

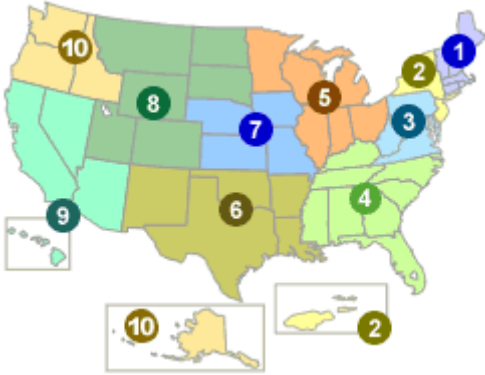
**United States  
Environmental Protection Agency**



**MD 715 Report  
Fiscal Year 2012**

*Protecting Human Health and the Environment*

| EEOC FORM<br>715-01<br>PART A – D  |   | <i>U.S. Equal Employment Opportunity Commission</i><br><b>FEDERAL AGENCY ANNUAL<br/>EEO PROGRAM STATUS REPORT</b> |  |              |                  |
|--|---|---|--|--------------|------------------|
| <b>For period covering October 1, 2011 to September 30, 2012.</b>                              |   |   |  |              |                  |
| <b>PART A</b><br>Department<br>or Agency<br>Identifying<br>Information                         | <b>1. Agency</b>  |   | <b>1. U.S. Environmental Protection Agency</b>   |              |                  |
|  | 1.a. 2 <sup>nd</sup> level reporting component                              |   | N/A  |              |                  |
|  | 1.b. 3 <sup>rd</sup> level reporting component                              |   | N/A  |              |                  |
|  | 1.c. 4 <sup>th</sup> level reporting component                              |   | N/A  |              |                  |
|  | <b>2. Address</b>   |   | <b>2. 1200 Pennsylvania Avenue, NW</b>   |              |                  |
|  | <b>3. City, State, Zip Code</b>   |   | <b>3. Washington, DC 20460</b>   |              |                  |
|  | <b>4. CPDF Code</b>   | <b>5. FIPS code(s)</b>  | <b>4. EP</b>   | <b>5. 11</b> |                  |
| <b>PART B</b><br>Total<br>Employment   | <b>1. Enter total number of permanent full-time and part-time employees</b> |   |  |              | <b>1. 16,645</b> |
|  | <b>2. Enter total number of temporary employees</b>                         |   |  |              | <b>2. 1,410</b>  |
|  | <b>3. Enter total number employees paid from non-appropriated funds</b>     |   |  |              | <b>3. 0</b>      |
|  | <b>4. TOTAL EMPLOYMENT [add lines B 1 through 3]</b>                        |   |  |              | <b>4. 18,055</b> |
| <b>PART C</b><br>Agency<br>Official(s)<br>Responsible<br>For Oversight<br>of EEO<br>Program(s) | <b>1. Head of Agency<br/>Official Title</b>                                 |   | <b>1. Robert Perciasepe, Administrator (Acting)<br/>Environmental Protection Agency</b>    |              |                  |
|  | <b>2. Agency Head Designee</b>  |   | <b>2. Robert Perciasepe, Administrator (Acting)<br/>Environmental Protection Agency</b>    |              |                  |
|  | <b>3. Principal EEO Director/Official<br/>Official Title/series/grade</b>   |   | <b>3. Vicki Simons, Director (Acting)<br/>Office of Civil Rights</b>                       |              |                  |
|  | <b>4. Title VII Affirmative EEO<br/>Program Official</b>                    |   | <b>4. Donald Pettaway, Assistant Director for Affirmative<br/>Employment and Diversity</b> |              |                  |
|  | <b>5. Section 501 Affirmative Action<br/>Program Official</b>               |   | <b>5. Christopher Emanuel<br/>Disability Employment Program Manager</b>                    |              |                  |
|  | <b>6. Complaint Processing Program<br/>Manager</b>                          |   | <b>6. Cynthia Darden<br/>Assistant Director, Employment Complaint Resolution Staff</b>     |              |                  |
|  | <b>7. Other Responsible EEO Staff</b>                                       |   | <b>Mirza P. Baig, National Affirmative Employment Program<br/>Manager</b>                  |              |                  |
|  |   | <b>William Haig, National Reasonable Accommodations<br/>Coordinator</b>   |  |              |                  |

| <p>EEOC FORM<br/>715-01<br/>PART A - D</p>   | <p><i>U.S. Equal Employment Opportunity Commission</i><br/><b>FEDERAL AGENCY ANNUAL<br/>EEO PROGRAM STATUS REPORT</b></p>  |
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| <p style="text-align: center;"><b>PART D</b><br/>List of Subordinate Components Covered in This Report</p>  | <p><b>Subordinate Component and Location (City/State)</b></p> <p><b>Headquarters Program Offices</b> in Washington, DC; Research Triangle Park, NC; Cincinnati, OH; Las Vegas, NV<br/>           Office of the Administrator<br/>           Office of Administration and Resource Management<br/>           Office of Air &amp; Radiation<br/>           Office of the Chief Financial Officer<br/>           Office of Enforcement &amp; Compliance Assurance<br/>           Office of General Counsel<br/>           Office of the Inspector General<br/>           Office of International and Tribal Affairs<br/>           Office of Environmental Information<br/>           Office of Prevention, Pesticides &amp; Toxic Substances<br/>           Office of Research &amp; Development<br/>           Office of Solid Waste &amp; Emergency Response<br/>           Office of Water</p> <p><b>Regional Offices</b><br/>           Region 1: Boston, MA<br/>           Region 2: New York, NY<br/>           Region 3: Philadelphia, PA<br/>           Region 4: Atlanta, GA<br/>           Region 5: Chicago, IL<br/>           Region 6: Dallas, TX<br/>           Region 7: Lenexa, KS<br/>           Region 8: Denver, CO<br/>           Region 9: San Francisco, CA<br/>           Region 10: Seattle, WA</p> <p><b>Program Labs:</b><br/>           OAR/ORIA/NAREL: Montgomery, AL<br/>           ORD, NRM Research Lab: Ada, OK<br/>           ORD/NERL: Athens, GA<br/>           ORD/NHEER Labs:<br/>               Narragansett, RI<br/>               Gulf Breeze, FL<br/>               Duluth, MN<br/>               Corvallis, OR</p> |

| EEOC FORMS and Documents include in this report:   |   |   |     |
|--|---|---|-----|
| *Executive Summary [FORM 715-01 <b>PART E</b> ], that includes:  | X | *Optional Annual Self-Assessment Checklist Against Essential Elements [FORM 715-01 <b>PART G</b> ]  | X   |
| Brief paragraph describing the agency's mission and mission-related functions                                | X | *EEO Plan To Attain the Essential Elements of a Model EEO Program [FORM 715-01 <b>PART H</b> ] for each programmatic essential element requiring improvement                        | X   |
| Summary of results of agency's annual self-assessment against MD 715 "Essential Elements"                    | X | *EEO Plan To Eliminate Identified Barrier [FORM 715-01 <b>PART I</b> ] for each identified barrier  | X   |
| Summary of Analysis of Workforce Profiles including net change analysis and comparison to RCLF               | X | *Special Program Plan for the Recruitment, Hiring, and Advancement of Individuals With Targeted Disabilities for agencies with 1,000 or more employees [FORM 715-01 <b>PART J</b> ] | X   |
| Summary of EEO Plan objectives to eliminate identified barriers or correct program deficiencies              | X | *Copy of Workforce Data Tables as necessary to support Executive Summary and/or EEO Plans   | X   |
| Summary of EEO Plan action items implemented or accomplished   | X | *Copy of data from 462 Report as necessary to support action items related to Complaint Processing Program deficiencies, ADR effectiveness, or other compliance issues              | X   |
| *Statement of Establishment of Continuing Equal Employment Opportunity Programs [FORM 715-01 <b>PART F</b> ] | X | *Copy of Facility Accessibility Survey results as necessary to support EEO Action Plan for building renovation projects   | N/A |
| *Copies of relevant EEO Policy Statements  | X | *Organizational Chart   | X   |

|  |   |  |
|--|---|--|
| <b>EEOC FORM<br/>715-01<br/>PART E</b>   | <i>U.S. Equal Employment Opportunity Commission</i><br><b>FEDERAL AGENCY ANNUAL<br/>EEO PROGRAM STATUS REPORT</b> |  |
| <b>U. S. Environmental Protection Agency</b>   | <b>For period covering October 1, 2011 to September 30, 2012.</b>   |  |
| <b>EXECUTIVE SUMMARY</b>   |   |  |
| <u><b>Agency Mission</b></u>   |   |  |
| <p>The mission of the United States Environmental Protection Agency (EPA or Agency) is to protect human health and the environment. Our Agency programs and activities are focused on protecting the air we breathe, the water we drink, and the places we live. To accomplish this mission, we partner with federal, state, and local stakeholders to enforce the nation's environmental laws and regulations; conduct world class research; provide financial assistance to state recipients and grantees in support of environmental programs; and employ a highly-educated and diverse workforce. Given the broad scope and critical importance of our mission, EPA recognizes that meeting our multitude of responsibilities to the public can only be accomplished with a diverse, dynamic, and world-class workforce. To that end, EPA works vigorously to identify and remove any potential barriers and attract, retain, hire, and promote individuals in accordance with merit systems principles.</p>   |   |  |
| <p>The Agency's Office of Civil Rights (OCR) in partnership with Agency leadership; EPA's management team; the Office of Human Resources; Office of Diversity, Outreach, and Collaboration; and Office of General Counsel are dedicated to developing programs to ensure that the rights of EPA's employees and applicants are protected from discrimination in any aspect of their employment. In 2011, EPA hired an outside management consultant firm to conduct an Evaluation of EPA's Office of Civil Rights. EPA Administrator Lisa P. Jackson appointed a Civil Rights Executive Committee, led by the Deputy Administrator and other senior leaders, to make recommendations for improving all aspects of the Agency's civil rights programs. Their analysis and final report entitled, "Developing a Model Civil Rights Program for the Environmental Protection Agency" (Executive Report) was published on April 13, 2012 and is attached to this MD 715 Report. The Executive Committee's recommendations and resulting actions have had a significant impact in moving our Agency closer towards developing and sustaining a model EEO program.</p> |   |  |
| <p>EPA is pleased to share this brief summary of the programs, activities, and accomplishments for fiscal year 2012 that document our efforts towards building and sustaining a model EEO program based on the six essential elements of a model EEO program identified by the U.S. Equal Employment Opportunity Commission (EEOC).</p>  |   |  |
| <u><b>Demonstrated Commitment from Agency Leadership</b></u>   |   |  |
| <p>EPA leadership is committed to incorporating and integrating the principles of equal employment opportunity (EEO) throughout the Agency. EPA Administrator Lisa P. Jackson reaffirmed the EPA's commitment to EEO and diversity by issuing the Agency's EEO policy statement on</p>   |   |  |

September 7, 2012, which was sent to all employees of the EPA. Since the beginning of her tenure in 2009, Administrator Jackson has issued an EEO policy statement annually to the entire Agency workforce.

