

**U.S. Equal Employment Opportunity Commission
FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT**

Federal Maritime Commission

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

| | | | | |
|---|---|-----------------|---------------------------------|----------|
| PART A Department or Agency Identifying Information | 1. Agency | | 1. Federal Maritime Commission | |
| | 1.a 2 nd level reporting component | | Not Applicable | |
| | 2. Address | | 2. 800 North Capitol Street, NW | |
| | 3. City, State, Zip Code | | 3. Washington, DC 20753 | |
| | 4. Agency Code | 5. FIPS code(s) | 4. MC00 | 5. 11001 |

| | | | |
|-----------------------------------|--|--|--------|
| PART B Total Employment | 1. Enter total number of permanent full-time and part-time employees | | 1. 115 |
| | 2. Enter total number of temporary employees | | 2. 7 |
| | 3. TOTAL EMPLOYMENT [add line B1 through 2] | | 3. 122 |

**PART C
Agency Official(s) Responsible for Oversight of EEO Program(s)**

**PART C.1
Head of Agency and Head of Agency Designee**

| Title Type | Name | Title |
|---------------------------------|--------------------|--------------|
| Head of Agency | Daniel B. Maffei | Chairman |
| Principal EEO Director/Official | Camella M. Woodham | EEO Director |

PART C.2
Agency Official(s) Responsible for Oversight of EEO Program(s)

| EEO Program Staff | Name | Title | Job Series | Pay Plan | Phone Number | Email Address |
|---|------------------|--|-------------------|-----------------|---------------------|----------------------|
| EEO Program Staff | Name | Title | Job Series | Pay Plan | Phone Number | Email Address |
| Principal EEO Director/Official | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Affirmative Employment Program Manager | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Complaint Processing Program Manager | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Diversity and Inclusion Officer | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Hispanic Program Manager (SEPM) | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Women's Program Manager (SEPM) | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Disability Program Manager (SEPM) | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Special Placement Program Coordinator (Individuals with Disabilities) | Courtney Killion | HR Director | 0201 | GS | 202-523-5773 | ckillion@fmc.gov |
| Reasonable Accommodation Program Manager | Courtney Killion | HR Director | 0201 | GS | 202-523-5773 | ckillion@fmc.gov |
| Anti-Harassment Program Manager | Courtney Killion | HR Director | 0201 | GS | 202-523-5773 | ckillion@fmc.gov |
| ADR Program Manager | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Compliance Manager | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Principal MD-715 Preparer | Camella Woodham | EEO Director | 0260 | GS | 202-579-2561 | cwoodham@fmc.gov |
| Other EEO Staff | Philip Lee | Collateral Duty EEO Counselor/Attorney Advisor, Office of Consumer Affairs and Dispute Resolution Services | 0905 | GS | | plee@fmc.gov |
| Other EEO Staff | Susan Johnson | Collateral Duty EEO Counselor/Transportation Industry Analyst, Bureau of Trade Analysis | 2110 | GS | | sjohnson@fmc.gov |
| Other EEO Staff | Kimberly Doughty | Collateral Duty EEO Counselor/Industry Analyst, Bureau of Trade Analysis | 0301 | GS | | kdoughty@fmc.gov |

PART D

PART D.1

List of Subordinate Components Covered in this Report

| Subordinate Component | City | State | Country (Optional) | Agency Code | FIPS Codes |
|-----------------------|------|-------|--------------------|-------------|------------|
| NONE | | | | | |

PART D.2

Mandatory and Optional Documents for this Report

In the table below, the agency must submit these documents with its MD-715 report

| Did the agency submit the following mandatory documents? | Please respond Yes or No | Comments |
|--|--------------------------|----------|
| Organizational Chart | Yes | |
| EEO Policy Statement | Yes | |
| Strategic Plan | Yes | |
| Anti-Harassment Policy and Procedures | Yes | |
| Reasonable Accommodation Procedures | Yes | |
| Personal Assistance Services Procedures | Yes | |
| Alternative Dispute Resolution Procedures | Yes | |

In the table below, the agency may decide whether to submit these documents with its MD-715 report

| Did the agency submit the following optional documents? | Please respond Yes or No | Comments |
|---|--------------------------|----------|
| Federal Equal Opportunity Recruitment Program (FEORP) | No | |
| Disabled Veterans Affirmative Action Program (DVAAP) Report | No | |
| Operational Plan for Increasing Employment of Individuals with Disabilities under Executive Order 13548 | No | |
| Diversity Policy Statement | No | |
| Human Capital Strategic Plan | No | |
| EEO Strategic Plan | No | |
| Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey | No | |

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Federal Maritime Commission

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

Part E: EXECUTIVE SUMMARY

**PART E.1
MISSION**

The Federal Maritime Commission (FMC, Agency, or Commission) is an independent federal agency charged with regulating liner shipping in the U.S. international trades. From its creation in 1961, the FMC has ensured a competitive and reliable international ocean transportation supply system that supports the U.S. economy and job growth, and protects the public from unlawful, unfair, and deceptive practices. While the specifics of the U.S. maritime policy and laws have changed during the last few decades, the FMC's mission and dual strategic goals are the focus of today's regulatory efforts.

Congress assigned these responsibilities to the FMC in the following laws now codified at 46 U.S.C. §§ 40101-44106:

- The Shipping Act of 1984 (Shipping Act), as amended by the Ocean Shipping Reform Act (OSRA) of 2022;
- The Foreign Shipping Practices Act of 1988 (FSPA);
- Section 19 of the Merchant Marine Act, 1920 (1920 Act);
- Sections 2 and 3 of Pub. L. No. 89-777, 80 Stat. 1350; and
- Section 834 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (LoBiondo Act).

The mission of FMC is to:

Ensure a competitive and reliable international ocean transportation supply system that supports the U.S. economy and protects the public from unfair and deceptive practices.

The FMC's Headquarters is located in Washington, D.C. (Headquarters). The Agency also has Regional Offices located throughout the country.

PART E.2
ESSENTIAL ELEMENTS A-F

Essential Element A: Demonstrated Commitment from Commission Leadership

The FMC continues to demonstrate a culture that supports equal opportunity, diversity, inclusion, and accessibility. Chairman Daniel Maffei articulated in the agency's annual policy statements the agency's commitment to equal employment opportunity and a discrimination-free workplace and supported an inclusive environment that provides to all employees, individually and collectively, the chance to work to their full potential. Chairman Maffei's Equal Employment Opportunity and Diversity Policy statement, dated May 11, 2022, states:

"The Federal Maritime Commission (FMC) reaffirms its commitment to equal opportunity in employment regardless of race, color, sex (including pregnancy, sexual orientation, and gender identity/stereotyping), national origin, religion, age (40 years and older), disability (physical and/or mental), genetic information, and/or for opposing discrimination or participating in the EEO process. The FMC will continue to provide a workplace that is free from all forms of discrimination, harassment, and retaliation, ensuring equal opportunity in all human capital and employment programs, management practices, and employment-based decisions."

The FMC policy adheres to EEOC guidance on establishing a model EEO program. The agency actively strives to continuously incorporate effective management, accountability, inclusiveness, self-assessment, and adaptivity to ensure that all employees enjoy a safe and effective workplace. As the FMC EEO and Diversity Policy statement makes clear:

"The FMC will continue to actively and consistently support and promote the principles of diversity and inclusion in order to guarantee an environment in which its employees are valued, treated with dignity and respect, and provided every chance to compete and contribute towards achieving their employment potential. The entire FMC community-executive leadership, supervisors, managers and staff will always be held accountable to maintain an environment with highest standards of diversity, inclusion, and equal employment opportunity."

FMC continues its support of individuals with disabilities. The agency continues to review its policies and procedures to ensure that individuals with disabilities have opportunities and access to all of the privileges and benefits of employment, including access to reasonable accommodations and personal assistance services, as they are needed. The FMC EEO and Diversity Policy states:

"In support of Executive Order 13548, "Increasing Federal Employment of Individuals with Disabilities," we will seek to strengthen our efforts to attract, hire, and retain individuals with disabilities through the use of special hiring authorities, and by providing reasonable accommodations to qualified individuals with disabilities upon request and as appropriate. The FMC is committed to providing equal employment opportunities to individuals with disabilities and ensuring that applicants for employment and existing employees with disabilities are treated with the same respect and fairness that every employee expects and deserves in the workplace."

To increase engagement and inclusion, FMC Leadership promoted, and actively participated in,

special emphasis programs that occur throughout the year. In addition to encouraging employees to participate in the FMC special emphasis programs, leadership took an active role by introducing speakers and events and delivering remarks. The Commission regularly assesses and ensures EEO principles are part of its culture and has taken an integrated approach to identify opportunities to improve the recruitment/outreach, hiring, development and retention of women, minorities and individuals with disabilities. The FMC uses the Federal Employee Viewpoint Survey to monitor the perception of EEO principles within the workforce as part of the annual barrier analysis.

EEO policies and procedures are published on the FMC public website at [EEO Rights and Statistics](#) and on the FMC intranet.

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

The FMC's EEO programs are structured to maintain a workplace that is free from discrimination and support the agency's strategic mission. EEO is integrated into the agency mission and included in the FMC's Strategic Plan for Fiscal Years (FY) 2018 - 2022 and underscores the Commission's commitment to attract and retain a highly effective and diverse workforce. In the FMC's Strategic Plan for Fiscal Years 2022 - 2026, the Commission further underscored its commitment to foster a high performing, engaged, and diverse workforce where staff understand how their efforts contribute to the goals of the Commission. The Office of Equal Employment Opportunity supports the agency's strategic mission by advising and assisting the agency in carrying out its responsibilities relative to the Civil Rights Act of 1964, as amended (Title VII), the Rehabilitation Act of 1973, the Equal Pay Act of 1973, the Age Discrimination in Employment Act of 1967, and the Genetic Information Nondiscrimination Act of 2008 (GINA), as well as executive orders, and regulatory guidelines implementing affirmative employment and the processing of EEO complaints. The strategic plan includes the following language:

Administrative Strategies in Support of Agency Objectives: "The FMC is committed to the principles of diversity and the implementation of policies and objectives to enhance the Commission's workforce. The Commission's Office of Equal Employment Opportunity (OEEO), along with senior leaders, effectively carries out this commitment."

The reporting structure for the EEO program provides the principal EEO official with appropriate authority and access to resources to effectively carry out a successful EEO program. The EEO Director controls all aspects of the EEO program, is consulted on management and personnel actions, and involves managers in the implementation of its EEO program.

Essential Element C: Management and Program Accountability

The FMC OEEO advises managers/supervisors on EEO matters and effectively coordinates with the Office of Human Resources (OHR).

During FY 2022, the FMC posted EEO complaint processing data on its public website. Consistent with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), the FMC delivered No FEAR Act training to its new employees, and informed new employees of their rights and remedies under antidiscrimination laws and whistle-blower protection laws within 90 days of their appointment.

The Commission evaluates managers and supervisors on their efforts to ensure equal employment

opportunity. Rating officials evaluate the performance of supervisors and managers based on EEO elements. The FMC Performance Assessments (Form 27A/B) used by all employees, includes a critical element covering professional behavior and interpersonal skills (Element 4). To obtain a satisfactory rating (level 3), the employee must "display respect, courtesy and tact during interactions with people within as well as outside the FMC; collaborate as a team player; and demonstrate adherence to EEO and diversity principles."

The FMC has established policies and procedures to prevent all forms of EEO discrimination. The agency ensured compliant reasonable accommodation procedures and processed requests for reasonable accommodations following the requirements of the Final Rule amending 29 CFR Part 1614.203 titled Affirmative Action for Individuals with Disabilities in Federal Employment (applicable as of January 3, 2018) and the requirements of the Rehabilitation Act of 1973 and the ADA Amendments Act of 2008 (ADAAA).

As required by the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020, as well as EEOC regulations and directives, the EEO Director is under the direct supervision of the Chairman of the Commission.

OEEEO also leveraged the talents of three FMC employees who, in addition to performing their primary duties and responsibilities, volunteered to serve as EEO Counselors in a collateral duty capacity. In FY 2022, collateral duty EEO Counselors attended their mandatory eight-hour refresher course training delivered by experts from the EEOC, as well as other trainings to enhance their skills.

Essential Element D: Proactive Prevention of Unlawful Discrimination

The FMC takes early measures to prevent discrimination and to identify and eliminate barriers to equal employment opportunity. Internal policies are reviewed on an annual basis and continuously throughout the year to ensure fairness and clarity in all FMC operations.

The FMC reviews informal complaint activity as an indicator of FMC's proactive measures. During FY 2022, the FMC processed one (1) counseling in the informal stage. This counseling was withdrawn, and no complaint was filed. The FMC's informal EEO complaint activity, measured as the number of informal counseling contacts as a percentage of the total workforce, was .82% in FY 2022. This is significantly below the 2020 government-wide measure of informal complaint activity of 1.73% and slightly below the FMC informal complaint activity reported for 2021 (1.8%). Source: *Annual Report on the Federal Work Force Fiscal Year 2020 and FMC Annual 462 Report 2021*.

The EEO Director works across two independent agencies and draws on support of each agency's Office of the Chairman, Office of Human Resources, and other agency managers to proactively address emerging issues in the workplace.

To increase employee engagement and inclusion, the FMC created a Diversity Council, which includes employees from various offices, to inform barrier analysis reviews, spread diversity awareness, and provide feedback on the FMC's diversity and inclusion programs. During FY 2022, the Diversity Council provided assistance in delivering the agency's Special Emphasis program educational events and activities designed to improve cultural awareness, debunk stereotypes, and recognize the contributions and achievements of diverse groups represented in our workforce.

