

Affirmative Action 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 (PWT), 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 11.12%. While this is an increase from FY22 (10.11%), 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 PWT 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 (PWT)

Answer No

b. Cluster GS-11 to SES (PWT)

Answer No

No triggers.

Grade Level Cluster(GS or Alternate Pay Planb)	Total	Reportable Disability		Targeted Disability	
	#	#	%	#	%
Numarical Goal	--	12%		2%	
Grades GS-11 to SES	23289	2371	10.18	521	2.24
Grades GS-1 to GS-10	6694	1066	15.92	222	3.32

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 provide regular 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

- 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

- 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 PWT	5	0	36	Roseal Fowlkes Veterans Employment & Selective Placement Program Manager rfowlkes@doc.gov
Section 508 Compliance	8	0	2	Jennifer Jessup DOC Section 508 Compliance Coordinator jjessup@doc.gov
Architectural Barriers Act Compliance	5	0	0	Joyce Long Chief, Space Management Division jlong@doc.gov
Answering questions from the public about hiring authorities that take disability into account	33	0	35	Roseal Fowlkes Veterans Employment & Selective Placement Program Manager rfowlkes@doc.gov
Special Emphasis Program for PWD and PWT	6	0	36	Monique Dismuke DOC Disability Program Manager mdismuke@doc.gov
Processing reasonable accommodation requests from applicants and employees	20	0	0	Monique Dismuke DOC Disability Program Manager & RA Program Manager mdismuke@doc.gov

- 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 Office of Civil Rights.

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

Section III: Program Deficiencies In The Disability Program

Brief Description of Program Deficiency	B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]
Objective	To improve the timely processing of requests for reasonable accommodations by reaching the 90% benchmark and ensure DOC’s RA procedures (DAO 215-10) comply with EEOC’s regulations and guidance.
Target Date	Sep 30, 2023
Completion Date	
Planned Activities	<i>Target Date</i> <i>Completion Date</i> <i>Planned Activity</i>
Accomplishments	<i>Fiscal Year</i> <i>Accomplishment</i>

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]
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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.														
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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. 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.</td> </tr> <tr> <td>2023</td> <td>The DOC's updated RA Procedures (DAO 215-10) were approved and signed in August 2023. The DAO was also posted on the OCR webpage. A 508 compliant version of the DAO will be posted on the Office of Privacy and Open Government (OPOG) website (the official repository for the Department's administrative orders). In November 2023 (FY24), OCR hosted a training webinar for the DOC workforce to provide information on the revised DAO and the reasonable accommodation process. Bureau RA Coordinators will continue to provide training on the revised RA procedures for employees and supervisors. An online RA training module is also being developed. In FY22-23, the DOC experienced a significant increase in the number of RA requests due in part to the Return to Office mandate. This led to longer than normal RA processing times across the DOC. To manage the increase, some Bureaus hired additional RA staff. Also, Bureaus conducted more RA training to employees and supervisors to help streamline the request process and improve overall processing time.</td> </tr> <tr> <td>2020</td> <td>In FY20, the percentage of timely-processed requests was 94%. 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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)]
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Objective	To develop and conduct a Departmental retention survey that includes questions on recruitment, hiring, inclusion, retention, and advancement of individuals with disabilities.		
Target Date	Sep 30, 2019		
Completion Date	Jul 23, 2019		
Planned Activities	<i>Target Date</i>	<i>Completion Date</i>	<i>Planned Activity</i>
	Sep 30, 2018	August 20, 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.
	Sep 30, 2018	August 20, 2018	Develop questions for retention survey.
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	Sep 30, 2018	August 20, 2018	Develop questions for retention survey.
	Mar 30, 2019	March 11, 2019	Disseminate survey to OGC, Unions, Privacy Offices, Departmental Management Council, and the PHRM Council for testing, review and comments.
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	Mar 30, 2019	March 11, 2019	Disseminate survey to OGC, Unions, Privacy Offices, Departmental Management Council, and the PHRM Council for testing, review and comments.
	Apr 30, 2019	July 23, 2019	Launch Retention Survey.
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	Sep 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.
	Sep 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
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	2012	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. 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.	