In particular, the new EEO policy reiterates the mandatory requirement that all managers participate in alternative dispute resolution if elected by an aggrieved individual, absent extenuating circumstances, and also makes clear that the Agency will review any finding of discrimination and take appropriate disciplinary or corrective action. The Agency's commitment to ADR is reiterated in the Executive Report with 7 specific steps designed to improve and enhance the Agency's ADR program (see Executive Report, Page 18), which, mandates the use of ADR and ADR and conflict resolution training for all managers .

The Executive Report also contains several recommendations that could further improve the Agency's Civil Rights Program, including the proposed creation of Deputy Civil Rights Officials in EPA Regions and Assistant Administratorships (AAships), among others. These recommendations are being reviewed for possible adoption and implementation in the future.

Further, the Agency's EEO policy issued in 2012 reaffirmed and reminded employees of their right to file formal complaints of discrimination based on sexual orientation through EPA Order 1000.31A4. Such complaints have occurred and have been investigated and adjudicated by OCR.

Information about how to file an EEO complaint is available through the Agency's intranet site and in public places for employees to see. EPA policies and procedures on harassment and reasonable accommodation for qualified individuals with disabilities are discussed in courses that all new Agency supervisors are required to complete. Through our policies, training, and leadership actions, the Agency communicates a clear and consistent message that managers and employees share a responsibility for a successful EEO program and for ensuring that everyone in the workplace is treated in a fair and respectful manner. There is no tolerance at EPA for discrimination, and the Agency encourages employees to seek redress if they believe that they have been subjected to discrimination.

The EPA is pleased to have a full-time National Reasonable Accommodation Coordinator (NRAC) who manages our National Reasonable Accommodation Program as a chief subject matter expert (GS 15). In addition, the NRAC works closely with collateral duty Local Reasonable Accommodation Coordinators (LORACs) which are assigned in every EPA regional location. Each coordinator is trained on the Agency's Reasonable Accommodation Procedure, which is based on the Rehabilitation Act of 1973, as amended, and 29 U.S.C. § 701; the in-depth training includes information about how the process works, assistance for managers with facilitating the interactive process, the importance of maintaining confidentiality and providing accommodations in a timely manner, and guidance on the procedures that the Agency has negotiated with the unions.

The LORACs, in close coordination with the NRAC, and Regional EEO and HR Officers, also provide a variety of training and assistance to managers and employees to ensure that requests for accommodation are processed in a prompt and judicious manner. It is due in large part to this extensive network of committed and talented professionals that we can report that in FY 2012,

more than 91% of accommodation requests were completed on time. In addition, the Agency has appointed a member of the Senior Executive Service (SES) to oversee the Agency's hiring initiatives related to individuals with targeted disabilities. Despite limited resources, EPA continued to serve as a primary sponsor for the National Perspectives Conference on Employment for Persons with Disabilities in December 2011 that brought together a wide range of experts from the EEOC, private sector, and other federal agencies to discuss the latest developments and best practices related to providing accommodations, developing effective disability hiring initiatives, and recent changes in the law.

Throughout FY 2012, senior officials from the fields of EEO, human resources management, and diversity met to identify areas for potential collaboration. A central theme reiterated by the Administrator is to attain an overall practice that the responsibility of civil rights is the entire Agency's responsibility. In FY 2012, EPA's approximately 1,700 supervisors were rated on their commitment to equal employment opportunity and diversity for the second consecutive year. Moreover, the Agency utilized a senior level EEO and Diversity Advisory Council (EDAC) which brings together subject matter experts as representatives from the Office of Civil Rights; Office of Human Resources; Office of Diversity, Outreach, and Collaboration; and Office of General Counsel to monitor the development of the FY 2012 MD 715 Report.

The EDAC also facilitated the continued sharing and analysis of applicant flow data through the Agency's human resources data management system. This has allowed the Agency to look at more in-depth data for the identification of triggers and possible barriers within the Agency as reflected in Part I of this report. For example, 2012 marks the first year that we now have complete applicant flow data for members of the Senior Executive Service. There is still a need to gather better data regarding Attorney positions, Occupational Series 0905, but the Agency initiated discussions this year to address this issue.

The Agency developed a revised EEO and Diversity performance standard for members of the Senior Executive Service (SES), which was certified by the Office of Personnel Management (OPM), was and became effective in the 2012 performance cycle. The EPA is committed to continuing to include clear expectations about diversity and EEO in performance standards for managers. The EPA's revised SES standards not only focus on preventing discrimination in hiring activities and promoting merit systems principles, but also on the requirement for senior leaders to be personally involved in leading and implementing EEO and civil rights initiatives consistent with applicable law and executive orders.

#### **Integration of EEO into the Agency's Strategic Mission**

The EPA integrated EEO into the strategic mission of the Agency. OCR has partnered with the Office of Administration and Resources Management (OARM), Office of Human Resources (OHR) and the Office of Diversity, Outreach, and Collaboration (ODOC) to align EEO mandates with the EPA's human capital planning. The Agency believes that undertaking such a commitment and managing EEO mandates on a strategic level effectively will assist the organization in preventing and eliminating workplace discrimination. The EPA Strategic Plan: "Strengthening EPA's Workforce and Capabilities" contains goals and strategies specifically designed to encourage the recruitment, development, and retention of a diverse and creative workforce, equipped with the

technical skill and knowledge needed to accomplish the Agency's mission and to meet evolving environmental challenges. To accomplish this goal, the Agency has focused on cultivating "a workplace that values a high quality work life, provides employee-friendly policies and facilities, and invests in the information infrastructure, technology, and security essential to support a mobile workforce." Specifically, the EPA's focus on work-life balance includes active telework and health and wellness programs, encourages the use of flexible work schedules, and ensures that employees have access to meaningful work, training, and development programs that allow them to reach their maximum potential.

The Agency continues to support telework/flexiplace. In FY 2012, all employees were updated on their eligibility to telework, and EPA continues to provide training to managers and supervisors to improve their ability to manage teleworkers effectively. Fewer than 200 employees Agency-wide were found to have no work suitable for at least occasional telework. The Agency supports the use of episodic and medical flexiplace as a reasonable accommodation when appropriate. These activities that promote work-life balance, in addition to making our Agency a great place to work, allow employees who may not otherwise consider applying for promotions or positions of greater responsibility to do so, which could include parents, caregivers, and individuals requiring flexibility due to a medical condition of themselves or a family member.

OCR will continue to work with the Office of Planning, Analysis, and Accountability to ensure that we continue to be involved in the strategic planning process to address the Equal Employment Opportunity Commission's goals and work as an Agency toward building a model EEO program.

The Agency has ongoing plans and initiatives to address the employment of persons with targeted disabilities. In FY 2012, 6.67% of the Agency's permanent employees were individuals with disabilities, while 1.3% were individuals with targeted disabilities. EPA hired a total of 23 persons with disabilities (9.4% of new hires), 2 of which were persons with targeted disabilities in FY 2012. There were severe budgetary constraints in FY 2012 which restricted our ability to hire new employees with disabilities: there were 244 new permanent hires but 852 separations from service for the permanent workforce leaving a net loss of permanent employees at 608 (reference data charts A8 and A14 respectively). Of the 852 separations, there were 73 separations of individuals with disabilities including 12 who had targeted disabilities (reference data chart B14). Still, to the extent that we are able to hire new employees, it will be in line with EPA's Strategic Plan to Increase Federal Employment of Individuals with Disabilities which includes quarterly hiring goals for individuals with disabilities and targeted disabilities under the Executive Order 13458. As part of its overall strategy to increase the hiring of individuals with disabilities and targeted disabilities, the EPA created a People with Disabilities Employment Advisory Committee. The Committee is charged with developing outreach strategies for people with disabilities, identifying series and grades that have the highest potential for placement opportunities, and actively promoting employment of people with disabilities Agency-wide.

In FY 2012, EPA Regional offices and AAships each completed their own MD 715 action plan to promote the 6 Essential Elements of a Model EEO Program. In sum, EPA Regional offices and AAships completed more than 500 separate MD 715-related action items in FY 2012 which demonstrates the success of our policy of ensuring that EEO and MD 715 initiatives affect the



entire agency. The Agency has provided appropriate funding for the Agency's Civil Rights Program including the MD 715 and Special Emphasis Programs. The EPA has active Special Emphasis Programs, active SEP Council Chairs, as well as 5 senior-level (GS-14) National Program Managers who share responsibility for the Disability Program, Asian/Pacific Islander Program, Hispanic Employment Program, Federal Women's Program, Black Employment Program, Native American Program, Older Workers Program, and Lesbian, Gay, Bisexual, and Transgender Program. There are also Special Emphasis Managers assigned in every Regional office and in many AAships that work closely with the National Program Managers.

Despite fiscal constraints, thanks to leadership support, sufficient resources remain available for the Agency's Reasonable Accommodation and Alternative Dispute Resolution Programs and for all other aspects of the Agency's Civil Rights Program. The Agency is committed to developing and making educational materials available to employees and supervisors and having a variety of robust in-person and online training opportunities available throughout the year, on such topics as EEO, diversity, reasonable accommodation, disability law, disability etiquette, alternative dispute resolution, and the prevention of all forms of harassment and discrimination. The EPA Training Officers in Regions and AAships help coordinate and identify useful training for employees that support the Agency's mission, and employees and managers are increasingly taking advantage of online training opportunities that can be valuable yet cost effective.

