

Department of Commerce

For period covering October 1, 2022 to September 30, 2023

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

<b>PART B</b> Total Employment	<b>1.</b> Enter total number of permanent full-time and part-time employees	1. 41821
	<b>2.</b> Enter total number of temporary employees	2. 7272
	<b>3. TOTAL EMPLOYMENT [add lines B 1 through 2]</b>	4. 49093

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

For period covering October 1, 2022 to September 30, 2023

**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 Alexandria, VA	United States	CM56
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 Alexandria, VA	United States	CM62
Department of Commerce Silver Spring, MD	United States	CM54
Department of Commerce Gaithersburg, MD	United States	CM57
Department of Commerce Washington, DC	United States	CM59
Department of Commerce Suitland, MD	United States	CM53
Department of Commerce Suitland, MD	United States	CM63
Department of Commerce Washington, DC	United States	CM61

EEOC FORMS and Documents	Required	Uploaded
Agency Strategic Plan	Y	Y
Reasonable Accommodation Procedure	Y	Y
Alternative Dispute Resolution Procedures	Y	Y
Anti-Harassment Policy and Procedures	Y	Y
EEO Policy Statement	Y	Y
Organization Chart	Y	Y
Personal Assistance Services Procedures	Y	Y
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
Disabled Veterans Affirmative Action Program (DVAAP) Report	N	N

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**EXECUTIVE SUMMARY: MISSION**

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

The mission of the DOC is to create the conditions for economic growth and opportunity for all communities. The DOC promotes job creation and economic growth by ensuring fair and reciprocal trade, providing the data necessary to support commerce and constitutional democracy, and fostering innovation by setting standards and conducting foundational research and development. Through its 13 bureaus, the DOC works to drive U.S. economic competitiveness, strengthen domestic industry, and spur the growth of quality jobs in all communities across the country. The DOC serves as the voice of business in the Federal Government, and at the same time, the DOC touches and serves every American every day. Innovation, equity, and resilience drive the work at DOC, and they're crucial to the overarching goal of improving America's competitiveness in the global economy.

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

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

The DOC is committed to implementing Executive Order (EO) 14035 (which focuses on elevating Diversity, Equity, Inclusion and Accessibility (DEIA) internally within Federal agencies) and EO 13985 (which examines equity with respect to agencies' external programs and services). The DOC's Office of Civil Rights (OCR) is the designated office responsible for DEIA, EEO and the Affirmative Employment Program (AEP). The DEIA Division is overseen by the Chief Diversity Officer (CDO), who leads the implementation of the DOC DEIA Strategic Plan. The CDO works in concert with the Director of the Policy and Evaluation Division, who is responsible for addressing and eliminating barriers to equal opportunity within the DOC. Both offices work together under the OCR umbrella to serve both EEO groups and other underserved communities as identified in the EO. This holistic approach allows the DOC to take a more strategic and comprehensive view of the workforce. The OCR mission is accomplished through collaboration with the bureau-level EEO, DEIA, Civil Rights Offices, and other key stakeholders. OCR partners with them on reviewing and evaluating DOC's workforce data/demographics, policies, practices, procedures and programs in an effort to identify and address barriers to EEO and accessibility; ensuring discrimination, harassment, retaliation, or reprisal are addressed through policy, training, and the EEO Complaint and Harassment processes; and enhancing the workplace culture so that employees feel valued, included, and safe.

**EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F**

Agencies are required to conduct an annual self-assessment to determine whether their overall EEO program is properly established and compliant with the six essential elements (standards) set forth in MD-715. PART G, Agency Self-Assessment Checklist, sets forth the minimum requirements for a model EEO program. Using the 156 compliance measures in Part G, **DOC was 90% compliant** (See Part G), which is a 6% increase in compliance from FY22 (84%).

The EEOC advised agencies that if any sub-component answers “No” to a compliance measure the agency-wide/parent agency’s report should also answer “No”. Below is a breakdown of the deficiencies, including those identified by the bureaus. PLEASE NOTE: Some Bureaus may have made changes to their FY23 MD-715 reports (particularly Parts G, H, I and J) after the development of this report.

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

- 14 Measures with 1 Deficiencies

**Essential Element B: Integration of EEO into Agency’s Strategic Mission (85% Compliant)**

- 39 Measures with 6 Deficiencies

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

- 44 Measures with 4 Deficiencies

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

- 14 Measures with 1 Deficiencies

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

- 33 Measures with 3 Deficiencies

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

- 12 Measures with 0 Deficiencies

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

The DOC recognizes that continuous data analysis is key to identifying effective practices and areas of opportunity. Throughout the year, the DOC 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. The OCR DEIA Division establishes and monitors the DEIA broad data driven dashboards (to avoid re-identification and PII) for bureau EEO/DEIA Offices to share workforce data with Departmental and bureau leadership. The DEIA broad data driven dashboards provide enhanced data collection and transparency for additional categories (i.e. sexual orientation and gender identity (SOGI), Veteran Status, and SES history), including traditional EEO groups, which fosters easy cross bureau access for data driven decision making.

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

This section contains a summary of the workforce analyses conducted in accordance with the MD-715 instructions and based on available workforce data for DOC. More in-depth analysis of our workforce may be found in Part I 1 and 2 and Part J.

**Definition of terms used in this section of the report can be found in Appendix A.**

### DOC Workforce Analysis

In Fiscal Year 2023 (FY23), the DOC had **49,093 total employees**, with **41,821 in the permanent workforce** and **7,272 in the temporary workforce**. Our analysis will focus solely on the permanent workforce.

Of the 41,821 permanent employees in FY23, 23,468 (56.12%) were male and 18,353 (43.88 %) were female. The Ethnicity and Race Indicator (ERI) breakdown is as follows:

- 1,259 (3.01%) Hispanic males; 1,233 (2.95%) Hispanic females
- 15,597 (37.29 %) White males; 10,177 (24.33%) White females
- 2,579 (6.17%) Black males; 4,265 (10.20 %) Black females
- 3,749 (8.96) Asian males; 2,338 (5.59 %) Asian females
- 51 (.12%) Native Hawaiian or Other Pacific Islander males; 47 (.11%) Native Hawaiian or Other Pacific Islander females
- 137 (.33%) American Indian or Alaska Native males; 157 (.38%) American Indian or Alaska Native females

Using the National Civilian Labor Force (NCLF) and Inclusion Rate (IR), which represents the proportion of employees in the permanent workforce relative to their participation within a particular type of workforce indicator (i.e. occupational category, mission-critical occupation, grade level); and the Federal Goal as the benchmark for person with disabilities, the following groups are not represented at their expected participation rates in the DOC permanent workforce:

- Females: 91% IR or a minimal disparity (9%)
- Hispanic males: 44% IR or marked disparity (56%)

**EXECUTIVE SUMMARY: WORKFORCE ANALYSES**

- Hispanic females: 48% IR or marked disparity (52%)
- White females: 76% IR or marked disparity (24%)
- People with Disabilities: 99% IR or minimal disparity (1%)

**The DOC has made consistent progress every year on increasing participation rates for these ERI categories even though they remain below the NCLF. More in-depth analysis of disparities in our workforce may be found in Part I 1 and 2 and Part J.**

*(Source: FY23 MD-715 DOC Workforce Data Tables - A1 and B1)*

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

Using the EEOC's definition of MCO, DOC has 10 MCOs that make up 56% of the permanent workforce on any given year and comprise occupations that are present in most bureaus. Out of these 10 MCOs, Females comprise 38.6% and Males 61.4%.

**The 10 MCOs are listed below.**

A review of the IR for DOC's top 10 MCOs revealed **marked disparities**, which represent a 20% or higher difference between two data points, for the following groups when compared to the Occupational Civilian Labor Force (OCLF) benchmark:

0301 Misc Administration & Program

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

0343 Management & Program Analysis

- Males (aggregate); Hispanic males; White males; Asian males; American Indian or Alaska Native males

0482 Fishery Biology

- Hispanic females; Black or African American males and females; Asian males and females; American Indian or Alaska Native males

0905 General Attorney

- Males (aggregate); Hispanic males; White males

1101 General Business and Industry

- Hispanic females; Native Hawaiian or Other Pacific Islander females; American Indian or Alaska Native females

1224 Patent Examining

- Females (aggregate); Hispanic females; White females; Black or African American females, Native Hawaiian or Other Pacific Islander females; American Indian or Alaska Native females

1301 Gen Physical Scientists

- Females (aggregate); Hispanic females; Black or African American females; Asian males and females; Native Hawaiian or Other Pacific Islander females; American Indian or Alaska Native males

1340 Meteorology

**EXECUTIVE SUMMARY: WORKFORCE ANALYSES**

- Hispanic males; Black or African American males and females; Native Hawaiian or Other Pacific Islander males  
1530 Statistician
- Asian females; Native Hawaiian or Other Pacific Islander males and females; American Indian or Alaska Native females  
2210 Information Technology Management
- Hispanic males and females; White males and females

*(Source: FY23 MD-715 DOC Workforce Data Table - A6)*

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

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

**GS-13 Grade Level**

- Native Hawaiian or Other Pacific Islander males; American Indian or Alaska Native males and females

**GS-14 Grade Level**

- Hispanic females; White females; Black or African American females; Native Hawaiian or Other Pacific Islander males and females; AIAN males and females

**GS-15 Grade Level**

- Hispanic females; Black or African American females; Native Hawaiian or Other Pacific Islander females; AIAN females

**SES Grade Level**

- Hispanic females; Black or African American males and females, Asian males and females; Native Hawaiian or Other Pacific Islander females, AIAN males and females

*(Source: FY23 MD-715 DOC Workforce Data Table - A4 and B4)*

**Analysis of Applicant Flow, Recruitment and Retention data for Cross-Cutting Triggers: PWD, Hispanics and Females - Positive Trends and Challenges**

In an effort to ensure the DOC is identifying and addressing triggers in the workforce demographic analyses that are conducted and that effect more than one bureau, OCR has established its top three EEO groups with the highest disparities calling them cross-cutting triggers. OCR collaborates with the Office of Human Resource Management (OHRM) and EEO representatives from major bureaus to address these Departmental challenges through enhanced communication; productive knowledge-sharing meetings (on recruitment and retention efforts, as well as data discrepancies); and performance and accountability reporting, with focus on the MD-715 report. Below are the cross-cutting triggers and the positive trends and challenges:

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- Hispanics, although still below CLF showed numerous improvements in FY23. Hispanic males now represent 3.01% compared to 2.87 % in FY22. Hispanic females represent 2.95% compared to 2.81 % in FY22. In FY 23, the Hispanic females separation rate was 3.62% below the hire rate of 4.38%. which shows a positive trend. See Part 1-1 for an in-depth analysis.
- Females (in the aggregate) continue to remain below the CLF. However they separated from the DOC at 45.46% below the hire rate of 49.64%, which shows a positive trend this fiscal year.
- PWD and PWTD had an increase in participation rates at both the GS 1-10 and GS 11-SES levels. However, the participation rate for PWD at GS 11-SES is still below the Federal Goal of 12% (11.12%). Additionally, PWD are still leaving the agency at higher rates than Persons without disabilities.

*(Source: FY23 MD-715 DOC Workforce Data Tables – A1 and B1)*

The DOC recognizes the EEOC's deployment in FedSep of the Workforce Data Tool for FY24 (Phase 1: Applicant Flow Data). In FY23, the DOC implemented the use of USA Staffing into its practices for obtaining Applicant Flow data. Although transition to USA Staffing is completed an analysis of New Hire selection and Internal Promotion data could not be analyzed due to partial Applicant Flow Data being available. The DOC anticipates using USA Staffing's Applicant Flow Data in FY24. This is identified as a deficiency in Part H-6.



EXECUTIVE SUMMARY: ACCOMPLISHMENTS

### Departmental Recognition

In March 2023, the Partnership for Public Service released the special edition of the **2022 Best Places to Work in the Federal Government** providing the rankings of the top 10 agencies in four categories - large, midsize and small agencies, as well as agency subcomponents. The rankings, which measure whether employees would recommend their agencies as good places to work and whether they are satisfied with their jobs and organizations, are produced by the Partnership for Public Service and Boston Consulting Group. This early release was provided in collaboration with The Washington Post and the **Department of Commerce ranked 4<sup>th</sup> amongst large agencies**. The Best Places to Work rankings shine the spotlight on agencies that are successfully engaging employees, provide a means of holding federal leaders accountable for the health of their organizations and provide insights for job seekers considering federal employment. At the same time, leaders across government can learn from those agencies that are excelling in helping improve their own organizations with the goal of providing first-rate service to the public. Also announced in FY23, the **DOC was #2 among large agencies**, in the **DEIA category of the 2022 Federal Employee Viewpoint Survey (FEVS)**. This is the most competitive grouping. DOC scored 75%, performing well above the government average of 69%. For the 2023 FEVS, DOC increased its DEIA category score to 76% demonstrating sustained progress at the highest level.

### EEO and DEIA Accomplishments by Bureau

The following is a compilation of Bureau and DOC-wide accomplishments undertaken in FY23 to implement the six essential elements of a Model EEO Program. This includes accomplishments in correcting identified program deficiencies (Parts G and H) and implementing planned activities to address identified triggers and barriers (Parts I and J). Please see individual Bureau FY23 MD-715 reports for more details on accomplishments and planned activities.

### ITA

In FY23, through ITA's senior leadership and commitment to DEIA, ITA celebrated the following signature accomplishments: ITA successfully recruited and on-boarded its first DEIA and Employee Engagement Officer; the ITA Strategic Plan was written to (1) conform with DOC's plan, (2) create customized ITA DEIA direction, and (3) provide feasible recommended priorities; results provided leadership with direction on important, timely, and feasible DEIA priorities. Through deep vetting with staff and leadership, ITA gained institutional buy-in from over 50 key stakeholders (e.g., U/S & DU/S, MC, HR, DIAC members, Affinity Groups, DOC CDO, + others) on what should/could be done to advance DEIA objectives; efforts helped de-obligate ITA from \$20k of contractor work; resulting in the establishment of 15 virtual and in-person program sessions during the agency-wide Diversity Inclusion Diversity Council (DIAC) Diversity Week. The program sessions focused on over 5 days of rich DEIA content that had over 400 ITA employees in attendance (1.5 sessions each on average). In addition, the program sessions included (1) messages from ITA/DOC leadership, (2) staff-level workshops, (3) unconscious bias training, (4) belonging presentations from PRIDE, mobility impairment group, succession planning, and (5) keynote address by Amb Abercrombie-Winstanley (State Dep's CDO). ITA substantially updated their inaugural annual employee survey, simplified it, and presented agency-wide research findings to advance learning and future buy-in. This resulted in a dramatic increase when compared to last year's response rates from 88 (4% of staff) to 286 (14% of staff) in FY23. The survey also gained deep institutional insight that was used to map DIAC objectives, launch 8 new brown bag sessions, and add greater transparency to ITA's website (e.g. mapping out EEO process).

