

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

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

| | | |
|-----------------------------------|---|----------|
| PART B Total Employment | 1. Enter total number of permanent full-time and part-time employees | 1. 40927 |
| | 2. Enter total number of temporary employees | 2. 11272 |
| | 3. TOTAL EMPLOYMENT [add lines B 1 through 2] | 4. 52199 |

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

For period covering October 1, 2018 to September 30, 2019

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 |
| Anti-Harassment Policy and Procedures | Y | Y |
| Alternative Dispute Resolution Procedures | Y | Y |
| EEO Policy Statement | Y | Y |
| Personal Assistance Services Procedures | Y | Y |
| Reasonable Accommodation Procedure | Y | Y |
| Organization Chart | 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 |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

EXECUTIVE SUMMARY: MISSION

The mission of the Department of Commerce (DOC) is to create the conditions for economic growth and opportunity. The DOC promotes job creation and economic growth by ensuring fair and reciprocal trade, providing the data necessary to support commerce and constitutional democracy, and fostering innovation by setting standards and conducting foundational research and development. Through our bureaus and 52,199 employees located in all 50 states, every U.S. territory, and more than 86 countries, we provide U.S.-based companies and entrepreneurs invaluable tools through programs such as the Decennial Census, the National Weather Service, NOAA Fisheries, and the Foreign Commercial Service. Among many other functions, the Department oversees ocean and coastal navigation, helps negotiate bilateral trade agreements, and enforces laws that ensure a level playing field for American businesses and workers.

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

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

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

The DOC conducted a self-assessment on the Six Essential Elements towards becoming a model EEO agency and found that it complied with 95.5% of the 157 self-assessment measures. Below is a breakdown of the deficiencies:

Essential Element A: Demonstrated Commitment from Agency Leadership (93% Compliant)

- 14 Measures
- 1 Deficiency
 1. *The Department of Commerce does not provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity.*

Essential Element B: Integration of EEO into Agency's Strategic Mission (97% Compliant)

- 39 Measures
- 1 Deficiency
 1. *The Department of Commerce's strategic plan does not reference EEO/diversity and inclusion principles.*

Essential Element C: Management and Program Accountability (91% Compliant)

- 44 Measures
- 4 Deficiencies
 1. *The Department did not have an Anti-Harassment policy, and its procedures do not currently comply with EEO guidance and feedback.*
 2. *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 87%.*
 3. *The Department of Commerce (DOC) does not currently have accurate and complete data required to prepare the MD-715 workforce data tables.*
 4. *The agency's training materials on its anti-harassment policy do not include examples of disability-based harassment. This deficiency relates to two bureaus (NOAA and PTO). DOC/OCR determines if there are two (2) or more Departmental bureaus who respond "no" to the same measure, it is marked as a Departmental deficiency.*

Essential Element D: Proactive Prevention of Unlawful Discrimination (93% Compliant)

- 14 Measures
- 1 Deficiency
 1. *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.*

Essential Element E: Efficiency (100% Compliant)

- 33 Questions
- 0 Deficiencies

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

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

- 13 Measures
- 0 Deficiencies

Parts H1-H6 of this report provide details and proactive plans to address these deficiencies.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Note: The analysis and findings discussed here and in the referenced Barrier Analysis Report are from workforce data tables reflecting data as of 9/30/19. However, the workforce data tables submitted to the EEOC via FedSEP reflect data as of 3/30/2020. This is a result of the EEOC's new data template becoming available at the end of April 2020, with new tables that required DOC to re-download workforce data. This most recent data contains a slight variation in total Commerce employees due to payroll updates that occurred between 9/30/19 and 3/30/20. Similarly, the data tables related to applicant flow data (A/B 6, 7, and 8) for new hires and internal competitive promotions were not available for use at the time when the analysis was conducted. Thus, OCR couldn't perform the appropriate analysis, however, this will be corrected during the FY20 MD-215 report. The workforce data tables as of 9/30/19 can be found in the Barrier Analysis Report included in the FY19 supporting documentation.

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

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

DEFINITION OF TERMS

Civilian Labor Force and Occupational Civilian Labor Force

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

Inclusion Rate

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

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

representation relative to the CLF.

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

WORKFORCE ANALYSIS

In FY2019, the Department of Commerce had **52,199** total employees, with **40,927** in the permanent workforce and **11,272** in the temporary workforce. Our analysis will focus solely on the permanent workforce.

Of the 40,097 permanent employees, 23,313 (56.96%) were male and 17,614 (43.04%) were female. The RNO breakdown is as follows: 1,025 (2.5%) Hispanic males; 1,021 (2.49%) Hispanic females; 15,949 (38.98%) White males; 10,168 (24.84%) White females; 2,504 (6.12%) Black males; 4,146 (10.13%) Black females; 3,578 (8.74%) Asian males; 1,980 (4.84%) Asian females; 43 (0.11%) Native Hawaiian or Other Pacific Islander males; 35 (0.09%) Native Hawaiian or Other Pacific Islander females; 134 (0.33%) American Indian or Alaska Native males, 149 (0.36%) American Indian or Alaska Native females; 76

(0.19%) Two or more races males; and 115 (0.28%) Two or more races females. *(Source: Table A1 and B1 of the DOC workforce data tables).*

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

The following groups are not represented at their expected rates: Females (in the aggregate), who are at 89% of their expected rates, Hispanic males at 48%, Hispanic females at 52%, White females at 73%, American Indian and Alaska Native males at 60%, American Indian and Alaska Native females at 68%, Two or more races males 73% and People with Disabilities at 76%.

Barrier Analysis

The Department's OCR conducted an examination of potential barriers pertaining to the recruitment, advancement, and retention of Hispanics and Females, as they are the groups with lower expected representation rates in the overall workforce, the leadership pipeline, and in mission critical occupations. **Details of this analysis and its findings can be found in our supporting documentation ("Barrier Analysis Report").**

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

The DOC is comprised of 12 bureaus, the Bureau of Economic Analysis (BEA), Bureau of Industry and Security (BIS), U.S. Census Bureau (Census), Economic Development Administration (EDA), International Trade Administration (ITA), Minority Business Development Agency (MBDA), National Institute of Standards and Technology (NIST), National Oceanic and Atmospheric Administration (NOAA), National Technical Information Service (NTIS), National Telecommunications and Information Administration (NTIA), U.S. Patent and Trademark Office (USPTO), and Office of the Secretary (OS).

Below are accomplishments across the DOC, highlighting strategies used to address workforce triggers in policies, practices or procedures.