#### **Ensuring Management and Program Accountability**

In FY 2012, the Director of Civil Rights reports directly to the Agency's Chief of Staff and Administrator and regularly briefs the EPA's most senior leaders on the full scope of EEO issues including all matters related to the MD 715 Report. In addition to regularly meeting with the Agency's Chief of Staff, the Director of Civil Rights participated in senior Agency discussions and provides input regarding recruitment, vacancy projections, succession planning, and other issues that affect the workforce including briefing the Executive Resource Board, the Executive Management Council, and a variety of other groups of the most senior Agency officials. The Civil Rights Executive Committee, led by the Deputy Administrator, developed recommendations to enhance the EPA's Civil Rights Program, which are contained in the Executive Report.

Likewise, Regional EEO Officers provided briefings to their Regional Administrators and senior staff. EEO professionals from across the Agency were available to help with the creation and implementation of EEO Action Plans, and each Regional office and AAship completed an MD 715 Action Plan and corresponding accomplishments report. See attached.

Since FY 2011, every member of the SES has a performance standard related to personal accountability regarding EEO and diversity in the workplace. Specifically, senior managers must outline the initiatives and actions they have personally undertaken with respect to EEO and diversity, and the results or effectiveness of those actions. At the end of every performance cycle, the Director of OCR, Performance Review Board members, and Executive Review Board members evaluate these self-assessments to ensure that the respective rating is an appropriate reflection of the accomplishments listed. The EPA works to ensure that its managers follow the merit systems principles and implements corrective action to address instances where those principles are compromised. Within the first ninety days after their promotion or hiring into the agency, new managers and supervisors are made aware of their equal employment opportunity roles and

responsibilities through the Agency's Successful Leaders Program.

The EPA's Labor and Employee Relations Staff discuss accountability for EEO principles and practices when they provided support to individual supervisors, managers, and leaders. For example, to increase management understanding of the types of changes to employee working conditions that require union notification, the Agency required managers and supervisors of bargaining unit employees to complete a one-day Labor Management Relations course. The course covered employee, union, and management rights under the Federal Service Labor Management Relations Statute and the EPA's collective bargaining agreements, e.g., Article 8 of the National AFGE bargaining agreement requires that all employees will be treated fairly and equitably with respect to their political affiliation, union activity, race, color, sex, religion, national origin, gender, sexual orientation, marital status, age, or qualified disability.

The Agency continued this year to focus on programs, policies, and procedures related to the identification of systemic barriers based on its analysis of applicant flow data. The Agency is currently working to enhance data collection capabilities to ensure that data about development and training programs is captured in the future, as well as data for attorneys, occupational series 0905.

#### **Proactive Prevention of Unlawful Discrimination**

Administrator Jackson stated in the 2012 EEO and policy statement that, "I expect our management team to continue to provide first-class leadership in support of equal employment opportunity. I also ask that EPA managers and employees take responsibility for treating each other with dignity and respect, reporting discriminatory conduct and preventing all types of discrimination, including harassment. The agency will review any finding of discrimination and take appropriate disciplinary or corrective action." In FY 2012, the EPA worked with managers and senior leaders to identify and remove potential barriers to equal employment opportunity as a means to prevent discrimination, which will likely save EPA resources and foster an inclusive work environment. This year, more than 98% of employees completed the required No FEAR training course that provided education on employee rights and responsibilities in the EEO process. The EEO Director and EEO officials across the Agency participate in briefings, listening sessions, and brainstorming sessions to identify potential barriers and specific action items that can improve the Agency's EEO and Civil Rights Program. When potential barriers are identified, Regional offices and AAships work to develop their own action plans to address such potential barriers. Regional Offices have flexibility to develop action items that address local potential barriers and challenges as part of their own MD 715 Program. Please see the attached MD 715 Action Plans from Regions and AAships which document a wealth of accomplishments.

In FY 2012, the Agency conducted barrier analyses on its recruitment strategies and the use of individual development plans and interview panels. Although the Agency found no specific actions that were determined to be barriers, it found opportunities for significantly increased collaboration among EEO, human resources, and diversity programs.

Although the EPA cannot mandate the use of individual development plans, guidance and templates have been developed to facilitate employees' use of individual development plans if they so choose. In addition, the Agency actively works to identify and address employee skill gaps through career

development tools and programs. Through Skillport, an online learning tool, and on-site training, Agency employees have access to a wide variety of online and in-person training venues covering a vast array of subjects including leadership development, Lean Six Sigma certification, Project Management certification, various IT professional certifications, effective communication, EEO and civil rights, diversity, disability, and the prevention of harassment. The Agency is developing guidance on the use of EEO compliant interview panels which may contribute to a more streamlined and transparent hiring process. In addition, the Agency worked to improve cross-regional collaboration to leverage the use of scarce financial and human resources and to maximize existing connections with academic and professional organizations across the country.

All employees are encouraged to use alternative dispute resolution, and the Administrator reiterated the requirement that managers and supervisors are required to participate in ADR, absent extraordinary circumstances as determined by the Office of Civil Rights' director or designee. In addition, informational materials about the benefits of ADR are available throughout the Agency in print and on the Agency's website. The Agency also conducts training on ADR and how to avoid EEO complaints.

The Agency's National Reasonable Accommodation Coordinator plays an important role with respect to proactive prevention by working to provide guidance to managers and employees on the reasonable accommodation process, tracking any trends, and addressing challenges. The fact that EPA managers know how to accommodate employees and follow the appropriate procedures helps the Agency avoid claims of discrimination, since a lack of training and knowledge on their respective responsibilities would likely lead to an increase in mistakes and EEO discrimination complaints. The National Reasonable Accommodation Coordinator regularly briefs the Director of Civil Rights and Local Reasonable Accommodation Coordinators on compliance with written procedures. The Agency reviewed and updated as necessary its Reasonable Accommodation policies and procedures to ensure that they reflected the provisions of the Americans with Disabilities Act Amendments Act (ADAAA). As part of the proactive efforts, the National Reasonable Accommodation Coordinator delivered more than 10 training courses that were broadcast via videoconference to Regions and AAships with special sessions for managers. There was one finding of discrimination against the Agency in FY 2012, and the Agency is taking disciplinary action to correct this problem in accordance with the EPA Table of Penalties.

### **Efficiency**

EPA now for the second full year has database capabilities that allow workforce data to be collected and analyzed as required by the EEOC. The EPA expanded the collection and tracking of applicant flow data to include SES, senior-level, and scientific or professional positions. This action will help the Agency ensure that it is reaching the broadest possible audience for its executive level vacancies. Although the EPA does collect and maintain a limited amount of training data, we expect to resolve this issue when we contract with the Department of Interior to handle our personnel management data systems. The Department of Interior has superior capabilities compared to our current system that we expect will significantly enhance our ability to collect and analyze data.

The EPA has made appropriate resources available to ensure there are a sufficient number of EEO

Officers, EEO Specialists, and Special Emphasis Program Managers across the Agency to ensure that EEO matters are handled in a timely and efficient manner – in total, there are over 75 full-time staff members and an additional approximate 75 collateral duty staff who help EPA administer our EEO and Diversity Programs.

The senior-level NRAC in partnership with LORACs and management helped EPA ensure that more than 91% of reasonable accommodation requests were processed within established timeframes in FY 2012. The timeliness of EEO complaints has also improved with the newly purchased tracking software: iComplaints, which has enabled OCR and Regional Offices to better track EEO complaints data, process complaints in a more timely manner since the software identifies the exact stage in the process and allows EEO staff and managers to view the complaint status in real time and generate reports relative to complaint activity to help identify trends.

To expedite OCR's processing of EEO complaints, EPA has established shorter timeframes for the completion of investigations of complaints, and contracted with the United States Postal Service in 2011 to accelerate the Agency's drafting of Final Agency Decision (FAD) writing, to more regularly comply with regulatory timeframes in the investigative process. The EPA has also taken steps to improve the timeliness of EEO investigations and, of particular note, is the new requirement for contractors to deliver investigations on schedule or receive reduced payment and/or termination of the contract. In addition, all EPA investigators and counselors receive the required annual training and/or refresher training in accordance with MD 110. The Office of General Counsel's legal sufficiency reviews are conducted by a functional unit that is separate from the unit that represents the Agency in EEO matters.

Based on guidance from the Executive Report, in 2012, OCR worked to make critical changes to its counseling program by reducing the larger number of collateral counselors into a smaller, elite cadre of highly-trained professionals and by centralizing the assignment of counselors. During the limited time this new process has been in place, the timeliness, quality of EEO Counselor's Reports, and both the utilization and success rate for ADR have all significantly improved. The work in 2012 seems to have set the stage for significant improvement in the future: for example, for FY 2009, FY 2010, and FY 2011, the total average ADR offer rate was 63.2% and the acceptance rate in was 12.9%. This year, the ADR offer rate was 84.7% and the acceptance rate was 33.7% which demonstrates significant improvement.

The Agency has an active ADR program that employees can elect to participate in at any stage of the process. The Agency conducts training for supervisors and employees on ADR. As stated previously, managers and supervisors are required to participate, absent extenuating circumstances, as reiterated by the Administrator in her 2012 annual EEO Policy Statement. Further, individuals representing management in the ADR process have settlement authority.

The EPA is pleased to participate on the Council of EEO and Civil Rights Executives and the Federal Interagency Diversity Partnership to share best practices and share ideas on ways to enhance the work environment and the efficiency of EEO programs and activities. EPA benchmarks with other agencies to learn about successful programs and ways to enhance our Civil Rights Programs. This best business practice will continue, as stated in the Executive Report. EPA

staff members regularly speak at many local and national events and are consulted within and outside the EPA for their expertise.

### **Responsiveness and Legal Compliance**

The EPA complies with orders from administrative judges in a timely manner, and this is a factor that is included in the performance standard of the Assistant Director of Civil Rights for Title VII. In addition, the EPA has systems in place to ensure that the Agency initiates any monetary or other relief efficiently. OCR is responsible for compliance with EEOC orders and provides documentation as requested by EEOC in a timely fashion.

### **Workforce Analysis**

#### ***Total Workforce***

At the close of FY 2012, EPA employed 16,645 full/part time permanent and 1,410 temporary employees for a total of 18,055 employees. This was a significant net decrease of 564 full/part time permanent employees and a net decrease 178 temporary employees for a total net decrease for the Agency of 742 employees compared to FY 2011.

Males comprised 47.97 % (7,985) of the permanent workforce as compared to 53.2% of the national civilian labor force (CLF). Females comprised 52.03% (8,660) of the workforce as compared to 46.8% of the CLF.

