

Department of Commerce

For period covering October 1, 2020 to September 30, 2021

<b>PART A</b> 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. 1400 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> Total Employment	<b>1.</b> Enter total number of permanent full-time and part-time employees	1. 41335
	<b>2.</b> Enter total number of temporary employees	2. 7578
	<b>3. TOTAL EMPLOYMENT [add lines B 1 through 2]</b>	4. 48913

<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	Stacy Carter	Director, Policy and Evaluation Division
	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	Mary O'Connor	Acting Director, Office of Policy and Programs
	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 (City/State)	Country	Agency Code
Department of Commerce Washington, DC	United States	CM51
Department of Commerce Washington, DC	United States	CM55
Department of Commerce Washington, DC	United States	CM67
Department of Commerce Washington, DC	United States	CM65
Department of Commerce Washington, DC	United States	CM52
Department of Commerce Washington, DC	United States	CM61
Department of Commerce Alexandria, VA	United States	CM56
Department of Commerce Alexandria, VA	United States	CM62
Department of Commerce Silver Spring, MD	United States	CM54
Department of Commerce Suitland, MD	United States	CM63
Department of Commerce Gaithersburg, MD	United States	CM57
Department of Commerce Washington, DC	United States	CM59
Department of Commerce Suitland, MD	United States	CM53

EEOC FORMS and Documents	Required	Uploaded
Agency Strategic Plan	Y	Y
Reasonable Accommodation Procedure	Y	Y
Alternative Dispute Resolution Procedures	Y	Y
Anti-Harassment Policy and Procedures	Y	Y
EEO Policy Statement	Y	Y
Organization Chart	Y	Y
Personal Assistance Services Procedures	Y	Y
Disabled Veterans Affirmative Action Program (DVAAP) Report	N	N
Diversity Policy Statement	N	N
EEO Strategic Plan	N	N
Federal Equal Opportunity Recruitment Program (FEORP) Report	N	N
Human Capital Strategic Plan	N	N
Results from most recent Federal Employee Viewpoint Survey or 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. The DOC promotes job creation and economic growth by ensuring fair and reciprocal trade, providing the data necessary to support commerce and constitutional democracy, and fostering innovation by setting standards and conducting foundational research and development. Through our bureaus and 48,933 employees located in all 50 states, every U.S. territory, and more than 86 countries, we provide U.S.-based companies and entrepreneurs invaluable tools through programs such as the Decennial Census, the National Weather Service, National Oceanic and Atmospheric Administration (NOAA) Fisheries, and the Foreign Commercial Service. Among many other functions, the Department oversees ocean and coastal navigation, helps negotiate bilateral trade agreements, and enforces laws that ensure a level playing field for American businesses and workers.

This 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**

The Department conducted a self-assessment on the Six Essential Elements towards becoming a model EEO agency and found that it was 81% compliant with the 156 self-assessment measures (See Part G).

NOTE: The EEOC instructions are that if one or more sub-components of an Agency 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. Some Bureaus may have made changes to their FY21 MD-715 reports (particularly Parts G, H, I and J) subsequent to the development of the Department-wide 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 (69% Compliant)**

- 39 Measures with 12 Deficiencies:

**Essential Element C: Management and Program Accountability (84% Compliant)**

- 44 Measures with 7 Deficiencies:

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

- 14 Measures with 4 Deficiencies:

**Essential Element E: Efficiency (94 % Compliant)**

- 33 Measures with 2 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 the Appendix.**

**DOC WORKFORCE ANALYSIS**

In Fiscal Year 2021 (FY21), the Department of Commerce had **48,933 total employees**, with **41,355 in the permanent workforce** and **7,578 in the temporary workforce**. Our analysis will focus solely on the permanent workforce.

A review of workforce data revealed there were 41,355 permanent employees in FY21. Of that number 23,529 (56.9%) were male and 17,826 (43.10%) were female. The breakdown by Ethnicity and Race Indicator (ERI) is as follows:

- 1,147 (2.77%) Hispanic males; 1,098 (2.66%) Hispanic females
- 15,861 (38.35%) White males; 10,085 (24.39%) White females
- 2,535 (6.13%) Black males; 4,183 (10.11%) Black females
- 3,713 (8.98%) Asian males; 2,143 (5.18%) Asian females
- 47 (.11%) Native Hawaiian or Other Pacific Islander males; 41 (.1%) Native Hawaiian or Other Pacific Islander females
- 132 (.32%) American Indian or Alaska Native males; 132 (.32%) American Indian or Alaska Native females
- 94 (.23%) Two or more races males; 130 (.31%) Two or more races females

Using the National Civilian Labor Force (NCLF) and Inclusion Rate (IR) as the benchmark 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% (moderate disparity)
- Hispanic males: 54% (marked disparity)
- Hispanic females: 56% (marked disparity)
- White females: 72% (marked disparity)
- American Indian and Alaska Native males: 58% (marked disparity)
- American Indian and Alaska Native females: 60% (marked disparity)
- People with Disabilities: 82% (moderate disparity)

A review of DOC’s permanent workforce data by sex, race, national origin, and disability, revealed that in FY21, 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
- American Indian and Alaska Native (AIAN) males and females
- People with Disabilities (PWD)

*(Source: FY21 MD 715 DOC Workforce Data Tables - A1and B1)*

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

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Using the EEOC's definition of MCOs, DOC has 10 MCO 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

Hispanic males & females; White males and females; AIAN males

0343 Management & Program Analysis

Asian males; AIAN males

0482 Fishery Biology

Hispanic females; Black males and females; Asian males and females; AIAN males and females

0905 General Attorney

White males; AIAN males

1101 General Business and Industry

Hispanic females; White females; AIAN males and females

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 females; Black females; Asian females; AIAN males

1340 Meteorology

Black males and females; AIAN males

1530 Statistician

White males; Asian females; Native Hawaiian/Pacific Islander females; AIAN males

2210 Information Technology Management (no disparities identified in FY21)

(Source: Table A6 and B6 of the DOC workforce data tables)

**\*NOTE From USPTO:** Employees in the 1224 series (Patent Examiners) 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 the patent examiners series. Patent Examiners should be identified as graduates with bachelor's degrees in engineering. 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. Using these rates as benchmarks, the USPTO employs 28% women in the Patent Examiners series 1224. Additionally, in FY21, the USPTO hired 492 new patent examiners in the 1224 series, of which 29.67% were women. Based on these facts, there is no disparity for women in the 1224 series.

(Source: Engineering graduate data for Hispanics and females: <https://nces.nsf.gov/pubs/nsf21321/report/field-of-degree-women#engineering>)

**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:

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GS-13: White females; Native Hawaiian/Pacific Islander males; AIAN males and females

GS-14: Females (aggregate); Hispanic females; White females; Black females; Native Hawaiian/Other Pacific Islander males; AIAN males and females

GS 15: Females (aggregate); Hispanic males and Females; Black males and females; and Native Hawaiian/Other Pacific Islander males and females; AIAN females

SES: Females (aggregate); females in every EEO group; 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 A6 and B6 of the DOC workforce data tables)

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

PWD, Hispanics, and Women have had increases in hiring/selection rates. However, they are still leaving the agency at higher rates than their entering the agency (See Table A1 and B1).

For PWD, there were triggers identified in Applicant Flow Data (AFD) for New Hires (external applicants) at GS-13 to SES level positions. This may indicate a potential barrier in the selection process. Analysis of Internal Promotion data could not be completed due to inaccuracies in the AFD. This is identified as a deficiency in Part H-6.