Engagement and Retention

According to the **Federal Employee Viewpoint Survey (FEVS)** 2019 results, most Commerce employees remain engaged and would recommend the Department as a good place to work, with major strengths in the areas of work experience, supervisors/team leaders, telework programs, and alternative work schedules. In FY19, DOC was ranked 4th out of 17 in the Partnership for Public Service's "**Best Places to Work Agency Rankings**," with a 69.6% score out of 100%. The ranking is based on three different questions in the FEVS related to workplace satisfaction. An internal analysis of the FEVS scores also revealed that, out of 10 similarly sized agencies, DOC is 3rd in Employee Engagement, 3rd in Global Satisfaction, and 3rd on the New Inclusion Quotient (IQ). DOC is also above the federal government average on 67 out of 71 positive scores and improved on 50 of 71 positive scores.

To address the high separation rates of various demographic groups at the DOC, 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 Q2 of FY2020. 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.

Diversity and Inclusion

OCR broadened the scope of Departmental EEO and diversity and inclusion effort by successfully launching the **First-Generation Professionals (FGP) Initiative**, which has been lauded as "the first true Diversity initiative in the federal government." The initiative focuses on improving the recruitment, retention, and advancement of FGP trailblazers, many of whom come from lower socio-economic backgrounds and/or are one of the first in their immediate families to navigate the uncharted waters of the professional work environment, without the benefit and model of a parent or caregiver who worked in a professional capacity. There were numerous accomplishments throughout FY19, including:

- the successful execution of the inaugural **FGP Summit**, a first-of-its-kind federal event that kicked off the initiative. The Summit featured the U.S. Treasurer, Chairman of the Securities and Exchange Commission, and other expert panelists. Approximately 400 people attended, representing over 20 federal agencies, public organizations, and educational institutions
- An interagency agreement with the Census Bureau successfully resulted in the publication of the research paper "Qualitative Research on Barriers to Workplace Inclusion for First Generation Professionals," making it the first federal report on this topic

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

- Featured in a segment of the University of the District of Columbia UDC Forum cable show; inspired two LRP CyberFeds articles; and was propagated via FGP-related training and events at other federal agencies.

The **HCHB Diversity and Inclusion Council** continued creating cross-training opportunities between serviced-bureaus and helped establish several new Affinity Groups and Employee Resource Groups (AG/ERG): ITA's Parent AG, HCHB Differing Abilities ERG, DOC First Generation Professional ERG, HCHB PRIDE, etc.

The HCHB D&I Council successfully coordinated and hosted **the 2nd Annual D&I Employee Engagement Expo – “Cultivating a Culture of Inclusion.”** The Expo included an employee engagement information fair with representatives from affinity groups and ERG's and other public/private organizations which shared information on Veteran-related benefits, employee assistance programs, smart banking, financial management, and showcased the many programs and services available to employees in HCHB and provided a face to face introduction to the newly formed AG/ERG's and their members. There were also trainings and workshops on various topics, such as: Establishing Affinity Groups, Dealing with Toxic Workplace Behaviors, Recruiting and Retaining Individuals with Disabilities, Preparing for the SES, and more.

In continuation of Commerce's commitment to EEO and D&I principles, the **Special Emphasis Program Managers**, in collaboration with newly established employee resource groups (Differing Abilities, Commerce PRIDE, Women of Commerce, DOC Women in STEM, and AAPI ERG), successfully hosted 9 Special Emphasis Program events with an average attendee rating of 4.6 on a 5-point scale. The events were designed to educate the participants and celebrate the contributions of the various EEO groups.

To enhance the engagement of our interns, the DOC hosted 35 interns with diverse backgrounds from the Washington, DC area through the **2019 Mayor Marion S. Barry Summer Youth Employment Program (MBSYEP)**.

In our efforts to bridge Department partnerships, OHRM's Office of Human Capital Strategy (OHCS) hosted its first **Department-wide MBSYEP “Welcome Orientation.”** During this orientation the interns received financial literacy training, resume writing, Q&A info session on Pathways programs and opportunities, Q&A session on USAJobs. In addition, the participants learned the importance of mentors, how to network, and explored the meaning of professionalism.

Efforts to Ensure Continuity of EEO Operations

In FY19, in order to ensure continuity of operations for **EEO complaint processing**, as well as to improve accountability for **reasonable accommodations requests**, OCR entered into several new contracts to upgrade to new and improved platforms. Thus, in FY20, OCR's former system for tracking EEO complaints, *iComplaints*, will be upgraded to the new platform, *Entellitrack EEO*. OCR also procured the *Entellitrack Reasonable Accommodation System (ETK RA)*, which will be rolled out to OCR and bureau reasonable accommodation coordinators in FY20. The system will help the Department mitigate risks associated with not processing reasonable accommodation requests in a timely manner.

To maintain visibility of EEO services and initiatives, OCR conducted a successful **full website redesign**, with improved user

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

experience, navigation tools, and mobile-friendliness. OCR's older website, due to its 20+ year existence, lacked security features, and included several technical issues that the DOC Office of Enterprise Solutions and Services deemed imperative to upgrade. The redesign ensures the continuity of OCR's online presence, provides new security features, and ensures 508-compliance of all content.

To ensure applicants and employees for the Decennial Census will have an avenue to address formal complaints of discrimination, OCR collaborated with the Bureau of the Census to successfully develop and execute an MOU that allocated funding to stand up a special **Decennial EEO** unit within OCR, funded through FY21.

Employee Engagement, Outreach and Recruitment Efforts at DOC Bureau's

As Commerce continues to cultivate an inclusive and engaged workforce, the Office of Human Capital Strategy (OHCS) proposed Department Administrative Order (DAO) 202-252, which prescribes the procedures governing the process of establishing **Affinity/Employee Resource Groups (AG/ERG)**. The DAO is currently in the final clearance/approval process and is projected to go into effect in FY20. This order will provide additional support to the 75+ AGs, enhancing their role in supporting the Departments strategic plan. For example, the USPTO's AGs enhanced their workplace inclusion by contributing to several activities: Bring Your Own Mug Coffee Breaks, Monthly and/or End-of-Quarter Socials, Voluntary Field Trips and Health & Wellness and Finance Seminars.

The **National Institute of Standards and Technology (NIST)** expanded their Leadership and Employee Development programs with its "Leadership 4 All (L4A) initiative which helps ensure all NIST employees are fluent in the NIST 11 Core Leadership competencies.

The **United States Patent and Trademark Office (USPTO)** launched its first Diversity Download Podcast - Season 1, which provides their Office of Equal Employment Opportunity and Diversity (OEEOD) a platform to discuss topics related to D&I; dispelling the notion that D&I is solely about gender and race. The podcast also engages the bureau's regional employees.

The **National Oceanic Atmospheric Administration (NOAA)** developed two Pathways programs: 1) NOAA Honors Program, a program targeting Historically Black Colleges and Universities (HBCUs) and Minority-Serving Institutes (MSIs) to increase diversity through the Recent Graduate hiring authority; 2) NOAA's Information Technology Fellowship Program, is a recruitment method used to appoint entry-level candidates into the NOAA workforce.

