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Office of Civil Rights

U.S. General Services Administration

EEOC Management Directive 715

Annual Equal Opportunity Program Status Report

Fiscal Year 2019

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Part A: Department or Agency Identifying Information

General Services Administration; 1800 F Street NW, Washington D.C., 20405; Agency Code/CFPD: GS00; FIPS code 4177

#### Part B: Total Employment

Number of permanent employees: 10,814-; Number of temporary employees, 512; Number of employees in total workforce, 11,326.

#### Part C: Agency Officials Responsible for Oversight of the EEO Program(s)

##### C.1: Agency Head

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##### Affirmative Employment Program

Vacant

##### Complaint Program Manager

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##### Diversity & Inclusion Officer

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##### Hispanic Program Manager (SEPM)

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##### Women's Program Manager (SEPM)

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Part D.1: List of Subordinate Components Covered in This Report

Subordinate Component

City and State; Agency Code (EHRI)

Immediate Office of the Administrator

Washington, DC; GS01

Office of Administrative Services Washington, DC; GS02

Public Buildings Service Washington, DC; GS03

Office of Civil Rights Washington, DC; GS04

Office of Small Business Utilization Washington, DC; GS10

Office of the Chief Financial Officer Washington, DC; GS11

Office of General Counsel Washington, DC; GS12

Civilian Board of Contract Appeals Washington, DC; GS13

Office of Human Resources Management Washington, DC; GS14

Office of the Inspector General Washington, DC; GS15

Office of the Chief Acquisition Officer Washington, DC; GS16

Technology Transformation Services Washington, DC; GS18

Office of Citizen Service and Innovative Technologies Washington, DC; GS19

Office of Congressional and Intergovernmental Affairs Washington, DC; GS20

Office of the Regional Administrators Washington, DC; GS22

Office of Government-wide Policy Washington, DC; GS26

Office of GSA Information Technology Washington, DC; GS28

Federal Acquisition Service Washington, DC; GS30

Office of Mission Assurance Washington, DC; GS31

Office of Strategic Communication Washington, DC; GS32

Office of Customer Experience Washington, DC; GS33

Part D.2: Mandatory and Optional Documents for This Report Did the agency submit the following mandatory documents?

Organizational Chart Yes

EEO Policy Statement Yes

Strategic Plan Yes

Anti-Harassment Policy and Procedures Yes

Reasonable Accommodation Procedures Yes

Personal Assistance Services Procedures Yes Included in Reasonable Accommodation Procedures Did the agency submit the following optional documents?

Disabled Veterans Affirmative Action Program (DVAAP) Report Yes

Diversity Policy Statement Yes

Human Capital Operation Plan Yes

EEO Strategic Plan No

Federal Equal Opportunity Recruitment Program (FEORP) Report Yes

Human Capital Strategic Plan Yes

Agency Federal Employee Viewpoint Survey or Annual Employee Survey Yes

## Part E—Executive Summary

### E.1—Executive Summary: Mission

The mission of the U.S. General Services Administration (GSA) is to deliver value and savings in real estate, acquisition, technology, and other mission-support services across government. GSA provides centralized procurement for the Federal Government, offering products, services, and facilities worth billions of dollars that Federal agencies need to serve the American public. GSA's acquisition solutions supply Federal purchasers with cost-effective high-quality products and services from commercial vendors. GSA also helps Federal agencies build and acquire office space, products and other workspace services, and oversees the preservation of historic Federal properties. Its policies covering travel, and property management practices promote efficient government operations.

### Part E.2—Executive Summary: Essential Elements A-F

**HIGHLIGHT:** -GSA demonstrated strength in four elements: Demonstrated Commitment from Agency Leadership, Management and Program Accountability, Program Efficiency, and Responsiveness and Legal Compliance. Deficiencies were identified in two elements: Integration of EEO into the Agency's Strategic Mission, and Proactive Prevention of Unlawful Discrimination.

This Equal Employment Opportunity (EEO) Program Status Report for fiscal year (FY) 2019 outlines the state of activities undertaken by GSA pursuant to its EEO program

responsibilities under Title VII of the Civil Rights Act of 1964, as amended. It also describes activities undertaken pursuant to the agency's affirmative employment obligations under the Rehabilitation Act of 1973, and as required by U.S. Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715).

EEOC MD-715, at PART A, II. A-F, and PART B, III. A-F, describes six elements as essential for the establishment of a "model" EEO program:

- A. Demonstrated Commitment from Agency Leadership
- B. Integration of EEO into the Agency's Strategic Mission
- C. Management and Program Accountability
- D. Proactive Prevention of Unlawful Discrimination
- E. Program Efficiency
- F. Responsiveness and Legal Compliance

The EEOC has established specific measures for each of the six elements of a model EEO program. In FY 2019, GSA reviewed its EEO and personnel programs, policies, and performance in light of these elements. The results of GSA's review are detailed in Part G, Agency Self-Assessment Checklist of the MD-715, to this report. Overall, the Agency's self-assessment indicates program

strength in four essential elements (A, C, E and F) and some deficiencies in two other elements (B and D).

#### FY 2019 Model EEO Program Scorecard

Measures

Measures Met

Score

Essential Element A: Demonstrated Commitment from Agency Leadership

14

14

100%

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

39

35

90%

Essential Element C: Management and Program Accountability

44

44

100%

Essential Element D: Proactive Prevention of Unlawful Discrimination

14

7

50%

Essential Element E: Program Efficiency

34

34

100%

Essential Element F: Responsiveness and Legal Compliance

12

12

100%

FY 2019 EEO Program Deficiencies

HIGHLIGHT: GSA will correct the deficiencies identified below in FY 2020.

The EEO program deficiencies that GSA detected in its MD-715 self-assessment relate to the following three areas:

- Lack of senior official involvement in the barrier analysis process (Essential Element B, Measures B.6.b, B.6.c., and B.6.d.)

- Lack of analysis of identified triggers to find potential barriers to EEO. (Essential Element D, Measures D.2.a., D.2.b., D.2.c., and D.2.d.)

- Lack of action plans to remove identified barriers (Essential Element D, Measures D.3.a., D.3.b., and D.3.c.) Essential Element B: Integration of EEO into Agency's Strategic Mission

Status: Measures B.6.b, B.6.c, and B.6.d. ask agencies whether senior managers participate in the barrier analysis process and whether senior managers participate in the development and implementation EEO action plans when barriers are identified. It further asks whether EEO plan objectives are incorporated into agency strategic plans.

GSA, through its affirmative employment program, seeks to regularly and systematically identify potentially discriminatory policies and practices, deficient program areas, and other barriers to the advancement of protected groups; however, little to no barrier analysis occurred in FY 2019. FY 2019 was unusual in that the Agency's Office of Civil Rights (OCR) was reorganizing and both OCR and the Agency's Office of Human Resources Management (OHRM) had staffing shortages and vacancies that impacted the Agency's ability to execute the affirmative employment program and devote resources to conducting barrier analysis throughout the year. Consequently, GSA has answered no to most self-assessment questions related to the barrier analysis process and any associated action plans for EEO barrier removal.

Action: GSA will hire a new affirmative employment program manager and re-establish a process to conduct barrier analysis review by the end of FY 2020. An outline of actions that will be taken to address this deficiency during FY 2020 is in Part H.

#### Essential Element D: Proactive Prevention of Unlawful Discrimination

Status: Sub-elements of Element D (Measures D.2.a., D.2.b., D.2.c., D.2.d., D.3.a., D.3.b., and D.3.c.) ask whether the Agency has a process to analyze identified triggers and whether it systematically and regularly reviews its employment policies and practices to identify potential barriers. As mentioned, due to unforeseen circumstances, GSA did not conduct barrier analysis during FY 2019.

Action: Once the affirmative employment program is re-established GSA will resume work to analyze triggers and identify potentially discriminatory policies and practices. An outline of actions that will be taken to address deficiencies under Element D during FY 2020 is in Part H.

Resolved Deficiencies from the MD-715 Report for FY 2018

HIGHLIGHT: GSA resolved all deficiencies identified in its MD-715 Report for FY 2018.

In FY 2019, GSA resolved all three of the program deficiencies identified in its FY 2018 MD 715 report, as follows.

#### Element C: Demonstrated Commitment from Agency Leadership

Status: Resolved. Sub-elements of Element C (Measure C.3.a and C.3.b.) asked agencies whether all managers and supervisors had performance plans that evaluated their commitment to EEO policies and principles as well as their participation in the EEO program. At the time, GSA had no mandatory measures on EEO policies or participation for non-senior executive service supervisors' and managers' performance plans.

Action: In November 2019, GSA implemented a policy requiring all managers' and supervisors' performance plans to include a performance measure that evaluates their commitment to EEO principles and to leading a diverse workforce.

#### Essential Element D: Proactive Prevention

Status: Resolved. Measure D.1.c. asked whether the Agency conducted exit interviews or surveys that included questions on how the Agency could improve the recruitment, hiring, inclusion, retention and advancement of persons with disabilities. At the time of the FY 2018 program review, GSA did not conduct exit interviews or surveys that included disability-related questions.