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 may continue to see marked disparities in leadership positions.

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## EXECUTIVE SUMMARY: ACCOMPLISHMENTS

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

In June 2021, the Partnership for Public Service released the “2020 Best Places to Work in the Federal Government” rankings. DOC remained in the Top 5 Best Places to Work in the Federal Government for the ninth consecutive year, ranking fifth among 17 large agencies. The results were based on the annual 2020 Federal Employee Viewpoint Survey (FEVS), which was sent to 37,247 eligible Commerce employees (non-political, non-seasonal, full-time/part-time, permanent, onboard as of October 2019) from September 21–November 2, 2020, to which 57 percent (21,310) of Commerce employees responded. The latest ranking makes it clear that the majority of the Department’s employees continue to recommend it as a good place to work and are satisfied with their job and organization. Commerce also ranked second in the new COVID overall category (90.9 score), which measures the extent to which employees feel their organization supported their mental and physical well-being during the COVID-19 pandemic, provided the resources they needed to do their work, had leaders who communicated effectively and prioritized their welfare, and successfully delivered on their mission.

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

In June 2021, Executive Order (EO) 14035 was issued. The Department began development of the Agency’s Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan, pursuant to this Order. The plan will identify actions to advance diversity, equity, inclusion, and accessibility in the workforce and remove any potential barriers identified in bureau self-assessments. The Department’s plan will include quarterly goals and actions to advance DEIA in the agency workforce and workplace culture. The plan will be developed in a manner that is consistent with the law and preserves merit principles and in consultation with cross-agency DEIA Teams and relevant stakeholders. The Department’s DEIA Council, chaired by the Deputy Secretary, was established to ensure priority is given to implementing Executive Order 14035. One of the priorities of the Council is to support examination of low participation rates of EEO groups and underserved communities. Towards this goal, the Department established an executive level Chief Diversity Officer position.

**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 FY21 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 FY21 MD 715 reports for more details on accomplishments and planned activities.

**Office of the Secretary**

- **Diversity, Equity, Inclusion and Accessibility (DEIA) Assessment** – in August 2021, the Department’s Office of Human Resource Management and Office of Civil Rights collaborated to complete the agency’s Diversity, Equity, Inclusion and Accessibility (DEIA) assessment in accordance with Executive Order 14035. Each stage of the employment cycle was evaluated, including recruitment, hiring, promotions, retention, professional development, performance evaluations, pay and compensation practices, reasonable accommodations access, safe workplaces and sexual harassment and inclusive workplace culture. For each of these stages of the employment cycle, the Department identified promising practices, potential barriers, root causes behind these barriers, potential solutions, and resources required to address potential barriers. The Department’s Assessment will serve as a primary resource to develop the DOC’s DEIA Strategic Plan due in March FY22. The Secretary of Commerce plans to use this assessment to help develop the Department’s DEIA Strategic Plan and as the primary instrument for implementing her vision and the President’s vision for DEIA.
- **Federal Employment Viewpoint Survey (FEVS)** - In FY21, the Office of Civil Rights (OCR) appointed two employees to review the FEVS survey and results. The appointed team decided to focus on questions which had a 20 % or higher negative response (14 questions total). The questions were then divided into four different categories, Performance, Senior Leadership, Managers & Supervisors and COVID-19/Work from home. The team briefed out the results and proposed an action plan to OCR leadership.



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- **Diversity and Inclusion Proactive Prevention Workshops** - During FY21, the Office of Civil Rights and the HCHB Engagement, Diversity and Inclusion (D&I) Council hosted a series of Diversity and Inclusion Proactive Prevention Workshops throughout the year, designed to help DOC employees navigate cultural differences that often impact working relationships, develop strategies to recognize emotional triggers and mitigate their effects, recognize and value contributions that multiple generations bring to the workplace and the overall success of the organization, understand unconscious bias, and develop practical strategies for recognizing and responding to bias in the workplace. Presentations topics included Cross Cultural Awareness and Diversity, LGBTQ+ Ally Toolkit, True Colors Communication, Civil Treatment in the Workplace, Mental Health and Its Importance, Building Diverse and Inclusive Connections through ERGs, Emotional Intelligence, Multi-Generations in the 21st Century Workplace, and Unconscious Bias.
- **BiasSync Unconscious Bias Training Pilot** – As part of its “Inclusion is on Us” initiative, the Office of Civil Rights (OCR) launch a pilot project using a new tool developed and designed by BiasSync (contractor). The purpose of the tool is to provide a multi-pronged approach to prevent and mitigate bias in the workplace. The project incorporated the latest scientific research with individual results and feedback. It included a pre-work assessment to help pinpoint potential areas of individual bias, interactive videos, various activities for self-examination, and actionable strategies. BiasSync designed the pilot to capture baseline data about the level of employee “unconscious bias” related to race and gender across the organization. BiasSync also required all pilot participants to complete a workplace inclusivity survey prior to initiating the module. Approximately 280 DOC employees, from various bureaus and grade levels, participated in this initial training pilot. OCR has not made any firm decision on continuing the pilot training.
- **Herbert C. Hoover Building (HCHB) Employee Resource Groups (ERGs)**

The HCHB PRIDE ERG researched and drafted the Department’s policy on the Gender Identity Protections Policy. The policy will immeasurably improve the work environment of the Department’s gender diverse employees by providing clear guidance on gender identity questions and protecting against gender identity discrimination. Due to the heightened number of hate crimes targeting Asian Americans, the Asian American Pacific Islander (AAPI) ERG provided a safe space for member dialogue, education on knowing your rights, and avenues to elevate the AAPI voices to Department leadership. The AAPI ERG membership organized and participated in the Department’s Data Briefing for AAPI ERGs as well as its Listening Session with Commerce Leadership.

**Minority Business Development Agency (MBDA)**

- MBDA in collaboration with the Commerce Research Library, presented the Role of Asian American Business Leaders in the Recovery from COVID-19, as part of the series on the CARES Economies Act. The event was hosted as Fireside Chat with three Asian American Business Leaders on their experiences during COVID-19, how they pivoted, and thoughts on where the Department continue to move forward in this area.
- In FY21, 44% of the Minority Business Development Administration’s (MBDA) new hires identified themselves as having a disability. Overall, 30% of MBDA’s workforce includes employees that identify themselves as having a disability.

**ITA**

- ITA launched its pilot for the ITA Ambassadors Program, a new recruitment and outreach initiative. The primary objective is to build a more diverse pipeline of employment candidates across our bureau’s operating units. The program is also intended to recruit ITA’s future leaders – by filling mission-critical jobs, promoting diversity in the workplace, and engaging the most talented and skilled applicants during the early stages of the competitive hiring process. The initiative seeks to ensure ITA’s workforce, programs, and culture provide an equitable, positive, and productive space to work for people from all backgrounds.
- ITA established the Diversity & Inclusion Advisory Council (DIAC) to foster a work environment with deliberate focus on acceptance, education, and inclusion. The DIAC works to ensure that all ITA employees are afforded equal access to internal programs and services. It is composed of five subcommittees focusing on topics of diversity in recruitment, promotion and retention, communications and outreach, and programs and training. Through its efforts, the council reaffirms ITA’s commitment to diversity and inclusion and integrating these values into its organizational culture, workforce, and programming.

