

EEOC FORM 715-01 PART A - D		U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT	
Department of Commerce		For period covering October 1, 2016 to September 30, 2017	
PART A Department or Agency Identifying Information	1. Agency		Department of Commerce
	1.a. 2nd level reporting component		
	1.b. 3rd level reporting component		
	1.c. 4th level reporting component		
	2. Address		1400 Constitution Ave. NW.
	3. City, State, Zip Code		Washington District of Columbia 20230
	4. Agency Code	5. FIPS code(s)	1300
PART B Total Employment	1. Enter total number of permanent full-time and part-time employees		43059
	2. Enter total number of temporary employees		4722
	3. Enter total number employees paid from non-appropriated funds		0
	4. TOTAL EMPLOYMENT [add lines B 1 through 3]		47781

EEOC FORM 715-01 PART A - D	U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT	
Department of Commerce		For period covering October 1, 2016 to September 30, 2017
PART C Agency Official(s) Responsible For Oversight of EEO Program(s)	1. Agency Head	Secretary of Commerce Wilbur L. Ross Jr.
	2. Agency Head Designee	Acting Chief Financial Officer/Assistant Secretary for Administration Lisa Casias
	3. EEO Director	Director, Office of Civil Rights Tinisha Agramonte
	4. Affirmative Employment Manager	Director, Policy and Evaluation Division Stacy Carter
	5. Complaint Processing Manager	Director, Administration and Special Projects Division Kathryn Anderson
	6. Other EEO Staff	
	7. MD-715 Preparer	EEO Specialist Cristina Bartolomei
	8. Diversity and Inclusion Officer	Deputy Assistant Secretary for Administration Lisa Casias
	9. Disability Special Emphasis Program Manager	Disability Program Manager Monique Dismuke
	10. Hispanic Special Emphasis Program Manager	EEO Specialist Cristina Bartolomei
	11. Women's Special Emphasis Program Manager	EEO Specialist Cristina Bartolomei
	12. Anti-Harassment Program Manager	Labor and Employee Relations Officer Frank Milman
	13. Reasonable Accommodation Program Manager	Disability Program Manager Monique Dismuke

Department of Commerce

For period covering October 1, 2016 to September 30, 2017

PART D List of Subordinate Components Covered in This Report	Subordinate Component and Location (City/State)	CPDF and FIPS codes	
	National Oceanic and Atmospheric	CM54	1323
	Office of the Secretary, Washington/DC	CM51	1300
	Bureau of the Census, Suitland/MD	CM63	1330
	International Trade Administration,	CM55	1350
	National Institute for Standards and	CM57	1341
	Bureau of Industry and Security,	CM67	1351
	Economic and Statistics Administration,	CM65	1314
	Economic Development Administration,	CM52	1325
	Minority Business Development	CM59	1352
	National Telecommunications and	CM61	1335
	Bureau of Economic Analysis,	CM53	1321
	Patent and Trademark Office,	CM56	1344
	National Technical Information Service,	CM62	1346

EXECUTIVE SUMMARY

PART E: Executive Summary

1. Introduction

The mission of the Department of Commerce (DOC) is to create the conditions for economic growth and opportunity. The DOC promotes job creation and economic growth by ensuring fair and reciprocal trade, providing the data necessary to support commerce and constitutional democracy, and fostering innovation by setting standards and conducting foundational research and development. Through our bureaus and 47,781 employees (as of September 2017) located in all 50 states, every U.S. territory, and more than 86 countries, we provide U.S.-based companies and entrepreneurs invaluable tools through programs such as the Decennial Census, the National Weather Service, NOAA Fisheries, and the Foreign Commercial Service. Among many other functions, the Department oversees ocean and coastal navigation, helps negotiate bilateral trade agreements, and enforces laws that ensure a level playing field for American businesses and workers.

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

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

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

2. DOC Workforce Summary Data

This section contains a summary of the workforce analyses conducted in accordance with the MD-715 instructions.

The overall civilian labor force (CLF) benchmarks referenced in this report consist of U.S. Citizens age 16 or older who are employed or seeking employment, and are not in the military or institutionalized. The occupational civilian labor force (OCLF) is a subset of the CLF and is occupation specific. The OCLF allows the DOC to more definitively identify potential barriers to EEO and provide key decision makers with relevant and useful information about the state of the agency.

The DOC's total workforce (permanent and temporary) included 47,781 employees as of September 30, FY 17; 43,059 full-time and part-time permanent employees and 4,722 temporary employees, according to Workforce Analytics.

The FY 2017 rates of participation in the workforce based on ethnicity, race, sex, and disability exhibited that DOC's largest group was Whites 64.22%, followed by: Blacks 17.16%, Asians 12.03%, Hispanics 5.11%, American Indians/Alaska Natives 0.83%, and Native Hawaiian or Pacific Islanders 0.18%. This includes 54.8% (26,183) males and 45.2% (21,598) females. In the overall DOC workforce, 86.97% (41,556) of the population have no disability, 3.76% (1,796) did not identify their disability status, and 11.7% (5,591) have a reportable disability. Of the 5,591 who have a disability, 1,162 have a targeted disability (2.43%).

To better illustrate the gap between the CLF and the workforce participation levels for groups, broken out by race, ethnicity, gender, and disability, Commerce uses the Parity Index. The Parity Index measures the percentage of representation of a particular group relative to their respective CLF. For example, if the CLF for group "A" is 10% and they represent 5% of Commerce's workforce, the Parity Index would illustrate that group A's workforce participation level is at 50% of the CLF. A percentage rate of 100 or more means that demographic group has reached or exceeded the expected level of representation relative to CLF.

When looking at the overall workforce, Hispanics and Females (aggregate) have the most notable lower than expected workforce participation levels in DOC's workforce. The Parity Index reveals that Hispanic males are represented at 46% of their CLF; Hispanic females at 52%; and White females at 75% of their expected participation rates.

3.DOC Focus Areas (Summary of Part I)

To better understand these “triggers,” which are numerical disparities that may indicate a potential barrier to EEO, in addition to the workforce demographics snapshot discussed above, the DOC also reviewed and analyzed other data sets, including leadership data; recruitment, selection and retention data; awards and recognition data; complaints data; applicant flow data; and Federal Employee Viewpoint Survey (FEVS). The DOC recognizes that barrier analyses cannot rely solely on one data set to identify potential root causes for the triggers.

Based on more comprehensive analyses, the DOC identified the following three agency cross-cutting triggers that will be the Focus Areas that guide our affirmative employment program efforts and expanded barrier analyses efforts in FY 17 and beyond:

- Leadership participation of Individuals with Disabilities (IWD), Hispanics, and Women in grades GS-13 to SES
- The recruitment and retention of IWD, Hispanics, and Women
- Numerical disparities in awards and recognition for women and certain racial/ethnic groups

Summary of “Triggers” revealed through Barrier Analyses that supports the Focus Areas--

1. Leadership Participation

The FY 17 participation rates for Females (aggregate), Hispanics, and IWDs in the leadership pipeline (GS-13 to GS-15) and Senior Executive Service (SES) positions are lower than expected, when compared against their respective levels of participation in DOC’s workforce. Overall, Hispanic males and females have the most notable lower than expected participation at the higher levels; Hispanic males at the GS-15 and SES levels and Hispanic females at the GS-13 to SES levels.

1. Recruitment, Selection and Retention: In recent years, hiring and selection decisions have increased the incoming talent pool of women, racial and ethnic minorities, and individuals with disabilities. However, these groups continue to separate from the agency at rates higher than the agency’s average separation rate, which adversely impacts the net gain for groups that are already at lower than participation rates. This is an area of concern that the DOC will delve into deeper with expanded barrier analyses, to include the implementation of retention surveys.

1. Attrition: Hispanic males and females, Females (aggregate) and IWDs have higher separation rates than hiring rates.

2. Applicant Flow Data: As part of our barrier analysis, we analyzed applicant flow data of three mission critical occupation series (0301, 0343, and 2210) that are cross-cutting across the Department and not specific to any one bureau. Data for series 0301, 0343, and 2210, reveals that Hispanics are applying and qualifying at expected rates, but they are not being selected at the rates they are found to be qualified for series 0301 and series 2210. A more detailed analysis on Hispanic Employment can be found in our supporting documentation.

1. Awards and Recognition:

1. FEVS: Females and IWDs disproportionately perceive unfairness across a number of employment practices, particularly in pay, awards, and the work environment.

2. Award Data: All females (aggregate), and notably Hispanic females, along with IWDs have moderate to significant numerical disparities in receiving cash awards – the higher the cash amount, the more disparity is reflected. We note that this may be due to their lower than expected participation rates in higher grades, which could potentially yield higher award amounts.

1. Relevant Complaints Data: Of the 61 complaints that included a gender-based claim, 44 (75%) were filed by women. Of the 178 total complaints filed in FY 17, 59 included a claim based on a physical disability and 23 based on a mental disability.

status of corrective actions identified in FY 17 Plan (Part I) to Correct FY 16 Triggers

In the FY16 MD-715 Report, the DOC included a number of corrective plans in Part I to address triggers that were found in that year’s analysis. These plans were to be implemented during FY17. Below is the status of planned corrective actions.

- Hire a data/management analyst to assist with barrier analysis efforts: A Management Analyst was hired in FY17. The Management Analyst has been crucial in the Department’s barrier analysis efforts.
- Reconvene the Barrier Analysis Working Group (BAWG) to look at relevant data to identify barriers: The BAWG reconvened in FY17 and meets on a quarterly basis to address triggers/barriers across the DOC.
- Establish a Disability Program Committee: DOC established a Special Emphasis Program Committee that has begun its work planning special observances to celebrate the accomplishments of various affinity groups to include IWD. The intent is to

expand the group's duties and responsibilities to include addressing any potential barriers for the various EEO/special emphasis groups. DOC also has a Reasonable Accommodations Coordinator (RAC) group that meets monthly to address accommodation issues impacting the Department and provides training and support to the RACs.