As part of its proactive prevention efforts, the FMC disseminates EEO policies covering harassment

prevention, workplace violence, and personal assistance services to all personnel. The FMC also publishes information on the EEO complaint process, EEO policies, and the roles and responsibilities of OEEEO on its internal and public websites. EEO posters are placed in high-traffic areas on FMC floors to provide employees and applicants for employment with notice of their EEO rights and to highlight the 45-day time limit for contacting an EEO Counselor or OEEEO. New employees are required to take the No FEAR Act training course within 90 days of onboarding. Additionally, each new employee takes an online course on Unconscious Bias and is briefed on the EEO program and their EEO related rights and responsibilities as an agency employee.

The FMC's offices are accessible to persons with physical disabilities in compliance with the Architectural Barriers Act (ABA) and an agency employee has been assigned to oversee compliance with the requirements of the ABA, as well as physical accessibility under the Americans with Disabilities Act/Rehabilitation Act.

Essential Element E: Efficiency

The Chairman continues to ensure that OEEEO has sufficient staffing, funding, and authority to support the EEO process, as well as Diversity and Inclusion initiatives. The FMC continues to maintain an efficient, fair, and impartial complaint resolution process. In FY 2022, OEEEO processed 100% of complaint actions within the timeframes defined in EEOC regulations for processing EEO complaints. The FMC has established a fair alternative dispute resolution (ADR) program and applies this program to resolve issues at the earliest stage possible. In FY 2022, the FMC timely completed the processing of one investigation, timely issued one final agency decision, and submitted timely responses to one Complainant's appeal.

The FMC's OEEEO has an effective and accurate data collection process in place to evaluate its EEO program and to identify significant trends and best practices. One of these best practices is the use of high-quality contractor support for EEO investigations. The use of quality contractor support with extensive experience in EEO complaint processing is cost beneficial and ensures that quality work product is consistently delivered. Using internal due dates more aggressive than MD-110 requirements ensures all case actions are timely processed.

Essential Element F: Responsiveness and Legal Compliance

The FMC has conducted an annual self-assessment against the essential elements prescribed by the EEOC's MD-715. As part of this assessment, FMC analyzed its workforce profiles to identify any triggers that may require further inquiry as to the existence of barriers to equal employment opportunities for any employee group based on race/ethnicity, sex, or disability. Where the FMC found non-compliance with the MD-715 requirements, the FMC developed a plan for addressing the gaps with assistance from management.

**PART E.3
WORKFORCE ANALYSIS**

FMC Workforce

At the end of FY 2022, the FMC had 122 full-time employees, 115 of the staff were permanent and 7 were temporary. Of the 115 full-time permanent employees, there were 56 (48.7%) males and 59 (51.3%) females. FMC total workforce is comprised of 79 (68.70%) mission critical (direct mission staff).

Most Commission staff are analytical professionals with strong academic records, advanced degrees, and specialized skills in law and transportation industries. These mission critical staff, along with other management and support staff, support the accomplishment of the strategic goals set forth in the Commission’s Strategic Plan.

| COLOR LEGEND | |
|---------------------|---|
| | Civilian Labor Force (CLF) |
| | At or above the CLF |
| | Within 2% of the CLF |
| | More than 2% below the CLF or 0% representation |

The U.S. Office of Personnel Management (OPM) has established a workforce participation rate goal of 12% for persons with disabilities (PWD) and 2% for persons with targeted disabilities (PWTD). There are twelve targeted disabilities: developmental, traumatic brain injury, deaf or serious difficulty hearing, blind or serious difficulty seeing, missing extremities, significant mobility impairment, partial or complete paralysis, epilepsy or other seizure disorders, intellectual, significant psychiatric disorder, dwarfism, and significant disfigurement. In addition, OPM’s guidance, issued pursuant to Executive Order 13548, requires federal agencies to establish Disability Employment Plans consistent with the federal government goal of hiring 100,000 additional individuals with disabilities, including those with targeted disabilities.

The following provides a summary of representation within the FMC’s permanent workforce compared to the OPM/EEOC’s goals for PWD/PWTD:

| Race/Ethnicity | 2014-2018 CLF % | FY 2022 | FY 2021 | FY 2020 | FY 2019 | FY 2018 |
|---------------------------|-----------------|---------|---------|---------|---------|---------|
| Hispanic or Latino Male | 6.82% | 0.87% | 1.80% | 0.9% | 0.9% | 1.8% |
| Hispanic or Latino Female | 6.16% | 2.61% | 3.6% | 2.6% | 2.6% | 4.5% |
| White Male | 35.65% | 33.91% | 33.33% | 36.8% | 35.1% | 35.1% |
| White Female | 31.82% | 22.61% | 22.52% | 21.1% | 21.9% | 21.6% |

| | | | | | | |
|---|-------|--------|--------|-------|-------|-------|
| Black or African American Male | 5.7% | 10.43% | 9.91% | 9.7% | 11.4% | 9.9% |
| Black or African American Female | 6.61% | 20.00% | 20.72% | 19.3% | 18.4% | 20.7% |
| Asian Male | 2.19% | 3.48% | 3.60% | 2.6% | 2.6% | 2.7% |
| Asian Female | 2.18% | 5.22% | 3.60% | 3.5% | 3.5% | 2.7% |
| Native Hawaiian/Other Pacific Islander Male | 0.08% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Native Hawaiian/Other Pacific Islander Female | 0.08% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| American Indian/Alaska Native Male | 0.31% | 0.0% | 0.0% | 0.9% | 0.9% | 0.9% |
| American Indian/Alaska Native Female | 0.31% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Two or More Races Male | 1.05% | 0.0% | 0.0% | 0.9% | 0.9% | 0.9% |
| Two or More Races Female | 1.05% | 0.0% | 0.0% | 1.8% | 1.8% | 0.9% |

| EEO Group | OPM Goal % | FY 2022 | FY 2021 | FY 2020 | FY 2019 | FY 2018 |
|---------------------|------------|---------|---------|---------|---------|---------|
| No Disability | | 69.57% | 76.58% | 83.3% | 86.8% | 87.8% |
| Not Identified | | 18.26% | 9.01% | 5.3% | 1.8% | 1.7% |
| Disability | 12% | 12.17% | 14.41% | 11.4% | 11.2% | 10.4% |
| Targeted Disability | 2% | 3.48% | 3.60% | 3.5% | 3.5% | 4.4% |

Applicant Flow for New Hires

Applicant flow data is provided to the Commission by the OPM. This data is available through the OPM's USA Staffing tool only for FMC jobs that were posted on USAJOBS. The FMC uses USAJOBS for all hiring actions.

A few important notes about applicant flow data help to facilitate interpretation. First, applicants are not required to provide demographic information when applying for a position.

Second, the USA Staffing tool captures and provides information only through the point at which an

applicant is selected. Various hiring process steps beyond a selection decision may impact success in onboarding a new hire (e.g., suitability assessment). Applicant data only shows applicant flow data of selected applicants. In contrast, it does not show present data on new hires on-boarded during the year. Differences are observed in the demographic statistics of those selected versus those hired.

Third, applicant flow data for the FMC combines applications submitted for permanent and temporary positions with the FMC. Thus, the data tables below reflect the pool of applications submitted for permanent and/or temporary employment.

During FY 2022, FMC issued 15 vacancy announcements for four of its major occupations: Transportation Industry Analyst, Program Management, Program & Management Analyst, Attorney, and Administrative Law Judge. The applicant flow data provided by the OPM was analyzed for these four major occupational series at the FMC. Below are the highlights of this analysis:

Transportation Industry Analyst (2110)

The FMC issued seven (7) vacancy announcements for series 2110 Transportation Industry Analyst positions. The FMC received 115 total applications for these positions. Of the 115 applicants, 47 (40.87%) were listed as qualified and 6 (12.77%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

| 7 Vacancy Announcements (2110) | Internal Competitive | New Hires |
|--------------------------------|----------------------|-----------|
| 115 TOTAL APPLICATIONS | 30 | 85 |
| 47 TOTAL QUALIFIED | 12 | 35 |
| 24 TOTAL APPLICATIONS REFERRED | 11 | 13 |
| 6 TOTAL SELECTIONS | 3 | 3 |

| EO Group (2110) | Qualified Applicants (47 Applicants) | | Referred Applicants (24 Applicants) | | Selected (6 Applicants) | |
|--|---|-------|--|-------|----------------------------|-------|
| | # | % | # | % | # | % |
| Hispanic or Latino Male | 1 | 2.12% | 1 | 4.16% | 0 | 0% |
| Hispanic or Latino Female | 0 | 0% | 0 | 0% | 0 | 0% |
| White Male | 11 | 23.4% | 4 | 16.7% | 1 | 16.7% |
| White Female | 6 | 12.8% | 4 | 16.7% | 0 | 33.3% |
| Black or African American Male | 4 | 8.51% | 2 | 8.33% | 0 | 0% |
| Black or African American Female | 5 | 10.6% | 2 | 8.33% | 0 | 0% |
| Asian Male | 3 | 6.38% | 2 | 8.33% | 0 | 0% |
| Asian Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Native Hawaiian or Other Pacific Islander Male | 0 | 0% | 0 | 0% | 0 | 0% |
| Native Hawaiian or Other Pacific Islander Female | 0 | 0% | 0 | 0% | 0 | 0% |
| American Indian or Alaska Native Male | 1 | .78% | 1 | 1.06% | 0 | 0% |
| American Indian or Alaska Native Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Two or more Races Male | 0 | 0% | 0 | 0% | 0 | 0% |
| Two or More Races Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Disability | 4 | 8.16% | 3 | 12% | 1 | 14.3% |
| Targeted Disability | 2 | 4.08% | 1 | 4% | 1 | 14.3% |
| No Disability | 15 | 30.6% | 5 | 20% | 1 | 14.3% |
| Not Identified | 28 | 57.1% | 16 | 64% | 4 | 57.1% |

Program Management (0340)

The FMC issued four (4) vacancy announcements for series 0340 Program Management positions. The FMC received 162 total applications for these positions. Of the 162 applicants, 128 (79.01%) were listed as qualified and 2 (1.56%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

| 4 Vacancy Announcements (0340) | Internal Competitive | New Hires |
|--------------------------------|----------------------|-----------|
| 162 TOTAL APPLICATIONS | 108 | 54 |
| 128 TOTAL QUALIFIED | 85 | 43 |
| 94 TOTAL APPLICATIONS | 81 | 13 |
| 2 TOTAL SELECTIONS | 2 | 0 |

| EEO Group (0340) | Qualified Applicants (128 Applicants) | | Referred Applicants (94 Applicants) | | Selected (2 Applicants) | |
|--|--|-------|--|-------|----------------------------|-----|
| | # | % | # | % | # | % |
| Hispanic or Latino Male | 9 | 7% | 8 | 8.51 | 0 | 0% |
| Hispanic or Latino Female | 1 | .78% | 1 | 1.06% | 0 | 0% |
| White Male | 29 | 23% | 21 | 22.3% | 1 | 50% |
| White Female | 12 | 9.37% | 7 | 7.45% | 0 | 0% |
| Black or African American Male | 13 | 10.2% | 9 | 9.57% | 0 | 0% |
| Black or African American Female | 3 | 6.89% | 19 | 20.2% | 0 | 0% |
| Asian Male | 3 | 2.34% | 2 | 2.13% | 0 | 0% |
| Asian Female | 1 | .78% | 1 | 1.06% | 0 | 0% |
| Native Hawaiian or Other Pacific Islander Male | 0 | 0% | 0 | 0% | 0 | 0% |
| Native Hawaiian or Other Pacific Islander Female | 0 | 0% | 0 | 0% | 0 | 0% |
| American Indian or Alaska Native Male | 1 | .78% | 1 | 1.06% | 0 | 0% |
| American Indian or Alaska Native Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Two or more Races Male | 1 | .78% | 1 | 1.06% | 1 | 50% |
| Two or More Races Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Disability | 12 | 9.73% | 9 | 9.57% | 1 | 50% |
| Targeted Disability | 5 | 3.9% | 4 | 4.3% | 0 | 0% |
| No Disability | 11 | 8.59% | 5 | 5.31% | 0 | 0% |
| Not Identified | 87 | 68% | 80 | 85.1% | 1 | 50% |

Management & Program Analyst (0343)

The FMC issued five (5) vacancy announcements for series 0343 Management and Program Analyst positions. The FMC received 242 total applications for these positions. Of the 242 applicants, 158 (65.29%) were listed as qualified and 3 (1.9%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

| 5 Vacancy Announcements (0343) | Internal Competitive | New Hires |
|---------------------------------|----------------------|-----------|
| 242 TOTAL APPLICATIONS | 167 | 75 |
| 158 TOTAL QUALIFIED | 104 | 54 |
| 108 TOTAL APPLICATIONS REFERRED | 94 | 14 |
| 3 TOTAL SELECTIONS | 3 | 0 |

| EEO Group (0343) | Qualified Applicants (158 Applicants) | | Referred Applicants (108 Applicants) | | Selected (3 Applicants) | |
|--|--|--------|---|--------|----------------------------|--------|
| | # | % | # | % | # | % |
| Hispanic or Latino Male | 6 | 3.80% | 6 | 5.55% | 0 | 0% |
| Hispanic or Latino Female | 6 | 30.80% | 4 | 3.70% | 0 | 0% |
| White Male | 25 | 15.82% | 16 | 14.81% | 0 | 0% |
| White Female | 12 | 7.60% | 9 | 8.33% | 1 | 33.33% |
| Black or African American Male | 17 | 10.76% | 16 | 14.81% | 0 | 0% |
| Black or African American Female | 25 | 15.82% | 12 | 11.11% | 0 | 0% |
| Asian Male | 10 | 6.32% | 5 | 4.63% | 0 | 0% |
| Asian Female | 3 | 1.90% | 2 | 1.85% | 0 | 0% |
| Native Hawaiian or Other Pacific Islander Male | 0 | 0.00% | 0 | 0.00% | 0 | 0% |
| Native Hawaiian or Other Pacific Islander Female | 0 | 0.00% | 0 | 0.00% | 0 | 0% |
| American Indian or Alaska Native Male | 3 | 1.90% | 2 | 1.85% | 0 | 0% |
| American Indian or Alaska Native Female | 0 | 0% | 0 | 0.00% | 0 | 0% |
| Two or more Races Male | 4 | 2.53% | 4 | 3.70% | 0 | 0% |
| Two or More Races Female | 1 | 0.63% | 0 | 0.00% | 0 | 0% |
| Disability | 13 | 8.23% | 12 | 11.11% | 0 | 0% |
| Targeted Disability | 7 | 4.43% | 7 | 6.48% | 0 | 0% |
| No Disability | 26 | 16.45% | 12 | 11.11% | 0 | 0% |
| Not Identified | 119 | 75.31% | 24 | 22.22% | 0 | 0% |