The **Bureau of Economic Analysis (BEA)** participated in two job fair events at the University of New Mexico and developed an outreach and recruitment plan to help maximize their ability to recruit from a diverse, broad spectrum population: including a variety of geographic regions, academic sources, and professional disciplines.

The **International Trade Administration (ITA)** continued their piloting efforts with Prospanica, an outreach organization geared towards Hispanic communities. Prospanica originally founded as the National Society for Hispanics in Master Business Administration (MBA) Program, its mission is to enhance opportunities for Hispanic MBA's from school to leadership positions through job placement. This organization promotes Hispanics in the workplace and has both university and corporate partners.

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

Initiatives to Increase the Participation Rate of Hispanics

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

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

In FY19, **USPTO** recruiters participated in the University of Puerto Rico, Mayaguez School of Engineering job fair. During the job fair, recruiters met with students to discuss employment opportunities at the USPTO. Additionally, USPTO utilized their social media platforms (i.e. LinkedIn, Twitter, Facebook, and Instagram) to advertise their participation in this job fair and received an above-average engagement rate.

The **Census Bureau** continued to implement its strategic plan for achieving higher Hispanic representation by increasing participation of Hispanic employees in Job Rotation/Mentoring Leadership Programs thus improving development, promoting career advancement opportunities and increasing retention of Hispanic employees within the Bureau. Census also attended various training and recruitment events geared towards Hispanic hiring, including the League of United Latin American Citizens (LULAC) conference and other career fairs in various locations with higher Hispanic populations.

As Puerto Rico and other Hispanic subsidiary territories rebuild from the devastating natural disasters of Hurricane Irma and Maria in FY18, the **Economic Development Administration (EDA)** remains vigilant in their support for rebuilding and restoring these impacted areas. In FY19, EDA engaged in partnerships with other federal agencies, local governments and activities to promote opportunities in the Hispanic community. In FY20, EDA's strategic plan is to become more visible in the Hispanic workforce by partnering with HSI's, LULAC and Hispanic/Latino Professional Association (HLPAA).

NIST exhibited at events specifically geared towards the Hispanic community, including the National Conference for the Society for Advancement of Chicanos and Native Americans in Science (SACNAS) and the Annual Conference for the Hispanic Association of Colleges and Universities (HACU). NIST continues their partnerships with HSIs and other colleges, universities and organizations with significant Hispanic populations such as: National Society of Hispanic Physicists (NSHP), Society of Hispanic Professional Engineers (SHPE), Society for Advancement of Chicanos and Native Americans in Science, and the Mexican Americans in Engineering and Science (MAES).

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

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

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

The OCR and the OHRM are working together to improve and expand the recruitment, hiring and retention of People with Disabilities (PWD). In this collaborative initiative, the Department's Disability Program Manager (DPM) and Selective Placement Program Manager (SPM) met with all bureau Special Placement Coordinators (SPC) to review and update the Department's Strategic Operating Plan for Recruiting, Hiring and Retaining People with Disabilities. The SPC's and DPM's continue to meet quarterly on their initiative and implementation plans.

In FY19, the ***Differing Abilities ERG*** was established at HCHB. They conducted multiple "lunch and learns" with the objective of building awareness among all seven bureaus located with the HCHB.

Commerce conducted workshops and ***Disability Fairs*** designed to provide education to applicants, employees and supervisors with regards to information about equipment, services, and organizations that provide support and assistance to employees with disabilities. Additionally, the ***Bureau of Economic Analysis (BEA)*** conducted a pilot co-op program that hosted a disabled veteran student volunteer throughout the summer.

The Department continued its use of ***strategic hiring initiatives***, including those for people with disabilities and veterans (e.g., Schedule A, 30% or more disabled veteran authority, etc.). Additionally, training sessions related to the employment of veterans and people with disabilities were offered and required for all supervisors, and HR professionals of which 93.6% successfully completed the trainings.

In FY19, the ***Reasonable Accommodation Coordinator*** continued to serve as a member of the "Reasonable Accommodations and Personal Assistance Services Policies" work group, sponsored by the Federal Exchange on Employment and Disability (FEED), an interagency working group focused on information sharing, best practices, and collaborative partnerships.

Additionally, the Department secured approval to purchase an electronic ***RA request tracking system***. The system is a Micropact product, ETK RA Solution, and is set to launch in FY20.

The Department updated the ***Reasonable Accommodation Procedures*** and they are currently in the final approval process. Once approved, the new order will be publicized and distributed to the workforce via the Department-wide broadcast, workshops and on the OCR Disability webpage.

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

EXECUTIVE SUMMARY: PLANNED ACTIVITIES

As we strive to achieve a Model EEO Program, the DOC is committed to identifying and removing any barriers that impede equal opportunity in our recruitment, hiring, promotion, retention, and professional development and training. Below are various FY20 planned activities that will address deficiencies that were identified in this report's Part G and Part H, along with other planned activities that will aid in the advancement of EEO, diversity and inclusion.

In FY20, DOC 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.
- Establish an **EEO Awards** program to provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity. DOC/OCR conducted research of successful EEO and D&I recognition programs across the Federal government. Based on the research, OCR is proposing a Department-level EEO awards program. It is projected to be launched in FY21.
- Continue its work with the appropriate staff offices to ensure the inclusion of **EEO and Diversity and Inclusion** principles in the Departmental Strategic Plan.
- Obtain reliable and accurate **workforce data** for further workforce analysis, while working collaboratively with Enterprise Services and the U.S. Department of the Treasury.
- Issue an updated **Anti-Harassment Policy and Procedures** with updated language that complies with EEOC guidance and feedback.
- Work with the **HCHB Diversity & Inclusion Council, BAWG** and Affinity Groups to organize and develop strategies to address the less than expected participation rates of minorities and women across the DOC.

