

Department of Commerce

For period covering October 1, 2021 to September 30, 2022

|   |  |                             |
|---|--|-----------------------------|
| <b>PART A</b><br>Department or Agency Identifying Information | <b>1. Agency</b>                               | 1. Department of Commerce   |
|   | <b>1.a</b> 2nd level reporting component       |                             |
|   | <b>2. Address</b>                              | 2. 1401 Constitution Ave NW |
|   | <b>3. City, State, Zip Code</b>                | 3. washington, DC 20230     |
|   | <b>4. Agency Code</b>   <b>5. FIPS code(s)</b> | 4. CM00   5. 1300           |

|                                   |   |          |
|-----------------------------------|---|----------|
| <b>PART B</b><br>Total Employment | <b>1.</b> Enter total number of permanent full-time and part-time employees | 1. 41135 |
|                                   | <b>2.</b> Enter total number of temporary employees                         | 2. 5557  |
|                                   | <b>3. TOTAL EMPLOYMENT [add lines B 1 through 2]</b>                        | 4. 46692 |

| <b>PART C</b>  | <b>Title Type</b>   | <b>Name</b>       | <b>Title</b>  |
|--|---|-------------------|---|
| Agency Official(s) Responsible For Oversight of EEO Program(s) | Head of Agency  | Gina Raimondo     | Secretary of Commerce   |
|  | Head of Agency Designee   | Jeremy Pelter     | Acting Chief Financial Officer and Assistant Secretary for Administration |
|  | Principal EEO Director/Official                                       | Larry J. Beat     | Director, Office of Civil Rights  |
|  | Affirmative Employment Program Manager                                | Laura Soria       | EEO Specialist  |
|  | Complaint Processing Program Manager                                  | Paul Redpath      | Director, Program Implementation Division                                 |
|  | Diversity & Inclusion Officer   | Junish Arora      | Chief Diversity Officer   |
|  | Hispanic Program Manager (SEPM)                                       | Laura Soria       | EEO Specialist  |
|  | Women's Program Manager (SEPM)  | Laura Soria       | EEO Specialist  |
|  | Disability Program Manager (SEPM)                                     | Monique Dismuke   | EEO Manager   |
|  | Special Placement Program Coordinator (Individuals with Disabilities) | Roseal Fowlkes    | Veterans and Disability Employment Program Manager                        |
|  | Reasonable Accommodation Program Manager                              | Monique Dismuke   | EEO Specialist  |
|  | Anti-Harassment Program Manager                                       | Kelly Spence      | Employee and Labor Relations Officer                                      |
|  | ADR Program Manager   | Bernadette Worthy | Director, Client Services and Resolutions Division                        |
|  | Compliance Manager  | Larry J. Beat     | Director, Office of Civil Rights  |
| Principal MD-715 Preparer                                      | Monique Dismuke   | EEO Manager       |   |

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**PART D**  
List of Subordinate Components Covered in  
This Report

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

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

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**EXECUTIVE SUMMARY: MISSION**

The mission of the U.S. Department of Commerce (DOC) is to create the conditions for economic growth and opportunity for all communities. 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 its 13 bureaus, the Department works to drive U.S. economic competitiveness, strengthen domestic industry, and spur the growth of quality jobs in all communities across the country. The Department serves as the voice of business in the Federal Government, and at the same time, the Department touches and serves every American every day.

Innovation, equity, and resilience. These three concepts drive our work at the U.S. Department of Commerce, and they're crucial to our overarching goal of improving America's competitiveness in the global economy.

The Department fosters the innovation and invention that underpin the U.S. comparative advantage. Its scientists research emerging technologies such as quantum computing and artificial intelligence (AI). Companies use NIST and NTIA laboratories to conduct research and development (R&D). NOAA advances R&D of the commercial space industry and climate science. USPTO's intellectual property (IP) protections ensure American innovators profit from their work.

This DOC Management Directive 715 Annual Report and Plan was 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: ESSENTIAL ELEMENT A-F**

Agencies are required to conduct an annual self-assessment to determine whether their overall EEO program is properly established and compliant with the six essential elements (standards) set forth in MD-715. PART G, Agency Self-Assessment Checklist, sets forth the minimum requirements for a model EEO program. Using the 156 compliance measures in Part G, **DOC was 84% compliant** (See Part G), which is a 3% increase in compliance from FY21 (81%).

The EEOC instructed agencies if any sub-components answers "No" to a particular question, the agency-wide/parent agency's report should also reflect "No" for that question. Below is a breakdown of the deficiencies, including those identified by the bureaus. PLEASE NOTE: Some Bureaus may have made changes to their FY22 MD-715 reports (particularly Parts G, H, I and J) subsequent to the development of this report.

**Essential Element A: Demonstrated Commitment from Agency Leadership (71% Compliant)**

- 14 Measures with 4 Deficiencies:

**Essential Element B: Integration of EEO into Agency's Strategic Mission (79% Compliant)**

- 39 Measures with 8 Deficiencies:

**Essential Element C: Management and Program Accountability (86% Compliant)**

- 44 Measures with 6 Deficiencies:

**Essential Element D: Proactive Prevention of Unlawful Discrimination (71% Compliant)**

- 14 Measures with 4 Deficiencies:

**Essential Element E: Efficiency (91% Compliant)**

- 33 Measures with 3 Deficiencies

**Essential Element F: Responsiveness and Legal Compliance (100 % Compliant)**

- 12 Measures with 0 Deficiencies

**EXECUTIVE SUMMARY: WORKFORCE ANALYSES**

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.

MD 715 requires Federal agencies to analyze workforce data using the MD 715 workforce data tables to identify “triggers” or disparities in comparison to various established benchmarks (i.e., Civilian Labor Force). When an EEO group’s comparison rate is lower than an established benchmark rate, MD 715 requires agencies to investigate these triggers and identify the root cause(s) for the disparity. If during the investigation a barrier is found, the agency must develop a corrective plan to eliminate the barrier. EEOC requires analysis of the permanent workforce data.

This section contains a summary of the workforce analyses conducted in accordance with MD-715 instructions and based on available workforce data for DOC. **Definition of terms used in this section of the report can be found in Appendix A.**

**DOC WORKFORCE ANALYSIS**

In Fiscal Year 2022 (FY22), the Department of Commerce had **46,692 total employees**, with **41,135 in the permanent workforce** and **5,557 in the temporary workforce**. Our analysis will focus solely on the permanent workforce.

A review of workforce data revealed there were 41,135 permanent employees in FY22. Of that number 23,295(56.6%) were male and 17,840 (43.4%) were female. The Ethnicity and Race Indicator (ERI) breakdown is as follows:

- 1,182 (2.87%) Hispanic males; 1,154 (2.81%) Hispanic females
- 15,608 (37.94%) White males; 9,961 (24.22%) White females
- 2,518 (6.12%) Black males; 4,171 (10.14%) Black females
- 3,703 (9%) Asian males; 2,228 (5.42%) Asian females
- 50 (.12%) Native Hawaiian or Other Pacific Islander males; 43 (.10%) Native Hawaiian or Other Pacific Islander females
- 138 (.34%) American Indian or Alaska Native males; 153 (.37%) American Indian or Alaska Native females
- 96 (.23%) Two or more races males; 130 (.32%) Two or more races females

Using the National Civilian Labor Force (NCLF) and Inclusion Rate (IR) as the benchmarks for gender, race, ethnicity; and the Federal Goal as the benchmark for person with disabilities, the following groups are not represented at their expected participation rates in the DOC permanent workforce:

- Females: 90% IR or a minimal disparity (10%)
- Hispanic males: 41% IR or marked disparity (59%)
- Hispanic females: 44% IR or marked disparity (56%)
- White females: 76% IR or marked disparity (24%)
- People with Disabilities: 91% IR or minimal disparity (9%)

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

A review of DOC's permanent workforce data by sex, race, national origin, and disability, revealed that in FY22, the following groups had a lower-than-expected *participation rate* in comparison to the Civilian Labor Force benchmark:

- Females (in the aggregate)
- Hispanic males and females
- White females
- People with Disabilities (PWD)

(Source: FY22 MD 715 DOC Workforce Data Tables - A1 and B1)

**Review of Mission Critical Occupations (MCOs) Data**

Using the EEOC's definition of MCO<sup>[i]</sup>, DOC has 10 MCOs that make up 55% of the permanent workforce on any given year and comprise occupations that are present in most Bureaus. Out of these 10 MCOs, Females comprise 37.2% and Males 62.8%. **The 10 MCOs are listed below.**

A review of the Inclusion Rate (IR) for DOC's top 10 Mission Critical Occupations (MCOs) revealed **marked disparities** for the following groups when compared to the Occupational Civilian Labor Force (OCLF) benchmark:

0301 Misc Administration & Program

Males (aggregate); Hispanic males & females; White males and females; AIAN males

0343 Management & Program Analysis

Males (aggregate); Hispanic males; White males and females; Asian males; AIAN males

0482 Fishery Biology

Males (aggregate); Females (aggregate); Hispanic males and females; Black males and females; Asian males and females; AIAN males and females

0905 General Attorney

Males (aggregate); Hispanic males; White males

1101 General Business and Industry

Males (aggregate); Hispanic males and females; White females; Asian males

1224 Patent Examining\*

Females (aggregate); Hispanic females; White females; Black females, Native Hawaiian/Pacific Islander females; AIAN females

1301 Gen Physical Scientists

Females (aggregate); Hispanic males and females; White females; Black females; Native Hawaiian/Pacific Islander females

1340 Meteorology

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**EXECUTIVE SUMMARY: WORKFORCE ANALYSES**

Females (aggregate); Hispanic males and females; Black males and females; Asian females; Native Hawaiian/Pacific Islander males

1530 Statistician

Males (aggregate); White males; White females, Asian males and females; Native Hawaiian/Pacific Islander males and females

2210 Information Technology Management

Females (aggregate); Hispanic males and females; White males and females; Native Hawaiian/Pacific Islander males; AIAN females

(Source: Table A6 of the DOC workforce data tables)

**Review of Leadership Pipeline Data (Senior Grades GS-13 to SES)**

A review of the data for Senior Grade Levels by sex, ERI and disability revealed **marked disparities** for the following groups when compared to their participation rate in the Permanent Workforce benchmark:

GS-13: Females (aggregate); Hispanic Females; White females; Asian males, Native Hawaiian or Other Pacific Islander males and females, American Indian or Alaska Native males and females

GS-14: Females (aggregate); Hispanic Males and females; Native Hawaiian or Other Pacific Islander females; American Indian or Alaska Native males and females

GS 15: Females (aggregate); Hispanic Males and females; White females, Black males and females; Asian males and females; Native Hawaiian or Other Pacific Islander males; American Indian or Alaska Native females

SES: Females (aggregate); females in every EEO group (except White females) ; Black males; Asian males; AIAN males

PWD: GS-11 to SES (PWD have a consolidated Federal goal of 12% at the GS-11 to SES level)

(Source: Table A4 and B4 of the DOC workforce data tables)

**Analysis of Recruitment and Retention data for Cross-Cutting Triggers: PWD, Hispanics and Women**

Hispanics females had slight increases in hiring/selection rates. However, Hispanic females are still leaving at higher rates than they are entering the Department. This may indicate a potential barrier in the promotion process. Analysis of Internal Promotion data could not be completed due to unavailability of the Applicant flow data. This is identified as a deficiency in Part H-6.

Women separated from the Department at slightly lower rate than they were hired, in FY 22 45% of new hires were women 55% were Male. In FY22 women separated at a rate of 44%, males separated at a 55% rate.

PWD and PWDT had an increase in participation rates at both the GS 1-10 and GS 11-SES levels. However, the participation rate for PWD at GS 11-SES is still below the Federal Goal of 12% (10.11%). Additionally, PWD are still leaving the agency at higher rates than Persons without disabilities. (See Table A1 and B1).

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Analysis of New Hire selection and Internal Promotion data could not be completed due to inaccuracies in the Applicant Flow Data. This is identified as a deficiency in Part H-6.

The lack of data about who participates in the Department's Career Development Programs (CDP) continues to be a challenge for the Department. Without accurate data about who participates in these programs (when they exist), the Department is unable to identify whether all groups are participating in such programs and the potential impact of these programs to career advancement.



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**Top 5 Best Places to Work in the Federal Government**

On March 2023, the Partnership for Public Service released the special edition of the 2022 Best Places to Work in the Federal Government providing the rankings of the top 10 agencies in four categories—large, midsize and small agencies, as well as agency subcomponents. The rankings, which measure whether employees would recommend their agencies as good places to work and whether they are satisfied with their jobs and organizations, are produced by the Partnership for Public Service and Boston Consulting Group. This early release was provided in collaboration with The Washington Post

Department of Commerce ranked 4th. The Best Places to Work rankings shine the spotlight on agencies that are successfully engaging employees, provide a means of holding federal leaders accountable for the health of their organizations and provide insights for job seekers considering federal employment. At the same time, leaders across government can learn from those agencies that are excelling to help improve their own organizations with the goal of providing first-rate service to the public. Full rankings with more information will be released April of 2023, these results will be included in FY 23 report.

**Executive Order 14035, “Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce”**

This year the Department of Commerce (DOC) was pleased to roll-out the Diversity, Equity, Inclusion and Accessibility Strategic Plan 2022–2024. Additionally, the Department stood up the DOC Equity (DEIA) Council and charged it with elevating equity/DEIA across the enterprise. The Council identified four specific priority workstreams: the Internal Workstream (focused on the DOC workforce and DEIA internally), External Equity (equity in service delivery and outreach to Underserved Communities), Infrastructure to support Equity/DEIA and Measurement (to help ensure the Department is making measurable progress). All the workstreams are being launched and working hard to complete priorities for Fiscal Year 2023 and beyond.

**ACCOMPLISHMENTS BY BUREAU**

The DOC is comprised of 12 bureaus: 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), and Office of the Secretary (OS). The following is a compilation of Bureau and Department-wide accomplishments undertaken in FY22 to implement the six essential elements of a Model EEO Program. This includes accomplishments in correcting identified program deficiencies (Parts G and H) and implementing planned activities to address identified triggers and barriers (Parts I and J). Please see individual Bureau FY22 MD 715 reports for more details on accomplishments and planned activities.

**Office of the Secretary**

• Diversity, Equity, Inclusion and Accessibility (DEIA)

Development and Implementation of External Equity and Internal DEIA Plans; Established 205 DEIA-related actions spread across six goal areas and completed 83% (35 of 42) of DEIA Plan actions for FY22; developed a first-in-kind Equity Action Plan Implementation Plan, tracking 94 Equity-related actions spread across six goal areas spanning up to seven fiscal years. Restructuring of Equity (DEIA) Council with a focus on implementation, coordination, monitoring, and measuring success; expanded membership and aligned activities to four workstreams comparable to the Council's North Star Principles. Updated Web Presence with separate web pages for the Equity (DEIA) Council and “How You can Support DEIA” with video content from the Secretary and Deputy Secretary, transfer of legacy OHRM DEIA content to OCR, and launch of CDO Blog.

• Reasonable Accommodation Tracker- In July 2022, the Office of Civil rights launched ENTELLITRAK Reasonable Accommodation (ETK RA). ETK RA is a web-based software application used for submitting and tracking reasonable accommodation requests through all phases of the RA process. It is designed to increase speed, uniformity, and transparency in the process. Utilizing ETK RA, employees can submit an online request for reasonable accommodation, and then monitor

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and track the status of their request throughout the process.