Action: In August 2019, GSA made available on its internal website an exit survey that includes disability-related questions. GSA invites all employees who are separating from the Agency to voluntarily participate in the exit survey.

#### Essential Element F: Responsiveness and Legal Compliance:

Status: Resolved. Measure F.3.a. asked whether the Agency timely submitted to the EEOC an accurate and complete No FEAR Act report.<sup>1</sup> GSA's No FEAR Act Report for FY 2018 was submitted one day after the deadline.

Action: GSA submitted an accurate and complete FY 2020 No FEAR Act Report to the EEOC on March 26, 2020, two days before the deadline.

1 The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act).

2 Employees may voluntarily self-identify their race, gender and ethnicity in HR Links.

E.3—Executive Summary: Workforce Analysis and Complaint Activity

## HIGHLIGHTS:

### Workforce Analysis

- The data for FY 2019 presented in this report indicates the same potential triggers as the FY 2018 data.
  - OCR was reorganizing in FY 2019 and its affirmative employment program was unstaffed due to staff departures. Lacking the necessary manpower, GSA was unable to complete trigger identification or address barriers to EEO as required by MD-715.
- ### Complaint Activity

- GSA's complaint activity in FY 2019 dropped 21 percent from FY 2018 levels.
- The Agency's FY 2019 Alternative Dispute Resolution Rate (ADR) rate was 64 percent.

### Data Sources

GSA conducted a statistical analysis of its workforce data for trigger identification. Figures One and Two represent a summary view of GSA's workforce by gender, race, and disability status. The tables consolidate statistics to show how the demographics of the GSA workforce compare to established benchmarks. These data are based on voluntary self-identification by employees and derived from GSA's human resources system of record, HR Links. 2

For benchmarking, GSA compared its workforce data to the National Civilian Labor Force (NCLF) and to the GSA Relevant Civilian Labor Force (RCLF), which is a subset of the NCLF calculated from

aggregated employment availability statistics associated with the specific occupational groups within GSA's workforce. Detailed statistical data on GSA's workforce may be found in the attached workforce tables.

The following is a summary of GSA's workforce data as of September 30, 2019:

- GSA had a total workforce of 11,326 employees:
  - 10,814 permanent
  - 512 temporary

GSA's workforce increased by 275 (2.8 percent) from 11,051 in FY2018.

- 10,743 permanent

- 308 temporary

• The workforce is:

- 11,240 (99 percent) employees in the General Schedule and Related pay systems, including 125 senior executives, and 86 (1 percent) employees in the Wage Grade System.

- 6,100 (53.8 percent) men and 5,266 (46.1 percent) women. (Figure One)

- 1,200 (10.6 percent) self-identified persons with disabilities (PWD) and 233 (2.06 percent) persons with targeted disabilities (PWTDs). (Figure Two)

#### HIGHLIGHTS:

• Overall, all groups are better represented in the GSA workforce than in the RCLF with the exception of White women and Hispanics. With a workforce that is 58.4 percent White and 41.6 percent minority employees, GSA is a diverse agency with overall demographic distributions that are largely in line with expected employment rates.

The GSA total workforce is:

• 6.3 percent Hispanic or Latino (721)

• 26.5 percent Black or African American (3,016)

• 6.5 percent Asian (751)

• 0.2 percent Native Hawaiian or Pacific Islander (30)

• 0.9 percent American Indian or Alaska Native (94)

• 0.7 percent Two or more Minority Races (87).

White women and Hispanics are better represented in the GSA-specific RCLF than in the GSA workforce. Hispanics represent 6.3 percent of the workforce compared to 7.4 percent in the GSA RCLF. Despite an increase in the employment of White women to

2,593 in FY 2019, from 2,577 in FY 2018, GSA lags behind the RCLF for this group. White women represent 22.8 percent of the workforce compared to 37.2 percent of the RCLF in 2019. Overall, women represent 46.1 percent of the workforce compared to 50.2 of the RCLF. Certain groups of women—Black, Asian, and Native Hawaiian or Pacific Islander—exceeded their representation in the RCLF.

HIGHLIGHTS:

- GSA's PWD participation rate is 10.6 percent compared to the Federal goal of 12 percent.
- The PWTD participation rate is 2.1 percent compared to the Federal goal of 2 percent.

Including all veterans hired using the 10-Point 30 Percent Compensable Disability Preference would increase the PWD participation rate to 18 percent. GSA's analysis of FY 2019 demographic workforce data revealed a small gap in participation rates compared with the Federal 12 percent participation goal for PWDs. However, GSA for the first time exceeded the two percent Federal participation goal for PWTD. As shown in Figure Two, PWD participation was 10.6 percent (1,200), which is 5 percent (58 persons) above the FY 2018 rate (10.3 percent, 1,142). By contrast, PWTD participation was 2.1 percent (233), over the Federal goal, and 12.5 percent over FY 2018 participation (1.9 percent, 207).

FY 2014

FY 2015

FY 2016

FY 2017

FY 2018

FY 2019

No Disability (9,753)

93.1%

92.8%

92.1%

91.2%

89.7%

89.4%

Disability (1,200)

6.5%

7.2%

7.9%

8.8%

10.3%

10.6%

Non-Targeted (967)

5.6%

6.4%

7.1%

7.5%

8.4%

8.5%

Targeted (233)

0.9%

0.8%

0.8%

1.3%

1.9%

2.1%

GSA saw its first significant increase in PWD participation rates between FY 2017 and FY 2018, after a large-scale effort by GSA that leveraged EEOC changes to Standard Form 256, Self-Identification of Disability, by resurveying employees with disabilities. As shown in Figure Two, between FY 2014 and FY 2019, GSA achieved almost a four percent gain in disability participation. This increase is primarily due to a change in self-

identification, resulting in more accurate identification of PWDs. GSA will continue to survey and encourage self-identification.

To further support that a lack of self-reporting understates the number of PWDs employed at GSA, the GSA examined the number of veterans who were hired under a 10-Point 30 Percent Compensable Disability Preference. As of September 30, 2019, veterans represented 22 percent (2,423 employees) of GSA's workforce. The percentage of veteran's in GSA workforce that were hired under 10-Point 30 Percent Compensable Disability Preference is 11 percent (1,223). However, of these disabled veterans, 69 percent (844) report on their SF-256 at onboarding that they either did not have a disability or did not wish to identify a disability. Inclusion of all veterans who were hired using this preference would result in an additional 844 employees, or an 18 percent (2,044) disability employment rate, exceeding the 12 percent Federal goal.

Action: GSA recognizes the need to ensure that disabled veterans are accurately identified and will continue to work to improve data quality in this area. GSA's plan of action to further recruit, hire and advance PWD and PTWD generally is at Part J.

## Mission-Critical Occupations

### Introduction

At the end of FY 2019, 105 different job series were represented in the GSA workforce. For the purposes of this report and corresponding workforce and barrier analyses, EEOC requires that agencies identify significant, "mission-critical" occupations;<sup>3</sup> determine appropriate benchmarks, and note significant triggers (i.e., data anomalies) that may point to EEO issues. The eight mission-critical occupational series at GSA, based on EEOC guidance, are reflected by overall population size in Figure Three and are identified in the A6P and B6P workforce tables attached to this report. The following are key observations:

3 The definition for "mission critical occupations" is provided in MD-715 guidance as occupations that are mission-related with career advancement potential and heavily populated; these are singled out for special analysis. See: Instructions to Federal Agencies for EEO MD-715: Barrier Identification and Elimination. These are not the same "major" or "mission critical occupations" identified by human resources for personnel-management purposes and definitions unrelated to barrier analysis.

- Ninety-five point four percent (7,887) of the workforce population is employed in the eight mission critical job series.

- Contracting (1102 Series) and General Business and Industry (1101 Series) comprise 29.3 percent (3,317) of the total permanent GSA workforce population, and are considered a driver for workforce trends in GSA.

#### Disability Employment in Mission-Critical Series

Disability employment in each of the mission-critical occupations is reflected in Figure Four. • One of the major occupation series (1176) reached the overall agency disability employment rate of 12.2 percent (112). Two other mission critical series (0343 and 1170) are close to the 12 percent goal.

- The targeted disability rates for the most populated series (1101 and 1102) are lower than the overall agency rate of 2.1 percent, at 1.7 percent (31 and 27 persons), respectively.
- The general attorney series has the lowest overall rate of disability employment, at 4.4 percent (7 persons) and lowest targeted disability among the mission-critical occupations, at 1.2 percent (2 persons).

#### Notable Elements by Mission Critical Series

Contracting: 1102 Series.

- Contracting is the largest occupation

at GSA for the seventh year.

- Women outnumber men, 57.7 percent to 42.2 percent (1,029 to 754), which is 4 percent over the RCLF benchmark for contracting work.
- The workforce in contracting is 25.9 percent (463) White women and their participation rate is 22 percent below the RCLF benchmark (47.9 percent).
- Black and Asian women's employment rates are above their availability, and Hispanic and White men's participation rates are below their availability.