- Issue a quarterly report showing agency progress in the hiring, advancement and retention of IWTDs: So far, these reports have been upon request and mainly geared to senior leadership. However, beginning in FY18, the Department will have an affirmative employment plan for all IWD, mandated by the EEOC, which will track this information and be reported annually.
- Conduct disability-related training and education campaigns for all DOC employees: This is already happening at certain bureaus. The goal is to ensure all DOC employees have access to the training.

4. DOC FY 17 Complaint Activity (excluding USPTO)

In FY17, 178 complaints were filed. The top 3 bases for complaints were: 1) Reprisal, 2) Disability (physical and mental), and 3) Age. The top 3 issues were: 1) Non-Sexual Harassment, 2) Performance Evaluation/Appraisal, and 3) Terms/Conditions of Employment.

Through the in-person EEO compliance training, OCR is educating the DOC workforce on their rights and responsibilities in EEO. The training serves to increase knowledge and assist in the prevention of reprisal, harassment, and discrimination.

The source for this information was the FY17 462 Report, which is included in our supporting documentation.

5. Essential Elements of Model Agency Title VII and Rehabilitation Act Programs

At the close of FY 17, the agency carefully performed a rigorous examination of DOC's current EEO program status and compared it against the essential elements of a model EEO Program. Additionally, DOC reviewed the program deficiencies and non-compliance areas the EEOC identified in its FY 17 technical assistance visit (TAV).

Of the approximate 122 compliance indicators listed in the Part G, Self-Assessment, the DOC met 120 (98%) of the indicators. Only two were not met. Two additional non-compliance indicators were noted during EEOC's TAV. Below is a summary of some notable strengths, opportunities, and corrective actions taken or that will be taken in FY 18:

ESSENTIAL ELEMENT A: DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP

Some Notable Strengths:

- Secretary Wilbur L. Ross, Jr. was appointed as the 39th Secretary of Commerce on February 28, 2017. Secretary Ross issued the Equal Employment Opportunity (EEO) Policy statement on June 16, 2017, well within the 6-9-month EEOC prescribed timeframe set forth in Part G, Self-Assessment Checklist.
- DOC leadership continued its support of the EEO Council, a governance structure that enables the Department to effectively and efficiently carry out its responsibilities under various EEO statutes, Executive Orders, regulations, and policies. The Council is led by the Director of the Office of Civil Rights (OCR) and members include bureau EEO Officers, and ad hoc involvement of representatives from the Office of General Counsel (OGC), the Office of Human Resources (OHRM), and other relevant stakeholders. The Council elevates policy issues requiring action to the Departmental Management Council, which is comprised of the senior most leaders across the agency.
- Leadership required the inclusion of an EEO/D&I performance element in the performance plans of all senior executives.
- The Acting Chief Financial Officer/Assistant Secretary for Administration (CFO/ASA) made Civil Treatment (CT) Training mandatory. The goal of CT training is to promote and maintain a work environment that encourages fairness, consistency, and professionalism. Fourteen (14) Commerce employees from multiple bureaus were certified to serve as instructors to deliver enterprise-wide CT courses. One hundred and five (105) supervisors and 254 non-supervisors were trained in FY17. At the time this report was written, PTO and NIST have also launched the FY18 bureau-level CT training. EEOC recommended "Civility" training as an effective strategy for Harassment Prevention efforts.

Opportunities:

Updated EEO Policy Statement--During EEOC's TAV, and in its follow-up report, EEOC stated Commerce did not have an updated EEO Policy statement; however, in accordance with the prescribed timeframe cited in MD 715 Part G, the agency head is required to issue an EEO Policy statement within 6-9 months after being installed and annually thereafter. The former Secretary issued the EEO Policy statement in May 2016. The new Secretary was installed Feb 28, 2017. To comply with the guidance, the policy signed by the new Secretary had to be issued no later than October 2017. It was signed and issued on June 16, 2017, well within the 6-9 month timeframe.

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

Some Notable Strengths:

- The Office of Civil Rights has a designated budget for which the EEO Director has authority to execute. Within the OCR, adequate funding is provided for full-time Special Emphasis Program Managers (SEPMs) for the three statutory/regulatory SEPs.
- OCR established the Special Emphasis Program Committee (SEPC). In FY17, 22 Commerce employees were recruited to participate in a Headquarters' level SEPC. The employees received training on EEO, Affirmative Employment and Diversity & Inclusion principles in anticipation of their involvement in the execution of FY18 SEP events, including affirmative employment

education and training efforts. The committee members represent six bureaus from within the HQ building. Several other DOC bureaus have their own SEPCs and Employee Resource/Affinity Groups.

- The DOC hosted its second-annual EEO Summit at the U.S. Patent and Trademark Office headquarters in Alexandria, VA. The Summit brought together over 90 DOC professionals in the EEO, Human Resources, and legal career fields. Participants received training and engaged in proactive discussions on subjects that directly impact the mission of the Department to foster a discrimination-free and inclusive work environment. Attendees left the Summit with a renewed sense of unity and common purpose to work together in making the DOC a model EEO employer.

Opportunities:

EEOC, during its TAV, identified two deficiencies under this element. They were addressed as follows:

- Improper reporting structure of the EEO Office: EEOC noted that the OCR Director does not report to the agency head, which is inconsistent with EEOC's regulation at 29 C.F.R. §1614.102(b)(4). As a pragmatic matter, the OCR Director reports to the Deputy Assistant Secretary for Administration (DASA) to ensure that she/he has daily and immediate access to a senior leader who can engage swiftly to address and resolve day-to-day administrative and programmatic needs. However, the OCR Director is able to act with the greatest degree of independence and has unfettered access to report matters that should be elevated to Secretary of Commerce. To underscore the importance of equal employment opportunity to the mission of the DOC and to ensure that the EEO Director's independence and authority are formally recognized, the Department Organization Order 20-10, which prescribes the functions and organization of the Office of Civil Rights, will be revised to show the OCR Director has a dotted reporting line to the Secretary of Commerce.

- Incomplete applicant flow data in workforce data tables: DOC identified and corrected the technical issues that prevented it from reporting complete applicant flow data in its FY16 workforce data tables. Accordingly, for FY17, DOC analyzed and uploaded complete applicant flow data in its workforce data tables.

Essential Element C: Management and Program Accountability

Strengths:

- The Director of the Office of Human Resources Management (OHRM) and the Director of OCR regularly collaborate on personnel programs, policies, and procedures to ensure conformity with instructions contained in the EEOC management directives and management personnel actions.

- Consistent with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), OCR informs new employees of their rights and remedies under antidiscrimination laws and whistleblower protection laws within 90 days of their appointment. OCR, OHRM, and the Office of General Counsel (OGC) provide employees with training on EEO-related topics through interactive sessions, lectures, and seminars. OCR also posts EEO data pursuant to the No FEAR Act on its website on a quarterly basis.

Essential Element D: Proactive Prevention of Unlawful Discrimination

Strengths:

- The Department publishes EEO policies covering harassment prevention, reasonable accommodation, information on the EEO complaint process, and the EEO roles and responsibilities of employees on its OCR website. Flyers and posters are also placed in high-traffic areas throughout the Department and its bureaus' buildings and offices to provide employees and applicants for employment notices about their EEO rights.

- The Department remains committed to the early resolution of all workplace disputes and encourages parties in conflict to utilize Alternative Dispute Resolution (ADR) to resolve EEO concerns. Currently, ADR is offered to all employees entering the EEO complaint process. Short-term, temporary employees (including Decennial hires), applicants for employment and former employees are generally not offered ADR.

- The DOC conducted Site Visits (also known as technical assistance visits) at the U.S. Census Bureau (Census) and the U.S. Patent and Trademark Office (USPTO) EEO Offices to increase awareness of bureau EEO programs/initiatives and to assess their barrier analysis efforts. The visits resulted in significant knowledge-sharing and the identification of some best practices that the OCR is considering adopting Department-wide.

- OCR continued its quarterly Barrier Analysis Workgroup (BAWG) meetings to conduct holistic and in-depth analysis of Commerce's workforce profiles to identify cross-cutting triggers affecting all bureaus. This collaboration with EEO, HR, and OGC representatives from major bureaus has been effective in providing the following: enhanced communication between the Department and the bureau EEO and HR offices; productive knowledge-sharing, particularly with recruitment and retention efforts; reconciliation of data discrepancies derived from the use of two different HR data warehouses; accessibility to crucial data sets; and performance and accountability reporting, with focus on the MD-715 report.

- In FY17, the DOC/OCR entered into an Interagency Agreement with the Census Bureau to leverage the expertise of its social and data scientists and researchers to assess any impacts that family socioeconomic status may have on equality of opportunity in the workplace. The First Generation Professionals (FGP) Leadership Initiative was inspired by research that shows socioeconomic family status has an impact on education attainment, potential wage earnings, and social "fit" for individuals who are the first in their immediate families to obtain professional positions in office settings. OCR is attempting to determine if the intersection of "lower socio-economic" family status with protected EEO bases creates additional barriers to EEO in the workplace.

Opportunities:

During EEOC's TAV, the following deficiency under this element was noted:

Anti-Harassment Policy does not include genetic information as a covered basis: Commerce will draft and issue a standalone Anti-Harassment Policy on the same schedule as our annual EEO Policy Statement, in June 2018. The Policy Statements will include genetic information as a covered basis. Additionally, the DAO 202-955, DOC's Anti-Harassment Procedures, will also be updated in 2018 to include GINA as a covered basis.

Part G of this report includes the following deficiency:

ADR is not mandatory for supervisors/managers: ADR is currently voluntary for supervisors/managers because our ADR analysis shows the challenge rests with the individual's election, rather than in managerial support/participation in ADR. Therefore, the Department has not made the policy decision to make ADR mandatory for managers. If future trend analysis points to managers' unwillingness to participate, after an employee elects ADR, as a barrier for resolution at the lowest level, we will review our policy decision.