#### ***Representation of Class Groups***

The data in Table A1 shows the workforce profile for permanent employees:

White men comprised 37.17% (6,396) of the workforce compared to 39.0% of the CLF.

White women comprised 31.08 % (5,173) of the workforce compared to 33.7% of the CLF.

Black men comprised 4.60% (765) of the workforce compared to 4.8% of the CLF.

Black women comprised 13.46% (2,241) of the workforce compared to 5.7% of the CLF.

Hispanic men comprised 2.62% (436) of the workforce compared to 6.2% of the CLF.

Hispanic women comprised 3.18 % (530) of the workforce compared to 4.5% of the CLF.

Asian men comprised 3.03% (504) of the workforce compared to 1.9% of the CLF.

Asian women comprised 3.23 % (537) of the workforce compared to 1.7% of the CLF.

Native Hawaiian men comprised 0.05% (9) of the workforce compared to 0.1% of the CLF.

Native Hawaiian women comprise 0.07 % (12) of the workforce compared to 0.1% of the CLF.

American Indian men comprised 0.28% (47) of the workforce compared to 0.3% of the CLF.

American Indian women comprised 0.41% (69) of the workforce compared to 0.3% of the CLF.

The Agency also collected information concerning its temporary employees which can be found on Tables A1 and B1.

People with Targeted Disabilities comprised 1.26% (227) of the total workforce compared to the federal-wide goal of 2.0%; a net decrease of 7 employees compared to last year. Individuals in our

workforce reporting some type of disability comprise 6.41% of the workforce; a net decrease of 40 employees compared to last year. However, the representation of individuals with targeted and non-targeted disabilities as a percentage of the entire workforce increased slightly since the separation rate was less than for non-disabled employees. This reflects the severe limitations that existed on hiring in FY 2012, and a net decrease is present across the major categories by sex, race, and disability status with few exceptions in the case of American Indian Females, American Indian Males, and Two or More Race Males.

### ***Triggers Identified***

The Agency identified triggers in Part I of this report based on applicant flow data for EPA's six major occupations: Series 0028 Environmental Protection Specialist, Series 0301 Miscellaneous Administration and Program Specialist, Series 0343 Management/Program Analyst, Series 0401 General Biological Science (Research), Series 0819 Environmental Engineer (Research), and Series 1301 Physical/Environmental Scientist (Research). We identified triggers based on an analysis of job application rates compared to the relevant civilian labor force, qualification rates compared to job application rates, and selection rates compared to qualification rates. There are still significant differences between qualification rates and selection rates, particularly for Hispanic Men (every major occupation), Black Men (five out of six major occupations), Black Women (four out of six major occupations), Asian Men (every major occupation), and Asian Females (four out of six major occupations). The Agency continues its multi-year effort, as laid out in 2011, to ensure that EPA selection processes are based on merit factors.

### **Major Accomplishment Summary**

- Established a Civil Rights Executive Committee, a group led by the Deputy Administrator that conducted a comprehensive analysis of Agency Civil Rights Programs and the Agency began to implement the recommendations contained in the Executive Report;
- All AAships/Regions developed and completed MD 715 Action Plans. In total, they collectively completed more than 500 separate tasks targeting the potential barriers identified in the FY 2011 MD 715 report (please see attachment);
- The Office of Human Resources implemented a data collection and tracking system for applicant flow data, including for members of the Senior Executive Service;
- The Administrator issued a policy reaffirming her commitment to EEO and Diversity – the policy mandated the use of ADR by managers and reiterated that EEO is the responsibility of all managers, supervisors, and employees;
- Data showed that internal selection rates for minorities in Senior Level Positions improved significantly from FY 2011 to FY 2012 (See Chart A9). The Agency believes that this is likely a direct result of proactive actions taken in response to the 2011 data. Those actions included a memorandum from Agency leadership strongly encouraging the use of selection panels for senior-grade positions, rewriting the EEO Critical Job Element for members of the SES to strengthen and clarify expectations, and making it mandatory for all of the Agency's 1700+ managers to have language in their respective performance agreements about commitment to EEO and diversity;
- OHR conducted general recruitment activities and ODOC, in coordination with OHR, continued a multitude of aggressive outreach and recruitment efforts to include Minority Colleges and Advocacy organizations;
- Agency continues to support the EEO Advisory and Diversity Committee (EDAC) comprised of

EEO, diversity, legal, and human resources experts to enhance coordination and advise management on EEO and diversity initiatives related to the MD 715;

- More than 91% of the reasonable accommodation requests were completed on time;
- The Agency planned and delivered multiple special observances (over 100 events throughout the Agency) to increase awareness, mutual respect, and understanding among all the groups represented in the EPA;
- EPA employees participated in the recruitment and interview process of persons with disabilities for inclusion in the Workforce Recruitment Program database managed by the Office of Disability Employment Policy, U.S. Department of Labor;
- In FY 2012, there was one finding of discrimination against the EPA, and appropriate action was taken to address the matter;
- Implemented a new Agency-wide complaints tracking system, iComplaints, which has assisted the Agency in submitting a timely EEOC 462 Report;
- EPA issued a Diversity and Inclusion Strategic Plan which lists specific Agency goals and action items to achieve those goals.

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|--|---|--|
| <b>EEOC<br/>FORM<br/>715-01<br/>PART F</b>       | <i>U.S. Equal Employment Opportunity Commission</i><br><b>FEDERAL AGENCY ANNUAL<br/>EEO PROGRAM STATUS REPORT</b> |  |
| <b>U. S. Environmental Protection<br/>Agency</b> | <b>For period covering October 1, 2011 to September 30,<br/>2012.</b>   |  |

CERTIFICATION of ESTABLISHMENT of CONTINUING  
EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

I, Vicki Simons, Acting Director of Civil Rights, am the Principal EEO Director/Official for the US Environmental Protection Agency.

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

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

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

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

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Date

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Signature of Agency Head or Agency Head Designee

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Date



| <b>Part G: Agency Self-Assessment</b>  |                      |    |  |
|--|----------------------|----|--|
| <u>Essential Element A: Demonstrated Commitment From Agency Leadership</u>   |                      |    |  |
| Requires the agency head to issue written policy statements ensuring a workplace free of discriminatory harassment and a commitment to equal employment opportunity.   |                      |    |  |
| EEOC MD 715 Agency Assessment Questions  | Measure has been met |    | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the Agency's Status Report |
|  | Yes                  | No |  |
| Compliance Indicator: EEO policy statements are up-to-date.  |                      |    |  |
| 1. The Agency Head was installed on January 22, 2009. The EEO policy statement was issued on September 30, 2009, and updated on September 29, 2010; July 14, 2011; and September 7, 2012, respectively. Was the EEO Policy Statement issued within 6 - 9 months of the installation of the Agency Head? If no, provide an explanation. | X                    |    |  |
| 2. During the current Agency Head's tenure, has the EEO Policy Statement been reissued annually? If no, provide an explanation.  | X                    |    |  |
| 3. Are new employees provided a copy of the EEO Policy Statement during orientation?   | X                    |    |  |
| 4. When an employee is promoted into the supervisory ranks, is s/he provided a copy of the EEO Policy Statement?   | X                    |    |  |
| 5. Have the heads of subordinate reporting components communicated support of all Agency EEO policies through the ranks?   | X                    |    |  |
| 6. Has the Agency made written materials available to all employees and applicants, informing them of the variety of EEO programs and administrative and judicial remedial procedures available to them?   | X                    |    |  |
| 7. Has the Agency prominently posted such written materials in all personnel offices, EEO offices, and on the Agency's internal website? [see 29 CFR §1614.102(b)(5)]  | X                    |    |  |
| Compliance Indicator: Agency EEO policy is vigorously enforced by Agency management.   |                      |    |  |
| 8. Are managers and supervisors evaluated on their commitment to Agency EEO policies and principles, including their efforts to:   | X                    |    |  |

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|--|---|--|--|
| 9. resolve problems/disagreements and other conflicts in their respective work environments as they arise?   | X |  |  |
| 10. address concerns, whether perceived or real, raised by employees and following-up with appropriate action to correct or eliminate tension in the workplace?  | X |  |  |
| 11. support the Agency's EEO Program through allocation of mission personnel to participate in community outreach and recruitment programs with private employers, public schools and universities?  | X |  |  |
| 12. ensure full cooperation of employees under his/her supervision with EEO office officials such as EEO Counselors, EEO Investigators, etc.?  | X |  |  |
| 13. ensure a workplace that is free from all forms of discrimination, harassment and retaliation?  | X |  |  |
| 14. ensure that subordinate supervisors have effective managerial, communication and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications?   | X |  |  |
| 15. ensure the provision of requested religious accommodations when such accommodations do not cause an undue hardship?  | X |  |  |
| 16. ensure the provision of requested disability accommodations to qualified individuals with disabilities when such accommodations do not cause an undue hardship?  | X |  |  |
| 17. Have all employees been informed about what behaviors are inappropriate in the workplace and that this behavior may result in disciplinary actions?  | X |  |  |
| 18. Describe what means were utilized by the Agency to so inform its workforce about the penalties for unacceptable behavior. This was listed in the Administrator's Policy Statement that was distributed to all employees. It was also included in a variety of EEO trainings conducted by the Agency and is reiterated throughout Agency by EEO and HRO staff. It is also included in the Agency's Table of Penalties, which is accessible to all employees through the intranet. | X |  |  |