**EXECUTIVE SUMMARY: ACCOMPLISHMENTS**

The ITA DIAC created a content-rich digital library to serve as a “one stop shop” for a wide variety of DEIA interests, needs, and issues. The DIAC digital library received strong, regular feedback about the website’s comprehensiveness. The website houses info about (1) DIAC (e.g., committees, charter, strategic plan); (2) heritage periods calendar for managers; (3) events; (4) surveys; (5) educational options; (6) EEO process, etc. In FY23, 175 DEIA related news articles were posted (156 o/w shared). DOC CDO including 3 DOC Bureaus asked to replicate calendar feature. During the FY the ITA DIAC built strong alliances with DEIA stakeholders throughout the ITA/DOC (e.g., DOC CDO, ERGs, USPTO DIAC). The ITA DIAC formed strategic partnerships with 10+ ERGs and AGs (e.g., Women’s Economic Empowerment Group, Blacks Building Opportunities to Leverage Diversity, Commerce Pride, and Asian American and Native Hawaiian/Pacific Islander); specialty programs (e.g., Ambassador’s Group); and other DIAC teams (e.g., USPTO) to share learnings, pitfalls/challenges, strategies, etc. Alliances also served as testing grounds for survey sampling and amplifiers for DEIA initiatives.

In FY23, in support of the Enforcement and Compliance’ Hometown Tour Initiative, ITA traveled to several minority serving institutions to enhance outreach, stimulate recruitment, and eliminate barriers to civil service careers. This extensive outreach to Minority Serving Institutions across southeastern U.S. (e.g., Alabama State, Tennessee State, Shaw, St. Augustine’s, and Tuskegee HBCUs) led to the recruitment of several new federal employees. ITA also established an “Intern Information Committee” (IIC) to facilitate best hiring practices across ITA/DOC, increase ratio of paid to unpaid internships, and add DEIA focus. This new initiative transparently shared information on unpaid internship advertisement for Handshake, interview questions, orientation points, etc. The sample unpaid internship announcement included new elements such as university sponsored funding requests, credit provisions, and links to DOC ERGs.

During FY23, ITA offered choice training based on deep research of the best group and most resourceful ways of making a strong DEIA impact. ITA procured \$20k in training funds for Improve Edge, a women-owned SME. Over 125 ITA supervisory and non-supervisory employees attended this intentionally non-required training. Participants left with overwhelmingly positive feedback about learnings and acknowledged their learnings about the corrosive impact of their own potential biases. Participants also recommended this training be made mandatory across the ITA.

ITA’s Beyond Book Club (BBC) hosted employee-led discussions aimed at constructively addressing sensitive DEIA topics through discussions of choice podcasts, movies, readings, etc. To date, about 75 ITA/DOC staff have attended these monthly discussion groups. Occasionally in partnership with B-BOLD or other ERGs, the BBC is effectively implementing DIAC’s objective of bringing about a deeper sense of institutional belonging through constructive dialogue on issues affecting staff. Employees who have felt isolated, undervalued or unseen have opened up about their experiences.

**NIST**

In FY23, NIST’s Strategic Recruitment Program published its FY 23 – 26 Strategic Plan. This plan was established after extensive consultation with NIST customers and stakeholders. The 5 strategic goals that will guide this program include: Goal 1: Establish NIST-wide Recruitment Strategy; Goal 2: Strengthen NIST Employment Brand; Goal 3: Build New and Diverse Talent Pipelines to NIST; Goal 4: Raise Awareness of Hiring Authorities and Flexibilities; and Goal 5: Track Effectiveness of Recruitment Strategies.

**CENSUS**

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The Census leadership continued to support their Office of Equal Employment Opportunity and Diversity & Inclusion (EEODI) activities and programs for all employees. The Census corrected and completed 10 of the 12 program deficiencies listed in the FY22 MD-715 Report. The EEODI successfully processed 115 informal complaints, down from (189 in FY22) informal EEO cases; processed 42 settlements, including four final decisions; completed 63 human resource and investigator requests; and facilitated 66 counselor report requests to the OCR for formal processing. The Census attributed the reduced number of informal complaints in FY23 to more awareness, transparency and training conducted by EEODI. EEODI increased Alternative Dispute Resolution (ADR) participation across the bureau. Last year 2 cases were settled through ADR. As a result, ADR was offered in 82 cases; 52 accepted, 9 settled, the participation rate was 63%. Note: In support of recent 2023 Office of Personnel Management Guidance regarding the Employment of Transgender Individuals in the Federal Workplace, and to advance DEIA across the Census, EEODI spearheaded a team to develop an internal process to allow transgender and non-binary employees to submit "Optional Name" changes for Microsoft O365 Display Name Change. This option is available to all Census employees. In addition, a Gender Identity and Inclusion Resource page was developed. EEODI led the Gender Inclusion and Structural Inclusivity Workgroup. The workgroup identified an interim POC for transitioning employees; developed an internal process to allow transgender and non-binary employees to submit chosen name changes for Microsoft O365 Display; worked with GSA to obtain inclusive procedural guidance for facilities; developed and distributed an employee toolkit for gender inclusion.

**USPTO**

In FY23, the USPTO put in place its first Diversity Officer and required all employees to take Unconscious Bias training, which also was embedded into new employee orientation. The USPTO Director sent messages to all employees for federally recognized special emphasis months, and the USPTO Deputy Director continuously met with the Voluntary Employee Organization leaders. The USPTO's Office of Equal Employment Opportunity and Diversity (OEEOD) executed EEO at the USPTO by promoting a workplace free of unlawful discrimination and by maintaining an environment that supports a diverse workforce. The yearly EEO policy statement was signed by the USPTO Director and included on the USPTO intranet site accessible to all employees. The USPTO EEO Director reported to the head of the USPTO and briefed the USPTO's executive committee each week. This meeting was an opportunity to promote DEIA programming and make necessary EEO briefings. This is a deficiency many Federal agencies have been unable to correct. The Diversity Officer conducted more than 90 DEIA-focused workshops for new and established patent examiners and other business unit employees, including other federal departments and agencies such as Education, HHS (CDC and ACF), Transportation (FAA), DHS, FEC, USDA and Commerce (NOAA and Census). Nearly 31,000 individuals participated in the sessions. The USPTO Office of Human Resources (OHR) provided demographic data to OEEOD for applicants and participants in the USPTO FY23 Mentoring Program, Administrative Professionals Excellence Program, and Emerging Leaders Program in FY23, allowing for an analysis of participation in these programs.

**NOAA**

In FY23, NOAA made significant progress towards MD-715 compliance. The NOAA Office of Inclusion and Civil Rights provided oversight to the senior leadership and program offices, assisting the agency with completing NOAA's Diversity and Inclusion Strategic Plan objectives. NOAA served as a premier sponsor of the Women of Color STEM conference and hosted a virtual booth managed by NOAA OHCS's recruiters. NOAA executives spotlight their dedication to DEIA by directing their engagement through channels that authentically connect them to the lived experiences of the broader agency personnel. Rather than isolating themselves within senior management levels, many volunteer to champion employee resource groups that unite NOAA employees around affinity identities and concerns.

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**Office of the Secretary (OS)**

In FY23, OS made significant progress in key DEIA actions demonstrating progress, accountability, and sustainability in several areas, including but not limited to leadership accountability, communicating change, and coherent governance structure. For FY23, 82% (107 of 131) of the DOC DEIA Strategic Plan action items slated for completion were on-track or completed. The DOC leverages its DEIA strategy as a change management tool and ensures regular communication with its employees by updating its DEIA web presence with separate web pages for the Equity (DEIA) Council and "How You can Support DEIA" with video content from Secretary and Deputy Secretary.

The DOC updated the DEIA performance plan requirement for approximately 450 Senior Executive Service (SES) and 150 Senior Professionals (SL/ST) for FY23 mid-cycle implementation meeting a tight implementation timeframe. At the behest of the Deputy Secretary, DOC commenced an SES Diversity Initiative to restart its SES Candidate Development Program (CDP), develop policy and procedures for inclusive executive outreach and recruitment, and create an SES Hiring Dashboard to track progress and harness DEIA best practices.

In January and July 2023, DOC convened two Congresses of DEIA Councils with all 13 bureau DEIA Councils which conducted SWOT analyses and identified topics of common concern and collaboration. Information on the Inaugural Congress was shared via all-employee broadcast, a release was posted on our website, and a separate release was sent to reporters as well as social media. The DOC created two new permanent Full Time Equivalents (FTE) positions in the OCR DEIA Division demonstrating its commitment to resourcing this key function, including a forward-looking capacity to support External Equity through administrative changes. This is in addition to the current five contractors who have been dedicated to the OCR DEIA Division.

In April 2023, DOC linked its 150+ ERGs by holding its first ERG Summit with multiple informational sessions and opportunities for networking. The DOC partnered with its Asian American Pacific Islander ERG to rename the HCHB Auditorium after former Secretary Norman Mineta to create more inclusive physical spaces.

The OCIO, as a member of the DOC Accessibility Committee, implemented a Blanket Purchase Agreement for Section 508 Compliance Services, with the National Industries for the Blind to ensure documents and the digital work environment are accessible and Section 508 compliant. The contract also included providing Section 508 training to DOC employees. To enhance accessibility and increase awareness, throughout FY23, the OS Security Office sent an email to all new employees in the HCHB regarding the Mobility Impaired Program, which is designed for individuals with special needs to receive assistance during an emergency to exit the building safely and effectively. The DOC reissued EEOC compliant Reasonable Accommodations Procedures (DAO 215-10), which ensured legal compliance and promoted the DOC DEIA Strategic Plan sub-objective for enhancing the accommodation request process.

In May 2023, the DOC stood up the Office of Sexual Assault/Sexual Harassment Prevention. The mission of the Sexual Assault/Sexual Harassment Prevention Office (SASH-P) is to engage in measurable efforts that empower employees, facilitate prevention initiatives and education, and support experiencers to further optimize the DOC's commitment to safe and welcoming environments. The SASH-P focuses on three main lanes of effort to accomplish its mission: Outreach and Education to provide education and tools that empower employees to reduce destructive behaviors and increase safe and welcoming environments to better serve the DOC's mission; Policy and Oversight to implement legal mandates and leadership initiatives while ensuring program requirements are implemented with fidelity across the DOC; and Data and Research to identify factors that mitigate risks and increase safeguards through data-informed actions and use of promising practice

**EXECUTIVE SUMMARY: ACCOMPLISHMENTS**

activities to connect prevention and response initiatives.

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

The DOC Asian American & Pacific Islanders ERG, in collaboration with the DOC PRIDE ERG, successfully advocated for the inclusion of DEIA language in all DOC employee Performance Plans. Thanks to the support of the Deputy Secretary and the OCR, the DEIA requirement was first included in the performance plan for all Senior.

Executive Service leaders in the DOC in March/April 2023. The DEIA requirement for all DOC employees was included for all employees by the end of calendar year 2023 for the FY24 performance plan.

The DOC PRIDE ERG had a productive and impactful year in FY23, successfully advocating for the inclusion of DEIA language in all DOC employee Performance Plans and liaising with OCR to include "sexual orientation" on the CD-498 Complaint of Employment Discrimination Form. The ERG also made history by working to display the first pride flag that flew over the DOC headquarters in June 2021 in the lobby outside the DOC Research Library.

The OCR, OFEQ and the DOC Secretary's Office partnered with the Pride ERG to identify gender neutral bathrooms in the Herbert C. Hoover Building (HCHB) (DOC Headquarters). This effort led to the conversion of approximately 10 all gender restrooms throughout HCHB which supports DEIA goals for the DOC.

In partnership with the HCHB ERGs, OCR increased participation in the special observance events/programs both virtually (from 2600 to 7100=173% increase) and in person (from 0 in FY22 to 298 in FY23=298% increase). OCR offered 22 programs in FY23 that equates to a 15.7% increase from the previous year, supporting inclusion, engagement and retention goals.

**EXECUTIVE SUMMARY: PLANNED ACTIVITIES**

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

- DOC will utilize contractor support to relaunch the Employee Retention Survey which is designed to identify the factors that cause employees to leave and/or stay at the DOC. This is one of several barrier analysis initiatives that OCR is undertaking. More to follow in FY24.
- DOC will implement two DEIA Dashboards (one focuses on SES and the other contains aggregate data) to help Departmental and bureau leadership better target their recruitment and career advancement initiatives. These DEIA dashboards are in addition to the traditional EEO focused dashboards. They include non-EEO data, such as Veterans, generational differences, SOGI data, etc.
- OCR will continue executing the DEIA Strategic Plan and implementing dashboards that monitor and track the progress of the more than 200+ actions in the DOC DEIA Strategic Plan.
- The OCR Director will meet with the large Bureau EEO/DEIA Directors (ITA, NOAA, NIST, Census and PTO) on a quarterly basis (or more) to discuss bureau progress in addressing the identified in their FY23 MD-715 Reports.
- OHRM's OL&D is launching in FY24 DOC's Women's Leadership Program (WLDP) to provide the necessary tools for women leaders to succeed in the workplace and navigate the challenges that may hinder women's career growth.