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

**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

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

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 FY19 EEO policy statement was issued on July 2, 2019 via a broadcast message to all DOC employees. 7/2/2019 |
| | 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 | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

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 | | | |
| | A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)] | X | | | |
| | A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website: | | | | |
| | A.2.b.1. The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)] | X | | | |
| | A.2.b.2. Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 CFR §1614.102(b)(5)] | X | | | |
| | A.2.b.3. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column. | X | | | http://www.osec.doc.gov/opog/dmp/daos/dao215_10.html |
| | A.2.c. Does the agency inform its employees about the following topics: | | | | |
| | A.2.c.1. EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If "yes", please provide how often and the means by which such training is delivered. | X | | | Employees are informed about the EEO complaint process and other avenues of redress in the annual Secretarial EEO policy statement, and the No FEAR Act training. |
| | A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often. | X | | | Employees are informed about the ADR process in the annual Secretarial EEO policy statement and the No FEAR Act training. |
| | A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often. | X | | | Via routine reasonable accommodation training for employees, managers and supervisors throughout the year, via the annual No FEAR Act training, and via the OCR website |



Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Agency Self-Assessment Checklist

| | | | |
|--|---|--|--|
| A.2.c.4. Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If “yes”, please provide how often. | X | | Annually. On July 2, 2019, Secretary Ross issued statement on harassment informing employees of their rights via a broadcast message to all DOC employees. |
|--|---|--|--|

| | | | |
|--|---|--|---|
| 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. |
|--|---|--|---|

|  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 | A.3. The agency assesses and ensures EEO principles are part of its culture. | Yes | No | N/A | |

| | | | | |
|--|--|---|--|--------------|
| 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 |
|--|--|---|--|--------------|



| | | | | |
|---|---|--|--|--|
| 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 | | | |
|---|---|--|--|--|

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Agency Self-Assessment Checklist





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

|  Compliance Indicator |  Measures | Measure Has Been Met | | | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report |
|---|--|----------------------|----|-----|---|
| | | Yes | No | N/A | |
| B.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 | | | Based on EEOC guidance given during the April 20 technical assistance visit (TAV), if the EEO Director and HR Head report to the same level, that is considered compliant. This is no longer a Departmental deficiency. |
| B.1.a.1. If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If "yes," please provide the title of the agency head designee in the comments. | | X | | | Chief Financial Officer and Assistant Secretary for Administration. |
| B.1.a.2. Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)] | | X | | | |
| B.1.b. Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I] | | X | | | |
| B.1.c. During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If "yes", please provide the date of the briefing in the comments column. | | X | | | The EEO Director presented the State of the Agency briefing on March 27, 2019. |
| 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 | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019



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 | | | |
| | 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-2 |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019





Agency Self-Assessment Checklist

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

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

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.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 | | | |
| | B.5.a.5. ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)] | X | | | |
|  Compliance Indicator | | Measure Has Been Met | | | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report |
|  Measures | | Yes | No | N/A | |
| | 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 | | | |
| | B.6.c. When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I] | X | | | |
| | B.6.d. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR §1614.102(a)(5)] | X | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Agency Self-Assessment Checklist



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 on a quarterly basis to discuss program deficiencies. The EEO office also uses a quarterly tracking tool. |
| C.1.b. Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section. | | X | | | DOC Office of Civil Rights staff lead the Barrier Analysis Workgroup, which meets on a quarterly basis to discuss bureau efforts to remove barriers from the workplace. |
| C.1.c. Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)] | | X | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Agency Self-Assessment Checklist

|  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-3. |
| | C.2.a.1. Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] | X | | | |
| | C.2.a.2. Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)] | X | | | |
| | C.2.a.3. Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)] | X | | | |
| | C.2.a.4. Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [See Enforcement Guidance, V.C.] | X | | | |
| | C.2.a.5. Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120123232 (May 21, 2015); Complainant v. Dep't of Defense (Defense Commissary Agency), EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column. | X | | | |
| | C.2.a.6. Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR §1614.203(d)(2)] | | X | | All Commerce bureaus reported they met this measure except the National Oceanic and Atmospheric Administration (NOAA) and the Patent and Trademark Office (PTO). See their respective MD-715 Reports. |
| | 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 | | | |
| | 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 | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019



Agency Self-Assessment Checklist

| | | | |
|--|----------|----------|--|
| <p>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.</p> | | <p>X</p> | <p>87% of requests are timely processed, a 2% increase over FY18. See Part H-4.</p> |
| <p>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)]</p> | <p>X</p> | | |
| <p>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.</p> | <p>X</p> | | <p>http://www.osec.doc.gov/opog/dmp/resources/DOC_Procedures_</p> |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019





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 | C.3. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity. | | | | |
| | C.3.a. Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program? | X | | | |
| | C.3.b. Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities: | | | | |
| | C.3.b.1. Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I] | X | | | |
| | C.3.b.2. Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)] | X | | | |
| | C.3.b.3. Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)] | X | | | |
| | C.3.b.4. Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I] | X | | | |
| | C.3.b.5. Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)] | X | | | |
| | C.3.b.6. Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)] | X | | | |
| | C.3.b.7. Support the EEO program in identifying and removing barriers to equal opportunity?. [see MD-715, II(C)] | X | | | |
| | C.3.b.8. Support the anti-harassment program in investigating and correcting harassing conduct?. [see Enforcement Guidance, V.C.2] | X | | | |
| | C.3.b.9. Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)] | X | | | |
| | C.3.c. Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)] | X | | | |
| | C.3.d. When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)] | X | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019



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 | 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-5. |
| | C.4.d. Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)] | X | | | |
| | C.4.e. Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to: | | | | |
| | C.4.e.1. Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)] | X | | | |
| | C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)] | X | | | |
| | C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)] | X | | | |
| | C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)] | X | | | |
| | C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)] | X | | | |
|  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 | 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 was one (1) case 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 | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

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 | C.6. The EEO office advises managers/supervisors on EEO matters. | | | | |
| | C.6.a. Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If "yes", please identify the frequency of the EEO updates in the comments column. | X | | | Via the annual State of the Agency briefing, via a digital dashboard updated quarterly, and 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 | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Agency Self-Assessment Checklist





Essential Element: D Proactive Prevention

|  Compliance Indicator | | Measure Has Been Met | | | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report |
|--|---|----------------------|----|-----|--|
| | | Yes | No | N/A | |
|  Measures | D.1. The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year. | | | N/A | |
| | D.1.a. Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I] | X | | | |
| | D.1.b. Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; and/or external special interest groups? [see MD-715 Instructions, Sec. I] | X | | | |
| | D.1.c. Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR §1614.203(d)(1)(iii)(C)] | | X | | See Part H-7. |
|  Compliance Indicator | | 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.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 | | | |
| | 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. |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

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 | 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 | | | https://www.commerce.gov/reports-and-resources/affirmative-action-plan-people-disabilities |
| | 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 | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Agency Self-Assessment Checklist





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 17 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 | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019



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 | E.2. The agency has a neutral EEO process. | | | | |
| | 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 is an OCR function and its defensive function is an OGC function. |
| | E.2.b. When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/ location of the attorney who conducts the legal sufficiency review in the comments column. | X | | | There are several attorneys on staff at the Office of Civil Rights to perform this task. |
| | E.2.c. If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)] | X | | | |
| | E.2.d. Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)] | X | | | |
| | E.2.e. If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, Attaining a Model Agency Program: Efficiency (Dec. 1, 2004)] | X | | | |
|  Compliance Indicator | | Measure Has Been Met | | | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report |
|  Measures | | Yes | No | N/A | |
| | E.3. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program. | | | | |
| | 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 | | | |
| | 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 | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019