<u>Fiscal Year</u>	<u>Accomplishment</u>
2023	In FY23, despite the unavailability of exit survey data, the DOC examined barriers to retention through alternative measures. Preliminary results released from a retention survey in 2019 revealed a high percentage of PWD, Hispanics and Females separating from the DOC at higher rates than other groups. The preliminary data showed a perception that there is a lack of career advancement opportunities available. at the DOC. This is one of the several reasons cited by members of these groups as to why they desire to leave the DOC. As a follow on, in June 2023, OCR executed an Inter-Agency Agreement (IAA) with Census' Center for Behavioral Science Methods (CBSM) Office to relaunch a revised retention survey to begin establishing a baseline and trends. CBSM proposed a timeline that included conducting focus groups, revising the existing survey, and performing other survey related procedures for a re-launch of the Employee Retention Survey in CY24.
2021	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. 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.
2020	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. 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: - Senior leadership effectiveness and communication - Department-wide career development opportunities - Mentoring opportunities - Promotion opportunities In FY21, OCR will continue its collaboration with CBSM, with the expectation the final report will be released during Q3 of FY21. 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.

Section IV: 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.

The Department 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. Additionally, several DOC Bureaus use the Workforce Recruitment Program (WRP) 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. • Census has a link on OPM's website for persons with disabilities to access. It provides a government-wide listing of all Selective Placement Coordinators, including Census. The bureau also partners with the Workforce Recruitment Program through the Department of Labor which allows managers to access a database, review resumes and work with Census Human Resources Division to coordinate selection. • 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. Hiring officials are encouraged to use the Workforce Recruitment Program database to identify candidates to fill vacant positions. In addition, the agency holds an annual Hiring Event for Veterans and PWDs. Managers are encouraged to review applications from PWD before posting positions on USAJOBS. • NIST advertises all vacancies on USAJOBS and 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.

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

The Department continues to encourage hiring managers to use Schedule A to hire PWD/TD to fill vacant positions, and to consult with Bureau Selective Placement Program Coordinators (SPPC) for guidance in this area. During outreach to vocational rehabilitation centers and disabled veterans' organizations, SPPCs invite job applicants to submit their resumes directly to the Bureau through the SPPC's special email address and make them searchable on USAJOBS. The DOC's 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) If a Schedule A applicant applies for a specific position outside of the competitive process, the HR Specialist will review their qualifications and eligibility for appointment. If the applicant meets both criteria, the specialist will forward the applicant's resume to the hiring manager for review. 4) 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

The 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 offers quarterly, in-person or online webinar training 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 PWTs, in securing and maintaining employment.

The Department has established and/or maintained contact with "Hiring Our Heroes", Vocational Rehabilitation Services, and RecruitMilitary, all of 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 Bureau's Selective Placement Program Coordinators are listed on OPM's directory so applicants can contact them directly. • NIST Disability Program Manager and SPPC contact information is displayed on the NIST external website. NIST's Strategic Recruitment Program Plan was developed in FY 2023. The program manager will serve as the lead on maintaining contacts with employment organizations. • 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.

New Hires	Total	Reportable Disability		Targeted Disability	
		Permanent Workforce	Temporary Workforce	Permanent Workforce	Temporary Workforce

	(#)	(%)	(%)	(%)	(%)
% of Total Applicants					
% of Qualified Applicants					
% of New Hires					

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTM 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 (PWTM)

Answer Yes

There were 10 MCOs (0301, 0343, 0482, 0905, 1101, 1224, 1301, 1340, 1530, and 2210) that showed new hire data for PWD/ PWTM on Table B6. However, applicant flow data was not available when this report was completed; therefore, further analysis could not be done.

New Hires to Mission-Critical Occupations	Total (#)	Reportable Disability	Targetable Disability
		New Hires (%)	New Hires (%)
Numerical Goal	--	12%	2%

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTM 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 (PWTM)

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 PWTM 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 (PWTM)

Answer N/A

Applicant flow data was not available.

Section V: 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 PWT, have sufficient opportunities for advancement.