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

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

Principal EEO Director/Official for [Redacted]  
(Insert Agency/Component Name above)

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

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

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

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

\_\_\_\_\_  
Date

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



\_\_\_\_\_  
Date

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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 DOC EEO policy statement was issued November 28, 2023. <a href="https://www.commerce.gov/policies/equal-employment-opportunity-policy-statement">https://www.commerce.gov/policies/equal-employment-opportunity-policy-statement</a> 11/28/2023
	A.1.b. Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)] If the EEO policy statement covers any additional bases (e.g., marital status, veteran status and political affiliation), please list them in the comments column.	X			



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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.2. The agency has communicated EEO policies and procedures to all employees.				
A.2.a. Does the agency disseminate the following policies and procedures to all employees:					
	A.2.a.1. Anti-harassment policy? [see MD 715, II(A)]	X			
	A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)]	X			DAO 215-10 <a href="https://www.commerce.gov/sites/default/files/2023-09/DAO%20215-10%2023-09-10.pdf">https://www.commerce.gov/sites/default/files/2023-09/DAO%20215-10%</a>
A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:					
	A.2.b.1. The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	X			
	A.2.b.2. Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 CFR § 1614.102(b)(5)]	X			
	A.2.b.3. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.	X			<a href="https://www.commerce.gov/cr/programs-and-services/reasonable-accommodations-program">https://www.commerce.gov/cr/programs-and-services/reasonable-accommodations-program</a> <a href="http://www.osec.doc.gov/opog/dmp/daos/dao215_10.html">http://www.osec.doc.gov/opog/dmp/daos/dao215_10.html</a>
A.2.c. Does the agency inform its employees about the following topics:					
	A.2.c.1. EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If "yes", please provide how often and the means by which such training is delivered.	X			Annually employees are informed through the Secretarial EEO policy statement, and the required No FEAR Act training.
	A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.	X			Annually employees are informed through the Secretarial EEO policy statement, and the required No FEAR Act training.

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<p>A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If “yes”, please provide how often.</p>	<p>X</p>		<p>Annually through various methods including consistent reasonable accommodation training for employees and managers, the required No FEAR Act training, and on an ongoing basis through the OCR website.</p>
<p>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.</p>	<p>X</p>		<p>At least annually the Office of Learning and Development (OL&amp;D) and the Office of Sexual Assault/Sexual Harassment (SASH) Prevention offered a DOC wide training series from August 2023 to February 2024 a supervisory level “Sexual Harassment Awareness and Prevention” course. This four-hour course was taught live via MS Teams.</p>
<p>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.</p>	<p>X</p>		<p>Annually employees are informed through training offered by the DOC.</p>

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Agency Self-Assessment Checklist



 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.3. The agency assesses and ensures EEO principles are part of its culture.				
A.3.a. Does the agency provide recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a)(9)] If "yes", provide one or two examples in the comments section. .			X		See Part H-1 Also, PTO marked this as a deficiency. Please see Bureau's MD-715 Part H.
A.3.b. Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]		X			

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

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.1. The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.				
	B.1.a. Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]		X		See Part H-2 Also ITA and NOAA marked this as a deficiency. Please see Bureaus MD-715 Part H.
	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		ITA marked this as a deficiency, but they are serviced by OCR.
	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			On June 28, 2023, the EEO Director provided a briefing to the DOC Sec, Deputy Sec, and the Departmental Management Council (DMC) on the FY22 State of the Agency covering all components of MD-715.
	B.1.d. Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]	X			

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

B.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			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report

B.3. The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.

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

DOC's DEIA FY22 – FY24 Strategic Plan and DOC 2022 – 2026 Strategic Plan cover diversity, EEO, inclusion and accessibility principles.

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

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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			

 <b>Compliance Indicator</b>		Measure Has Been Met			<b>For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report</b>
		Yes	No	N/A	
 <b>Measures</b>	B.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			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.6. The agency involves managers in the implementation of its EEO program.				
	B.6.a. Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	X			
	B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	X			Barrier analysis was contracted out this FY and OCR developed a steering committee and working groups to assist with the barrier analysis process. This process includes a briefing to senior management and solicitation for input. See Part I 1 and 2 for detailed information.
	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			Barrier analysis was contracted out this FY and OCR developed a steering committee and working groups to assist with the barrier analysis process. This process includes a briefing to senior management and solicitation for input. See Part I 1 and 2 for detailed information.
	B.6.d. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR §1614.102(a)(5)]	X			





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Essential Element: C Management and Program Accountability

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.1. The agency conducts regular internal audits of its component and field offices.				
	C.1.a. Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	X			The OCR Director meets with bureau EEO directors at least bi-annually to discuss program deficiencies. The EEO office also reviews draft MD-715 reports from bureaus that submit component reports.
	C.1.b. Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	X			The EEO office uses a bi-annual tracking tool for MD-715 Parts H, I and J.
	C.1.c. Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]	X			

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 Compliance Indicator	Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
C.2.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)]	C.2. The agency has established procedures to prevent all forms of EEO discrimination.		X		See Part H-4
C.2.a.1. Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]		X			
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			See Part H-4 The question of timely processed within 10 days, although wasn't the standard in FY23, upon notification of a harassment allegation the DOC sends employees their rights and requests for information immediately making our timely percentage processed at 100%.
C.2.a.6. Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR §1614.203(d)(2)]		X			
C.2.b. Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR §1614.203(d)(3)]		X			Closed portion of Part H-5 in FY23.
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			

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C.2.b.4. Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR §1614.203(d)(3)(i)(M)]	X			
C.2.b.5. Does the agency process all initial accommodation requests, excluding ongoing interpretative services, within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If "no", please provide the percentage of timely-processed requests, excluding ongoing interpretative services, in the comments column.		X		See Part H-5. DOC timely processed 88% of all accommodation requests.
C.2.c. Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR §1614.203(d)(6)]	X			
C.2.c.1. Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR §1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.	X			<a href="http://www.osec.doc.gov/opog/dmp/resources/DOC_Procedures_">http://www.osec.doc.gov/opog/dmp/resources/DOC_Procedures_</a>

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

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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-6.
	C.4.d. Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]	X			
	C.4.e. Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:				
	C.4.e.1. Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	X			
	C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	X			
	C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)]	X			
	C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	X			Census marked this as a deficiency. Please see their bureau MD-715 for a Part H.
	C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)]	X			

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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
 Measures		Yes	No	N/A	
	C.5. Following a finding of discrimination, the agency explores whether it should take a disciplinary action.	X			
	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 individual disciplined/sanctioned during this reporting period (Census).
	C.5.c. If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct (e.g., post mortem to discuss lessons learned)? [see MD-715, II(C)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	C.6. The EEO office advises managers/supervisors on EEO matters.				
	C.6.a. Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If "yes", please identify the frequency of the EEO updates in the comments column.	X			Annually through the State of the Agency briefing and workforce demographic briefings to senior leadership and the DMC.
	C.6.b. Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]	X			

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Agency Self-Assessment Checklist





Essential Element: D Proactive Prevention

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

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Agency Self-Assessment Checklist

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



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Agency Self-Assessment Checklist

Essential Element: E Efficiency

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Agency Self-Assessment Checklist

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

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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 resides in the Office of Civil Rights. The defensive function is with the Office of General Counsel.
	E.2.b. When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/ location of the attorney who conducts the legal sufficiency review in the comments column.	X			There are attorneys on staff within OCR 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	E.3. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.	Yes	No	N/A	
	E.3.a. Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	X			
	E.3.b. Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	X			Please see closeout Part H-8
	E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]	X			
	E.3.d. Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	X			
	E.3.e. Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	X			
	E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	X			

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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		The Census marked this as a deficiency. Please see Bureau's MD-715 for Part H.
E.4.a.4. External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]		X		See Part H-6 Also, NOAA marked this as a deficiency. Please see Bureau's MD-715 for Part H.
E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)]	X			
E.4.a.6. The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]	X			
E.4.b. Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	X			

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Agency Self-Assessment Checklist





 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
E.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 for complaints, workforce demographics, ADR and reasonable accommodations.
E.5.b. Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments.		X			OCR participates in various interagency workgroups, including: 1) Federal Exchange on Employment and Disability (FEED), 2) Pride in Federal Service, 3) U.S. Access Board.
E.5.c. Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]		X			

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Agency Self-Assessment Checklist



Essential Element: F Responsiveness and Legal Compliance

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

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Agency Self-Assessment Checklist

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

Essential Element: O Other

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Plan to Attain Essential Elements

PART H.1

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

The DOC does not provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity. DOC and USPTO marked this as a deficiency. Please see USPTO's MD 715 Part H for their corrective plan.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/11/0019	02/07/0204	12/30/2024		To establish an EEO/D&I awards program which will recognize employees, supervisors, managers, and units demonstrating superior accomplishment(s) in EEO and diversity and inclusion. This will be done in two phases. The first is to establish a pilot awards program for the smaller DOC bureaus located in Herbert C. Hoover Building (HCHB) (as larger bureaus have their own awards program).  The second EEO awards goal is to establish a Departmental level EEO Awards program where the winners from each

Responsible Officials

Title	Name	Standards Address the Plan?
Director, Policy and Evaluation Division	Stacy Carter	Yes
Director, Office of Civil Rights	Larry J. Beat	Yes
Chief Diversity Officer	Junish Arora	Yes
External Equity Program Manager	Erica Brownlee-Keller	Yes
Incentive Awards Officer	David Logan	No

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/01/2019	Research EEO and D&I recognition programs	Yes		10/24/2019
01/30/2020	Review Departmental incentive awards policies and procedures. Consult with the Office of Human Resources Management on award policy. Develop award criteria and application template and criteria for evaluation and selection. Determine what type of recognition/award will be provided to recipients.	Yes		12/15/2020
12/11/2023	OCR meet internally to discuss establishing an annual Civil Rights Awards program that would encompass DEIA and EEO. Discuss the feasibility of integrating the Civil Rights Award in an existing Awards structure within the DOC (i.e. DOC Bronze, Gold, and Silver Awards) to institutionalize DEIA within the DOC.	Yes		02/01/2024
09/30/2024	OCR will develop a framework for establishing a separate Civil Rights Awards program that would encompass DEIA and EEO while considering if external equity should also be a component.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2019	DOC/OCR conducted research of successful EEO and D&I recognition programs across the Federal government. Based on the research, OCR is proposing an EEO awards program for Department level recognition. It is projected to be launched in FY21.
2020	DOC/OCR conducted additional research of successful EEO and D&I recognition programs across the Federal government and within the Department. Based on the new research, OCR is proposing an EEO awards program for bureaus located in HCHB, which do not currently have a recognition platform for EEO work, like the larger bureaus do (NIST, NOAA, Census, etc). It is projected to be launched in FY21. Note: Upon the successful establishment of an HCHB program, OCR intends to create a Phase II process by which bureau winners can compete with each other for Department level recognition. Phase II is projected to be implemented in FY22.
2021	Work in progress. Continue planned activities for HCHB-wide EEO/DI Award Program in FY 22-23. In accordance with the Department's DEIA Strategic Plan, a Department-wide annual DEIA award will be established in FY 2023, Quarter 4.
2023	The awards are a work in progress. In FY23, OCR continued discussions on a DOC-wide EEO/D&I Award Program for CY24. Research was conducted to ensure that DEIA awards differed from EEO awards, that the structure incorporated small and large bureaus, that there is recognition at the Department level for EEO and DEIA work, and that there is no infringement on awards programs that already exist at the bureau level.



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Plan to Attain Essential Elements

PART H.2

Brief Description of Program Deficiency:

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

The DOC does not have a sufficient budget and staffing to effectively manage their Reasonable Accommodation Program. DOC and NIST marked this as a deficiency. Please see NIST's MD 715 Part H for their corrective plan.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2019	09/30/2023	09/30/2024		To improve the timely processing of requests for reasonable accommodations by reaching the 90% benchmark and ensure DOC's RA procedures (DAO 215-10) comply with EEOC's regulations and guidance.

Responsible Officials

Title	Name	Standards Address the Plan?
Disability/RA Program Manager	Monique Dismuke	Yes
Director, Office of Civil Rights	Larry J. Beat	Yes
Director, Policy and Evaluation Division	Stacy Carter	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2024	DOC to hire additional RA staff to manage the uptick in reasonable accommodations requests.	No		

Accomplishments

Fiscal Year	Accomplishment
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Plan to Attain Essential Elements

PART H.3

Brief Description of Program  
Deficiency:

B.4.a.8. to effectively administer its special emphasis programs (such as, Federal Women's Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]

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

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Plan to Attain Essential Elements

PART H.4

Brief Description of Program Deficiency: B.1.a. Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]

The EEO Director/OCR Director is not under the direct supervision of the Secretary of Commerce. DOC, ITA and NOAA marked this as a deficiency. Please see ITA's and NOAA's MD 715 Part H for their corrective plan.

Objectives for EEO Plan

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

Responsible Officials

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

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
08/31/2021	The OCR Director will meet with Departmental leadership to determine feasible options for complying with the Elijah E. Cummings Act.	Yes		11/15/2022
07/30/2022	The OCR will review the 2022 EEOC Report on how Cabinet level agencies can best comply with the Elijah E. Cummings Act.	Yes		11/15/2022
09/30/2021	OCR will evaluate the feasible steps to become compliant with the Elijah E. Cummings Act.	Yes		12/01/2022
03/31/2022	OCR and Departmental Leadership will evaluate options for compliance with the Act and will identify the specific steps that will ensure compliance with the Act.	Yes		09/30/2023
05/31/2022	OCR and Departmental Leadership will reassess our compliance to determine if a formal decision will be made in the near future regarding our compliance with the Elijah E. Cummings Act.	Yes	12/30/2024	
01/29/2018	Revise the Department Organization Order (DOO) 20-10, which prescribes the functions and organization of the OCR to show the OCR Director has a dotted reporting line to the Secretary of Commerce.	Yes		11/18/2019
05/30/2021	Propose amending the language in DOO 20-10, to show direct reporting, with new leadership based on the NOTE below.	Yes	09/30/2023	

Accomplishments

Fiscal Year	Accomplishment
2018	The Department Organization Order (DOO) 20-10, which prescribes the functions and organization of the OCR was revised to show the OCR Director has a dotted reporting line to the Secretary of Commerce.
2020	The Office of Civil Rights (OCR) submitted a revised Departmental Organization Order 20-10 on 11-18-19, which updates the reporting structure of OCR and its Director with a dotted reporting line to the Secretary of Commerce. Therefore, this Part H would have been closed in FY 20/21. However, the requirement for the reporting structure for EEO Directors changed from being a recommendation by the EEOC to law under the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020. As a result, OCR had to recalibrate the planned activities in this Part H plan and devise a new course of action. This plan will likely not close in FY 21 and will remain open through FY 22.
2021	The Office of Civil Rights (OCR) submitted a revised Departmental Organization Order 20-10 on 11-18-19, which updates the reporting structure of OCR and its Director with a dotted reporting line to the Secretary of Commerce. Therefore, this Part H would have been closed in FY 2021. However, the requirement for the reporting structure for EEO Directors changed from being a recommendation by the EEOC to law under the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020 which became in January 2021. As a result, OCR had to recalibrate the planned activities in this Part H plan and devise a new course of action. Planned activities were delayed due to the transition in Agency leadership. In addition, the Agency was waiting for EEOC's guidance which was issued in early August 2022. This plan will likely not close in FY21 and will remain open through FY 23.
2023	In an effort to address this deficiency, in FY23 the Director of the Office of Civil Rights briefed the Acting CFO/ASA on the requirement of the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020. The OCR Director and Acting CFO/ASA also met with the Office of General Counsel to discuss the requirement and have also reviewed the September 2022 report issued by the EEOC describing the approach by other Cabinet level agencies to address this issue. However, no formal decision has been made by agency leadership to modify the reporting structure and this will continue to be a deficiency in the near future.