General Attorney (0905)

The FMC issued four (4) vacancy announcements for series 0905 Attorney positions. The FMC received 172 total applications for these positions. Of the 172 applicants, 160 (93.02%) were listed as qualified and 5 (3.13%) selections were made from those deemed qualified. Below, see the demographics of the applicants who applied.

| 4 Vacancy Announcements (0905) | Internal Competitive | New Hires |
|---------------------------------|----------------------|-----------|
| 172 TOTAL APPLICATIONS | 0 | 172 |
| 160 TOTAL QUALIFIED | 0 | 160 |
| 158 TOTAL APPLICATIONS REFERRED | 0 | 158 |
| 5 TOTAL SELECTIONS | 0 | 5 |

| EEO Group (0905) | Qualified Applicants (160 Applicants) | | Referred Applicants (158 Applicants) | | Selected (5 Applicants) | |
|--|--|-------|---|-------|----------------------------|-----|
| | # | % | # | % | # | % |
| Hispanic or Latino Male | 15 | 9.38% | 15 | 9.49% | 2 | 40% |
| Hispanic or Latino Female | 3 | 1.8% | 2 | 1.26% | 1 | 20% |
| White Male | 36 | 22.5% | 36 | 22.8% | 0 | 0% |
| White Female | 23 | 14.4% | 23 | 14.6% | 0 | 0% |
| Black or African American Male | 12 | 7.5% | 12 | 7.6% | 0 | 0% |
| Black or African American Female | 12 | 7.5% | 12 | 7.6% | 0 | 0% |
| Asian Male | 2 | 1.25% | 2 | 1.26% | 0 | 0% |
| Asian Female | 6 | 3.75% | 6 | 3.8% | 1 | 20% |
| Native Hawaiian or Other Pacific Islander Male | 0 | 0% | 0 | 0% | 0 | 0% |
| Native Hawaiian or Other Pacific Islander Female | 0 | 0% | 0 | 0% | 0 | 0% |
| American Indian or Alaska Native Male | 0 | 0% | 0 | 0% | 0 | 0% |
| American Indian or Alaska Native Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Two or more Races Male | 1 | .62% | 1 | .62% | 0 | 0% |
| Two or More Races Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Disability | 6 | 3.68% | 6 | 3.72% | 0 | 0% |
| Targeted Disability | 3 | 1.84% | 3 | 1.86% | 0 | 0% |
| No Disability | 39 | 24% | 38 | 23.6% | 2 | 40% |
| Not Identified | 115 | 70.6% | 114 | 70.9% | 3 | 60% |

Administrative Law Judge (0935)

The FMC issued four (4) vacancy announcements for series 0935 Administrative Law Judge positions. The FMC received 30 total applications for these positions. Of the 30 applicants, 13 (43.33%) were listed as qualified and one (7.69%) selection was made from those deemed qualified. Below, see the demographics of the applicants who applied.

| 4 Vacancy Announcements (0935) | Internal Competitive | New Hires |
|--------------------------------|----------------------|-----------|
| 30 TOTAL APPLICATIONS | 0 | 30 |
| 13 TOTAL QUALIFIED | 0 | 13 |
| 13 TOTAL APPLICATIONS REFERRED | 0 | 13 |
| 1 TOTAL SELECTIONS | 0 | 1 |

| EEO Group (0935) | Qualified Applicants (13 Applicants) | | Referred Applicants (13 Applicants) | | Selected (1 Applicants) | |
|--|---|--------|--|--------|----------------------------|--------|
| | # | % | # | % | # | % |
| Hispanic or Latino Male | 0 | 0% | 0 | 0% | 0 | 0% |
| Hispanic or Latino Female | 0 | 0% | 0 | 0% | 0 | 0% |
| White Male | 4 | 30.77% | 4 | 30.77% | 0 | 0% |
| White Female | 1 | 7.69% | 1 | 7.69% | 1 | 7.69% |
| Black or African American Male | 0 | 0% | 0 | 0% | 0 | 0% |
| Black or African American Female | 1 | 7.69% | 1 | 7.69% | 0 | 0% |
| Asian Male | 1 | 7.69% | 1 | 7.69% | 0 | 0% |
| Asian Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Native Hawaiian or Other Pacific Islander Male | 0 | 0% | 0 | 0% | 0 | 0% |
| Native Hawaiian or Other Pacific Islander Female | 0 | 0% | 0 | 0% | 0 | 0% |
| American Indian or Alaska Native Male | 0 | 0% | 0 | 0% | 0 | 0% |
| American Indian or Alaska Native Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Two or more Races Male | 0 | 0% | 0 | 0% | 0 | 0% |
| Two or More Races Female | 0 | 0% | 0 | 0% | 0 | 0% |
| Disability | 1 | 7.69% | 1 | 7.69% | 0 | 0% |
| Targeted Disability | 1 | 7.69% | 1 | 7.69% | 0 | 0% |
| No Disability | 0 | 0% | 0 | 0% | 0 | 0% |
| Not Identified | 12 | 92.31% | 12 | 93.31% | 1 | 93.31% |

Applicant Flow Data for Persons with Disabilities/Targeted Disability

The FMC received a total of 1690 applications for all advertised positions in FY 2022. Of those applications, 159 (9.41%) applicants self-identified as having a disability. Of the 34 selections, 4 (11.76%) applicants selected self-identified as having a disability. This is slightly below the 12% goal; however, one (2.94%) selected applicant also had a targeted disability, yielding a representation rate for targeted disabilities that exceeds the 2% goal established by OPM and the agency. Although the representation rate of selected disabled applicants is only slightly below our goal, the FMC will continue reviewing recruiting sources and continue to encourage hiring managers' use of Schedule A hiring authority. The Schedule A hiring authority and the FMC's reasonable accommodation/personal assistance services policy were detailed in each vacancy announcement. Below is a breakdown of applicant data for PWD/ PWTD.

| EEO Group | Number/ Percentage: | Number/ Percentage: | Number/ Percentage: | Number/ Percentage: |
|------------------------|----------------------------|--------------------------------|------------------------------|-----------------------------|
| | Total (1690 Applicants) | Qualified (1005 Applicants) | Referred (789 Applicants) | Selected (34 Applicants) |
| No Disability | 248 | 144 | 92 | 7 |
| Not Identified | 1283 | 780 | 627 | 23 |
| Disability | 159 | 81 | 70 | 4 |
| Targeted Disability | 76 | 34 | 30 | 1 |

New Hires

In FY 2022, the FMC hired 23 new permanent employees, 11 (47.83%) males and 12 (52.17%) females. Triggers were identified in the new employee hiring data across twelve (12) groups. Three groups are represented in the new hire data at a rate more than 2% below the CLF: Hispanic or Latino Males and Females, and Asian Males. The FY 2023 barrier analysis will explore whether there is a barrier for these groups with regard to access to hiring opportunities at the FMC. This analysis will include a review of the recruitment process to determine if current sources yield diverse applicants, and if not, explore the reasons and explore additional sources focused on advocacy for the identified groups.

The following table reflects demographic information for the FY 2022 new (permanent) hires. Groups highlighted in reflect a participation rate below the CLF or 0%:

| PERMANENT NEW HIRES | Total | Total Male | Total Female | Hispanic or Latino Male | Hispanic or Latino Female | White Male | White Female | Black or African American Male | Black or African American Female | Asian Male | Asian Female | Native Hawaiian or Other Pacific Islander Male | Native Hawaiian or Other Pacific Islander Female | American Indian or Alaska Native Male | American Indian or Alaska Native Female | Two or More Races Male | Two or More Races Female |
|----------------------------------|-------|------------|--------------|-------------------------|---------------------------|------------|--------------|--------------------------------|----------------------------------|------------|--------------|--|--|---------------------------------------|---|------------------------|--------------------------|
| Permanent Workforce: New Hires # | 23 | 11 | 12 | 0 | 0 | 10 | 6 | 1 | 4 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Permanent Workforce: New Hires % | 100 | 47.83 | 52.17 | 0.00 | 0.00 | 43.48 | 26.09 | 4.35 | 17.39 | 0.00 | 8.70 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2014-2018 CLF | 100 | 51.79 | 48.21 | 6.82 | 6.16 | 35.65 | 31.82 | 5.7 | 6.61 | 2.19 | 2.18 | 0.08 | 0.08 | 0.31 | 0.31 | 1.05 | 1.05 |

| PERMANENT NEW HIRES PWD/PWTD | Total | No Disability [05] | Not Identified [01] | Disability [02-03, 06-99] | Targeted Disability |
|----------------------------------|-------|--------------------|---------------------|---------------------------|---------------------|
| Permanent Workforce: New Hires # | 22 | 11 | 10 | 1 | 1 |
| Permanent Workforce: New Hires % | 100 | 50.00 | 45.45 | 4.55 | 4.55 |

The FMC's Affirmative Employment Plan for Persons with Disabilities established the hiring goal of increasing the overall total workforce of individuals with disabilities/targeted disabilities by 1% each year for the next 5 years. In FY 2022, 1 (4.55%) new hire self-identified as having a disability. This is below the FMC 12% goal for hiring PWD. However, similar to the applicant flow data 1 new hire (4.55%) self-identified as having a targeted disability which exceeds the FMC 2% goal for hiring PWTD.

Participation Rates for FMC Major/Mission Critical Occupations

Major or Mission Critical occupations (MCOs) at the FMC include those occupations that have direct responsibilities. This assessment does not include positions that provide primarily administrative support or clerical support for mission objectives. MCOs at the FMC include:

Attorneys (0905 Series) across the FMC's divisions and offices provide advice and recommendations to the Commission on legal and policy matters related to the Commission's responsibilities; provide advice to the Chairman and Commissioners on legal matters concerning adjudicatory and investigative proceedings; and prepare final decisions, orders and regulations for Commission approval and issuance. In addition, attorneys also serve as the prosecutorial arm of the Commission and trial counsel in formal Commission proceedings.

Administrative Law Judges (0935 Series) independently preside over administrative hearings and resolve cases involving alleged violations of the Shipping Act initiated by private parties or by the Commission.

Economists (0110 Series) and **Transportation Specialists** (2101 Series) review agreements and monitor the concerted activities of ocean common carriers and marine terminal operators under the standards of the Shipping Act of 1984. Economists also analyze the economic effect of various Commission and industry actions and events, evaluate policy issues, and advise the Commission accordingly.

Program Management (0340 Series), **Program Analysts** (0343 Series), and **Area Representatives** (0301 Series) are responsible for the Passenger Vessel Certification and Ocean Transportation Intermediary programs and represent the Commission with the shipping public. The area representatives and program analysts collect and analyze information of regulatory significance, provide monitoring and investigative functions, and assess industry conditions.

The charts below reflect the participation rate for mission critical occupations (MCOs): attorneys, economists, transportation specialists, and program management.

In addition, the charts below show representation within mission critical occupations for FY 2022 (with progression from FY 2021):

0905 Attorney

| EEO Group | 2014-2018 OCLF % | FY 2021 FMC % | FY 2022 FMC % |
|---|---------------------|------------------|------------------|
| Hispanic or Latino Male | 3.1% | 0.0% | 0.0% |
| Hispanic or Latino Female | 2.5% | 4.5% | 0.0% |
| White Male | 54.7% | 36.36% | 31.82% |
| White Female | 28.5% | 36.36% | 40.91% |
| Black or African American Male | 2.2% | 0.0% | 0.0% |
| Black or African American Female | 3.0% | 4.55% | 4.55% |
| Asian Male | 1.9% | 9.09% | 9.09% |
| Asian Female | 2.1% | 4.55% | 9.09% |
| Native Hawaiian/Other Pacific Islander Male | 0.0% | 0.0% | 0.0% |
| Native Hawaiian/Other Pacific Islander Female | 0.0% | 0.0% | 0.0% |
| American Indian/Alaska Native Male | 0.1% | 0.0% | 0.0% |
| American Indian/Alaska Native Female | 0.1% | 0.0% | 0.0% |
| Two or More Races Male | 0.9% | 0.0% | 0.0% |
| Two or More Races Female | 0.8% | 0.0% | 0.0% |
| No Disability | | 77.27% | 77.27% |
| Not Identified | | 18.18% | 22.73% |
| Disability | 12.0% | 4.55% | 0.0% |
| Targeted Disability | 2.0% | 0.0% | 0.0% |

Within the 0905 series, overall Hispanic males and females (0%), White males (31.82%), and Black males (0%) males participate at more than 2 points below the Occupational CLF. Additionally, no individuals with disabilities/targeted disabilities were self-identified in the Attorney 0905 series.