The DOC ensures job opportunities are posted on USAJOBS, which provides awareness to PWD/TD of employment opportunities. The DOC also posts its Reasonable Accommodation Policy and POC for requesting an accommodation in 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. DOC 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 provided other programs 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, as well as Federal Government-wide professional and career development programs. All employees were encouraged to participate in DOC-wide developmental opportunities, including employees with disabilities. Additionally, Bureaus initiated and engaged Employee Resource Groups, including Disability Working Groups, to help advertise and promote career development programs. Additionally, OCR is taking a deeper dive into gaps in career advancement for PWD through the launch of Retention Survey 2, which is in development with a planned release in FY24. 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: Explored Cabinet Level Agencies to determine best practices for implementation at NOAA. Collaborated with PWD/PWT Employee Resource Group to discuss challenges in opportunities for advancement. Finalized the NOAA specific plan for Recruiting, Hiring, and Retaining People with Disabilities/Targeted Disabilities. Presented Lunch and Learn with employees to discuss application procedures for Schedule A opportunities. Tracked applicant flow data for Leveraging Abilities, Needs, Talents, Energies & Resources Network (LANTERN). Set aside 1% of LANTERN opportunities for PWD/PWT. Identified a mechanism to survey PWD/PWTs to determine if there is a low participation of LCDP applicants.

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, and no candidates were recruited in FY 23. 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. NIST also has a Mentoring Program for all NIST federal employees. This program provides an opportunity for NIST staff to find their niche in the organization, build strategic relationships, and gain a broader perspective of NIST.
- NOAA offered three leadership developmental programs: Leadership Competencies Development Program (LCDP); NOAA Leadership Seminar (NLS); and NOAA Leveraging Abilities, Needs, Talents, Energies & Resources Network (LANTERN).
- 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 offers 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		PWT	
	Applicants (#)	Selectees (#)	Applicants (%)	Selectees (%)	Applicants (%)	Selectees (%)
Detail Programs						
Internship Programs						
Coaching Programs						
Other Career Development Programs						
Training Programs						
Mentoring Programs						
Fellowship Programs	25	25	16%	16%	0	0

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.

In FY23, the OS Office of Learning and Development launched one DOC sponsored CDP, a modified version of the Partnership for Public Service Excellence in Government (EIG) Fellowship. This internal DOC program was open to employees in grades GS-14, GS-15, and equivalent. There were twenty-five (25) candidates in the competitive process. All twenty-five candidates were provided the opportunity to participate in this cohort. A partial analysis of the data revealed there were no triggers for PWD. There are CDPs at the Bureau level. Applicant data for these programs is tracked at the local level. Please see the Bureau's MD 715 Part J for details.

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

In FY23, the OS Office of Learning and Development launched one DOC sponsored CDP, a modified version of the Partnership for Public Service Excellence in Government (EIG) Fellowship. This internal DOC program was open to employees in grades GS-14, GS-15, and equivalent. There were twenty-five (25) candidates in the competitive process. All twenty-five candidates were provided the opportunity to participate in this cohort. A partial analysis of the data revealed there were no persons with targeted disabilities in the applicant pool. There are CDPs at the Bureau level. Applicant data for these programs is tracked at the local level.

Please see the Bureau's MD 715 Part J for details.

C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTM 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 (PWTM)

Answer Yes

Triggers were identified for the following (FY23 Workforce Table B9): PWD: Time Off Hours 21 – 30; Time Off Hours 31 – 40; Cash Awards – all categories (from \$500 and under to \$5000 or more). PWTM: Time Off Hours 31 – 40; Cash Awards 501 – 1999; Cash Awards: 4000 -5000 or More.

Time-Off Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Time-Off Awards 1 - 10 hours: Awards Given	1941	6.28	4.43	6.07	6.33
Time-Off Awards 1 - 10 Hours: Total Hours	16123	49.34	37.40	50.32	49.06
Time-Off Awards 1 - 10 Hours: Average Hours	8	0.14	0.02	0.74	-0.03
Time-Off Awards 11 - 20 hours: Awards Given	960	3.23	2.16	3.59	3.13
Time-Off Awards 11 - 20 Hours: Total Hours	16719	56.17	37.55	65.32	53.63
Time-Off Awards 11 - 20 Hours: Average Hours	17	0.34	0.05	1.66	-0.03
Time-Off Awards 21 - 30 hours: Awards Given	399	0.94	0.95	1.10	0.90
Time-Off Awards 21 - 30 Hours: Total Hours	10587	24.86	25.28	26.49	24.40
Time-Off Awards 21 - 30 Hours: Average Hours	26	0.52	0.08	2.21	0.05
Time-Off Awards 31 - 40 hours: Awards Given	455	1.22	1.07	0.55	1.41
Time-Off Awards 31 - 40 Hours: Total Hours	19559	51.88	46.29	20.15	60.73
Time-Off Awards 31 - 40 Hours: Average Hours	42	0.84	0.13	3.31	0.15
Time-Off Awards 41 or more Hours: Awards Given	0	0.00	0.00	0.00	0.00
Time-Off Awards 41 or more Hours: Total Hours	0	0.00	0.00	0.00	0.00
Time-Off Awards 41 or more Hours: Average Hours	0	0.00	0.00	0.00	0.00