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 | E.4. The agency has effective and accurate data collection systems in place to evaluate its EEO program. | | | | |
| E.4.a. Does the agency have systems in place to accurately collect, monitor, and analyze the following data: | | | | | |
| E.4.a.1. Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)] | | X | | | |
| E.4.a.2. The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)] | | X | | | |
| E.4.a.3. Recruitment activities? [see MD-715, II(E)] | | X | | | |
| E.4.a.4. External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)] | | X | | | |
| E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)] | | X | | | |
| E.4.a.6. The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2] | | X | | | |
| E.4.b. Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I] | | X | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

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 | E.5. The agency identifies and disseminates significant trends and best practices in its EEO program. | | | | |
| E.5.a. Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If "yes", provide an example in the comments. | | X | | | The DOC monitors trends in our EEO Program via a digital dashboard that is updated on a quarterly basis with complaint, workforce, ADR, and reasonable accommodation trends. |
| E.5.b. Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments. | | X | | | OCR participated in various interagency workgroups, including: 1) EEO/ Office of Minority and Women Inclusion workgroup, which focuses on data analysis best practices, and 2) Pride in Federal Service, which focuses on best practices on agency policies related to sexual orientation and gender identity. |
| E.5.c. Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)] | | X | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Agency Self-Assessment Checklist



Essential Element: F Responsiveness and Legal Compliance

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

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

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 | 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

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Attain Essential Elements

PART H.1

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

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

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

| | | |
|-------------------|--|--|
| OBJECTIVE: | <i>Date Objective Initiated:</i> Feb 11, 19 | <i>Target Date For Completion Of Initiative:</i> Sep 30, 2021 |
| | To establish the departmental program that will recognize employees, supervisors, managers, and units demonstrating superior accomplishment(s) in EEO and diversity and inclusion. | |

Responsible Official Tinisha Agramonte

| PlannedActivities | <i>Target Date</i> | <i>Planned Activity</i> |
|--------------------------|-----------------------|--|
| | | Sep 1, 2019 12:00 AM |
| | Jan 30, 2020 12:00 AM | Develop award criteria and application template. Determine what type of recognition/ award will be provided to winners |
| | May 30, 2020 12:00 AM | Propose EEO program to leadership for approval |
| | Aug 1, 2020 12:00 AM | Announce and launch the program |
| | Sep 1, 2020 12:00 AM | Assess applications and determine winners |
| | Oct 1, 2020 12:00 AM | Announce and recognize winners. |

Report of Accomplishments and Modifications to Objective 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.

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Attain Essential Elements

PART H.2

| | | | | | | |
|--|---|--|-----------------------|---|-----------------------|--|
| STATEMENT of MODEL PROGRAM ESSENTIAL ELEMENT DEFICIENCY: | B.3.b. Does the agency’s current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If “yes”, please identify the EEO principles in the strategic plan in the comments column. | | | | | |
| The Department of Commerce’s strategic plan does not reference EEO/diversity and inclusion principles. | | | | | | |
| OBJECTIVE: | <u>Date Objective Initiated:</u> Feb 11, 2019 | <u>Target Date For Completion Of Initiative:</u> Sep 20, 2020 | | | | |
| To include EEO/Diversity and Inclusion principles in the DOC’s strategic plan. | | | | | | |
| Responsible Official | Christine Heflin Tinisha Agramonte | | | | | |
| Planned Activities | <u>Target Date</u> | <u>Planned Activity</u> | | | | |
| <table border="1"> <tr> <td data-bbox="358 808 560 846">Mar 27, 2019 12:00 AM</td> <td data-bbox="560 808 1570 846">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.</td> </tr> <tr> <td data-bbox="358 846 560 884">Apr 24, 2020 12:00 AM</td> <td data-bbox="560 846 1570 884">OCR will work with the appropriate staff offices to ensure the inclusion of EEO and Diversity and Inclusion principles in the Departmental Strategic Plan.</td> </tr> </table> | | | Mar 27, 2019 12:00 AM | The Director of Civil Rights will discuss the lack of EEO/D&I in the DOC’s strategic plan with the Chief Financial Officer and Assistant Secretary of Administration. | Apr 24, 2020 12:00 AM | OCR will work with the appropriate staff offices to ensure the inclusion of EEO and Diversity and Inclusion principles in the Departmental Strategic Plan. |
| Mar 27, 2019 12:00 AM | The Director of Civil Rights will discuss the lack of EEO/D&I in the DOC’s strategic plan with the Chief Financial Officer and Assistant Secretary of Administration. | | | | | |
| Apr 24, 2020 12:00 AM | OCR will work with the appropriate staff offices to ensure the inclusion of EEO and Diversity and Inclusion principles in the Departmental Strategic Plan. | | | | | |
| Report of Accomplishments and Modifications to Objective | OCR provided recommendations to the Office of Performance Excellence Management (OPERM) to incorporate EEO/D&I principles, including examples of existing language, which are currently under consideration. 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. 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. | | | | | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Attain Essential Elements

PART H.3

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

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

All Commerce bureaus reported they met this measure except the National Oceanic and Atmospheric Administration (NOAA) and the Patent and Trademark Office (PTO). See their respective MD-715 Reports.

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Attain Essential Elements

PART H.4

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

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

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

| | | |
|---|--|--|
| OBJECTIVE: | <i>Date Objective Initiated:</i> May 10, 2018 | <i>Target Date For Completion Of Initiative:</i> Aug 1, 2018 |
| | Issue a Secretarial Policy Statement specifically addressing harassment | |
| Responsible Official | | |
| Planned Activities | <i>Target Date</i> | <i>Planned Activity</i> |
| Report of Accomplishments and Modifications to Objective | | |
| OBJECTIVE: | <i>Date Objective Initiated:</i> May 10, 2018 | <i>Target Date For Completion Of Initiative:</i> Dec 30, 2019 |
| | Update the current Departmental anti-harassment procedures to comply with EEOC guidance. | |
| Responsible Official | Kevin Mahoney/Paula Patrick Frank Milman Valerie Smith | |
| Planned Activities | <i>Target Date</i> | <i>Planned Activity</i> |
| | Jun 1, 2019 12:00 AM | Once the procedures have been updated, manager/supervisors and all staff with responsibilities under the procedures will be informed of the updates. |
| | Jun 1, 2019 12:00 AM | Issue revised harassment procedures to comply with EEOC guidance, specifically defining harassment, providing examples of prohibited conduct, expanding coverage to address contractor rights, addressing the need for timely inquiries, and clarifying the specific roles and responsibilities of individuals raising claims, managers/supervisors, human resources, EEO and Office of Inspector General staff. |
| Report of Accomplishments and Modifications to Objective | 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. | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Attain Essential Elements