In FY 2017, of the 66 instances where ADR was elected by the Complainant (55 in the pre-complaint and 11 in the formal process), there were 9 instances of the agency declining: 6 in NOAA; 2 in ITA; and 1 in MBDA. Therefore, the agency agreed to conduct ADR when elected by the Complainant 86% of the time.

Essential Element E: Efficiency

Strengths:

The Department promotes and utilizes an efficient and fair dispute process and has a system in place for evaluating the impact and effectiveness of the Department's EEO complaint processing program. Through iComplaints, DOC has an effective complaint tracking and monitoring system to increase the effectiveness of the complaint process.

Below is a summary of FY 2017 complaint data for the Department (excluding the USPTO):

- DOC conducted 89% (434) of the pre-complaint counselings in a timely manner in FY 2017.
- 100% of the investigations were timely completed, with an average processing time of 178 days.
- 99% of final agency decisions (FADs) were timely, with an average processing time of 27 days.
- DOC's average processing time for all complaint closures was 278 days. "Closed" is calculated on the 462 report and starts from the date the complaint is filed to the date the complaint is closed either by decision, settlement or withdrawal.

Essential Element F: Responsiveness and Legal Compliance

Strengths:

- DOC has always strived for full compliance with EEO statutes and EEOC regulations, policy guidance, and other written instructions issued by EEOC.

• DOC ensures that personnel are accountable for timely compliance with orders issued by EEOC Administrative Judges. Commerce employs a system of management controls to ensure timely completion of orders and corrective actions, and the submission of its compliance report(s) to EEOC within 30 days. The DOC also maintains full compliance with Title VII and the Rehabilitation Act, including EEOC regulations, orders; and responds to other written instructions and reports, requests for program efforts and accomplishments as required.

Summary of Accomplishments for Individuals with Disabilities and Targeted Disabilities

In FY17, in accordance with EEOC mandate and new implementing instructions for the Rehab Act of 1973, as amended, the Department developed procedures for providing Personal Assistance Services (PAS) for employees with certain targeted disabilities who need them for activities of daily living, i.e. eating, using the bathroom, dressing. The provision of PAS is a part of the Department's affirmative action requirements for IWD and must be provided in addition to reasonable accommodations.

In FY17, the Department collaborated with the Census Bureau to replicate and deploy their automated reasonable accommodation tracking system as an Enterprise-wide tracking system, for all bureaus within DOC, except for PTO, which has its own tracking system. The Commerce Accommodation Tracking System (CATS), which was designed and launched without any additional costs to the agency, is designed to ensure consistency and legal compliance in the processing of reasonable accommodation requests. This automated tracking and reporting tool makes requesting a reasonable accommodation easier for employees and helps improve the quality and timeliness of responses/decisions.

In FY17, workforce data for IWD and Individuals with Targeted Disabilities (IWTDD) changed significantly due to updates on the IWD/IWTDD classification codes in the SF-256. The Department meets and/or exceeds the federal benchmarks for IWDs (12%) and IWTDDs (2%) with 13.03% and 2.43% participation rates respectively.

Per EEOC guidance, the IWD percentage rates includes data from the SF-256 "01" code or "I do not wish to identify my disability or serious health condition," which is interpreted as the person having a disability that they do not wish to identify.

6.DOC Additional Accomplishments Listed by Bureau

The DOC has thirteen (13) bureaus, five (5) of which have more than 1,000 employees and conduct their own MD-715 report and self-assessments. These are:

- U.S. Patent and Trademark Office (USPTO)
- U.S. Census Bureau (Census)
- U.S. National Oceanic and Atmospheric Administration (NOAA)
- U.S. International Trade Administration (ITA)
- U.S. National Institutes of Standards and Technology (NIST)

Below are major highlights from some of the bureaus. For detailed information on bureau accomplishments, see their individual MD-715 reports.

- The USPTO's Office of Equal Employment opportunity and Diversity (OEEOD) presented the 20th annual USPTO Community Day celebrating the Agency's diversity. Each year this event supports the USPTO's ongoing affirmative program to promote equal employment opportunity and proclaims the Agency's commitment to a workforce that reflects all segments of society. The festivities featured an emphasis on the Agency's Affinity Groups, entertainment by USPTO employees and special guests, and exhibits from USPTO offices and organizations.
- The USPTO's OEEOD works with the USPTO's network of sixteen Affinity Groups (voluntary employee organizations that are based on a shared common background or special interest) to support their diverse workforce. The Agency's commitment to working with these groups is in their strategic plan. The Affinity Groups host cultural, social, and career development events and programs for their members and the greater USPTO community.
- The NOAA Civil Rights Office (CRO) was realigned to report directly to the Deputy Under Secretary for Operations and the CRO Director regularly attends senior staff meetings, including weekly Tag-ups and NOAA Executive Panel meetings.
- NOAA's National Marine Fisheries Service (NMFS) established a partnership with the Cornerstone Montgomery Vocational Services, an organization designed to increase independent living for persons with disabilities, resulting in the placement of two (2) trainees.
- NOAA's Line Office EEO & Diversity staff provided a number of trainings for NOAA staff, including: EEO, Emotional Intelligence, Unconscious Bias, Team Building, Coaching, Effective Listening, Understanding Cultural Differences, Generational Differences, Alternative Dispute Resolution (ADR) and Reasonable Accommodations.
- NOAA's Office of Oceanic and Atmospheric Research (OAR) continues to work with laboratory and program offices to coordinate outreach and recruitment activities targeting underrepresented groups within the sciences at national/local conferences, including the American Indian Higher Education Consortium and the American Indian Science and Engineering Society Conference.
- At the Census Bureau, in FY 17, EEO staff trained approximately 400 out of 1400 managers/supervisors, as well as 125 non-supervisors. Courses conducted included: EEO for Employees, EEO for Managers, Sexual Harassment Prevention for Managers, and Sexual Harassment Prevention for Non-Managers.
- The NIST Civil Rights and Diversity Office sponsored the following training for staff and management: "Effective Communication" by Dottie Li, "Developing Soft Skills & Resume, Cover Letter and Interviewing" by CRDO Deputy Director, and "Civil Treatment for Leaders" by Employment Learning Innovations (ELI).
- The NIST Civil Rights and Diversity Deputy Director were certified to teach "Civil Treatment for Employees and Leaders." The course will be offered to all NIST staff in FY18. These programs were offered at no cost to staff to encourage participation.

7. Conclusion

As we strive to achieve a Model EEO Program, the DOC is committed to identifying and removing any barriers that impede equal opportunity in our recruitment, hiring, promotion, retention, and professional development and training. We will continue using data driven strategies to advance diversity and inclusion, with a special emphasis on the three Focus Areas described in this document. Additionally, throughout the year, we will continuously monitor and report progress on those EEO action plans (Parts H, I, and J) that cut across all DOC Bureaus.

EEOC FORM 715-01 PART F	U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT
Department of Commerce	For period covering October 1, 2016 to September 30, 2017

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

I, Director, Office of Civil Rights Tinisha Agramonte am the

(Insert name above) (Insert official
title/series/grade above)

Principal EEO Director/Official for Department of Commerce

(Insert Agency/Component Name above)

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

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

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

Signature of Agency Head or Agency Head Designee

Date

Signature of Principal EEO Director/Official

Date

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

EEOC FORM 715-01 PART G		U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT			
Essential Element A: DEMONSTRATED COMMITMENT FROM AGENCY LEADERSHIP Requires the agency head to issue written policy statements ensuring a workplace free of discriminatory harassment and a commitment to equal employment opportunity.					
Department of Commerce		For period covering October 1, 2016 to September 30, 2017			
Compliance Indicator	EEO policy statements are up-to-date.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
The Agency Head was installed on <u>02/28/2018</u> The EEO policy statement was issued on <u>06/16/2018</u> Was the EEO policy statement issued within 6-9 of the installation of the Agency Head?		X			All Commerce bureaus reported that they met this measure except the National Institute of Standards and Technology (NIST). See NIST's MD-715 Report.
During the current Agency Head's tenure, has the EEO policy Statement been re-issued annually? If no, provide an explanation.		X			All Commerce bureaus reported that they met this measure except the National Institute of Standards and Technology (NIST). See NIST's MD-715 Report.
Are new employees provided a copy of the EEO policy statement during orientation?		X			
When an employee is promoted into the supervisory ranks, is s/he provided a copy of the EEO policy statement?		X			
Compliance Indicator	EEO policy statements have been communicated to all employees.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Have the heads of subordinate reporting components communicated support of all agency EEO policies through the ranks?		X			
Has the agency made written materials available to all employees and applicants, informing them of the variety of EEO programs and administrative and judicial remedial procedures available to them?		X			
Has the agency prominently posted such written materials in all personnel offices, EEO offices, and on the agency's internal website? [see 29 CFR §1614.102(b)(5)]		X			

Department of Commerce		For period covering October 1, 2016 to September 30, 2017			
Compliance Indicator	Agency EEO policy is vigorously enforced by agency management.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Are managers and supervisors evaluated on their commitment to agency EEO policies and principles, including their efforts to:		X			
resolve problems/disagreements and other conflicts in their respective work environments as they arise?		X			
address concerns, whether perceived or real, raised by employees and following-up with appropriate action to correct or eliminate tension in the workplace?		X			
support the agency's EEO program through allocation of mission personnel to participate in community out-reach and recruitment programs with private employers, public schools and universities?		X			
ensure full cooperation of employees under his/her supervision with EEO office officials such as EEO Counselors, EEO Investigators, etc.?		X			
ensure a workplace that is free from all forms of discrimination, harassment and retaliation?		X			
ensure that subordinate supervisors have effective managerial, communication and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications ?		X			
ensure the provision of requested religious accommodations when such accommodations do not cause an undue hardship?		X			
ensure the provision of requested disability accommodations to qualified individuals with disabilities when such accommodations do not cause an undue hardship?		X			
Have all employees been informed about what behaviors are inappropriate in the workplace and that this behavior may result in disciplinary actions? Describe what means were utilized by the agency to so inform its workforce about the penalties for unacceptable behavior.		X			
Have the procedures for reasonable accommodation for individuals with disabilities been made readily available/accessible to all employees by disseminating such procedures during orientation of new employees and by making such procedures available on the World Wide Web or Internet?		X			
Have managers and supervisor been trained on their responsibilities under the procedures for reasonable accommodation?		X			