Cash Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Cash Awards: \$501 - \$999: Awards Given	13827	29.45	34.22	29.16	29.53
Cash Awards: \$501 - \$999: Total Amount	10435725	22072.73	25860.35	21731.46	22167.83
Cash Awards: \$501 - \$999: Average Amount	754	15.02	2.20	68.54	0.10

Cash Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Cash Awards: \$1000 - \$1999: Awards Given	29610	48.38	75.97	55.01	46.53
Cash Awards: \$1000 - \$1999: Total Amount	38106927	63846.19	97524.42	73556.03	61140.58
Cash Awards: \$1000 - \$1999: Average Amount	1286	26.44	3.74	123.00	-0.46
Cash Awards: \$2000 - \$2999: Awards Given	7543	17.88	18.36	17.20	18.07
Cash Awards: \$2000 - \$2999: Total Amount	18264899	42765.04	44533.91	40932.01	43275.80
Cash Awards: \$2000 - \$2999: Average Amount	2421	47.94	7.08	218.86	0.31
Cash Awards: \$3000 - \$3999: Awards Given	6114	13.15	15.15	13.43	13.07
Cash Awards: \$3000 - \$3999: Total Amount	20524672	44354.89	50789.90	45241.86	44107.74
Cash Awards: \$3000 - \$3999: Average Amount	3356	67.60	9.79	309.84	0.10
Cash Awards: \$4000 - \$4999: Awards Given	5194	7.54	13.50	8.46	7.28
Cash Awards: \$4000 - \$4999: Total Amount	23313335	33268.64	60732.65	38044.62	31937.84
Cash Awards: \$4000 - \$4999: Average Amount	4488	88.47	13.12	413.52	-2.10
Cash Awards: \$5000 or more: Awards Given	7839	11.55	20.52	12.51	11.28
Cash Awards: \$5000 or more: Total Amount	63139501	89422.69	166051.60	101921.34	85939.99
Cash Awards: \$5000 or more: Average Amount	8054	155.23	23.61	749.40	-10.33

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

b. Pay Increases (PWTD) Answer Yes

For Quality Step Increases there were triggers identified for PWD (11.64%) and PWTD (1.85%).

Other Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Total Performance Based Pay Increases Awarded	0	0.00	0.00	0.00	0.00

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

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	Yes

b. Grade GS-15

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

c. Grade GS-14

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

d Grade GS-13

- i. Qualified Internal Applicants (PWD) Answer N/A
- ii. Internal Selections (PWD) Answer No

Analysis of applicant flow data is incomplete. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. Data for qualified internal applicants was not available, therefore, a full analysis could not be conducted. In FY24, DOC anticipates USA Staffing to obtain complete Applicant Flow Data. This deficiency is addressed in 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

b. Grade GS-15

i. Qualified Internal Applicants (PWTd)	Answer	N/A
ii. Internal Selections (PWTd)	Answer	Yes

c. Grade GS-14

i. Qualified Internal Applicants (PWTd)	Answer	N/A
ii. Internal Selections (PWTd)	Answer	No

d. Grade GS 13

i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	No

Analysis of applicant flow data is incomplete. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. Data for qualified internal applicants was not available, therefore, a full analysis could not be conducted. In FY24, DOC anticipates USA Staffing to obtain complete Applicant Flow Data. This deficiency is addressed in 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	No
b. New Hires to GS-15 (PWD)	Answer	Yes
c. New Hires to GS-14 (PWD)	Answer	No
d. New Hires to GS-13 (PWD)	Answer	No