| 0110 Economist | | | |
|---|-----------------------------|--------------------------|--------------------------|
| EEO Group | 2014-2018 OCLF % | FY 2021 FMC % | FY 2022 FMC % |
| Hispanic or Latino Male | 5.3% | 10.0% | 0.0% |
| Hispanic or Latino Female | 2.0% | 0.0% | 0.0% |
| White Male | 52.3% | 70.0% | 77.78% |
| White Female | 24.1% | 10.0% | 11.11% |
| Black or African American Male | 3.9% | 0.0% | 0.0% |
| Black or African American Female | 1.7% | 0.0% | 0.0% |
| Asian Male | 5.1% | 0.0% | 0.0% |
| Asian Female | 3.0% | 10.0% | 11.11% |
| Native Hawaiian/Other Pacific Islander Male | 0.0% | 0.0% | 0.0% |
| Native Hawaiian/Other Pacific Islander Female | 0.1% | 0.0% | 0.0% |
| American Indian/Alaska Native Male | 0.1% | 0.0% | 0.0% |
| American Indian/Alaska Native Female | 0.3% | 0.0% | 0.0% |
| Two or More Races Male | 1.2% | 0.0% | 0.0% |
| Two or More Races Female | 0.9% | 0.0% | 0.0% |
| No Disability | | 90.0% | 66.67% |
| Not Identified | | 20.0% | 33.33% |
| Disability | 12.0% | 0.0% | 0.0% |
| Targeted Disability | 2.0% | 0.0% | 0.0% |

Within the 0110 series, overall Hispanic males (0%), White females (11.11%), Black males (0%), and Asian males participate at a rate more than 2 points below the Occupational CLF. Additionally, no individuals with disabilities/targeted disabilities were self-identified in the Economist 0110 series.

| 0301 Area Representatives | | | |
|---|-----------------------------|--------------------------|--------------------------|
| EEO Group | 2014-2018 OCLF % | FY 2021 FMC % | FY 2022 FMC % |
| Hispanic or Latino Male | 4.4% | 3.03% | 3.03% |
| Hispanic or Latino Female | 5.5% | 6.06% | 6.06% |
| White Male | 32.5% | 33.33% | 30.30% |
| White Female | 36.4% | 18.18% | 18.18% |
| Black or African American Male | 4.0% | 9.09% | 9.09% |
| Black or African American Female | 7.2% | 18.18% | 21.21% |
| Asian Male | 3.5% | 6.06% | 6.06% |
| Asian Female | 3.5% | 6.06% | 0.0% |
| Native Hawaiian/Other Pacific Islander Male | 0.1% | 0.0% | 0.0% |
| Native Hawaiian/Other Pacific Islander Female | 0.1% | 0.0% | 0.0% |
| American Indian/Alaska Native Male | 0.2% | 0.0% | 0.0% |
| American Indian/Alaska Native Female | 0.3% | 0.0% | 0.0% |
| Two or More Races Male | 0.9% | 0.0% | 0.0% |
| Two or More Races Female | 1.3% | 0.0% | 0.0% |
| No Disability | | 69.70% | 69.70% |
| Not Identified | | 6.06% | 9.09% |
| Disability | 12.0% | 24.24% | 21.21% |
| Targeted Disability | 2.0% | 12.12% | 9.09% |

Within the 0301 series, overall White males (30.30%), White females (18.18%), and Asian females (0%) participate at a rate more than 2 points below the Occupational CLF. Seven individuals with disabilities (three targeted disabilities) were self-identified in the 0301 series.

| 2101 Transportation Specialist | | | |
|---|-----------------------------|--------------------------|--------------------------|
| EEO Group | 2014-2018 OCLF % | FY 2021 FMC % | FY 2022 FMC % |
| Hispanic or Latino Male | 4.4% | 0.0% | 0.0% |
| Hispanic or Latino Female | 5.5% | 0.0% | 50.0% |
| White Male | 32.5% | 33.33% | 0.00% |
| White Female | 36.4% | 33.33% | 50.0% |
| Black or African American Male | 4.0% | 33.33% | 0.0% |
| Black or African American Female | 7.2% | 0.0% | 0.0% |
| Asian Male | 3.5% | 0.0% | 0.0% |
| Asian Female | 3.5% | 0.0% | 0.0% |
| Native Hawaiian/Other Pacific Islander Male | 0.1% | 0.0% | 0.0% |
| Native Hawaiian/Other Pacific Islander Female | 0.1% | 0.0% | 0.0% |
| American Indian/Alaska Native Male | 0.2% | 0.0% | 0.0% |
| American Indian/Alaska Native Female | 0.3% | 0.0% | 0.0% |
| Two or More Races Male | 0.9% | 0.0% | 0.0% |
| Two or More Races Female | 1.3% | 0.0% | 0.0% |
| No Disability | | 100.0% | 100.0% |
| Not Identified | | 0.0% | 0.0% |
| Disability | 12.0% | 0.0% | 0.0% |
| Targeted Disability | 2.0% | 0.0% | 0.0% |

Within the 2101 series, overall Hispanic males (0%), White males (0%), Black males and females (0%), and Asian males and females (0%) participate at a rate more than 2 points below the Occupational CLF. Additionally, no individuals with disabilities/targeted disabilities were self-identified in the Transportation Specialist 2101 series.

| 0340 Program Management | | | |
|---|-------------------------|----------------------|----------------------|
| EEO Group | 2014-2018 OCLF % | FY 2021 FMC % | FY 2022 FMC % |
| Hispanic or Latino Male | 5.6% | 0.0% | 0.0% |
| Hispanic or Latino Female | 3.1% | 20.0% | 20.0% |
| White Male | 51.4% | 40.0% | 60.0% |
| White Female | 25.6% | 20.0% | 0.0% |
| Black or African American Male | 3.8% | 0.0% | 0.0% |
| Black or African American Female | 3.4% | 20.0% | 20.0% |
| Asian Male | 2.8% | 0.0% | 0.0% |
| Asian Female | 1.9% | 0.0% | 0.0% |
| Native Hawaiian/Other Pacific Islander Male | 0.0% | 0.0% | 0.0% |
| Native Hawaiian/Other Pacific Islander Female | 0.1% | 0.0% | 0.0% |
| American Indian/Alaska Native Male | 0.3% | 0.0% | 0.0% |
| American Indian/Alaska Native Female | 0.2% | 0.0% | 0.0% |
| Two or More Races Male | 1.0% | 0.0% | 0.0% |
| Two or More Races Female | 0.8% | 0.0% | 0.0% |
| No Disability | | 80.0% | 40.0% |
| Not Identified | | 20.0% | 60.0% |
| Disability | 12.0% | 0.0% | 0.0% |
| Targeted Disability | 2.0% | 0.0% | 0.0%x |

Within the 0340 series, overall Hispanic males (0%), White females (0.0%), Black males (0%), and Asian males (0.0%) participate at a rate more than 2 points below the Occupational CLF. Additionally, no individuals with disabilities/targeted disabilities were self-identified in the Program Management 0340 series.

Career Ladder Promotions

A review of the FMC’s non-competitive promotions reflects that of the 115 permanent employees, eleven employees (9.57%) were eligible for career ladder promotion. 10 employees (90.91%) of the eligible employees were promoted. Of those 10 employees: 8 males (80%) and 2 females (20%) – received a career ladder promotion. As compared against the 11 eligible for promotion, the demographics for those promotions are:

| Career Ladder Promotions | | | | |
|--------------------------------------|---------------|--------|---------------|--------|
| EEO Group | Eligible (11) | | Promoted (10) | |
| | # | % | # | % |
| Hispanic or Latino Male | 0 | 0.00% | 0 | 0.00% |
| Hispanic or Latino Female | 0 | 0.00% | 0 | 0.00% |
| White Male | 6 | 54.55% | 5 | 50.00% |
| White Female | 1 | 9.09% | 1 | 10.00% |
| Black or African American Male | 2 | 18.18% | 2 | 20.00% |
| Black or African American Female | 1 | 9.09% | 1 | 10.00% |
| Asian Male | 0 | 0.00% | 0 | 0.00% |
| Asian Female | 0 | 0.00% | 0 | 0.00% |
| American Indian/Alaska Native Male | 0 | 0.00% | 0 | 0.00% |
| American Indian/Alaska Native Female | 0 | 0.00% | 0 | 0.00% |
| Two or More Races Male | 1 | 9.09% | 1 | 10.00% |
| Two or More Races Female | 0 | 0.00% | 0 | 0.00% |
| No Disability | 9 | 81.81% | 8 | 80.00% |
| Not Identified | 0 | 0.00% | 0 | 0.00% |
| Disability | 2 | 18.18% | 2 | 20.00% |
| Targeted Disability | 0 | 0.00% | 0 | 0.00% |

Separations

The FMC monitors separation rates to gain insights into management efficiency, training effectiveness and employee satisfaction. In FY 2022, the FMC had a separation rate of 16.52% (19) of its permanent workforce. This is an increase of 6.87% from FY 2021. Of the nineteen (19) separations from the permanent workforce, all were voluntary. There were no removals in FY 2022. Four males (one Hispanic, three White) and one female (Hispanic) separated via resignation. Five males (White) and five females (three White, two Black) retired. Two males (White) and three females (one White, two Black) separated for other reasons. Of the twenty total (permanent and temporary) separations, there were two separations (one resignation and one "other" reason). The "other" separation was an individual with a targeted disability.

**PART E.4
ACCOMPLISHMENTS**

Action Plans Implemented

In FY 2022, the FMC achieved several accomplishments in the areas of EEO, Diversity and Inclusion, and Leadership Development, including, but not limited to, the accomplishments listed below.

Leadership Commitment to EEO

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. Per the FMC's [Commission Order 115](#) (CO-115), *Performance Management System Non-SES*, the following performance standard language is provided:

“Respectful working relationships are maintained with co-workers, supervisors, and other contacts. Supports agency equal employment opportunity (EEO) and Diversity, Equity, Inclusion, and Accessibility (DEIA) policies. Ensures EEO and DEIA principles are adhered to throughout the organization.”

Additionally, the FMC's [Commission Order 120](#), *Senior Executive Service Performance Management System* requires all SES at the FMC to be rated on the following performance Element:

Critical Element 2: Leading People. Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.

Periodic Training for Supervisors and Hiring Officials Related to the Hiring, Promotion, and Reasonable Accommodation of Individuals with Disabilities

The FMC provided training to all managers on Schedule A hiring authority and Reasonable Accommodation (RA) to ensure their awareness of their role in hiring and retaining employees with temporary or permanent disabilities.

The FMC will continue to provide training to supervisors and hiring officials to ensure that they are aware of their responsibilities regarding hiring and supervising employees with disabilities. The training will cover restrictions on questions related to medical information, Schedule A hiring authorities, the FMC's disability accommodation procedures/personal assistance services, overlap between the Family Medical Leave Act and the Rehabilitation Act of 1973, and confidentiality requirements.

The Office of Human Resources encouraged managers to take affirmative steps to recruit, hire, train, and promote employees from diverse backgrounds.

Accommodating Individuals with Disabilities

During FY 2022, the FMC instituted a review of EEO policies including the Reasonable Accommodation and Personal Assistance Services policy. This policy was updated in FY 2022.

The FMC posts reasonable accommodation procedures on its intranet and internet sites. All employees are made aware of the procedures and their rights concerning reasonable accommodation requests. The FMC processes all accommodation requests within the time frame set forth in its reasonable accommodation procedures.

Outreach, Recruitment and Retention of Diverse Talent

In FY 2022, the FMC continued several affirmative steps to seek diversity in the workforce by:

- Engaging FMC staff from bureaus and offices across the Commission in workforce special observance efforts.
- Partnering with professional associations, educational organizations, and institutions to inform diverse professionals and students about FMC career and internship opportunities.
- Offering trainings/events to enhance workforce diversity and inclusion at the FMC.
- Offering college tuition reimbursement to all staff.
- Continuing to offer Exit Interviews to seek information on why an employee is leaving the Commission.

Employee Engagement

All employees are encouraged to participate in special observance events at the FMC. Office Managers serve as leadership sponsors for each event. In addition to promoting employee engagement, this encourages management participation in these observances, as well as sends a message of leadership commitment to equity and inclusion.

The FMC's special emphasis programs have been well received and have promoted engagement in the virtual environment.

In order to gain additional data on agency engagement, inclusion and retention efforts, the OEEI implemented exit interviews. During FY 2023, these interviews will continue in the Office of Human Resources. These interviews target feedback to support general workplace improvements, including intra-agency communications and workplace benefits. The interviews also invite comment on EEO concerns raised by exiting employees.

Through investment in employee development, the FMC has risen to new challenges brought on by the pandemic and other disruptions to the workplace, as well as to the shipping industry. To support our workforce during this challenging time, the FMC instituted several workplace initiatives, including telework and maximum scheduling flexibilities. These flexibilities have had a positive impact on the workforce on whole and have also resulted in increased inclusion for our disabled employees and employees with caregiving responsibilities.

Summary of FMC's 2022 FEVS Results

Based on FMC [2022 FEVS results](#), the Commission continues to serve as a model federal agency. FMC continued to have no items identified as "Challenges" (items rated 35% or more negative are considered a challenge). We also saw our biggest jump in the question, "My supervisor is committed to a workforce representative of all segments of society", which had a 90% positive response, up 7% from last year. The top three responses in the 2022 survey include:

- "Employees in my work unit meet the needs of our customers" (97%).
- "It is important to me that my work contribute to the common good" (96%).
- "Employees in my work unit contribute positively to my agency's performance" (95%).

In FY 2022, the overall Employee Engagement Index (measuring factors that lead to an engaged workforce) reflected the following:

- 76% in **Employee Engagement** (81% in 2021) - *Conditions that lead to engaged employees.*
- 84% on **Supervisors** (86% in 2021) - *The interpersonal relationship between worker and supervisor, including trust, respect, and support.*
- 76% on **Intrinsic Work Experiences** (82% in 2021) - *Employees' feelings of motivation and competency relating to their role in the workplace.*
- 70% on **Leaders Lead** (74% in 2021) - *Perceptions of leadership integrity and behaviors, such as communication and workforce motivation.*

The Agency-Specific Questions introduced in FMC's 2018 FEVS provided additional insight to help further define and refine the Commission's employee engagement strategy. The FMC-specific questions in the 2022 survey continued to be identified as strengths (65% positive or higher):

- 85% feel FMC policies and practices are applied in a fair and equitable manner to all employees (80% in 2021).
- 67% believe the Commission is headed in the right direction in its efforts to create a more positive working environment (72% in 2021).
- 67% trust their leaders to assist them through counseling, training, and opportunities to advance their career in the FMC (66% in 2021).