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- The International Trade Administration Blacks Building Opportunities to Leverage Diversity (BBOLD) ERG was formalized. BBOLD hosted several inclusive events designed to foster employee engagement, improve retention and advancement within ITA, and improve ITA's outreach to underserved and underrepresented communities. For example, BBOLD and PRIDE presented a training session on the Complaint Process. Also, BBOLD hosted a joint "Know Your Rights" session with AAPI Colleagues. Notably, in September 2021, six members of BBOLD participated as speakers for the Black Professionals in International Affairs annual career fair. The fair was held on a virtual platform and featured over 30 institutions in government, education, non-profit, and the private sector presenting career opportunities in international affairs. The BBOLD members also engaged in discussion with participants about how to pursue a career with ITA.

**Census**

- Equal Employment Opportunity Diversity and Inclusion Office (EEOI) hosted "Crucial Conversations on Advancing Racial Equity" series. These series were intended to address issues that employees face that may potentially inhibit racial equity, well-being, work performance and personal/professional development. The goals of the discussions were as follows: 1. Provide a safe and brave space for employees to share, listen, and support one another; 2. Understand employees' experiences, perceptions, and feelings around racial trauma and how that impacts the workplace; 3. Begin to identify areas of opportunity to increase and improve individual and institutional efforts in advancing racial equity; and, 4. Engage employees and normalize discussions that will help shift Census' culture around equity, diversity, and inclusion.
- Census' Human Resources Division's recruitment and outreach efforts with Historically Black Colleges and Universities (HBCU's) increased significantly in FY21, to include outreach to University of Maryland Eastern Shore, Howard University, Norfolk State University, University of the District of Columbia, Morgan State University, Hampton University, Virginia State University and many more HBCU's. Census attended National Association of Colleges and Employers (NACE) HBCU Summit in FY21. The agency continues to be engaged with Bowie State University to build a strategic partnership and to support their students.
- Census' Diversity and Inclusion Council charter advocates for increasing employee and management awareness of the importance of developing a talented and diverse workforce and building an environment where the design of systems and policies is fair and equitable. The Council strives to assure that the seven tenets of Diversity-Inclusion, Opportunity, Comprehensiveness, Accessibility, Training, Management, Evaluation and Communication are applied and practiced throughout the Census Bureau. The Council hosted an inter-agency Executive Women in Motion Program, which was hosted by the Census Bureau in coordination with the Office of Personnel Management, the U.S. Department of Agriculture, the Bureau of Economic Analysis, and the Department of the Navy. A total of 37 Senior Executive Service mentors and 158 Participants (83% of registrants) participated in the virtual event on September 15, 2021. This event supports a White House initiative known as the Equal Futures Partnership (EFP).
- The Suitland Federal Center Chapter of Blacks in Government (BIG) Executive Board and the American Federation of Government Employees Council President met with Census Bureau senior executives between June - October 2021, to discuss the Presidential Advancing Diversity, Equity, Inclusion and Accessibility Executive Order for federal government agencies. The union representative began working with Census Human Resource Division (HRD) staff to develop and generate HRD information data dashboard reports for Census Bureau staff to review periodically to track and aid in development of equity strategies.
- National Processing Center (NPC) extended the contract term to employ a full-time American Sign Language (ASL) interpreter. The ASL interpreter assisted in training sessions, increased awareness, access, and communications for the Deaf community at NPC. After the arrival of the ASL interpreter, each of the Deaf employees at NPC received temporary promotions. Additionally, the ASL Interpreter established four ZVRS (video relay service provided by "Z") videophones, housed in four separate locations, which allowed quick access to secure interpreting services. The Interpreter also collaborated with NPC IT to ensure all of the videophones were installed correctly and functioning properly. She was also able to secure videophone services from her telework location to ensure Deaf and Hard-of-Hearing employees could contact her to secure last-minute interpreting accommodations and access to clear communication, when needed.

**USPTO**

- The USPTO is proud to have an incredibly diverse workforce with many employees of various backgrounds and cultures. The USPTO Diversity Program, part of the Office of EEO and Diversity (OEEOD), continues to manage the USPTO's Voluntary Employee Organization (VEO) Program, one of many diversity and inclusion initiatives. The 30 officially recognized groups—of which 19 are Affinity Groups—are based in Alexandria, VA, Denver, CO, Dallas, TX, San Jose, CA and Detroit, MI. These groups co-sponsor programs, activities and events that encourage professional development opportunities; enhance leadership skills; foster innovation and creativity; promote cultural understanding; recruit mission-critical talent; engage students, parents, and teachers; and establish long-term partnerships with intellectual property (IP) and Science, Technology, Engineering, and Math (STEM) community stakeholders.

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- However, the diversity of the USPTO workforce is not reflected in its senior executive service (SES), which is 74% white. USPTO recruits the vast majority of its SES workforce from within the organization. In April 2021, the USPTO Diversity Program, in collaboration with the Office of Human Resources Executive Resources Division (OHR/ExRD) and the Supervisory Patent Examiner Operations Council (SPOC), held a series of four workshops for GS-14 and GS-15 employees interested in the SES. These sessions include an application overview, a panel of current SES members, an introduction to ECQ writing, and a session with tips for interviewing. Additionally, OEEOD hosted workshops on introverted leadership, emotional intelligence, and legal writing for employees in FY21. In September of FY21, the USPTO held a leadership forum for managers and supervisors that focused on equity and community. As with the biannual Leadership Forum, the 2021 Extra event featured keynote addresses and a variety of breakout sessions supporting the 10 USPTO Ideal Leader Profile Qualities, particularly communication skills, management expertise, and inclusivity/collaboration. The Office of Human Resources (OHR) continues to use merit systems principles when selecting applicants for career development and high visibility projects.
- During FY21, USPTO continued to utilize its web page dedicated to highlighting the Hispanic community, which consistently ranks in the top 25 most requested pages in the uspto.gov/jobs domain. Employee profiles, capturing real stories of real employee success, that feature Hispanic patent examiners at our Alexandria, VA headquarters and at the USPTO Texas Regional Office rank within the top 20 most requested pages within the USPTO Jobs section.
- In the Fall of 2021, the agency revised its "Hiring people with Disabilities" webpage to reflect the 2021 NDEAM theme, "America's Recovery: Powered by Inclusion." Existing content about the contributions of those with differing abilities who have pioneered new technologies and innovations were highlighted. The team continues to create and launch new outreach materials and participate in targeted recruitment activities to attract, connect, and engage this population across all mission-critical occupations for all USPTO business units. The goal is to continue to build awareness of the USPTO as a top employer of choice for Individuals with Disabilities while attracting job seekers and promoting disability self-identification. To that end and for the first time ever, OHR participated in the Fall 2021 AbilityJobs virtual career fair where job seekers gained an extensive overview of the USPTO, its mission, what USAJOBS.gov is, and how to use it to search for specific government jobs. Also, the attendees, who engaged with the USPTO, learned what Schedule A is, and how to find any government agency's Schedule A contact person.
- Retention of employees with disabilities is just as critical as recruitment. In FY20, OEEOD sponsored its first-ever Reasonable Accommodation (RA) Technology Fair to display the programs and technologies available to USPTO managers as well as employees with disabilities. In FY21, a second annual fair was supplemented with weekly virtual lunch-and-learn information sessions, with topics including section 508 compliance, assistive technologies, and reasonable accommodations.
- USPTO's Diversity Program used the bureau's telework capabilities to implement its "Engagement in the Time of Telework Initiative." The program leaders collaborated with the leaders of the bureau's 30 officially recognized employee organizations and additional volunteers from across the bureau to stand up a host of regularly scheduled virtual events and activities, including: weekly book club meetings, film discussions, after-hours online gaming, kids' story time, midafternoon coffee chats, a photography contest, a parent support group, an online art gallery, and more.
- The USPTO's patent examiner recruiters attended all 2021 Engineering, Science, Technology, and Mathematics-related career fairs virtually, including 15 Minority Serving Institutions (MSIs), 9 Historically Black Colleges and Universities (HBCUs), and 6 Hispanic Serving Institutions (HSIs). Staff from the USPTO's Office of Equal Employment Opportunity and Diversity (OEEOD) attended the Federal Asian Pacific American Council (FAPAC) annual virtual career fair, and the USPTO Diversity Program Manager conducted more than 35 professional and leadership workshops for 25 Federal (e.g., FAPAC) and national minority organizations (e.g., League of United Latin American Citizens, Congressional Hispanic Caucus Institute) as well as MSIs.