Essential Element B: INTEGRATION OF EEO INTO THE AGENCY'S STRATEGIC MISSION Requires that the agency's EEO programs be organized and structured to maintain a workplace that is free from discrimination in any of the agency's policies, procedures or practices and supports the agency's strategic mission.					
Department of Commerce		For period covering October 1, 2016 to September 30, 2017			
Compliance Indicator	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 has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Is the EEO Director under the direct supervision of the agency head? [see 29 CFR §1614.102(b)(4)] For subordinate level reporting components, is the EEO Director/Officer under the immediate supervision of the lower level component's head official? (For example, does the Regional EEO Officer report to the Regional Administrator?)			X		No, for the Department of Commerce and some bureaus. Corrective plans are addressed in Part H.
Are the duties and responsibilities of EEO officials clearly defined?		X			
Do the EEO officials have the knowledge, skills, and abilities to carry out the duties and responsibilities of their positions?		X			
If the agency has 2nd level reporting components, are there organizational charts that clearly define the reporting structure for EEO programs?		X			
If the agency has 2nd level reporting components, does the agency-wide EEO Director have authority for the EEO programs within the subordinate reporting		X			
If not, please describe how EEO program authority is delegated to subordinate reporting components.		X			
Compliance Indicator	The EEO Director and other EEO professional staff responsible for EEO programs have regular and effective means of informing the agency head and senior management officials of the status of EEO programs and are involved in, and consulted on, management/personnel actions.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Does the EEO Director/Officer have a regular and effective means of informing the agency head and other top management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program?		X			All Commerce bureaus reported that they met this measure except the National Institute of Standards and Technology (NIST). See NIST's MD-715 Report.
Following the submission of the immediately preceding FORM 715-01, did the EEO Director/Officer present to the head of the agency and other senior officials the "State of the Agency" briefing covering all components of the EEO report, including an assessment of the performance of the agency in each of the six elements of the Model EEO Program and a report on the progress of the agency in completing its barrier analysis including any barriers it identified and/or eliminated or reduced the impact of?		X			

Department of Commerce		For period covering October 1, 2016 to September 30, 2017			
Are EEO program officials present during agency deliberations prior to decisions regarding recruitment strategies, vacancy projections, succession planning, selections		X			
Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions such as reorganizations and re-alignments?		X			
Are management/personnel policies, procedures and practices examined at regular intervals to assess whether there are hidden impediments to the realization of equality of opportunity for any group(s) of employees or applicants? [see 29 C.F.R. § 1614.102(b)(3)]		X			
Is the EEO Director included in the agency's strategic planning, especially the agency's human capital plan, regarding succession planning, training, etc., to ensure		X			
Compliance Indicator	The agency has committed sufficient human resources and budget allocations to its EEO programs to ensure successful operation.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Does the EEO Director have the authority and funding to ensure implementation of agency EEO action plans to improve EEO program efficiency and/or eliminate identified barriers to the realization of equality of opportunity?		X			
Are sufficient personnel resources allocated to the EEO Program to ensure that agency self-assessments and self-analyses prescribed by EEO MD-715 are conducted annually and to maintain an effective complaint processing system?		X			
Are statutory/regulatory EEO related Special Emphasis Programs sufficiently		X			All Commerce bureaus reported that they met this measure except the National Institute of Standards and Technology (NIST). See NIST's MD-715 Report.
Federal Women's Program - 5 U.S.C. 7201; 38 U.S.C. 4214; Title 5 CFR, Subpart B, 720.204		X			All Commerce bureaus reported that they met this measure except the National Institute of Standards and Technology (NIST). See NIST's MD-715 Report.
Hispanic Employment Program - Title 5 CFR, Subpart B, 720.204		X			
People With Disabilities Program Manager; Selective Placement Program for Individuals With Disabilities - Section 501 of the Rehabilitation Act; Title 5 U.S.C. Subpart B, Chapter 31, Subchapter I-3102; 5 CFR 213.3102(t) and (u); 5 CFR 315.709		X			

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Are other agency special emphasis programs monitored by the EEO Office for coordination and compliance with EEO guidelines and principles, such as FEORP - 5 CFR 720; Veterans Employment Programs; and Black/African American; American Indian/Alaska Native, Asian American/Pacific Islander programs?		X			
Compliance Indicator	The agency has committed sufficient budget to support the success of its EEO Programs.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	

Are there sufficient resources to enable the agency to conduct a thorough barrier analysis of its workforce, including the provision of adequate data collection and tracking systems	X			
Is there sufficient budget allocated to all employees to utilize, when desired, all EEO programs, including the complaint processing program and ADR, and to make a request for reasonable accommodation? (Including subordinate level reporting components?)	X			
Has funding been secured for publication and distribution of EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures, etc.)?	X			
Is there a central fund or other mechanism for funding supplies, equipment and services necessary to provide disability accommodations?	X			All Commerce bureaus reported that they met this measure except the National Institute of Standards and Technology (NIST). See NIST's MD-715 Report.
Does the agency fund major renovation projects to ensure timely compliance with Uniform Federal Accessibility Standards?	X			
Is the EEO Program allocated sufficient resources to train all employees on EEO Programs, including administrative and judicial remedial procedures available to employees?	X			
Is there sufficient funding to ensure the prominent posting of written materials in all personnel and EEO offices? [see 29 C.F.R. § 1614.102(b)(5)]	X			
Is there sufficient funding to ensure that all employees have access to this training and information?	X			
Is there sufficient funding to provide all managers and supervisors with training and periodic up-dates on their EEO responsibilities:				
for ensuring a workplace that is free from all forms of discrimination, including harassment and retaliation?	X			
to provide religious accommodations?	X			
to provide disability accommodations in accordance with the agency's written procedures?	X			

Department of Commerce	For period covering October 1, 2016 to September 30, 2017			
in the EEO discrimination complaint process?	X			
to participate in ADR?	X			

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.

Department of Commerce

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Compliance Indicator	EEO program officials advise and provide appropriate assistance to managers/supervisors about the status of EEO programs within each manager's or supervisor's area or responsibility.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
Measures					
Are regular (monthly/quarterly/semi-annually) EEO updates provided to management/supervisory officials by EEO program officials?		X			
Do EEO program officials coordinate the development and implementation of EEO Plans with all appropriate agency managers to include Agency Counsel, Human Resource Officials, Finance, and the Chief information Officer?		X			
Compliance Indicator	The Human Resources Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures are in conformity with instructions contained in EEOC management directives. [see 29 CFR § 1614.102(b)(3)]	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
Measures					
Have time-tables or schedules been established for the agency to review its Merit Promotion Program Policy and Procedures for systemic barriers that may be impeding full participation in promotion opportunities by all groups?		X			
Have time-tables or schedules been established for the agency to review its Employee Recognition Awards Program and Procedures for systemic barriers that may be impeding full participation in the program by all groups?		X			
Have time-tables or schedules been established for the agency to review its Employee Development/Training Programs for systemic barriers that may be impeding full participation in training opportunities by all groups?		X			
Compliance Indicator	When findings of discrimination are made, the agency explores whether or not disciplinary actions should be taken.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
Measures					
Does the agency have a disciplinary policy and/or a table of penalties that covers employees found to have committed discrimination?		X			

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Have all employees, supervisors, and managers been informed as to the penalties for being found to perpetrate discriminatory behavior or for taking personnel actions based upon a prohibited basis?	X			All Commerce bureaus reported that they met this measure except the National Institute of Standards and Technology (NIST) and the National Oceanic and Atmospheric Administration (NOAA). See NIST and NOAA's respective MD-715 Reports.
Has the agency, when appropriate, disciplined or sanctioned managers/supervisors or employees found to have discriminated over the past two years?	X			There was one finding in FY16. The EEOC AJ did not order the Agency to consider taking disciplinary action. All Commerce bureaus reported that they met this measure except the National Oceanic and Atmospheric Administration (NOAA). See NOAA's MD-715 Report.
If so, cite number found to have discriminated and list penalty /disciplinary action				
Does the agency promptly (within the established time frame) comply with EEOC, Merit Systems Protection Board, Federal Labor Relations Authority, labor arbitrators, and District Court orders?	X			
Does the agency review disability accommodation decisions/actions to ensure compliance with its written procedures and analyze the information tracked for trends, problems, etc.??	X			

Essential Element D: PROACTIVE PREVENTION Requires that the agency head makes early efforts to prevent discriminatory actions and eliminate barriers to equal employment opportunity in the workplace.						
Department of Commerce		For period covering October 1, 2016 to September 30, 2017				
Compliance Indicator	Analyses to identify and remove unnecessary barriers to employment are conducted throughout the year.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report	
Measures		Yes	No	N/A		
Do senior managers meet with and assist the EEO Director and/or other EEO Program Officials in the identification of barriers that may be impeding the realization of equal employment opportunity?		X				
When barriers are identified, do senior managers develop and implement, with the assistance of the agency EEO office, agency EEO Action Plans to eliminate said barriers?		X				
Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans?		X				
Are trend analyses of workforce profiles conducted by race, national origin, sex and disability?		X				
Are trend analyses of the workforce's major occupations conducted by race, national origin, sex and disability?		X				
Are trends analyses of the workforce's grade level distribution conducted by race, national origin, sex and disability?		X				
Are trend analyses of the workforce's compensation and reward system conducted by race, national origin, sex and disability?		X				
Are trend analyses of the effects of management/personnel policies, procedures and practices conducted by race, national origin, sex and disability?		X				
Compliance Indicator	The use of Alternative Dispute Resolution (ADR) is encouraged by senior management.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report	
Measures		Yes	No	N/A		
Are all employees encouraged to use ADR?		X				
Is the participation of supervisors and managers in the ADR process required?			X		All Commerce bureaus reported that they met this measure except the Office of the Secretary (OS) and National Oceanic and Atmospheric Administration (NOAA).	