Analysis of applicant flow data is incomplete. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. Data for the qualified applicant pool was not available, therefore, a full analysis could not be conducted. In FY24, DOC anticipates USA Staffing to obtain complete Applicant Flow Data. This deficiency is addressed in Part H-6.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTM 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 (PWTM)	Answer	Yes
b. New Hires to GS-15 (PWTM)	Answer	Yes
c. New Hires to GS-14 (PWTM)	Answer	Yes
d. New Hires to GS-13 (PWTM)	Answer	No

Analysis of applicant flow data is incomplete. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. Data for the qualified applicant pool was not available, therefore, a full analysis could not be conducted. In FY24, DOC anticipates USA Staffing to obtain complete Applicant Flow Data. This deficiency is addressed in 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	Yes

b. Managers		
i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	Yes
c. Supervisors		
i. Qualified Internal Applicants (PWD)	Answer	N/A
ii. Internal Selections (PWD)	Answer	Yes

Analysis of applicant flow data is incomplete. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. Data for qualified internal applicants was not available, therefore, a full analysis could not be conducted. In FY24, DOC anticipates USA Staffing to obtain complete Applicant Flow Data. This deficiency is addressed in Part H-6.

6. Does your agency have a trigger involving PWTD 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 (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	Yes
b. Managers		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	Yes
c. Supervisors		
i. Qualified Internal Applicants (PWTD)	Answer	N/A
ii. Internal Selections (PWTD)	Answer	No

Analysis of applicant flow data is incomplete. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. Data for qualified internal applicants was not available, therefore, a full analysis could not be conducted. In FY24, DOC anticipates USA Staffing to obtain complete Applicant Flow Data. This deficiency is addressed in 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	No
b. New Hires for Managers (PWD)	Answer	No
c. New Hires for Supervisors (PWD)	Answer	No

Analysis of applicant flow data is incomplete. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. Data for qualified applicants was not available, therefore, a full analysis could not be conducted. In FY24, DOC

anticipates USA Staffing to obtain complete Applicant Flow Data. This deficiency is addressed in Part H-6.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD 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 (PWTD)	Answer	Yes
b. New Hires for Managers (PWTD)	Answer	No
c. New Hires for Supervisors (PWTD)	Answer	No

Analysis of applicant flow data is incomplete. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. Data for qualified applicants was not available, therefore, a full analysis could not be conducted. In FY24, DOC anticipates USA Staffing to obtain complete Applicant Flow Data. This deficiency is addressed in Part H-6.

Section VI: 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 C.F.R. § 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. Using the inclusion rate, the percent of voluntary separations for PWD was 5.33%, PWOD 4.66%. b. Using the inclusion rate, the percent of involuntary separations for PWD was 3.44%, PWOD 2%.

Separations	Total #	Reportable Disabilities %	Without Reportable Disabilities %
Permanent Workforce: Reduction in Force	0	0.00	0.00
Permanent Workforce: Removal	246	0.80	0.47
Permanent Workforce: Resignation	928	2.54	1.83
Permanent Workforce: Retirement	1022	1.77	2.17
Permanent Workforce: Other Separations	706	1.94	1.39
Permanent Workforce: Total Separations	2901	7.06	5.86

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 (PWT)	Answer	Yes
b. Involuntary Separations (PWT)	Answer	Yes

a. Using the inclusion rate, the percent of voluntary separations for PWT was 5.16%, PWOD 4.66%. b. Using the inclusion rate, the percent of involuntary separations for PWT was 4.15%, PWOD 2%.

Separations	Total #	Targeted Disabilities %	Without Targeted Disabilities %
Permanent Workforce: Reduction in Force	0	0.00	0.00
Permanent Workforce: Removal	246	1.26	0.49
Permanent Workforce: Resignation	928	2.45	1.91
Permanent Workforce: Retirement	1022	2.06	2.12
Permanent Workforce: Other Separations	706	2.21	1.44
Permanent Workforce: Total Separations	2901	7.98	5.96

4. If a trigger exists involving the separation rate of PWD and/or PWT, 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. In FY 24, in collaboration with the Bureau of the Census’ Centers for Behavioral Science Methods, OCR will roll out a second Retention Survey that will take a deeper dive into the reasons why PWD/TD are separating from the Department at higher rates than employees without disabilities.