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| 19. Have the procedures for reasonable accommodation for individuals with disabilities been made readily available/accessible to all employees by disseminating such procedures during orientation of new employees and by making such procedures available on the World Wide Web or Internet? | X |  |  |
| 20. Have managers and supervisor been trained on their responsibilities under the procedures for reasonable accommodation?   | X |  |  |

| <b>Essential Element B: Integration of EEO into the Agency's Strategic Mission</b><br>Requires that the Agency's EEO programs be organized and structured to maintain a workplace that is free from discrimination in any of the Agency's policies, procedures or practices and supports the Agency's strategic mission.                             |                      |    |   |
|--|----------------------|----|---|
| EEOC MD 715 Agency Assessment Questions  | Measure has been met |    | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the Agency's Status Report. |
|  | Yes                  | No |   |
| Compliance Indicator: The reporting structure for the EEO Program provides the Principal EEO Official with appropriate authority and resources to effectively carry out a successful EEO Program.  |                      |    |   |
| 21. Is the EEO Director under the direct supervision of the Agency Head? [see 29 CFR §1614.102(b)(4)]<br>For subordinate level reporting components, is the EEO Director/Officer under the immediate supervision of the lower level component's head official?<br>(For example, does the Regional EEO Officer report to the Regional Administrator?) | X                    |    |   |
| 22. Are the duties and responsibilities of EEO officials clearly defined?  | X                    |    |   |
| 23. Do the EEO officials have the knowledge, skills, and abilities to carry out the duties and responsibilities of their positions?  | X                    |    |   |
| 24. If the Agency has 2 <sup>nd</sup> level reporting components, are there organizational charts that clearly define the reporting structure for EEO programs?  | N/A                  |    |   |
| 25. If the Agency has 2 <sup>nd</sup> level reporting components, does the Agency-wide EEO Director have authority for the EEO programs within the subordinate reporting components?   | N/A                  |    |   |
| If not, please describe how EEO program authority is delegated to subordinate reporting components.  |                      |    |   |
| Compliance Indicator: The EEO Director and other EEO professional staff responsible for EEO programs have regular and effective means of informing the Agency Head and senior management officials of the status of EEO programs and are involved in, and consulted on, management/personnel actions.  |                      |    |   |

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| 26. Does the EEO Director/Officer have a regular and effective means of informing the Agency Head and other top management officials of the effectiveness, efficiency and legal compliance of the Agency's EEO program?   | X |  |  |
| 27. Following the submission of the immediately preceding FORM 715-01, did the EEO Director/Officer present to the head of the Agency and other senior officials the "State of the Agency" briefing covering all components of the EEO report, including an assessment of the performance of the agency in each of the six elements of the Model EEO Program and a report on the progress of the Agency in completing its barrier analysis including any barriers it identified and/or eliminated or reduced the impact of? | X |  |  |
| 28. Are EEO program officials present during Agency deliberations prior to decisions regarding recruitment strategies, vacancy projections, succession planning, selections for training/career development opportunities, and other workforce changes?   | X |  |  |
| 29. 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 re-alignments?   | X |  |  |
| 30. Are management/personnel policies, procedures and practices examined at regular intervals to assess whether there are hidden impediments to the realization of equality of opportunity for any group(s) of employees or applicants? [see 29 C.F.R. § 1614.102(b)(3)]  | X |  |  |
| 31. Is the EEO Director included in the Agency's strategic planning, especially the Agency's human capital plan, regarding succession planning, training, etc., to ensure that EEO concerns are integrated into the Agency's strategic mission?   | X |  |  |
| Compliance Indicator: The Agency has committed sufficient human resources and budget allocations to its EEO programs to ensure successful operation.  |   |  |  |
| 32. Does the EEO Director have the authority and funding to ensure implementation of Agency EEO action plans to improve EEO program efficiency and/or eliminate identified barriers to the realization of equality of opportunity?  | X |  |  |

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| 33. Are sufficient personnel resources allocated to the EEO Program to ensure that Agency self-assessments and self-analyses prescribed by EEO MD 715 are conducted annually and to maintain an effective complaint processing system?   | X |  |  |
| 34. Are statutory/regulatory EEO related Special Emphasis Programs sufficiently staffed?   | X |  |  |
| 35. Federal Women's Program - 5 U.S.C. 7201; 38 U.S.C. 4214; Title 5 CFR, Subpart B, 720.204   | X |  |  |
| 36. Hispanic Employment Program - Title 5 CFR, Subpart B, 720.204  | X |  |  |
| 37. People With Disabilities Program Manager; Selective Placement Program for Individuals With Disabilities - Section 501 of the Rehabilitation Act; Title 5 U.S.C. Subpart B, Chapter 31, Subchapter I-3102; 5 CFR 213.3102(t) and (u); 5 CFR 315.709   | X |  |  |
| 38. Are other Agency Special Emphasis Programs monitored by the EEO Office for coordination and compliance with EEO guidelines and principles, such as FEORP - 5 CFR 720; Veterans Employment Programs; and Black/African American; American Indian/Alaska Native, Asian American/Pacific Islander programs? | X |  |  |
| Compliance Indicator: The Agency has committed sufficient budget to support the success of its EEO Programs.   |   |  |  |
| 39. Are there sufficient resources to enable the agency to conduct a thorough barrier analysis of its workforce, including the provision of adequate data collection and tracking systems  | X |  |  |
| 40. Is there sufficient budget allocated to all employees to utilize, when desired, all EEO programs, including the complaint processing program and ADR, and to make a request for reasonable accommodation? (Including subordinate level reporting components?)  | X |  |  |
| 41. Has funding been secured for publication and distribution of EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures, etc.)?  | X |  |  |
| 42. Is there a central fund or other mechanism for funding supplies, equipment and services necessary to provide disability accommodations?  | X |  |  |
| 43. Does the Agency fund major renovation projects to ensure timely compliance with Uniform Federal Accessibility Standards?   | X |  |  |

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|---|---|--|--|
| 44. Is the EEO Program allocated sufficient resources to train all employees on EEO Programs, including administrative and judicial remedial procedures available to employees? | X |  |  |
| 45. Is there sufficient funding to ensure the prominent posting of written materials in all personnel and EEO offices? [see 29 C.F.R. § 1614.102(b)(5)]                         | X |  |  |
| 46. Is there sufficient funding to ensure that all employees have access to this training and information?  | X |  |  |
| 47. Is there sufficient funding to provide all managers and supervisors with training and periodic up-dates on their EEO responsibilities:                                      | X |  |  |
| 48. for ensuring a workplace that is free from all forms of discrimination, including harassment and retaliation?   | X |  |  |
| 49. to provide religious accommodations?  | X |  |  |
| 50. to provide disability accommodations in accordance with the Agency's written procedures?  | X |  |  |
| 51. in the EEO discrimination complaint process?  | X |  |  |
| 52. to participate in ADR?  | X |  |  |

| Essential Element C: Management and Program Accountability<br>This element requires the Agency Head to hold all managers, supervisors, and EEO Officials responsible for the effective implementation of the Agency's EEO Program and Plan.                      |                      |    |  |
|--|----------------------|----|--|
| EEOC MD 715 Agency Assessment Questions  | Measure has been met |    | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the Agency's Status Report |
|  | Yes                  | No |  |
| Compliance Indicator: EEO program officials advise and provide appropriate assistance to managers/supervisors about the status of EEO programs within each manager's or supervisor's area or responsibility.   |                      |    |  |
| 53. Are regular (monthly/quarterly/semi-annually) EEO updates provided to management/supervisory officials by EEO program officials?   | X                    |    |  |
| 54. Do EEO program officials coordinate the development and implementation of EEO Plans with all appropriate agency managers to include Agency Counsel, Human Resource Officials, Finance, and the Chief information Officer?                                    | X                    |    |  |
| Compliance Indicator: The Human Resources Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures are in conformity with instructions contained in EEOC management directives [see 29 CFR § 1614.102(b)(3)]. |                      |    |  |
| 55. Have time-tables or schedules been established for the agency to review its Merit Promotion Program Policy and Procedures for systemic barriers that may be impeding full participation in promotion opportunities by all groups?                            | X                    |    |  |
| 56. Have time-tables or schedules been established for the Agency to review its Employee Recognition Awards Program and Procedures for systemic barriers that may be impeding full participation in the program by all groups?                                   | X                    |    |  |
| 57. Have time-tables or schedules been established for the Agency to review its Employee Development/Training Programs for systemic barriers that may be impeding full participation in training opportunities by all groups?                                    | X                    |    |  |
| Compliance Indicator: When findings of discrimination are made, the Agency explores whether or not disciplinary actions should be taken.   |                      |    |  |
| 58. Does the Agency have a disciplinary policy and/or a table of penalties that covers employees found to have committed discrimination?   | X                    |    |  |



|  |   |  |                            |
|--|---|--|----------------------------|
| 59. Have all employees, supervisors, and managers been informed as to the penalties for being found to perpetrate discriminatory behavior or for taking personnel actions based upon a prohibited basis?   | X |  |                            |
| 60. Has the Agency, when appropriate, disciplined or sanctioned managers/supervisors or employees found to have discriminated over the past two years?   | X |  | Please see response below. |
| <p>If so, cite number found to have discriminated and list penalty /disciplinary action for each type of violation.</p> <p>Response: There was one finding of discrimination during this time period, and as of the date of this report, management is considering possible disciplinary as appropriate in accordance with the Agency's Table of Penalties; however, no disciplinary action has yet been effected.</p> |   |  |                            |
| 61. Does the Agency promptly (within the established time frame) comply with EEOC, Merit Systems Protection Board, Federal Labor Relations Authority, labor arbitrators, and District Court orders?  | X |  |                            |
| 62. Does the Agency review disability accommodation decisions/actions to ensure compliance with its written procedures and analyze the information tracked for trends, problems, etc.?   | X |  |                            |

| <u>Essential Element D: Proactive Prevention</u><br>Requires that the Agency Head makes early efforts to prevent discriminatory actions and eliminate barriers to equal employment opportunity in the workplace. |                      |    |  |
|--|----------------------|----|--|
| EEOC MD 715 Agency Assessment Questions  | Measure has been met |    | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the Agency's Status Report |
|  | Yes                  | No |  |
| Compliance Indicator: Analyses to identify and remove unnecessary barriers to employment are conducted throughout the year.  |                      |    |  |
| 63. Do senior managers meet with and assist the EEO Director and/or other EEO Program Officials in the identification of barriers that may be impeding the realization of equal employment opportunity?          | X                    |    |  |
| 64. When barriers are identified, do senior managers develop and implement, with the assistance of the agency EEO office, Agency EEO Action Plans to eliminate said barriers?                                    | X                    |    |  |
| 65. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into Agency Strategic Plans?   | X                    |    |  |
| 66. Are trend analyses of workforce profiles conducted by race, national origin, sex and disability?   | X                    |    |  |
| 67. Are trend analyses of the workforce's major occupations conducted by race, national origin, sex and disability?  | X                    |    |  |
| 68. Are trends analyses of the workforce's grade level distribution conducted by race, national origin, sex and disability?  | X                    |    |  |
| 69. Are trend analyses of the workforce's compensation and reward system conducted by race, national origin, sex and disability?   | X                    |    |  |
| 70. Are trend analyses of the effects of management/personnel policies, procedures and practices conducted by race, national origin, sex and disability?   | X                    |    |  |
| Compliance Indicator: The use of Alternative Dispute Resolution (ADR) is encouraged by senior management.  |                      |    |  |
| 71. Are all employees encouraged to use ADR?   | X                    |    |  |