Minority Business Development Agency (MBDA)

- On November 15, 2021-Secretary of Commerce Gina M. Raimondo announced The Minority Business Development Agency was permanently authorized in a bipartisan infrastructure deal. This action allows the Agency to increase its programs and outreach to the Nation's more than 9 million minority-owned businesses. "President Biden has made clear his commitment to not just rebuilding to how things were before COVID-19, but to building back better and more equitably," said U.S. Department of Commerce Secretary Gina M. Raimondo. Making MBDA a statutory Agency provides MBDA with the authorities, workforce and resources needed to help level the playing field on behalf of minority businesses and minority entrepreneurs." "The Department of Commerce and MBDA play a pivotal role in promoting the growth and competitiveness of minority-owned businesses," said U.S. Department of Commerce Deputy Secretary Don Graves. "This legislation is transformative and signifies a new era in minority business development and progress toward addressing the long-standing racial disparities in access to capital, contracts, and business ecosystems." The Minority Business Development Act of 2021 is one of the most significant pieces of legislation impacting the minority business community in the last 50 years. The bill expands the geographic reach of the MBDA by authorizing the creation of regional MBDA offices, rural business centers, and increasing the number and scope of existing programs.

International Trade Administration (ITA)

- In FY21, ITA established a Diversity and Inclusion Working Group (DIWG) to sustain and enrich ITA's culture, workforce, and programming. The end result of this group was the inauguration of the Diversity and Inclusion Advisory Council also known as the DIAC (FY21 accomplishment). DIAC members leverage, implement, and model diversity and inclusion best practices and processes across business units. Its predecessor, the Diversity and Inclusion Working Group, started in the wake of civil unrest in 2020, held multiple listening sessions and met with senior leadership to discuss various issues related to race. In FY22, ITA created its first ever Diversity week where all ITA employee were invited to attend a series of over 8 unique topical sessions presented by employees, senior leadership, and external speakers. Topics included unconscious bias, equality, mental health, and accessibility. Regarding ITA's Hispanic population, ITA continues to make progress by increasing its Hispanic representation. In FY22, ITA established a D&I Strategic Plan to guide their activities across ITA. In FY22, 14.28% of new hires were Hispanic, which increased ITA's Hispanic Participation Rate by .52 percentage points (7.69% in FY21 to 8.21% in FY22). The American Indian/Alaska Native Participation Rate increased from .38% (FY21) to .43% (FY22) which is well above the CLF of .16%.

Census

- Director Robert Santos embarked on a six-month community outreach campaign across America. Efforts focused on sustaining and expanding corporate and community partnerships. From July through December 2022, the Director visited 20 places, and participated in 125 engagements. Director Santos hosted conversations on the 2020 and 2030 decennial censuses, held meet-and-greets at Census Bureau Regional Offices, and conducted tribal consultations, federal/state and community partnership meetings, DEIA convenings, and media outreach. Audiences varied widely and included Census Bureau staff, advisory committees, community organizations, professional organizations, colleges and universities including Historically Black Colleges and Universities (HBCUs), data users and researchers, Congressional members and staff, and State, Local, and Tribal Governments.

- EEO/DEI participated in the cross – collaboration team for the Women in the Workplace. There were several parts to the FY2022 Women in Workplace data study, the data submission, and the cultural assessment. Women in the Workplace is the

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largest study of women in corporate America. The effort analyzes the representation of women in corporate America (including the federal government), provides an overview of Human Resources policies and programs, including leaders' responses regarding the most effective diversity, equity, and inclusion practices. The study also explores the intersectional experiences of different groups of women at work. The data set this year reflects contributions from 423 participating organizations, which employs 12 million people and more than 65,000 people surveyed on their workplace experiences; in-depth interviews were also conducted with women of diverse identities, including women of color, LGBTQ+ women, and women with disabilities.

- EEOI led the inter – departmental team for Executive Women in Motion (EWIM). The team was comprised of employees from the Census Bureau, Bureau of Economic Analysis, Department of Education, and Office of Personnel Management. EWIM is a leadership development program for Federal employees for employees GS-13 and above. EWIM's mission is to promote the advancement of women, men, and gender - nonconforming employees to the Senior Executive Service through (SES) mentoring, collaboration, and knowledge sharing. This year's program was delivered in two phases (Tuesday, September 13th and Tuesday, September 20th). A total of 23 Senior Executives from across the federal government participated: as well as 215 interested employees.
- Equal Employment Opportunity, Diversity & Inclusion office (EEOI) successfully completed the Census Bureau's first Standard Operating Procedures for Civil Rights Impact Analysis (CRIA). The CRIA is an analytical process used by civil rights subject matter experts to determine the scope, intensity, direction, duration, and significance of the effects of an agency's proposed employment and program policies, actions, and decisions.
- Application Development and Service Division ADSD hired a 508 Subject Matter Expert (SME) to assist with developing and maintaining agency policies, guidance, and best practices. The Section 508 SME will lead initiatives to advance program maturity and focus on providing technical guidance, compliance testing, accessibility issue management, and governance support.
- The Chicago regional office continued work in identified geographies where the data represent the diverse communities within the region and hosted recruiting sessions at the Census tract/zip code level to reach these communities. This quarter the RO completed five recruiting sessions in strategic areas resulting in 46 (1st Quarter), 30 (2nd Quarter), 98 (3rd Quarter) applicants and job offers were made to 10 candidates that represent the prevailing languages spoken in our region. During the 4th Quarter the office focused recruiting activities in strategic areas resulting in 190 applicants that represent the prevailing languages spoken in our region. Of the 190 applicants, job offers to 24 bilingual/multilingual candidates.
- Reasonable Accommodations - To ensure equal opportunity for all employees, National Processing Center (NPC) completed the following activities: Term was extended for a full-time American Sign Language (ASL) interpreter through 2023. The ASL interpreter completed ~250 individual assignments in FY2022 and coordinated the requesting process, scheduling, access, security, and supervision of contract interpreters.

**USPTO**

- In FY22, the USPTO hired 626 new patent examiners in the 1224 series, of which 37.22% were women.
- In FY22, 8.15% of new hires to the patent examining series were Hispanic or Latino.
- Out of the 8 internal SES hires in FY22, one (12.50%) was Asian.
- In FY22, the following branching question was added to the USPTO exit survey:

Do you have a disability? If you answered "Yes": While you were at the agency, did you ever have an experience where you did not feel included in an agency or activity or program because of your disability?

- Persons with disabilities are applying to and being selected for career development programs at a rate higher than their participation in the agency.
- When compared with graduates of bachelor's programs in engineering, women were well represented in the Patent Examiner

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series (1224) in FY21. In the U.S., women represent about 22% of graduates from Bachelor's programs in engineering. Department of Labor statistics indicate that 15% of Engineering positions and 27% of STEM positions in the civilian labor force are filled by women. At the USPTO, employees in the Patent Examiners in series 1224 are 29% women.

- In FY22, the USPTO hired 626 new patent examiners in the 1224 series, of which 37.22% were women.
- In FY22, 8.15% of new hires to the patent examining series were Hispanic or Latino.
- Out of the 8 internal SES hires in FY22, one (12.50%) was Asian.

**NIST**

- NIST approved funding to establish a new Strategic Recruitment Program Manager position within OHRM, which the agency expects to fill in FY 2023. This position will be responsible for partnering with customers and stakeholders on strategic recruitment initiatives to improve the agency's ability to attract and recruit a highly qualified and diverse workforce by building partnerships with colleges and universities, as well as professional, technical, vocational, and trade schools to help address workforce challenges.
- OHRM also received funding to continue strategic hiring initiatives involving the use of LinkedIn Recruiter and Textio. LinkedIn Recruiter is a tool designed to help organizations improve the quality and diversity of candidate pools by allowing hiring managers to proactively search and engage with candidates using one of LinkedIn's many advanced search filters.

NIST hosts webinars, posts blogs, and leverages social media to market available opportunities with the agency. Prior to the pandemic, the agency hosted campus tours. The best practices described in the report titled "NISTIR 8371 Promising Practices for Equitable Hiring: Guidance for NIST Laboratories" provides a roadmap for hiring both part-time and full-time positions. This report targets STEM-related positions; however, its recommended practices can extend to other career tracks as well, which will help the agency to achieve greater equal employment opportunities, improve innovation, and find top talent using evidence-based intervention strategies.

- NIST strives to build a flexible and family-friendly work environment to bring out the best in employees – while recognizing its responsibility with helping employees to balance life at home and at work.
- The agency is working with its ERGs, such as ParentsNet, WiSTEM, and the Lactation Support Group, to investigate the cost-benefits of offering a backup care program as an additional flexibility for employees who serve as caregivers. NIST has 30 employee resource groups and/or working groups which are based on affinity across identities and/or interests.

**NOAA**

- There are many examples of the activities that display the collective leadership commitment to DEIA. One example is the development and updating of individual office DEIA Plans throughout NOAA. Another example is the collaboration with OICR on the development of a new NOAA DEIA Plan. Leaders further demonstrate their commitment to DEIA by attempting to gain insights into the perspectives of their employees through the use of Organizational Climate Assessments provided either by OICR or independently through contractors. Allocation of funds for DEIA specific training such as "Implicit Bias Training for Hiring Managers" and others was another example of leadership's commitment to supporting and ensuring that employees complete all mandatory EEO Compliance Training. Operating units throughout NOAA also updated their office-specific Anti-Harassment Policy Statements with leadership support.

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- Leadership commitment is also being demonstrated through active hiring of employees to directly support EEO and DEIA. For example, National Oceanic Service (NOS) expanded its staff from three employees to six employees in 2022, including the first NOS Chief Behavioral Health Officer. NOAA offices are also formalizing their DEIA offices. National Weather Service (NWS) fully integrated their DEIA program under a new SES-led Office of Organizational Excellence (OOE) in FY22. The staffing levels for the office also increased with the addition of a Communications Specialist, bringing the total level of staffing up to six employees.
- Line offices and their leaders have also participated in and or started their own mentoring programs. An OAR leader received a 2021 Presidential Rank Award for his DEIA Work, which specifically included instituting the first official mentorship program within OAR. He also personally mentored dozens of employees, particularly many women scientists. This leader also created and led an OAR-wide Diversity and Inclusion Advisory Committee (ODIAC), co-chaired NOAA's Executive Diversity and Inclusion Advisory Council, and championed International Women's Day activities yielding an NOAA-leading effort to promote and highlight the broad range of accomplishments by women in the organization.
- National Weather Service deployment of three short-term diversity-centric "Tiger Teams" in July of 2022. Each had the goal of developing recommendations for creating a positive climate that fosters belonging and inclusion across the NWS, along with ideas for creating and sustaining a unified and diverse workforce. In 2022, each of these teams concluded their research and presented their findings and recommendations to NWS leadership. The teams produced a total of 31 recommendations on how to improve the diversity and culture of the organization while enhancing the employee experience. The recommendations uncovered by the NWS Tiger Teams provide a substantial opportunity for the organization to make notable, sustainable changes, which they intend to accomplish through a special Task Force.

Departmental/Office of Civil Rights Collaboration with Employee Resource Groups (ERGs)

- The Department invited an ERG representative to serve on the selection panel for the Department's new Chief Diversity Officer. The ERGs selected Commerce PRIDE to serve on the panel.
- The Department invited Commerce Pride to participate on the DEIA Council's LGBTQ Committee. and the Committee collaborated with OCR to develop a Gender Identity and Gender Expressions Protections Handbook.
- The Department also invited Commerce Pride to offer feedback on proposed actions within the Department's DEIA Strategic Plan, which was completed in March/April 2022.
- OCR partnered with the DOC Asian American Pacific Islander (AAPI) to host a film screening of the life and legacy of former Secretary Norman Y. Mineta and, Secretary Raimondo provided opening remarks.
- First Generation Professionals (FGP) ERG- Building on an initiative launched before the pandemic, and in response to Executive Orders 13985 and 14035, on December 3, 2021, the Commerce First Generation Professionals Employee Resource Group. The HCHB FGP ERG defines "first generation professionals" as one of the first persons in a professional's immediate family to enter the professional work environment. Among other benefits, the ERG will enable to Department to draw upon the knowledge, skills, and diverse life experiences of the first-generation professionals in its workforce, thereby strengthening its mission, and will facilitate the professional development, personal support, and networking opportunities of its members. The HCHB FGP ERG received official recognition and sponsorship from the HCHB Employee Diversity and Inclusion Council (EDIC) Since its launch, the HCHB FGP ERG has conducted outreach and interest meetings within the Department; walked its members through an Earnings and Leave Statement; and presented "How to launch an FGP ERG" to other interested bureaus

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**EXECUTIVE SUMMARY: ACCOMPLISHMENTS**

in the Department.

Part G/H Accomplishments

The following is a compilation of Department-wide accomplishments towards correcting deficiencies identified in Part G. See the indicated Part Hs in this report for more details.

- OCR worked with the Office of Performance Excellence Management (OPERM), the Performance Excellence Council, and appropriate staff offices to update the Department's strategic plan for FY 2022-2026 and to incorporate Goal 5.2. "Optimize workforce and diversity, equity, and inclusion practices" into the plan. (See Part H-3)

- DOC established the Department's DEIA Council. The purpose of the Council is to ensure priority is given to implementation of the Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce Strategic Plan (EO 14035). The DEIA Strategic Plan established goals and objectives support MD 715 planned activities and will be included in the FY22 report. (See Part H-3)

Part I Accomplishments: Hispanics/Latinos in the workforce

Hispanic low participation data analysis has driven the recruitment efforts, below are events the department is doing to broaden the applicant pool. Further analysis and review is being conducted to ensure additional efforts and analysis are done in FY23 and beyond to expand recruitment efforts.

The Department continued its long-standing partnerships with colleges, universities, committees, councils, and professional societies that target individuals in underrepresented communities, including the Hispanic Association of Colleges and Universities (HACU), Minority Serving Institute, Capital Region Women in Computing, the National Organization for the Professional Advancement of Black Chemists and Chemical Engineers, Society for Advancement of Chicanos and Native Americans in Science (SACNAS), Society of Mexican American Engineers and Scientists, Operation Warfighter Program, Military Officers Association of America, American Indian Science and Engineering Society, and the Society of Women Engineers (SWE).

During FY22, NOAA participated in three major outreach events focusing on the hiring of Hispanics/Latinos to improve the representation and inclusion of Hispanics/Latinos at NOAA; The League of United Latin American Citizens (LULAC) Conference Expo where NOAA team interacted with over 365 attendees and 89% of those where Hispanics/Latinos, the Society for Advancement of Chicanos/Hispanics and Native Americans in Science (SACNAS) Conference where NOAA team interacted with over 400 attendees and 56% of those where Hispanics/Latinos, the Hispanic Association for Colleges and Universities (HACU), and Supporting Emerging Aquatic Scientists (SEAS) Islands Alliance Project for Hispanic undergraduate students

NOAA's Hispanic Special Emphasis Program Manager established the Hispanic Employment Program Network (HEPN). This newly established group meets quarterly and provides participants opportunities to network, brainstorm, discuss ideas about

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Hispanic Emphasis Observance Programs, share resources, and best practices, discuss challenges and barriers preventing retention and recruitment of Hispanics/Latinos, establish partnerships with other Hispanic Employment Program Managers (HEPMs) or HEP Representatives (HEPRs), etc. Open to all Federal Agencies. 45 members currently from around 30 different agencies.

NIST Multiple articles on Hispanic contributions to measurement science published in internal newsletter. In addition to Articles on Hispanic staff published in Commerce newsletter. NIST also held an Exhibition on Hispanic contribution to science showcased in NIST research library.