General Business and Industry: 1101 Series.

- Hispanic/Latino men are employed at a rate higher than their availability rate in the RCLF, 3.9 percent to 2.9 percent.

- Men outnumber women in this field (867 to 667).
- White women (383) are employed at a rate below their availability (24.9 percent to 43.9 percent).
- Hispanic/Latina women (39) are employed at a rate below their availability, 2.5 percent to 5.9 percent.

Management and Program Analysis: 0343 Series. • Women are prevalent in this series. Their representation exceeds the RCLF figures for the occupation, with the participation rate of every group except White women, either close to, or above, the expected occupational-availability.

- Black women are participating in this job series at a rate of 25.3 percent (238), over their availability rate of 3.8 percent.

Miscellaneous Administration: 0301 Series.

- This job series is a “miscellaneous” program administration catch-all, with hundreds of potential job titles and roles; consequently, benchmarking in this series is imprecise for drawing conclusions.

- This series offers greater high-grade opportunities, especially senior executive positions.

- Hispanic/Latina and White women are the furthest from their availability in this series, 2.2 percent (24) to 5.9 percent, and 30.2 percent (325) to 43.9 percent.

Building Management: 1176 Series.

- Building management is in the same “job family” group with Contracting (1102) and General Business and Industry (1101).

- Hispanic/Latina and White women are employed in this series below their expected participation rates, at 2.2 percent (24) and 13.0 percent (120).

- One of only a few categories where Hispanic/Latino men's employment level of 4.8 percent (44) is near the expected rate of 4.0 percent.

#### Information Technology Specialists: 2210 Series.

- This is a predominantly male field, and the GSA workforce deviates little from the expected population for men versus women of 69.2 percent (481) to 30.7 percent (214); on a national level, 70 percent of IT specialists are men.

- Prior workforce analyses regarding the 2210 series indicates that GSA has a significant, high-graded population of technology specialists and these persons perform web development and data architecture responsibilities that do not fall within the 2210 series classification per Office of Personnel Management (OPM) standards. These persons are classified in the 0301 series within the Agency's Technology Transformation Services Division.

#### Realty: 1170 Series.

- Men and women are almost equal at 50.9 percent to 49.0 percent (309 and 298).
- Hispanic/Latina women are at 5.6 percent (34), slightly higher than their expected rate of 5.3 percent

#### General Attorney: 0905 Series.

- Attorneys comprise 1.3 percent of the overall population.
- White women participate in this series at 37.3 percent (59), higher than their availability of 36.4 percent.
- Hispanic/Latina women and men are employed at the rate of 1.9 percent (3), higher than the benchmark for attorneys of 0.62 percent.

#### Triggers and Barrier Analysis

HIGHLIGHT: During FY 2019, GSA was unable to perform barrier analysis of identified triggers.

#### Trigger Analysis

## Introduction

GSA looked for EEO triggers (statistical anomalies) through an analysis of data on gender and race, disability employment and mission critical occupations in the GSA workforce. Although GSA employs a diverse workforce with participation rates in line with the RCLF, the data show that the same four triggers found in FY 2018 existed in FY 2019.

### Trigger 1 –Lower than Expected Female Participation in the GSA Workforce.

- Women represent 46.6 percent (5,041 employees) of the 10,814 permanent GSA employees.
- Women are 3.6 percent (389 employees) below the RCLF of 50.2 percent (5,429 employees)
- Inherent in the lower than expected participation rate, is that—
  - o White women represent 23.2 percent (2,505 employees) of the workforce, which is 14.0 percent (1,514 employees) below the RCLF of 37.17 percent.
  - o Hispanic/Latina women represent 2.8 percent (305 employees) of the workforce, which is 1.2 percent (130 employees) below the RCLF of 4.0 percent.

### Trigger 2 —Lower than Expected Hispanic Participation in the GSA Workforce.

- Hispanic or Latino employees represent 5.7 percent (616 employees) of the permanent GSA workforce.
  - Hispanic or Latino employee representation is 1.7 percent (184 employees) below the RCLF of 7.4 percent (800 employees). This is driven by lower than expected rates for both Hispanic or Latina women and Hispanic or Latino men.
    - o Hispanic/ Latina women represent 2.8 percent (305 employees) of the workforce, which is 1.2 percent (130 employees) below the RCLF.
    - o Hispanic/Latino men represent 2.9 percent (311 employees) of the workforce, which is 0.5 percent (54 employees) below the RCLF.

### Trigger 3 – Lower than Expected Inclusion of Women in Leadership Positions.

- Women represent 31.2 percent (39) of the 125 SES positions, which is 18.9 percent (24 employees) below the expected inclusion rate. This is largely attributable to underrepresentation of minority groups.

- o The representation of Asian women is 0.80 percent (1 employee), which is 1.3 percent (2 employees) below the expected inclusion rate.
- o The representation of Hispanic/Latina women is 0.80 percent (1 employee), which is 3.2 percent (4 employees) below the expected inclusion rate.
- o The representation of Black or African American women is 5.60 percent (7 employees), which is 0.12 percent above the expected inclusion rate.
- o The representation of White women is 24.0 percent (30 employees), which is 13.2 percent (16 employees) below the expected inclusion rate.

#### Trigger 4 – Lower than Expected Participation of PWD.

- As discussed earlier in Disability Employment (page 11), GSA believes that PWD and PWTD are participating at a higher rate based on veterans who were hired under a 10-Point 30 Percent Compensable Disability Preference and that the challenge is in the self-reporting/identification of the data.

#### Barrier Analysis

This report does not evaluate the root causes of the identified triggers because GSA did not perform any barrier analysis during FY 2019. The affirmative employment program manager position in OCR became vacant as the office was reorganizing. OHRM was similarly reorganizing and had vacant positions. GSA has therefore deferred investigating triggers until after the affirmative employment program manager position is filled. GSA's FY 2020 report will detail actions taken by the agency to reboot the affirmative employment program and to identify and remove barriers to equal employment opportunity at GSA. (See the GSA's plan in Part H to this report.)

#### Complaint Activity in the Workforce

##### HIGHLIGHTS:

- Sixty-five formal complaints were filed in FY 2019, a 21-percent drop from FY 2018's total of 84.
- In FY 2019, alternative dispute resolution (ADR) was elected in 86 out of 134 informal cases (64 percent).

#### Introduction

In FY 2019, 4 125 informal complaints were initiated, which was a 1.57 percent decrease from FY 2018. Of those, 65 formal complaints were filed by 58 complainants. The number of formal complaints represents a 22 percent decrease from FY 2018, when 84 formal complaints were filed.

4 Data derived from the Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462).

Additional statistics are in Figure Five.

#### Bases and Issues of Discrimination

The most frequently cited basis of discrimination alleged in the 65 formal complaints in FY 2019 was reprisal/retaliation (29), followed by race (27), age (22), and sex (21), as reflected in Figure Six.

Of the 65 formal complaints filed in FY 2019, the issue most frequently alleged was harassment-non-sexual (21), followed by promotion/non-selection (11), terms/conditions of employment (8) and termination (8), as reflected in Figure Seven, below.

Top bases and issues in GSA's formal complaint filings in FY 2019 were consistent with Government-wide statistics as reported by the EEOC.<sup>5</sup>

5 See EEOC FY 2018 Annual Report on the Federal Workforce, Tables B-8, at <https://www.eeoc.gov/federal/reports/tables.cfm>

#### Alternative Dispute Resolution

GSA offers ADR to 100 percent of individuals initiating pre-complaints as well as those initiating formal complaints of discrimination. Of the 134 informal completed cases, 86 aggrieved persons elected ADR, resulting in a 64 percent participation rate. Settlement was achieved in 5 percent (4) of the informal cases where ADR was used. Of the 65 formal cases filed, 8 complainants elected ADR, resulting in a 12 percent participation rate. Settlement was achieved in 20 percent (2) of the formal cases where ADR was used.

#### Findings of Discrimination

As stated in the Agency's annual EEOC Form 462 Report for FY 2019, GSA had no findings of discrimination. GSA had the following agency actions in FY 2019:

- 41 final agency decisions on the merits
- 23 final orders fully implementing an EEOC administrative judge's decision

#### E.4—Executive Summary: Accomplishments

The steps taken by GSA towards becoming a model EEO agency during FY 2019 include the following:

**Equal Opportunity Policy Statement:** Pursuant to MD-715, on October 4, 2019, the GSA Administrator issued the Agency's annual statement on GSA EEO policy to all employees. The policy affirmed GSA's commitment to a work environment that is free of discrimination and harassment. In addition to reinforcing GSA's zero tolerance for discrimination and retaliation, the policy also emphasized GSA's commitment to diversity and its workforce in all GSA programs and activities. Administrator Murphy concluded the statement with the following:

Every one of us at GSA—no matter the profession, organization, or geographic location—shares in the responsibility to help create and foster a discrimination-free workplace. This starts with me as the Administrator, but it requires the support of us all. (GSA, 2019)

**Reorganization.** OCR reorganized in October 2019 after a yearlong planning process that emanated from a program review in FY 2018. Designed to reduce costs and streamline operations, the reorganization reduced the staff-to-supervisor ratio by 33 percent. It also repositioned OCR's staff from being dual-hatted, under an inefficient matrix model, to fully dedicated to key mission areas. New goals for performance management were achieved through new position descriptions and

performance plans for OCR staff. Further, as part of staffing changes, OCR secured an in-house attorney to serve exclusively as firewall counsel for OCR and devoted resources to employee training and development.