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Essential Element E: EFFICIENCY

Requires that the agency head ensure that there are effective systems in place for evaluating the impact and effectiveness of the agency's EEO Programs as well as an efficient and fair dispute resolution process.

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Department of Commerce		For period covering October 1, 2016 to September 30, 2017			
Compliance Indicator	The agency has sufficient staffing, funding, and authority to achieve the elimination of identified barriers.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Does the EEO Office employ personnel with adequate training and experience to conduct the analyses required by MD-715 and these instructions?		X			
Has the agency implemented an adequate data collection and analysis systems that permit tracking of the information required by MD-715 and these instructions?		X			
Have sufficient resources been provided to conduct effective audits of field facilities' efforts to achieve a model EEO program and eliminate discrimination under Title VII and the Rehabilitation Act?		X			
Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations in all major components of the agency?		X			
Are 90% of accommodation requests processed within the time frame set forth in the agency procedures for reasonable accommodation?		X			
Compliance Indicator	The agency has an effective complaint tracking and monitoring system in place to increase the effectiveness of the agency's EEO Programs.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Does the agency use a complaint tracking and monitoring system that allows identification of the location, and status of complaints and length of time elapsed at each stage of the agency's complaint resolution process?		X			
Does the agency's tracking system identify the issues and bases of the complaints, the aggrieved individuals/complainants, the involved management officials and other information to analyze complaint activity and trends?		X			
Does the agency hold contractors accountable for delay in counseling and investigation processing times?		X			
If yes, briefly describe how:					
Does the agency monitor and ensure that new investigators, counselors, including contract and collateral duty investigators, receive the 32 hours of training required in accordance with EEO Management Directive MD-110?		X			
Does the agency monitor and ensure that experienced counselors, investigators, including contract and collateral duty investigators, receive the 8 hours of refresher training required on an annual basis in accordance with EEO Management Directive MD-110?		X			
Compliance Indicator		Measure has been met			

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	The agency has sufficient staffing, funding and authority to comply with the time frames in accordance with the EEOC (29 C.F.R. Part 1614) regulations for processing EEO complaints of employment discrimination.				For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Are benchmarks in place that compare the agency's discrimination complaint processes with 29 C.F.R. Part 1614?		X			
Does the agency provide timely EEO counseling within 30 days of the initial request or within an agreed upon extension in writing, up to 60 days?		X			All Commerce bureaus reported that they met this measure except the International Trade Administration (ITA) and the National Oceanic and Atmospheric Administration (NOAA). See ITA and NOAA's MD-715 Reports.
Does the agency provide an aggrieved person with written notification of his/her rights and responsibilities in the EEO process in a timely fashion?		X			
Does the agency complete the investigations within the applicable prescribed time frame?		X			
When a complainant requests a final agency decision, does the agency issue the decision within 60 days of the request?		X			
When a complainant requests a hearing, does the agency immediately upon receipt of the request from the EEOC AJ forward the investigative file to the EEOC Hearing Office?		X			
When a settlement agreement is entered into, does the agency timely complete any obligations provided for in such agreements?		X			
Does the agency ensure timely compliance with EEOC AJ decisions which are not the subject of an appeal by the agency?		X			
Compliance Indicator	There is an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of the agency's EEO complaint processing program.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
In accordance with 29 C.F.R. §1614.102(b), has the agency established an ADR Program during the pre-complaint and formal complaint stages of the EEO process?		X			

Department of Commerce		For period covering October 1, 2016 to September 30, 2017				
Does the agency require all managers and supervisors to receive ADR training in accordance with EEOC (29 C.F.R. Part 1614) regulations, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR?			X			All Commerce bureaus reported that they met this measure except the Office of the Secretary (OS) and National Oceanic and Atmospheric Administration (NOAA).
After the agency has offered ADR and the complainant has elected to participate in ADR, are the managers required to participate?			X			All Commerce bureaus reported that they met this measure except the Office of the Secretary (OS) and National Oceanic and Atmospheric Administration (NOAA).
Does the agency ensure that the responsible management official directly involved in the dispute does not have settlement authority?		X				All Commerce bureaus reported that they met this measure except the National Oceanic and Atmospheric Administration (NOAA). See NOAA's MD-715 Report.
Compliance Indicator	The agency has effective systems in place for maintaining and evaluating the impact and effectiveness of its EEO programs.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report	
Measures		Yes	No	N/A		
Does the agency have a system of management controls in place to ensure the timely, accurate, complete and consistent reporting of EEO complaint data to the		X				
Does the agency provide reasonable resources for the EEO complaint process to ensure efficient and successful operation in accordance with 29 C.F.R. § 1614.102		X				
Does the agency EEO office have management controls in place to monitor and ensure that the data received from Human Resources is accurate, timely received, and contains all the required data elements for submitting annual reports to the EEOC?		X				
Do the agency's EEO programs address all of the laws enforced by the EEOC?		X				
Does the agency identify and monitor significant trends in complaint processing to determine whether the agency is meeting its obligations under Title VII and the Rehabilitation Act?		X				

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Does the agency track recruitment efforts and analyze efforts to identify potential barriers in accordance with MD-715 standards?		X				All Commerce bureaus reported that they met this measure except the National Oceanic and Atmospheric Administration (NOAA). See NOAA's MD-715 Report.
Does the agency consult with other agencies of similar size on the effectiveness of their EEO programs to identify best practices and share ideas?		X				
Compliance Indicator	The agency ensures that the investigation and adjudication function of its complaint resolution process are separate from its legal defense arm of agency or other offices with conflicting or competing interests.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report	
Measures		Yes	No	N/A		
Are legal sufficiency reviews of EEO matters handled by a functional unit that is separate and apart from the unit which handles agency representation in EEO		X				
Does the agency discrimination complaint process ensure a neutral adjudication function?		X				
If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints?		X				

Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE This element requires that federal agencies are in full compliance with EEO statutes and EEOC regulations, policy guidance, and other written instructions.	
Department of Commerce	For period covering October 1, 2016 to September 30, 2017

Department of Commerce		For period covering October 1, 2016 to September 30, 2017			
Compliance Indicator	Agency personnel are accountable for timely compliance with orders issued by EEOC Administrative Judges.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Does the agency have a system of management control to ensure that agency officials timely comply with any orders or directives issued by EEOC Administrative		X			
Compliance Indicator	The agency's system of management controls ensures that the agency timely completes all ordered corrective action and submits its compliance report to EEOC within 30 days of such completion.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Does the agency have control over the payroll processing function of the agency? If Yes, answer the two questions below.		X			
Are there steps in place to guarantee responsive, timely, and predictable processing of ordered monetary relief?		X			
Are procedures in place to promptly process other forms of ordered relief?		X			
Compliance Indicator	The agency's system of management controls ensures that the agency timely completes all ordered corrective action and submits its compliance report to EEOC within 30 days of such completion.	Measure has been met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
Measures		Yes	No	N/A	
Is compliance with EEOC orders encompassed in the performance standards of any agency employees?		X			
If so, please identify the employees by title in the comments section, and state how performance is measured.		Kathryn Anderson, Director of Administration & Special Projects and Acting Director of the Program and Implementation Division, OCR, oversees and monitors agency's compliance with EEOC orders and it is covered in her performance plan.			
Is the unit charged with the responsibility for compliance with EEOC orders located in the EEO office?		X			
If not, please identify the unit in which it is located, the number of employees in the unit, and their grade levels in the comments section.					
Have the involved employees received any formal training in EEO compliance?		X			

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Does the agency promptly provide to the EEOC the following documentation for completing compliance:				
Attorney Fees: Copy of check issued for attorney fees and /or a narrative statement by an appropriate agency official, or agency payment order dating the dollar amount of attorney fees paid?	X			
Awards: A narrative statement by an appropriate agency official stating the dollar amount and the criteria used to calculate the award?	X			
Back Pay and Interest: Computer print-outs or payroll documents outlining gross back pay and interest, copy of any checks issued, narrative statement by an appropriate agency official of total monies paid?	X			
Compensatory Damages: The final agency decision and evidence of payment, if made?	X			
Training: Attendance roster at training session(s) or a narrative statement by an appropriate agency official confirming that specific persons or groups of persons attended training on a date certain?	X			
Personnel Actions (e.g., Reinstatement, Promotion, Hiring, Reassignment): Copies of SF-50s	X			
Posting of Notice of Violation: Original signed and dated notice reflecting the dates that the notice was posted. A copy of the notice will suffice if the original is not available.	X			
Supplemental Investigation: 1. Copy of letter to complainant acknowledging receipt from EEOC of remanded case. 2. Copy of letter to complainant transmitting the Report of Investigation (not the ROI itself unless specified). 3. Copy of request for a hearing (complainant's request or agency's transmittal letter).	X			
Final Agency Decision (FAD): FAD or copy of the complainant's request for a hearing.	X			
Restoration of Leave: Print-out or statement identifying the amount of leave restored, if applicable. If not, an explanation or statement.	X			
Civil Actions: A complete copy of the civil action complaint demonstrating same issues raised as in compliance matter.	X			
Settlement Agreements: Signed and dated agreement with specific dollar amounts, if applicable. Also, appropriate documentation of relief is provided.	X			

Footnotes:

1. See 29 C.F.R. § 1614.102.

2. When an agency makes modifications to its procedures, the procedures must be resubmitted to the Commission. See EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (10/20/00), Question 28