PTO July 2022, participated in the League of United Latin American Citizens (LULAC) national convention in San Juan, Puerto Rico. The Diversity Program Manager, who is also the chair of the National Council of Hispanic Employment Program Managers (NCHEPM), led and implemented a half-day pre-convention professional development summit for federal Hispanic Employment Program Managers (HEPMs), Special Emphasis Program Managers (SEPMs), and EEO, HR and DEIA practitioners. The Diversity Program Manager was also a workshop presenter during LULAC's Federal Training Institute, and the Agency also participated as an exhibitor during the LULAC Convention Expo

**Part I Accomplishments: Women in Senior Grades (GS-13 to SES)**

Low participation rates pertaining to Women has driven the recruitment efforts, below are events the department is doing to broaden the applicant pool. Further analysis and review is being conducted to ensure additional efforts and analysis are done in FY23 and beyond to expand recruitment efforts.

- Census: In FY 22 Inclusion Rate increase of White Females from 71.99% (FY2021) to 90.45% (FY2022) and Black Females from 34.16% (FY2021) to 51.95% (FY2022) in the Senior Executive Service.

- NOAA's has a Career Development Program is a competitive 18-month leadership development program. Open to GS-11 through GS-15 (and equivalent) levels. It provides a series of training and leadership development experiences for a cadre of NOAA employees who have a high potential for assuming greater responsibilities. The program promotes cross-line, multidisciplinary experiences that broaden participants' understanding of NOAA's strategic vision, mission, and goals, as well as its business processes.

- PTO focused its efforts on low Asian American and Pacific Islander (AAPI) representation in the SES. In FY22, 8 people were selected for a promotion to the SES, and one, or 12.5% was Asian. Of the 88 employees selected for promotions to the GS-15 level, 20.45% were Asian.

**Part J Accomplishments: Persons with Disabilities**

In FY 22, DOC established the following programs, policies, or practices designed to improve reasonable accommodation processing and accessibility of agency facilities and/or technology.

- DOC developed a comprehensive Section 508 collaborative experience on OMB Max. The Department's Section 508 Wiki Site was updated with the goal of being the internal hub for 508 related communications. The site has resources that include the revised federal regulations and requirements that apply to Section 508, training materials such as how to guides, and Section 508 POC's at the Bureau level.

- Improved transparency of Reasonable Accommodation (RA) process. In FY2022, DOC launched a new online RA tracking

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**EXECUTIVE SUMMARY: ACCOMPLISHMENTS**

system – Entellitrak RA (ETK RA). This secure, web-based application, developed by Tyler Technologies was designed to improve the management and tracking of RA requests. Ultimately, it will increase speed, uniformity, and transparency in the Department's RA process. Employees may submit individual requests into the system. Bureau RA Coordinators and DOC Disability/RA Program Manager are the only DOC personnel with access to view, manage, and develop reports for requests submitted into the system.



**EXECUTIVE SUMMARY: PLANNED ACTIVITIES**

In addition to the corrective actions that the DOC is taking to address its deficiencies, OCR anticipates making strides in several other areas that will assist us in strengthening, monitoring and evaluating the Department's EEO and DEIA programs overall. They include:

- DOC will publish Department-wide Anti-Harassment and Reasonable Accommodation policies and procedures accompanied by supervisor and employee training.
- DOC will utilize contractor support to relaunch the Retention Survey, barrier analysis, and other EEO/DEIA initiatives.
- DOC will develop and implement DEIA Dashboards that will help Departmental and bureau leadership better target their recruitment and career advancement initiatives.
- OCR will develop and implement a DEIA Strategic Plan implementation Dashboard that monitors and tracks the progress of the more than 200+ actions in the DOC DEIA Strategic Plan.
- Consistent with the Framework to Promote Safe and Inclusive Workplaces and Address Workplace Harassment, the DOC will strengthen its Anti-harassment Program and will hire a Departmental Anti-harassment Program Manager.

The OCR Director will meet with the large Bureau EEO/DEIA Directors (ITA, NOAA, NIST, Census and PTO) on a quarterly basis (or more) to discuss bureau progress in addressing the identified in their FY 22 MD 715 Reports.

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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.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Agency Head or Agency Head Designee



\_\_\_\_\_  
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 Departmental EEO policy statement was issued November 29, 2022.<br>9/21/2021   |
|   | 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 |
|---|--|----------------------|----|-----|--|
|  Measures             |  | Yes                  | No | N/A |  |
|   | 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 |  | See Part H-4 |
| 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 |  |  | <a href="http://www.osec.doc.gov/opog/dmp/daos/dao215_10.html">http://www.osec.doc.gov/opog/dmp/daos/dao215_10.html</a> |



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.   |

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|  |  |   |   |    |   |
|--|--|---|---|----|---|
| 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   |    |   |
| 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 | See Part H-4  |    |   |
| 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 | Periodically, employees are informed about inappropriate workplace behaviors via Civil Treatment training and Proactive Prevention workshops. Census marked this as a deficiency. Please see their bureau MD-715 Part H |    |   |
|  <b>Compliance Indicator</b>   | A.3. The agency assesses and ensures EEO principles are part of its culture. |   | <b>Measure Has Been Met</b>   |    | <b>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</b> |
|  <b>Measures</b>   |  |   | Yes   | No |   |
| 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 | See Part H-1 DOC and PTO marked this as a deficiency. Please see PTO bureau MD-715 Part H.  |    |   |
| 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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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 DOC State of the Agency briefing on October 14, 2022 after the report submittal   |
|   | 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  |     | Census marked this as a deficiency. Please see their bureau MD-715 Part H.   |
|   | 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                    |    |     | See Part H-3 for updates   |

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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.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  |     | NIST marked this as a deficiency. Please see their bureau MD-715 for a Part H.   |
|   | 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  |     | NIST marked this as a deficiency. Please see their bureau MD-715 Part H.   |
|   | 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  |     | NIST marked this as a deficiency. Please see their bureau MD-715 for a Part H.   |
|   | 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                    |    |     |  |



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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

 **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.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills

Yes

No

N/A

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

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

Census marked this as a deficiency. Please see their bureau MD-715 Part H.



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

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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.6. The agency involves managers in the implementation of its EEO program.  |                      |    |     |  |
|   | 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  |     | Census marked this as a deficiency. Please see their bureau MD-715 for a Part H  |
|   | 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  |     | Census marked this as a deficiency. Please see their bureau MD-715 for a Part H  |
|   | 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                    |    |     | OCR Director leads the Departmental EEO Council, which meets with bureau EEO heads at least bi-annually to discuss program deficiencies. The EEO office also reviews draft MD 715 reports from bureaus that submit component reports.      |
|   | 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 meet with MD 715 Preparers on at least a bi-annual basis to discuss bureau efforts to remove barriers from the workplace. The EEO office also uses a bi-annual tracking tool for MD 715 Parts H, I and J. |
|   | 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  |     | 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  |     | See Part H-4.  |
|   | 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                    |    |     |  |
|   | 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  |     | See Part H-5   |
|   | 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  |     | DOC timely processed 89% of all requests. NOAA also marked "No".   |
|   | 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                    |    |     |  |

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|   |   |                             |    |     |   |
|---|---|-----------------------------|----|-----|---|
| 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                           |    |     | <a href="http://www.osec.doc.gov/opog/dmp/resources/DOC_Procedures_">http://www.osec.doc.gov/opog/dmp/resources/DOC_Procedures_</a>                           |
|  <b>Compliance Indicator</b>  | C.3. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity. | <b>Measure Has Been Met</b> |    |     | <b>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</b> |
|  <b>Measures</b>  |   | Yes                         | No | N/A |   |
| 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. NOAA marked this as a deficiency. Please see their bureau MD-715 for a Part H.   |
|   | 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  |     | Census marked this as a deficiency. Please see their bureau MD-715 for a Part H.   |
|   | 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.  | Yes                  | No | N/A |   |
|  | 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                    |    |     | There were no cases of disciplined/sanctioned individuals during this reporting period.   |
|  | 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.   | Yes                  | No | N/A |   |
|  | 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 and via 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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Essential Element: D Proactive Prevention





| <br>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 |   |
| <br>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 H7   |
| <br>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              |
| <br>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  |     | Census marked this as a deficiency. Please see their bureau MD-715 for a Part H   |
|  | 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 feedback employee resource groups and , reasonable accommodation program tracker. |



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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.  | Yes                  | No | 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  |     | <a href="https://www.commerce.gov/reports-and-resources/affirmative-action-plan-people-disabilities">https://www.commerce.gov/reports-and-resources/affirmative-action-plan-people-disabilities</a> . Census marked this as a deficiency. Please see their bureau MD-715 for a Part H |
|   | 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  |     | NOAA marked this as a deficiency. Please see their bureau MD-715 for a Part H   |

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Essential Element: E Efficiency

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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.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  |     | NOAA marked this as a deficiency. Please see their bureau MD 715 Part H.   |
|   | 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                    |    |     | The average processing time is 19 days from the date EEO Counselor report is received.   |
|   | 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                    |    |     | The EEO complaint program resides in the Office of Civil Rights. The defensive function is with the Office of General Counsel.                         |
|   | 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. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.   |                      |    | 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                    |    |     | Please see closeout 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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Agency Self-Assessment Checklist

|  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 |



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 |  | Census marked this as a deficiency. Please see their bureau MD-715 for a Part H. |
| 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 |  | NOAA marked this as a deficiency. Please see their bureau MD-715 for a Part H.   |
| 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 participates in various interagency workgroups, including: 1) Federal Exchange on Employment and Disability (FEED) interagency working groups, 2) Pride in Federal Service, which focuses on best practices on agency policies related to sexual orientation and gender identity, and others. |
| 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                    |    |     |   |

Department of Commerce

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Agency Self-Assessment Checklist



Essential Element: F Responsiveness and Legal Compliance

| <br>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 |  |
| <br>Measures               | F.1. The agency has processes in place to ensure timely and full compliance with EEOC orders and settlement agreements.  | Yes                  | No | N/A |  |
|  | 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                    |    |     |  |
| <br>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 |
| <br>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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Agency Self-Assessment Checklist

|  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                    |    |     |  |

Essential Element: O Other



Department of Commerce

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Plan to Attain Essential Elements

PART H.1

Brief Description of Program  
Deficiency:

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.

Census marked this as deficiency. See their Part H.

Department of Commerce

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Plan to Attain Essential Elements

PART H.2

Brief Description of Program  
Deficiency:

A.2.a.1. Anti-harassment policy? [see MD 715, ll(A)]

The agency has not disseminated the Anti-Harassment policies and procedures to all employees. See C.2.a for DOC plan.

Department of Commerce

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Plan to Attain Essential Elements

PART H.3

Brief Description of Program  
Deficiency:

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.

The agency does not inform its employees about its Anti-Harassment program C.2.a for DOC plan.

Department of Commerce

For period covering October 1, 2021 to September 30, 2022

Plan to Attain Essential Elements

PART H.4

Brief Description of Program 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.

Objectives for EEO Plan

| Date Initiated | Target Date | Date Modified | Date Completed | Objective Description  |
|----------------|-------------|---------------|----------------|--|
| 02/11/0019     | 09/30/2020  | 09/30/2023    |                | To establish an EEO/DI awards program which will recognize employees, supervisors, managers, and units demonstrating superior accomplishment(s) in EEO and diversity and inclusion. First, establish a pilot awards program for the smaller Department bureaus located in Herbert C. Hoover Building (HCHB) (as larger bureaus have their own awards program). Second, establish a Departmental level EEO/D&I Awards program where the winners from each bureau compete. |

Responsible Officials

| Title                                    | Name          | Standards Address the Plan? |
|--|---------------|-----------------------------|
| Director, Policy and Evaluation Division | Stacy Carter  | Yes                         |
| Director, Office of Civil Rights         | Larry J. Beat | Yes                         |
| Chief Diversity Officer                  | Junish Arora  | Yes                         |

Planned Activities

| Target Date | Planned Activity  | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|---|--------------------------------|---------------|-----------------|
| 09/01/2019  | Research EEO and D&I recognition programs   | Yes                            |               | 10/24/2019      |
| 01/30/2020  | Develop award criteria and application template. Determine what type of recognition/award will be provided to winners | Yes                            |               | 12/15/2020      |
| 05/30/2020  | Propose EEO/DI awards program to leadership and HCHB Diversity, Inclusion and Engagement Council.                     | Yes                            | 09/30/2022    |                 |
| 08/01/2020  | Announce and launch the program HCHB-wide (Phase I)   | Yes                            | 11/01/2022    |                 |
| 09/01/2020  | Assess applications and determine winners for HCHB-wide awards  | Yes                            | 11/01/2023    |                 |
| 10/01/2020  | Announce and recognize winners for HCHB-wide awards   | Yes                            | 12/31/2023    |                 |
| 09/30/2023  | Establish an annual DEIA focused award for the Department   | Yes                            |               |                 |

Accomplishments

| Fiscal Year | Accomplishment  |
|-------------|---|
| 2019        | DOC/OCR conducted research of successful EEO and D&I recognition programs across the Federal government. Based on the research, OCR is proposing an EEO awards program for Department level recognition. It is projected to be launched in FY21.  |
| 2020        | DOC/OCR conducted additional research of successful EEO and D&I recognition programs across the Federal government and within the Department. Based on the new research, OCR is proposing an EEO awards program for bureaus located in HCHB, which do not currently have a recognition platform for EEO work, like the larger bureaus do (NIST, NOAA, Census, etc). It is projected to be launched in FY21. Note: Upon the successful establishment of an HCHB program, OCR intends to create a Phase II process by which bureau winners can compete with each other for Department level recognition. Phase II is projected to be implemented in FY22. |
| 2021        | Work in progress. Continue planned activities for HCHB-wide EEO/DI Award Program in FY 22-23. In accordance with the Department's DEIA Strategic Plan, a Department-wide annual DEIA award will be established in FY 2023, Quarter 4.   |

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Plan to Attain Essential Elements

PART H.5

Brief Description of Program  
Deficiency:

B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]

NIST marked this as a deficiency. Please see their bureau MD-715 for a Part H.

Department of Commerce

For period covering October 1, 2021 to September 30, 2022

Plan to Attain Essential Elements

PART H.6

Brief Description of Program  
Deficiency:

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]

NIST marked this as a deficiency. Please see their bureau MD-715 for a Part H.

Department of Commerce

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Plan to Attain Essential Elements

PART H.7

Brief Description of Program 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.