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Plan to Attain Essential Elements

PART H.5

Brief Description of Program  
Deficiency:

B.4.a.7. to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)] If not, please identify the systems with insufficient funding in the comments section.

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

Department of Commerce

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Plan to Attain Essential Elements

PART H.6

Brief Description of Program  
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.

ITA marked this as a deficiency, but they are serviced by OCR. Please see their MD 715 Part H.

Department of Commerce

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Plan to Attain Essential Elements

PART H.7

Brief Description of Program  
Deficiency:

B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]

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

Department of Commerce

For period covering October 1, 2022 to September 30, 2023

Plan to Attain Essential Elements

PART H.8

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

The DOC does not process all reasonable accommodation requests within the time frame set forth (90% goal) in its reasonable accommodation procedures.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
02/04/2019	09/30/2023	09/30/2024		To improve the timely processing of requests for reasonable accommodations.

Responsible Officials

Title	Name	Standards Address the Plan?
Director, Office of Civil Rights	Larry J. Beat	Yes
Disability/RA Program Manager	Monique Dismuke	Yes
Director, Policy and Evaluation Division	Stacy Carter	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
06/30/2020	Acquire an automated reasonable accommodation tracking system to help improve processing time for reasonable accommodations requests. The system is pending DOC final approval to launch. After it is launched, employees and RAC will use the system to submit and track RA requests.	Yes	06/01/2022	06/27/2022
09/30/2019	Incorporate training on updated RA procedures (DAO 215-10) in mandatory New Supervisors training.	Yes		09/30/2021
09/30/2022	Provide updated DAO, policies, and procedures for bureaus to adopt, implement, and distribute.	Yes	09/30/2023	08/13/2023
03/31/2020	Make available training on updated RA procedures for all DOC employees.	Yes	09/30/2023	11/08/2023
09/30/2024	DOC to hire additional RA staff to manage the uptick in reasonable accommodations requests.	No		

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Plan to Attain Essential Elements

Accomplishments

Fiscal Year	Accomplishment
2019	<p>In FY 2019, the percentage of RA requests processed within the Department’s established timeframes (20 business days for decision; 10 business days for implementation) was 87%. To address this deficiency, in September 2019, DOC acquired a new automated tracking system for RA requests.</p> <p>The Entellitrak Reasonable Accommodation System (ETK RA) is designed to improve the entry, management and reporting of data related to requests for reasonable accommodation. The system will also increase the monitoring of timeliness by providing notification to RACs and Deciding Officials when requests are approaching delinquent status. RACs will receive training on the new system in January 2020. The Department is pending final user testing and authority to operate on DOC’s network. ETK RA is scheduled to deploy sometime in Spring 2020.</p> <p>Additionally, the Department’s RA procedures were approved by EEOC in August 2019. These updated RA procedures will be incorporated in the mandatory New Supervisors training and RA training provided to managers and supervisors.</p>
2020	<p>In FY20, the percentage of timely-processed requests was 94%. Several factors contributed to this improvement, including 1) incorporating RA training in mandatory New Supervisors training and 2) Bureau’s increased RA training sessions provided to managers and supervisors.</p>
2020	<p>OCR, OPOG and OCIO partnered to get the automated RA tracking system (ETK RA) approved and ready for use. The launch was supposed to take place in FY20 but was delayed due to development and implementation of ETK EEO. Both systems are anticipated to launch in FY21.</p>
2021	<p>In FY21, the percentage of timely-processed requests was 94%. This was a 7% improvement over FY20. Several factors contributed to this improvement, including 1) incorporating RA training in mandatory New Supervisors training and 2) Bureau’s increased the number of RA training sessions provided to managers and supervisors.</p>
2023	<p>The DOC's updated RA Procedures (DAO 215-10) were approved and signed in August 2023. The DAO was also posted on the OCR webpage. A 508 compliant version of the DAO will be posted on the Office of Privacy and Open Government (OPOG) website (the official repository for the Department’s administrative orders).</p> <p>In November 2023 (FY24), OCR hosted a training webinar for the DOC workforce to provide information on the revised DAO and the reasonable accommodation process. Bureau RA Coordinators will continue to provide training on the revised RA procedures for employees and supervisors. An online RA training module is also being developed.</p> <p>In FY22-23, the DOC experienced a significant increase in the number of RA requests due in part to the Return to Office mandate. This led to longer than normal RA processing times across the DOC. To manage the increase, some Bureaus hired additional RA staff. Also, Bureaus conducted more RA training to employees and supervisors to help streamline the request process and improve overall processing time.</p>



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Plan to Attain Essential Elements

PART H.9

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

The DOC anti-harassment policy and procedures do not comply with EEOC's guidance.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
06/01/2019	09/30/2020		09/30/2024	Issue revised harassment procedures to comply with EEOC guidance, specifically defining harassment, providing examples of disability harassment and other prohibited conduct, expanding coverage to address contractor rights, addressing the need for timely inquiries, and clarifying the specific roles and responsibilities of individuals raising claims, managers/supervisors, human resources, EEO and Office of Inspector General staff.

Responsible Officials

Title	Name	Standards Address the Plan?
Anti-Harassment Program Manager	Kelly Spence	Yes
Director, Office of Civil Rights	Larry J. Beat	Yes
Director, Office of Sexual Assault/Sexual Harassment Prevention and Response	Erinn Izykowski	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
05/10/2018	Update DAO 202-955 "Allegations of Harassment" procedures to comply with EEOC guidance.	Yes	12/30/2019	05/19/2019
06/30/2021	Update DAO 202-955 "Allegations of Harassment" procedures to comply with internal OGC guidance.	Yes		08/10/2021
09/30/2022	Review and update DAO 202-955 "Allegations of Harassment" to ensure compliance with Executive Order 14035.	Yes	09/30/2024	
12/30/2022	Issue updated Anti-Harassment policy and procedures (DAO 202-955) to comply with EEOC guidance through an agency-wide communication from the Secretary.	Yes	09/30/2024	
12/30/2022	For every modification to the Anti-Harassment policy the DOC will provide updated policies and procedures (DAO 202-955) to Bureaus to adopt, implement, and distribute.	Yes	09/30/2024	
09/30/2023	Ensure training on the new Anti-Harassment procedures is provided to managers and supervisors during the FY.	Yes	09/30/2024	
09/30/2024	Track the timely processing of harassment inquiries.	Yes		

Accomplishments

Fiscal Year	Accomplishment
2019	The Department Administrative Order 202-955, Allegations of Harassment, which includes revised language that complies with EEO guidance and feedback, was sent to the Office of Privacy and Open Government on 5/19/2019. At the issuance of this report, it is still under review from the Office of General Counsel.
2023	The DOC published the revised Departmental Administrative Order (DAO) 202-955 in January 2023. The revised procedures incorporated specific EEOC feedback to make them compliant. However, in early 2023 the EEOC asked the DOC to make additional modifications to the revised procedures. DOC updated and issued the DAO again in January 2024. In March 2024, the EEOC asked DOC to update the DAO a third time to incorporate new language related to the Pregnant Worker Fairness Act. The DOC will revise and update the DAO to include these new references by the end of calendar year 2024.  In addition, the EEO Policy Statement issued by the Secretary in CY23 encouraged all employees to report any harassing behavior and for leadership to address all harmful behaviors to ensure a safe work environment.

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Plan to Attain Essential Elements

PART H.10

Brief Description of Program Deficiency:	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.
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The DOC anti-harassment policy does not require the agency to conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
06/01/2019	09/30/2020	09/30/2024		Issue revised harassment procedures to comply with EEOC guidance, specifically defining harassment, providing examples of disability harassment and other prohibited conduct, expanding coverage to address contractor rights, addressing the need for timely inquiries, and clarifying the specific roles and responsibilities of individuals raising claims, managers/supervisors, human resources, EEO and Office of Inspector General staff.

Responsible Officials

Title	Name	Standards Address the Plan?
Anti-Harassment Program Manager	Kelly Spence	Yes
Director, Office of Civil Rights	Larry J. Beat	Yes
Director, Office of Sexual Assault/Sexual Harassment Prevention and Response	Erinn Izykowski	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2024	Track the timely processing of harassment inquiries.	Yes		

Accomplishments

Fiscal Year	Accomplishment

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Plan to Attain Essential Elements

PART H.11

Brief Description of Program Deficiency: C.4.c. Does the EEO office have timely access to accurate and complete data (e.g., demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]  
The DOC does not currently have accurate and complete data required to prepare the MD-715 workforce data tables.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
06/27/2019	09/30/2020	09/30/2023		To improve policies, practices, or procedures which will enable OCR to retrieve more accurate and complete data required to prepare the MD-715 data tables and conduct barrier analysis.

Responsible Officials

Title	Name	Standards Address the Plan?
Director, Office of Talent Strategies, Office of Human Resources Management	Crystal Taylor	Yes
Director, Office of Learning and Development, and DOC Chief Learning Officer	Sean McAlister	Yes
Director, Office of Human Resource Management	Jessica Palatka	Yes
Director, Office of Civil Rights	Larry J. Beat	Yes
Director, Policy and Benefits, Office of Human Resource Management	Andrew Green	Yes
Director, Human Capital Strategy, Office of Human Resource Management	Charles Clark	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
06/30/2019	OCR will conduct discovery sessions with Enterprise Services and the Department of Treasury Workforce Analytics team to identify and address data issues related to the coding and conversion of various pay tables into the GS scale. Meetings will occur throughout the month of June 2019.	Yes		06/27/2019
09/30/2019	OCR will meet with OHRM on a reoccurring basis 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 in FY24 and beyond.	Yes	09/30/2024	
09/30/2019	OCR will meet with OHRM/Enterprise Services (ES) to discuss the process for ensuring hiring officials close-out referral certs to ensure more complete applicant flow data.	Yes		09/19/2019
09/30/2023	Implement the use of USA Staffing into practices for obtaining Applicant Flow data.	Yes		12/01/2022
03/01/2023	OCR to hire a replacement Data Management Analyst to fill vacant position on the Policy and Evaluation Division team during FY21.	Yes		11/17/2023
09/30/2024	OCR will collaborate with OHRM/ES to develop strategies to ensure accurate collection of RNO AFD for new hires, internal promotions, and career development programs, thus allowing for a better AFD analysis.	Yes		
09/30/2024	Implement alternative measures for displaying workforce data to senior leadership to foster easy cross bureau for data driven decision making (i.e. DEIA Dashboards).	Yes		
09/30/2024	OCR will work with OHRM and each bureau (in conjunction with their Serving Human Resources Office (SHRO) and EEO/DEIA office) to ensure access to USA Staffing and develop a plan to analyze bureau applicant flow data, previous year's MD-715 Report, Federal Equal Opportunity Recruitment Program Report (FEORP), and other sources as appropriate, to inform on recruiting and hiring practices and to target underserved communities.	Yes		