**Training.** GSA piloted civility in the workplace training offered by the EEOC. Seventy-five GSA employees, including managers, supervisors, and senior executives, learned valuable information on how to prevent or mitigate harassment and cultivate a respectful workplace. OCR also conducted an extensive training and outreach campaign, training over 200 employees in unconscious bias and other EEO-related topics.

**Performance Elements Related to EEO Principles.** Fulfilling a commitment from its FY 2018 Management Directive 715 annual report, GSA implemented in November 2019 a policy requiring all supervisors' performance plans to include a performance measure that evaluates their commitment to EEO principles and to leading a diverse workforce.

**Increased ADR Participation Rates.** GSA offers ADR to all aggrieved persons and complainants. In FY 2019, GSA actively promoted ADR during all phases of the complaint process and in EEO-related training for GSA employees. ADR was elected in 86 out of 134 informal cases (64 percent).

## Reporting.

- OHRM provided each Head of Service and Staff Office (HSSO) with monthly workforce analytic reports which are used in making strategic, data-driven decisions on workforce planning. The reports provide relevant human capital data, featuring information on accessions, reassignments, promotions, separations, race/national origin, gender, and veteran status.

OHRM developed enterprise-wide workforce plans to help GSA deliver a mission-ready workforce and operating plan, including strategies to recruit and retain persons with disabilities.

- OHRM developed a robust recruitment calendar for FY 2018 based on the needs of the HSSOs. A focus was placed on targeting Hispanic-serving institutions. OHRM conducted virtual and in-person recruiting to maximize GSA's visibility and promote the Agency as a model employer.

## E.5—Executive Summary: Planned Activities

In addition to addressing the program deficiencies outlined in Part E.2, in FY 2020 GSA will undertake several activities to further move the agency toward being a model EEO agency.

**Reconstitution of the Barrier Analysis Workgroup:** As a result of OCR's focus on completing the reorganization/restructure, and the affirmative employment program manager position being vacant, OCR did not engage OHRM or GSA program directorate staff to participate in the barrier analysis review major agency personnel policies and procedures as contemplated in its FY 2018 report. Reforming the barrier analysis workgroup (BAW) and rebooting a robust affirmative employment program will be a primary focus of OCR during FY 2020. OCR expects to hire a new affirmative employment program manager and begin conducting barrier analysis again by the end of FY 2020.

**Reinforcing the EEO Program:** One result of the reorganization was that OCR hired a new director to oversee EEO case processing, the affirmative employment program, and external programs. During FY 2020, OCR will fill other critical vacant positions, including that of affirmative employment program manager. OCR has begun the recruitment process and expects to have the new affirmative employment program manager onboard by the fourth quarter of FY 2020. Additional areas of focus include the following:

- Developing a five-year strategic plan aimed at enhancing OCR's efficiency and effectiveness under the new structure.
- Expanding OCR's capability to offer a range of EEO-related training topics and delivery options agency-wide.

Support of Special Emphasis Programs: Since FY 2019, OHRM has lost staff that supported GSA's diversity and inclusion program. During FY 2020, OHRM will work to fill the open positions within OHRM and then collaborate with OCR to reconstitute the BAW and re-engage affinity groups such as the Veterans Employee Resource Association, and the Lesbian, Gay, Bisexual and Transgender and Allies Employee Association in BAW discussions.

## MD-715 Part G: Agency Self-Assessment Checklist

### Essential Element A: Demonstrated Commitment from Agency Leadership

This element requires the agency head to communicate a commitment to equal employment opportunity and a discrimination-free workplace.

A.1—The agency issues an effective, up-to-date EEO policy statement.

A.1.a. Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "yes," please provide the annual issuance date in the comments column. [see MD-715, II(A)]

Yes

--October 4, 2019

A.1.b. Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)]

Yes

Measures

Met?

Comments

A.2—The agency has communicated EEO policies and procedures to all employees.

A.2.a. Does the agency disseminate the following policies and procedures to all employees:

A.2.a.1 ....Anti-harassment policy? [see: MD-715, II(A)]

Yes

A.2.a.2 ....Reasonable accommodation procedures? [see: 29 C.F.R § 1614.203(d)(3)]

Yes

A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:

A.2.b.1 ....The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]

Yes

A.2.b.2 ....Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 C.F.R § 1614.102(b)(5)]

Yes

A.2.b.3 ....Reasonable accommodation procedures? [see 29 C.F.R. § 1614.203(d)(3)(i)]  
If “yes,” please provide the internet address in the comments column.

Yes

<https://insite.gsa.gov/directives-library/policy-and-procedures-for-providing-reasonable-accommodation-for-individuals-with-disabilities-23001-hrm>

A.2.c. Does the agency inform its employees about the following topics:

A.2.c.1 ....EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If “yes”, please provide how often.

Yes

Biannually

A.2.c.2 ....ADR process? [see MD-110, Ch. 3(II)(C)] If “yes”, please provide how often.

Yes

Biannually

A.2.c.3 ....Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)]  
If “yes,” please provide how often.

Yes

Biannually

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

Yes

Biannually

A.2.c.5 ... Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR § 2635.101(b)] If “yes”, please provide how often.

Yes

Biannually

Measures

Met?

Comments

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

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

Yes

Complaint statistics are shared quarterly among Regional Administrators, and improvements/low EEO totals are noted in the discussions.

A.3.b. Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]

Yes

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

This element requires that the agency’s EEO programs maintain a workplace free from discrimination and support the agency’s strategic mission.

Measures

Met?

Comments

B.1—The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.

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

Yes

B.1.a.1. If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If “yes,” please provide the title of the agency head designee in the comments.

N/A

B.1.a.2. Does the agency’s organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]

Yes

GSA's org chart is being corrected to accurately show reporting structure. See attached performance plan showing that the EEOC Director reports to agency head.

B.1.b. Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency’s EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]

Yes

B.1.c. During this reporting period, did the EEO Director present to the head of the agency and other senior management officials, the "State of the Agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I)] If “yes,” please provide the date of the briefing in the comments column.

Yes

--

B.1.d. Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]

Yes

Measures

Met?

Comments

B.2—The EEO Director controls all aspects of the EEO program.

B.2.a. Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)]

Yes

B.2.b. Is the EEO Director responsible for overseeing the completion of EEO counseling? [see: 29 CFR §1614.102(c)(4)]

Yes

B.2.c. Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]

Yes

B.2.d. Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR § 1614.102(c)(2)]

Yes

B.2.e. Is the EEO Director responsible for ensuring compliance with EEOC orders? [see: 29 CFR §§ 1614.102(e); 1614.502]

Yes

B.2.f. Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]

Yes

B.2.g. If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2) and (c)(3)]

N/A

Measures

Met?

Comments

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

B.3.a. Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see: MD-715, II(B)]

Yes

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

Yes

Measures

Met?

Comments

B.4—The agency has sufficient budget and staffing to support the success of its EEO program.

B.4.a. Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:

B.4.a.1 ...to conduct a self-assessment of the agency for possible program deficiencies? [see: MD-715, II(D)]

Yes

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

Yes

B.4.a.3 ...to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see: 29 CFR § 1614.102(c)(5) & 1614.105(b)–(f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]

Yes

B.4.a.4 ...to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)]  
If not, please identify the type(s) of training with insufficient funding in the comments column.

Yes

B.4.a.5 ...to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see: 29 CFR §1614.102(c)(2)]

N/A

B.4.a.6 ...to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see: MD-715, II(B)]

Yes

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

Yes

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

Yes

B.4.a.9 ....to effectively manage its anti-harassment program? [see: MD-715 Instructions, Sec. I); EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]

Yes

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

Yes

B.4.a.11 ....to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]

Yes

B.4.b. Does the EEO office have a budget that is separate from other offices within the agency? [see: 29 CFR § 1614.102(a)(1)]

Yes

B.4.c. Are the duties and responsibilities of EEO officials clearly defined? [see: MD-110, Ch. 1(III)(A), 2(III), & 6(III)]

Yes

B.4.d. Does the agency ensure that new counselors/ investigators, including contractors/collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II)(A) of MD-110?

Yes

B.4.e. Does the agency ensure that experienced counselors/ investigators, including contractors/ collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?

Yes

Measures

Met?

Comments

B.5—The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills.

