, and represent DOC at events focused on hiring people with disabilities. The SPPC encourages individuals utilizing Schedule A to send their resumes directly to them to be placed in the Bureau-specific database. The SPPC then sends resumes of qualified applicants to hiring officials within the agency to review and fill vacant positions. Applicants who have questions or would like to receive technical assistance on how to apply under Schedule A are provided DOC's centralized Schedule A email address: ScheduleA@doc.gov.

3. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for appointment under such authority; and, (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

The DOC's Human Resources (HR) Specialists and SPPC are dedicated to working with job applicants that apply under special hiring authorities, i.e. Schedule A, to determine eligibility and ensure their application is provided to relevant hiring officials. 1) Applications received via USAJOBS are assessed by an assigned HR Specialist, then qualified candidates are referred to hiring officials for relevant vacancies. 2) Through the Selective Placement Program, Schedule A applicants can submit their application package directly to the SPPC via email. The SPPC reviews the application to determine if the person qualifies for the position and that the Schedule A letter submitted meets OPM's requirements. If all criteria are met, the candidate's resume is placed in an electronic database and forwarded to hiring managers for review when positions that match the applicant's qualifications are being filled. 3) The SPPC can also proactively search the internal database for resumes of qualified applicants. These applications are then forwarded to the hiring official with an explanation of the Selective Placement Program and the process for selection.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Answer Yes

DOC requires all hiring managers to complete a specialized training program called "Roadmap to Success: Hiring, Retaining, and Including People with Disabilities". This training is available to all managers online via the Commerce Learning Center. All new supervisors/managers are required to take supervisor's training within their first year of becoming a supervisor. This training provides information on recruitment and hiring of PWD/TD. Some Bureaus conduct additional training, i.e. Census' Strategic Recruitment and Outreach Branch (SROB) provides a 3-hour management level training to supervisors and hiring managers on selective placement hiring initiatives and procedures for disability hiring; USPTO provides computer based training at least bi-annually; NOAA offers the ABC's of Schedule A Hiring, bi-monthly in-person or via webinar to hiring managers.

B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

Describe the agency's efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

DOC Bureaus have established and/or maintain contacts with "Hiring Our Heroes", Vocational Rehabilitation Services, and RecruitMilitary, all which target PWD/TD; attended campus events for students with disabilities; developed relationships and partnered with disability offices at local colleges and universities; partnered with affinity groups to help recruit individuals with disabilities; partnered with local Vocational Rehabilitation centers, Maryland's Department of Rehabilitation Services, and the Virginia Department of Aging and Rehabilitative Services to provide guidance on applying for federal positions.

C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

- a. Cluster GS-1 to GS-10 (PWTD) Answer No
- b. Cluster GS-11 to SES (PWTD) Answer No

No triggers. New hires for PWD and PWTD were 13.4% and 2.67%, respectively.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. New Hires for MCO (PWD) Answer Yes
- b. New Hires for MCO (PWTD) Answer Yes

Among the new hires with disabilities, who voluntarily identified their disability, triggers existed for PWTD in the following most populous MCOs: 301 – 4.0% applicants, 4.1% qualified, 0% selected 343 – 3.4% applicants, 3.0% qualified, 0% selected 0482 – 1.2% applicants, 1.1% qualified, 0% selected 0905 – 2.1% applicants, 2.1% qualified, 0% selected 1101 – 3.5% applicants, 3.6% qualified, 0% selected 1340 – 2.8% applicants, 2.4% qualified, 0.8% selected 1530 – 3.2% applicants, 2.6% qualified, 0% selected Among the new hires with disabilities who voluntarily identified their disability, triggers existed for PWD in the following most populous MCOs: 301 – 8.8% applicants, 8.4% qualified, 1.8% selected 343 – 8.0% applicants, 7.4% qualified, 1.3% selected 0482 – 5.1% applicants, 5.1% qualified, 0% selected 0905 – 4.6% applicants, 4.4% qualified, 0% selected 1530 – 7.4% applicants, 5.9% qualified, 1.2% selected While the number of PWD/TD applicants is low, the data is provided to show a trend in non-selection, and in some cases, a disparity in those who applied versus those who qualified among PWD.