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.

1) To enhance Digital/IT accessibility and Section 508 compliance, the Department updated its Section 508 Compliance Manual to incorporate the revised Section 508 Standards. The manual is pending final review and will be released in FY24. Additionally, the Department will develop a plan and schedule for completing a baseline assessment for Section 508 compliance with respect to websites and procurement. The baseline assessment will utilize standards established by the Federal CIO Council Accessibility Community of Practice (ACOP). A standard template will be developed for Bureaus to use in reporting baseline measures and

progress against those measures. 2) The Department has a Section 508 Working Group, led by the DOC Section 508 Program Manager in the Office of the Chief Information Officer (OCIO), and includes all Bureau 508 Coordinators. This group meets regularly to address specific regulatory requirements and implementation concerns. Additionally, the Bureaus have Section 508 working groups that ensure digital/information technology is accessible within the Bureau. 3) In FY23, in conjunction with an action in the DOC DEIA Strategic Plan, the DOC Accessibility Committee was launched. The Committee is under the purview of the DOC DEIA Council and is comprised of Bureau staff responsible for physical and digital/Information Technology accessibility within Commerce. To ensure DOC facilities are physically accessible, the Department drafted an Accessibility and Assessment Checklist and Standard Operating Procedures. Once finalized, the Accessibility Assessment Checklist will be used by Bureau Facility Accessibility Coordinators to conduct annual accessibility assessment of DOC facilities. This will ensure DOC facilities are adhering to applicable accessibility laws (i.e. the Architectural Barriers Act), maintain uniformity in practice, and streamline procedures for reporting and addressing physical accessibility issues. In FY24, the Committee will establish a physical accessibility community of practice. Participants will include interior designers, architects, and facility managers from across the Bureaus. This will allow for more efficient and effective dissemination of guidance, important information, training opportunities, and best practices.

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.)

DOC's Reasonable Accommodation Coordinators (RAC) reported receiving and processing approximately 2,113 RA requests (increased from FY22 1822); 88.3% of RA requests were completed within established timelines. For FY23, the average processing time for initial requests was 14.9 days.

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 August 2023, the internal review and clearance for the revised DOC RA Procedures (DAO 215-10) was completed. The DAO was signed and posted on the Office of Civil Rights webpage. In FY24, a 508 compliant version of the DAO will be posted on the Office of Privacy and Open Government (OPOG) website (the official repository for the Department's administrative orders). The OPOG website is under renovation at this time. DOC Bureaus continued to offer reasonable accommodation training to employees, managers, and supervisors. New employees receive information about reasonable accommodation during new employee orientation. Some Bureaus require new supervisors to attend training that includes reasonable accommodation. USPTO lead regular bi-monthly meetings with Agency deciding officials, representatives from the Office of General Law; representatives from the Workforce Management Division, and various staff members to discuss and review pending RA cases, analyze trends, and develop consistent and effective approaches to processing, deciding, and implementing RA requests. Additionally, the Department provided RA training to senior executives to explain their role in the RA process and increase awareness of the rules regarding Other Than Coach/Premium Class travel as a reasonable accommodation. In FY22-23, the Department experienced a significant increase in the number of RA requests due in part to the return to office mandate. This led to longer than normal RA processing times across the Department. To manage the increase, some Bureaus hired additional RA staff. Also, Bureaus conducted more RA training to employees and supervisors to help streamline the request process and improve overall processing time.

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 FY23, there was one request for PAS (USPTO). The request was processed in a timely manner. RA and New Supervisors training included information on request for PAS. Additionally, Bureaus continued to provide training on PAS to hiring officials to encourage increased hiring of individuals with disabilities, including those who require PAS.

Section VII: 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 governmentwide 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.

During FY 2023, there was a finding of discrimination related to disability-related harassment. For the case involving a finding of discrimination related to disability-based harassment, the relief ordered in this case by the Administrative Judge, which was adopted by the Department, included compensatory damages and attorney's fees.

B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

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

Answer Yes

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

Answer 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 2023, there was a finding of discrimination related to disability-based denial of accommodation. For the case involving a finding of discrimination related to disability-based denial of reasonable accommodation, the relief ordered in this case by the Administrative Judge, which was adopted by the Department, included compensatory damages and attorney's fees.