PART H.5

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

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

The Department of Commerce does not process all reasonable accommodation procedure requests within the time frame set forth in its reasonable accommodation procedures. The percentage of timely-processed requests is 87%.

| | | |
|---|---|--|
| OBJECTIVE: | <i>Date Objective Initiated:</i> Feb 4, 2019 | <i>Target Date For Completion Of Initiative:</i> Sep 30, 2020 |
| | To improve the timely processing of requests for reasonable accommodations | |
| Responsible Official | Monique Dismuke Stacy Carter | |
| Planned Activities | <i>Target Date</i> | <i>Planned Activity</i> |
| | May 28, 2019 12:00 AM | Discuss issue with Bureau RACs at quarterly RAC meeting and ensure RA quarterly reports monitor and track timeliness. |
| | Sep 30, 2019 12:00 AM | Secure a new automated reasonable accommodations tracking system to improve the processing of reasonable accommodations within the time frame set forth in the reasonable accommodations procedures. |
| | Sep 30, 2019 12:00 AM | Incorporate training on updated RA procedures in mandatory New Supervisors training. |
| | Mar 31, 2020 12:00 AM | Provide training on updated RA procedures for all DOC managers and supervisors. |
| Report of Accomplishments and Modifications to Objective | 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. 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. 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. | |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Attain Essential Elements

PART H.6

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

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

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

OBJECTIVE:

Date Objective Initiated: Jun 27, 2019
Target Date For Completion Of Initiative: Sep 30, 2020

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 Official

Kevin Mahoney/Paula Patrick
Tinisha Agramonte

PlannedActivities

| <i>Target Date</i> | <i>Planned Activity</i> |
|-----------------------|--|
| Jun 30, 19 12:00 AM | OCR will conduct discovery sessions with Enterprise Services and the Department of Treasury Workforce Analytics team to identify and address data issues related to the coding and conversion of various pay tables into the GS scale. Meetings will occur throughout the month of June 2019 |
| Sep 30, 2019 12:00 AM | OCR will meet with OHRM to address how to obtain Career Development applicant data. A timetable will be developed to put a system in place where race, ethnicity, gender, and disability status are recorded and available for analysis for FY19 and beyond |
| Sep 30, 2019 12:00 AM | OCR will meet with OHRM/Enterprise Services (ES) to discuss the process for ensuring hiring officials close-out referral certs to ensure more complete applicant flow data |
| Feb 29, 2020 12:00 AM | Based on FY19 discovery sessions, OCR will meet with OHRM/ES to evaluate the standard operating procedures for hiring managers. |
| Apr 15, 2020 12:00 AM | Secure official calculation of the Upward Mobility Benchmark for internal promotions from the EEOC. |
| Jul 30, 2020 12:00 AM | OCR will collaborate with OHRM/ES to develop strategies to ensure hiring officials close out referral certs, which could aid in improving AFD analysis. |
| Sep 30, 2020 12:00 AM | 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 |
| Sep 30, 2020 12:00 AM | OCR will collaborate with OHRM/ES to reassess and establish a timeline to review merit promotions |

**Report of Accomplishments
and Modifications to
Objective**

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.

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Attain Essential Elements

PART H.7

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

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

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

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

| | |
|-----------------------------|---------------------------------|
| Responsible Official | Tinisha Agramonte Jerry Beat |
|-----------------------------|---------------------------------|

| | <u>Target Date</u> | <u>Planned Activity</u> |
|---------------------------|---------------------------|--|
| Planned Activities | Sep 30, 2018 12:00 AM | Partner with the Census Bureau's Center for Behavioral Science Methods (CBSM) to implement survey via Qualtrics, a web-based survey tool to conduct survey research, evaluations and other data collection activities. |
| | Sep 30, 2018 12:00 AM | Develop questions for retention survey. |
| | Mar 30, 2019 12:00 AM | Disseminate survey to OGC, Unions, Privacy Offices, Departmental Management Council, and the PHRM Council for testing, review and comments. |
| | Apr 30, 2019 12:00 AM | Launch Retention Survey. |
| | Sep 30, 2020 12:00 AM | 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. |

| | |
|---|--|
| Report of Accomplishments and Modifications to Objective | To address the high separation rates of various demographic groups at the DOC, including individuals with disabilities, in collaboration with the Center for Behavioral Science Methods (CBSM) at Census, OCR conducted a Retention Survey of 10,841 employees, 41.6% of which provided insight into why employees may want to leave the Department, as well as their reasons for staying. The survey also included questions on recruitment, hiring, inclusion, retention, and advancement of individuals with disabilities. Results from the survey are still pending data analysis and processing, which OCR estimates will be completed during Q4 of FY2020. Results from this survey will lead to the improvement of policies, practices, and procedures that can positively affect retention of individuals with disabilities and other groups with lower than expected participation rates. |
|---|--|

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Eliminate Identified Barriers

PART I.1

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

Provide a brief narrative describing the condition at issue.
How was the condition recognized as a potential barrier?

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

STATEMENT OF BARRIER GROUPS:

Barrier Group

Hispanic or Latino Males
Hispanic or Latino Females

BARRIER ANALYSIS:

Provide a description of the steps taken and data analyzed to determine cause of the condition.

STATEMENT OF IDENTIFIED BARRIER:

Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.

DOC is still in the process of conclusively determining whether there is a barrier or barriers causing Hispanics to have less than expected participation in the DOC workforce. However, our analysis reveals the following: FY19 Hispanic Male and Hispanic Female participation decreased at the highest grade levels below their respective 2.4% and 2.5% benchmarks. These benchmarks represent the total percentage of permanent Hispanic male and permanent Hispanic female employees in the DOC workforce. Hispanic females are above their 2.4% benchmark in grades GS3-GS9, GS11, and GS12, but starting at leadership grades GS13 to SES, the representation falls below this benchmark. Hispanic male representation is below their 2.4 benchmark at leadership grades GS15 and SES. However, if we were to use the CLF as a benchmark, Hispanic Males at all levels would fall significantly below the 5.17% CLF benchmark and Hispanic Females at all levels above GS6 would fall significantly below the 4.79% CLF benc

Objective

To conclusively identify and pave the way to eliminating barriers to Hispanic employment at the DOC.