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- In FY 2019, a contract was awarded to the Committee on the Advancement of Women Chemists (COACH), a research organization of scientists and engineers with the University of Oregon [UO], to conduct a study entitled "STEM Equity Disparity and Resolution to Known Equity Disparity." COACH's mission is to increase the success of women and underserved and/or underrepresented groups in STEM-focused positions. The contract required COACH to execute an analysis of the agency's career advancement process for STEM-focused positions by identifying critical factors in promotion disparity among NIST federal employees. COACH was also directed to provide recommendations to help drive career advancement among women and underserved and/or underrepresented employees. COACH delivered its final report to agency leadership in FY21, and it was made available to NIST staff. The report included recommendations based on results from surveys, focus groups, onsite visits, interviews, and a statistical analysis of NIST workforce data. The COACH report found wide-spread concerns from NIST workforce about the perceived level of transparency, consistency, and fairness with the promotion process. The recommendations were focused on four key areas including a commitment by leadership to a fair and equitable promotion system, leadership transparency in promotion criteria and processes, effective and accountable supervision of staff, and staff assistance with promotions and professional recognition.
- In FY22, the Department's new Chief Diversity Officer will work with NIST leadership to prioritize recommendations for implementation and share follow-on actions to guide the development of a data-driven promotion process with the agency's workforce. During this prioritization exercise, agency leadership will also address action plans for two other recent studies – one of which assessed the inclusivity of women at NIST and the other analyzed inclusivity networks as vehicles to harness human and social capital for innovation.
- NIST has assessed its current retention strategies and has identified several promising practices. In FY21, it launched a pilot of the NIST Leadership Competencies Model [LCM], which is designed to cultivate a culture of accountable leadership by investing in leaders and defining expected skillsets among the leadership corps.
- After completing a successful pilot, NIST established the Ombuds Office as a permanent capability to provide the workforce with additional avenues to address conflict resolution in June 2021. In addition to the Ombuds Office, OHRM collaborates with offices across the agency such as, but not limited to, the Office of Safety, Health, and Environment [OSHE], Office of Security [OSY], Emergency Services Office [ESO], and Office of General Counsel [OGC] when safety and/or workplace concerns arise – including when sexual harassment is claimed as allegations are addressed under DOC's anti-harassment policy.
- In accordance with the requirement to acknowledge accomplishments in the EEO arena, NIST issues an annual award to an employee who has made a notable impact through DEIA- related initiatives, which is titled the "Diversity, Inclusivity and Equal Employment Opportunity Award." The recipient of the award receives an engraved plaque, as well as a \$5,000 honorarium.

**NOAA**

- The National Oceanic and Atmospheric Administration (NOAA) continued promoting the bureau at different forums to increase representation of Hispanics/Latinos. The NOAA Hispanic Special Emphasis Program Manager continued participating as an Executive Board Member of the National Council Hispanic Program Manager. As well as continuing participation as a member of the NOAA Outreach Committee for Society for Advancement of Chicanos/Hispanics and Native Americans in Science, NOAA's Hispanic Special Emphasis Program Manager partnered with Latinos at the NOAA ERG to conduct monthly professional development and mentoring sessions to retain and promote Hispanics/Latinos at NOAA.
- The Hispanic SEPM developed and presented to NOAA leadership a curriculum-based training program proposal, "Latinos at NOAA Hiring Panel Program" which prepared Latino members at NOAA to serve on hiring panels upon request. The program also supported training on drafting Individual Development Plans, consultation on application preparation for leadership programs (LANTERN, LCDP), and resume writing.
- NOAA Latinos ERG also organized the first-ever ERG/OICR-hosted Student-Career Workshop with a total of 506 registrants from seven countries and the U.S. Territories, and more than 100 attendees during the live session. A monthly Information Bulletin was designed and launched to provide NOAA employees resources on mental and physical health, articles, and announcements for professional development.

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**EXECUTIVE SUMMARY: ACCOMPLISHMENTS****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)
- The percentage of timely-processed RA 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) Bureaus increased the number of RA training sessions provided to managers and supervisors. (See Part H-5)
- Of the 105 EEO cases where ADR was offered to the Counselee/Complainant, the parties agreed to participate 63% of the time – a 13% improvement from the FY 20 participation rate of 50%. To further market ADR, the Department clarified that once ADR is offered by the agency, participation is mandatory for management officials. Additionally, ADR continues to be offered at all stages of the process, especially at the pre-complaint stage, as a form of early resolution. It is also included in all EEO related training for employees and supervisors. (See Part H-8)

**Part I Accomplishments: Hispanics/Latinos in the workforce**

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).

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

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 (CDP). The lack of CDPs 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 may continue to see marked disparities for Females in leadership positions. (See Part H-6 for details on how data issues will be addressed in FY22.)

In FY21, OCR continued its collaboration with CBSM; the final report from the Retention Survey was released, but inconclusive. 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.

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. (See Part H-7)

**Part J Accomplishments: Persons with Disabilities**

From 2017 and 2021, the Department reported a steady increase in the participation rate of employees with disabilities, from 8.60% in 2017 to 10.38% in 2021. The participation rate for employees with targeted disabilities in this same period consistently exceeded the Federal high goal of 2.00%. In FY 2021, the rate was 2.40%.

In FY 2021, RA requests continued to be processed in a timely manner with the majority (93.5%) being process within the established timeframe. The Department saw a decrease in reasonable accommodation (RA) requests from 2,305 in FY 2020 to 1,329 in FY 2021. This may be attributed to the fact that much of the Department's workforce was able to participate in full-time telework due to pandemic restrictions. Prior to the pandemic, approximately 39% of all RA requests (Department-wide) was for telework.

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**EXECUTIVE SUMMARY: ACCOMPLISHMENTS**

The Department continued to provide virtual training on RA to employees, managers, and supervisors. RA training was incorporated into the Department's mandatory No FEAR Act training. Supervisors and managers were encouraged to attend a special virtual training entitled, "RA Pitfalls for Managers and Supervisors," presented by attorneys from the Department's Office of Civil Rights and USPTO's Office of EEO and Diversity (OEEOD). The Department's RA/Disability Program Manager continued to conduct bimonthly meetings with the Bureau RA Coordinators (RACs) to share knowledge, provide updates and feedback on the RA process, discuss challenges, and best practices, and provide training sessions designed to improve skills in resolving RA issues.