Section VIII: 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

Source of the Trigger:	Workforce Data (if so identify the table)				
Specific Workforce Data Table:	Workforce Data Table - B4				
STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?	The participation rate for PWD at GS 11 to SES is 11.12%, below the 12% target goal.				
STATEMENT OF BARRIER GROUPS:	Barrier Group People with Disabilities				
Barrier Analysis Process Completed?:	N				
Barrier(s) Identified?:	N				
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	Barrier Name	Description of Policy, Procedure, or Practice			
	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.			
Objective(s) and Dates for EEO Plan					
Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
10/01/2019	09/30/2020	Yes	09/30/2024		Increase recruitment and retention of PWD in the permanent workforce in grades GS11 to SES to meet the Federal high benchmark goal of 12%
Responsible Official(s)					
Title	Name			Standards Address The Plan?	
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	
Planned Activities Toward Completion of Objective					
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date
09/30/2019	Analyze current DOC recruitment/hiring policy to identify areas for improvement for PWD/TD utilizing Schedule A.			Yes	09/30/2023

Planned Activities Toward Completion of Objective				
Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
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	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	12/30/2023	
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	09/30/2021	09/30/2021
12/30/2022	Encourage managers to set aside positions for career advancement of PWD during succession planning.	Yes	12/20/2023	
09/30/2024	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 for senior grade level positions (GS 15 to SES).	Yes		

Report of Accomplishments

Fiscal Year	Accomplishment
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.

Report of Accomplishments	
Fiscal Year	Accomplishment
2022	<p>USPTO</p> <ul style="list-style-type: none"> • In FY22, the following branching question was added to the USPTO exit survey: <p>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?</p> <ul style="list-style-type: none"> • 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. • 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"> o Of the 25 participants in the Emerging Leaders Program, 3, or 12%, were employees with disabilities. 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. o The Administrative Professionals Excellence Program had 23 participants, 26% of which identified as PWDs.
2023	The participation rate for PWD at the GS 11 to SES is 11.12%, this represents an increase from FY22 (10.11%). Although it is still below the 12% goal the increase has continued upward for the last 3 years.

Source of the Trigger:	Workforce Data (if so identify the table)								
Specific Workforce Data Table:	Workforce Data Table - B1								
STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:	<p>Provide a brief narrative describing the condition at issue.</p> <p>How was the condition recognized as a potential barrier?</p> <p>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.</p>								
STATEMENT OF BARRIER GROUPS:	<p><i>Barrier Group</i></p> <p>People with Disabilities</p>								
Barrier Analysis Process Completed?:	N								
Barrier(s) Identified?:	N								
STATEMENT OF IDENTIFIED BARRIER:	<table border="1"> <thead> <tr> <th>Barrier Name</th> <th>Description of Policy, Procedure, or Practice</th> </tr> </thead> <tbody> <tr> <td>Barrier Analysis in progress.</td> <td>Barrier Analysis in progress. AFD is incomplete and inaccurate.</td> </tr> </tbody> </table> <p>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>					Barrier Name	Description of Policy, Procedure, or Practice	Barrier Analysis in progress.	Barrier Analysis in progress. AFD is incomplete and inaccurate.
Barrier Name	Description of Policy, Procedure, or Practice								
Barrier Analysis in progress.	Barrier Analysis in progress. AFD is incomplete and inaccurate.								
Objective(s) and Dates for EEO Plan									
Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description				
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.				
Responsible Official(s)									
Title		Name			Standards Address The Plan?				
Disability Program Manager		Monique Dismuke			Yes				
Director, Office of Civil Rights		Larry J. Beat			Yes				
Director, Human Capital Strategy, Office of Human Resource Management		Charles Clark			Yes				
Director, Policy and Evaluation Division		Stacy Carter			Yes				

Planned Activities Toward Completion of Objective				
Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
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
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 future barrier analysis.	Yes	09/30/2024	
09/30/2024	Initiate training, internship, and mentoring programs for PWD to reach the senior grade levels.	Yes		
09/30/2024	Increase collaboration and communication between HR Staffing, Bureau Disability Program Managers, and Disability ERGs to ensure PWD are routinely notified about developmental opportunities including internships, coaching, details, and job assignments.	Yes		

Report of Accomplishments

Fiscal Year	Accomplishment
2022	<p>#1 Promote awareness and encourage participation in DOC's career/leadership development programs; collect and track disability status for applicants and participants.</p> <p>- 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.</p>
2020	<p>#1 Promote awareness and encourage participation in DOC's career/leadership development programs; collect and track disability status for applicants and participants.</p> <p>- 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.</p> <p>#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%.</p> <p>#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).</p>
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.