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified internal applicants for any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Qualified Applicants for MCO (PWD) Answer Yes
- b. Qualified Applicants for MCO (PWTD) Answer No

Among the qualified internal applicants with disabilities, who voluntarily identified their disability, triggers existed for PWD in the 0301 MCO - 4.2% of applicants; 2.3% found qualified. No triggers were found for PWTD.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Promotions for MCO (PWD) Answer Yes
- b. Promotions for MCO (PWTD) Answer Yes

Among the qualified employees with disabilities who voluntarily identified their disability, triggers existed for PWTD and PWD promoted in the following most populous MCOs: PWD: 0301 – 2.3% qualified, 0% selected 0343 – 2.6% qualified, 0% selected 0905 – 1.4% qualified, 0% selected 1224 – 1.2% qualified, 0% selected 1340 – 3.5% qualified, 0% selected PWTD: 0301 – 2.3% qualified, 0% selected 0343 – 1.3% qualified, 0% selected 0905 – 1.4% qualified, 0% selected 1224 – 0.5% qualified, 0% selected 1340 – 2.0% qualified, 0% selected While some of the percentages may not represent significant differences, the information is provided to show a trend for non-selection in 5 out of the 10 most populous MCOs.

Section IV: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

A. ADVANCEMENT PROGRAM PLAN

Describe the agency’s plan to ensure PWD, including PWTD, have sufficient opportunities for advancement.

DOC Bureaus provided career/professional development programs for their employees, including PWD/TD. The competitive opportunities were announced via USAJOBS and many other internal programs were opened to all employees. In FY 2018, opportunities were provided for employees to gain management and leadership skills to accomplish their career objectives. For example, workshops on developing Individual Development Plans and Leadership Competencies were offered. All employees were encouraged to participate in DOC-wide developmental opportunities, as well as Federal Government-wide career development programs. Additionally, Bureaus initiated and engaged Employee Resource Groups, including Disability Working Groups, to implement career development programs. This will continue in 2019.

B. CAREER DEVELOPMENT OPPORTUNITIES

1. Please describe the career development opportunities that the agency provides to its employees.

DOC Bureaus have instituted various career development opportunities. NIST: Foundations of Leadership Program (FLP); New Leader Program (NLP); project Management and Leadership Program (PMLP). Mentoring and coaching sessions are available to participants of these programs. NOAA: Leadership Competencies Development Program (LCDP); NOAA Leadership Seminar (NLS); and NOAA Rotational Assignment Program (NRAP). Census: Offers job rotational opportunities. Details are posted on a SharePoint site that is available Census-wide. Internship positions are posted on USAJOBS and are open to all qualified candidates.

2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate.

Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)
Fellowship Programs						
Internship Programs						
Coaching Programs						
Training Programs						
Mentoring Programs						
Other Career Development Programs	n/a	17	n/a	4	n/a	0
Detail Programs						

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Applicants (PWD) Answer N/A
- b. Selections (PWD) Answer N/A

Applicant data is not available at this time. Data is only available for those selected to participate. DOC plans to collect applicant data in FY 2020.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Applicants (PWTD) Answer N/A
- b. Selections (PWTD) Answer N/A

Applicant data is not available at this time. Data is only available for those selected to participate. DOC plans to collect applicant data in FY 2020.

C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If “yes”, please describe the trigger(s) in the text box.

- a. Awards, Bonuses, & Incentives (PWD) Answer Yes
- b. Awards, Bonuses, & Incentives (PWTD) Answer Yes

Using the inclusion rate, triggers were identified for the following awards: Cash awards \$500 and under: The average award amount for PWDs and PWTDs is lower than the average award amount for all recipients. Cash awards between \$501 and \$1500: The average award amount for PWDs is lower than the average award amount for all recipients. Cash awards greater than \$1500: The average award amount for PWDs and PWTDs is also lower than the average award amount for all recipients.

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If “yes”, please describe the trigger(s) in the text box.

- a. Pay Increases (PWD) Answer No
- b. Pay Increases (PWTD) Answer No

No triggers

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If “yes”, describe the employee recognition program and relevant data in the text box.

- a. Other Types of Recognition (PWD) Answer N/A
- b. Other Types of Recognition (PWTD) Answer N/A

D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES

i. Qualified Internal Applicants (PWD) Answer No

ii. Internal Selections (PWD) Answer No

b. Grade GS-15

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

c. Grade GS-14

i. Qualified Internal Applicants (PWD) Answer No

ii. Internal Selections (PWD) Answer Yes

d. Grade GS-13

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

No triggers were identified at the SES level because there were no PWD among the applicants for SES positions. The following triggers were identified: GS 15: 1.4% qualified; 0% selected GS 14: 0.9% qualified, 0% selected GS 13: 3.4% qualified, 2.6% selected While the percentages may not represent significant differences, the information is provided to show a trend for non-selection, at the higher grade level, and the disparity in those qualified versus selected.