B.5.a. Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program:

B.5.a.1 ...EEO Complaint Process? [see: MD-715(II)(B)]

Yes

B.5.a.2 ...Reasonable Accommodation Procedures? [see: 29 C.F.R. § 1614.102(d)(3)]

Yes

B.5.a.3 ...Anti-Harassment Policy? [see: MD-715(II)(B)]

Yes

B.5.a.4 ...Supervisory, managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]

Yes

B.5.a.5 ...ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]

Yes

Measures

Met?

Comments

B.6—The agency involves managers in the implementation of its EEO program.

B.6.a. Are senior managers involved in the implementation of Special Emphasis Programs? [see: MD-715 Instructions, Sec. I]

Yes

B.6.b. Do senior managers participate in the barrier analysis process? [see: MD-715 Instructions, I]

No

GSA conducted no barrier analysis in FY2019 due to OCR's reorganization and AEP vacancy. See Part J for OCR's plan to relaunch the AEP in FY 2020.

B.6.c. When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see: MD-715 Instructions, I]

No

GSA conducted no barrier analysis in FY2019 due to OCR's reorganization and AEP vacancy. See Part J for OCR's plan to relaunch the AEP in FY 2020.

B.6.d. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR § 1614.102(a)(5)]

No

GSA conducted no barrier analysis in FY2019 due to OCR's reorganization and AEP vacancy. See Part J for OCR's plan to relaunch the AEP in FY 2020.

#### Essential Element C: Management and Program Accountability

This element requires the agency head to hold managers, supervisors, and EEO officials responsible for the effective implementation of the EEO Program Plan.

#### Measures

Met?

Comments

C.1—The agency conducts regular internal audits of its component and field offices.

C.1.a. Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes," please provide the schedule for conducting audits in the comments section.

N/A

GSA has had a centrally managed and operated civil rights program since 2015; there are no separate programs run by subcomponents.

C.1.b. Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see: 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.

N/A

C.1.c. Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see: MD-715, II(C)]

N/A

Measures

Met?

Comments

C.2—The agency has established procedures to prevent all forms of EEO discrimination.

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

Yes

C.2.a.1. Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]

Yes

C.2.a.2. Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see: EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]

Yes

C.2.a.3. Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]

Yes

C.2.a.4. Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [see Enforcement Guidance, V.C.]

Yes

C.2.a.5. Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120123232 (May 21, 2015); Complainant v. Dep't of Defense (Defense Commissary Agency), EEOC Appeal No. 0120130331 (May 29, 2015).] If "no", please provide the percentage of timely-processed inquiries in the comments column.

Yes

C.2.a.6. Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see: EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]

Yes

C.2.b. Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR 1614.203(d)(3)]

Yes

C.2.b.1. Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see: 29 CFR 1614.203(d)(3)(D)]

Yes

C.2.b.2. Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]

Yes

C.2.b.3. Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR 1614.203(d)(1)(ii)(B)]

Yes

C.2.b.4. Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR 1614.203(d)(3)(i)(M)]

Yes

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

Yes

C.2.c. Has the agency established procedures for processing requests for personal assistance services that comply with EEOC’s regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR 1614.203(d)(6)]

Yes

C.2.c.1. Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR § 1614.203(d)(5)(v)] If “yes”, please provide the internet address in the comments column.

Yes

<https://insite.gsa.gov/directives-library/policy-and-procedures-for-providing-reasonable-accommodation-for-individuals-with-disabilities-23001-hrmth->

Measures

Met?

Comments

C.3—The agency evaluates managers and supervisors on their efforts to ensure equal opportunity.

C.3.a. Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?

Yes

--

C.3.b. Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:

C.3.b.1 ...Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see: MD-110, Ch. 3.I]

Yes

C.3.b.2 ...Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see: 29 CFR §1614.102(b)(6)]

Yes

C.3.b.3 ...Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see: MD-715,II(C)]

Yes

C.3.b.4 ...Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see: MD-715 Instructions, Sec. I]

Yes

C.3.b.5 ...Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]

Yes

C.3.b.6 ...Provide disability accommodations when such accommodations do not cause an undue hardship? [ see 29 CFR §1614.102(a)(8)]

Yes

C.3.b.7...Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]

Yes

C.3.b.8...Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]

Yes

C.3.b.9...Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]

Yes

C.3.c. Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]

Yes

C.3.d. When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]

Yes

Measures

Met?

Comments

C.4—The agency ensures that there is effective coordination between its EEO/civil rights programs and Human Resources (HR) program.

C.4.a. Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]

Yes

C.4.b. Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see: MD-715 Instructions, Sec. I]

Yes

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

Yes

C.4.d. Does the HR office timely provide the EEO office with access to other data (e.g., exit interview, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]

Yes

C.4.e. Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:

C.4.e.1. Implement the Affirmative Action Plan for Persons with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]

Yes

C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]

Yes

C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)]

Yes

C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see: MD-715, II(C)]

Yes

C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)]

Yes

Measures

Met?

Comments

C.5—Following a finding of discrimination, the agency explores whether to take disciplinary action.

C.5.a. Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR § 1614.102(a)(6); see also *Douglas v. Veterans Administration*, 5 MSPR 280 (1981)]

Yes

C.5.b. When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If “yes”, please state the number of disciplined/sanctioned individuals during this reporting period in the comments.

Yes

Zero individuals

C.5.c. If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct? [see MD-715, II(C)]

Yes

Measures

Met?

Comments

C.6—The EEO office advises managers/supervisors on EEO matters.

C.6.a. Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If “yes,” please identify the frequency of the EEO updates in the comments column.

Yes

EEO updates are provided to Regional Administrators monthly. The Agency Head also regularly receives EEO updates.

C.6.b. Are EEO officials readily available to answer managers’ and supervisors’ questions or concerns? [see MD-715 Instructions, Sec. I]

Yes

Essential Element D: Proactive Prevention

This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal opportunity.

Measures

Met?

Comments

D.1—The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.

D.1.a. Does the agency have a process for identifying triggers in the workplace? [715 Instructions Sec. I]

Yes

D.1.b. Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate

surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; reasonable accommodation program; anti-harassment program; and/or external special interest groups? [Instructions, Sec. I]

Yes

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

Yes

GSA plans to further revise the exit survey in FY 2020. .

Measures

Met?

Comments

D.2—The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)

D.2.a. Does the agency have a process for analyzing the identified triggers to find possible barriers? [see: MD-715, (II)(B)]

No

GSA conducted no barrier analysis in FY2019 due to OCR's reorganization and AEP vacancy. See Part H for OCR's plan to relaunch the AEP in FY 2020.

D.2.b. Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]

No

GSA conducted no barrier analysis in FY2019 due to OCR's reorganization and AEP vacancy. See Part H for OCR's plan to relaunch the AEP in FY 2020.

D.2.c. Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]

No

Agency reorganizations and realignments are based on business needs that assist the agency in accomplishing its mission.

D.2.d. Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If “yes”, please identify the data sources in the comments column.

No

GSA did not have a barrier analysis process for FY 2019; however, there were periodic reviews of information related to EEO data, exit surveys, the reasonable accommodation program, and the anti-harassment program.

Measures

Met?

Comments

D.3—The agency establishes appropriate action plans to remove identified barriers.

D.3.a. Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]

No

GSA conducted no barrier analysis in FY2019 due to OCR’s reorganization and AEP vacancy. See Part H for OCR’s plan to relaunch the AEP in FY 2020.

D.3.b. If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting target dates for the planned activities? [see MD-715, II(D)]

No

GSA conducted no barrier analysis in FY2019 due to OCR’s reorganization and AEP vacancy. See Part H for OCR’s plan to relaunch the AEP in FY 2020.

D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]

No

GSA conducted no barrier analysis in FY2019 due to OCR's reorganization and AEP vacancy. See Part H for OCR's plan to relaunch the AEP in FY 2020.

Measures

Met?

Comments

D.4—The agency has an affirmative action plan for people with disabilities and targeted disabilities.

D.4.a. Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)] Please provide the internet address in the comments.

Yes

<https://www.gsa.gov/about-us/organization/office-of-civil-rights/office-of-civil-rights-library>

D.4.b. Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR 1614.203(d)(1)(i)]

Yes

D.4.c. Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR 1614.203(d)(1)(ii)(A)]

Yes

D.4.d. Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR 1614.203(d)(7)(ii)]ns, Sec. I] If "yes," please identify the data sources in the comments column.

Yes

Personnel data from HR Links.

Essential Element E: Efficiency

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

Measures

Met?

Comments

E.1—The agency maintains an efficient, fair, and impartial complaint resolution process.

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

Yes

E.1.b. Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?

Yes

E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?

Yes

E.1.d. Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If “yes,” please provide the average processing time in the comments.

Yes

18 days.

E.1.e. Does the agency ensure all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?

Yes

E.1.f. Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?

Yes

E.1.g. If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?

N/A

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

Yes

E.1.i. Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?

Yes

E.1.j. If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes," please describe how in the comments column.

Yes

Contracts are not renewed if systematic issues arise.

E.1.k. If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]

Yes

E.1.l. Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]

Yes

Measures

Met?