Date Objective Initiated | Apr 30, 2018

Target Date For Completion Of Objective | Sep 30, 2020

Responsible Officials

Tinisha Agramonte Director, Office of Civil Rights

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Eliminate Identified Barriers

| | Planned Activity | Target Date |
|--|---|--------------------|
| Planned Activities Toward Completion of Objective | 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. | Sep 30, 2020 |
| | 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. | Apr 30, 2019 |
| | Examine DOC-wide leadership development programs and career development programs. | Apr 30, 2019 |
| | OCR will review the results from the Retention Survey and will move forward with new considerations and/or improvements to applicable enterprise-wide policies, practices, and procedures. | Sep 30, 2020 |
| | Develop strategies to address the FEVS high-rate negative response items. | Apr 30, 2019 |
| | 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. | Sep 30, 2020 |
| | 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. | Apr 30, 2019 |

| | |
|---|---|
| Report of Accomplishments and Modifications to Objective | <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, 2018 to September 30, 2019

Plan to Eliminate Identified Barriers

PART I.2

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

Females of all races have less than expected participation in the GS13-15 pipeline and have higher separation rates than hiring rates.

Provide a brief narrative describing the condition at issue.

How was the condition recognized as a potential barrier?

STATEMENT OF BARRIER GROUPS:

Barrier Group

All Women

BARRIER ANALYSIS:

Provide a description of the steps taken and data analyzed to determine cause of the condition.

STATEMENT OF IDENTIFIED BARRIER:

Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.

DOC is still in the process of conclusively identifying whether there are barrier or barriers causing Females to have less than expected participation in the DOC workforce. However, our analysis reveals the following: As grades increase, participation of females decreases. Females have less than expected representation starting at GS12 to SES when compared to their 43% representation benchmark. This benchmark represents the total percentage of permanent female employees in the DOC workforce. A 5-year trend analysis reveals from FY15 to FY19, Female representation has had an upward trend in the GS13 (36.3% to 38.6%) and GS15 (35.4% to 39.5%) positions. Representation in the GS14 has remained stagnant (35.45% to 35.54%) and representation at SES-levels, although on an upward trend in FY19 (29.9%), remains below the height of FY15 (31%). For more workforce analysis content on Female participation you may access a separate Barrier Analysis Report in our supporting documentation

Objective

To conclusively identify and, ultimately, pave the way to eliminating barriers to the employment of Females and their participation in the leadership pipeline at the DOC.

Date Objective Initiated Apr 30, 2019

Target Date For Completion Of Objective Apr 30, 2019

Responsible Officials

Tinisha Agramoonte Director, Office of Civil Rights

Planned Activities Toward Completion of Objective

| Planned Activity | Target Date |
|--|--------------|
| 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. | Apr 30, 2019 |
| Examine DOC-wide leadership development programs and career development programs. | Apr 30, 2019 |
| Develop strategies to address the FEVS high-rate negative response items. | Apr 30, 2019 |
| OCR will review the results from the Retention Survey and will move forward with new considerations and/or improvements to applicable enterprise-wide policies, practices, and procedures. | Sep 30, 2020 |
| OCR will 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. | Sep 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. | Sep 30, 2020 |

Department of Commerce

For period covering October 1, 2018 to September 30, 2019

Plan to Eliminate Identified Barriers

Report of Accomplishments and Modifications to Objective

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

To address the high separation rates of various demographic groups at the DOC, including Females, 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.

Results from this survey will lead to the improvement of policies, practices, and procedures that can positively affect retention of Female employees and other groups with lower than expected participation rates.

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

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

Section I: Efforts to Reach Regulatory Goals

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

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

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

There is a trigger for PWD in the cluster for GS-11 to SES (includes GS equivalents); their participation is 7.77% which is below the 12% goal.

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

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

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

The agency participation rate is at 2% for PWTD.

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

Provided State of the Agency and quarterly briefings to senior leadership to communicate goals and progress in reaching targets. Communicated goals during supervisor/managers' training. 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 managing applications for non-competitive hires for PWD/TD.

Section II: Model Disability Program

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

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

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

Answer Yes

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

| Disability Program Task | # of FTE Staff By Employment Status | | | Responsible Official (Name, Title, Office Email) |
|--|-------------------------------------|-----------|-----------------|--|
| | Full Time | Part Time | Collateral Duty | |
| Processing applications from PWD and PWTD | 8 | 0 | 36 | |
| Section 508 Compliance | 5 | 0 | 1 | |
| Answering questions from the public about hiring authorities that take disability into account | 4 | 0 | 36 | |
| Architectural Barriers Act Compliance | 5 | 0 | 0 | |
| Processing reasonable accommodation requests from applicants and employees | 15 | 0 | 1 | |
| Special Emphasis Program for PWD and PWTD | 4 | 0 | 2 | |

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, in-person or webinar, offered by various entities including: USDA Graduate School, ASKEARN Training Center, Disability Management Employer Coalition, Job Accommodation Network (JAN), and EEOC. Staff also attended training during training conferences hosted by EEOC (EXCEL), Federal Dispute Resolution (FDR), and the Federal Employment Law Training Group. Additionally, Bureau disability program staff attended various internal ad hoc training and training coordinated by the Department’s Office of Civil Rights.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

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

Answer Yes

The program does have sufficient funding. In FY 2019, funding was approved for a DOC-wide automated RA Tracking System. This system is scheduled to be available for RA Coordinators to utilize beginning 2nd QTR FY 2020. In addition, some bureaus have been approved for funding for outreach and targeted recruitment of PWD/TD. DOC is still researching the plausibility of establishing centralized funding for 1) commonly requested reasonable accommodation items; 2) sign language interpreters, and 3) 508 compliance.

Section III: Plan to Recruit and Hire Individuals with Disabilities

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

A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES

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

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

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

The Department encourages managers to use Schedule A to fill vacant positions, whenever possible, and to utilize Bureau Selective Placement Program Coordinators (SPPC) to receive guidance in this area. Through outreach to vocational rehabilitation centers and disabled veterans' organizations, the SPPC encourages eligible applicants to make their resumes searchable in USAJOBS by selecting eligibility for special hiring authorities. The SPPC develops recruitment solutions tailored to specific hiring needs, market agency vacancies to persons with disabilities who are eligible for non-competitive placement via Schedule A, and represent DOC at events focused on hiring people with disabilities. The SPPC encourages individuals utilizing Schedule A to send their resumes directly to them to be placed in the Bureau-specific database. The SPPC then sends resumes of qualified applicants to hiring officials within the agency to review and fill vacant positions. Applicants who have questions or would like to receive technical assistance on how to apply under Schedule A are provided DOC's centralized Schedule A email address: ScheduleA@doc.gov or contact for the Bureau SPC. In support of the upcoming 2020 U.S. census, a special recruitment event was held at the Census Bureau Headquarters for PWD/TD, including disabled veterans. Attendees had the opportunity to visit career booths, speak with hiring managers, interview, and be hired on the spot. Participated in Veterans Virtual Recruitment Events.