2. Does your agency have a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES

i. Qualified Internal Applicants (PWTD) Answer N/A

ii. Internal Selections (PWTD) Answer N/A

b. Grade GS-15

i. Qualified Internal Applicants (PWTD) Answer No

ii. Internal Selections (PWTD) Answer Yes

c. Grade GS-14

i. Qualified Internal Applicants (PWTD) Answer No

ii. Internal Selections (PWTD) Answer Yes

d. Grade GS-13

i. Qualified Internal Applicants (PWTD) Answer No

ii. Internal Selections (PWTD) Answer Yes

No triggers were identified at the SES level because there were no PWD among the applicants for SES positions. The following triggers were identified: GS 15: 0.6% qualified; 0% selected GS 14: 0.9% qualified, 0% selected GS 13: 1.3% qualified, 0% selected While the percentages may not represent significant differences, the information is provided to show a trend for non-selection, at the higher grade level, and the disparity in those qualified versus selected.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- | | | |
|-----------------------------|--------|-----|
| a. New Hires to SES (PWD) | Answer | N/A |
| b. New Hires to GS-15 (PWD) | Answer | N/A |
| c. New Hires to GS-14 (PWD) | Answer | N/A |
| d. New Hires to GS-13 (PWD) | Answer | N/A |

Due to a loss of key personnel, the EEO Office has not been able to sufficiently explore all available data sources, beyond the MD 715 data tables, in order to fully respond to the MD 715 reporting requirements. Plans are in place (see Part H-6) to address this deficiency.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- | | | |
|------------------------------|--------|-----|
| a. New Hires to SES (PWTD) | Answer | N/A |
| b. New Hires to GS-15 (PWTD) | Answer | N/A |
| c. New Hires to GS-14 (PWTD) | Answer | N/A |
| d. New Hires to GS-13 (PWTD) | Answer | N/A |

Due to a loss of key personnel, the EEO Office has not been able to sufficiently explore all available data sources, beyond the MD 715 data tables, in order to fully respond to the MD 715 reporting requirements. Plans are in place (see Part H-6) to address this deficiency.

5. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- | | | |
|--|--------|-----|
| a. Executives | | |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD) | Answer | N/A |
| b. Managers | | |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD) | Answer | N/A |
| c. Supervisors | | |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD) | Answer | N/A |

Due to a loss of key personnel, the EEO Office has not been able to sufficiently explore all available data sources, beyond the MD 715 data tables, in order to fully respond to the MD 715 reporting requirements. Plans are in place (see Part H-6) to address this deficiency.

6. Does your agency have a trigger involving PWTB among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives

i. Qualified Internal Applicants (PWTB) Answer N/A

ii. Internal Selections (PWTB) Answer N/A

b. Managers

i. Qualified Internal Applicants (PWTB) Answer N/A

ii. Internal Selections (PWTB) Answer N/A

c. Supervisors

i. Qualified Internal Applicants (PWTB) Answer N/A

ii. Internal Selections (PWTB) Answer N/A

Due to a loss of key personnel, the EEO Office has not been able to sufficiently explore all available data sources, beyond the MD 715 data tables, in order to fully respond to the MD 715 reporting requirements. Plans are in place (see Part H-6) to address this deficiency.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWD) Answer N/A

b. New Hires for Managers (PWD) Answer N/A

c. New Hires for Supervisors (PWD) Answer N/A

Due to a loss of key personnel, the EEO Office has not been able to sufficiently explore all available data sources, beyond the MD 715 data tables, in order to fully respond to the MD 715 reporting requirements. Plans are in place (see Part H-6) to address this deficiency.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTB among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWTB) Answer N/A

b. New Hires for Managers (PWTB) Answer N/A

c. New Hires for Supervisors (PWTB) Answer N/A

Due to a loss of key personnel, the EEO Office has not been able to sufficiently explore all available data sources, beyond the MD 715 data tables, in order to fully respond to the MD 715 reporting requirements. Plans are in place (see Part H-6) to address this deficiency.

Section V: Plan to Improve Retention of Persons with Disabilities

To be model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace assistance services.

A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 CFR § 213.3102(u)(6)(i))? If "no", please explain why the agency did not convert all eligible Schedule A employees.

Answer Yes

All eligible Schedule A employees with disabilities were converted after two years. In FY 2018, the agency established a system to monitor the status of Schedule A employees with disabilities. DOC's SPCC within OHRM track this data. Also, there was a recent change in HR to implement "Shared Services" which should provide the means to better monitor and track the status of Schedule A employees to ensure conversion opportunities in the future.

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If "yes", describe the trigger below.