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**EXECUTIVE SUMMARY: PLANNED ACTIVITIES**

The following is a compilation of activities the Department plans to implement in FY22 and beyond to correct deficiencies in our EEO program (see **Part H and I** of this report for details). For specific bureau planned activities, please refer to the individual Bureau MD 715 reports.

- In FY21, the Office of Civil Rights 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. The plan contains Goal 5.2. "Optimize workforce and diversity, equity, and inclusion practices". The goal includes six strategies designed to cultivate a more flexible work environment that demonstrates empathy, inclusiveness, and responsiveness; foster a diverse workforce that reflects the Nation's diversity and relates to the needs of different communities; and ensure employees feel valued, supported, and accepted in the workplace. The strategic plan will be announced to the workforce in FY2022. (See Part H-3)
- Due to the changes in the law under the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020, OCR had to recalibrate its planned activities and devise a new course of action. OCR will consult with the EEOC and Departmental Leadership to identify feasible steps to become compliant with the Act. OCR and Departmental Leadership will evaluate options for compliance and will identify the specific steps that will ensure compliance. (See Part H-2)
- The Department Administrative Order 202-955, Allegations of Harassment, is being revised to include language that complies with EEOC guidance and feedback and EO 14035. The revised DAO is pending final review by the Office of General Council (OGC). Bureau policies will also align with the Department's DAO. (See Part H-4)
- The Department's revised RA procedures (Department Administrative Order 215-10, Establishing Procedures for Requesting Reasonable Accommodations) are in the final stages of approval, pending final review by the Office of General Council (OGC) and Office of the Inspector General (OIG). Anticipate final release date Summer FY2022. The Bureaus utilize the Department's DAO. (See Part H-5 in this report)
- In FY21, applicant flow data was made available to all Bureaus. Additionally, the Office of Human Resource Management has access to applicant flow data for Department-wide Career Development Program (CDP). However, there are a few outstanding Department-wide data issues that will continue to be addressed in FY22:
  - Applicant flow data for gender, ERI, or disability is not available for CDPs that are not advertised through USAJOBS
  - Applicant flow data on new hires and promotions is inconsistent and not reliable, specifically data for qualified, interviewed, and selected.

To address these data issues, OCR began routine stakeholder engagements discussions with the Enterprise Services Team. In FY22, OCR will continue these discussions and provide feedback on the effectiveness of changes made in the system to address identified data deficiencies. (See Part H-6)

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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 September 21, 2021. 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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Agency Self-Assessment Checklist



 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.2. The agency has communicated EEO policies and procedures to all employees.				
	A.2.a. Does the agency disseminate the following policies and procedures to all employees:				
	A.2.a.1. Anti-harassment policy? [see MD 715, II(A)]		X		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.
	A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.	X			Via routine reasonable accommodation training for employees, managers and supervisors throughout the year, via the annual No FEAR Act training, and via the OCR website

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A.2.c.4. Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If “yes”, please provide how often.		X	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

 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
	A.3. The agency assesses and ensures EEO principles are part of its culture.				



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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Agency Self-Assessment Checklist





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

 <b>Compliance Indicator</b>		Measure Has Been Met			<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>
		Yes	No	N/A	
 <b>Measures</b>	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 April 22, 2021. However, Census marked this as a deficiency. Please see their bureau MD-715 Part H.
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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Agency Self-Assessment Checklist

 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

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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			
 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
	B.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills				
	B.5.a. Pursuant to 29 CFR §1614.102(a)(5), have all managers and supervisors received orientation, training, and advice on their responsibilities under the following areas under the agency EEO program:				
	B.5.a.1. EEO complaint process? [see MD-715(II)(B)]	X			
	B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]	X			
	B.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]		X		
	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		Census marked this as a deficiency. Please see their bureau MD-715 for a Part H





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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	Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
	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		See Part H-4
	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 94% 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

 <b>Compliance Indicator</b>		Measure Has Been Met			<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>
		Yes	No	N/A	
 <b>Measures</b>	D.1. The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.				
	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
 <b>Compliance Indicator</b>		Measure Has Been Met			<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>	D.2. The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	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 evaluations, anti-harassment program, and reasonable accommodations program.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.3. The agency establishes appropriate action plans to remove identified barriers.			N/A	
	D.3.a. Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	X			
	D.3.b. If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	X			
	D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	D.4. The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.	Yes	No	N/A	
	D.4.a. Does the agency post its affirmative action plan on its public website? [see 29 CFR §1614.203(d)(4)] If yes, please provide the internet address in the comments.		X		<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





 Compliance Indicator	 Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
	E.1. The agency maintains an efficient, fair, and impartial complaint resolution process.				
E.1.a. Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?		X			
E.1.b. Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?		X			
E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?		X			
E.1.d. Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If so, please provide the average processing time in the comments.		X			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	E.3. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	E.3.a. Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	X			
	E.3.b. Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	X			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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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.4. The agency has effective and accurate data collection systems in place to evaluate its EEO program.				
E.4.a. Does the agency have systems in place to accurately collect, monitor, and analyze the following data:					
E.4.a.1. Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]		X			
E.4.a.2. The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]		X			
E.4.a.3. Recruitment activities? [see MD-715, II(E)]			X		NOAA 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			

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Essential Element: F Responsiveness and Legal Compliance

 <b>Compliance Indicator</b>		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 <b>Measures</b>	F.1. The agency has processes in place to ensure timely and full compliance with EEOC orders and settlement agreements.				
	F.1.a. Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	X			
	F.1.b. Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	X			
	F.1.c. Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	X			
	F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	X			
	F.1.e. When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX) (H)]	X			
 <b>Compliance Indicator</b>		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
 <b>Measures</b>	F.2. The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.	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:  Other

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



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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.

Department of Commerce

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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

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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?
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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.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]

Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program: Anti-Harassment policy. See C.2.a for DOC plan.

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Plan to Attain Essential Elements

PART H.9

Brief Description of Program  
Deficiency:

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)]

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.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.11

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.



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Plan to Attain Essential Elements

PART H.12

Brief Description of Program  
Deficiency:

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.

Census marked this as deficiency, see their Part H.

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Plan to Attain Essential Elements

PART H.13

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

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Plan to Attain Essential Elements

PART H.14

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.15

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.16

Brief Description of Program Deficiency: B.3.b. Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.

The Department of Commerce's strategic plan does not reference EEO/diversity and inclusion principles.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/11/2019	09/20/2020	09/30/2022		To include EEO/Diversity and Inclusion principles in the DOC's strategic plan.