Objectives for EEO Plan

| Date Initiated | Target Date | Date Modified | Date Completed | Objective Description   |
|----------------|-------------|---------------|----------------|---|
| 01/29/2018     | 09/30/0019  | 09/30/2023    |                | To address the reporting structure of the EEO Office, EEO Director, and OCR Director. |

Responsible Officials

| Title | Name | Standards Address the Plan? |
|-------|------|-----------------------------|
|-------|------|-----------------------------|

Planned Activities

| Target Date | Planned Activity  | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|---|--------------------------------|---------------|-----------------|
| 05/31/2021  | Propose amending the language in DOO 20-10, to show direct reporting, with new leadership based on NOTE below.  | Yes                            | 09/30/2023    |                 |
| 08/31/2021  | The Acting OCR Director will meet with Departmental leadership to determine feasible options for complying with the Elijah E. Cummings Act.   | Yes                            | 09/30/2022    |                 |
| 09/30/2021  | The OCR will consult with the EEOC and will participate in future discussions how Cabinet level agencies can best comply with the Elijah E. Cummings Act.   | Yes                            | 09/30/2022    |                 |
| 09/30/2021  | OCR will wait for anticipated guidance from the EEOC and will consult with the EEOC and Departmental Leadership to identify and evaluate feasible steps to become compliant with the Elijah E. Cummings Act | Yes                            | 09/30/2022    |                 |
| 03/31/2022  | OCR and Departmental Leadership will evaluate options for compliance with Act and will identify the specific steps that will ensure compliance with the Act.  | Yes                            | 12/30/2022    |                 |
| 05/31/2022  | OCR and Departmental Leadership will complete the implementation of the selected resolution and will be in compliance with the Elijah C. Cummings Act.  | Yes                            | 09/30/2023    |                 |

Accomplishments

| Fiscal Year | Accomplishment  |
|-------------|---|
| 2018        | The Department Organization Order (DOO) 20-10, which prescribes the functions and organization of the OCR was revised to show the OCR Director has a dotted reporting line to the Secretary of Commerce.  |
| 2020        | The Office of Civil Rights (OCR) submitted a revised Departmental Organization Order 20-10 on 11-18-19, which updates the reporting structure of OCR and its Director with a dotted reporting line to the Secretary of Commerce. Therefore, this Part H would have been closed in FY 20/21. However, the requirement for the reporting structure for EEO Directors changed from being a recommendation by the EEOC to law under the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020. As a result, OCR had to recalibrate the planned activities in this Part H plan and devise a new course of action. This plan will likely not close in FY 21 and will remain open through FY 22.   |
| 2021        | The Office of Civil Rights (OCR) submitted a revised Departmental Organization Order 20-10 on 11-18-19, which updates the reporting structure of OCR and its Director with a dotted reporting line to the Secretary of Commerce. Therefore, this Part H would have been closed in FY 2021. However, the requirement for the reporting structure for EEO Directors changed from being a recommendation by the EEOC to law under the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020 which became in January 2021. As a result, OCR had to recalibrate the planned activities in this Part H plan and devise a new course of action. Planned activities were delayed due to the transition in Agency leadership. In addition, the Agency was waiting for EEOC's guidance which was issued in early August 2022. This plan will likely not close in FY21 and will remain open through FY 23. |

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Plan to Attain Essential Elements

PART H.8

Brief Description of Program  
Deficiency:

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)]

Census marked this as a deficiency, see their Part H.



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Plan to Attain Essential Elements

PART H.9

Brief Description of Program  
Deficiency:

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]

Census marked this as deficiency. See their Part H.

Department of Commerce

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Plan to Attain Essential Elements

PART H.10

Brief Description of Program  
Deficiency:

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.

NIST marked this as a deficiency, see their bureau MD-715 Part H

Department of Commerce

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Plan to Attain Essential Elements

PART H.11

|  |   |
|--|---|
| Brief Description of Program Deficiency: | 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)] |
|--|---|

Census marked this as deficiency. See their Part H.

Department of Commerce

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Plan to Attain Essential Elements

PART H.12

Brief Description of Program  
Deficiency:

B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]

Census marked this as deficiency. See their Part H.

Department of Commerce

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Plan to Attain Essential Elements

PART H.13

Brief Description of Program  
Deficiency:

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]

See C.2a for the DOC plan. Census also marked this as a deficiency. Please see their bureau MD-715 for a Part H.

Department of Commerce

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Plan to Attain Essential Elements

PART H.14

Brief Description of Program  
Deficiency:

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)]

The agency established disability reasonable accommodation procedures do not comply with EEOC's regulations and guidance. See

Department of Commerce

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Plan to Attain Essential Elements

PART H.15

Brief Description of Program  
Deficiency:

C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]

Census marked this as a deficiency. Please see their bureau MD-715 for a Part H

Department of Commerce

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Plan to Attain Essential Elements

PART H.16

Brief Description of Program 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 94%.

Objectives for EEO Plan

| Date Initiated | Target Date | Date Modified | Date Completed | Objective Description  |
|----------------|-------------|---------------|----------------|--|
| 02/04/2019     | 03/31/2020  | 09/30/2022    |                | To improve the timely processing of requests for reasonable accommodations |

Responsible Officials

| Title                                  | Name            | Standards Address the Plan? |
|--|-----------------|-----------------------------|
| Director for OCR                       | Larry J. Beat   | Yes                         |
| Disability Program Manager             | Monique Dismuke | Yes                         |
| Affirmative Employment Program Manager | Stacy Carter    | Yes                         |

Planned Activities

| Target Date | Planned Activity  | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|---|--------------------------------|---------------|-----------------|
| 05/28/2019  | Discuss issue with Bureau RACs at quarterly RAC meeting and ensure RA quarterly reports monitor and track timeliness.   | Yes                            |               | 05/28/2019      |
| 09/30/2019  | Secure and launch 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. | Yes                            | 06/30/2022    |                 |
| 09/30/2019  | Incorporate training on updated RA procedures in mandatory New Supervisors training.  | Yes                            | 09/20/2020    | 09/30/2021      |
| 03/31/2020  | Provide training on updated RA procedures for all DOC employees.  | Yes                            | 12/30/2022    |                 |
| 09/30/2022  | Provide updated DAO, policies, and procedures for bureaus to adopt, implement, and distribute.  | Yes                            |               |                 |

Accomplishments

| Fiscal Year | Accomplishment   |
|-------------|--|
| 2019        | <p>In FY 2019, the percentage of RA requests processed within the Department's established timeframes (20 business days for decision; 10 business days for implementation) was 87%. To address this deficiency, in September 2019, DOC acquired a new automated tracking system for RA requests.</p> <p>The Entellitrak Reasonable Accommodation System (ETK RA) is designed to improve the entry, management and reporting of data related to requests for reasonable accommodation. The system will also increase the monitoring of timeliness by providing notification to RACs and Deciding Officials when requests are approaching delinquent status. RACs will receive training on the new system in January 2020. The Department is pending final user testing and authority to operate on DOC's network. ETK RA is scheduled to deploy sometime in Spring 2020.</p> <p>Additionally, the Department's RA procedures were approved by EEOC in August 2019. These updated RA procedures will be incorporated in the mandatory New Supervisors training and RA training provided to managers and supervisors.</p> |
| 2020        | In FY20, the percentage of timely-processed requests was 94%. Several factors contributed to this improvement, including 1) incorporating RA training in mandatory New Supervisors training and 2) Bureau's increased RA training sessions provided to managers and supervisors.   |
| 2020        | OCR, OPOG and OCIO partnered to get the automated RA tracking system (ETK RA) approved and ready for use. The launch was supposed to take place in FY20 but was delayed due to development and implementation of ETK EEO. Both systems are anticipated to launch in FY21.  |
| 2021        | In FY21, the percentage of timely-processed requests was 94%. This was a 7% improvement over FY20. Several factors contributed to this improvement, including 1) incorporating RA training in mandatory New Supervisors training and 2) Bureau's increased the number of RA training sessions provided to managers and supervisors.  |



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Plan to Attain Essential Elements

PART H.17

|  |  |
|--|--|
| Brief Description of Program 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 TAV feedback.

Objectives for EEO Plan

| Date Initiated | Target Date | Date Modified | Date Completed | Objective Description  |
|----------------|-------------|---------------|----------------|--|
| 05/10/2018     | 12/30/2019  |               | 05/19/2019     | Update the current Departmental anti-harassment procedures to comply with EEOC guidance. |

Responsible Officials

| Title  | Name                        | Standards Address the Plan? |
|--|-----------------------------|-----------------------------|
| Director/Deputy, Office of Human Resource Management | Kevin Mahoney/Paula Patrick | Yes                         |
| Anti-Harassment Program Manager                      | Frank Milman                | Yes                         |
| Director, Office of Policy and Programs              | Valerie Smith               | Yes                         |

Planned Activities

| Target Date | Planned Activity   | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|--|--------------------------------|---------------|-----------------|
| 06/01/2019  | 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. | Yes                            |               | 05/19/2019      |
| 06/01/2019  | Once the procedures have been updated, manager/supervisors and all staff with responsibilities under the procedures will be informed of the updates.   | Yes                            | 09/30/2020    |                 |

Accomplishments

| Fiscal Year | Accomplishment   |
|-------------|--|
| 2019        | The Department Administrative Order 202-955, Allegations of Harassment, which includes revised language that complies with EEO guidance and feedback, was sent to the Office of Privacy and Open Government on 5/19/2019. At the issuance of this report, it is still under review from the Office of General Counsel. |

Objectives for EEO Plan

| Date Initiated | Target Date | Date Modified | Date Completed | Objective Description  |
|----------------|-------------|---------------|----------------|--|
| 05/10/2018     | 09/30/2020  | 09/30/2022    |                | Issue revised harassment procedures to comply with EEOC guidance, specifically defining harassment, providing examples of disability harassment and other 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. |

Responsible Officials

| Title | Name | Standards Address the Plan? |
|-------|------|-----------------------------|
|-------|------|-----------------------------|

Planned Activities

| Target Date | Planned Activity | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|------------------|--------------------------------|---------------|-----------------|
|-------------|------------------|--------------------------------|---------------|-----------------|

Accomplishments

| Fiscal Year | Accomplishment |
|-------------|----------------|
|-------------|----------------|

Objectives for EEO Plan

Department of Commerce

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Plan to Attain Essential Elements

| Date Initiated | Target Date | Date Modified | Date Completed | Objective Description  |
|----------------|-------------|---------------|----------------|--|
| 06/01/2019     | 09/30/2020  | 09/30/2021    |                | 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. |

Responsible Officials

| Title  | Name          | Standards Address the Plan? |
|--|---------------|-----------------------------|
| Anti-Harassment Program Manager                      | Frank Milman  | Yes                         |
| Director, Office of Policy and Programs              | Valerie Smith | Yes                         |
| Deputy Director, Office of Human Resource Management | Paula Patrick | Yes                         |

Planned Activities

| Target Date | Planned Activity   | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|--|--------------------------------|---------------|-----------------|
| 05/10/2018  | Update DAO 202-955 "Allegations of Harassment" procedures to comply with EEOC guidance.  | Yes                            | 12/30/2019    | 05/19/2019      |
| 06/01/2019  | Once the procedures have been updated, manager/supervisors and all staff with responsibilities under the procedures will be informed of the updates. | Yes                            | 12/31/2021    |                 |
| 09/30/2021  | Update DAO 202-955 "Allegations of Harassment" procedures to comply with internal OGC guidance.  | Yes                            |               |                 |

Accomplishments

| Fiscal Year | Accomplishment  |
|-------------|---|
| 2020        | The Department Administrative Order 202-955, Allegations of Harassment, which includes revised language that complies with EEOC guidance and feedback, was sent to the Office of Privacy and Open Government on 5/19/2019. A revised DAO is currently undergoing legal review by the Office of General Counsel (OGC).<br><br>OHRM will make the necessary revisions and recirculate through the coordination process. The new version should be completed and sent to OGC by the end of FY21. |

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Plan to Attain Essential Elements

PART H.18

Brief Description of Program 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.

Objectives for EEO Plan

| Date Initiated | Target Date | Date Modified | Date Completed | Objective Description  |
|----------------|-------------|---------------|----------------|--|
| 06/27/2019     | 09/30/2020  | 12/30/2022    |                | To improve policies, practices, or procedures which will enable OCR to retrieve more accurate and complete data required to prepare the MD 715 data tables and conduct barrier analysis. |

Responsible Officials

| Title   | Name            | Standards Address the Plan? |
|---|-----------------|-----------------------------|
| Director, Office of Human Resource Management | Jessica Palatka | Yes                         |
| Director, Office of Civil Rights              | Larry J. Beat   | Yes                         |
| Senior Data Analyst                           | Lester Facey    | Yes                         |
| Director, Human Capital Strategy, OHRM        | Charles Clark   | Yes                         |

Planned Activities

| Target Date | Planned Activity  | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|---|--------------------------------|---------------|-----------------|
| 06/30/0019  | 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  | Yes                            |               | 06/27/2019      |
| 09/30/2019  | 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   | Yes                            |               | 09/19/2019      |
| 09/30/2019  | OCR will meet with OHRM/Enterprise Services (ES) to discuss the process for ensuring hiring officials close-out referral certs to ensure more complete applicant flow data  | Yes                            |               | 09/19/2019      |
| 05/30/2020  | OCR will collaborate with OHRM/ES to develop strategies to ensure accurate AFD for new hires and internal promotions in the DOC workforce data  | Yes                            | 12/30/2022    |                 |
| 09/30/2020  | OCR will collaborate with OHRM/ES to develop a strategy to ensure RNO data is accurately tracked for career development data, thus allowing for a better AFD analysis   | Yes                            |               |                 |
| 12/30/2022  | OCR will work with each bureau (in conjunction with their Serving Human Resources Office (SHRO) and EEO/DEIA office) to establish a Strategic Outreach and Recruitment (SOAR) working group to analyze bureau applicant flow data, previous year's MD-715 Report, Federal Equal Opportunity Recruitment Program Report (FEORP), and other sources as appropriate, to inform on recruiting and hiring practices as related to targeting individuals from underserved communities. The workgroup will include practit | Yes                            |               |                 |

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Plan to Attain Essential Elements

Accomplishments

| Fiscal Year | Accomplishment   |
|-------------|--|
| 2019        | <p>In FY19, OCR met with the Office of Human Capital Client Services (OHCS) in the Office of Human Resources Management (OHRM) to discuss gaps in policies and procedures related to the DOC hiring process, including missing information on the interview process and procedures, the gaps in hiring managers in closing out vacancies after making a selection, lack of applicant flow data related to career development programs, and other relevant topics. During these meetings, OHCS informed OCR about an upcoming FY20 standardization of the hiring process via Enterprise Services, the DOC's shared-services system, which provides an opportunity for OCR to propose constructive updates.</p>  |
| 2020        | <p>Due to the ongoing Global COVID-19 Pandemic, mandatory telework, and staff shortages, the Office of Civil Rights was unable to complete several planned activities that were targeted to Q2, Q3, and Q4 of FY20.</p> <p>However, some outstanding data issues were corrected:</p> <ol style="list-style-type: none"> <li>1) Applicant Flow Data for new hires is available, including interview data.</li> <li>2) Applicant Flow Data for internal competitive promotions is available.</li> <li>3) Applicant Flow Data for career development programs advertised using USAJOBS is available and will be made available for data analysis in FY 2021.</li> </ol> <p>Other data issues remain and will be addressed in FY21:</p> <ol style="list-style-type: none"> <li>1) Applicant flow data for gender, RNO, or disability, is not currently being collected for CDPs that are not advertised through USAJOBS. This is the same for department-wide or bureau-specific CDPs. Currently, DOC only executes one department-wide CDP for SES.</li> <li>2) The interview data in the AFD is inconsistent and not reliable. DOC requires hiring officials to input interview data into the system. However, many hiring officials are not completing this process, which leads to inaccurate results in AFD. There is no mechanism in place to ensure this process is fully completed.</li> </ol> <p>In FY21, to address these data issues, OCR will engage as a stakeholder in the Integrated Project Team (IPT) for Talent Acquisitions, serving in an oversight capacity to provide policy, strategy, and compliance reviews, to ensure the process complies with EEO and D&amp;I standards. The IPT is tasked with addressing challenges in recruitment and hiring process across the Department.</p> <p>Additionally, OCRs and OHRM will schedule routine meetings to assess and address identified data deficiencies, including career development programs and interview data.</p> |
| 2021        | <p>In FY21, OCR engaged and provided guidance to the Talent Acquisitions Team to ensure data compiled in the recruitment and hiring process is accurate and complies with EEO and D&amp;I standards.</p> <p>Due to the ongoing Global COVID-19 Pandemic, mandatory telework, and staff shortages, the Office of Civil Rights was unable to complete several planned activities that were targeted to FY 21.</p> <p>The following data issues remain and will be addressed in FY22 through the SOAR working group:</p> <ol style="list-style-type: none"> <li>1) Applicant flow data for gender, RNO, or disability, is not currently being collected for CDPs that are not advertised through USAJOBS. This is the same for department-wide and bureau-specific CDPs. Currently, DOC only executes one department-wide CDP for SES.</li> <li>2) The section for interview information in the AFD is inconsistent and not reliable. DOC requires hiring officials to input interview data and selection data into the system. However, many hiring officials may not be completing this process, which leads to inaccurate results in AFD. There is currently no mechanism in place to ensure this process is fully completed.</li> </ol>   |

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Plan to Attain Essential Elements

PART H.19

Brief Description of Program  
Deficiency:

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.