Report of Accomplishments	
Fiscal Year	Accomplishment
2023	<p>#1 Promote awareness and encourage participation in DOC's career/leadership development programs; collect and track disability status for applicants and participants.</p> <ul style="list-style-type: none">• In FY23, the OS Office of Learning and Development launched one DOC sponsored CDP, a modified version of the Partnership for Public Service Excellence in Government (EIG) Fellowship. This internal DOC program was open to employees in grades GS-14, GS-15, and equivalent. There were twenty-five (25) candidates in the competitive process. All twenty-five candidates were provided the opportunity to participate in this cohort. A partial analysis of the data revealed there were no triggers for PWD.

Source of the Trigger:	Workforce Data (if so identify the table)				
Specific Workforce Data Table:	Workforce Data Table - B1				
STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?	Separation rates for PWD and PWTD are disproportionately higher than people without disabilities.				
STATEMENT OF BARRIER GROUPS:	Barrier Group People with Disabilities				
Barrier Analysis Process Completed?:	N				
Barrier(s) Identified?:	N				
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	Barrier Name	Description of Policy, Procedure, or Practice			
	Barrier Analysis In Progress	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.			
Objective(s) and Dates for EEO Plan					
Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
09/01/2019	09/30/2020	Yes	09/30/2023		Identify and eliminate root causes for high separation rates; increase retention rates.
Responsible Official(s)					
Title	Name			Standards Address The Plan?	
Director, Office of Civil Rights	Larry J. Beat			Yes	
Director, Human Capital Strategy, Office of Human Resource Management	Charles Clark			Yes	
Director, Policy and Evaluation Division	Stacy Carter			Yes	
Disability/RA Program Manager	Monique Dismuke			Yes	
Planned Activities Toward Completion of Objective					
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date
09/30/2019	Establish DOC-wide retention and exit interview surveys to determine root cause for high separation rates.			Yes	09/30/2020

Planned Activities Toward Completion of Objective				
Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2019	Ensure new supervisors receive training that includes disability inclusion practices/strategies and reasonable accommodation training.	Yes		09/30/2020
09/30/2023	Ongoing analysis and review of results of the DOC Employee Retention Survey 2 (including related focus groups), and other data to, established strategies to address retention issues.	Yes	09/30/2024	
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	09/30/2024	

Report of Accomplishments	
Fiscal Year	Accomplishment
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 established 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. 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 FY24. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. In FY24, DOC anticipates USA Staffing to obtain complete Applicant Flow Data. This will allow for further analysis of career development programs announced using USAJOBS. This deficiency is addressed in Part H-6.

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.

The participation rate for PWD in DOC continues to increase each year and PWTD exceeds the 2% benchmark. To reach the goal of 12% participation rate for PWD at the GS11 to SES level, DOC will continue to implement Part J planned strategies and execute DEIA strategic. Additionally, in FY24, the Office of the Secretary, Office of Human Resources, will conduct a series of virtual, non-competitive Career Fairs aimed at raising awareness of job opportunities within DOC, providing information and guidance to persons with disabilities on the use of Schedule A, and identifying qualified applicants for non-competitive hiring opportunities. This will include outreach and recruitment designed to increase recruitment of PWD at senior grade levels (In response to EEOC TAV letter). In June 2023, OCR executed an Inter-Agency Agreement (IAA) with Census' Center for Behavioral Science Methods (CBSM) Office to relaunch a revised retention survey to begin establishing a baseline and trends. CBSM proposed a timeline that included conducting focus groups, revising the existing survey, and performing other survey related procedures for a re-launch of the Employee Retention Survey in CY24. The retention survey will be used to identify why individuals with disabilities may be considering leaving the DOC.