- a. Voluntary Separations (PWD) Answer Yes
- b. Involuntary Separations (PWD) Answer Yes

The % of voluntary and involuntary separations for PWD exceeded those without disabilities. Inclusion (Separation) Rate: 6.4% PWD Sep Rate: 9.5% No Dis Sep Rate: 6.0% Involuntary Sep Rate: PWD: 1.5% No Dis: 0.6% Voluntary Sep Rate: PWD: 8.2% No Dis: 5.5%

3. Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If "yes", describe the trigger below.

- a. Voluntary Separations (PWTD) Answer Yes
- b. Involuntary Separations (PWTD) Answer Yes

The % of voluntary and involuntary separations for PWTD exceeded those without disabilities. Inclusion (Separation) Rate: 6.4% PWTD Sep Rate: 8.6% No Dis Sep Rate: 6.0% Involuntary Sep Rate: PWTD: 1.1% No Dis: 0.6% Voluntary Sep Rate: PWTD: 7.6% No Dis: 5.5%

4. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

The agency does not have a system to collect DOC-wide exit interview results. However, some Bureaus have implemented automated exit interview surveys. The Office of Civil Rights is currently developing a DOC-wide retention survey designed to capture data on why people leave DOC and what makes them stay. The survey is to be launched in FY 2019.

B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 CFR §1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

<https://www.commerce.gov/about/policies/accessibility>

2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the Architectural Barriers Act, including a description of how to file a complaint.

The proposed notice is under review and will be available in FY 2020.

3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

In FY 2018, a DOC-wide Web Accessibility Working Group was established to monitor, update, provide guidance and advice on web content, and to ensure accessibility. This group ensures that DOC websites and electronic technology are fully compliant and accessible to users with disabilities. Each Bureau also has a Web Advisory Committee (WAC) that provides guidance and training on proper development and presentation of accessible electronic information. The WAC includes a Section 508 working group that meets regularly to address specific regulatory requirements and implementation concerns. Some Bureaus' internal websites also provide training materials, tools, and other resources for developers and managers. In FY 2019, all DOC Bureaus are expected to establish Web Accessibility Working Groups to locally address any accessibility concerns and elevate issues that have DOC-wide impact. The Bureaus' Facility Management Offices collaborate with DPMs and/or Reasonable Accommodation staff to ensure that newly constructed or renovated areas are accessible to persons with disabilities and to address Americans with Disabilities Act (ADA) or Architectural Barriers Act (ABA) accessibility issues.

C. REASONABLE ACCOMMODATION PROGRAM

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

For FY 2018, the average processing time for initial requests was 14.2 days. DOC's Reasonable Accommodation Coordinators (RAC) reported receiving and processing 1,531 requests for reasonable accommodations.

2. Describe the effectiveness of the policies, procedures, or practices to implement the agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

In FY 2018, DOC Bureaus increased the number of training opportunities provided to employees and managers/supervisors in the area of reasonable accommodations. This has been instrumental in working towards providing more timely approvals of accommodation requests and improving managers/supervisors' understanding of their roles and responsibilities.

D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE

Pursuant to 29 CFR §1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

In FY 2018, there was one request for PAS that was timely provided. Bureaus continue to include procedures for requesting PAS in their RA training. Some Bureaus have created standard operating procedures with detailed internal procedures for handling PAS requests that are consistent with EEOC and DOC-wide procedures.

Section VI: EEO Complaint and Findings Data

A. EEO COMPLAINT DATA INVOLVING HARASSMENT

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the government-wide average?

Answer Yes

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Answer Yes

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

The Agency did not have any findings of discrimination alleging harassment based on disability status during the last fiscal year. However, cases involving disability-based harassment were settled.

B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Answer Yes

2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?

Answer No

3. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

The Agency did not have any findings of discrimination alleging failure to provide a reasonable accommodation during the last FY. However, cases involving disability-based harassment were settled.

Section VII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer No

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

Answer N/A

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

FY 2017 Planned Activity: Establish retention and possibly exit interview surveys to determine root cause for increased separation rates. This action is still in progress and has been moved to the action plan for Trigger #2.

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

In FY 2018, OHRM hired a DOC SPPC to improve outreach and recruitment of PWD/TD through external sources. The SPPC established a collaborative working group of Bureau SPPCs and DPMS to revise and implement DOC's Strategic Operations Plan for the Recruitment, Hiring and Advancement of PWD and PWTD.

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

DOC will continue implementing the strategies identified in this year's Affirmative Action Plan and DOC's updated Strategic Operational Plan for the Recruitment, Hiring and Retention of Individuals with Disabilities.