Comments

E.2—The agency has a neutral EEO process.

E.2.a. Has the agency established a clear separation between its EEO complaint program and its defensive function? [see: MD-110, Ch. 1(IV)(D)]

Yes

E.2.b. When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.

Yes

Under the reorganization started in FY 2019, OCR added to its staff an attorney who conducts legal sufficiency reviews solely for OCR. .

E.2.c. If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see: MD-110, Ch. 1(IV)(D)]

N/A

OCR does not rely on agency defensive counsel. OCR has its own firewall counsel.

E.2.d. Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]

Yes

E.2.e. If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, Attaining a Model Agency Program: Efficiency (Dec. 1, 2004)]

Yes

Measures

Met?

Comments

E.3—The agency has established and encouraged the widespread use of a fair ADR process.

E.3.a. Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]

Yes

E.3.b. Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]

Yes

E.3.c. Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]

Yes

E.3.d. Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(IV)(C)]

Yes

E.3.e. Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch.3(I)]

Yes

E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch.3(II)(D)]

Yes

E.4.a.—Does the agency have systems in place to accurately collect, monitor, and analyze the following data:

E.4.a.1. Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]?

Yes

E.4.a.2. The race, national origin, sex, and disability of agency employees? [see 29 CFR §1614.601(a)]?

Yes

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

Yes

E.4.a.4. External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see 29 CFR 1614.601(a)]

Yes

E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR 1614.203(d)(4)]

Yes

E.4.a.6. The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]?

Yes

E.4.b. Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]

Yes

E.5.—The agency identifies and disseminates significant trends and best practices in its EEO program.

E.5.a. Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If “yes”, provide an example in the comments.

Yes

The agency’s No FEAR and MD-715 reports contain narratives with trend analyses that comment on these obligations.

E.5.b. Does the agency review other agencies’ best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If “yes”, provide an example in the comments.

Yes

The agency participates in EEO-work groups and committees and incorporates best practices from those discussions.

E.5.c. Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]

Yes

#### Essential Element F: Responsiveness and Legal Compliance

This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.

Measures

Met?

Comments

F.1—The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.

F.1.a. Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]

Yes

F.1.b. Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]

Yes

F.1.c. Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]

Yes

F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]

Yes

F.1.e. When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)]

Yes

Measures

Met?

Comments

F.2—The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.

F.2.a. Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]

Yes

F.2.a.1. When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]

Yes

F.2.a.2. When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]

N/A

F.2.a.3. When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]

Yes

F.2.a.4. Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?

Yes

Measures

Met?

Comments

F.3—The agency reports to EEOC its program efforts and accomplishments.

F.3.a. Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]

Yes

--.

F.3.b. Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]

Yes

EEO Plan for Attaining the Essential Elements of a Model EEO Program

Essential Element

Deficiency Category

Description of Program Deficiency

Deficiencies Identified in GSA MD-715 Report for FY 2018's C.3—The agency evaluates managers and supervisors on their efforts to ensure equal opportunity.

C.3.a. Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?

C.3.b. Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities :

C.3.b.1 ...Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see: MD-110, Ch. 3.I]

C.3.b.2 ...Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see: 29 CFR §1614.102(b)(6)]

C.3.b.3 ... Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see: MD-715,II(C)]

C.3.b.4 ...Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see: MD-715 Instructions, Sec. I]

C.3.b.5 ...Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]

C.3.b.6 ...Provide disability accommodations when such accommodations do not cause an undue hardship? [ see 29 CFR §1614.102(a)(8)]

C.3.b.7...Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]

C.3.b.8...Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]

C.3.b.9...Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]

Essential Element C:

Management and

Program Accountability:

This collection of sub-elements is a new addition to the EEOC's "model program elements," and was not part of last year's report for this reason. GSA requires elements related to EEO and diversity principles for inclusion in all SES performance appraisals. Furthermore, GSA does include suggested language under one of its critical element for

supervisors, under the heading of “Leading People.” This category contains a number of phrases related to the above-referenced principles, and according to the agency’s human resources division, this language is used widely. However, there is no such formal requirement or mechanism to guarantee that every manager and supervisor at GSA has performance elements related to these principles in their plans, since the language is optional. GSA has made this optional thus far to ensure flexibility for managers to make the standards appropriate based on position. Changes to make this standard required, without the option to modify the text, would require the approval of the Office of the Administrator.

#### EEO Plan Objectives and Dates for Completion

Objective(s)

Date Initiated

Target Date

Date Completed

Require EEO elements in the new Part G checklist in all managers’ and supervisors’ performance plans in a mandatory “Leading People” element.

10/01/2018

9/30/2019

11/14/2019

Responsible Official(s)

Title/Program Office

Name

Associate Administrator, Office of Civil Rights

Mary D. Gibert

Supervisory HR Specialist, OHRM

Alexandra Vernacchio

#### EEO Planned Activities, Objectives and Dates for Completion

Planned Activities

Date Initiated

Target Date

Date Completed

Draft a single paragraph to summarize all required EEO elements in the new Part G checklist in all managers' and supervisors' performance plans in a mandatory "Leading People" element.

10/01/2019

6/1/2019

4/19/2019

Associate Administrator for Civil Rights and Deputy Chief Human Resources Officer to secure head of agency direction to Heads of Service and Staff Offices to make EEO language required in the Leading People element.

10/01/2018

8/1/2019

7/22/2019

Report of Accomplishments and Modifications to Plan Objectives:

GSA modified the Leading People critical element to include EEO-related requirements. On November 14, 2019, GSA implemented a policy that made the revised Leading People critical element mandatory for all supervisors' and managers' performance plans.

EEO Plan for Attaining the Essential Elements of a Model EEO Program

Statement of Model Program Deficiency (Element)

Deficiency Category

Description of Program Deficiency

Deficiencies Identified in GSA MD-715 Report for FY 2018 (continued)

F.3.a: Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]

Essential Element F: Responsiveness and Legal Compliance

The agency submitted its FY 2018 No FEAR Act report one day late.

## Objectives and Dates for EEO Plan

Objective

Date Initiated

Target Date

Date Completed

Develop project plan to ensure timely drafting/coordination/signature of No FEAR Act report.

10/01/2018

9/30/2019

11/01/2019

Responsible Official(s)

Title/Program Office

Name

Management and Program Analyst, OCR

Shannon Klonecki

Performance Standards Address Plan? Yes

EEO Planned Activities, Objectives and Dates for Completion

Planned Activities

Date Initiated

Target Date

Date Completed

Draft project plan and provide to OCR leadership for review.

April 1, 2019

6/1/2019

1/18/2019

Finalize project plan and implement.

April 1, 2019

7/1/2019

11/01/2019

Report of Accomplishments and Modifications to Plan Objectives: N/A; New Plan.

The agency's No FEAR Act Report for FY 2019 was submitted to the EEOC on March 26, 2020, two days before the March 28, 2020 deadline.

EEO Plan for Attaining the Essential Elements of a Model EEO Program

Statement of Model Program Deficiency (Element)

Deficiency Category

Description of Program Deficiency

Deficiencies Identified in GSA MD-715 Report for FY 2019, continued

B.6.b. Do senior managers participate in the barrier analysis process? [see: MD-715 Instructions, I] B.6.c. When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see: MD-715 Instructions, I]

B.6.d. B.6.d. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR § 1614.102(a)(5)]

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

As a result of OCR's focus on completing the reorganization/restructure, and the affirmative employment program manager being vacant, OCR did not engage OHRM or GSA program directorate staff to participate in the barrier analysis review major agency personnel policies and procedures as contemplated in its FY 2018 report. Reforming the BAW Group and rebooting a robust affirmative employment program will be a primary focus of OCR during FY 2020. OCR expects to hire a new affirmative employment program manager and begin

conducting barrier analysis again by the end of

Q2 of FY 2021.

## Objectives and Dates for EEO Plan

Objective

Date Initiated

Target Date

Date Completed

To reboot the affirmative employment program and review barrier analysis process.

04/15/2020

09/30/2020

Responsible Official(s)

Title/Program Office

Name

Deputy Associate Administrator, OCR

Aluanda Drain

Director, Mission Delivery, OCR

Darlene Thompson

Affirmative Employment Program Manager, Mission Delivery, OCR

TBD

## EEO Planned Activities, Objectives and Dates for Completion

Planned Activities

Date Initiated

Target Date

Date Completed

Hire a new affirmative employment program manager.

04/15/2020

07/01/2020

Evaluate agency needs and provide a project plan for rebooting program to OCR management for review.

07/01/2020

09/01/2020

Develop a project plan for outlining senior managers involvement in barrier analysis.

09/01/2020

09/30/2020

Report of Accomplishments and Modifications to Plan Objectives: N/A; New Plan.

EEO Plan for Attaining the Essential Elements of a Model EEO Program

Statement of Model Program Deficiency (Element)

Deficiency Category

Description of Program Deficiency

Deficiencies Identified in GSA MD-715 Report for FY 2019, continued

D.2.a. Does the agency have a process for analyzing the identified triggers to find possible barriers? [see: MD-715, (II)(B)]

D.2.b. Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]

D.2.c. Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]

D.2.d. Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.