|   |   |  |  |
|---|---|--|--|
| 72. Is the participation of supervisors and managers in the ADR process required? | X |  | Note: Participation by managers is required, absent extraordinary circumstances as determined by the Office of Civil Rights' Director or designee. |
|---|---|--|--|

| <u>Essential Element E: Efficiency</u>  |                      |    |  |
|---|----------------------|----|--|
| Requires that the agency head ensure that there are effective systems in place for evaluating the impact and effectiveness of the Agency's EEO Programs as well as an efficient and fair dispute resolution process.          |                      |    |  |
| EEOC MD 715 Agency Assessment Questions   | Measure has been met |    | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the Agency's Status Report |
|   | Yes                  | No |  |
| Compliance Indicator: The Agency has sufficient staffing, funding, and authority to achieve the elimination of identified barriers.   |                      |    |  |
| 73. Does the EEO Office employ personnel with adequate training and experience to conduct the analyses required by MD 715 and these instructions?   |                      | X  | Please see H-1.  |
| 74. Has the agency implemented an adequate data collection and analysis systems that permit tracking of the information required by MD 715 and these instructions?  | X                    |    |  |
| 75. Have sufficient resources been provided to conduct effective audits of field facilities' efforts to achieve a model EEO program and eliminate discrimination under Title VII and the Rehabilitation Act?                  | X                    |    |  |
| 76. Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations in all major components of the Agency?                                   | X                    |    |  |
| 77. Are 90% of accommodation requests processed within the time frame set forth in the Agency procedures for reasonable accommodation?  | X                    |    |  |
| Compliance Indicator: The Agency has an effective complaint tracking and monitoring system in place to increase the effectiveness of the Agency's EEO Programs.   |                      |    |  |
| 78. Does the Agency use a complaint tracking and monitoring system that allows identification of the location and status of complaints and length of time elapsed at each stage of the Agency's complaint resolution process? | X                    |    |  |

|  |   |   |                 |
|--|---|---|-----------------|
| 79. Does the Agency's tracking system identify the issues and bases of the complaints, the aggrieved individuals/complainants, the involved management officials and other information to analyze complaint activity and trends?                                   | X |   |                 |
| 80. Does the Agency hold contractors accountable for delay in counseling and investigation processing times?   | X |   |                 |
| If yes, briefly describe how: In the event of a delay, contract payment is reduced or the contract is not renewed.   |   |   |                 |
| 81. Does the Agency monitor and ensure that new investigators, counselors, including contract and collateral duty investigators, receive the 32 hours of training required in accordance with EEO Management Directive MD 110?                                     | X |   |                 |
| 82. Does the Agency monitor and ensure that experienced counselors, investigators, including contract and collateral duty investigators, receive the 8 hours of refresher training required on an annual basis in accordance with EEO Management Directive MD 110? | X |   |                 |
| Compliance Indicator: The Agency has sufficient staffing, funding and authority to comply with the time frames in accordance with the EEOC (29 C.F.R. Part 1614) regulations for processing EEO complaints of employment discrimination.                           |   |   |                 |
| 83. Are benchmarks in place that compares the Agency's discrimination complaint processes with 29 C.F.R. Part 1614?  | X |   |                 |
| 84. Does the Agency provide timely EEO counseling within 30 days of the initial request or within an agreed upon extension in writing, up to 60 days?  |   | X | Please see H-2. |
| 85. Does the Agency provide an aggrieved person with written notification of his/her rights and responsibilities in the EEO process in a timely fashion?   | X |   |                 |
| 86. Does the Agency complete the investigations within the applicable prescribed time frame?   |   | X | Please see H-2. |
| 87. When a complainant requests a final Agency decision, does the agency issue the decision within 60 days of the request?   |   | X | Please see H-2. |
| 88. When a complainant requests a hearing, does the Agency immediately upon receipt of the request from the EEOC AJ forward the investigative file to the EEOC Hearing Office?   | X |   | Please see H-2. |

|   |   |  |  |
|---|---|--|--|
| 89. When a settlement agreement is entered into, does the Agency timely complete any obligations provided for in such agreements?   | X |  |  |
| 90. Does the Agency ensure timely compliance with EEOC AJ decisions which are not the subject of an appeal by the Agency?   | X |  |  |
| Compliance Indicator: There is an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of the agency's EEO complaint processing program.   |   |  |  |
| 91. In accordance with 29 C.F.R. §1614.102(b), has the Agency established an ADR Program during the pre-complaint and formal complaint stages of the EEO process?   | X |  |  |
| 92. Does the Agency require all managers and supervisors to receive ADR training in accordance with EEOC (29 C.F.R. Part 1614) regulations, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? | X |  |  |
| 93. After the Agency has offered ADR and the complainant has elected to participate in ADR, are the managers required to participate?   | X |  | Note: Participation by managers is required, absent extraordinary circumstances as determined by the Office of Civil Rights' Director or designee. |
| 94. Does the responsible management official directly involved in the dispute have settlement authority?  | X |  |  |
| Compliance Indicator: The Agency has effective systems in place for maintaining and evaluating the impact and effectiveness of its EEO programs.  |   |  |  |
| 95. Does the Agency have a system of management controls in place to ensure the timely, accurate, complete and consistent reporting of EEO complaint data to the EEOC?  | X |  | Please see H-2.  |
| 96. Does the Agency provide reasonable resources for the EEO complaint process to ensure efficient and successful operation in accordance with 29 C.F.R. § 1614.102(a)(1)?  | X |  |  |
| 97. Does the Agency EEO office have management controls in place to monitor and ensure that the data received from Human Resources is accurate, timely received, and contains all the required data elements for submitting annual reports to the EEOC?                                     | X |  |  |

|   |   |   |                 |
|---|---|---|-----------------|
| 98. Do the Agency's EEO programs address all of the laws enforced by the EEOC?  | X |   |                 |
| 99. Does the Agency identify and monitor significant trends in complaint processing to determine whether the Agency is meeting its obligations under Title VII and the Rehabilitation Act?  | X |   |                 |
| 100. Does the agency track recruitment efforts and analyze efforts to identify potential barriers in accordance with MD 715 standards?  |   | X | Please see H-3. |
| 101. Does the agency consult with other agencies of similar size on the effectiveness of their EEO programs to identify best practices and share ideas?   | X |   |                 |
| Compliance Indicator: The Agency ensures that the investigation and adjudication function of its complaint resolution process are separate from its legal defense arm of Agency or other offices with conflicting or competing interests. |   |   |                 |
| 102. Are legal sufficiency reviews of EEO matters handled by a functional unit that is separate and apart from the unit which handles agency representation in EEO complaints?  | X |   |                 |
| 103. Does the Agency discrimination complaint process ensure a neutral adjudication function?   | X |   |                 |
| 104. If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints?   |   | X | Please see H-2. |

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

This element requires that federal agencies are in full compliance with EEO statutes and EEOC regulations, policy guidance, and other written instructions.

| EEOC MD 715 Agency Assessment Questions  | Measure has been met |    | For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the Agency's Status Report |
|--|----------------------|----|--|
|  | Yes                  | No |  |
| Compliance Indicator: Agency personnel are accountable for timely compliance with orders issued by EEOC Administrative Judges.   |                      |    |  |
| 105. Does the Agency have a system of management control to ensure that Agency officials timely comply with any orders or directives issued by EEOC Administrative Judges?   | X                    |    |  |
| Compliance Indicator: The Agency's system of management controls ensures that the Agency timely completes all ordered corrective action and submits its compliance report to EEOC within 30 days of such completion.   |                      |    |  |
| 106. Does the Agency have control over the payroll processing function of the Agency? If Yes, answer the two questions below.  | X                    |    |  |
| 107. Are there steps in place to guarantee responsive, timely, and predictable processing of ordered monetary relief?  | X                    |    |  |
| 108. Are procedures in place to promptly process other forms of ordered relief?  | X                    |    |  |
| Compliance Indicator: Agency personnel are accountable for the timely completion of actions required to comply with orders of EEOC.  |                      |    |  |
| 109. Is compliance with EEOC orders encompassed in the performance standards of any Agency employees?  | X                    |    |  |
| If so, please identify the employees by title in the comments section, and state how performance is measured. Compliance is specifically included in performance standards of the Assistant Director of the Employment Complaints Resolutions Division. The position is currently vacant due to the retirement of the previous Assistant Director. The vacancy has been announced and a selection is expected shortly. |                      |    |  |
| 110. Is the unit charged with the responsibility for compliance with EEOC orders located in the EEO office?  | X                    |    |  |
| If not, please identify the unit in which it is located, the number of employees in the unit, and their grade levels in the comments section. N/A  |                      |    |  |
| 111. Have the involved employees received any formal training in EEO compliance?   | X                    |    |  |



|   |   |  |  |
|---|---|--|--|
| Does the Agency promptly provide to the EEOC the following documentation for completing compliance:   |   |  |  |
| 112. Attorney Fees: Copy of check issued for attorney fees and /or a narrative statement by an appropriate Agency official, or Agency payment order dating the dollar amount of attorney fees paid?   | X |  |  |
| 113. Awards: A narrative statement by an appropriate Agency official stating the dollar amount and the criteria used to calculate the award?  | X |  |  |
| 114. Back Pay and Interest: Computer print-outs or payroll documents outlining gross back pay and interest, copy of any checks issued, and narrative statement by an appropriate Agency official of total monies paid?  | X |  |  |
| 115. Compensatory Damages: The final Agency decision and evidence of payment, if made?  | X |  |  |
| 116. Training: Attendance roster at training session(s) or a narrative statement by an appropriate Agency official confirming that specific persons or groups of persons attended training on a date certain?   | X |  |  |
| 117. Personnel Actions (e.g., Reinstatement, Promotion, Hiring, Reassignment): Copies of SF-50s   | X |  |  |
| 118. Posting of Notice of Violation: Original signed and dated notice reflecting the dates that the notice was posted. A copy of the notice will suffice if the original is not available.  | X |  |  |
| 119. Supplemental Investigation: 1. Copy of letter to complainant acknowledging receipt from EEOC of remanded case. 2. Copy of letter to complainant transmitting the Report of Investigation (not the ROI itself unless specified). 3. Copy of request for a hearing (complainant's request or Agency's transmittal letter). | X |  |  |
| 120. Final Agency Decision (FAD): FAD or copy of the complainant's request for a hearing.   | X |  |  |
| 121. Restoration of Leave: Print-out or statement identifying the amount of leave restored, if applicable. If not, an explanation or statement.   | X |  |  |
| 122. Civil Actions: A complete copy of the civil action complaint demonstrating same issue(s) raised as in compliance matter.   | X |  |  |