EEOC FORM 715-01 PART H-1		U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT	
Department of Commerce		For period covering October 1, 2016 to September 30, 2017	
STATEMENT of MODEL PROGRAM ESSENTIAL ELEMENT DEFICIENCY:	Improper reporting structure of EEO Office and EEO Director.		
OBJECTIVE:	To address the reporting structure of the EEO Office, EEO Director, and OCR Director.		
RESPONSIBLE OFFICIAL:	OCR Director		
DATE OBJECTIVE INITIATED:	01/29/2018		
TARGET DATE FOR COMPLETION OF OBJECTIVE:	01/29/2019		
PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:			
Revise the the Department Organization Order 20-10, which prescribes the functions and organization of the Office of Civil Rights to show the OCR Director has a dotted reporting line to the Secretary of Commerce.			
TARGET DATE: 01/29/2019			
REPORT OF ACCOMPLISHMENTS and MODIFICATIONS TO OBJECTIVE			
EEOC FORM 715-01 PART H-2		U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT	
Department of Commerce		For period covering October 1, 2016 to September 30, 2017	
STATEMENT of MODEL PROGRAM ESSENTIAL ELEMENT DEFICIENCY:	Essential Element D: Proactive Prevention ADR is voluntary for all parties in the EEO process. The Agency does not require managers to participate in ADR after it has been offered and accepted by the Complainant.		
OBJECTIVE:	To determine if not requiring managers to participate in ADR after elected by the Complainant is a barrier to resolution efforts.		
RESPONSIBLE OFFICIAL:	Director of the Office of Civil Rights		
DATE OBJECTIVE INITIATED:	04/30/2018		
TARGET DATE FOR COMPLETION OF OBJECTIVE:	09/30/2018		
PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:			

ADR is currently voluntary for supervisors/managers because our ADR analysis shows the challenge rests with the individual's election, rather than in managerial support/participation in ADR. Therefore, the Department has not made the policy decision to make ADR mandatory for managers. If future trend analysis points to managers' unwillingness to participate, after an employee elects ADR, as a barrier for resolution at the lowest level, we will review our policy decision. In FY 2017, of the 66 instances where ADR was elected by the Complainant (55 in the pre-complaint and 11 in the formal process), there were 9 instances of the agency declining: 6 in NOAA; 2 in ITA; and 1 in MBDA. Therefore, the agency agreed to conduct ADR when elected by the Complainant 86% of the time. The Agency will continue to monitor OS-serviced bureaus and other bureaus' trends for cases where managers decline ADR after the Complainant has elected it. This information will be monitored quarterly and appropriate remedial measures will be adopted if the data shows that not requiring managers to participate in ADR efforts is a barrier to resolution efforts.

TARGET DATE: 09/30/2018

REPORT OF ACCOMPLISHMENTS and MODIFICATIONS TO OBJECTIVE

The Department remains committed to the early resolution of workplace disputes. The Secretary incorporated support for ADR in the annual EEO policy statement. The available data for FY 2017 shows that the Agency agreed to participate in ADR 86% of the times when elected by the Complainant. However, as part of continued efforts to promote proactive conflict resolution, the Agency highlights the following initiatives: Alternate Forums: In FY 2017, 88% of the individuals contacting the EEO Office that services the Office of the Secretary and other bureaus within the Department, elected alternative means of addressing workplace conflict after consultation with staff. A total of 238 consultations were held in this period. This result is attributed to the clear, fact-based guidance and alternatives for addressing workplace conflicts offered by the team. Proactive Prevention Workshops: The Department's OCR offered a series of proactive prevention workshops in FY 2017, focusing on cross cultural awareness, multigenerational work teams and emotional intelligence to all employees in the DC metro area. A total of 156 employees from across the Department attended the various sessions. Forty percent (40%) of the workshop participants were in supervisory positions; 55% of the attendees were females and 45% males. Because attendee feedback is the cornerstone of measuring the effectiveness of these sessions, CSRD was successful in soliciting feedback from 90% of the workshop participants. The workshops received a combined average rating of 4.4 for overall value; and the facilitator received a combined rating of 4.7 on a 1 to 5-point scale with 5 being the highest positive rating. The sessions have been highly recommended and OCR has received numerous requests to offer the sessions in the future. Mediation Feedback: To assess the effectiveness of ADR/mediation sessions, the OS EEO Office continually solicits feedback from all participants. In FY 2017, 91% of the participants (including Complainants, their representatives, management officials and Agency counsel) reported they would utilize mediation in the future and recommend to others. Data from feedback shows that 95% reported they were satisfied with the process and the outcome, and 5% reported dissatisfaction with the process. On closer review, the respondents who reported dissatisfaction with the process were responding officials. However, it should be noted that in one of these cases, a settlement was reached after the mediation session, and in the other case, the employee elected not to pursue an EEO complaint.

EEOC FORM 715-01 PART I-1	U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT	
Department of Commerce	For period covering October 1, 2016 to September 30, 2017	
STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?	Hispanics have less than expected participation in the DOC workforce. They also have less than expected participation in the Leadership Pipeline and are separating at higher rates than their hires.	
BARRIER ANALYSIS: Provide a description of the steps taken and data analyzed to determine cause of the condition.	OCR conducted an analysis of Hispanic employees at the DOC using various data tools: 1) Workforce Analytics and Monster Government workforce data tables to identify numerical triggers to potential barriers, 2) the Federal Employee Viewpoint Survey (FEVS) results for potential causes or issues impacting diversity and inclusion, and 3) Form 462 to identify any anomalies on complaints bases and issues. For detailed analysis, please find the Hispanic Employment Barrier Analysis report included in our supporting documentation.	
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	A barrier has not been identified.	
OBJECTIVE: State the alternative or revised agency policy, procedure or practice to be implemented to correct the undesired condition.	As part of our continued barrier analysis efforts, we will conduct retention and exit surveys.	
RESPONSIBLE OFFICIAL:	OHRM and OCR Directors	
DATE OBJECTIVE INITIATED:	04/30/2018	
TARGET DATE FOR COMPLETION OF OBJECTIVE:	04/30/2019	
EEOC FORM 715-01 PART I-1	EEO Plan To Eliminate Identified Barrier	
PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:	TARGET DATE (Must be specific)	
Hire a data/management analyst: In FY16, we recognized the need to hire additional staff with competencies to conduct a thorough and scientific barrier analysis. Therefore, in FY17, we are hiring a data/management analyst to assist with our analysis efforts; we expect the person to onboard Feb 2017. Update: This objective was accomplished with the hire of a Management Analyst in Feb 2017.	09/30/2017	
Conduct Workforce Surveys. By conducting a <u>Retention Survey</u> for select groups and implementing <u>Enterprise-Wide Exit Surveys</u> , the DOC will invite and encourage our workforce to voice their concerns and provide input, which can lead to improved policies, practices, and procedures that can positively improve retention issues across the DOC.	04/30/2019	

<p>Examine Policies/Data: The DOC is committed to examining the following policies and data for potential barriers:</p> <ul style="list-style-type: none"> • Hiring Policies • Interview Process and Procedures • Bureau-specific Mission Critical Occupation Data by Position, Grade Level • Data on Referrals and Interviews 	<p>04/30/2019</p>
<p>Enhance Collaboration Between Bureau HR and EEO Offices. In order to achieve a more diverse and inclusive workforce among all levels at the DOC, enhanced collaboration of EEO and HR offices is crucial. DOC is proposing two plans of action where the offices can collaborate:</p> <ul style="list-style-type: none"> • Examine DOC-wide leadership development programs and career development programs. • Develop strategies to address the FEVS high-rate negative response items (i.e. establishing a working group). 	<p>04/30/2019</p>
<p>REPORT OF ACCOMPLISHMENTS and MODIFICATIONS TO OBJECTIVE</p>	
<p>A Management Analyst was hired in FY17. The Management Analyst has been crucial in the Department's barrier analysis efforts.</p> <p>The BAWG reconvened in FY17 and meets on a quarterly basis to address triggers/barriers across the DOC.</p>	

EEOC FORM 715-01 PART I-2	U.S. Equal Employment Opportunity Commission FEDERAL AGENCY ANNUAL EEO PROGRAM STATUS REPORT	
Department of Commerce	For period covering October 1, 2016 to September 30, 2017	
STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?	Females of all races have less than expected participation in the GS13-15 pipeline and have higher separation rates than hiring rates. They also make 61% of all complaints filed.	
BARRIER ANALYSIS: Provide a description of the steps taken and data analyzed to determine cause of the condition.	The DOC conducted an in-depth examination of potential barriers pertaining to recruitment, advancement, and retention of minority groups at the DOC. The DOC examined 1) Workforce Data Tables, 2) the Federal Employee Viewpoint Survey (FEVS) results for potential causes or issues impacting diversity and inclusion, and 2) Form 462 to identify any anomalies on complaints bases and issues.	
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	A barrier has not been identified.	
OBJECTIVE: State the alternative or revised agency policy, procedure or practice to be implemented to correct the undesired condition.	To conclusively identify and, ultimately, pave the way to eliminating barriers to the employment of Females and their participation in the leadership pipeline at the DOC.	
RESPONSIBLE OFFICIAL:	OHRM and OCR Directors	
DATE OBJECTIVE INITIATED:	04/30/2018	
TARGET DATE FOR COMPLETION OF OBJECTIVE:	04/30/2019	
EEOC FORM 715-01 PART I-2	EEO Plan To Eliminate Identified Barrier	
PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:	TARGET DATE (Must be specific)	
Hire a data analyst who will oversee efforts conducted by the Barrier Analysis Working Group.	02/28/2017	
Convene the Barrier Analysis Working Group to look at relevant data to complete the planned activities.	09/30/2017	
Examine Policies/Data. The DOC is committed to examine the following policies and data for potential barriers: <ul style="list-style-type: none"> • Hiring Policies • Interview Process and Procedures • Bureau-specific Mission Critical Occupation Data by Position and Grade Level • Data on Referrals and Interviews 	04/30/2019	

<p>Enhance Collaboration Between Bureau HR and EEO Offices. In order to achieve a more diverse and inclusive workforce among all levels at the DOC, enhanced collaboration of EEO and HR offices is crucial. DOC is proposing two plans of action where the offices can collaborate:</p> <ul style="list-style-type: none"> • Examine DOC-wide leadership development programs and career development programs. • Develop strategies to address the FEVS high-rate negative response items (i.e. establishing a working group). 	04/30/2019
<p>Conduct Workforce Surveys: By conducting a <u>Retention Survey</u> for select groups and implementing <u>Enterprise-Wide Exit Surveys</u>, the DOC will invite and encourage our workforce to voice their concerns and provide input, which can lead to improved policies, practices, and procedures that can positively improve retention issues across the DOC.</p>	04/30/2019
<p>REPORT OF ACCOMPLISHMENTS and MODIFICATIONS TO OBJECTIVE</p>	
<p>A Management Analyst was hired in FY17. The Management Analyst has been crucial in the Department's barrier analysis efforts. The BAWG reconvened in FY17 and meets on a quarterly basis to address triggers/barriers across the DOC.</p>	

MD-715 – Part J

Special Program Plan

for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities

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

Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 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) Answer: No
 - b. Cluster GS-11 to SES (PWD) Answer: Yes

There is a trigger for PWD at GS11 & above at 10.02%, which is below the 12% goal.