D.3.a. Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]

D.3.b. If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting target dates for the planned activities? [see MD-715, II(D)]

D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]

#### Essential Element D: Proactive Prevention

As a result of OCR's focus on completing the reorganization/restructure, and the affirmative employment program manager being vacant, OCR did not engage OHRM or GSA program directorate staff to participate in the barrier analysis review major agency personnel policies and procedures as contemplated in its FY 2018 report. Reforming the BAW Group and rebooting a robust affirmative employment program will be a primary focus of OCR during FY 2020. OCR expects to hire a new affirmative employment program manager and begin

conducting barrier analysis again by the end of Q2 FY 2021.

#### Objectives and Dates for EEO Plan

##### Objective

Date Initiated

Target Date

Date Completed

To reboot the affirmative employment program and re-engage OHRM.

04/15/2020

10/01/2020

Responsible Official(s)

Title/Program Office

Name

Deputy Associate Administrator, OCR

Aluanda Drain

Director, Mission Delivery, OCR

Darlene Thompson

Program Manager, Mission Delivery, OCR

TBD

EEO Planned Activities, Objectives and Dates for Completion

Planned Activities

Date Initiated

Target Date

Date Completed

Hire a new affirmative employment program manager.

04/15/2020

07/01/2020

Evaluate agency needs and provide a project plan for rebooting program to OCR management for review.

07/01/2020

09/01/2020

Establish working group between OHRM and OCR by identifying key individuals within both programs.

09/01/2020

09/30/2020

Review the BAW group function and establish a plan for establishing group in FY 2021.

09/01/2020

09/30/2020

Report of Accomplishments and Modifications to Plan Objectives: N/A; New Plan.

EEO Plan to Eliminate Identified Barriers Part I.1—None.

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

As indicated in the Executive Summary, at Par J, Barrier Analysis, GSA did not conduct barrier analysis and therefore has not developed an action plan for any of the identified triggers. GSA will revisit this upon the hiring of an affirmative employment program manager, which is expected to be completed by the fourth quarter of FY 2020.

Source of trigger: N/A

Specific workforce table: N/A

Group(s) affected by trigger: N/A

#### BARRIER ANALYSIS:

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

List the following sources of data, yes or no; identify information collected in the narrative.

Workforce Data Tables

Complaint Data (Trends)

Grievance Data (Trends)

Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)  
Climate Assessment Survey (e.g., FEVS)

Exit Interview Data

Focus Groups

Interviews

Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)

Other (Please Describe)

--

STATUS OF BARRIER ANALYSIS PROCESS: COMPLETED? Y/N

BARRIERS IDENTIFIED?

Y/N

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.

N/A

OBJECTIVE:

State the alternative or revised agency policy, procedure, or practice to be implemented to correct the undesired condition.

N/A

RESPONSIBLE OFFICIAL(S):

N/A

TITLE:

Do performance standards address the plan? Y/N

DATE OBJECTIVE INITIATED:

N/A

DATE OBJECTIVE MODIFIED:

N/A

TARGET DATE FOR COMPLETION:

N/A

REPORT OF ACCOMPLISHMENT, WITH FY:

N/A

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

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

Section I:

Efforts to Reach Regulatory Goals

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

1. Using the 12% goal, does your agency have a trigger involving IWD by grade cluster in the permanent workforce?

GS-1/10: Yes/No

GS-11-SES: Yes/No

The rate of representation is 10.5%.

2. Using the 2% goal, does your agency have a trigger involving PWTD by grade cluster in the permanent workforce?

GS-1/10: Yes/No

GS-11-SES Yes/No

The rate of representation is 1.5%.

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

Managers and supervisors take a complement of required courses when they become new supervisors, and the hiring goals related to disability are in reference material thereafter.

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 PWD and PWTD, 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 and Competent Staffing for the Disability Program

1. Has the agency designated sufficient personnel for its disability program? If "no," describe the plan to improve staffing. Yes/No

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

Full Time

Part Time

Coll.

Responsible Official (Office; Name; Title; Email)

Processing applications from PWD and PWTD (number of FTE staff by status):

1

OHRM; Taunya Stewart,

Special Placement Program Coordinator, 202-230-3259, taunya.stewart@gsa.gov

Answering questions from the public about disability hiring authorities:

1

OHRM; Taunya Stewart,

Special Placement Program Coordinator, 202-230-3259, taunya.stewart@gsa.gov

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

(Continued)

Processing Reasonable Accommodation Requests from employees/applicants:

20

OHRM; See link to RAC page (RA Coordinators, attached):

<https://insite.gsa.gov/topics/hr-pay-and-leave/policies-and-resources/reasonable-accommodation/reasonable-accommodation-coordinators>

Section 508 compliance:

23

OIT; OCR; See link to 508 Coordinator page, attached):

<https://insite.gsa.gov/topics/information-technology/508-accessibility/coordinators-and-contacts?term=section%20508%20compliance>

Architectural Barriers Act Compliance

2

OCR; Evelyn Britton; Branch Chief, External Programs; (601) 410-3594,  
evelyn.britton@gsa.gov;

Rex Pace, Architect, PBS, (202)969-4026, rex.pace@gsa.gov

Special Emphasis Program for PWD and PWTD

1

OHRM; Taunya Stewart, Special Placement Program Coordinator, 202-230-2359,  
taunya.stewart@gsa.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 received. If “no”, describe the training planned for the upcoming year. Yes/No

All staff receives annual training in their fields of specialty, across program offices like human resources, information technology, and civil rights.

B. Plan to Provide 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 agency’s plan to ensure the disability program has sufficient funding and resources. Yes/No

Section III:

Plan to Recruit and Hire PWD

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 persons 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 PWTD.

GSA uses OPM’s Shared Register of Candidates with Disabilities, the Workforce Recruitment Program and targeted recruitment.

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

A Special Placement Program Coordinator to coordinate special placement, and when candidates are located this SPPC works with local human resources specialists to effect the hires and coordinate onboarding and accommodation coordination (when applicable).

3. When persons apply for a position under a disability hiring authority, explain how the agency (1) determines eligibility and (2) forwards the individual's application to the hiring officials with an explanation of how/when the individual may be appointed.

Applicants who apply under Schedule A via USAJobs have eligibility determined via the same evaluation process as other candidates, but are placed on a separate certificate for hiring managers' consideration.

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

GSA uses OPM's Shared Register of Candidates with Disabilities, the Workforce Recruitment Program and targeted recruitment.

4. Has the agency provided training to all hiring managers on use of disability hiring authorities? If yes, describe the type(s) of training and frequency. If no, describe the plan to provide this training. Yes/No

Managers and supervisors take a complement of required courses when they become new supervisors, and the hiring goals related to disability are in reference material thereafter, in a course titled "Hiring, Retaining, and Including People with Disabilities," which is required for managers to complete every two years.

#### B. Plan to Establish Contacts with Disability Employment Organizations

Describe the agency's efforts to establish and maintain contacts with orgs that assist PWD/TD securing/maintaining employment.

GSA maintains a disability SEP/affinity group with an SES champion to serve as an advocate at the senior level to act as catalyst for change and to advise. GSA will continue to engage executive champions by implementing a diversity and inclusion council. The council will focus on GSA's internal policies and practices, talent recruitment and development, education and training, identifying barriers, building partnerships with rehab agencies, measuring the effectiveness of the diversity initiative process, and ensuring transparency of its operations.

#### C. Progression Towards Goals (Recruitment and Hiring)

1. Using goals of 12% for PWD and 2% for ITWD as the benchmarks, do triggers exist among the new hires? If yes, describe.

PWD: Yes/No

PWTD: Yes/No

2. Do triggers exist for PWD/PWTD among the new hires for any of the mission critical occupations? If yes, describe.

PWD: Yes/No

PWTD: Yes/No

3. Do triggers exist for PWD/PWTD among qualified internal applicants for any of the mission critical occupations? If yes, describe.

PWD: Yes/No

PWTD: Yes/No

4. Do triggers exist for PWD/PWTD among employees promoted to any of the mission critical occupations? If “yes,” describe.

PWD: Yes/No

PWTD: Yes/No

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.

##### A. Advancement Program Plan

Describe the agency’s plan to ensure PWD/TD have equal opportunities for advancement.

GSA ensures its HR and OCR staff works in concert to produce FEORP and MD-715 analyses and evaluations related to hiring and promotion; EEO complaint information is promulgated among all GSA employees to describe remedies; hiring managers have required training related to civil rights and merit principles, and selecting officials are provided with reference tools to encourage neutral hiring and promotion practices.

##### B. Career Development Opportunities

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

GSA ensures its HR staff works in concert to produce FEORP and MD-715 analyses and evaluations related to career development; EEO complaint information is promulgated.

2. 2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate. [Participant information collected does not include disability code; therefore, no data is available.]