Census marked this as a deficiency. Please see their bureau MD-715 for a Part H

Department of Commerce

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Plan to Attain Essential Elements

PART H.20

Brief Description of Program  
Deficiency:

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)]

Census marked this as a deficiency. Please see their bureau MD-715 for a Part H

Department of Commerce

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Plan to Attain Essential Elements

PART H.21

Brief Description of Program  
Deficiency:

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)]

NOAA marked this as a deficiency. Please see their bureau MD-715 for a Part H

Department of Commerce

For period covering October 1, 2021 to September 30, 2022

Plan to Attain Essential Elements

PART H.22

Brief Description of Program 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.

Objectives for EEO Plan

| Date Initiated | Target Date | Date Modified | Date Completed | Objective Description  |
|----------------|-------------|---------------|----------------|--|
| 04/30/2018     | 09/30/2019  |               | 07/23/2019     | To develop and conduct a Departmental retention survey that includes questions on recruitment, hiring, inclusion, retention, and advancement of individuals with disabilities. |

Responsible Officials

| Title                                   | Name       | Standards Address the Plan? |
|---|------------|-----------------------------|
| Deputy Director, Office of Civil Rights | Jerry Beat | Yes                         |

Planned Activities

| Target Date | Planned Activity   | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|--|--------------------------------|---------------|-----------------|
| 09/30/2018  | Develop questions for retention survey.  | Yes                            |               | 08/20/2018      |
| 09/30/2018  | Partner with the Census Bureau's Center for Behavioral Science Methods (CBSM) to implement survey via Qualtrics, a web-based survey tool to conduct survey research, evaluations and other data collection activities.         | Yes                            |               | 08/20/2018      |
| 03/30/2019  | Disseminate survey to OGC, Unions, Privacy Offices, Departmental Management Council, and the PHRM Council for testing, review and comments.  | Yes                            |               | 03/11/2019      |
| 04/30/2019  | Launch Retention Survey.   | Yes                            |               | 07/23/2019      |
| 09/30/2020  | OCR will review the results from the Retention Survey and determine if improvements to applicable enterprise-wide policies, practices, and procedures are needed. Results will also be used in barrier analysis, if applicable | Yes                            | 09/30/2022    |                 |



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Plan to Attain Essential Elements

Accomplishments

| Fiscal Year | Accomplishment   |
|-------------|--|
| 2012        | <p>To address the high separation rates of various demographic groups at the DOC, including individuals with disabilities, in collaboration with the Center for Behavioral Science Methods (CBSM) at Census, OCR conducted a Retention Survey of 10,841 employees, 41.6% of which provided insight into why employees may want to leave the Department, as well as their reasons for staying. The survey also included questions on recruitment, hiring, inclusion, retention, and advancement of individuals with disabilities.</p> <p>Results from the survey are still pending data analysis and processing, which OCR estimates will be completed during Q4 of FY2020. Results from this survey will lead to the improvement of policies, practices, and procedures that can positively affect retention of individuals with disabilities and other groups with lower than expected participation rates.</p>   |
| 2020        | <p>In February 27, 2020, the Center for Behavioral Science Methods (CBSM) at the Census Bureau provided the Office of Civil Rights with a preliminary document containing the final Retention Survey Results. The survey was conducted in FY19 to better understand Commerce employees' views about staying in the Department or seeking employment elsewhere, as well as the factors that may affect this decision.</p> <p>Although the full results from the survey are yet to be cleared for official release, the available data identifies several issues that OCR has consistently found in employment practices at the Department. The survey results indicate higher levels of dissatisfaction with:</p> <ul style="list-style-type: none"> <li>- Senior leadership effectiveness and communication</li> <li>- Department-wide career development opportunities</li> <li>- Mentoring opportunities</li> <li>- Promotion opportunities</li> </ul> <p>In FY21, OCR will continue its collaboration with CBSM, with the expectation the final report will be released during Q3 of FY21.</p> <p>OCR is also committed to collaborating with OHRM and exploring the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY21 MD 715 report.</p> |
| 2021        | <p>In FY21, OCR continued its collaboration with CBSM; the final report from the Retention Survey was released, but inconclusive. More analysis was required. However, OCR was able to gather some valuable information from the survey to implement in the future to improve Department-wide policies, practices, and procedures.</p> <p>In FY22, OCR will work with CBSM to relaunch a revised retention survey to begin establishing a baseline and trends. Also, OCR will collaborate with OHRM to explore the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY22 MD 715 report.</p>  |

Department of Commerce

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Plan to Attain Essential Elements

PART H.23

Brief Description of Program  
Deficiency:

E.1.a. Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?

NOAA marked this as a deficiency. Please see their bureau MD-715 Part H.

Department of Commerce

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Plan to Attain Essential Elements

PART H.24

Brief Description of Program  
Deficiency:

E.4.a.3. Recruitment activities? [see MD-715, II(E)]

NOAA marked this as a deficiency. Please see their bureau MD-715 for a Part H.

Department of Commerce

For period covering October 1, 2021 to September 30, 2022

Plan to Attain Essential Elements

PART H.25

Brief Description of Program  
Deficiency:

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)]

NOAA marked this as a deficiency. Please see their bureau MD-715 for a Part H.

Department of Commerce

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Plan to Eliminate Identified Barriers

PART I.1

|   |  |  |                      |                                    |  |
|---|--|--|----------------------|------------------------------------|--|
| <b>Source of the Trigger:</b>   | Workforce Data (if so identify the table)  |  |                      |                                    |  |
| <b>Specific Workforce Data Table:</b>   | Workforce Data Table - A1  |  |                      |                                    |  |
| <b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b><br><br>Provide a brief narrative describing the condition at issue.<br><br>How was the condition recognized as a potential barrier? | Hispanic Males and Females had a lower-than-expected participation rate in the DOC permanent workforce and in the Leadership Pipeline. They also experienced lower new hire (entry) rates and higher separation (exit) rates. This indicates a potential blocked pipeline. |  |                      |                                    |  |
| <b>STATEMENT OF BARRIER GROUPS:</b>   | <i>Barrier Group</i><br>Hispanic or Latino Males<br>Hispanic or Latino Females   |  |                      |                                    |  |
| <b>Barrier Analysis Process Completed?:</b>   | Y  |  |                      |                                    |  |
| <b>Barrier(s) Identified?:</b>  | N  |  |                      |                                    |  |
| <b>STATEMENT OF IDENTIFIED BARRIER:</b><br><br>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.                | <b>Barrier Name</b>  | <b>Description of Policy, Procedure, or Practice</b>   |                      |                                    |  |
|   | Hispanic Participation Rates   | <p>DOC is still in the process of conclusively identifying a barrier or barriers causing Hispanics to have a lower-than-expected participation rate in the DOC workforce. However, our analysis revealed the following:</p> <ul style="list-style-type: none"> <li>- There is a potential “blocked pipeline” for Hispanic new hires. A blocked pipeline occurs when people are available at expected levels in the occupations that feed up to the senior grades levels but fail to reach the senior grade levels within those occupations.</li> <li>- Although a 5-year trend analysis reveals there has been some increase in new hires for Hispanics, the rate of increase has not been significant. OCR recommends a more targeted approach to address the marked disparities in the Hispanic workforce participation rates.</li> <li>- Hispanics Female participation remains below their respective benchmarks (2.81%) at GS 13 through SES grade levels. There was an increase in the participation rate at GS 13 level, rising from 2.1% in FY18 to 4.48% in FY22</li> </ul> |                      |                                    |  |
| <b>Objective(s) and Dates for EEO Plan</b>  |  |  |                      |                                    |  |
| <b>Date Initiated</b>   | <b>Target Date</b>   | <b>Sufficient Funding / Staffing?</b>  | <b>Date Modified</b> | <b>Date Completed</b>              | <b>Objective Description</b>   |
| 04/30/2018  | 09/30/2020   | Yes  |                      |                                    | To conclusively identify and pave the way to eliminating barriers to Hispanic employment at the DOC. |
| <b>Responsible Official(s)</b>  |  |  |                      |                                    |  |
| <b>Title</b>  |  | <b>Name</b>  |                      | <b>Standards Address The Plan?</b> |  |
| Affirmative Employment Program Manager  |  | Laura Soria  |                      | Yes                                |  |

Department of Commerce

For period covering October 1, 2021 to September 30, 2022

Plan to Eliminate Identified Barriers

Responsible Official(s)

| Title                            | Name       | Standards Address The Plan? |
|----------------------------------|------------|-----------------------------|
| Director, Office of Civil Rights | Jerry Beat | Yes                         |

Planned Activities Toward Completion of Objective

| Target Date | Planned Activities  | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|---|--------------------------------|---------------|-----------------|
| 04/30/2019  | The DOC is committed to examine the following policies and data for potential barriers: Hiring Policies, Interview Process and Procedures, Bureau-specific MCO data by position and grade level; and data on referrals and interviews.  | Yes                            |               | 09/19/2019      |
| 04/30/2019  | Examine DOC-wide leadership development programs and career development programs.   | Yes                            |               | 10/18/2018      |
| 04/30/2019  | Develop strategies to address the FEVS high-rate negative response items.   | Yes                            |               | 10/18/2018      |
| 04/30/2019  | Conduct Workforce Surveys. By conducting a Retention Survey, the DOC will invite and encourage our workforce to voice their concerns and provide input, which can lead to improved policies, practices, and procedures that can positively improve retention issues across the DOC. | Yes                            | 07/23/2019    |                 |
| 09/30/2020  | OCR will collaborate with OHRM/Enterprise Services to develop strategies to retrieve accurate data that will allow for an improved barrier analysis process. See Part H-5 of this report for a detailed list of planned activities and target dates.                                | Yes                            | 12/30/2022    |                 |
| 09/30/2020  | OCR will review the results from the Retention Survey and will move forward with new considerations and/or improvements to applicable enterprise-wide policies, practices, and procedures.  | Yes                            | 09/30/2022    |                 |
| 09/30/2020  | Work with the Barrier Analysis Workgroup, Diversity & Inclusion Councils, and Affinity Groups to organize and develop strategies to address the less than expected participation rates of Hispanics across Commerce.  | Yes                            | 09/30/2022    |                 |

Department of Commerce

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Plan to Eliminate Identified Barriers

Report of Accomplishments

| Fiscal Year | Accomplishments   |
|-------------|---|
| 2022        | <p>FY22 The Office of Civil Rights led a discussion with members of the Hispanic Organization for Leadership and Advancement (HOLA), an emerging employee resource group at the Department. The discussion centered on Hispanic recruitment, retention, and advancement at bureaus located in the Herbert C. Hoover Building (HCHB or "HQ"). Members shared their thoughts/experiences on a range of issues, will serve to inform our FY23 priorities.</p> <p>The Department continued its long-standing partnerships with colleges, universities, committees, councils, and professional societies that target individuals in underrepresented communities, including the Hispanic Association of Colleges and Universities (HACU), Minority Serving Institute, Capital Region Women in Computing, the National Organization for the Professional Advancement of Black Chemists and Chemical Engineers, Society for Advancement of Chicanos and Native Americans in Science (SACNAS), Society of Mexican American Engineers and Scientists, Operation Warfighter Program, Military Officers Association of America, American Indian Science and Engineering Society, and the Society of Women Engineers (SWE).</p> <p>Actions to Increase New Hires (Bureau-specific)</p> <p>USPTO:</p> <ul style="list-style-type: none"> <li>• In July 2022, OEEOD participated in the League of United Latin American Citizens (LULAC) national convention in San Juan, Puerto Rico. The Diversity Program Manager, who is also the chair of the National Council of Hispanic Employment Program Managers (NCHEPM), led and implemented a half-day pre-convention professional development summit for federal Hispanic Employment Program Managers (HEPMs), Special Emphasis Program Managers (SEPMs), and EEO, HR and DEIA practitioners. The Diversity Program Manager was also a workshop presenter during LULAC's Federal Training Institute, and the Agency also participated as an exhibitor during the LULAC Convention Expo.</li> <li>• In the past few years, the University of Puerto Rico, Mayaguez (UPRM), an HSI, has been in the top ten schools from which new patent examiners obtained their bachelor's degrees. The USPTO continues to attend career fairs at UPRM. The agency was represented during the University of Puerto Rico, Mayaguez career fair in October 2021.</li> <li>• In FY22, the Diversity Program Manager presented a Workshop for Congressional Hispanic Caucus Institute (CHCI) Spring 2022 Fellow on Interviewing Techniques &amp; Jobs at the USPTO.</li> <li>• In FY22, the USPTO hired 626 patent examiners in the 1224 series, of which 8.15% were Hispanic. 2.24% of those selected were Hispanic women, and 5.91% were Hispanic men (Table A6).</li> <li>• Employees in the 1224 series are labeled as Miscellaneous Legal Support Workers (series 2160) according to the EEOC's occupational crosswalk. The Occupational Civilian Labor Force data for series 2160 is too broad to compare with that of patent examiners.</li> </ul> <p>NOAA:</p> <p>Latinos@NOAA ERG conducted a workshop/webinar for students on how to navigate the USAJobs application process; 156 registrants with 74 live attendees and at least 34 universities represented; University of California, Davis had the most students who registered. Hispanic-serving Institutions (HSI) were represented: (10) from California and (1) from Florida.</p> <p>Latinos@NOAA ERG continues conducting three leadership sessions in FY22 with a total of 102 attendees</p> |

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Plan to Eliminate Identified Barriers

Report of Accomplishments

| Fiscal Year | Accomplishments   |
|-------------|---|
|             | <p>combined.</p> <p>Latinos@NOAA ERG developed a Hiring Panel Program in partnership with the Women of NOAA ERG to prepare NOAA employees to serve as panelists in hiring interview panels. Its objective is: to effectively recruit qualified individuals at all levels whose diverse backgrounds, experience, education, and skills will advance NOAA’s mission, reduce barriers and biases in NOAA’s hiring of diverse, highly-qualified candidates, and create a culture that effectively promotes the employment of individuals with disabilities.</p> <p>NOAA’s Hispanic Special Emphasis Program Manager established the Hispanic Employment Program Network (HEPN). This newly established group meets quarterly and provides participants opportunities to network, brainstorm, discuss ideas about Hispanic Emphasis Observance Programs, share resources, and best practices, discuss challenges and barriers preventing retention and recruitment of Hispanics/Latinos, establish partnerships with other Hispanic Employment Program Managers (HEPMs) or HEP Representatives (HEPRs), etc. Open to all Federal Agencies. 45 members currently from around 30 different agencies.</p> <p>NOAA’s Hispanic Employment Program Manager created a new LinkedIn profile for the Office of Inclusion and Civil Rights as an outreach initiative to promote the agency, welcome underrepresented groups and share information about Equality, Diversity, and Inclusion to educate our audience</p> |
| 2019        | <p>In FY19, OCR met with the Office of Human Capital Client Services (OHCS) in the Office of Human Resources Management (OHRM) to discuss gaps in policies and procedures related to the DOC hiring process, including missing information on the interview process and procedures, the gaps in hiring managers in closing out vacancies after making a selection, lack of applicant flow data related to career development programs, and other relevant topics. During these meetings, OHCS informed OCR about an upcoming FY20 standardization of the hiring process via Enterprise Services, the DOC’s shared-services system, which provides an opportunity for OCR to propose constructive updates. In</p> <p>To address the high separation rates of various demographic groups at the DOC, including Hispanics, in collaboration with the Center for Behavioral Science Methods (CBSM) at Census, OCR conducted a Retention Survey of 10,841 employees, 41.6% of which provided insight into why employees may want to leave the Department, as well as their reasons for staying. Results from the survey are still pending data analysis and processing, which OCR estimates will be completed during Q4 of FY2020.</p> <p>Results from this 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.</p>   |
| 2021        | <p>The Office of Civil Rights led a discussion with members of the Hispanic Organization for Leadership and Advancement (HOLA), an emerging employee resource group at the Department. The discussion centered on Hispanic recruitment, retention, and advancement at bureaus located in the Herbert C. Hoover Building (HCHB or “HQ”). Members shared their thoughts/experiences on a range of issues, will serve to inform our FY21 priorities.</p> <p>The Department continued its long-standing partnerships with colleges, universities, committees, councils, and professional societies that target individuals in underrepresented communities, including the Hispanic Association of Colleges and Universities (HACU), Minority Serving Institute, Capital Region Women in Computing, the National Organization for the Professional Advancement of Black Chemists and Chemical Engineers, Society for Advancement of Chicanos and Native Americans in Science (SACNAS), Society of Mexican American Engineers and Scientists, Operation Warfighter Program, Military Officers Association of America, American Indian Science and Engineering Society, and the Society of Women Engineers (SWE).</p>  |