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Accomplishments

Fiscal Year	Accomplishment
2019	<p>In FY19, OCR met with the Office of Human Capital Client Services (OHCS) in the Office of Human Resources Management (OHRM) to discuss gaps in policies and procedures related to the DOC hiring process, including missing information on the interview process and procedures, the gaps in hiring managers in closing out vacancies after making a selection, lack of applicant flow data related to career development programs, and other relevant topics. During these meetings, OHCS informed OCR about an upcoming FY20 standardization of the hiring process via Enterprise Services, the DOC's shared-services system, which provides an opportunity for OCR to propose constructive updates.</p>
2020	<p>Due to the ongoing Global COVID-19 Pandemic, mandatory telework, and staff shortages, the Office of Civil Rights was unable to complete several planned activities that were targeted to Q2, Q3, and Q4 of FY20.</p> <p>However, some outstanding data issues were corrected:</p> <p>Other data issues remain and will be addressed in FY21:</p> <p>for department-wide or bureau-specific CDPs. Currently, DOC only executes one department-wide CDP for SES.</p> <p>hiring officials are not completing this process, which leads to inaccurate results in AFD. There is no mechanism in place to ensure this process is fully completed.</p> <p>In FY21, to address these data issues, OCR will engage as a stakeholder in the Integrated Project Team (IPT) for Talent Acquisitions, serving in an oversight capacity to provide policy, strategy, and compliance reviews, to ensure the process complies with EEO and D&amp;I standards. The IPT is tasked with addressing challenges in recruitment and hiring process across the Department.</p> <p>Additionally, OCRs and OHRM will schedule routine meetings to assess and address identified data deficiencies, including career development programs and interview data.</p>
2021	<p>In FY21, OCR engaged and provided guidance to the Talent Acquisitions Team to ensure data compiled in the recruitment and hiring process is accurate and complies with EEO and D&amp;I standards.</p> <p>Due to the ongoing Global COVID-19 Pandemic, mandatory telework, and staff shortages, the Office of Civil Rights was unable to complete several planned activities that were targeted to FY 21.</p> <p>The following data issues remain and will be addressed in FY22 through the SOAR working group:</p> <p>for department-wide and bureau-specific CDPs. Currently, DOC only executes one department-wide CDP for SES.</p> <p>into the system. However, many hiring officials may not be completing this process, which leads to inaccurate results in AFD. There is currently no mechanism in place to ensure this process is fully completed.</p>
2023	<p>The DOC recognizes the EEOC's deployment in FedSep of the Workforce Data Tool for FY24 (Phase 1: Applicant Flow Data). Despite the absence of a consistent FTE Data Analyst from February 2021 – November 2023, in FY23, the DOC was able to implement the use of USA Staffing into its practices for obtaining Applicant Flow data. Although transition to USA Staffing is completed an analysis of New Hire selection and Internal Promotion data could not be analyzed due to only partial Applicant Flow Data being available.</p> <p>In FY23, OCR collaborated with the Office of Learning and Development (OL&amp;D) in an attempt to provide a partial analysis of the applicant pool for career development programs offered throughout the FY. DOC sponsored a DOC only iteration of the Partnership for Public Service Excellence in Government (EIG) Fellowship program open to GS-14 – GS-15 and equivalent employees. Each Bureau was provided the ability to competitively select 3 participants, due to lack of participation of all DOC bureaus, all 25 candidates submitted to DOC for the competitive process were allowed to participate in the cohort. The following bureaus were represented: BEA, BIS, Census, FirstNet, ITA, MBDA, NIST, NOAA, OS, and OUSEA. The FY23 EIG Fellowship program revealed that of the 25 candidates 15 (60%) were Female and 10 (40%) were Male. Using the combined participation rate for Female GS-14 – GS-15 and equivalent as the benchmark the inclusion rate for females participating in the FY23 EIG Fellowship program was 38%. In addition, of the 25 candidates 4 (16%) were people with disabilities (PWD), 1 (5%) were people with targeted disabilities (PWTD), and 21 (84%) were people without disabilities (PWOD). The primary comparator for each grade level is the goal of 12% for PWD and 2% for PWTD.</p>

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Plan to Attain Essential Elements

PART H.12

Brief Description of Program Deficiency:	D.1.c. Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR §1614.203(d)(1)(iii)(C)]
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The DOC does not conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion retention, and advancement of individuals with disabilities.

Objectives for EEO Plan

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

Responsible Officials

Title	Name	Standards Address the Plan?
Director, Policy and Evaluation Division	Stacy Carter	Yes
Director, Policy and Benefits, Office of Human Resource Management	Andrew Green	Yes
Director, Office of Human Resource Management	Jessica Palatka	Yes
Director, Office of Civil Rights	Larry J. Beat	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2018	Develop questions for retention survey.	Yes		08/20/2018
09/30/2018	Partner with the Census Bureau's Center for Behavioral Science Methods (CBSM) to implement survey via Qualtrics, a web-based survey tool to conduct survey research, evaluations and other data collection activities.	Yes		08/20/2018
03/30/2019	Disseminate surveys to OGC, Unions, Privacy Offices, Departmental Management Council, and the PHRM Council for testing, review and comments.	Yes		03/11/2019
04/30/2019	Launch Retention Survey.	Yes		07/23/2019
09/30/2020	OCR reviewed the results from the 2019 Retention Survey. The DOC will re-launch the Retention Survey that will build on this baseline.	Yes	09/30/2024	

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Accomplishments

Fiscal Year	Accomplishment
2012	<p>To address the high separation rates of various demographic groups at the DOC, including individuals with disabilities, in collaboration with the Center for Behavioral Science Methods (CBSM) at Census, OCR conducted a Retention Survey of 10,841 employees, 41.6% of which provided insight into why employees may want to leave the Department, as well as their reasons for staying. The survey also included questions on recruitment, hiring, inclusion, retention, and advancement of individuals with disabilities.</p> <p>Results from the survey are still pending data analysis and processing, which OCR estimates will be completed during Q4 of FY2020. Results from this survey will lead to the improvement of policies, practices, and procedures that can positively affect retention of individuals with disabilities and other groups with lower than expected participation rates.</p>
2020	<p>In February 27, 2020, the Center for Behavioral Science Methods (CBSM) at the Census Bureau provided the Office of Civil Rights with a preliminary document containing the final Retention Survey Results. The survey was conducted in FY19 to better understand Commerce employees' views about staying in the Department or seeking employment elsewhere, as well as the factors that may affect this decision.</p> <p>Although the full results from the survey are yet to be cleared for official release, the available data identifies several issues that OCR has consistently found in employment practices at the Department. The survey results indicate higher levels of dissatisfaction with:</p> <p>In FY21, OCR will continue its collaboration with CBSM, with the expectation the final report will be released during Q3 of FY21.</p> <p>OCR is also committed to collaborating with OHRM and exploring the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY21 MD 715 report.</p>
2021	<p>In FY21, OCR continued its collaboration with CBSM; the final report from the Retention Survey was released, but inconclusive. More analysis was required. However, OCR was able to gather some valuable information from the survey to implement in the future to improve Department-wide policies, practices, and procedures.</p> <p>In FY22, OCR will work with CBSM to relaunch a revised retention survey to begin establishing a baseline and trends. Also, OCR will collaborate with OHRM to explore the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY22 MD 715 report.</p>
2023	<p>In FY23, despite the unavailability of exit survey data, the DOC examined barriers to retention through alternative measures. Preliminary results released from a retention survey in 2019 revealed a high percentage of PWD, Hispanics and Females separating from the DOC at higher rates than other groups. The preliminary data showed a perception that there is a lack of career advancement opportunities available. at the DOC. This is one of the several reasons cited by members of these groups as to why they desire to leave the DOC.</p> <p>As a follow on, in June 2023, OCR executed an Inter-Agency Agreement (IAA) with Census' Center for Behavioral Science Methods (CBSM) Office to relaunch a revised retention survey to begin establishing a baseline and trends. CBSM proposed a timeline that included conducting focus groups, revising the existing survey, and performing other survey related procedures for a re-launch of the Employee Retention Survey in CY24.</p>

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Plan to Attain Essential Elements

PART H.13

Brief Description of Program  
Deficiency:

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

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

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Plan to Attain Essential Elements

PART H.14

Brief Description of Program  
Deficiency:

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

This is a Census deficiency. Please see their MD 715 Part H.



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Plan to Attain Essential Elements

PART H.15

Brief Description of Program Deficiency: E.4.a.4. External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]

The DOC does not have systems in place to accurately collect, monitor, and analyze external and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status. DOC and NOAA marked this as a deficiency. Please see NOAA's MD 715 Part H for their corrective plan.

Objectives for EEO Plan

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
06/27/2019	09/30/2020	09/30/2023		To improve policies, practices, or procedures which will enable OCR to retrieve more accurate and complete data required to prepare the MD-715 data tables and conduct barrier analysis.

Responsible Officials

Title	Name	Standards Address the Plan?
Director, Office of Civil Rights	Larry J. Beat	Yes
Director, Office of Human Resource Management	Jessica Palatka	Yes
Director, Policy and Benefits, Office of Human Resource Management	Andrew Green	Yes
Director, Human Capital Strategy, Office of Human Resource Management	Charles Clark	Yes
Director, Office of Talent Strategies, Office of Human Resources Management	Crystal Taylor	Yes
Director, Office of Learning and Development, and DOC Chief Learning Officer	Sean McAlister	Yes

Planned Activities

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
06/30/2019	OCR will conduct discovery sessions with Enterprise Services and the Department of Treasury Workforce Analytics team to identify and address data issues related to the coding and conversion of various pay tables into the GS scale. Meetings will occur throughout the month of June 2019.	Yes		06/27/2019
09/30/2019	OCR will meet with OHRM on a reoccurring basis 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 in FY24 and beyond.	Yes	09/30/2024	
09/30/2019	OCR will meet with OHRM/Enterprise Services (ES) to discuss the process for ensuring hiring officials close-out referral certs to ensure more complete applicant flow data.	Yes		09/19/2019
09/30/2023	Implement the use of USA Staffing into practices for obtaining Applicant Flow data.	Yes		12/01/2022
03/01/2023	OCR to hire a replacement Data Management Analyst to fill vacant position on the Policy and Evaluation Division team during FY21.	Yes		11/17/2023
09/30/2024	OCR will collaborate with OHRM/ES to develop strategies to ensure accurate collection of RNO AFD for new hires, internal promotions, and career development programs, thus allowing for a better AFD analysis.	Yes		
09/30/2024	Implement alternative measures for displaying workforce data to senior leadership to foster easy cross bureau for data driven decision making (i.e. DEIA Dashboards).	Yes		

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Accomplishments

Fiscal Year	Accomplishment
2023	<p>The DOC recognizes the EEOC's deployment in FedSep of the Workforce Data Tool for FY24 (Phase 1: Applicant Flow Data). Despite the absence of a consistent FTE Data Analyst from February 2021 – November 2023, in FY23, the DOC was able to implement the use of USA Staffing into its practices for obtaining Applicant Flow data. Although transition to USA Staffing is completed an analysis of New Hire selection and Internal Promotion data could not be analyzed due to only partial Applicant Flow Data being available.</p> <p>In FY23, OCR collaborated with the Office of Learning and Development (OL&amp;D) in an attempt to provide a partial analysis of the applicant pool for career development programs offered throughout the FY. DOC sponsored a DOC only iteration of the Partnership for Public Service Excellence in Government (EIG) Fellowship program open to GS-14 – GS-15 and equivalent employees. Each Bureau was provided the ability to competitively select 3 participants, due to lack of participation of all DOC bureaus, all 25 candidates submitted to DOC for the competitive process were allowed to participate in the cohort. The following bureaus were represented: BEA, BIS, Census, FirstNet, ITA, MBDA, NIST, NOAA, OS, and OUSEA. The FY23 EIG Fellowship program revealed that of the 25 candidates 15 (60%) were Female and 10 (40%) were Male. Using the combined participation rate for Female GS-14 – GS-15 and equivalent as the benchmark the inclusion rate for females participating in the FY23 EIG Fellowship program was 38%. In addition, of the 25 candidates 4 (16%) were people with disabilities (PWD), 1 (5%) were people with targeted disabilities (PWTD), and 21 (84%) were people without disabilities (PWOD). The primary comparator for each grade level is the goal of 12% for PWD and 2% for PWTD.</p>

Department of Commerce

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Plan to Eliminate Identified Barriers

PART I1

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)	
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A1	
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Hispanic Males (3.01%) and Females (2.95%) had a lower-than-expected participation rate in the DOC permanent workforce vs the national CLF(6.82% and 6.16%, respectively).	
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> Hispanic or Latino Males Hispanic or Latino Females	
<b>Barrier Analysis Process Completed?:</b>	Y	
<b>Barrier(s) Identified?:</b>	N	
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<b>Barrier Name</b>	<b>Description of Policy, Procedure, or Practice</b>
	Hispanic Participation Rates	The DOC is still in the process of conclusively identifying a barrier or barriers causing Hispanics to have a lower-than-expected participation rate in the DOC workforce. However, our analysis revealed the following:  Males and Females, further analysis is required as all grade levels are below the NCLF. A blocked pipeline occurs when people are available at expected levels in the occupations that feed up to the senior grades levels but fail to reach the senior grade levels within those occupations.  hires for Hispanics, the rate of increase has not been significant. OCR recommends a more targeted approach to more positively impact the participation rates of Hispanics in the permanent workforce.

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
04/30/2018	09/30/2021	Yes	09/30/2024		To increase the participation rates of Hispanic Males and Females in the DOC workforce, MCOs, and at senior grade levels (GS-13 to SES).

Responsible Official(s)

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

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Plan to Eliminate Identified Barriers

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2020	OCR will continue its collaboration with CBSM as the results of the 2019 Employee Retention Survey revealed more work needed to be done. OCR has since contracted with CBSM again to conduct a second Employee Retention survey that will be launched in CY24. OCR considers this a significant, highly visible "barrier analysis" focused on the parts of the employment cycle relating to promotions and career advancement. The second Retention Survey will help identify and address potential barriers for Hispanics (and other EEO groups) across the DOC. OCR will review the results from the second survey and move forward with recommendations and/or improvements to applicable enterprise-wide policies, practices, and procedures.	Yes	12/30/2025	
09/30/2020	OCR is collaborating with OHRM/Enterprise Services to develop strategies to retrieve accurate data and analyze it in an effort to improve barrier analysis process. See Part H-6 of this report for a detailed list of planned activities and target dates.	Yes	09/30/2024	
04/30/2019	Conduct Workforce Surveys. By conducting a Retention Survey, the DOC will invite and encourage our workforce to voice their concerns and provide input, which can lead to improved policies, practices, and procedures that can positively improve retention issues across the DOC.	Yes		07/23/2019
09/30/2020	In addition to the above referenced second Retention Survey, OCR is contracting out other barrier analysis work projects, including a study that focuses on barriers relating to promotions of Asian American and Native Hawaiian and Pacific Islander employees. The outcomes of this study may ultimately have a positive impact on the promotion and career advancement of other EEO Groups, including Hispanics.	Yes	09/30/2024	
09/30/2024	OCR will collaborate with OHRM, L&D, to ensure that Hispanic employees are encouraged to participate in all future career advancement programs, such as mentoring, coaching, SES Candidate Development Programs, etc.	Yes		
09/30/2025	OCR will commit to undertaking a barrier analysis (either internally or through a contractor) relating to the participation rates of Hispanics in Mission Critical Occupations.	Yes		

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Plan to Eliminate Identified Barriers