The Commission's deliberate and united efforts to constantly improve the working environment and employee engagement continues to have a positive impact on employees. FMC will continue to build on these successes and work even harder to further improve employee engagement and make the FMC the *Best Place to Work in the Federal Government*. It is leadership's belief that hallmark areas, like the Commission's Workforce Improvement Plan (WIP), will continue to be instrumental in helping us achieve our goals. Developed by the Senior Management team in 2013, the WIP is updated annually. Each renewed plan identifies and communicates the projects or initiatives the Commission is working on, has completed, or is considering undertaking in the future. These projects are designed to improve and support a positive and effective working environment as well as to involve and engage employees. The WIP's annual update process incorporates input from the entire agency, the FEVS responses, as well as mark the addition, revision, and completion of specific projects and initiatives.

Examples of initiatives selected and completed over the last 5 years include:

- Developed a new Annual Diversity Training Program.
- Developed and conduct in-house Retirement Readiness Workshops.
- Conducted Port Tours and Site Visits.
- Conducted Path to Leadership Seminars and Roundtables.
- Implemented a Leadership Development Program and SES Development Program.

Training and Leadership Development

The FMC provided numerous opportunities for employees to acquire the skills and certifications needed to succeed in their positions and to progress in their careers. The FMC provided classroom-style and e-Learning programs and offered an extensive array of learning opportunities in various areas (e.g., courses on business writing, leadership) as well as in leadership development to FMC senior leaders and non-supervisory staff.

Leadership Development Programs

The Federal Maritime Commission's Leadership Development Program (LDP) provides Commission employees with opportunities designed to develop and enhance leadership skills. The mission and goal of the LDP is to address competency gaps; expand knowledge and skillsets; and cultivate understanding in line with organizational needs.

The LDP primarily encompasses three separate training opportunities through the Graduate School USA's Center for Leadership and Management in Washington, DC. The three different opportunities span across grade/experience levels and each program is targeted to meet the needs of employees at different career points: a New Leaders Program (NLP) for GS 7-11 employees; An Executive Leadership Program (ELP) for GS 11-13 employees¹; and an Executive Potential Program (EPP) for GS 13-15 employees. Interested non-headquarters employees are encouraged to apply and to work with the Office of Human Resources (OHR) to locate appropriate local training.

Additionally, the FMC offered its first SES Development Program, selecting 3 individuals through a competitive selection process in FY22 to complete this Program. Selectees have the option of attending OPM's "Leadership for a Democratic Society" course or the Partnership for Public Service's courses "Excellence in Government Fellows" and "Gov 21 – The 21st Century Government Innovation Program".

Awards

The FMC's [Commission Order 62](#) (CO-62), *Performance and Incentive Awards*, includes an awards category for an Equal Employment Opportunity Achievement. This award is to recognize outstanding contributions to federal or non-federal activities that promote equal employment opportunity. Some examples of achievements that may merit recognition are: participation in activities within or outside of the Commission that foster equal employment opportunity in the government that have achieved positive results; promoting and/or participating in skills development activities and on-the-job training to qualify minority group members and women for higher-level positions; providing upward mobility for lower-grade and underutilized employees as evidence through promotion; creating new job opportunities for the underutilized, handicapped, or disadvantaged; providing outstanding leadership and participation in recruitment, placement, and training activities within or outside the Commission that effectively foster equal employment opportunity in Government; providing outstanding leadership in the development and implementation of an EEO action plan or activity that leads to innovation or changes and improvements in the Commission's EEO Program; providing sound guidance or counseling and prompt, effective resolution of employee discrimination complaints; or outstanding contributions made to community or cultural activities that foster equal employment opportunity, such as economic opportunity programs and improvements of housing, transportation, education, and child care facilities.

The FMC's Office of Human Resources (OHR) tracks awards received, to include Special Act Cash Awards, On-the-Spot Cash Awards, Peer-to-Peer Recognition Awards, Service Awards, Length of Service Awards, time-off awards, and any additional awards annotated in our agency policy (CO-64). This includes the employees name, award type, award amount (if applicable), reason for award, and date processed. Additionally, OHR collects information on performance awards, to include employee name and performance levels tied to performance award amounts.

**PART E.5
PLANNED ACTIVITIES**

FY 2023-24 Planned Activities

The following activities were identified in FY 2021 to ensure the FMC progresses towards a model EEO program. The following list summarizes FY 2022 progress and the planned activities for FY 2023:

After reviewing the FMC 2021 AAP, the EEOC noted that the FMC did not identify and investigate triggers involving people with disabilities for potential barriers to equal opportunity. In FY 22-2023, the agency has begun to establish a schedule (multi-year) for investigating the triggers, as well as a strategy, to inform applicants and employees of rights concerning accessibility of agency technology and facilities. This includes agency plans to develop and update policies and notices to inform employees and the public concerning rights, responsibilities, and processes under Section 508 of the Rehabilitation Act of 1973.

As part of this multi-year plan, the FMC will also continue to encourage use of Schedule A. Managers and supervisors will continue to receive routine training trained on and encouragement to use flexible hiring authorities, including Schedule A. Additionally, all levels of the organization will be informed on how to fully utilize hiring flexibilities from the applicant and hiring manager perspectives.

Further, in collaboration between the OEEO and the OHR, the FMC will continuously assess the data to determine where triggers exist and as needed, develop a plan to further target recruitment to increase the rate of PWD and PWTD in mission-critical occupations and Hispanics (male and female) in mission critical occupations and in senior grades.

The FMC continues to lead initiatives to address diversity and inclusion efforts to impact recruitment, development, and retention through means of behavioral and social science research, benchmarking promising practices, and a commitment to recruit and retain a workforce reflective of the Nation's diversity.

FMC plans the following activities for FY 2023:

- Utilizing FY 2022 data, target select triggers to establish a comprehensive plan for investigation.
- Conduct barrier analysis of selected triggers.
- Continue to encourage managers to take affirmative steps to recruit, hire, train, and promote employees from diverse backgrounds.
- Continue and establish additional, partnerships with professional and educational partners, including disability rights organizations, educational institutions, and Hispanic serving institutions.
- Establish additional recruitment sources to expand outreach to underserved groups and groups with low participation in FMC workforce and applicant data.

Federal Maritime Commission

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

MD-715 – Part F
CERTIFICATION of ESTABLISHMENT of CONTINUING EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

I, Camella M. Woodham, am the Principal EEO Director/Official for the Federal Maritime Commission

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 workforce 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 certifies that this Federal Agency Annual EEO Program Status Report is in compliance with EEO MD-715.

Date

Daniel B. Maffei, Chairman, Federal Maritime Commission





Date

Federal Maritime Commission




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

AGENCY SELF ASSESSMENT CHECKLIST – Part G



Essential Element A: Demonstrated Commitment From Agency Leadership





|  Compliance Indicator  Measures | A.1 – The agency issues an effective, up-to-date EEO policy statement. | Measure Met? (Yes/No/NA) | Comments |
|--|---|---------------------------------|---|
| 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)] | Yes | FY 2022 Statement was signed and posted May 11, 2022. FY 2023 Statement was signed and posted May 8, 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)] | Yes | |
|  Compliance Indicator  Measures | A.2 – The agency has communicated EEO policies and procedures to all employees. | Measure Met? (Yes/No/NA) | Comments |
| 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)] | Yes | |
| A.2.a.2 | Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)] | Yes | |
| 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)] | Yes | |
| A.2.b.2 | Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 C.F.R § 1614.102(b)(5)] | Yes | |
| A.2.b.3 | Reasonable accommodation procedures? [see 29 C.F.R. § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column. | Yes | Reasonable Accommodation & Personal Assistance Services Policy and Procedures (fmc.gov) |
| 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. | Yes | Annual |
| A.2.c.2 | ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often. | Yes | Annual |
| A.2.c.3 | Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often. | Yes | Annual |
| 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. | Yes | Annual |
| 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. | Yes | Annual |



|  Compliance Indicator  Measures | A.3 – The agency assesses and ensures EEO principles are part of its culture. | Measure Met? (Yes/No/NA) | Comments |
|--|--|---------------------------------|--|
| A.3.a | <p>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. </p> <p>This award recognizes outstanding contributions to federal or non-federal activities that promote EEO. Some examples of achievements that may merit recognition are: participation in activities within or outside of the Commission that foster EEO in the government that have achieved positive results; promoting and/or participating in skills development activities and on-the-job training to qualify minority group members and women for higher-level positions; providing upward mobility for lower-grade and underutilized employees as evidenced through promotion; creating new job opportunities for the underutilized, handicapped, or disadvantaged; providing outstanding leadership and participation in recruitment, placement, and training activities within or outside the FMC that effectively foster EEO in Government; providing outstanding leadership in the development and implementation of an EEO action plan or activity that leads to innovation or changes and improvements in the Commission's EEO Program; providing sound guidance or counseling and prompt, effective resolution of employee discrimination complaints; or outstanding contributions made to community or cultural activities that foster EEO, such as economic opportunity programs and improvements of housing, transportation, education, and childcare facilities.</p> | Yes | The FMC's Commission Order 62 (CO-62), <i>Performance and Incentive Awards</i> , includes an awards category for Equal Employment Opportunity Achievement. |
| 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] | Yes | |



Essential Element B: INTEGRATION OF EEO INTO THE AGENCY'S STRATEGIC MISSION
This element requires that the agency's EEO programs are structured to maintain a workplace that is free from discrimination and support the agency's strategic mission.



|  Compliance Indicator  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. | Measure Met? (Yes/No/NA) | Comments |
|--|---|---------------------------------|---|
| 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)] | Yes | |
| 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. | NA | |
| 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)] | Yes | |
| 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] | Yes | |
| 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. | Yes | The EEO Director conducts quarterly briefings for the Chairman, addressing the status of the EEO program. The following quarterly briefings were conducted for FY 2022: 11/17/21, 2/09/22, 5/16/22, 9/7/22 |
| 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)]. Additionally, upon discussion of this issue including consultation with the Chairman of the agency, the FMC has determined to proceed to have the EEO Director invited to attend the Supervisory Team meetings. The Senior Executive Service members also meet separately. This team does not have meetings purely focused on budget/staffing, but rather focused on execution of policy and programmatic matters. To ensure that the EEO Director will continue to be consulted and appropriate input into personnel, budget, information technology, and other workforce issues, the EEO Director will be invited to attend the meetings where budgeting and staffing are being planned. At the EEO Director's discretion and considering the relevancy of topics slated for discussion and upon balancing competing priorities in the EEO program, decide whether attendance is appropriate. | Yes | OEEO is consulted and provides input to personnel, budget, technology, and other workforce issues. OEEO is also invited to brief senior staff periodically. |

|  Compliance Indicator  | B.2 – The EEO Director controls all aspects of the EEO program. | Measure Met? (Yes/No/NA) | Comments |
|--|---|---------------------------------|------------------------------------|
| Measures | 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)] | Yes | |
| B.2.b | Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)] | Yes | |
| 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.] | Yes | |
| 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.] | Yes | |
| B.2.e | Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502] | Yes | |
| 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)] | Yes | |
| 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) and (c)(3)] | NA | No subordinate level components |
|  Compliance Indicator  Measures | B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions. | Measure Met? (Yes/No/NA) | Comments |
| 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)] | Yes | |
| 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. | Yes | Per FMC FY 2018-22 Strategic Plan: |



| | | |
|--|--|---|
| | | “The Commission’s ability to carry out its mission and serve its customers depends on having a well-trained, highly skilled, and flexible workforce. The FMC is committed to the principles of diversity and the implementation of policies and objectives to enhance the Commission’s workforce. The Commission’s Office of Equal Employment Opportunity, along with senior leaders, effectively carries out this commitment.” |
|--|--|---|



|  Compliance Indicator  Measures | B.4 - The agency has sufficient budget and staffing to support the success of its EEO program. | Measure Met? (Yes/No/NA) | Comments |
|--|--|--------------------------|----------|
| 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)] | Yes | |
| B.4.a.2 | to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)] | Yes | |
| 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)] | Yes | |
| 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. | Yes | |
| 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)] | Yes | |
| B.4.a.6 | to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)] | Yes | |
| 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. | Yes | |
| 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] | Yes | |



| | | | |
|--|---|----------------------------------|--|
| 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] | Yes | |
| B.4.a.10 | to effectively manage its reasonable accommodation program? [see 29 CFR § 1614.203(d)(4)(ii)] | Yes | |
| B.4.a.11 | to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)] | Yes | |
| 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)] | No | As a small agency, the FMC does not have a separate budget for program offices, with the exception of the Office of the Inspector General. The FMC's Office of Equal Employment Opportunity's resources are included in the Commission's singular budget operating program fund. Individual office expenditures are determined by the Director, OEEEO, as necessary. |
| B.4.c | Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)] | Yes | |
| 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? | Yes | |
| 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? | Yes | |
|  Compliance Indicator  Measures | B.5 – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills. | Measure Met? (Yes/No/ NA) | Comments |
| B.5.a | Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program: | | |
| B.5.a.1 | EEO Complaint Process? [see MD-715(II)(B)] | Yes | |
| B.5.a.2 | Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)] | Yes | |
| B.5.a.3 | Anti-Harassment Policy? [see MD-715(II)(B)] | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |



|  Compliance Indicator  Measures | B.6 – The agency involves managers in the implementation of its EEO program. | Measure Met? (Yes/No/NA) | Comments |
|--|---|---------------------------------|-----------------|
| B.6.a | Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I] | Yes | |
| B.6.b | Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I] | Yes | |
| 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] | Yes | |
| 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)] | Yes | |



Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY
This element requires the agency head to hold all managers, supervisors, and EEO officials responsible for the effective implementation of the agency’s EEO Program and Plan.