Department of Commerce

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Plan to Eliminate Identified Barriers

PART I.2

|   |  |   |
|---|--|---|
| <b>Source of the Trigger:</b>   | Workforce Data (if so identify the table)  |   |
| <b>Specific Workforce Data Table:</b>   | Workforce Data Table - A1  |   |
| <b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b><br><br>Provide a brief narrative describing the condition at issue.<br><br>How was the condition recognized as a potential barrier? | Females have a lower-than-expected participation rate in the senior grade levels (GS13-SES). This indicates a potential glass ceiling. |   |
| <b>STATEMENT OF BARRIER GROUPS:</b>   | <i>Barrier Group</i><br>All Women  |   |
| <b>Barrier Analysis Process Completed?:</b>   | Y  |   |
| <b>Barrier(s) Identified?:</b>  | N  |   |
| <b>STATEMENT OF IDENTIFIED BARRIER:</b><br><br>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.                | <b>Barrier Name</b><br>Female Participation  | <b>Description of Policy, Procedure, or Practice</b><br>The barrier analysis process for conclusively identifying a barrier or barriers causing Females to have a lower-than-expected participation rate in the DOC workforce is currently underway. Preliminary results of our analysis revealed the following:<br><br>- There is a potential glass ceiling for Females in the senior grade levels, especially at the SES level, despite there being a significant feeder pool in the GS15 level.<br>- The lack of career development programs continues to be a major issue at the Department. Employees need these programs to develop the skills necessary for career advancement at the feeder pool grade level (GS 13-15).<br>- There is a lack of career development data collected for the SES CDP. Without applicant flow data describing the composition of applicants to this government-wide CDP, the Department does not have relevant data to analyze and present in its barrier analysis.<br><br>Future analysis will be expanded to further identify and address the underlying causes, |

Objective(s) and Dates for EEO Plan

| Date Initiated | Target Date | Sufficient Funding / Staffing? | Date Modified | Date Completed | Objective Description  |
|----------------|-------------|--------------------------------|---------------|----------------|--|
| 04/30/20198    | 04/30/2019  | Yes                            | 09/30/2022    |                | To identify and eliminate barriers to employment and advancement of Females in senior leadership positions within DOC. |

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Plan to Eliminate Identified Barriers

Responsible Official(s)

| Title                                   | Name          | Standards Address The Plan? |
|---|---------------|-----------------------------|
| Affirmative Employment Program Manager  | Laura Soria   | Yes                         |
| Deputy Director, Office of Civil Rights | Larry J. Beat | Yes                         |

Planned Activities Toward Completion of Objective

| Target Date | Planned Activities   | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|--|--------------------------------|---------------|-----------------|
| 04/30/2019  | The DOC is committed to examine the following policies and data for potential barriers: Hiring Policies, Interview Process and Procedures, Bureau-specific MCO data by position and grade level; and data on referrals and interviews.               | Yes                            |               | 09/19/2019      |
| 04/30/2019  | Examine DOC-wide leadership development programs and career development programs.  | Yes                            |               | 10/18/2018      |
| 04/30/2019  | Develop strategies to address the FEVS high-rate negative response items.  | Yes                            |               | 07/23/2019      |
| 09/30/2020  | OCR will collaborate with OHRM/Enterprise Services to develop strategies to retrieve accurate data that will allow for an improved barrier analysis process. See Part H-5 of this report for a detailed list of planned activities and target dates. | Yes                            | 09/30/2022    |                 |
| 09/30/2020  | OCR will review the results from the Retention Survey and will move forward with new considerations and/or improvements to applicable enterprise-wide policies, practices, and procedures.   | Yes                            | 09/30/2022    |                 |
| 09/30/2020  | Work with the Barrier Analysis Workgroup, Diversity & Inclusion Councils, and Affinity Groups to organize and develop strategies to address the less than expected participation rates of Females across Commerce.                                   | Yes                            | 09/30/2022    |                 |

Department of Commerce

For period covering October 1, 2021 to September 30, 2022

Plan to Eliminate Identified Barriers

Report of Accomplishments

| Fiscal Year | Accomplishments   |
|-------------|---|
| 2020        | <p>In February 27, 2020 the Center for Behavioral Science Methods (CBSM) at the Census Bureau provided the Office of Civil Rights with a preliminary document containing the final Retention Survey Results. The survey was conducted in FY19 to better understand Commerce employees' views about staying in the Department or seeking employment elsewhere, as well as the factors that may affect this decision.</p> <p>Although the full results from the survey are yet to be cleared for official release, the available data identifies several issues that OCR has consistently found in employment practices at the Department. The survey results indicate higher levels of dissatisfaction with:</p> <ul style="list-style-type: none"> <li>- Senior leadership effectiveness and communication</li> <li>- Department-wide career development opportunities</li> <li>- Mentoring opportunities</li> <li>- Promotion opportunities</li> </ul> <p>In FY21, OCR will continue its collaboration with CBSM, with the expectation the final report will be released during Q3 of FY21.</p> <p>OCR is also committed to collaborating with OHRM and exploring the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY21 MD 715 report.</p> |
| 2022        | <p>. In FY22 Monster Analytics was archived and USA Staffing was contracted to provide AFD. Lack of data for Career Development Programs. The lack of Career Development Programs (CDP) continues to be a major issue for the Department. Without an official avenue for employees to develop the skills necessary for career advancement and an accurate count of those applying for CDPs, the Department will continue to see marked disparities for Females in leadership positions.</p> <p>(See Part H-6 for details on how data issues will be addressed in FY23.)</p> <p>In FY22, OCR continued its collaboration with CBSM; the final report from the Retention Survey was released, but inconclusive. More analysis was required. However, OCR was able to gather some valuable information from the survey to implement in the future to improve Department-wide policies, practices, and procedures to improve the retention of women, especially in senior grade levels.</p> <p>In FY22, OCR will work with CBSM to relaunch a revised retention survey to begin establishing a baseline and trends. Also, OCR will collaborate with OHRM to explore the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY23 MD 715 report.</p>    |

Department of Commerce

For period covering October 1, 2021 to September 30, 2022

Plan to Eliminate Identified Barriers

Report of Accomplishments

| Fiscal Year | Accomplishments  |
|-------------|--|
| 2021        | <p>In FY20, the Office of Civil Rights was able to secure and analyze applicant flow data. However, some data discrepancies remained in FY21, including lack of data for Career Development Programs. The lack of Career Development Programs (CDP) continues to be a major issue for the Department. Without an official avenue for employees to develop the skills necessary for career advancement and an accurate count of those applying for CDPs, the Department will continue to see marked disparities for Females in leadership positions.</p> <p>(See Part H-6 for details on how data issues will be addressed in FY22.)</p> <p>In FY21, OCR continued its collaboration with CBSM; the final report from the Retention Survey was released, but inconclusive. More analysis was required. However, OCR was able to gather some valuable information from the survey to implement in the future to improve Department-wide policies, practices, and procedures to improve the retention of women, especially in senior grade levels.</p> <p>In FY22, OCR will work with CBSM to relaunch a revised retention survey to begin establishing a baseline and trends. Also, OCR will collaborate with OHRM to explore the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY22 MD 715 report.</p> |

**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 GS-11 to SES (includes GS equivalents). The participation rate is 10.11%. While this is an increase from FY21 (9.30%), it is still 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 | No |

No triggers.

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

DOC's Office of Civil Rights (OCR) communicates the numerical goals during the annual State of the Agency to senior leadership and through other forums (i.e., New Supervisors Training, Disability/RA Training for Managers/ Supervisors, during National Disability Employment Awareness Month). Additionally, some Bureaus provided bimonthly training sessions for first line supervisors and their designees which include discussions on current workforce statistics and disability goals. Bureau HR offices communicate numerical goals to hiring officials with each recruitment action. Bureau Selective Placement Program Coordinators also discuss strategic recruitment options and hiring goals with hiring officials when providing Schedule A candidates for vacancies. The goals are also communicated during the Department's "Self-identification Campaign" in April and October each year.

**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  | 4                                   | 0         | 35              | Roseal Fowlkes<br>Veterans Employment & Selective Placement Program Manager<br>rfowlkes@doc.gov |
| Section 508 Compliance   | 6                                   | 0         | 1               | Jennifer Jessup<br>DOC Section 508 Compliance Coordinator<br>jjessup@doc.gov                    |
| Architectural Barriers Act Compliance  | 5                                   | 0         | 0               | Cara Westholm<br>Chief, Space Management Division<br>cwestholm@doc.gov                          |
| Special Emphasis Program for PWD and PWTD  | 4                                   | 0         | 2               | Monique Dismuke<br>DOC Disability Program Manager<br>mdismuke@doc.gov                           |
| Processing reasonable accommodation requests from applicants and employees                     | 16                                  | 0         | 1               | Monique Dismuke<br>DOC Disability Program Manager & RA Program Manager<br>mdismuke@doc.gov      |
| Answering questions from the public about hiring authorities that take disability into account | 3                                   | 0         | 35              | Roseal Fowlkes<br>Veterans Employment & Selective Placement Program Manager<br>rfowlkes@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 via webinar, in-person, or online through classes offered by various entities including National Employment Law Institute (NELI), USDA Graduate School, ASKEARN Training Center, Disability Management Employer Coalition, Job Accommodation Network (JAN), US Access Board, ADA Network, EEOC, and others. Staff also attend training conferences hosted by EEOC (EXCEL), Federal Dispute Resolution (FDR), and the Federal Employment Law Training Group. Additionally, Bureau disability program staff attended various internal ad hoc training and training coordinated by the Department’s OCR.

**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

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**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.

Census partners with military installations within the local area for transition assistance to recruit 30% compensable or more veterans. Census also introduced the Skillbridge, formerly Operation Warfighter, program to Census. Skillbridge allows the bureau to onboard active-duty personnel who are separating from the military, some due to injury, at no cost to the agency. We attend numerous recruitment fairs and provide information to college/university students and their advisors on the various programs available for persons with disabilities. USPTO has a separate webpage designed to provide information to job applicants with disabilities: <https://www.uspto.gov/jobs/hiring-people-disabilities>. The USPTO has also formed relationships with the various disability offices at the universities and colleges from which it regularly recruits students. NOAA uses outreach to vocational rehabilitation centers, veteran organizations and the resume mining feature from USAJOBS to search for applicants with disabilities. We have also encouraged managers to use the Workforce Recruitment Program database to identify applicants to fill positions. Several of the Line and Staff offices have incorporated the diversity strategic plans to hire individuals with disabilities into management performance plans. In addition, the agency holds an annual Hiring Event for Veterans and PWDs. NIST advertises all vacancies on USAJOBS. NIST utilizes a variety of methods to recruit and employ veterans and individuals with disabilities: Direct-Hire, Delegated Examining, Agency Based, Merit Promotion, and Non-Competitive procedures. NIST also utilizes special appointment authorities such as the Veterans Employment Opportunities Act (VEOA), the Veterans Recruitment Appointment (VRA) Authority, and other appointment authorities (e.g. disabled veterans with 30% or greater disability) as appropriate. NIST's Selective Placement Coordinator maintained a catalogue of applicants eligible for noncompetitive hiring authorities such as the Veterans Recruitment Authority, 30% or more disabled Veteran hiring authority and the Schedule A hiring authority for individuals with disabilities. The catalogue is accessible by members of the HR Operations Team so the resumes can be shared with hiring officials as positions become available. Several Bureaus are using the Workforce Recruitment Program (WRP) on a regular basis to identify PWD to recruit for vacant DOC positions. Other programs and resources used to recruit and hire PWD include: VetSuccess.gov; use of USAJOBS to search for eligible Schedule A applicants; use of OPM's Bender list of applicants with disabilities; participation in local colleges and university virtual job recruitment fairs; the Workforce Recruitment Program for access to post-secondary 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 on job vacancies and application process. DOC continuously provides job applicants information about DOC's disability employment programs, various employment opportunities, the government hiring process and 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 PWT for positions in the permanent workforce

Same as in FY21, the Department continues to encourage hiring managers to use Schedule A to fill vacant positions, and to consult with Bureau Selective Placement Program Coordinators (SPPC) for guidance in this area. Through outreach to vocational rehabilitation centers and disabled veterans' organizations, SPPCs invite job applicants to submit their resumes and make them searchable on USAJOBS by selecting eligibility for special hiring authorities. The SPPC developed recruitment solutions tailored to specific hiring needs, marketed agency vacancies to persons with disabilities who are eligible for non-competitive placement via Schedule A and represented DOC at events focused on hiring people with disabilities. The SPPC encouraged individuals utilizing Schedule A to send their resumes directly to them to be placed in the Bureau-specific database. When a hiring official informs the SPPC about a vacancy, the SPPC asks for the Position Description and/or vacancy announcement. The SPPC utilizes this information to search for qualified applicants and provides these resumes to the hiring official. The hiring official can then proceed with interviews and selection of the desired candidate. Applicants who have questions or would like to receive technical assistance on how to apply under Schedule A, are provided information for the Bureau SPPCs and DOC's central 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. This process continues to be reviewed and analyzed for process improvement. 1) Applications received via USAJOBS are assessed by an assigned HR Specialist; qualified applicants are referred to the hiring official for the related vacancy with an explanation of the Selective Placement Program and the process for selection. 2) Applications received via the Selective Placement Program or from hiring officials are reviewed by the Bureau SPPC to determine if the person qualifies for the identified position and if the Schedule A letter submitted meets OPM's requirements. If all criteria are met, the applicant's resume is placed in the Bureau's electronic database. 3) When vacancies are identified, upon request, the Bureau SPPC searches the application database for qualified applicants, then forwards qualified applicants' resumes 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 supervisors and hiring officials to annually complete the OPM mandated training: "A Roadmap to Success: Hiring, Retaining, and Including People with Disabilities"; Uniformed Services Employment and Reemployment Rights Act (USERRA), and Veterans Employment Training. This training is available online via the Commerce Learning Center. Additionally, 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. USPTO provides computer-based training annually. NOAA offered the ABC's of Schedule A Hiring, bi-monthly in-person or via webinar to hiring managers. NIST Disability Program Manager worked with the SPPC to record a training video on Non-Competitive Hiring Authorities. The video will be posted in FY23 on the NIST internal website.