Report of Accomplishments

Fiscal Year	Accomplishments
2022	<p>and Advancement (HOLA), an emerging employee resource group at the Department. The discussion centered on Hispanic recruitment, retention, and advancement at bureaus located in the Herbert C. Hoover Building (HCHB or "HQ"). Members shared their thoughts/experiences on a range of issues, will serve to inform our FY23 priorities.</p> <p>The Department continued its long-standing partnerships with colleges, universities, committees, councils, and professional societies that target individuals in underrepresented communities, including the Hispanic Association of Colleges and Universities (HACU), Minority Serving Institute, Capital Region Women in Computing, the National Organization for the Professional Advancement of Black Chemists and Chemical Engineers, Society for Advancement of Chicanos and Native Americans in Science (SACNAS), Society of Mexican American Engineers and Scientists, Operation Warfighter Program, Military Officers Association of America, American Indian Science and Engineering Society, and the Society of Women Engineers (SWE).</p> <p>Actions to Increase New Hires (Bureau-specific)</p> <p>USPTO:</p> <p>convention in San Juan, Puerto Rico. The Diversity Program Manager, who is also the chair of the National Council of Hispanic Employment Program Managers (NCHEPM), led and implemented a half-day pre-convention professional development summit for federal Hispanic Employment Program Managers (HEPMs), Special Emphasis Program Managers (SEPMs), and EEO, HR and DEIA practitioners. The Diversity Program Manager was also a workshop presenter during LULAC's Federal Training Institute, and the Agency also participated as an exhibitor during the LULAC Convention Expo.</p> <p>schools from which new patent examiners obtained their bachelor's degrees. The USPTO continues to attend career fairs at UPRM. The agency was represented during the University of Puerto Rico, Mayaguez career fair in October 2021.</p> <p>(CHCI) Spring 2022 Fellow on Interviewing Techniques &amp; Jobs at the USPTO.</p> <p>those selected were Hispanic women, and 5.91% were Hispanic men (Table A6).</p> <p>to the EEOC's occupational crosswalk. The Occupational Civilian Labor Force data for series 2160 is too broad to compare with that of patent examiners.</p> <p>NOAA:</p> <p>Latinos@NOAA ERG conducted a workshop/webinar for students on how to navigate the USAJobs application process; 156 registrants with 74 live attendees and at least 34 universities represented; University of California, Davis had the most students who registered. Hispanic-serving Institutions (HSI) were represented: (10) from California and (1) from Florida.</p> <p>Latinos@NOAA ERG continues conducting three leadership sessions in FY22 with a total of 102 attendees</p>

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Report of Accomplishments

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

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Plan to Eliminate Identified Barriers

Report of Accomplishments

Fiscal Year	Accomplishments
2023	<p>The DOC has taken several steps to address the low participation rates of Hispanics across the employment cycle. Below are notable accomplishments.</p> <p>new DOC Chief Learning Officer (CLO). OL&amp;D completed a three-year (2024-2027) Strategic Learning Plan for employee development that includes several new DOC Career Development Programs (CDP) serving employees from GS-7 through GS-15 and SES. In FY23, OL&amp;D launched one DOC sponsored CDP, a DOC only iteration of the Partnership for Public Service Excellence in Government (EIG) Fellowship program open to GS-14 – GS-15 and equivalent employees. A complete analysis of the EIG selection data could not be completed due to lack of participation of all DOC bureaus, all twenty-five (25) candidates submitted to DOC for the competitive process were allowed to participate in the cohort. The DOC anticipates more participation from DOC bureaus in FY24.</p> <p>(HOLA), an emerging employee resource group at the DOC. The discussion centered on Hispanic recruitment, retention, and advancement at the bureaus located in the Herbert C. Hoover Building (HCHB or "HQ"). Members shared their thoughts/ experiences on a range of issues that will serve to inform our FY24 priorities.</p> <p>professional societies that target individuals in underrepresented communities, including the Hispanic Association of Colleges and Universities (HACU), Minority Serving Institute, Capital Region Women in Computing, the National Organization for the Professional Advancement of Black Chemists and Chemical Engineers, Society for Advancement of Chicanos and Native Americans in Science (SACNAS), Society of Mexican American Engineers and Scientists, Operation Warfighter Program, Military Officers Association of America, American Indian Science and Engineering Society, and the Society of Women Engineers (SWE).</p> <p>Actions to Increase New Hires (Bureau-specific)</p> <p>ITA</p> <p>make progress by increasing its Hispanic representation. In FY23, 9.69% of new hires were Hispanic, which increased ITA's Hispanic Participation Rate by .63 percentage points (8.23% in FY22 to 8.86% in FY23), a continued uptick from FY22. ITA was successful in on boarding 8 male and 9 female Hispanics. ITA's affinity groups and Diversity Inclusion Diversity Council (DIAC) have hosted various brown bag events (e.g., DIAC Speaker Series) throughout the FY including an entire week in April 2023 designated to DEIA. ITA also established internal sub-committees to further promote ITA's DEIA strategic plan. Through deep vetting with staff and leadership, ITA gained institutional buy-in from over 50 key stakeholders (e.g., U/S &amp; DU/S, MC, HR, DIAC members, Affinity Groups, DOC CDO, + others) on what should/could be done to advance DEIA objectives. These partnership efforts helped de-obligate ITA from \$20k of contractor work and resulted in the establishment of 15 virtual and in- person program sessions during the agency-wide DIAC Diversity Week. The program sessions contained over 5 days of rich DEIA content and were attended by over 400 ITA employees. In addition, the program sessions included: (1) messages from ITA/DOC leadership, (2) staff-level workshops, (3) unconscious bias training, (4) succession planning and belonging presentations from PRIDE, a mobility impairment group; and (5) a keynote address by Amb Abercrombie-Winstanley (State Dep's CDO).</p> <p>USPTO</p> <p>ongoing in alignment with the agency's strategic action plan. In FY23, USPTO's patent examiner recruiters attended career fairs at seven Hispanic Serving Institutions (HSIs).</p> <p>pages targeting job seekers, managers and hiring advocates provided clear and concise instruction on how to</p>

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Report of Accomplishments

Fiscal Year	Accomplishments
	<p>apply and leverage special hiring authorities. In FY23, the Hispanic Voices page was updated with information about the newest agency VEO, Latinos in Trademarks, and information about the agency's first diversity Officer, who is Hispanic.</p> <p>NIST</p> <p>Race and Ethnicity Research at Pew Research Center, presented an in-depth study detailing the importance of diverse representation in scientific fields. He also discussed Hispanic Americans' views of and experiences with science, including interactions with STEM schooling, engagement with science-related information and level of trust in scientists and scientific institutions.</p> <p>NOAA</p> <p>of Hispanics/Latinos within the organization.</p>



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Plan to Eliminate Identified Barriers

PART I.2

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)	
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A7	
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Females have a lower-than-expected participation rate in the senior grade levels (GS-13 to SES).	
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> All Women	
<b>Barrier Analysis Process Completed?:</b>	Y	
<b>Barrier(s) Identified?:</b>	N	
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<b>Barrier Name</b> Female Participation	<b>Description of Policy, Procedure, or Practice</b> Based on the “triggers” or disparities we have examined thus far, the barrier(s) to various Females in various EEO groups may be attributed to a variety of factors. Future analysis will be expanded to further identify and address the underlying causes limiting the recruitment and advancement of Females (aggregate), White Females, and Asian Females in the DOC workforce, particularly in certain MCOs and at higher grade levels such as the SES.

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
04/30/2018	09/30/2021	Yes	09/30/2024		To identify and eliminate barriers to advancement of Females at certain senior leadership levels and within specific MCOs.

Responsible Official(s)

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

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Plan to Eliminate Identified Barriers

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2020	OCR is collaborating with OHRM/Enterprise Services to develop strategies to retrieve accurate data and analyze it in an effort to improve barrier analysis process. See Part H-6 of this report for a detailed list of planned activities and target dates.	Yes	09/30/2024	
09/30/2020	OCR will continue its collaboration with CBSM, the results of the 2019 Employee Retention Survey revealed more work needed to be done. OCR has since contracted with CBSM again to conduct a second Employee Retention survey that will be launched in CY24. OCR will review those results from the survey and move forward with recommendations and/or improvements to applicable enterprise-wide policies, practices, and procedures.	Yes	12/30/2025	
04/30/2019	Conduct Workforce Surveys. By conducting a Retention Survey, the DOC will invite and encourage our workforce to voice their concerns and provide input, which can lead to improved policies, practices, and procedures that can positively improve retention issues across the DOC. Conduct focus group listening sessions to explore employee retention, job satisfaction, and promotion paths of employees identifying as women, Hispanic origin, individuals with disabilities, LGBTQI+, and AANHPI in the DOC. In support of EO 14031, the questions for the AANHPI group will focus specifically on their experiences, concerns and perceptions regarding the promotion process. Down the road, under the DEIA Strategic Plan, the DOC and bureaus will conduct pay equity audits to assess whether different demographic groups are equitably compensated (assessing whether similarly situated individuals are equitably compensated for similar work) FY24-26.	Yes		07/23/2019
09/30/2020	OCR is contracting out its barrier analysis work until it has the resources and capacity to handle this function internally.	Yes	09/30/2024	

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Plan to Eliminate Identified Barriers

Report of Accomplishments

Fiscal Year	Accomplishments
2020	<p>In February 27, 2020 the Center for Behavioral Science Methods (CBSM) at the Census Bureau provided the Office of Civil Rights with a preliminary document containing the final Retention Survey Results. The survey was conducted in FY19 to better understand Commerce employees' views about staying in the Department or seeking employment elsewhere, as well as the factors that may affect this decision.</p> <p>Although the full results from the survey are yet to be cleared for official release, the available data identifies several issues that OCR has consistently found in employment practices at the Department. The survey results indicate higher levels of dissatisfaction with:</p> <p>In FY21, OCR will continue its collaboration with CBSM, with the expectation the final report will be released during Q3 of FY21.</p> <p>OCR is also committed to collaborating with OHRM and exploring the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY21 MD 715 report.</p>
2022	<p>. In FY22 Monster Analytics was archived and USA Staffing was contracted to provide AFD. Lack of data for Career Development Programs. The lack of Career Development Programs (CDP) continues to be a major issue for the Department. Without an official avenue for employees to develop the skills necessary for career advancement and an accurate count of those applying for CDPs, the Department will continue to see marked disparities for Females in leadership positions.</p> <p>(See Part H-6 for details on how data issues will be addressed in FY23.)</p> <p>In FY22, OCR continued its collaboration with CBSM; the final report from the Retention Survey was released, but inconclusive. More analysis was required. However, OCR was able to gather some valuable information from the survey to implement in the future to improve Department-wide policies, practices, and procedures to improve the retention of women, especially in senior grade levels.</p> <p>In FY22, OCR will work with CBSM to relaunch a revised retention survey to begin establishing a baseline and trends. Also, OCR will collaborate with OHRM to explore the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY23 MD 715 report.</p>

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Plan to Eliminate Identified Barriers

Report of Accomplishments

Fiscal Year	Accomplishments
2021	<p>In FY20, the Office of Civil Rights was able to secure and analyze applicant flow data. However, some data discrepancies remained in FY21, including lack of data for Career Development Programs. The lack of Career Development Programs (CDP) continues to be a major issue for the Department. Without an official avenue for employees to develop the skills necessary for career advancement and an accurate count of those applying for CDPs, the Department will continue to see marked disparities for Females in leadership positions.</p> <p>(See Part H-6 for details on how data issues will be addressed in FY22.)</p> <p>In FY21, OCR continued its collaboration with CBSM; the final report from the Retention Survey was released, but inconclusive. More analysis was required. However, OCR was able to gather some valuable information from the survey to implement in the future to improve Department-wide policies, practices, and procedures to improve the retention of women, especially in senior grade levels.</p> <p>In FY22, OCR will work with CBSM to relaunch a revised retention survey to begin establishing a baseline and trends. Also, OCR will collaborate with OHRM to explore the feasibility of establishing Department wide exit interview surveys, given personnel system parameters. An update will be provided in the FY22 MD 715 report.</p>
2023	<p>In efforts to address the low participation rates of Females across the employment cycle, the DOC significantly restructured the Office of Learning and Development (OL&amp;D) in May 2023, and hired a new DOC Chief Learning Officer (CLO). OL&amp;D completed a three-year (2024-2027) Strategic Learning Plan for employee development that includes several new DOC Career Development Programs (CDP) serving employees from GS-7 through GS-15 and SES. In FY23, OL&amp;D launched one DOC sponsored CDP, a DOC only iteration of the Partnership for Public Service Excellence in Government (EIG) Fellowship program open to GS-14 – GS-15 and equivalent employees. A complete analysis of the EIG selection data could not be completed due to lack of participation of all DOC bureaus, all twenty-five (25) candidates submitted to DOC for the competitive process were allowed to participate in the cohort. Of the 25 candidates 15 were Females 10 Males. The DOC anticipates more participation from DOC bureaus in FY24.</p>

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Plan to Eliminate Identified Barriers

PART L3

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)				
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A6				
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Hispanic Males and Females have disparities in seven MCOs in the DOC permanent workforce vs the Occupational CLF.				
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> Hispanic or Latino Males Hispanic or Latino Females				
<b>Barrier Analysis Process Completed?:</b>	Y				
<b>Barrier(s) Identified?:</b>	N				
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<table border="1"> <thead> <tr> <th>Barrier Name</th> <th>Description of Policy, Procedure, or Practice</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Barrier Name	Description of Policy, Procedure, or Practice		
Barrier Name	Description of Policy, Procedure, or Practice				

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description	
<b>Responsible Official(s)</b>						
Title		Name		Standards Address The Plan?		
<b>Planned Activities Toward Completion of Objective</b>						
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date	Completion Date

Report of Accomplishments

Fiscal Year	Accomplishments

Department of Commerce

For period covering October 1, 2022 to September 30, 2023

Plan to Eliminate Identified Barriers

PART I.4

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)				
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A7				
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Hispanic Males and Females had a lower-than-expected participation rate in the Leadership Pipeline (GS-13 to SES).				
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> Hispanic or Latino Males Hispanic or Latino Females				
<b>Barrier Analysis Process Completed?:</b>	Y				
<b>Barrier(s) Identified?:</b>	N				
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<table border="1"> <thead> <tr> <th>Barrier Name</th> <th>Description of Policy, Procedure, or Practice</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Barrier Name	Description of Policy, Procedure, or Practice		
Barrier Name	Description of Policy, Procedure, or Practice				

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description	
<b>Responsible Official(s)</b>						
Title		Name		Standards Address The Plan?		
<b>Planned Activities Toward Completion of Objective</b>						
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date	Completion Date

Report of Accomplishments

Fiscal Year	Accomplishments

Department of Commerce

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Plan to Eliminate Identified Barriers

PART I.5

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)	
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A6	
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Females make up 29.66% of the series 1224 Patent Examining workforce versus the OCLF of 80.4%; and 33.68% of the 1301 Gen Phys Sci workforce versus the OCLF of 43.3%. White Females make up 26.68% of the series 0301 Miscellaneous Administration & Program versus the OCLF of 36.4%; 12.87% of the series 1224 Patent Examining workforce versus the OCLF of 58.9%; and 10.53% of the series 2210 Information Technology Management versus the OCLF of 21.6%.	
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> All Women White Females	
<b>Barrier Analysis Process Completed?:</b>	Y	
<b>Barrier(s) Identified?:</b>	N	
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<b>Barrier Name</b> Mission Critical Occupations Low Participation Rates	<b>Description of Policy, Procedure, or Practice</b> Based on the “triggers” or disparities we have examined thus far, the barrier(s) to various Females in various EEO groups may be attributed to a variety of factors. Future analysis will be expanded to further identify and address the underlying causes limiting the recruitment and advancement of Females (aggregate), White Females, and Asian Females in the DOC workforce, particularly in certain MCOs and at higher grade levels such as the SES.