Responsible Officials

Title	Name	Standards Address the Plan?
Director, Performance Excellence	Christine Heflin	Yes
Director, Office of Civil Rights	Jerry Beat	Yes
Chief Diversity Officer	Junish Arora	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
03/27/2019	The Director of Civil Rights will discuss the lack of EEO/D&I in the DOC's strategic plan with the Chief Financial Officer and Assistant Secretary of Administration.	Yes		03/24/2019
04/24/2020	OCR will work with the appropriate staff offices to ensure the inclusion of EEO and Diversity and Inclusion principles in the Departmental Strategic Plan.	Yes	09/30/2022	

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Plan to Attain Essential Elements

Accomplishments

Fiscal Year	Accomplishment
2019	<p>OCR provided recommendations to the Office of Performance Excellence Management (OPERM) to incorporate EEO/D&amp;I principles, including examples of existing language, which are currently under consideration.</p> <p>OPERM is responsible for developing, overseeing and identifying areas of opportunity to enhance Departmental efficiency and effectiveness, ensuring consistency with objectives and goals established in the Department’s strategic plan.</p> <p>In FY20, the Annual Performance Plan and Report (AAPR), which is used to update and amend the DOC Strategic Plan, will be updated to include a new strategy under Goal 5.1, “Engage Commerce Employees,” that addresses EEO and Diversity and Inclusion principles. Specifically, the AAPR, which will be published on February 10, 2020, will reflect the following new strategy: “address EEO and diversity and inclusion principles through the First-Generation Professionals Initiative.” Additionally, the website now reflects the FEVS employment engagement index and New Inclusion Quotient index.</p>
2020	<p>In FY20, the Office of Civil Rights became a stakeholder in the Performance Excellence Council, a body that leads the development and review of the Annual Performance Plan and Report (APPR), which measures progress on the Departmental Strategic Plan strategies.</p> <p>The Office of Civil Rights proposed to expand the APPR section under Goal 5.1. “Engage Commerce Employees” to include the following language: “Promote Equal Employment Opportunity (EEO) and diversity and inclusion (D&amp;I) principles through Special Emphasis Programs (SEPs) and the First-Generation Professionals (FGP) initiative.”</p> <p>In FY21, the Office of Civil Rights is slated to work with the Office of Performance Excellence Management (OPERM), the Performance Excellence Council, and appropriate staff offices to update the Departmental strategic plan to include language that reflects the following as a key strategy: “Ensure the Department of Commerce attracts, hires, trains, and retains an efficient workforce that reflects the diversity of our nation.”</p>
2021	<p>In FY21, the Office of Civil Rights 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. The plan contains Goal 5.2. “Optimize workforce and diversity, equity, and inclusion practices”. The goal includes six strategies designed to cultivate a more flexible work environment that demonstrates empathy, inclusiveness, and responsiveness; foster a diverse workforce that reflects the Nation’s diversity and relates to the needs of different communities; and ensure employees feel valued, supported, and accepted in the workplace.</p> <p>In FY21, DOC established the Department’s Diversity, Equity, Inclusion, and Accessibility (DEIA) Council. The purpose of the Council is to ensure priority is given to the development and execution of Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce Strategic Plan. The Council will centralize the work performed by the Department’s policy and strategic planning and diversity, equity, and inclusion offices; ensure accountability at all levels; develop effective action plans to address systemic barriers; and ensure overall institutionalization of equity into the Department’s workplace and culture.</p> <p>This collaboration will result in the development of strategic goals, objectives, actions, and performance metrics that will drive the implementation, monitoring and enforcement of DEIA policies and programs. The OCR and OHRM will lead the implementation of DEIA at the Department in collaboration with the DEIA Council and Committees.</p> <p>The DEIA Council will be chaired by the Deputy Secretary of Commerce. The structure is comprised of eight committees that will support the Council: Race and Ethnicity, Gender and Identity, Sexual Orientation and LGBTQIA+ Identity, Workplace Culture, International Affairs, and Immigrant Communities, Underserved and Disadvantaged Communities and Businesses, Accessibility, and Environmental Justice.</p>

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Plan to Attain Essential Elements

PART H.17

Brief Description of Program  
Deficiency:

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.

[http://www.osec.doc.gov/opog/dmp/resources/DOC\\_Procedures\\_for\\_Personal\\_Assistance\\_Services\\_\(PAS\)\\_01032018.pdf](http://www.osec.doc.gov/opog/dmp/resources/DOC_Procedures_for_Personal_Assistance_Services_(PAS)_01032018.pdf) PTO marked this as a deficiency. Please see their bureau MD-715 for a Part H.

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Plan to Attain Essential Elements

PART H.18

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.



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Plan to Attain Essential Elements

PART H.19

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

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Plan to Attain Essential Elements

PART H.20

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

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Plan to Attain Essential Elements

PART H.21

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.22

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)]
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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?
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Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
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Accomplishments

Fiscal Year	Accomplishment
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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).  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.23

Brief Description of Program  
Deficiency:

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

The agency's does not have training materials on its anti-harassment policy include examples of disability-based harassment. See C.2a for the DOC plan.

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Plan to Attain Essential Elements

PART H.24

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		

Department of Commerce

For period covering October 1, 2020 to September 30, 2021

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.25

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

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.26

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.27

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, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.28

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	

Department of Commerce

For period covering October 1, 2020 to September 30, 2021

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

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.29

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, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.30

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 I1

<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>  Provide a brief narrative describing the condition at issue.  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> Hispanic or Latino Males Hispanic or Latino Females	
<b>Barrier Analysis Process Completed?:</b>	Y	
<b>Barrier(s) Identified?:</b>	N	
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  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> Hispanic Participation Rates	<b>Description of Policy, Procedure, or Practice</b> 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:  - There is a potential blocked pipeline for Hispanic new hires. 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.  - 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. There must be a more targeted approach to eliminate the marked disparities in the Hispanic workforce participation rates.  - There is a potential glass ceiling for Hispanic Females in the GS13-SES levels. Hispanic Females' careers at the DOC stagnate at the GS13 level, preventing them from reaching higher leadership roles.

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
04/30/2018	09/30/2020	Yes			To conclusively identify and pave the way to eliminating barriers to Hispanic employment at the DOC.

Responsible Official(s)

Title	Name	Standards Address The Plan?
Director, Office of Civil Rights	Tinisha Agramonte	Yes



Department of Commerce

For period covering October 1, 2020 to September 30, 2021

Plan to Eliminate Identified Barriers

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	

Report of Accomplishments

Fiscal Year	Accomplishments
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>

Department of Commerce

For period covering October 1, 2020 to September 30, 2021

Plan to Eliminate Identified Barriers

Report of Accomplishments

Fiscal Year	Accomplishments
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

For period covering October 1, 2020 to September 30, 2021

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>  Provide a brief narrative describing the condition at issue.  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> All Women
<b>Barrier Analysis Process Completed?:</b>	Y
<b>Barrier(s) Identified?:</b>	N

<b>STATEMENT OF IDENTIFIED BARRIER:</b>  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>
	Female Participation	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:  - 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. - 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). - 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.  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
04/30/2019	04/30/2019	Yes	09/30/2022		To identify and eliminate barriers to employment and advancement of Females in senior leadership positions within DOC.

Responsible Official(s)

Title	Name	Standards Address The Plan?
Deputy Director, Office of Civil Rights	Larry J. Beat	Yes

Department of Commerce

For period covering October 1, 2020 to September 30, 2021

Plan to Eliminate Identified Barriers

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	

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>

Department of Commerce

For period covering October 1, 2020 to September 30, 2021

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 9.30% (increased from FY 20 8.18%).