## **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 has established and/or maintained contact with "Hiring Our Heroes", Vocational Rehabilitation Services, and RecruitMilitary, all which target PWD/ TD. DOC staff attended campus events for students with disabilities; developed relationships and partnerships with local colleges and universities to provide paid/unpaid internships for students with disabilities; partnered with affinity groups to help recruit individuals with disabilities; and 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. The Department's Selective Placement Program Coordinators are listed on OPM's directory so applicants can contact them directly. NIST Disability Program Manager and SPPC attended Equal Opportunity Publications Career Expo for People with Disabilities. NIST employment opportunities were discussed with the candidates attending this event. Census continues working through established partnerships with the following groups: Department of Defense (DOD) and Veteran's Administration-Operation Warfighter (OWF) Internship Program. Department of Labor (DOL)- Workforce Recruitment and Apprenticeship Programs. NOAA's representative visited vocational rehabilitation centers near cities where NOAA has a large presence, to offer assistance to PWD and PWTD, including training on how to understand and apply for federal positions. USPTO has relationships with various disability offices at universities and colleges from which it regularly recruits students with disabilities and will continue to reach out to additional schools and external disability-related organizations to develop more partnerships. They have an established relationship with the local vocational rehabilitation office and plan to continue outreach to career services and disability program coordinators at targeted schools in the area to establish a baseline relationship and gauge interest in partnership with the agency.

**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. New Hires for Permanent Workforce (PWD) Answer No
- b. New Hires for Permanent Workforce (PWTD) Answer No

No triggers.

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

There were only 2 MCOs (0905 and 1101) that showed new hire data for PWD/ PWTD on Table B6. However, applicant flow data was not available when this report was completed; therefore, further analysis could not be done.

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 N/A
- b. Qualified Applicants for MCO (PWTD) Answer N/A

Applicant flow data for internal applicants was not available.

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 N/A
- b. Promotions for MCO (PWTD) Answer N/A

Applicant flow data was not available.

## 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 ensures job opportunities are posted on USAJOBS providing awareness to PWD/TD of employment opportunities with the Department. The Department's Reasonable Accommodation Policy and POC for requesting an accommodation is also posted with each announcement. PWD/TD are made aware of various leadership/professional development programs. The competitive opportunities are announced via USAJOBS and many other internal programs are opened to all employees and announced via internal broadcast messages. PWD/TD have an equal opportunity to compete for all opportunities including managerial, executive, and other career-enhancing programs and initiatives. PWD/TD have access to the Department's web-based training program, Commerce Learning Center (CLC), which contains over 2,500 training courses to assist employees with managing their careers. DOC continues to promote internal advancement opportunities for PWD/TD through Bureau-specific leadership development programs. Some examples of Bureau specific plans are: USPTO: During FY 2018, the Office of EEO & Diversity constituted a new Disability Working Group, dedicated to identifying barriers to career advancement and reduction of those barriers. The function of this group is being replaced by the new USPTO Diversity, Equity, Inclusion, and Accessibility (DEIA) Council, to be stood up in FY23. In addition, the USPTO affinity group, ResponsAbility, which focuses on advocacy and awareness of disability issues and goals, worked with USPTO leadership to promote career advancement of their members. The USPTO developed stronger hiring manager education focusing on providing managers with the tools they need to implement (or maximize) disability recruitment and hiring strategies. This included training for aspiring managers. NOAA: Collaborated with their PWD Employee Resource Group to discuss challenges to advancement opportunities; finalized the NOAA plan for recruiting, hiring and retaining PWD/TD; presented lunch and learn sessions to discuss Schedule A application process; tracked applicant flow data for internal development program - Leveraging Abilities, Needs, Talents, Energies & Resources Network (LANTERN) and set aside 1% of opportunities for PWD. Other programs were provided to help employees gain management and leadership skills to accomplish their career objectives. For example, workshops on Engaging Employee Resource Groups and 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 professional and career development programs. Additionally, Bureaus initiated and engaged Employee Resource Groups, including Disability Working Groups, to help advertise and promote career development programs.

### B. CAREER DEVELOPMENT OPPORTUNITIES

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

Currently, there is one Department-wide Career Development Program for the Senior Executive Service. However, Bureaus have instituted various career development opportunities. Some of notable mentions are: NIST: Offered three leadership programs targeting employees at various stages in their managerial careers: Foundations of Leadership Program (FLP), New Leader Program (NLP), and Project Management and Leadership Program (PMLP). Mentoring and coaching sessions are available to participants of these programs. Additionally, the Office of Human Resources Management “Leadership for All” (L4A) program makes content from popular leadership development programs available to the entire staff. NOAA: Offered three leadership developmental programs: Leadership Competencies Development Program (LCDP); NOAA Leadership Seminar (NLS); and NOAA Rotational Assignment Program (NRAP). Census continues to administer a Data Science Training Program (DSTP)'s, which is a 5-month unit – based program that gives Census Bureau employees an opportunity to gain hands-on data science experience. Participants complete online and live coursework in addition to a Capstone Project, where participants apply what they’ve learned to mission-critical work at the Census Bureau. Participants are also paired with a mentor who acts as a career coach and provides guidance on the non-technical aspects of the program. Currently, all elements of the program will take place remotely. This year, participants can take one of two learning paths: Data Science Generalist Path or Machine Learning Specialist Path. The Data Science Generalist Path focuses on the fundamentals of data science concepts. Participants will examine data science applications both at the Census Bureau and in real-world examples. Participants will also learn how to use programs such as SQL and Python to analyze and visualize data to generate insights. The Machine Learning Specialist Path dives deeper into data science skills using Python and machine learning concepts. Participants will learn how to develop and apply advanced algorithms and analysis tools that improve over time using supervised/unsupervised learning. Additionally, participants will learn about artificial intelligence, deep learning, natural language processing, and more. Data Science on Demand includes three new learning tracks through LinkedIn Learning to improve the data literacy of supervisory and nonsupervisory employees and provide data science practitioners with access to a variety of skill-building courses. The three on-demand tracks are: Data Science Literacy, Data Science for Managers, and Skill Builder. Employees who sign up for one of the three Expansion Tracks will receive a LinkedIn Learning license (as available) and complete self-paced, online courses covering data science topics, methods, and techniques. USPTO: Has two major career development opportunities. The first provides career development detail assignments for employees. The second, is an enterprise-wide mentoring program. The mentoring program is open to everyone interested, subject to space constraints in the program. In addition to these two major enterprise efforts, the Enterprise Training Division, and various employee groups host ad hoc training and information sessions. These programs are widely publicized and available to all employees.

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 (#) |
| Detail Programs                   |                    |               |                |               |                |               |
| Internship Programs               |                    |               |                |               |                |               |
| Coaching Programs                 |                    |               |                |               |                |               |
| Other Career Development Programs |                    |               |                |               |                |               |
| Fellowship Programs               |                    |               |                |               |                |               |
| Training Programs                 |                    |               |                |               |                |               |
| Mentoring 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

DOC currently does not have a system in place to track RNO and disability applicant flow data for career development programs but is actively working with HR to correct this deficiency. (Part H-6)

4. Do triggers exist for PWTB 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 (PWTB) Answer N/A
- b. Selections (PWTB) Answer N/A

DOC currently does not have a system in place to track RNO and disability applicant flow data for career development programs but is actively working with HR to correct this deficiency. (Part H-6)

### C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTB 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 (PWTB) Answer No

Triggers were identified for the following (Table B9): PWD - \$5000 or more

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTB 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 Yes
- b. Pay Increases (PWTB) Answer Yes

For Quality Step Increases there were triggers identified for PWD/TD. Percentage of QSIs for PWD/TD is below their participation rate benchmark.

3. If the agency has other types of employee recognition programs, are PWD and/or PWTB 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 (PWTB) Answer N/A

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 N/A
  - ii. Internal Selections (PWD) Answer N/A
- b. Grade GS-15
  - i. Qualified Internal Applicants (PWD) Answer N/A
  - ii. Internal Selections (PWD) Answer N/A
- c. Grade GS-14
  - i. Qualified Internal Applicants (PWD) Answer N/A
  - ii. Internal Selections (PWD) Answer N/A
- d. Grade GS-13
  - i. Qualified Internal Applicants (PWD) Answer N/A
  - ii. Internal Selections (PWD) Answer N/A

|  |        |     |
|--|--------|-----|
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD)          | Answer | N/A |

Applicant flow data (AFD) was not available at the time of this report, therefore, further analysis could not be completed (see Part H-6).

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 | N/A |
| ii. Internal Selections (PWTD)          | Answer | N/A |
| c. Grade GS-14                          |        |     |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. Internal Selections (PWTD)          | Answer | N/A |
| d. Grade GS-13                          |        |     |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. Internal Selections (PWTD)          | Answer | N/A |

Applicant flow data (AFD) was not available at the time of this report, therefore, further analysis could not be completed (see Part H-6).

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 |

Applicant flow data (AFD) was not available at the time of this report, therefore, further analysis could not be completed (see Part H-6).

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 |

Applicant flow data (AFD) was not available at the time of this report, therefore, further analysis could not be completed (see Part H-6).

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

Applicant flow data (AFD) was not available at the time of this report, therefore, further analysis could not be completed (see Part H-6).

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

Applicant flow data (AFD) was not available at the time of this report, therefore, further analysis could not be completed (see Part H-6).

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

Applicant flow data (AFD) was not available at the time of this report, therefore, further analysis could not be completed (see Part H-6).

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

Applicant flow data (AFD) was not available at the time of this report, therefore, further analysis could not be completed (see Part H-6).

### 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.

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

Using the inclusion rate, the percent of voluntary separations for PWD was 7.2%, exceeding PWOD 5.9%.

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

Using the inclusion rate, the percent of voluntary separations for PWTD was 6.9%, exceeding PWOD 5.9%.

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.

No exit interview survey or other data sources were available for analysis when this report was completed.

## 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/cr/complaints/section-508-architectural-barriers-act-aba-notice-rights>

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.

<https://www.commerce.gov/cr/complaints/section-508-architectural-barriers-act-aba-notice-rights>

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 22, DOC established the following programs, policies, or practices designed to improve accessibility of agency facilities and/or technology. 1. DOC developed a comprehensive Section 508 collaborative experience on OMB Max. The Department's Section 508 Wiki Site was updated with the goal of being the internal hub for 508 related communications. The site has resources that include the revised federal regulations and requirements that apply to Section 508, training materials such as how to guides, and Section 508 POC's at the Bureau level. 2. Improved transparency of Reasonable Accommodation (RA) process. In FY2022, DOC launched a new online RA tracking system – Entellitrak RA (ETK RA). This secure, web-based application, developed by Tyler Technologies was designed to improve the management and tracking of RA requests. Ultimately, it will increase speed, uniformity, and transparency in the Department's RA process. Employees may submit individual requests into the system. Bureau RA Coordinators and DOC Disability/RA Program Manager are the only DOC personnel with access to view, manage, and develop reports for requests submitted into the system. 3. In FY23, DOC will develop an Accessibility Handbook. The handbook will identify Facility Accessibility Coordinators within each Bureau and streamlining procedures for reporting and addressing accessibility issues within the Department. The Department will also establish a physical accessibility community of interest. Participants will include interior designers, architects, and facility managers from across the Bureaus. This will allow for more efficient and effective dissemination of training opportunities, guidance, and important information. 4. The Department worked to eliminate barriers for people with vision, mobility, cognitive and other disabilities by developing guidance for creating accessible meetings for people with vision, mobility, cognitive and other disabilities and posting the guidance on the Office of Civil Rights webpage.

### **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 FY22, the average processing time for initial requests was 20 days (an increase from 14.7 in 2021). DOC's Reasonable Accommodation Coordinators (RAC) reported receiving and processing approximately 1822 requests for RA (not including request for sign language interpreting); 89.9% of all RA requests were completed within established timelines (down from 94% in FY2021). This decrease can be attributed to 2 factors: 1) lack of staff to process RA requests and 2) an increase in RA requests in the 3rd and 4th quarters of FY 2022 as "Return to Office" mandates were being established. In FY 2023, the staffing issue will be resolved.

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 FY22, DOC Bureaus continued to offer reasonable accommodation training to employees, managers, and supervisors. New employees receive training on reasonable accommodation during new employee orientation. New supervisors are required to attend training that includes reasonable accommodation. This routine provision of RA training is a contributing factor to the decrease in processing time and increase in timely approval and implementation of accommodations.

### **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 2022, there were no new requests for PAS. Bureaus are continuing to provide training on PAS to hiring officials to encourage increased hiring of individuals with disabilities, including those who require PAS. DOC is also monitoring trends.

## 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.

While there were no findings of discrimination in FY 2022 regarding disability-based harassment, the Department did settle cases involving this type of claim.

### 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 No

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 Yes

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.

During FY 2022, there were findings of discrimination related to disability and failure to provide reasonable accommodation. For cases involving findings of discrimination involving failure to provide a reasonable accommodation which resulted in a finding of discrimination, the Department ordered relief in these cases which included payment of nonpecuniary damages, compensatory damages, attorney's fees and costs, training to management officials, offer of reinstatement, expungement of records, backpay, interest and other benefits, and consideration of disciplinary action.

## 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

|   |   |   |                      |  |   |                        |
|---|---|---|----------------------|--|---|------------------------|
| <b>Source of the Trigger:</b>   |   | Workforce Data (if so identify the table)   |                      |  |   |                        |
| <b>Specific Workforce Data Table:</b>   |   | Workforce Data Table - B1   |                      |  |   |                        |
| <b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>   |   | Participation rates for PWD at GS 11 to SES is 10.11%, which is below the 12% goal. |                      |  |   |                        |
| Provide a brief narrative describing the condition at issue.  |   |   |                      |  |   |                        |
| How was the condition recognized as a potential barrier?  |   |   |                      |  |   |                        |
| <b>STATEMENT OF BARRIER GROUPS:</b>   |   | <i>Barrier Group</i>  |                      |  |   |                        |
|   |   | People with Disabilities  |                      |  |   |                        |
| <b>Barrier Analysis Process Completed?:</b>   |   | N   |                      |  |   |                        |
| <b>Barrier(s) Identified?:</b>  |   | N   |                      |  |   |                        |
| <b>STATEMENT OF IDENTIFIED BARRIER:</b>   |   | <b>Barrier Name</b>   |                      | <b>Description of Policy, Procedure, or Practice</b>   |   |                        |
| Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition. |   | Barrier identification in progress.   |                      | Potential barriers include 1) lack of resources for recruitment and outreach activities for PWD/TD and 2) lack of policy enforcement that encourages the hiring of (PWD/PWTD) candidates using special hiring authorities (Schedule A, Veterans, etc.) when filing vacant positions. |   |                        |
| <b>Objective(s) and Dates for EEO Plan</b>  |   |   |                      |  |   |                        |
| <b>Date Initiated</b>   | <b>Target Date</b>  | <b>Sufficient Funding / Staffing?</b>   | <b>Date Modified</b> | <b>Date Completed</b>  | <b>Objective Description</b>  |                        |
| 10/01/2019  | 09/30/2020  | Yes   | 09/30/2023           |  | Increase recruitment and retention of PWD in the permanent workforce in grades GS11 to SES to meet or exceed the Federal high benchmark goal of 12% |                        |
| <b>Responsible Official(s)</b>  |   |   |                      |  |   |                        |
| <b>Title</b>  |   | <b>Name</b>   |                      | <b>Standards Address The Plan?</b>   |   |                        |
| Disability Program Manager  |   | Monique Dismuke   |                      | Yes  |   |                        |
| Director, Office of Human Capital Strategy  |   | Charles Clark   |                      | Yes  |   |                        |
| DOC Veterans Employment & Selective Placement Program Manager   |   | Roseal Fowlkes  |                      | Yes  |   |                        |
| <b>Planned Activities Toward Completion of Objective</b>  |   |   |                      |  |   |                        |
| <b>Target Date</b>  | <b>Planned Activities</b>   |   |                      | <b>Sufficient Staffing &amp; Funding?</b>  | <b>Modified Date</b>  | <b>Completion Date</b> |
| 09/30/2019  | Analyze current DOC recruitment/hiring policy to identify areas for improvement for PWD/TD utilizing Schedule A. Establish policy which requires hiring managers to acknowledge and consider Schedule A candidate(s) before publishing vacancy announcement or extending an offer of employment to non-Schedule A candidates. |   |                      | Yes  | 09/30/2023  |                        |