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
04/30/2018	09/30/2021	Yes	09/30/2024		To identify and eliminate barriers to advancement of Females at certain senior leadership levels and within specific MCOs.

Responsible Official(s)

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

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Plan to Eliminate Identified Barriers

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
04/30/2019	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. Conduct focus group listening sessions to explore employee retention, job satisfaction, and promotion paths of employees identifying as women, Hispanic origin, individuals with disabilities, LGBTQI+, and AANHPI in the DOC. In support of EO 14031, the questions for the AANHPI group will focus specifically on their experiences, concerns and perceptions regarding the promotion process. Down the road, under the DEIA Strategic Plan, the DOC and bureaus will conduct pay equity audits to assess whether different demographic groups are equitably compensated (assessing whether similarly situated individuals are equitably compensated for similar work) FY24-26.	Yes		07/23/2019
09/30/2020	OCR will continue its collaboration with CBSM, the results of the 2019 Employee Retention Survey revealed more work needed to be done. OCR has since contracted with CBSM again to conduct a second Employee Retention survey that will be launched in CY24. OCR will review those results from the survey and move forward with recommendations and/or improvements to applicable enterprise-wide policies, practices, and procedures.	Yes	12/30/2025	
09/30/2020	OCR is collaborating with OHRM/Enterprise Services to develop strategies to retrieve accurate data and analyze it in an effort to improve barrier analysis process. See Part H-6 of this report for a detailed list of planned activities and target dates.	Yes	09/30/2024	
09/30/2020	OCR is contracting out its barrier analysis work until it has the resources and capacity to handle this function internally.	Yes	09/30/2024	

Report of Accomplishments

Fiscal Year	Accomplishments
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Department of Commerce

For period covering October 1, 2022 to September 30, 2023

Plan to Eliminate Identified Barriers

PART L6

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)				
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A4				
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	Asian Females in the SES grade level fell below their corresponding availability when using the Upward Mobility Benchmark.				
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> Asian Females				
<b>Barrier Analysis Process Completed?:</b>	Y				
<b>Barrier(s) Identified?:</b>	N				
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<table border="1"> <thead> <tr> <th>Barrier Name</th> <th>Description of Policy, Procedure, or Practice</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Barrier Name	Description of Policy, Procedure, or Practice		
Barrier Name	Description of Policy, Procedure, or Practice				

Objective(s) and Dates for EEO Plan

Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description	
<b>Responsible Official(s)</b>						
<b>Title</b>		<b>Name</b>		<b>Standards Address The Plan?</b>		
<b>Planned Activities Toward Completion of Objective</b>						
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date	Completion Date

Report of Accomplishments

Fiscal Year	Accomplishments

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

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

**Section I: Efforts to Reach Regulatory Goals**

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

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

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

There is a trigger for PWD in GS-11 to SES (includes GS equivalents). The participation rate is 11.12%. While this is an increase from FY22 (10.11%), it is still below the 12% goal.

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

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

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

No triggers.

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

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

**Section II: Model Disability Program**

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

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

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

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

Answer Yes

Disability program staff received training via webinar, in-person, or online through classes offered by various entities including National Employment Law Institute (NELI), USDA Graduate School, ASKEARN Training Center, Disability Management Employer Coalition, Job Accommodation Network (JAN), US Access Board, ADA Network, EEOC, and others. Staff also attend training conferences hosted by EEOC (EXCEL), Federal Dispute Resolution (FDR), and the Federal Employment Law Training Group. Additionally, Bureau disability program staff attended various internal ad hoc training and training coordinated by the Department’s Office of Civil Rights.

**B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM**

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

Answer Yes

---

**Section III: 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 PWTB

**A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES**

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

The Department continuously provides job applicants information about DOC's disability employment programs, various employment opportunities, the government hiring process and points of contacts for reasonable accommodations. This information is provided on DOC Bureau webpages, LinkedIn, Facebook, and other social media sites. Additionally, several DOC Bureaus use the Workforce Recruitment Program (WRP) to identify PWD to recruit for vacant DOC positions. Other programs and resources used to recruit and hire PWD include: VetSuccess.gov; use of USAJOBS to search for eligible Schedule A applicants; use of OPM's Bender list of applicants with disabilities; participation in local colleges and university virtual job recruitment fairs; the Workforce Recruitment Program for access to post-secondary students and recent graduates with disabilities; participation in the VA's Non-Paid Work Experience Program; coordination with the Veterans Vocational and Rehabilitation Program and Disabled Veterans Service Organizations to recruit eligible disabled veterans; and development of DOC's Bureau webpages to disseminate information on job vacancies and application process. • Census has a link on OPM's website for persons with disabilities to access. It provides a government-wide listing of all Selective Placement Coordinators, including Census. The bureau also partners with the Workforce Recruitment Program through the Department of Labor which allows managers to access a database, review resumes and work with Census Human Resources Division to coordinate selection. • USPTO has a separate webpage designed to provide information to job applicants with disabilities: <https://www.uspto.gov/jobs/hiring-people-disabilities>. The USPTO has also formed relationships with the various disability offices at the universities and colleges from which it regularly recruits students. • NOAA uses outreach to vocational rehabilitation centers, veteran organizations and the resume mining feature from USAJOBS to search for applicants with disabilities. Hiring officials are encouraged to use the Workforce Recruitment Program database to identify candidates to fill vacant positions. In addition, the agency holds an annual Hiring Event for Veterans and PWDs. Managers are encouraged to review applications from PWD before posting positions on USAJOBS. • NIST advertises all vacancies on USAJOBS and utilizes a variety of methods to recruit and employ veterans and individuals with disabilities: Direct-Hire, Delegated Examining, Agency Based, Merit Promotion, and Non-Competitive procedures. NIST also utilizes special appointment authorities such as the Veterans Employment Opportunities Act (VEOA), the Veterans Recruitment Appointment (VRA) Authority, and other appointment authorities (e.g. disabled veterans with 30% or greater disability) as appropriate. NIST's Selective Placement Coordinator maintained a catalogue of applicants eligible for noncompetitive hiring authorities such as the Veterans Recruitment Authority, 30% or more disabled Veteran hiring authority and the Schedule A hiring authority for individuals with disabilities. The catalogue is accessible by members of the HR Operations Team so the resumes can be shared with hiring officials as positions become available.

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

The Department continues to encourage hiring managers to use Schedule A to hire PWD/TD to fill vacant positions, and to consult with Bureau Selective Placement Program Coordinators (SPPC) for guidance in this area. During outreach to vocational rehabilitation centers and disabled veterans' organizations, SPPCs invite job applicants to submit their resumes directly to the Bureau through the SPPC's special email address and make them searchable on USAJOBS. The DOC's SPPC developed recruitment solutions tailored to specific hiring needs, marketed agency vacancies to persons with disabilities who are eligible for non-competitive placement via Schedule A and represented DOC at events focused on hiring people with disabilities. The SPPC encouraged individuals utilizing Schedule A to send their resumes directly to them to be placed in the Bureau-specific database. When a hiring official informs the SPPC about a vacancy, the SPPC asks for the position description and/or vacancy announcement. The SPPC utilizes this information to search for qualified applicants and provides these resumes to the hiring official. The hiring official can then proceed with interviews and selection of the desired candidate. Applicants who have questions or would like to receive technical assistance on how to apply under Schedule A, are provided information for the Bureau SPPCs and DOC's central Schedule A email address: [ScheduleA@doc.gov](mailto:ScheduleA@doc.gov).

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

The DOC's Human Resources (HR) Specialists and SPPC are dedicated to working with job applicants that apply under special hiring authorities, i.e. Schedule A, to determine eligibility and ensure their application is provided to relevant hiring officials. This process continues to be reviewed and analyzed for process improvement. 1) Applications received via USAJOBS are assessed by an assigned HR Specialist; qualified applicants are referred to the hiring official for the related vacancy with an explanation of the Selective Placement Program and the process for selection. 2) Applications received via the Selective Placement Program or from hiring officials are reviewed by the Bureau SPPC to determine if the person qualifies for the identified position and if the Schedule A letter submitted meets OPM's requirements. If all criteria are met, the applicant's resume is placed in the Bureau's electronic database. 3) If a Schedule A applicant applies for a specific position outside of the competitive process, the HR Specialist will review their qualifications and eligibility for appointment. If the applicant meets both criteria, the specialist will forward the applicant's resume to the hiring manager for review. 4) When vacancies are identified, upon request, the Bureau SPPC searches the application database for qualified applicants, then forwards qualified applicants' resumes to the hiring official with an explanation of the Selective Placement Program and the process for selection.

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

Answer Yes

The DOC requires all supervisors and hiring officials to annually complete the OPM mandated training: "A Roadmap to Success: Hiring, Retaining, and Including People with Disabilities"; Uniformed Services Employment and Reemployment Rights Act (USERRA), and Veterans Employment Training. This training is available online via the Commerce Learning Center. Additionally, all new supervisors/managers are required to take supervisor's training within their first year of becoming a supervisor. This training provides information on recruitment and hiring of PWD/TD. Some Bureaus conduct additional training. USPTO provides computer-based training annually. NOAA offers quarterly, in-person or online webinar training to hiring managers. NIST Disability Program Manager worked with the SPPC to record a training video on Non-Competitive Hiring Authorities. The video will be posted in FY23 on the NIST internal website.

## B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

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

The Department has established and/or maintained contact with "Hiring Our Heroes", Vocational Rehabilitation Services, and RecruitMilitary, all of which target PWD/TD. DOC staff attended campus events for students with disabilities; developed relationships and partnerships with local colleges and universities to provide paid/unpaid internships for students with disabilities; partnered with affinity groups to help recruit individuals with disabilities; and partnered with local Vocational Rehabilitation centers, Maryland's Department of Rehabilitation Services, and the Virginia Department of Aging and Rehabilitative Services to provide guidance on applying for federal positions. The Bureau's Selective Placement Program Coordinators are listed on OPM's directory so applicants can contact them directly. • NIST Disability Program Manager and SPPC contact information is displayed on the NIST external website. NIST's Strategic Recruitment Program Plan was developed in FY 2023. The program manager will serve as the lead on maintaining contacts with employment organizations. • Census continues working through established partnerships with the following groups: Department of Defense (DOD) and Veteran's Administration-Operation Warfighter (OWF) Internship Program. Department of Labor (DOL)- Workforce Recruitment and Apprenticeship Programs. • NOAA's representative visited vocational rehabilitation centers near cities where NOAA has a large presence, to offer assistance to PWD and PWTD, including training on how to understand and apply for federal positions. • USPTO has relationships with various disability offices at universities and colleges from which it regularly recruits students with disabilities and will continue to reach out to additional schools and external disability-related organizations to develop more partnerships. They have an established relationship with the local vocational rehabilitation office and plan to continue outreach to career services and disability program coordinators at targeted schools in the area to establish a baseline relationship and gauge interest in partnership with the agency.

## C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

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

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

No triggers.

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

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

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

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

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

Applicant flow data for internal applicants was not available.

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

a. Promotions for MCO (PWD)

Answer N/A

b. Promotions for MCO (PWTD)

Answer N/A

Applicant flow data was not available.

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

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

### A. ADVANCEMENT PROGRAM PLAN

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

The DOC ensures job opportunities are posted on USAJOBS, which provides awareness to PWD/TD of employment opportunities. The DOC also posts its Reasonable Accommodation Policy and POC for requesting an accommodation in each announcement. PWD/TD are made aware of various leadership/professional development programs. The competitive opportunities are announced via USAJOBS, and many other internal programs are opened to all employees and announced via internal broadcast messages. PWD/TD have an equal opportunity to compete for all opportunities including managerial, executive, and other career-enhancing programs and initiatives. DOC PWD/TD have access to the Department's web-based training program, Commerce Learning Center (CLC), which contains over 2,500 training courses to assist employees with managing their careers. DOC provided other programs to help employees gain management and leadership skills to accomplish their career objectives. For example, workshops on Engaging Employee Resource Groups and developing Individual Development Plans and Leadership Competencies were offered, as well as Federal Government-wide professional and career development programs. All employees were encouraged to participate in DOC-wide developmental opportunities, including employees with disabilities. Additionally, Bureaus initiated and engaged Employee Resource Groups, including Disability Working Groups, to help advertise and promote career development programs. Additionally, OCR is taking a deeper dive into gaps in career advancement for PWD through the launch of Retention Survey 2, which is in development with a planned release in FY24. DOC continues to promote internal advancement opportunities for PWD/TD through Bureau-specific leadership development programs. Some examples of Bureau specific plans are: • USPTO: During FY 2018, the Office of EEO & Diversity constituted a new Disability Working Group, dedicated to identifying barriers to career advancement and reduction of those barriers. The function of this group is being replaced by the new USPTO Diversity, Equity, Inclusion, and Accessibility (DEIA) Council, to be stood up in FY23. In addition, the USPTO affinity group, ResponsAbility, which focuses on advocacy and awareness of disability issues and goals, worked with USPTO leadership to promote career advancement of their members. The USPTO developed stronger hiring manager education focusing on providing managers with the tools they need to implement (or maximize) disability recruitment and hiring strategies. This included training for aspiring managers. • NOAA: Explored Cabinet Level Agencies to determine best practices for implementation at NOAA. Collaborated with PWD/PWTD Employee Resource Group to discuss challenges in opportunities for advancement. Finalized the NOAA specific plan for Recruiting, Hiring, and Retaining People with Disabilities/Targeted Disabilities. Presented Lunch and Learn with employees to discuss application procedures for Schedule A opportunities. Tracked applicant flow data for Leveraging Abilities, Needs, Talents, Energies & Resources Network (LANTERN). Set aside 1% of LANTERN opportunities for PWD/PWTD. Identified a mechanism to survey PWD/PWTDs to determine if there is a low participation of LCDP applicants.