\*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) communicate the numerical goals during the annual State of the Agency to senior leadership and during various methods (i.e., New Supervisors Training, RA Training for Managers/ Supervisors). 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	
Special Emphasis Program for PWD and PWTD	4	0	2	Monique Dismuke DOC Disability Program Manager mdismuke@doc.gov
Processing reasonable accommodation requests from applicants and employees	17	0	1	Monique Dismuke DOC Disability Program Manager & RA Program Manager mdismuke@doc.gov
Architectural Barriers Act Compliance	5	0	0	Cara Westholm Chief, Space Management Division cwestholm@doc.gov
Answering questions from the public about hiring authorities that take disability into account	4	0	36	Roseal Fowlkes Veterans Employment & Selective Placement Program Manager rfowlkes@doc.gov
Section 508 Compliance	5	0	1	Jennifer Jessup DOC Section 508 Compliance Coordinator jjessup@doc.gov
Processing applications from PWD and PWTD	8	0	36	Roseal Fowlkes Veterans Employment & Selective Placement Program Manager 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 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.

Several Bureaus are using the Workforce Recruitment Program (WRP) on a regular basis to identify potential employees. 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 diversity and plans to hire individuals with disabilities in 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.

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

Same as in FY20, the Department continued to encourage managers to use Schedule A to fill vacant positions, whenever possible, and consult with Bureau Selective Placement Program Coordinators (SPPC) to receive guidance in this area. Through outreach to vocational rehabilitation centers and disabled veterans' organizations, the SPPC encouraged eligible applicants to make their resumes searchable in 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 ask 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](mailto: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. Census' Strategic Recruitment and Outreach Branch (SROB) provided a 3-hour management level training to supervisors and hiring managers on selective placement hiring initiatives and procedures for disability hiring. USPTO provides computer-based training 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 FY22 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 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 relationships with various disability offices at universities and colleges in 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

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 some improvements in FY21 in comparison to FY20 analysis. In series 1101, there were no triggers for PWD or PWTD, and series 1530 and 2210 had no triggers for PWD. In comparison to the benchmarks (BM), triggers exist for PWD and PWTD among the following MCOs: 0301 Administrative Spec, Misc Admin & Prog: PWTD 5.88% (BM: 13.44%) 0343 Management Program Analyst: PWD 26.32%; PWTD 5.26% (BM: 44.44%; 20.42%, resp) 0482 Fish Biologist: PWD 0%; PWTD 0% (BM: 4.74%; 3.16% resp) 0905 General Attorney: PWD 0%; PWTD 0% (BM: 14.44%; 6.67%, resp) 1301 Physical Scientist: PWD 3.45%; PWTD 3.45% (BM: 10.00%; 4.72%, resp) 1340 Meteorologist: PWD 10.45%; PWTD 7.46% (BM: 16.96%; 9.88%, resp) 1530 Statistician: PWTD 10.20% (BM: 11.12%) 2210 Information Tech Spec: PWTD 11.76% (BM: 12.62%)

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 Bureaus provided career/professional development programs for their employees, including PWD/TD. The competitive opportunities are announced via USAJOBS and many other internal programs are opened to all employees and announced via internal broadcast messages. Some examples of Bureau specific plans are: USPTO has three initiatives underway to ensure that PWD’s have sufficient opportunities for advancement. First, USPTO’s Diversity Program will stand up an Agency-wide D&I Council which will incorporate the current Disability Advisory Council. Second, USPTO will establish relationships with Disability-friendly institutions, such as Gallaudet and the Rochester Institute of Technology to increase the number of Schedule A applicants and hires for MCOs. Third, USPTO will improve hiring manager education to ensure managers have the tools needed to optimize disability recruitment. For the first time ever, this training will be included in Aspiring Managers career development program or class. 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 career development programs. Additionally, Bureaus initiated and engaged Employee Resource Groups, including Disability Working Groups, to help advertise and promote career development programs. This will continue in 2021.

##### **B. CAREER DEVELOPMENT OPPORTUNITES**

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: administers 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.

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

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

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

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.

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

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

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.

### C. AWARDS

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

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

Triggers were identified for the following (Table B13): PWD \$4000-\$4999; PWD \$5000 or more Time Off Awards 1-10 hrs for PWTD

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

- a. Pay Increases (PWD) Answer Yes
- b. Pay Increases (PWTD) Answer Yes

For Quality Step Increases there were triggers identified for PWD/TD. PWDs and PWTDs are receiving awards at lower rates than their workforce participation rates.

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

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

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

Applicant flow data (AFD) is incomplete; therefore, full analysis was not possible. The Department is working to eliminate the inconsistencies in AFD. AFD showing qualified versus selected was only available for GS13 and 14 grade levels; there was an identified trigger at the GS 14 level based on the qualified applicant pool.

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) is incomplete; therefore, full analysis was not possible. The Department is working to eliminate the inconsistencies in AFD. AFD showing qualified versus selected was only available for GS13 and 14 grade levels; there was an identified trigger at the GS 14 level based on the qualified applicant pool.

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	Yes
b. New Hires to GS-15 (PWD)	Answer	Yes
c. New Hires to GS-14 (PWD)	Answer	Yes
d. New Hires to GS-13 (PWD)	Answer	Yes

Triggers were identified for the following: SES: % of qualified PWD new hires 11.10%; 0% selected. GS 15: % of qualified PWD new hires 11.48%, selected 1.4%, below benchmark GS 14: % of qualified PWD new hires 13.51%; selected 3.0%; below benchmark GS 13: % of qualified PWD new hires 14.29%; selected 3.3%; below benchmark

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	Yes
b. New Hires to GS-15 (PWTD)	Answer	Yes
c. New Hires to GS-14 (PWTD)	Answer	Yes
d. New Hires to GS-13 (PWTD)	Answer	Yes

Triggers were identified for the following, all below their benchmarks: SES: % of qualified PWD new hires 5.19%; selected 0%. GS 15: % of qualified PWD new hires 5.41%, selected 0%; GS 14: % of qualified PWD new hires 5.76%; selected 2.44%; GS 13: % of qualified PWD new hires 5.36%; selected 2.68%.

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	No
ii. Internal Selections (PWD)	Answer	Yes
b. Managers		
i. Qualified Internal Applicants (PWD)	Answer	No
ii. Internal Selections (PWD)	Answer	No
c. Supervisors		
i. Qualified Internal Applicants (PWD)	Answer	No

ii. Internal Selections (PWD)

Answer No

Triggers were identified for the Executives. There were only 2 applicants found qualified among the internal applicant pool for Executives. Both applicants were PWD; no selections were made.

6. 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 (PWTD)

Answer No

ii. Internal Selections (PWTD)

Answer No

b. Managers

i. Qualified Internal Applicants (PWTD)

Answer No

ii. Internal Selections (PWTD)

Answer No

c. Supervisors

i. Qualified Internal Applicants (PWTD)

Answer Yes

ii. Internal Selections (PWTD)

Answer Yes

There were no applicants for Executives or Managers. Triggers were identified for the Supervisors for PWTD, 50.0% qualified; 0% selected.

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 Yes

b. New Hires for Managers (PWD)

Answer Yes

c. New Hires for Supervisors (PWD)

Answer Yes

In comparison to the qualified applicant pool, triggers exist for PWD among the selectees for new hires, as follows: Executives: qualified 11.27%; 0% selected Managers: qualified 13.07%, selected 2.90%, below benchmark Supervisors: qualified 50.0%; 0% selected

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 N/A

b. New Hires for Managers (PWTD)

Answer N/A

c. New Hires for Supervisors (PWTD)

Answer N/A

Due to multiple data issues resulting from changes in the EEOC's FY19 workforce data tables, DOC is unable to conduct applicant flow data analysis for FY19. The data tables contain multiple inconsistencies when analyzing internal selections, interviewed applicants, internal applications, and others. DOC/OCR is working with relevant stakeholders (Data Analytics, Monster, and NFC) to address these issues.