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

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.
 - a. Cluster GS-1 to GS-10 (PWTD) Answer: No
 - b. Cluster GS-11 to SES (PWTD) Answer: No

No triggers.

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

State of the Agency and quarterly briefings with senior leadership to communicate goals and progress in reaching targets. Communicated goals during supervisor/managers' training. Numerical goals communicated to Human Resources, especially recruiting staff to inform hiring managers of agency goals. Hiring managers

were made aware of numerical goals with each recruitment action.

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 DISABILITY PROGRAM

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

Answer: Yes

Yes there is sufficient personnel.

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	6	0	1	Charles Clark, Acting Director, Office of Human Capital Strategy and Diversity, cclark@doc.gov
Answering questions from the public about hiring authorities that take disability into account	17	0	0	Charles Clark, Acting Director, Office of Human Capital Strategy and Diversity, cclark@doc.gov
Processing reasonable accommodation requests from applicants and employees	13	0	0	Monique Dismuke, DOC Reasonable Accommodation Program Manager, Office of Civil Rights, mdismuke@doc.gov
Section 508 Compliance	3	0	11	Jennifer Jessup, DOC Section 508 Compliance Coordinator, Office of Chief Information Officer, jjessup@doc.gov
Architectural Barriers Act Compliance	5	0	0	Michael Rusten, Associate Director, Office of Space & Building Management, mrusten@doc.gov
Special Emphasis Program for PWD and PWTD	6	0	0	Monique Dismuke, Senior Disability Program Manager, Office of Civil Rights, mdismuke@doc.gov

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

Answer: Yes

Disability staff attended various training courses conducted by various organizations, including USDA Graduate School, ASKEARN Training Center, Disability Management Employer Coalition, and Job Accommodation Network (JAN). The classes and webinars included topics, such as: Special Appointing Authorities - Schedule A; Veterans with Disabilities recruitment and placement; EEOC Updates on Employment of PWD and PWTD. Training was also received through attendance at the EEOC EXCEL conference, Federal Dispute Resolution (FDR) conference, and the Federal Employment Law Training. Some DPMs will attend EEOC DPM Course in 2018.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

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

Answer: Yes

The program does have sufficient funding. However, there are areas for improvement, i.e. funding for targeted recruitment efforts; central funding for commonly requested reasonable accommodation items; and centralized funding for all bureaus for sign language interpreters. These items will be evaluated/addressed in FY 2018.

Section III: Plan to Recruit and Hire Individuals with Disabilities

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

A. PLAN TO IDENTIFY JOB APPLICANTS WITH DISABILITIES

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

The Department uses a variety of programs and resources to identify PWD/TD to include: maintains a catalogue of applicants eligible for non-competitive hiring authorities which is accessible by members of the HR community so resumes can be shared with hiring officials as positions become available; leverages alternative recruitment sources (i.e. VetSuccess.gov database, resume mining feature from USAJOBS) for vacant positions and to identify candidates w/disabilities; develops relationships with local colleges and universities and participate in their job recruitment fairs; coordinate with the Workforce Recruitment Program for nationwide access to postsecondary students and recent graduates with disabilities; participates in the VA's Non-Paid Work Experience Program, offering the opportunity to recruit and employ eligible disabled veterans via the Veterans Vocational and Rehabilitation Program; establishes separate webpages for disseminating information to job applicants w/disabilities. The Department also continued to provide information on Commerce's disability employment program, information on employment opportunities and the hiring process, points of contacts for reasonable accommodation requests, and assistive technology resources through various sources, i.e. webinars, LinkedIn, and other social media.

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

The Department encourages managers to use Schedule A to fill vacant positions whenever possible. Through outreach to vocational rehabilitation centers and disabled veterans' organizations, encourages eligible applicants to make resumes searchable in USAJOBS by selecting eligibility for special hiring authorities. The Selective Placement Program (SPP) develops recruitment solutions tailored to specific hiring needs, markets agency vacancies to persons with disabilities who are eligible for non-competitive placement via the Schedule A, and represents the Department at events focused on hiring people with disabilities. The SPP allows persons utilizing Schedule A to send their resumes directly to them to be placed in a database. Hiring officials within the agency have the ability to review resumes in the database to recruit for open positions. Applicants that had questions on Schedule A appointments or wanted to receive technical assistance on how to apply, could email the centralized ScheduleA@doc.gov email account.

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

The Department has Human Resources (HR) Specialists who are dedicated to working with job applicants who apply under special hiring authorities, i.e. Schedule A to determine eligibility and forward the application to relevant hiring officials.
1) Applications received via a USAJOBS announcement are assessed by the assigned HR Specialist and referred if the candidates meet the requirements for the

position.

2) In addition, the Selective Placement Program allows candidates to submit their application package directly to the selective placement email account for quality review. The coordinator reviews the application to determine if the candidate qualifies for the position and then verifies that the Schedule A letter submitted is in compliance. If all criteria are met, the candidate is placed into an electronic database where hiring managers can review resumes that match the qualifications of the position.

3) The Selective Placement Coordinator frequently searches the internal database for resumes of qualified applicants. Those applications are then forwarded to the hiring official with an explanation of the program and the process.

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

Answer: Yes

Training is available to all managers via the Commerce Learning Center. A specialized training program called "Roadmap to Success: Hiring, Retaining, and Including People with Disabilities" is a mandatory annual training required to be completed by all supervisors and managers. In addition, all new managers are required to take supervisors training within their first year, and this includes training on recruitment and hiring. Some bureaus conduct additional training. As an example, Census' Strategic Recruitment and Outreach Branch (SROB) provided a 3-hour management level training to supervisors and hiring managers on selective placement hiring initiatives and procedures for disability hiring. USPTO provided training on an ad hoc basis and is currently developing a plan to provide the training on a wider scale in FY18. NOAA offers bi-monthly in person or webinar training to hiring managers on topics such as ABC's of Schedule A Hiring.

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 various DOC bureaus have undertaken various strategies, such as establishing contacts with "Hiring Our Heroes", Vocational Rehabilitation Services, and RecruitMilitary which target PWD/TD; attending campus events for students with disabilities; developing relationships and partnering with disability offices at local colleges and universities; partnering with affinity groups to help recruit individuals with disabilities; partnering with local Vocational Rehabilitation centers, Maryland’s Department of Rehabilitation Services, and Virginia Department of Aging and Rehabilitative Services to provide guidance on applying for federal positions.

C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

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

a. New Hires for Permanent Workforce (PWD) Answer: No

b. New Hires for Permanent Workforce (PWTD) Answer: No

No triggers.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below.

a. New Hires for MCO (PWD) Answer: No

b. New Hires for MCO (PWTD) Answer: Yes

Among the new hires with disabilities who voluntarily identified their disability, triggers existed for PWTD in the following most populous MCOs:

301 – Benchmark 2.0% qualified, none selected

482 – Benchmark 1.0% qualified, none selected

905 – Benchmark 1.6% qualified, none selected

2210 – Benchmark 2.5% qualified, 0.6% selected

1530 – Benchmark 2.6% qualified, none selected

1301 - Benchmark 1.7% qualified, none selected

1101 – Benchmark 2.6% qualified, none selected

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified *internal* applicants for any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below.

a. Qualified Applicants for MCO (PWD) Answer: No

b. Qualified Applicants for MCO (PWTD) Answer: Yes

Among the qualified internal applicants with disabilities who voluntarily identified their disability, triggers existed for PWTD in the following most populous MCOs:

301 – Benchmark 0.4% qualified, none selected

343 – Benchmark 1.8% qualified, none selected

1530 – Benchmark 2.6% qualified, none selected

1224 - Benchmark 0.3% qualified, none selected

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) Answer: No

b. Promotions for MCO (PWTD) Answer: No

There were no triggers identified.

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

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

A. ADVANCEMENT PROGRAM PLAN

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

A wide variety of career/professional development programs that meet the needs of the entire workforce are provided for all employees, including PWD/TD. Several opportunities for employees to gain management and leadership skills to support the efforts of employees in accomplishing their career objectives will be provided in 2018, including briefings on developing Individual Development Plans and Leadership Competencies. All employees are encouraged to participate in DOC-wide developmental opportunities as well as Federal Government-wide career development programs. In addition, bureaus utilize Employee Resource Groups' meetings to discuss career development program opportunities. These will continue in 2018.

B. CAREER DEVELOPMENT OPPORTUNITIES

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

DOC Bureaus have instituted various career development opportunities:
NIST: Foundations of Leadership Program (FLP); New Leader Program (NLP); Project Management and Leadership Program (PMLP). Mentoring and coaching sessions are available to participants of the programs.
NOAA: Leadership Competencies Development Program (LCDP); NOAA Leadership Seminar (NLS); NOAA Rotational Assignment Program (NRAP).
Census: Career Counselor who offers confidential career coaching services, and classes in the areas of Resume Writing, Job Search Strategies, Networking, and Interviewing Techniques.

2. 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 applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.
 - a. Applicants (PWD) Answer: No
 - b. Selections (PWD) Answer: No

The Department does not currently collect data for career development programs. This will be collected in FY 2018.

3. 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) Answer: No

b. Selections (PWTD) Answer: No

The Department does not currently collect data for career development programs. This will be collected in FY 2018.