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| 123. Settlement Agreements: Signed and dated agreement with specific dollar amounts, if applicable. Also, appropriate documentation of relief is provided. | X |  |  |
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Part H Plan to Correct Deficiencies

**Part H-1: EEO Staff and MD 715**

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|---|---|--|
| STATEMENT OF MODEL PROGRAM ESSENTIAL ELEMENT DEFICIENCY:  | (Part G: Q-73) Does the EEO Office employ personnel with adequate training and experience to conduct the analyses required by MD 715 and these instructions? No.          |  |
| OBJECTIVE:  | To further improve the training and skills of EEO personnel in the Office of Civil Rights and in the Regions to enable them to administer all aspects of the EEO process. |  |
| RESPONSIBLE OFFICIAL:   | Director, Office of Civil Rights  |  |
| DATE OBJECTIVE INITIATED:   | September 1, 2010   |  |
| TARGET DATE FOR COMPLETION OF OBJECTIVE:  | September 30, 2012  |  |
| PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:  | TARGET DATE<br>(Must be specific)   |  |
| The EPA hired outside expert/consultant to review structure, management and staff and to make recommendations concerning EEO Office in order to help EPA establish a model EEO program.   | <b>Complete<br/>March 2011</b>  |  |
| Within thirty days of receiving the consultant's recommendations, the Agency will develop and implement an action plan, which will include identifying managerial challenges; strengthening employees' skills; and creating adequate oversight measures for timely completion of the MD | <b>Complete<br/>April 2011</b>  |  |

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| 715 report and other EEO functions.   |                                 |
| Establish Executive Committee to develop strategy to continue to strengthen Agency's EEO and Civil Rights Program.  | <b>Complete<br/>August 2011</b> |
| Share information with all Office of Civil Rights staff about the availability of resources to help each of them create an Individual Development Plan (IDP), containing individual goals consistent with organizational goals. | March 31, 2013                  |
| Re-evaluate and revise the performance standard for OCR, Affirmative Employee Division staff to clarify the expectations and functions  | March 31, 2013                  |
| Hire new program analyst staff in the Office of Civil Rights, Affirmative Employment Division, subject to budgetary constraints, who will be primarily responsible for MD 715-related statistical analysis.                     | March 31, 2013                  |
| Based on the recommendations of Executive Committee, implement the proposed organizational realignment with the Office of Diversity, Outreach, and Collaboration.   | April 30, 2013                  |
| Monitor progress of staff training and development related to affirmative employment programs and MD 715.   | September 30, 2013              |

**REPORT OF ACCOMPLISHMENTS and MODIFICATIONS TO OBJECTIVE:**

The Office of Civil Rights continues to realign the mission and enhance the skill level of the staff in the Affirmative Employment Division. In Fiscal Year (FY) 2011, this area was identified as having substantial deficiencies by an Agency commissioned report from a management consulting firm. The report described one of the Office of Civil Right's challenges as being related to deficiencies in the qualifications, knowledge, and training of some staff in the Office of Civil Rights. The Civil Rights Executive Committee, led by the Agency's Deputy Administrator, developed an implementation strategy to help address the deficiencies identified.

In FY 2012, EPA began the implementation of that strategy, perhaps most notably by initiating the reorganization of the functions of the Office of Civil Rights Affirmative Employment Division (AED) and the Office of Diversity, Outreach, and Collaboration (ODOC). Special Emphasis heritage month event events and outreach activities will soon be led and managed by ODOC, which will allow AED staff to focus primarily on the development and implementation of Management Directive 715 Programs, which will be the primary focus of the office. EPA believes that this will result in continued improvements in our MD 715 Program. The new focus of AED staff in accordance with MD 715 will be on: 1) barrier analysis through careful analysis of Agency policies, practices, and procedures that substantively affect the workforce or in any way inhibit the full realization of equal employment opportunity; 2) working with senior leaders, managers, OHR, ODOC, and Special Emphasis Program Managers across the Agency in developing plans tailored to address and correct any identified issues or deficiencies; and 3) monitoring the implementation, writing, and timely submission of the MD 715 Report.

EPA has submitted MD 715 Reports on time in accordance with regulatory deadlines every year since 2010, and EPA believes that the Program has continued to improve substantially every year since 2010. In May 2012, the Agency was pleased to welcome representatives from the Equal Employment Opportunity Commission to discuss MD 715. EEOC staff noted "phenomenal progress" on EPA's overall MD 715 efforts.

In 2012, OCR's Affirmative Employment Division staff worked with Regions and AAship concerning developing, implementing, and providing feedback on local MD 715 plans. EPA is pleased that every Region and AAship has their own MD 715 Action Plan with specific goals and accomplishments. Those plans are included as an attachment to this report – collectively, they demonstrate clearly the scope and impact of our MD 715 Program that reaches far beyond the Office of Civil Rights.

The Agency is in the process of recruiting a new AED Director, because the current Director has announced he is planning to retire in 2013. The Agency continues to identify this as an area that should still be closely monitored to ensure sufficient progress and improvement is being made as we work to develop a first-rate MD 715 Program.

## Part H-2: Timeliness and Effectiveness of EEO Complaints Processing Program

|   |   |
|---|---|
| <p>STATEMENT OF MODEL PROGRAM ESSENTIAL ELEMENT DEFICIENCY:</p> | <p>(Part G: Q-82) Does the Agency provide timely EEO counseling within 30 days of the initial request or within an agreed upon extension in writing, up to 60 days?</p> <p>(Part G: Q-86) Does the Agency complete the investigations within the applicable prescribed time frame? No.</p> <p>(Part G: Q-87) When a complainant requests a final Agency decision, does the Agency issue the decision within 60 days of the request? No.</p> <p>(Part G: Q-88) When a complainant requests a hearing, does the Agency immediately upon receipt of the request from the EEOC AJ forward the investigative file to the EEOC Hearing Office? Yes, deficiency corrected.</p> <p>(Part G: Q-95) Does the Agency have a system of management controls in place to ensure the timely, accurate, complete, and consistent reporting of EEO complaint data to the EEOC? Yes, deficiency corrected.</p> <p>(Part G: Q-104) If applicable, are processing timeframes incorporated for the legal counsel's sufficiency review for timely processing of complaints? No.</p> |
| <p>OBJECTIVE:</p>   | <p>To ensure that EEO investigations consistently are completed on time in accordance with EEOC MD 110 and 29 C.F.R. Part 1614.</p> <p>To ensure that final Agency decisions consistently are completed on time in accordance with EEOC MD 110 and 29 C.F.R. Part 1614.</p> <p>To ensure that the Office of Civil Rights consistently establishes and meets timeframes such that there is sufficient time for counsel to conduct legal sufficiency reviews within the regulatory timeframes.</p>  |
| <p>RESPONSIBLE OFFICIAL:</p>                                    | <p>Director, Office of Civil Rights<br/>Assistant Director, Employment Complaints Resolutions Division<br/>Deputy Regional Administrators</p>   |
| <p>DATE OBJECTIVE INITIATED:</p>                                | <p>March 1, 2011</p>  |

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| TARGET DATE FOR COMPLETION OF OBJECTIVE:   | September 30, 2014                 |
| PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:   | TARGET DATE<br>(Must be specific)  |
| The Agency will develop effective performance terms with its contract investigators to ensure timely completion of investigations.   | <b>Complete<br/>April 2011</b>     |
| The Office of Civil Rights will develop and implement a plan consistent with federal procurement policies to terminate contracts for failure to comply with established timeframes.  | <b>Complete<br/>September 2011</b> |
| The Office of Civil Rights will develop and implement a new complaint status report tracking system, which tracks all complaint-related events and will share the reports within the EEO community.  | <b>Complete<br/>September 2011</b> |
| Work with a new contractor (US Postal Service) to handle EEO complaint investigations.   | <b>Complete<br/>October 2011</b>   |
| The Office of Civil Rights will enhance EEO Officer and counselor training on meeting deadlines.   | <b>Complete<br/>February 2012</b>  |
| The Office of Civil Rights will evaluate the effectiveness of the new iComplaints system.  | <b>Complete<br/>September 2012</b> |
| The Office of Civil Rights will conduct analysis of the ADR program including ways to improve utilization.   | June 30, 2013                      |
| The Office of Civil Rights in consultation with the Civil Rights and Finance Law Office will develop Standard Operating Procedures, case tracking processes, guidance on updating Regional offices concerning complaint-specific events, and specific timeframes that will enable EPA to meet complaint-related deadlines. | June 30, 2013                      |

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| The Director of Civil Rights and the Assistant Director, Employment Complaints Resolutions Division will evaluate these new practices and periodically conduct a quality assurance review of complaint process procedures and processes. | September 30, 2013 |
| The Office of Civil Rights will evaluate the new contractor and make modifications if needed.  | November 30, 2013  |
| REPORT OF ACCOMPLISHMENTS and MODIFICATIONS TO OBJECTIVE:  |                    |



(Q-82) The Agency continued to work to improve the timeliness of EEO precomplaint counselings this year. In 2012, 71% of cases were processed on time. The Office of Civil Rights recertified all EEO Counselors during 2012 and put a new focus on building an elite cadre of a smaller number of highly qualified counselors. In addition, at the end of 2012, the Office made the decision, after careful analysis, to establish a centralized EEO counselor assignment process. To assist in its reporting to EEOC and monitoring of complainant processing, OCR also procured a new complaints tracking system during fiscal year 2012, iComplaints. This new system from the Micropact Corporation provides easy complaint tracking and monitoring systems concerning the identification, location, and status of a complaint throughout the lifecycle of the EEO complaint process. OCR Staff received extensive training on iComplaints. The Office of Civil Rights worked with Regional EEO Officers to deploy iComplaints, which allows for better tracking of complaints at a regional level.