**Planned Activities Toward Completion of Objective**

| <b>Target Date</b> | <b>Planned Activities</b>   | <b>Sufficient Staffing &amp; Funding?</b> | <b>Modified Date</b> | <b>Completion Date</b> |
|--------------------|---|---|----------------------|------------------------|
| 10/01/2021         | Track and monitor number of Schedule A applicants referred for vacant positions by Bureau HR Specialists and SPPC. Set annual goals and submit quarterly report to OHRM and OCR.  | Yes                                       | 09/30/2023           |                        |
| 09/30/2019         | Conduct outreach efforts at college and universities with career placement offices, campus organizations and other networks that provide services to students with disabilities. Participate in special recruiting events, including virtual events, that specifically target people with disabilities. | Yes                                       |                      | 09/30/2019             |
| 12/30/2022         | Encourage managers to set aside positions for career advancement of PWD during succession planning.   | Yes                                       | 12/20/2023           |                        |
| 09/30/2019         | Conduct outreach efforts at college and universities with career placement offices, campus organizations and other networks that provide services to students with disabilities. Participate in special recruiting events, including virtual events, that specifically target people with disabilities. | Yes                                       | 09/30/2021           | 09/30/2021             |

**Report of Accomplishments**

| <b>Fiscal Year</b> | <b>Accomplishments</b>   |
|--------------------|--|
| 2020               | Funding for onsite recruitment efforts were not provided FY 2020. However, some bureaus did actively participate in virtual recruitment events in FY 2020. This is an ongoing activity.  |
| 2021               | Planned Activity #3: Conduct outreach efforts at college and universities with career placement offices, campus organizations and other networks that provide services to students with disabilities. Participate in special recruiting events, including virtual events, that specifically target people with disabilities. Funding for onsite efforts were not provided in FY 2021. Additionally, COVID 19 restrictions prevented in-person visits. Some bureaus did participate in virtual recruitment events.  |
| 2022               | <p>USPTO</p> <ul style="list-style-type: none"> <li>• In FY22, the following branching question was added to the USPTO exit survey:</li> </ul> <p>Do you have a disability?<br/>                     If you answered "Yes": While you were at the agency, did you ever have an experience where you did not feel included in an agency or activity or program because of your disability?</p> <ul style="list-style-type: none"> <li>• In 2020, only 7 employees took the USPTO exit survey. Between May 13 and June 15, 2022, 52 employees answered the new survey with the disability question. Quarterly reports will be delivered to Business Units in FY23.</li> <li>• Persons with disabilities are applying to and being selected for career development programs at a rate higher than their participation in the agency. OEEOD obtained demographic data for participants in the USPTO FY 22 Mentoring Program, Administrative Professionals Excellence Program, and Emerging Leaders Program:                     <ul style="list-style-type: none"> <li>o Of the 25 participants in the Emerging Leaders Program, 3, or 12%, were employees with disabilities.</li> <li>o The Enterprise Mentoring Program, which is open to the entire agency, had 642 participants in FY22, 11.52% of which identify as a person with a disability.</li> <li>o The Administrative Professionals Excellence Program had 23 participants, 26% of which identified as PWDs.</li> </ul> </li> </ul> |

|   |  |                                       |   |   |   |                        |
|---|--|---------------------------------------|---|---|---|------------------------|
| <b>Source of the Trigger:</b>   | Workforce Data (if so identify the table)  |                                       |   |   |   |                        |
| <b>Specific Workforce Data Table:</b>   | Workforce Data Table - B1  |                                       |   |   |   |                        |
| <b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b><br><br>Provide a brief narrative describing the condition at issue.<br><br>How was the condition recognized as a potential barrier? | There were no PWD or PWTD applicants or selectees for promotion/appointments to SES positions. There were no PWD selected for Promotion to GS-14 and GS-15 grade levels. There were no PWTD selected for Promotion to GS-13, GS-14, or GS-15 grade levels. |                                       |   |   |   |                        |
| <b>STATEMENT OF BARRIER GROUPS:</b>   | <i>Barrier Group</i><br>People with Disabilities   |                                       |   |   |   |                        |
| <b>Barrier Analysis Process Completed?:</b>   | N  |                                       |   |   |   |                        |
| <b>Barrier(s) Identified?:</b>  | N  |                                       |   |   |   |                        |
| <b>STATEMENT OF IDENTIFIED BARRIER:</b><br><br>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.                | <b>Barrier Name</b>  |                                       | <b>Description of Policy, Procedure, or Practice</b>  |   |   |                        |
|   | Barrier Analysis in progress.  |                                       | Potential barriers include: 1) lack of mentoring programs that target individual with disabilities and 2) lack of career development programs that target people with disabilities. |   |   |                        |
| <b>Objective(s) and Dates for EEO Plan</b>  |  |                                       |   |   |   |                        |
| <b>Date Initiated</b>   | <b>Target Date</b>   | <b>Sufficient Funding / Staffing?</b> | <b>Date Modified</b>  | <b>Date Completed</b>                     | <b>Objective Description</b>  |                        |
| 10/01/2019  | 09/30/2023   | Yes                                   | 09/30/0022  |   | Increase promotion opportunities for PWD in GS13-SES level positions; correct AFD issues to ensure accurate data is available for analysis. |                        |
| <b>Responsible Official(s)</b>  |  |                                       |   |   |   |                        |
| <b>Title</b>  |  | <b>Name</b>                           |   | <b>Standards Address The Plan?</b>        |   |                        |
| DOC Disability Program Manager  |  | Monique Dismuke                       |   | Yes                                       |   |                        |
| Director, Office of Human Capital   |  | Charles Clark                         |   | Yes                                       |   |                        |
| Director, Office of Civil Rights  |  | Larry J. Beat                         |   | Yes                                       |   |                        |
| <b>Planned Activities Toward Completion of Objective</b>  |  |                                       |   |   |   |                        |
| <b>Target Date</b>  | <b>Planned Activities</b>  |                                       |   | <b>Sufficient Staffing &amp; Funding?</b> | <b>Modified Date</b>  | <b>Completion Date</b> |
| 09/30/2019  | Increase collaboration between Agency's disability affinity/ employee resource groups, Diversity & Inclusion staff, OHRM, and Disability Program Managers to address issues related to promotion of PWD/PWTD.  |                                       |   | Yes                                       |   | 09/30/2019             |
| 09/30/2019  | Review training completion data for mandatory training on recruitment and retention of people with disabilities. Submit quarterly report to senior leadership.   |                                       |   | Yes                                       | 09/30/2020  | 09/30/2020             |

**Planned Activities Toward Completion of Objective**

| <b>Target Date</b> | <b>Planned Activities</b>   | <b>Sufficient Staffing &amp; Funding?</b> | <b>Modified Date</b> | <b>Completion Date</b> |
|--------------------|---|---|----------------------|------------------------|
| 09/30/2019         | Promote awareness and encourage participation in DOC's career/leadership development programs; collect and track disability status for applicants and participants. | Yes                                       | 09/30/2023           |                        |
| 09/30/2019         | Ensure new supervisors receive mandatory training that includes disability inclusion and reasonable accommodations.   | Yes                                       | 09/30/2020           | 09/30/2021             |
| 09/30/2022         | Work with Enterprise Services to ensure AFD is accurate and complete for barrier analysis.  | Yes                                       | 09/30/2023           |                        |

**Report of Accomplishments**

| <b>Fiscal Year</b> | <b>Accomplishments</b>  |
|--------------------|---|
| 2022               | #1 Promote awareness and encourage participation in DOC's career/leadership development programs; collect and track disability status for applicants and participants.<br>- DOC does have access to disability data for career/leadership development programs that are competitive and announced via USAJOBS. Currently, there is only one DOC-wide career/leadership development program - the SES CDP. DOC applicant flow data (AFD) is inaccurate and incomplete. OCR and OHRM will continue working with Enterprise Services/Treasury to ensure this information is accurate.  |
| 2020               | #1 Promote awareness and encourage participation in DOC's career/leadership development programs; collect and track disability status for applicants and participants.<br>- DOC does have access to disability data for career/leadership development programs that are competitive and announced via USAJOBS. Currently, there is only one DOC-wide career/leadership development program - the SES CDP. Disability data for this program will be made available in FY2021. Additionally, DOC Bureaus that develop internal career development programs do not currently collect and track the disability status of applicants. DOC will develop strategies to improve the methods participation used to promote awareness and encourage PWD/TD participation in these programs.<br><br>#2 – Supervisors and managers are required to complete mandatory annual training on recruitment and retention of people with disabilities. OHRM annually collects and reviews training completion data. A roster of those that have not completed the training is sent to the Bureau's Principal Human Resource Managers for follow-up. In FY 2020, the completion rate for this training was 89%.<br><br>#3 - New supervisors receive mandatory training that includes disability inclusion and reasonable accommodations. This curriculum was modified in FY 2020 and executed in October 2020 (FY2021). |
| 2019               | Established and engaged employee resource groups, Diversity & Inclusion staff, OHRM, and Disability Program Managers to increase collaboration and address issues related to career development and promotion of PWD/PWTD. Several career development activities and workshops were initiated throughout the department at several bureaus.   |

|   |  |   |                      |   |  |                        |
|---|--|---|----------------------|---|--|------------------------|
| <b>Source of the Trigger:</b>   | Workforce Data (if so identify the table)  |   |                      |   |  |                        |
| <b>Specific Workforce Data Table:</b>   | Workforce Data Table - B1  |   |                      |   |  |                        |
| <b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b><br><br>Provide a brief narrative describing the condition at issue.<br><br>How was the condition recognized as a potential barrier? | Separation rates for PWD and PWTD are disproportionately higher than people without disabilities.  |   |                      |   |  |                        |
| <b>STATEMENT OF BARRIER GROUPS:</b>   | <i>Barrier Group</i><br>People with Disabilities   |   |                      |   |  |                        |
| <b>Barrier Analysis Process Completed?:</b>   | N  |   |                      |   |  |                        |
| <b>Barrier(s) Identified?:</b>  | N  |   |                      |   |  |                        |
| <b>STATEMENT OF IDENTIFIED BARRIER:</b><br><br>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.                | <b>Barrier Name</b><br><br>Barrier Analysis In Progress  | <b>Description of Policy, Procedure, or Practice</b><br><br>Potential barriers include: 1) limited opportunities for advancement or career development; 2) employees and supervisors lack knowledge of reasonable accommodation procedures or do not adhere to them; and/or 3) lack of supervisor training for addressing workplace harassment. |                      |   |  |                        |
| <b>Objective(s) and Dates for EEO Plan</b>  |  |   |                      |   |  |                        |
| <b>Date Initiated</b>   | <b>Target Date</b>   | <b>Sufficient Funding / Staffing?</b>   | <b>Date Modified</b> | <b>Date Completed</b>                     | <b>Objective Description</b>   |                        |
| 09/01/2019  | 09/30/2020   | Yes   | 09/30/2023           |   | Increase recruitment and retention rates and eliminate high separation rates for PWD/PWTD. |                        |
| <b>Responsible Official(s)</b>  |  |   |                      |   |  |                        |
| <b>Title</b>  |  | <b>Name</b>   |                      | <b>Standards Address The Plan?</b>        |  |                        |
| DOC Disability Program Manager  |  | Monique Dism,uke  |                      | Yes                                       |  |                        |
| Director, Office of Civil Rights  |  | Larry J. Beat   |                      | Yes                                       |  |                        |
| Director, Office of Human Capital Strategy  |  | Charles Clark   |                      | Yes                                       |  |                        |
| Chief, Policy and Evaluation Division   |  | Stacy Carter  |                      | Yes                                       |  |                        |
| <b>Planned Activities Toward Completion of Objective</b>  |  |   |                      |   |  |                        |
| <b>Target Date</b>  | <b>Planned Activities</b>  |   |                      | <b>Sufficient Staffing &amp; Funding?</b> | <b>Modified Date</b>   | <b>Completion Date</b> |
| 09/30/2019  | Increase collaboration between Agency's disability affinity/ employee resource groups and Disability Program Managers to address issues related to retention of PWD/ PWTD. |   |                      | Yes                                       |  | 09/30/2019             |
| 09/30/2019  | Establish DOC-wide retention and exit interview surveys to determine root cause for high separation rates.   |   |                      | Yes                                       | 09/30/2020   | 09/30/0020             |

**Planned Activities Toward Completion of Objective**

| Target Date | Planned Activities  | Sufficient Staffing & Funding? | Modified Date | Completion Date |
|-------------|---|--------------------------------|---------------|-----------------|
| 09/30/2019  | Provide training to managers and supervisors to increase knowledge of disability inclusion practices/strategies and RA procedures.  | Yes                            |               | 09/30/2019      |
| 09/30/2019  | Ensure New Supervisors receive training that includes disability inclusion practices/strategies and reasonable accommodation training.  | Yes                            | 09/30/2020    | 09/30/2020      |
| 09/30/2021  | Ongoing analysis and review of results of employee retention survey, and other data to, established strategies to address retention issues.   | Yes                            | 09/30/2023    |                 |
| 09/30/2023  | Work in collaboration with DEIA Accessibility Committee and DOC ERGs, to conduct focus groups and exit interviews to identify issues/potential barriers to accessibility that may be negatively impacting retention of PWD. | Yes                            |               |                 |

**Report of Accomplishments**

| Fiscal Year | Accomplishments   |
|-------------|---|
| 2019        | Established and engaged employee resource groups, Diversity & Inclusion staff, OHRM, and Disability Program Managers to increase collaboration and address issues related to career development and promotion of PWD/PWTD. Several career development activities and workshops were initiated throughout the department. Training for DOC managers and supervisors is ongoing in all bureaus. In June 2019, EEOC conducted training at DOC HQ for managers, supervisors and senior leadership. Overall, participation rates for PWD/TD increased in FY 2019. Participation rates for PWTD met the established goal of 2%. |
| 2020        | DOC establish and executed a Department wide employee retention surveys to identify root causes for high separation rates for PWD/TD in FY 2019. The survey was limited to 3,500 participants. The preliminary survey results were reviewed in FY20. Final results and analysis of survey data will be completed in FY 2021. DOC's next steps are to create strategies and establish focus groups.<br><br>New supervisors receive mandatory training that includes disability inclusion and reasonable accommodations. This curriculum was modified in FY 2020 and executed in October 2020 (FY2021).                     |

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

- Planned Activity #1 and #2: Analyze current DOC recruitment/hiring policy to identify areas for improvement for PWD/TD utilizing Schedule A. Establish policy which requires hiring managers to acknowledge and consider Schedule A candidate(s) before publishing vacancy announcement or extending an offer of employment to non-Schedule A candidates. This is an ongoing activity that will be extended into FY23.

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

n/a

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 implementation of planned strategies in FY 2023.