|  Compliance Indicator  Measures | C.1 – The agency conducts regular internal audits of its component and field offices. | Measure Met? (Yes/No/NA) | Comments |
|--|--|---------------------------------|---|
| 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. | Yes | There are no subordinate level components. Field offices are included as part of the overall agency annual EEO Program Status Report. |
| 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. | Yes | There are no subordinate level components. Field offices are included as part of the overall agency annual EEO Program Status Report. |
| 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)] | Yes | There are no subordinate level components. Field offices comply with recommendations. |

|  Compliance Indicator  Measures | C.2 – The agency has established procedures to prevent all forms of EEO discrimination. | Measure Met? (Yes/No/NA) | Comments |
|--|--|---------------------------------|-----------------|
| 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)] | Yes | |
| 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] | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |
| 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.] | Yes | |
| 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 <u>Complainant v. Dep't of Veterans Affairs</u> , EEOC Appeal No. 0120123232 (May 21, 2015); <u>Complainant v. Dep't of Defense (Defense Commissary Agency)</u> , EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column. | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |
| 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 | Yes | |



| | | | |
|--|--|---------------------------------|---|
| | 1614.203(d)(1)(ii)(B)] | | |
| 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)] | Yes | |
| C.2.b.5 | Does the agency process all accommodation requests 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 in the comments column. | Yes | |
| 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)] | Yes | |
| 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. | Yes | Reasonable Accommodation & Personal Assistance Services Policy and Procedures (fmc.gov) |
|  Compliance Indicator  Measures | C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity. | Measure Met? (Yes/No/NA) | Comments |
| 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? | Yes | |
| 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] | Yes | |
| 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)] | Yes | |
| C.3.b.3 | Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)] | Yes | |
| 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] | Yes | |
| C.3.b.5 | Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)] | Yes | |
| C.3.b.6 | Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)] | Yes | |
| C.3.b.7 | Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)] | Yes | |





| | | | |
|--|---|---------------------------------|-----------------|
| C.3.b.8 | Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2] | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |
|  Compliance Indicator  Measures | C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program. | Measure Met? (Yes/No/NA) | Comments |
| 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)] | Yes | |
| 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] | Yes | |
| C.4.c | Does the EEO office have timely access to accurate and complete data (e.g., demographic data for workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)] | Yes | |
| 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, Yes II(C)] | Yes | |
| 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)] | Yes | |
| C.4.e.2 | Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)] | Yes | |
| C.4.e.3 | Develop and/or provide training for managers and employees? [see MD-715, II(C)] | Yes | |
| C.4.e.4 | Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)] | Yes | |
| C.4.e.5 | Assist in preparing the MD-715 report? [see MD-715, II(C)] | Yes | |



|  Compliance Indicator | C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action. | Measure Met? (Yes/No/NA) | Comments |
|---|--|---------------------------------|--|
|  Measures | | | |
| 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 <u>Douglas v. Veterans Administration</u> , 5 MSPR 280 (1981)] | Yes | |
| 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. | NA | No discipline actions as mentioned above were processed in OHR for the time period reported. |
| 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? [see MD-715, II(C)] | Yes | |

|  Compliance Indicator | C.6 – The EEO office advises managers/supervisors on EEO matters. | Measure Met? (Yes/No/NA) | Comments |
|---|---|---------------------------------|---|
|  Measures | | | |
| 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. | Yes | The EEO Director briefs senior leaders at least annually. |
| C.6.b | Are EEO officials readily available to answer managers’ and supervisors’ questions or concerns? [see MD-715 Instructions, Sec. I] | Yes | |

Essential Element D: PROACTIVE PREVENTION
This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity.



|  Compliance Indicator | D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year. | Measure Met? (Yes/No/NA) | Comments |
|---|--|---------------------------------|-----------------|
|  Measures | | | |
| D.1.a | Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I] | Yes | |
| 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; reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] | Yes | |

| | | | |
|--|---|---------------------------------|---|
| 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)] | Yes | The EEO Office conducts exit interviews focused on overall retention and employee satisfaction with one general question related to EEO bases. Additionally, OHR provides OPM's contact information for SES to complete exit surveys. |
|  Compliance Indicator  Measures | D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.) | Measure Met? (Yes/No/NA) | Comments |
| D.2.a | Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, II(B)] | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |
| 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, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If “yes”, please identify the data sources in the comments column. | Yes | Complaint/grievance data, exit surveys, employee climate surveys, affinity groups, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program. |
|  Compliance Indicator  Measures | D.3 – The agency establishes appropriate action plans to remove identified barriers. | Measure Met? (Yes/No/NA) | Comments |
| 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)] | Yes | |
| 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)] | NA | |
| D.3.c | Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)] | NA | |



|  Compliance Indicator  Measures | D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities. | Measure Met? (Yes/No/NA) | Comments |
|--|--|---------------------------------|--|
| D.4.a | Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)] Please provide the internet address in the comments. | Yes | Office of Equal Employment Opportunity - Federal Maritime Commission - Federal Maritime Commission (fmc.gov) |
| 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)] | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |



Essential Element E: EFFICIENCY



This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency’s EEO programs and an efficient and fair dispute resolution process.



|  Compliance Indicator  Measures | E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process. | Measure Met? (Yes/No/NA) | Comments |
|--|---|---------------------------------|--|
| E.1.a | Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105? | Yes | |
| 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)? | Yes | |
| E.1.c | Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch.5(I)? | NA | |
| 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. | NA | No formal complaints were filed in FY 2022 |
| E.1.e | Does the agency ensure 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)? | Yes | |
| E.1.f | Does the agency timely complete investigations, pursuant to 29 CFR §1614.108? | Yes | |
| 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 | Yes | |

| | | | |
|--------------|---|-----|--|
| | 29 CFR §1614.108(g)? | | |
| E.1.h | When the complainant does not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)? | Yes | |
| 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)? | Yes | |
| 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. | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |

|  Compliance Indicator  Measures | E.2 – The agency has a neutral EEO process. | Measure Met? (Yes/No/NA) | Comments |
|--|---|---------------------------------|--|
| 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)] | Yes | |
| 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. | Yes | The Office of General Counsel has established a firewall, enacted by memorandum, to differentiate the EEO advisory roles within its office and in order to establish an appropriate barrier between the agency's defensive function and its role in advising the EEO office. |
| 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)] | Yes | |
| 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)] | Yes | |
| 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, <i>Attaining a Model Agency Program: Efficiency</i> (Dec. 1, 2004)] | Yes | |



|  Compliance Indicator | E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program. | Measure Met? (Yes/No/NA) | Comments |
|---|--|---------------------------------|-----------------|
|  Measures | | | |
| 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)] | Yes | |
| 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)] | Yes | |
| E.3.c | Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)] | Yes | |
| 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)] | Yes | |
| 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)] | Yes | |
| E.3.f | Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)] | Yes | |



|  Compliance Indicator | E.4 – The agency has effective and accurate data collection systems in place to evaluate its EEO program. | Measure Met? (Yes/No/NA) | Comments |
|---|--|---------------------------------|-----------------|
|  Measures | | | |
| 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)] | Yes | |
| E.4.a.2 | The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)] | Yes | |
| E.4.a.3 | Recruitment activities? [see MD-715, II(E)] | Yes | |
| 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)] | Yes | |
| E.4.a.5 | The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)] | Yes | |
| 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] | Yes | |
| 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] | Yes | |



|  Compliance Indicator | E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program. | Measure Met? (Yes/No/NA) | Comments |
|---|---|---------------------------------|-----------------|
|  Measures | | | |

| | | | |
|--------------|--|-----|---|
| 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. | Yes | The agency reviews data in complaint activity and exit interviews to search for trends. |
| E.5.b | Does the agency review other agencies’ best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If “yes”, provide an example in the comments. | Yes | Yes, the agency attends small agency AE/EEO committee meetings where small agencies share best practices, resources, training and other information to improve the effectiveness of EEO programs. |
| 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)] | Yes | |

Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE
This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.

|  Compliance Indicator | | Measure Met? (Yes/No/NA) | Comments |
|--|--|-----------------------------|----------|
|  Measures | | | |
| F.1 | 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)] | Yes | |
| 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)] | Yes | |
| F.1.c | Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD- 715, II(F)] | Yes | |
| F.1.d | Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)] | Yes | |
| 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)] | Yes | |

|  Compliance Indicator | | Measure Met? (Yes/No/NA) | Comments |
|--|--|-----------------------------|----------|
|  Measures | | | |
| F.2 | F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions. | | |
| F.2.a | Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)] | Yes | |
| 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)] | Yes | |
| 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] | Yes | |
| 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)] | Yes | |

| | | | |
|--|---|---------------------------------|-----------------|
| F.2.a.4 | Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance? | Yes | |
|  Compliance Indicator  Measures | F.3 - The agency reports to EEOC its program efforts and accomplishments. | Measure Met? (Yes/No/NA) | Comments |
| 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)] | Yes | |
| F.3.b | Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)] | Yes | |

**Affirmative Action Plan
for the Recruitment, Hiring, Advancement, and Retention of
Persons with Disabilities
FY 2022**

Federal Maritime Commission

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

**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 plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities. All agencies, regardless of size, must complete this Part of the MD- 715 report.

Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 C.F.R. § 1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with reportable and 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) | Yes |
| b. Cluster GS-11 to SES (PWD) | No |

Demographic data table B4 shows the following:

Of the eight (8) permanent employees in the GS-1 to GS-10 cluster, zero (0%) employees self-identified as a PWD. This is below the 12% benchmark.

FMC has 107 permanent employees in the GS-11 to SES cluster. Of the 107 employees, fourteen (14) employees (13.08%) self-identified as PWD. This is above the 12% benchmark.

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) | Yes |
| b. Cluster GS-11 to SES (PWTD) | No |

Demographic data table B4 shows the following:

Of the eight (8) permanent employees in the GS-1 to GS-10 cluster, 0 employees self-identified as a PWTD. This is below the 2% benchmark.

FMC had 107 permanent employees in the GS-11 to SES cluster. Of the 107 employees, four (4) employees (3.74%) self-identified as a PWTD. This is above the 2% benchmark.

| Grade Level Cluster (GS or Alternate Pay Plan) | Total | Reportable Disability | | Targeted Disability | |
|--|-------|-----------------------|--------|---------------------|-------|
| | # | # | % | # | % |
| Numerical Goal | -- | 12% | | 2% | |
| Grades GS-1 to GS-10 | 8 | 0 | 0.00% | 0 | 0.00% |
| Grades GS-11 to SES | 107 | 14 | 13.08% | 4 | 3.74% |

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

The Agency communicates the numerical goals to hiring managers via email and in HR strategy consultations with hiring managers.

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.

Yes

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

| Disability Program Task | # of FTE Staff by Employment Status | | | Responsible Official (Name, Title, Office, Email) |
|--|-------------------------------------|-----------|-----------------|---|
| | Full Time | Part Time | Collateral Duty | |
| Processing applications from PWD and PWTD | 1 | 0 | 0 | Courtney Killion, Director Office of Human Resources. ckillion@fmc.gov |
| Answering questions from the public about hiring authorities that take disability into account | 1 | 0 | 0 | Nicholas Hornung, Human Resources Specialist, Office of Human Resources. nhornung@fmc.gov |
| Processing reasonable accommodation requests from applicants and employees | 1 | 0 | 0 | Courtney Killion, Director Office of Human Resources. ckillion@fmc.gov |
| Section 508 Compliance | 1 | 0 | 0 | Catie-Megan Moran, Web Content Specialist, Office of the Secretary. cmoran@fmc.gov |
| Architectural Barriers Act Compliance | 1 | 0 | 0 | GSA represents FMC in all matters pertaining to the ABA. Coordination with FMC is through Katona Bryan-Wade, Director, Office of Management Services. Kbryan-wade@fmc.gov |
| Special Emphasis Program for PWD and PWTD | 1 | 0 | 0 | Camella Woodham, Director, Office of Equal Employment Opportunity. cwoodham@fmc.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.

Yes

All Human Resources (HR) Specialists successfully completed OPM's Special Placement Program Coordinator training to carry out their responsibilities related to the disability program. In addition, the HR Specialists, EEO Director, and managers completed the Office of Personnel Management's online training on Schedule A, "A Roadmap to Success: Hiring, Retaining and Including People with Disabilities". This training provides staff and leadership with basic resources and strategies to successfully hire, retain, and include employees with disabilities. During FY 2023, the FMC plans additional training for all staff on how to comply with Section 508 requirements.

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*.

Yes

Section III: Program Deficiencies In The Disability Program

None identified.

Section IV: Plan to Recruit and Hire Individuals with Disabilities

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

A. Plan to Identify Job Applicants with Disabilities

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

The FMC continues to use a variety of recruitment strategies designed to increase the number of qualified applicants with disabilities and applicants with targeted disabilities with the major occupations. The FMC used the following resources to identify job applicants with disabilities: OPM's Agency Talent Portal and the Workforce Recruitment Program (WRP). The WRP is a recruitment and referral program that connects federal and private sector employers with college students and recent graduates.

Additionally, the EEO Director sent recruitment announcements to disability affinity groups in an effort to identify job applicants with disabilities, including individuals with targeted disabilities.

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 FMC uses Schedule A appointing authority (5 C.F.R. 213.310(2)) and 30% or more Disabled Veteran appointing authority (5 U.S.C. 3112; C.F.R. 316.302, 316.402, and 315.707) to proactively hire PWD expeditiously. FMC job announcements contain information explaining how to apply under Schedule A and other excepted service hiring authorities.

Applicants with disabilities may also provide their application directly to the FMC Office of Human Resources (OHR) at any time. The OHR reviews the current recruitment inventory to identify potential position(s) for which the applicant is suited, determines whether the applicant meets the

Schedule A 213.3102(u) requirements, reviews for qualifications, and then forwards the application package to the appropriate subject matter expert (SME) and/or hiring manager for a further consideration.

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.