C. AWARDS

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

a. Awards, Bonuses, & Incentives (PWD) Answer: Yes

b. Awards, Bonuses, & Incentives (PWTD) Answer: Yes

Using the inclusion rate, triggers were identified in the following award categories:
PWTD: 1) up to \$500; 2) between \$501-1500; and 3) \$1500+
PWD: 1) between \$501-\$1500; 2) \$1500+

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

a. Pay Increases (PWD) Answer: No

b. Pay Increases (PWTD) Answer: No

There were no triggers identified

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

a. Other Types of Recognition (PWD) Answer: N/A

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

N/A

D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

a. SES

i. Qualified Internal Applicants (PWD) Answer: No

ii. Internal Selections (PWD) Answer: Yes

b. Grade GS-15

i. Qualified Internal Applicants (PWD) Answer: No

ii. Internal Selections (PWD) Answer: No

c. Grade GS-14

i. Qualified Internal Applicants (PWD) Answer: No

ii. Internal Selections (PWD) Answer: No

d. Grade GS-13

i. Qualified Internal Applicants (PWD) Answer: No

ii. Internal Selections (PWD) Answer: No

A trigger was identified for PWD in internal selections for promotion to SES. They were 55.9% of the Qualified Internal Applicants, but 42.9% of the selectees. Selectees without disabilities was 57.1%.

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) Answer: Yes

ii. Internal Selections (PWTD) Answer: Yes

b. Grade GS-15

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: Yes

c. Grade GS-14

i. Qualified Internal Applicants (PWTD) Answer: Yes

ii. Internal Selections (PWTD) Answer: Yes

d. Grade GS-13

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: Yes

Triggers exist for PWTD in Qualified Internal Applicants for promotion to SES and GS 14 positions.
 There were no PWTD applicants for SES and GS 14 positions. There was 1 applicant for GS 15 and 3 applicants at GS 13.
 Triggers exist for Internal Selections in SES, GS 15, GS 14, and GS 13. There were no selections for PWTD at any of these grade levels, although there were qualified PWTD candidates at the GS 15 (1 qualified candidate) and GS 13 (2 qualified candidates) levels.

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) Answer: No

b. New Hires to GS-15 (PWD) Answer: No

c. New Hires to GS-14 (PWD) Answer: No

d. New Hires to GS-13 (PWD) Answer: No

The Department does not currently collect this data by grade level. It will be collected in FY 2018.

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

The Department does not currently collect this data by grade level for new hires. It will be collected in FY 2018.

5. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Executives

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

b. Managers

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

c. Supervisors

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

The Department does not currently collect this data. It will be collected in FY 2018.

6. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Executives

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

b. Managers

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

c. Supervisors

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

The Department does not currently collect this data. It will be collected in FY 2018.

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.

a. New Hires for Executives (PWD) Answer: No

b. New Hires for Managers (PWD) Answer: No

c. New Hires for Supervisors (PWD) Answer: No

The Department does not currently collect this data. It will be collected in FY 2018.

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.

a. New Hires for Executives (PWTD) Answer: No

b. New Hires for Managers (PWTD) Answer: No

c. New Hires for Supervisors (PWTD) Answer: No

The Department does not currently collect this data. It will be collected in FY 2018.

Section V: 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.

Answer: Yes

In FY 2017, the agency established a system to monitor the status of Schedule A employees with disabilities. The Department's Selective Placement Program Coordinator within Office of Human Resources Management tracks this data.

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If "yes", describe the trigger below.

a. Voluntary Separations (PWD)

Answer: Yes

b. Involuntary Separations (PWD)

Answer: Yes

The % of voluntary and involuntary separations for PWD exceeded those without disabilities.

Voluntary-Inclusion Rate: PWD: 8.0% No Dis: 5.9%

Involuntary-Inclusion Rate: PWD: 1.1% No Dis: 0.5%

3. Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If "yes", describe the trigger below.

a. Voluntary Separations (PWTD)

Answer: Yes

b. Involuntary Separations (PWTD)

Answer: Yes

The % of voluntary and involuntary separations for PWTD exceeded those without disabilities.

Voluntary-Inclusion Rate: PWTD: 7.9% No Dis: 5.9%

Involuntary-Inclusion Rate: PWTD: 1.2% No Dis: 0.5%

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

The agency currently does not have a system to collect exit interview results. In FY 2018, the Office of Civil Rights, in collaboration with Office of Human Resources, are developing a survey to collect retention and exit interview data. The agency plans to

implement the system to collect and analyze exit interview data by the end of FY 2018.

B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

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

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

<https://www.commerce.gov/policy/20171213/accessibility-policy>

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.

This information is not currently available on the Department's website, but will be available in FY 2018.

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

In January 2018, DOC established the Web Advisory Council, an advisory group on web content. Also, in February 2018, DOC established the WAC Accessibility Working Group, a Commerce-wide working group with responsibility for EIT accessibility and Section 508 compliance. With the Section 508 refresh in 2017, this group will ensure the Department's website and electronic technology is fully compliant and accessible. The Office of Facilities and Environmental Quality, in collaboration with the Office of Civil Rights, updated the Department's Facilities Accessibility Policy to ensure accessibility for all employees and visitors. Each Bureau also has its own Web Committee that provides guidance and training on proper development and presentation of accessible electronic information. The committees also have a Section 508 working group that meets regularly to address specific regulatory requirements and implementation concerns. Some Bureaus' internal websites also provide training materials, tools and other resources for developers and managers. In FY 2018, all DOC bureaus will establish Web Accessibility Working Groups.

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.)

In FY 2017, all bureaus did not maintain data on average processing time for RA requests. The Bureaus that did maintain tracking data had various averages (7, 10, 25 days). With the implementation of the Commerce Accommodation Tracking System, the Department will be able to compile accurate RA data for the FY 2018 MD 715 report.

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.

Prior to FY 2017, RA data was manually tracked which created a challenge with providing accurate RA information. In FY 2017, the Department's Office of Civil Rights launched the Commerce Automated Tracking System. The system is designed to track RA requests; ensure timely processing; and provide regular reminders and updates for requestors and supervisors/managers. This allows the Department's Reasonable Accommodation Coordinators to better track timeliness and responsiveness on all RA requests. The Department's Reasonable Accommodation procedures were also updated to improve efficiency in the process. Employees and managers/supervisors routinely receive RA training online and via RA staff.

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, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

The Department developed PAS procedures which became effective on January 3, 2018. Data on PAS will be provided in the 2018 MD 715 report.

Section VI: EEO Complaint and Findings Data

A. EEO COMPLAINT DATA INVOLVING HARASSMENT

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

Answer: Yes

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

Answer: Yes

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

During FY 17, 23.6% of the formal complaints filed involved complaints alleging harassment on the basis of disability. This is higher than the government average of 14.25%. There was one finding and 28 settlements on the basis of disability. The relief ordered for the finding was as follows:

The Agency shall:

- provide Complainant with a reasonable accommodation to work day shifts.
- reimburse Complainant all annual and sick leave she took because she could not work night shift from September 2008 to the present.
- pay Complainant for any Leave without Pay (LWOP) she took because she could not work night shift from September 2008 to the present.
- revoke and remove the Leave Request Procedures Memorandum of January 29, 2009.
- post copies of the attached notice.
- pay Complainant's attorney's fees of \$43,064.00 and costs of \$756.44.
- pay Complainant \$15,000.00 in non-pecuniary compensatory damages.

B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

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

Answer: Yes

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

Answer: Yes

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

During FY 17, 19.1% of the formal complaints filed involved complaints alleging failure to provide reasonable accommodation. This is higher than the government average of 9.74%. There was one finding that included a claim of failure to provide reasonable

accommodation included in the finding in Question A above. There were also 3 settlements involving failure to provide reasonable accommodations. RA training will be enhanced for managers. In addition, a rewrite of the Departmental RA policy will better outline and define the requirements and procedures for management.

Section VII: Identification and Removal of Barriers

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

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

Answer: No

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

Answer: No

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.

Trigger 1	PWTD in the DOC workforce had a less than expected participation rate of 0.9%, which is less than the 2% goal. The rate of separation for PWD/PWTD continues to be higher than employees without disabilities.	
Barrier(s)	Limited barrier analysis was conducted in FY 2017 to identify triggers and potential root cause for the less than expected participation rate. Further analysis is planned for FY 2018.	
Objective(s)	All hiring managers receive mandatory training on Reasonable Accommodations and Hiring, Recruitment and Retention of IWTD. Each Bureau will establish an annual Affirmative Action plan for increasing the participation of IWTDs. Establish retention and exit interview surveys to determine root cause for increased separation rates.	
Responsible Official(s)	Performance Standards Address the Plan? (Yes or No)	
Monique Dismuke, DOC Disability Program Manager; Tinisha Agramonte, Dir, Office of Civil Rights; Stacy Carter, Chief, Policy & Evaluation Division; Kevin Mahoney, Dir, Office of Human Resources	Yes	
Barrier Analysis Process Completed? (Yes or No)	Barrier(s) Identified? (Yes or No)	
Yes	Yes	

Sources of Data		Sources Reviewed? (Yes or No)	Identify Information Collected		
Workforce Data Tables		Yes			
Complaint Data (Trends)		Yes			
Grievance Data (Trends)		No			
Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)		Yes			
Climate Assessment Survey (e.g., FEVS)		No			
Exit Interview Data		No			
Focus Groups		No			
Interviews		No			
Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)		No			
Other (Please Describe)		No			
Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Staffing & Funding (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)	
10/31/2017	Develop and implement Department wide mandatory training on Reasonable Accommodations and Hiring, Recruitment and Retention of PWTB. Each Bureau will establish an annual Affirmative Action plan for increasing the participation of PWTBs. Establish retention and exit interview surveys to determine root cause for increased separation rates.	Yes	10/31/2018		
Fiscal Year	Accomplishments				
2017	OPM, in collaboration with EEOC, revised the codes for the SF 256, Self-				

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

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

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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.

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