### 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 benchmark, the percentage of involuntary separations for PWD (16.1%) exceeded those without disabilities (78.1%); and the percentage of voluntary separations (11.6%) exceeded those without disabilities (84.7%)

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 percentage of voluntary separations for PWTD (3.14%) exceeded those without disabilities (84.7%); and the percentage of involuntary separations for PWTD (3.8%) exceeded those without disabilities (78.1%)

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.

In FY 2019, DOC launched a DOC-wide Employee Retention Survey (ERS) to assist the Agency in determining root causes for why employees with disabilities were separating at higher rates than those without disabilities. The survey showed the top 5 reasons PWD/TD were considering leaving were: 1) Leadership of my immediate supervisor, 2) Unit/organizational leadership, 3) their age/years of service, 4) VERA incentives, and 5) discrimination in DOC. To improve the retention of employees with disabilities, DOC will continue to analyze ERS survey data, and coordinate Focus Groups to substantiate information and provide potential solutions.

## 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 2020, DOC developed five Section 508 online training courses for distribution via the Commerce Learning Center. This digital training allows the program office to generate awareness of Information and Computer Technology planning, development, and acquisitions. Upon completion of the Section 508 virtual training modules, individuals are eligible to receive the designation Section 508 Excellence Award. DOC also established an automated Section 508 Certification framework to address the needs of purchased and developed software, and documents disseminated for both public-facing and USCB Intranet. Additionally, Section 508 coordinators provided guidance on how to correct WCAG 2.0 A/AA issues within existing websites, applications, and documents, and how to achieve Section 508 Certifications. Section 508 Coordinators facilitated Section 508 requirement reviews to help attain a higher level of compliance while ingraining Section 508 best practices within workforce. The Census Bureau implemented an assessment, remediation, and certification process which awards application owners with a certification of compliance. The interactive accessibility tool scans and evaluates for Section 508 Compliance. This is a uniquely structured Section 508 assessment framework that has been recognized by GSA and showcased as a model process to other agencies. The Census Section 508 Certification framework is the only recognized Certification process in the Federal and Private Domain, resulting in over 30 Census Applications being Section 508 Certified. In FY20, Space Management Division worked with Installation Services to install new ADA compliant restroom signage in unrenovated areas of the DOC HQ building (HCHB). The task updated 67 restrooms. As part of the overall HCHB building renovation project in 2020, modifications were made to one of the historical entrances to included blast resistant doors and removal of the center mullion allowing the entrance to be ADA compliant. Disability Program Managers and Reasonable Accommodation staff continue to collaborate with the DOC Facility Management Offices and Section 508 Coordinators to assess physical locations, websites, and information technology to ensure accessibility for persons with disabilities in accordance with the law.

### **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 FY20, the average processing time for initial requests was 14.7 days (a decrease from 17.6 in 2019). DOC's Reasonable Accommodation Coordinators (RAC) reported receiving and processing approximately 2,305 requests for RA (not including request for sign language interpreting); 94% of all RA requests were completed within established timelines.

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 FY20, 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 2020, there were 3 requests for PAS that were timely processed within DOC. 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.

In FY 2019, the Agency had one (1) finding alleging both discrimination alleging disability-based harassment and failure to accommodate. In FY 2020, EEOC modified the finding. The following corrective action was originally ordered: • Removal of References to Termination • Reinstatement to Position • Compensatory Damages (if the amount is needed, it was \$65,000) • Back Pay, Interest, and Other Benefits • Training for the involved Agency officials • Adjustment of time and attendance records to reflect the use of LWOP rather than AWOL • Consideration of appropriate disciplinary action against two (2) Agency officials • Posting of Notice of Non-Discrimination Policy In FY 2020, the EEOC's Office of Federal Operations modified this finding and awarded the Complainant an additional \$20,000.

### 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.

The Agency had one (1) finding of discrimination alleging disability-based harassment and failure to accommodate during the last FY which was modified by the Office of Federal Operations (see A3 above).

## 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 9.30%, 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	09/30/2022		Improve outreach, recruitment, and hiring of PWD to increase the representation of PWD and meet the Federal benchmark 12% goal.
<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>
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	12/30/2022
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**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	09/30/2022	
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

**Report of Accomplishments**

Fiscal Year	Accomplishments
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.

<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>  Provide a brief narrative describing the condition at issue.  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> People with Disabilities					
<b>Barrier Analysis Process Completed?:</b>	N					
<b>Barrier(s) Identified?:</b>	N					
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  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	09/30/2020	Yes			Increase promotion opportunities for PWD/PWTD in GS 13 - SES level positions.	
<b>Responsible Official(s)</b>						
<b>Title</b>		<b>Name</b>		<b>Standards Address The Plan?</b>		
Director, Office of Human Resources		Kevin Mahoney		Yes		
DOC Disability Program Manager		Monique Dismuke		Yes		
Director, Office of Civil Rights		Tinisha Agramonte		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**

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
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	09/30/2021	
09/30/2019	Ensure new supervisors receive mandatory training that includes disability inclusion and reasonable accommodations.	Yes	09/30/2020	09/30/2021

**Report of Accomplishments**

Fiscal Year	Accomplishments
2020	<p>#1 Promote awareness and encourage participation in DOC's career/leadership development programs; collect and track disability status for applicants and participants.                      - 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	<p>Established and engaged employee resource groups, Diversity &amp; 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.</p>

<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>  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.					
<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>  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> Barrier Analysis In Progress	<b>Description of Policy, Procedure, or Practice</b> 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			Increase retention rate and decrease separation rates for PWD/PWTD.	
<b>Responsible Official(s)</b>						
<b>Title</b>		<b>Name</b>		<b>Standards Address The Plan?</b>		
Director, Office of Civil Rights		Tinisha Agramonte		Yes		
DOC Disability Program Manager		Monique		Yes		
Director, Office of Human Resources Management		Kevin Mahoney		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

**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	Establish DOC-wide retention and exit interview surveys to determine root cause for high separation rates.	Yes	09/30/2020	09/30/0020
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
09/30/0021	Ongoing analysis and review of results of employee retention survey, and other data to, established strategies to address retention issues.	Yes		

**Report of Accomplishments**

<b>Fiscal Year</b>	<b>Accomplishments</b>
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.  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.

All planned activities not completed in FY 2019, are still in progress. Planning and coordination efforts were impacted by competing priorities and some lack of resources. FY 19 Planned Activity: Establish retention and possibly exit interview surveys to determine root cause for increased separation rates. This action is in progress and has been moved to the action plan for Trigger #2. FY 19 Planned Activity: 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 not provided in FY 2019 to implement this action; plans are being developed for FY 2020. Activities require further analysis, planning and senior level approval for implementation. Developing RA training curriculum for DOC-wide new supervisors mandatory training that will include disability inclusion and reasonable accommodations. Some bureaus are currently providing RA training for new supervisors.

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



DOC bureaus 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. Overall, participation rates for PWD/TD increased in FY 2019. 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%. In FY 2019, DOC revised and implement DOC's Strategic Operations Plan for the Recruitment, Hiring and Advancement of PWD and PWTD. The participation rate for PWTD increased to 2% to meet the federal benchmark. However, we are continuing to analyze workforce data across Occupational Series and higher grade levels to determine where disparities still exist.

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 2020.