When individuals apply for a position under Schedule A, the HR Specialist will confirm that the applicant has a Schedule A letter. If the applicant meets the Schedule A requirements, their application is provided to the position's SME to determine if the applicant is qualified for a position they are applying by reviewing the job qualifications against the applicant's resume. The SME documents their review and provides the HR Specialist with the determination. If qualified, the candidate is referred to the hiring manager for further consideration. The HR Specialist will also explain the Schedule A hiring authority should the SME and/or hiring official have any questions.

To determine if an applicant is eligible under Schedule A, the Office of Human Resources reviews their application package to determine if they provided the required documentation (as described in the vacancy announcement from OPM's Disability Employment Page).

The documentation is reviewed for eligibility under the hiring authority. This procedure is applied when a candidate submits an application through USAJobs and/or directly to OHR.

If the documentation submitted is unclear, we give tentative consideration under this hiring authority. In this case, if the individual is selected, we ask the selectee to furnish the appropriate documentation.

When an applicant applies through USAJobs, we review their package for eligibility. Those eligible and qualified under non-competitive hiring authorities are placed on a certificate of eligibles that is separate from those competitively eligible.

Additionally, the OHR searches OPM's Agency Talent Portal, resumes we have on file, and/or other sources for recruiting persons with disabilities. If qualified candidates are found, the resumes are forwarded to the hiring official via email for consideration.

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.

Yes

The FMC provides mandatory annual training for senior leadership, hiring managers, and HR specialists to:

- Promote and support employment of PWD/ PWTD for all employment opportunities in the agency;
- Use Schedule A authority for people with disabilities;
- Use other tools available to assist hiring managers to identify qualified applicants with disabilities; and
- Remain versed on the FMC's procedures for providing reasonable accommodation to job applicants and employees with disabilities.

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 Office of Human Resources utilizes the Workforce Recruitment Program and the EEO Director sends recruitment announcements to disability affinity groups in an effort to identify job applicants with disabilities, including individuals with targeted disabilities.

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

| New Hires | Total Workforce New Hires #(%) | Reportable Disability | | Targeted Disability | |
|----------------|--------------------------------|-----------------------|--------|---------------------|-------|
| | | # | % | # | % |
| | 23 | 14 | 12.17% | 4 | 3.48% |
| Numerical Goal | -- | 12% | | 2% | |

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.

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

| New Hires to Mission-Critical Occupations | Total Qualified (#) | Reportable Disability | | Targeted Disability | |
|--|---------------------|---------------------------|---------------|---------------------------|---------------|
| | | Qualified Applicants #(%) | Selected #(%) | Qualified Applicants #(%) | Selected #(%) |
| <i>Transportation Industry Analyst (2110)</i> | 35 | 0 (0.00%) | 0 (0.00%) | 0 (0.00%) | 0 (0.00%) |
| <i>Program Management (0340)</i> | 43 | 3 (6.98%) | 0 (0.00%) | 1 (2.32%) | 0 (0.00%) |
| <i>Management & Program Analyst (0343)</i> | 54 | 3 (5.55%) | 0 (0.00%) | 2 (3.70%) | 0 (0.00%) |
| <i>General Attorney (0905)</i> | 160 | 6 (3.75%) | 0 (0.00%) | 3 (1.87%) | 0 (0.00%) |
| <i>Administrative Law Judge (0935)</i> | 13 | 1 (7.70%) | 0 (0.00%) | 1 (1.70%) | 0 (0.00%) |
| Numerical Goal | - | 12% | | 2% | |

3. Using the qualified 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.

- | | |
|--|-----|
| a. Qualified Applicants for MCO (PWD) | Yes |
| b. Qualified Applicants for MCO (PWTD) | Yes |

| Internal Hires to Mission-Critical Occupations | Total Qualified (#) | Reportable Disability | | Targeted Disability | |
|--|---------------------|---------------------------|---------------|---------------------------|---------------|
| | | Qualified Applicants #(%) | Selected #(%) | Qualified Applicants #(%) | Selected #(%) |
| <i>Transportation Industry Analyst (2110)</i> | 12 | 4 (3.33%) | 1 (8.33%) | 2 (16.66%) | 1 (8.33%) |
| <i>Program Management (0340)</i> | 85 | 9 (10.58) | 1 (1.17%) | 4 (4.70%) | 0 (0.00%) |

| | | | | | |
|--|------------------------|------------|-----------|-----------|-----------|
| <i>Management & Program Analyst (0343)</i> | 104 | 10 (9.61%) | 0 (0.00%) | 5 (4.80%) | 0 (0.00%) |
| <i>General Attorney (0905)</i> | No internal applicants | -- | -- | -- | -- |
| <i>Administrative Law Judge (0935)</i> | No internal applicants | -- | -- | -- | -- |
| Numerical Goal | - | 12% | | 2% | |

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.

| | |
|------------------------------|-----|
| a. Promotions for MCO (PWD) | Yes |
| b. Promotions for MCO (PWTD) | Yes |

Only one mission critical position was eligible for promotion.

| Promotions to Mission-Critical Occupations | Total (#) | Reportable Disability | | Targeted Disability | |
|--|-----------|---------------------------|---------------|---------------------------|---------------|
| | | Qualified Applicants #(%) | Selected #(%) | Qualified Applicants #(%) | Selected #(%) |
| General Attorney (0905) | 1 | 0 (0.00%) | 0 (0.00%) | 0 (0.00%) | 0 (0.00%) |
| Numerical Goal | - | 12% | | 2% | |

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

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

A. Advancement Program Plan

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

The FMC is committed to ensuring opportunities for advancement for all employees, including PWD and PWTD. On an individual office basis, FMC provides for various training opportunities to enhance skills and development. In all training and development activities, EEOC ensures that employees with disabilities are accommodated.

B. Career Development Opportunities

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

As a small agency, the FMC does not have a formal career development program. However, it provides individual training, offers a SES Development and Leadership Development Program, and offers periodic details (internal and external).

2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate. [Collection begins with the FY 2018 MD-715 report, which is due on February 28, 2019.]

| Career Development Opportunities | Total Participants | | PWD | | PWTD | |
|-----------------------------------|--------------------|---------------|----------------|---------------|----------------|---------------|
| | Applicants (#) | Selectees (#) | Applicants (%) | Selectees (%) | Applicants (%) | Selectees (%) |
| Internship Programs | 16 | 2 | 0 | 0 | 0 | 0 |
| Fellowship Programs | 0 | 0 | 0 | 0 | 0 | 0 |
| Mentoring Programs | 0 | 0 | 0 | 0 | 0 | 0 |
| Coaching Programs | 0 | 0 | 0 | 0 | 0 | 0 |
| Training Programs | 16 | 11 | 6% | 9% | 0 | 0 |
| Detail Programs | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Career Development Programs | 0 | 0 | 0 | 0 | 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.

| | |
|---------------------|-----|
| a. Applicants (PWD) | YES |
| b. Selections (PWD) | YES |

Internship Programs – NO applicants with PWD or PWTD applied for internship opportunities.
 Training Programs – PWD and PWTD participated below the 12% and 2% goals for those opportunities.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs identified? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

| | |
|----------------------|----|
| a. Applicants (PWTD) | NA |
| b. Selections (PWTD) | NA |

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) | Yes |
| b. Awards, Bonuses, & Incentives (PWTD) | Yes |

Using the Inclusion Rate (Table B9-2), to determine whether there are barriers to full inclusion of qualified PWD and PWTD, FMC notes several triggers.

Seventeen Time Off awards (17) were distributed amongst fourteen (14) PWD in the permanent workforce. When comparing the inclusion rate of Persons Without Disability against PWD, FMC identified two (2) triggers for PWD with respect to Time Off Awards (11 - 20 hours and 31- 40 hours). (See Awards chart below)

Four (4) Time Off awards were distributed amongst four (4) PWTD in the permanent workforce. When comparing the inclusion rate of Persons Without Disability against PWTD, FMC identified two (2) triggers for PWTD with respect to Time Off Awards (11 - 20 hours and 31 - 40 hours;). (see Awards chart below)

Fourteen (14) Cash awards were distributed amongst the fourteen (14) PWD in the permanent workforce. When comparing the inclusion rate of Persons Without Disability against PWD, FMC identified one (1) trigger for PWD with respect to Cash Awards (See Cash Awards chart below).

Four (4) Cash awards were distributed amongst the four (4) PWTD in the permanent workforce. When comparing the inclusion rate of Persons Without Disability against PWTD, FMC identified one (1) trigger for PWTD with respect to Cash Awards (See Cash Awards chart below).

One (1) Quality Step Increase (QSI) was distributed in FY 2022. When comparing the inclusion rate of Persons Without Disability against PWD and PWTD, FMC notes that no PWD or PWTD received Quality step Increases in FY 2022.

| AWARDS | Total | Persons Without Disability ID | No Disability [05] | Not Identified [01] | Disability [02-03, 06-99] | Targeted Disability |
|---|------------|-------------------------------|--------------------|---------------------|---------------------------|---------------------|
| Time-Off Awards 1 - 10 hours: Awards Given # | 47 | 39 | 29 | 10 | 8 | 2 |
| Time-Off Awards 1 - 10 hours: Awards Given % | 40.87 | 38.61 | 36.25 | 47.62 | 57.14 | 50.00 |
| Time-Off Awards 1 - 10 Hours: Total Hours # | 235 | 196 | 149 | 47 | 39 | 16 |
| Time-Off Awards 1 - 10 Hours: Average Hours # | 5 | 1 | 5 | 4 | 4 | 8 |
| Time-Off Awards 11 - 20 hours: Awards Given # | 8 | 7 | 6 | 1 | 1 | 0 |
| Time-Off Awards 11 - 20 hours: Awards Given % | 6.96 | 6.93 | 7.50 | 4.76 | 7.14 | 0.00 |
| Time-Off Awards 11 - 20 Hours: Total Hours # | 135 | 119 | 103 | 16 | 16 | 0 |
| Time-Off Awards 11 - 20 Hours: Average Hours # | 16 | 0 | 17 | 16 | 16 | 0 |
| Time-Off Awards 21 - 30 hours: Awards Given # | 25 | 24 | 20 | 4 | 1 | 0 |
| Time-Off Awards 21 - 30 hours: Awards Given % | 21.74 | 23.76 | 25.00 | 19.05 | 7.14 | 0.00 |
| Time-Off Awards 21 - 30 Hours: Total Hours # | 651 | 623 | 517 | 106 | 28 | 0 |
| Time-Off Awards 21 - 30 Hours: Average Hours # | 26 | -2 | 25 | 26 | 28 | 0 |
| Time-Off Awards 31 - 40 hours: Awards Given # | 46 | 39 | 33 | 6 | 7 | 2 |
| Time-Off Awards 31 - 40 hours: Awards Given % | 40.00 | 38.61 | 41.25 | 28.57 | 50.00 | 50.00 |
| Time-Off Awards 31 - 40 Hours: Total Hours # | 1645 | 1365 | 1162 | 203 | 280 | 64 |
| Time-Off Awards 31 - 40 Hours: Average Hours # | 35 | -5 | 35 | 33 | 40 | 32 |
| Time-Off Awards 41 or more Hours: Awards Given # | 0 | 0 | 0 | 0 | 0 | 0 |
| Time-Off Awards 41 or more Hours: Awards Given % | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Time-Off Awards 41 or more Hours: Total Hours # | 0 | 0 | 0 | 0 | 0 | 0 |
| Time-Off Awards 41 or more Hours: Average Hours # | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL AWARDS | 126 | 109 | | | 17 | 4 |
| % | 100 | 86.5 | | | 13.5 | 3.17 |

| CASH AWARDS | Total | Persons Without Disability ID | No Disability [05] | Not Identified [01] | Disability [02-03, 06-99] | Targeted Disability |
|---|-------|-------------------------------|--------------------|---------------------|---------------------------|---------------------|
| Cash Awards \$500 and Under: Awards Given # | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Awards \$500 and Under: Awards Given % | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Cash Awards \$500 and Under: Total Amount \$ | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Awards \$500 and Under: Average Amount \$ | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Awards: \$501 - \$999: Awards Given # | 15 | 11 | 8 | 3 | 4 | 2 |
| Cash Awards: \$501 - \$999: Awards Given % | 13.04 | 10.89 | 10.00 | 14.29 | 28.57 | 50.00 |
| Cash Awards: \$501 - \$999: Total Amount \$ | 10400 | 7600 | 5500 | 2100 | 2800 | 1400 |
| Cash Awards: \$501 - \$999: Average Amount \$ | 693 | -7 | 687 | 700 | 700 | 700 |
| Cash Awards: \$1000 - \$1999: Awards Given # | 41 | 37 | 29 | 8 | 4 | 1 |
| Cash Awards: \$1000 - \$1999: Awards Given % | 35.65 | 36.63 | 36.25 | 38.10 | 28.57 | 25.00 |
| Cash Awards: \$1000 - \$1999: Total Amount \$ | 63200 | 57000 | 44900 | 12100 | 6200 | 1550 |
| Cash Awards: \$1000 - \$1999: Average Amount \$ | 1541 | -9 | 1548 | 1512 | 1550 | 1550 |

| | | | | | | |
|---|------------|-------------|--------|-------|--------------|-------------|
| Cash Awards: \$2000 - \$2999: Awards Given # | 2 | 2 | 2 | 0 | 0 | 0 |
| Cash Awards: \$2000 - \$2999: Awards Given % | 1.74 | 1.98 | 2.50 | 0.00 | 0.00 | 0.00 |
| Cash Awards: \$2000 - \$2999: Total Amount \$ | 4000 | 4000 | 4000 | 0 | 0 | 0 |
| Cash Awards: \$2000 - \$2999: Average Amount \$ | 2000 | 2000 | 2000 | 0 | 0 | 0 |
| Cash Awards: \$3000 - \$3999: Awards Given # | 48 | 42 | 38 | 4 | 6 | 1 |
| Cash Awards: \$3000 - \$3999: Awards Given % | 41.74 | 41.58 | 47.50 | 19.05 | 42.86 | 25.00 |
| Cash Awards: \$3000 - \$3999: Total Amount \$ | 149232 | 130632 | 118232 | 12400 | 18600 | 3100 |
| Cash Awards: \$3000 - \$3999: Average Amount \$ | 3109 | 9 | 3111 | 3100 | 3100 | 3100 |
| Cash Awards: \$4000 - \$4999: Awards Given # | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Awards: \$4000 - \$4999: Awards Given % | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Cash Awards: \$4000 - \$4999: Total Amount \$ | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Awards: \$4000 - \$4999: Average Amount \$ | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Awards: \$5000 or more: Awards Given # | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Awards: \$5000 or more: Awards Given % | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Cash Awards: \$5000 or more: Total Amount \$ | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Awards: \$5000 or more: Average Amount \$ | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL CASH AWARDS | 106 | 92 | | | 14 | 4 |
| % | 100 | 86.8 | | | 13.20 | 3.77 |

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) | Yes |
| b. Pay Increases (PWTD) | Yes |

| OTHER AWARDS | Total | Persons Without Disability ID | No Disability [05] | Not Identified [01] | Disability [02-03, 06-99] | Targeted Disability |
|----------------------|-------|-------------------------------|--------------------|---------------------|---------------------------|---------------------|
| Total QSIs Awarded # | 1 | 1 | 1 | 0 | 0 | 0 |
| Total QSIs Awarded % | 0.87 | 0.99 | 1.25 | 0.00 | 0.00 | 0.00 |

Only one (1) person received a QSI in FY 2022. No individuals with disabilities or targeted disabilities received QSIs in FY 2022.