3. Do triggers exist for PWD among the applicants/selectees for career development programs? If "yes", describe.

Applicants: Yes/No

N/A - no data available.

Selectees: Yes/No

N/A - no data available.

4. Do triggers exist for PWTD among the applicants/selectees for career development programs? If yes, describe.

Applicants: Yes/No

N/A - no data available.

Selectees: Yes/No

N/A - no data available.

#### C. Awards

Does your agency have a trigger involving PWD/PWTD for time-off awards, bonuses, or other incentives? If "yes," please describe.

PWD: Yes/No

PWTD: Yes/No

#### D. Promotions/Hires

1. Does your agency have a trigger involving PWD among the qualified internal applicants/selectees for promotions to the senior grade levels?

a. ...SES positions (and related senior executive-level positions)? If yes, describe.

Qualified: Yes/No

Selected: Yes/No

b. ...Grade 15 positions? If yes, describe.

Qualified: Yes/No

5.4% qualified, 4.25% selected; pool is 6.9%

Selected: Yes/No

c. ...Grade 14 positions? If yes, describe.

Qualified: Yes/No

3.5% qualified, 0.0% selected; pool is 8.3%

Selected: Yes/No

d. ...Grade 13 positions? If yes, describe.

Qualified: Yes/No

6.7% qualified, 1.7% selected; pool is 12.4%

Selected: Yes/No

2. Does your agency have a trigger involving PWTD among the qualified internal applicants/selectees for promotions to the senior grade levels?

a. ...SES positions? If yes, please describe the trigger(s).

Qualified: Yes/No

.

Selected: Yes/No

b. ...Grade 15 positions? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

c. ...Grade 14 positions? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

d. ...Grade 13 positions? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among new hires to senior grade levels?

a. ...SES positions? If yes, please describe.

Qualified: Yes/No

Selected: Yes/No

b. ...Grade 15 positions? If yes, please describe.

Qualified: Yes/No

7.4% qualified and 2.56% selected

Selected: Yes/No

c. ...Grade 14 positions? If yes, describe.

Qualified: Yes/No

Selected: Yes/No

d. ...Grade 13 positions? If yes, describe.

Qualified: Yes/No

7.88% qualified and 5.58% selected

Selected: Yes/No

4. Using the qualified applicant pool, does your agency have a trigger involving PWTD among the new hires to the senior grade levels?

a. ...SES positions? If yes, please describe.

Qualified: Yes/No

Selected: Yes/No

b. ...Grade 15 positions? If yes, describe.

Qualified: Yes/No

3.3% qualified and 0.0% selected

Selected: Yes/No

c. ...Grade 14 positions? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

d. ...Grade 13 positions? If yes, please describe the trigger(s).

Qualified: Yes/No

3.65 qualified and 2.8% selected

Selected: Yes/No

5. Does your agency have a trigger involving PWD among the qualified internal applicants/selectees for promotions to supervisory positions?

a. ...SES positions (and related senior executive-level positions)? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

b. ...Supervisors? If yes, please describe.

Qualified: Yes/No

Selected: Yes/No

6. Does your agency have a trigger involving PWTD among qualified internal applicants/selectees for promotions to supervisory positions?

a. ... SES positions (and related senior executive-level positions)? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

b. ...Supervisors? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

7. Using the qualified applicant pool, does your agency have a trigger involving PWD among selectees for new hires to supervisory positions?

a. ... SES positions (and related senior executive-level positions)? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

b. ... Supervisors? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

8. Using the qualified applicant pool, does your agency have a trigger involving PWTD among selectees for new hires to supervisory positions?

a. ... SES positions (and related senior executive-level positions)? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

b. ...Supervisors? If yes, please describe the trigger(s).

Qualified: Yes/No

Selected: Yes/No

Section V:

Plan to Improve Retention of Persons with Disabilities

To be a model employer for PWD, 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; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the RA program and workplace PAS.

A. Voluntary and Involuntary Separations

1. In this reporting period, did the agency convert all eligible Schedule A employees 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. Yes/No

.

2. Using inclusion rate as a benchmark, did the percentage of PWD among separations exceed that of persons without disabilities? If yes, please describe the trigger(s).

Voluntary: Yes/No

Invol.: Yes/No

3. Using inclusion rate as a benchmark, did the percentage of PWTD among separations exceed that of persons without disabilities? If yes, please describe the trigger(s).

Voluntary: Yes/No

15.5% PWTD separated; 6.2% inclusion rate

Invol.: Yes/No

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

Employees voluntarily left the agency by resignation or retirement.

## B. Accessibility of Technology and Facilities

Pursuant to 29 C.F.R. § 1614.203(d)(4), agencies are required to inform applicants/employees of their rights under Section 508 of the Rehab 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. Provide internet address on the agency's public site for notice explaining employees/applicants' rights under Sect. 508, including how to file a complaint.

<https://www.gsa.gov/policy-regulations/policy/information-integrity-and-access/it-accessibilitysection-508>

2. Provide internet address on the agency's public site for notice explaining employees/applicants' rights under the Architectural Barriers Act, including how to file a complaint.

<https://www.gsa.gov/real-estate/design-construction/accessible-facility-design>

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.

GSA's Office of Administrative Services provides the Center for IT Access (CITA), a centrally funded program that provides assistive technology needs assessments and expertise for all employees with disabilities as well as their management. CITA also maintains an inter-agency agreement with the Department of Defense's Computer Accommodation Program, which provides many kinds of assistive technology and related training. In addition, there are centralized funds provided by the Office of

Administrative Services (OAS) to cover these same items when CAP is unable to for any reason. OAS also provides workplace modifications when needed from a centralized budget.

### 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. Provide the average timeframe for processing initial requests for reasonable accommodations during the reporting period.

29.5 days.

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

GSA's accommodation procedure was re-written and finalized June 6, 2018. The provision of a complete data set related to accommodation this year, after enhancements to the tracking mechanism, enabled the agency to make definitive statements about timeliness and approval rates, and determine how often requests are modified or denied, and what kinds of disability categories, and products and services, are requested. Training for managers and supervisors is required every other year. Complaint files and settlement-finding data indicates that issues related to RA management exist, but last year's complaint and findings activities indicate the issue was far less prevalent this past year.

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

The Office of Administrative Services works closely with the Public Buildings Service to ensure compliance with all applicable accessibility standards, from the requirements gathering phase through the delivery phase for all technology purchases and development.

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

Pursuant to 29 C.F.R. § 1614.203(d)(5), Federal agencies 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 effectiveness of policies, procedures, or practices to implement PAS requirement. Some examples include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring trends.

The PAS requirement is understood by the cohort of RACs, and OHRM coordinated with a program analyst from OCR to obtain a sample job description/PD from another agency (one that has provided PAS as RA before it was required) as an example of a PAS/administrative assistant contract person to use at GSA when the need arises, since it is typical for such persons to be hired as specialized, contract staff and to multitask for these functions. GSA has no requests for PAS at this time.

#### Section VI:

##### EEO Complaint Data Involving Harassment

#### A. EEO Complaint Data Involving Harassment

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? Yes/No

2. During the last fiscal year, did any complaints alleging harassment based on disability result in a finding of discrimination or a settlement agreement? Yes/No

Three settlements for three cases; one case had disability as its only basis; two cases had disability as one basis of multiple claimed.

3. Did the agency have one or more findings of discrimination alleging harassment based on disability status during the last fiscal year? If so, please describe the corrective measures taken by the agency. Yes/No

#### B. EEO Complaint Data Involving Reasonable Accommodation

1. During the last FY, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide RA, as compared to the government-wide average? Yes/No

2. During the last fiscal year, did any complaints alleging failure to provide accommodation result in a finding of discrimination or settlement? Yes/No

One settlement for one case; disability was one basis of five claimed; complaint is one of the complaints from above with harassment allegation.

3. Did the agency have one or more findings of discrimination involving RA during the last fiscal year? If so, please describe corrective measures taken by the agency. Yes/No

## 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 that affect employment opportunities for PWD and PWTD? Yes/No

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD? Yes/No

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

Trigger 1

Barrier(s)

Objective(s)

Responsible Official(s):

Performance Standards Address the Plan? Yes/No

Barrier Analysis Process Completed? Yes/No

Barrier(s) Identified? Yes/No

Sources of Data

Reviewed? Yes/No

Identify Information Collected

Workforce Data Tables

Complaint Data (Trends)

Grievance Data (Trends)

Findings (EEO/Grievance/MSPB/Anti-Harassment)

Climate Assessment Survey (e.g., FEVS)

Exit Interview Data

Focus Groups

Interviews

Reports (Congress, EEOC, MSPB, GAO, OPM)

Other (Please Describe) RA Data Records

Target Date

Planned Activities

Sufficient Staff/Funding Yes/No

Modified Date

N/A

Completion Date

4. Please explain the factors that prevented the agency from timely completing any of the planned activities.

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barriers.

6. If the planned activities were completed, please describe the how the agency intends to improve the plan for the next fiscal year.