### B. CAREER DEVELOPMENT OPPORTUNITES

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

Currently, there is one Department-wide Career Development Program for the Senior Executive Service, and no candidates were recruited in FY 23. However, Bureaus have instituted various career development opportunities. Some of notable mentions are:

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

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



Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)
Detail Programs						
Internship Programs						
Coaching Programs						
Other Career Development Programs						
Training Programs						
Mentoring Programs						
Fellowship Programs	25	25	16%	16%	0	0

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

- a. Applicants (PWD) Answer No  
b. Selections (PWD) Answer No

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

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

- a. Applicants (PWTD) Answer Yes  
b. Selections (PWTD) Answer Yes

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

### C. AWARDS

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

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

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

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 (11.64%) and PWTD (1.85%).

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 | No |
| b. Other Types of Recognition (PWTD) | Answer | No |

**D. PROMOTIONS**

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

- |  |        |     |
|--|--------|-----|
| a. SES                                 |        |     |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD)          | Answer | Yes |
| b. Grade GS-15                         |        |     |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD)          | Answer | Yes |
| c. Grade GS-14                         |        |     |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD)          | Answer | Yes |
| d. Grade GS-13                         |        |     |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD)          | Answer | No  |

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

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

- |   |        |     |
|---|--------|-----|
| a. SES                                  |        |     |
| 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 | Yes |
| c. Grade GS-14                          |        |     |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. Internal Selections (PWTD)          | Answer | No  |
| d. Grade GS-13                          |        |     |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. Internal Selections (PWTD)          | Answer | No  |

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

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

- |                             |        |     |
|-----------------------------|--------|-----|
| a. New Hires to SES (PWD)   | Answer | No  |
| b. New Hires to GS-15 (PWD) | Answer | Yes |
| c. New Hires to GS-14 (PWD) | Answer | No  |
| d. New Hires to GS-13 (PWD) | Answer | No  |

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

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

- |                              |        |     |
|------------------------------|--------|-----|
| a. New Hires to SES (PWTD)   | Answer | Yes |
| b. New Hires to GS-15 (PWTD) | Answer | Yes |
| c. New Hires to GS-14 (PWTD) | Answer | Yes |
| d. New Hires to GS-13 (PWTD) | Answer | No  |

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

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

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

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

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

- a. Executives
  - i. Qualified Internal Applicants (PWTD) Answer N/A
  - ii. Internal Selections (PWTD) Answer Yes
- b. Managers
  - i. Qualified Internal Applicants (PWTD) Answer N/A
  - ii. Internal Selections (PWTD) Answer Yes
- c. Supervisors
  - i. Qualified Internal Applicants (PWTD) Answer N/A
  - ii. Internal Selections (PWTD) Answer No

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

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

- a. New Hires for Executives (PWD) Answer No
- b. New Hires for Managers (PWD) Answer No
- c. New Hires for Supervisors (PWD) Answer No

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

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

- a. New Hires for Executives (PWTD) Answer Yes
- b. New Hires for Managers (PWTD) Answer No
- c. New Hires for Supervisors (PWTD) Answer No

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

**Section 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

a. Using the inclusion rate, the percent of voluntary separations for PWD was 5.33%, PWOD 4.66%. b. Using the inclusion rate, the percent of involuntary separations for PWD was 3.44%, PWOD 2%.

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

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

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

No exit interview survey or other data sources were available for analysis when this report was completed. In FY 24, in collaboration with the Bureau of the Census' Centers for Behavioral Science Methods, OCR will roll out a second Retention Survey that will take a deeper dive into the reasons why PWD/TD are separating from the Department at higher rates than employees without disabilities.

## B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

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

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

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

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

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

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

1) To enhance Digital/IT accessibility and Section 508 compliance, the Department updated its Section 508 Compliance Manual to incorporate the revised Section 508 Standards. The manual is pending final review and will be released in FY24. Additionally, the Department will develop a plan and schedule for completing a baseline assessment for Section 508 compliance with respect to websites and procurement. The baseline assessment will utilize standards established by the Federal CIO Council Accessibility Community of Practice (ACOP). A standard template will be developed for Bureaus to use in reporting baseline measures and progress against those measures. 2) The Department has a Section 508 Working Group, led by the DOC Section 508 Program Manager in the Office of the Chief Information Officer (OCIO), and includes all Bureau 508 Coordinators. This group meets regularly to address specific regulatory requirements and implementation concerns. Additionally, the Bureaus have Section 508 working groups that ensure digital/information technology is accessible within the Bureau. 3) In FY23, in conjunction with an action in the DOC DEIA Strategic Plan, the DOC Accessibility Committee was launched. The Committee is under the purview of the DOC DEIA Council and is comprised of Bureau staff responsible for physical and digital/Information Technology accessibility within Commerce. To ensure DOC facilities are physically accessible, the Department drafted an Accessibility and Assessment Checklist and Standard Operating Procedures. Once finalized, the Accessibility Assessment Checklist will be used by Bureau Facility Accessibility Coordinators to conduct annual accessibility assessment of DOC facilities. This will ensure DOC facilities are adhering to applicable accessibility laws (i.e. the Architectural Barriers Act), maintain uniformity in practice, and streamline procedures for reporting and addressing physical accessibility issues. In FY24, the Committee will establish a physical accessibility community of practice. Participants will include interior designers, architects, and facility managers from across the Bureaus. This will allow for more efficient and effective dissemination of guidance, important information, training opportunities, and best practices.

### **C. REASONABLE ACCOMMODATION PROGRAM**

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

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

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

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

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

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

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

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

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

**Section 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.

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

**B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION**

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

Answer Yes

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

Answer Yes

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

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

### Section VII: Identification and Removal of Barriers

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

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

Answer No

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

Answer N/A

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



<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)					
<b>Specific Workforce Data Table:</b>	Workforce Data Table - B4					
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	The participation rate for PWD at GS 11 to SES is 11.12%, below the 12% target goal.					
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> People with Disabilities					
<b>Barrier Analysis Process Completed?:</b>	N					
<b>Barrier(s) Identified?:</b>	N					
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<b>Barrier Name</b>  Barrier identification in progress.	<b>Description of Policy, Procedure, or Practice</b>  Potential barriers include 1) lack of resources for recruitment and outreach activities for PWD/TD and 2) lack of policy enforcement that encourages the hiring of (PWD/PWTD) candidates using special hiring authorities (Schedule A, Veterans, etc.) when filing vacant positions.				
<b>Objective(s) and Dates for EEO Plan</b>						
<b>Date Initiated</b>	<b>Target Date</b>	<b>Sufficient Funding / Staffing?</b>	<b>Date Modified</b>	<b>Date Completed</b>	<b>Objective Description</b>	
10/01/2019	09/30/2020	Yes	09/30/2024		Increase recruitment and retention of PWD in the permanent workforce in grades GS11 to SES to meet the Federal high benchmark goal of 12%	
<b>Responsible Official(s)</b>						
<b>Title</b>		<b>Name</b>		<b>Standards Address The Plan?</b>		
Disability Program Manager		Monique Dismuke		Yes		
Director, Office of Human Capital Strategy		Charles Clark		Yes		
DOC Veterans Employment & Selective Placement Program Manager		Roseal Fowlkes		Yes		
<b>Planned Activities Toward Completion of Objective</b>						
<b>Target Date</b>	<b>Planned Activities</b>			<b>Sufficient Staffing &amp; Funding?</b>	<b>Modified Date</b>	<b>Completion Date</b>
09/30/2019	Analyze current DOC recruitment/hiring policy to identify areas for improvement for PWD/TD utilizing Schedule A.			Yes	09/30/2023	
10/01/2021	Track and monitor number of Schedule A applicants referred for vacant positions by Bureau HR Specialists and SPPC. Set annual goals and submit quarterly report to OHRM and OCR.			Yes	09/30/2023	
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**Planned Activities Toward Completion of Objective**

<b>Target Date</b>	<b>Planned Activities</b>	<b>Sufficient Staffing &amp; Funding?</b>	<b>Modified Date</b>	<b>Completion Date</b>
09/30/2019	Establish policy which requires hiring managers to acknowledge and consider Schedule A candidate(s) before publishing vacancy announcement or extending an offer of employment to non-Schedule A candidates.	Yes	12/30/2023	
09/30/2019	Conduct outreach efforts at college and universities with career placement offices, campus organizations and other networks that provide services to students with disabilities. Participate in special recruiting events, including virtual events, that specifically target people with disabilities.	Yes	09/30/2021	09/30/2021
12/30/2022	Encourage managers to set aside positions for career advancement of PWD during succession planning.	Yes	12/20/2023	
09/30/2024	Conduct outreach efforts at college and universities with career placement offices, campus organizations and other networks that provide services to students with disabilities. Participate in special recruiting events, including virtual events, that specifically target people with disabilities for senior grade level positions (GS 15 to SES).	Yes		

**Report of Accomplishments**

<b>Fiscal Year</b>	<b>Accomplishments</b>
2020	Funding for onsite recruitment efforts were not provided FY 2020. However, some bureaus did actively participate in virtual recruitment events in FY 2020. This is an ongoing activity.
2021	Planned Activity #3: Conduct outreach efforts at college and universities with career placement offices, campus organizations and other networks that provide services to students with disabilities. Participate in special recruiting events, including virtual events, that specifically target people with disabilities. Funding for onsite efforts were not provided in FY 2021. Additionally, COVID 19 restrictions prevented in-person visits. Some bureaus did participate in virtual recruitment events.
2022	<p>USPTO</p> <ul style="list-style-type: none"> <li>In FY22, the following branching question was added to the USPTO exit survey:</li> </ul> <p>Do you have a disability?                      If you answered "Yes": While you were at the agency, did you ever have an experience where you did not feel included in an agency or activity or program because of your disability?</p> <ul style="list-style-type: none"> <li>In 2020, only 7 employees took the USPTO exit survey. Between May 13 and June 15, 2022, 52 employees answered the new survey with the disability question. Quarterly reports will be delivered to Business Units in FY23.</li> <li>Persons with disabilities are applying to and being selected for career development programs at a rate higher than their participation in the agency. OEEOD obtained demographic data for participants in the USPTO FY 22 Mentoring Program, Administrative Professionals Excellence Program, and Emerging Leaders Program:</li> </ul> <p>11.52% of which identify as a person with a disability.</p> <p>PWDs.</p>
2023	The participation rate for PWD at the GS 11 to SES is 11.12%, this represents an increase from FY22 (10.11%). Although it is still below the 12% goal the increase has continued upward for the last 3 years.

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

<b>Target Date</b>	<b>Planned Activities</b>	<b>Sufficient Staffing &amp; Funding?</b>	<b>Modified Date</b>	<b>Completion Date</b>
09/30/2019	Review training completion data for mandatory training on recruitment and retention of people with disabilities. Submit quarterly report to senior leadership.	Yes	09/30/2020	09/30/2020
09/30/2019	Promote awareness and encourage participation in DOC's career/leadership development programs; collect and track disability status for applicants and participants.	Yes	09/30/2023	
09/30/2019	Ensure new supervisors receive mandatory training that includes disability inclusion and reasonable accommodations.	Yes	09/30/2020	09/30/2021
09/30/2022	Work with Enterprise Services to ensure AFD is accurate and complete for future barrier analysis.	Yes	09/30/2024	
09/30/2024	Initiate training, internship, and mentoring programs for PWD to reach the senior grade levels.	Yes		
09/30/2024	Increase collaboration and communication between HR Staffing, Bureau Disability Program Managers, and Disability ERGs to ensure PWD are routinely notified about developmental opportunities including internships, coaching, details, and job assignments.	Yes		

**Report of Accomplishments**

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

**Report of Accomplishments**

<b>Fiscal Year</b>	<b>Accomplishments</b>
2023	<p>#1 Promote awareness and encourage participation in DOC's career/leadership development programs; collect and track disability status for applicants and participants.</p> <p>version of the Partnership for Public Service Excellence in Government (EIG) Fellowship. This internal DOC program was open to employees in grades GS-14, GS-15, and equivalent. There were twenty-five (25) candidates in the competitive process. All twenty-five candidates were provided the opportunity to participate in this cohort. A partial analysis of the data revealed there were no triggers for PWD.</p>

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

**Planned Activities Toward Completion of Objective**

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Ongoing analysis and review of results of the DOC Employee Retention Survey 2 (including related focus groups), and other data to, established strategies to address retention issues.	Yes	09/30/2024	
09/30/2023	Work in collaboration with DEIA Accessibility Committee and DOC ERGs, to conduct focus groups and exit interviews to identify issues/potential barriers to accessibility that may be negatively impacting retention of PWD.	Yes	09/30/2024	

**Report of Accomplishments**

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

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

Planned Activity #1 and #2: Analyze current DOC recruitment/hiring policy to identify areas for improvement for PWD/TD utilizing Schedule A. Establish policy which requires hiring managers to acknowledge and consider Schedule A candidate(s) before publishing vacancy announcement or extending an offer of employment to non-Schedule A candidates. This is an ongoing activity that will be extended into FY24. In FY23, DOC implemented USA Staffing into its practices for obtaining Applicant Flow data. Although the transition to USA Staffing is complete, at the time of this report, only partial Applicant Flow Data was available. In FY24, DOC anticipates USA Staffing to obtain complete Applicant Flow Data. This will allow for further analysis of career development programs announced using USAJOBS. This deficiency is addressed in Part H-6.

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

n/a

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

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