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) | N/A |
| b. Other Types of Recognition (PWTD) | N/A |

Not applicable, as the FMC did not have any other type of employee recognition program during FY 2022.

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.

a. SES

| | | |
|--|----|------------------------------|
| i. Qualified Internal Applicants (PWD) | NA | (no SES internal promotions) |
| ii. Internal Selections (PWD) | NA | (no SES internal promotions) |

b. Grade GS-15

| | | |
|--|----|--------------------------------|
| i. Qualified Internal Applicants (PWD) | NA | (no GS-15 internal promotions) |
| ii. Internal Selections (PWD) | NA | (no GS-15 internal promotions) |

c. Grade GS-14

| | | |
|--|-----|-----------------|
| i. Qualified Internal Applicants (PWD) | Yes | See chart below |
| ii. Internal Selections (PWD) | Yes | See chart below |

d. Grade GS-13

| | |
|--|----|
| i. Qualified Internal Applicants (PWD) | No |
| ii. Internal Selections (PWD) | No |

| Internal Competitive Promotions to Senior Grade Levels | Total Qualified (#) | DISABILITIES | |
|--|---------------------|--|--------------------------------|
| | | Qualified Internal Applicants (PWD) #(%) | Internal Selections (PWD) #(%) |
| SES | 0 | NA | NA |
| GS-15 | 0 | NA | NA |
| GS-14 | 1 | 0 (0%) | 0 (0%) |
| GS-13 | 1 | 1 (100%) | 1 (100%) |
| Numerical Goal | - | 12% | |

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.

a. SES

| | | |
|---|----|------------------------------|
| i. Qualified Internal Applicants (PWTD) | NA | (no SES internal promotions) |
| ii. Internal Selections (PWTD) | NA | (no SES internal promotions) |

b. Grade GS-15

| | | |
|---|----|--------------------------------|
| i. Qualified Internal Applicants (PWTD) | NA | (no GS-15 internal promotions) |
| ii. Internal Selections (PWTD) | NA | (no GS-15 internal promotions) |

c. Grade GS-14

| | | |
|---|-----|-----------------|
| i. Qualified Internal Applicants (PWTD) | Yes | See chart below |
| ii. Internal Selections (PWTD) | Yes | See chart below |

d. Grade GS-13

| | |
|---|-----|
| i. Qualified Internal Applicants (PWTD) | Yes |
| ii. Internal Selections (PWTD) | Yes |

| Internal Competitive Promotions to Senior Grade Levels | Total Qualified (#) | TARGETED DISABILITIES | |
|--|---------------------|---|---------------------------------|
| | | Qualified Internal Applicants (PWTD) #(%) | Internal Selections (PWTD) #(%) |
| SES | 0 | NA | NA |
| GS-15 | 0 | NA | NA |
| GS-14 | 1 | 0 (0%) | 0 (0%) |
| GS-13 | 1 | 0 (0%) | 0 (0%) |
| Numerical Goal | - | 2% | |

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.

| | |
|---------------------------|----|
| a. New Hires to SES (PWD) | No |
|---------------------------|----|

| | | |
|-----------------------------|-----|-----------------|
| b. New Hires to GS-15 (PWD) | Yes | See chart below |
| c. New Hires to GS-14 (PWD) | Yes | See chart below |
| d. New Hires to GS-13 (PWD) | Yes | See chart below |

| New Hires to Senior Grade Levels | Total Qualified (#) | DISABILITIES | |
|----------------------------------|---------------------|--|--------------------------------|
| | | Qualified Internal Applicants (PWD) #(%) | Internal Selections (PWD) #(%) |
| SES | 13 | 1 (7.69%) | 0 (0.00%) |
| GS-15 | 31 | 2 (6.45%) | 0 (0.00%) |
| GS-14 | 53 | 3 (5.66%) | 0 (0.00%) |
| GS-13 | 155 | 9 (5.81%) | 0 (0.00%) |
| Numerical Goal | - | 12% | |

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.

| | | |
|------------------------------|-----|-----------------|
| a. New Hires to SES (PWTD) | Yes | See chart below |
| b. New Hires to GS-15 (PWTD) | Yes | See chart below |
| c. New Hires to GS-14 (PWTD) | Yes | See chart below |
| d. New Hires to GS-13 (PWTD) | Yes | See chart below |

| New Hires to Senior Grade Levels | Total Qualified (#) | TARGETED DISABILITIES | |
|----------------------------------|---------------------|---|---------------------------------|
| | | Qualified Internal Applicants (PWTD) #(%) | Internal Selections (PWTD) #(%) |
| SES | 13 | 1 (7.69%) | 0 (0.00%) |
| GS-15 | 31 | 1 (6.45%) | 0 (0.00%) |
| GS-14 | 53 | 1 (5.66%) | 0 (0.00%) |
| GS-13 | 155 | 4 (2.58%) | 0 (0.00%) |
| Numerical Goal | - | 2% | |

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.) Yes - See chart below

| Internal Competitive Promotions to Supervisory Positions | Total Qualified | DISABILITIES | |
|--|-----------------|-------------------------------------|---------------------------|
| | | Qualified Internal Applicants (PWD) | Internal Selections (PWD) |
| | (#) | #(%) | #(%) |
| ES-0905-00 | 0 | 0 (0.00%) | 0 (0.00%) |
| GS-0343-15 | 23 | 2 (8.70%) | 0 (0.00%) |
| GS-0505-15 | 35 | 1 (2.86%) | 0 (0.00%) |
| Numerical Goal | - | 12% | |

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.) Yes - See chart below

| Internal Competitive Promotions to Supervisory Positions | Total Qualified | TARGETED DISABILITIES | |
|--|-----------------|--------------------------------------|----------------------------|
| | | Qualified Internal Applicants (PWTD) | Internal Selections (PWTD) |
| | (#) | #(%) | #(%) |
| ES-0905-00 | 0 | 0 | 0 (0.00%) |
| GS-0343-15 | 23 | 1 (4.35%) | 0 (0.00%) |
| GS-0505-15 | 35 | 0 | 0 (0.00%) |
| Numerical Goal | - | 2% | |

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. Yes - See chart below

| New Hires to Supervisory Positions | Total Qualified | DISABILITIES | |
|------------------------------------|-----------------|-------------------------------------|---------------------------|
| | | Qualified Internal Applicants (PWD) | Internal Selections (PWD) |
| | (#) | #(%) | #(%) |
| ES-0905-00 | 3 | 0 (0.00%) | 0 (0.00%) |
| GS-0343-15 | 31 | 2 (6.45%) | 0 (0.00%) |
| GS-0505-15 | 0 | 0 (0.00%) | 0 (0.00%) |

| | | |
|----------------|---|-----|
| Numerical Goal | - | 12% |
|----------------|---|-----|

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. Yes - See chart below

| New Hires to Supervisory Positions | Total Qualified | TARGETED DISABILITIES | |
|------------------------------------|-----------------|--------------------------------------|----------------------------|
| | | Qualified Internal Applicants (PWTD) | Internal Selections (PWTD) |
| | (#) | #(%) | #(%) |
| ES-0905-00 | 3 | 0 (0.00%) | 0 (0.00%) |
| GS-0343-15 | 31 | 1 (3.23%) | 0 (0.00%) |
| GS-0505-15 | 0 | 0 (0.00%) | 0 (0.00%) |
| Numerical Goal | - | 2% | |

Section VI: Plan to Improve Retention of Persons with Disabilities

To be a 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 personal assistance services.

A. Voluntary and Involuntary Separations

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If "no", please explain why the agency did not convert all eligible Schedule A employees.

N/A

In FY 2022, there were no Schedule A employees eligible to convert to competitive service.

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.

| | Inclusion Rate | PWD | PWOD | |
|----------------------------------|----------------|-----|------|----|
| a. Voluntary Separations (PWD) | 20 | 2 | 18 | No |
| b. Involuntary Separations (PWD) | 0 | 0 | 0 | No |

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.

| | Inclusion Rate | PWTD | PWOD | |
|-----------------------------------|-----------------------|-------------|-------------|----|
| a. Voluntary Separations (PWTD) | 20 | 1 | 18 | No |
| b. Involuntary Separations (PWTD) | 0 | 0 | 0 | No |

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 triggers exist in the separation rate of PWD or PWTD.

B. Accessibility of Technology and Facilities

Pursuant to 29 C.F.R. § 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.

[Accessibility Notice - Federal Maritime Commission - Federal Maritime Commission \(fmc.gov\)](http://fmc.gov)

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.

[Accessibility Notice - Federal Maritime Commission - Federal Maritime Commission \(fmc.gov\)](http://fmc.gov)

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

The agency is reviewing its Section 508 policy and procedures to ensure accessibility of agency technology.

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.)

The average processing time from the date of request to approval in 2022 was 26 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.

All reasonable accommodation requests were completed in a timely manner; managers and supervisors receive training on the reasonable accommodation policy and the Office of Equal Employment Opportunity monitors accommodations requests for trends.

D. Personal Assistance Services Allowing Employees to Participate in the Workplace

Pursuant to 29 C.F.R. § 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.

The FMC did not receive any PAS requests in FY 2022.

Section VII: EEO Complaint and Findings Data

A. EEO Complaint data involving Harassment

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

No

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?

No

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.

N/A – FMC did not have any findings in FY 2022.

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?

No

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

No

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.

N/A

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?

No

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

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.

Triggers across multiple indicators

Lower than expected participation rate (percentage) of PWD and PWTD in 2022 selections.

A review of triggers indicating a lower-than-expected participation rate for PWD and PWTD in the permanent workforce, as well as in the new hires to mission critical occupations. Additionally, triggers

| | | | | |
|---|--|--|--------------------------------------|--|
| | existed regarding internal applicants with disabilities/targeted disabilities entering the selection pool for vacancies in the agency. | | | |
| Barrier(s) | Not identified | | | |
| Objective(s) | Increase pool of qualified PWD/PWTD applicants | | | |
| Responsible Official(s) | | Performance Standards Address the Plan? | | |
| | | (Yes or No) | | |
| All hiring managers; Offices of Equal Opportunity and Human Resources | | Yes | | |
| Sources of Data | Sources Reviewed ? (Yes or No) | Identify Information Collected | | |
| Workforce Data Tables | Yes | Reviewed Tables B1 and B7, applicant flow data. | | |
| Complaint Data (Trends) | Yes | No trends found in non-selection complaint data. | | |
| Grievance Data (Trends) | N/A | No grievance data available. | | |
| Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti- Harassment Processes) | N/A | No findings available. | | |
| Climate Assessment Survey (e.g., FEVS) | Yes | Reviewed questions and responses that support the diversity and inclusion index for PWD in FEVS. | | |
| Exit Interview Data | No | No trends found in exit interview data | | |
| Focus Groups | N/A | | | |
| Interviews | N/A | | | |
| | | | | |
| Reports (e.g., Congress, EEOC, MSPB, GAO, OPM) | Yes | Reviewed several federal and private sector reports and data from special interest groups to gain additional information in best practices and solutions for addressing low participation of PWD/PWTD. | | |
| Other (Please Describe) | | | | |
| | | | | |
| Target Date (mm/dd/yyyy) | Planned Activities | Sufficient Staffing & Funding (Yes or No) | Modified Date (mm/dd/yyyy) | Completion Date (mm/dd/yyyy) |

| | | | | |
|--------------------|--|-----|------------------------|--|
| ongoing | OEEEO to discuss with OHR encouraging active discussions with hiring managers when determining area of consideration to fill vacancies. | Yes | 09/30/2023 and ongoing | |
| 9/30/2023 | Continue to educate hiring managers regarding available legal authorities and hiring flexibilities, including annual email reminders | Yes | 09/30/2023 and ongoing | |
| 9/30/2023 | Establish relationships with organizations that assist PWD in securing and maintaining employment (including local colleges, universities and professional organizations) | Yes | 09/30/2023 and ongoing | |
| Fiscal Year | Accomplishments | | | |
| 2023 | EEO established contact with: Career services at Gallaudet University (participate in job announcement board), Federal Exchange on Employment and Disability (FEED) – An interagency working group focused on information sharing, best practices, and collaborative partnerships designed to make the federal government a model employer of people with disabilities. | | | |
| 2023 | Ensured all managers and supervisors received training and notification of Schedule A hiring flexibilities | | | |

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

N/A

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

No measurable impact has been observed to date.

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.