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

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

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

Answer Yes

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

B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

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

DOC Bureaus have established and/or maintain contacts with "Hiring Our Heroes", Vocational Rehabilitation Services, and RecruitMilitary, all which target PWD/TD; attended campus events for students with disabilities; developed relationships and partnered with disability offices at local colleges and universities; partnered with affinity groups to help recruit individuals with disabilities; partnered with local Vocational Rehabilitation centers, Maryland's Department of Rehabilitation Services, and the Virginia Department of Aging and Rehabilitative Services to provide guidance on applying for federal positions. In addition, NOAA has a representative to visit vocational rehabilitation centers near cities where NOAA has a large presence and offer assistance to PWD and PWTD including training on how to understand and apply for federal positions. Census established relationships with Veteran Service Organizations, organizations that provide services to disability communities, Community Based Organizations, Faith Based Organizations, Employment Centers and other agencies that provide services to veterans in order to generate an immediate response to vacancy announcements with pre-screened applicants.

C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

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

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

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

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

- a. New Hires for MCO (PWD) Answer N/A
- b. New Hires for MCO (PWTD) Answer N/A

Due to multiple data issues resulting from changes in the EEOC's FY19 workforce data tables, the agency 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 issue.

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

Due to multiple data issues resulting from changes in the EEOC's FY19 workforce data tables, the agency 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 issue.

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

Due to multiple data issues resulting from changes in the EEOC's FY19 workforce data tables, the agency 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 issue.

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

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

A. ADVANCEMENT PROGRAM PLAN

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

DOC Bureaus provided career/professional development programs for their employees, including PWD/TD. The competitive opportunities were announced via USAJOBS and many other internal programs were opened to all employees. In FY 2019, opportunities were provided for employees to 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 implement career development programs. Additionally, the Department's focused on developing stronger hiring manager education to provide managers with the tools they need to optimize disability recruitment. One bureau initiated this focus area in their new training for aspiring managers. This will continue in 2020.

B. CAREER DEVELOPMENT OPPORTUNITES

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

DOC Bureaus have instituted various career development opportunities. NIST: Foundations of Leadership Program (FLP); New Leader Program (NLP); project Management and Leadership Program (PMLP). Mentoring and coaching sessions are available to participants of these programs. Additionally, in FY 19, Office of Human Resources Management – Leadership and Employee Development (LED) started a new initiative called, "Leadership for All" (L4A). L4A makes content from our popular leadership development programs available to the entire staff. Greater access to this content encourages a broad shared knowledge of leadership skills and concepts and fosters the growth of a NIST learning community. L4A helps to ensure that all NIST employees are fluent in the NIST 11 Core Leadership Competencies, which in turn helps to promote an environment of inclusivity and shared perspective. NOAA: Leadership Competencies Development Program (LCDP); NOAA Leadership Seminar (NLS); and NOAA Rotational Assignment Program (NRAP). Census: Offers job rotational opportunities. Details are posted on a SharePoint site that is available Census-wide. Internship positions are posted on USAJOBS and are open to all qualified candidates.

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

| Career Development Opportunities | Total Participants | | PWD | | PWTD | |
|-----------------------------------|--------------------|---------------|----------------|---------------|----------------|---------------|
| | Applicants (#) | Selectees (#) | Applicants (#) | Selectees (#) | Applicants (#) | Selectees (#) |
| 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

Due to multiple data issues resulting from changes in the EEOC's FY19 workforce data tables, the agency 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.

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

Due to multiple data issues resulting from changes in the EEOC's FY19 workforce data tables, the agency 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.

C. AWARDS

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

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

Using the inclusion rate, triggers were identified for all cash award categories. The average award amount for PWDs and PWTDs is lower than the average award amount for all recipients.

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

- a. Pay Increases (PWD) Answer 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 (7.03% for PWDs) and (1.92% for PWTDs)

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

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.

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

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.

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

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

Due to 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.

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

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

Due to 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.

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

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

Due to 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.

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

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

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

- a. New Hires for Executives (PWD) Answer N/A
- b. New Hires for Managers (PWD) Answer N/A
- c. New Hires for Supervisors (PWD) Answer N/A

Due to 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.

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

The % of voluntary and involuntary separations for PWD exceeded those without disabilities. Inclusion (Separation) Rate: 5.4%; PWD Sep Rate: 7.5% No Dis Sep Rate: 5.1% Involuntary Sep Rate: PWD: 0.8% No Dis: 0.4% Voluntary Sep Rate: PWD: 6.8% No Dis: 4.7%

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

The % of voluntary and involuntary separations for PWTD exceeded those without disabilities. Inclusion (Separation) Rate: 5.4% PWTD Sep Rate: 8.1% No Dis Sep Rate: 5.1% Involuntary Sep Rate: PWTD: 0.9% No Dis: 0.4% Voluntary Sep Rate: PWTD: 7.3% No Dis: 4.7%

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

The agency does not have a system to collect DOC-wide exit interview results. However, some Bureaus have implemented automated exit interview surveys. The Office of Civil Rights is currently developing a DOC-wide retention survey designed to capture data on why people leave DOC and what makes them stay. OCR is continuing to work on this initiative in FY 2020.

B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

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

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

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

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

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

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

The DOC-wide Web Accessibility Working Group was established to monitor, update, provide guidance and advice on web content, and to ensure accessibility. This group ensures that DOC websites and electronic technology are fully compliant and accessible to users with disabilities. In FY 2019, all DOC Bureaus updated their websites to include the required information on how to resolve issues or file complaints related to website accessibility. In addition, several bureaus have updated their websites to include information on how to file complaints related to facility accessibility. The Bureaus' Facility Management Offices continue to collaborate with DPMs and/or Reasonable Accommodation staff to address problems and ensure facilities, websites, and information technology is accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA).

C. REASONABLE ACCOMMODATION PROGRAM

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

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

For FY 2019, the average processing time for initial requests was 17.6 days. DOC's Reasonable Accommodation Coordinators (RAC) reported receiving and processing 1,427 requests for reasonable accommodations.

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

In FY 2019, DOC Bureaus continued to increase the number of training opportunities provided to employees and managers/supervisors in the area of reasonable accommodations. This has been instrumental in working towards providing more timely approvals of accommodation requests and improving managers/supervisors' understanding of their roles and responsibilities.

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

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

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

In FY 2019, there were no new requests for PAS. However, bureaus continue to include procedures for requesting PAS in their RA training.

Section VI: EEO Complaint and Findings Data

A. EEO COMPLAINT DATA INVOLVING HARASSMENT

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

Answer Yes

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

Answer Yes

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

The Agency had one (1) finding of discrimination alleging disability-based harassment and failure to accommodate during the last FY. The following corrective action was 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

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. The following corrective action was 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

Section VII: Identification and Removal of Barriers

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

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

Answer No

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

Answer N/A

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

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

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.