(Q-86) At the end of FY 2012, some of the notable accomplishments that we were able to report include a 56% decrease in the amount of time that it took the Agency to process procedural dismissals compared to FY 2011, and a 20% decrease in the amount of time to issue a final Agency decision. During FY 2012, EPA completed the transition of Agency EEO Investigations from multiple contractors with whom the Agency often had challenges with respect to performance and timeliness, to one new contractor, the United States Postal Service. The Interagency Agreement between EPA and the United States Postal Services (USPS), signed September 2011, has enhanced OCR's ability to complete investigations within the established timeframes. The USPS has an excellent track record with respect to the timely processing of investigations. EPA has closed out numerous long-term investigations. OCR has been working with USPS on an ongoing basis to refine the investigations process, and is revising its Statements of Work to be finalized by the end of FY 2013.

(Q-87) During FY 2012, OCR continued to eliminate a backlog of FADS. The aforementioned Interagency Agreement between EPA and USPS, the hiring of one in-house attorney for OCR, enhanced OCR's ability to complete final Agency decisions (FADs) in a timely manner. The ECRS staff also received comprehensive training available on the preparation of Final Agency Decisions and reviews of Reports of Investigation, presented by Ernest C. Hadley.

(Q-88) Due to better tracking made possible by the use of iComplaints and a concerted effort by staff, the Office of Civil Rights forward investigative files to the EEOC Hearing Office in a timely manner as soon as an Administrative Judge requested the hearing files. We are pleased to report that this deficiency has been corrected.

(Q-95) This deficiency has been corrected in a satisfactory manner. Management and staff in the OCR worked diligently to develop and implement controls to ensure timely, accurate, complete, and consistent reporting of EEO complaint data to the EEOC. This was largely made possible through the successful implementation and routine updating of OCR's EEO tracking database, iComplaints. Appropriate staff across the Agency can now find out the status of cases in real time, and it is easier to compile and submit EEOC 462 Reports.

(Q-104) EPA is committed to improving EEO complaint processing, and we believe that we

have continued to make substantial progress towards achieving this goal in FY 2012. In 2012, OCR drafted a comprehensive Standard Operating Procedure which addresses every step in the complaint process as guidance to help ensure uniformity in the way EEO cases are processed within the Agency. The tools and resources described above should help to incorporate sufficient time for legal reviews by increasing the likelihood that cases given to the Office of General Counsel, Civil Rights and Finance Law Office for legal review are thoroughly investigated, and the FADs are well-written as well as provided sufficiently in advance of the expiration of the 60-day time requirement.

| Part H-3: Tracking and Analysis of Recruitment Efforts  |  |
|---|--|
| STATEMENT OF MODEL PROGRAM ESSENTIAL ELEMENT DEFICIENCY:  | (Part G: Q-100) Does the Agency track recruitment efforts and analyze efforts to identify potential barriers in accordance with MD 715 standards?  |
| OBJECTIVE:  | To create a mechanism for proactive information and communications exchanged among the Agency's national recruitment program staff, selecting officials, organizational program management/regional human resources staff, and leadership in the Human Resources Shared Service Centers to shape recruitment efforts in their early stages and help reduce barriers. The desired goal is to focus recruitment efforts to enhance diversity in the applicant pools. |
| RESPONSIBLE OFFICIAL:   | Assistant Administrator, Office of Administration & Resources Management<br>Associate Assistant Administrator, Office of Diversity, Outreach, and Collaboration<br>Director, Office of Human Resources<br>Director, Office of Civil Rights   |
| DATE OBJECTIVE INITIATED:   | November 1, 2011   |
| TARGET DATE FOR COMPLETION OF OBJECTIVE:  | September 30, 2012   |
| PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:  | TARGET DATE<br>(Must be specific)  |
| Draft guidebook on hiring flexibilities and authorities for managers and organizations, covering key approaches to recruitment and selection, particularly through hiring authorities under Schedule A. | <b>Complete<br/>May 2011</b>   |

|  |                                   |
|--|-----------------------------------|
| Develop “road show” presentation package to support managers’ guidebook and in-person presentations by representatives of the recruitment staff on hiring flexibilities and approaches to managers.  | <b>Complete<br/>January 2012</b>  |
| Collaborate with program management officers and regional human resources officers on content and messaging of guidebook and “road show.”  | <b>Complete<br/>January 2012</b>  |
| Finalize guidebook and launch “road show.”   | <b>Complete<br/>February 2012</b> |
| The Director of Human Resources will evaluate these new practices and make any necessary changes or modifications.   | <b>Complete<br/>May 2012</b>      |
| The Office of Civil Rights will conduct a quarterly review of ongoing MD 715 programs to strengthen Agency Accountability. (OCR)   | <b>Complete<br/>July 2012</b>     |
| <b>REPORT OF ACCOMPLISHMENTS AND MODIFICATIONS TO OBJECTIVE:</b>   |                                   |
| <p>The Agency is working steadily to improve its recruitment and outreach capabilities to ensure it has a diverse stream of well-qualified applicants. In May 2012, the Agency issued a hiring flexibilities and authorities guide to strengthen and improve its hiring processes. This quick reference tool provides managers and supervisors with a list of options for hiring individuals for short and long-term assignments. In July 2012, the Agency used the guide to develop presentation materials. Hiring managers and supervisors in multiple program offices attended the briefings and learned about the benefits of using the authorities. Currently, the Agency is updating the guide and the presentation materials to reflect the changes to the 2012 Pathways program regulations.</p> <p>In its FY 2011 Report, the Agency identified an objective to create a tracking system for the Agency’s individual recruitment efforts and then attempt to link that system to the Office of Management and Budget’s Standard Form 3046-0046 “Demographic Information on Applicants.” The Agency has determined that it is not feasible to centrally track recruitment and outreach efforts, which are broad and multi-faceted, to try to link that data to applicants for a specific position. Data also suggested that the Agency’s outreach and recruitment efforts have largely been successful, so the Agency does not see a need for major changes in this area.</p> <p>The Agency has made significant progress in obtaining Applicant Flow data on internal and</p> |                                   |

external vacancies at all position levels. This data has allowed EPA to conduct the barrier analyses reflected in Part I of this report and will allow us to better analyze the effectiveness of our recruitment and outreach efforts. FY 2012 data includes information about the Senior Executive Service level, which is now available.

The Agency continued to address three key challenges that could result in recruitment and outreach barriers: 1) Effective and efficient coordination/leveraging activities and actions taken by multiple stakeholders across the Agency; 2) Building pipelines for future job candidates (i.e., identify, engage and encourage students to acquire skills for current and future mission-critical occupations); and 3) Training to market and use hiring authorities, student programs, veterans' programs, disability support services and other existing resources as tools to bring employees from the under-represented groups on board. The Agency's human resources Shared Service Centers offered several trainings to EPA Regions designed specifically for managers related to special hiring authorizes for veterans and individuals with disabilities.

In addition, the Agency offered a multitude of training and employee development programs, including free online trainings and certifications through Skillport, encouraging employees to utilize Individual Development Plans (there is a specific EPA IDP template and guidance available); and a very active and vibrant Minority Academic Institutions Program, where EPA sponsored more than 40 events and activities including participating in national conferences, speaking to colleges and universities, and developing meaningful Memoranda of Agreement with Historically Black Colleges, Hispanic Serving Institutions, and Tribal Colleges. Our aggressive outreach and recruitment efforts are likely responsible for the impressive number of historically under-represented groups who applied for EPA positions in 2012 compared to the relevant civilian labor force (see Part I-1 below for specific information). For FY 2012, the Office of External Affairs and Environmental Education (OEAE) focused on Spanish for the translations of materials designed for Hispanic audiences. However, translations of press releases and relevant web content have been limited to key priority items. OEAE does not have the language skills in house to translate content into Asian languages. Ongoing conversations with program and Regional offices are needed to leverage limited resources under a contract vehicle. This dialogue was initiated with some program offices in FY 2012. For FY 2013, the translations roadmap and resources have to be identified. Data in Part I-1 for both 2011 and 2012 demonstrate that, in general, the Agency's recruitment efforts are largely successful in that the Agency has been consistently able to attract qualified candidates from diverse backgrounds to apply for EPA positions.

| Part I-1: New Hires   |   |
|---|---|
| <p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?</p> | <p>Data comparisons between the Relevant Civilian Labor Force (RCLF), application, qualification, and selection rates in some major occupations revealed instances of lower than anticipated application, qualification, and/or selection rates.</p>  |
| <p><b>BARRIER ANALYSIS:</b><br/>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>   | <p>In light of this trigger, the Agency reviewed the statistical data associated with new hires (Table A7) for employees in six of the Agency’s largest occupational categories (permanent and temporary). In addition, the Agency reviewed its applicant flow data and analysis from 2011.</p> <p>The six major occupations include 0028 Environmental Protection Specialist, 0301 Miscellaneous Administration and Program Specialist, 0343 Management/Program Analyst, 0401 General Biological Science (Research), 0819 Environmental Engineer (Research), and 1301 Physical/Environmental Scientist (Research). Although General Attorneys in Series 0905 constitute one of the Agency’s major occupations, data could not be gathered for this job series because of the unique characteristics that apply to the selection process associated with excepted service positions. As mentioned in the planned activities noted below, the Agency plans to develop a process to collect data for Attorneys in 2013.</p> <p><b>Application</b></p> <p>In comparing the RCLF to the application rate, it appears that EPA experienced a level of success in its recruitment efforts. For instance, Black Males and Females applied for positions at rates above their representation in the RCLF in every major occupation series. Hispanic Males also apply for positions at rates above their representation in the RCLF in all occupations except 0301</p> |

Miscellaneous Administration and Program Specialist. In most major occupations, there did not appear to be a significant challenge with respect to recruiting individuals to apply for EPA positions. This would suggest that the Agency’s recruitment and outreach efforts are effective. Nonetheless, White Males apply for positions at rates lower than their participation in the RCLF in every Major Occupation.

The following chart reflects the major occupations by race, national origin, and sex where the application rate is lower than the RCLF:

| <b>Race, National Origin and Sex</b> | <b>Occupational Series</b>         |
|--------------------------------------|------------------------------------|
| Hispanic Males                       | 0301                               |
| Hispanic Females                     | 0301                               |
| White Males                          | 0028, 0301, 0343, 0401, 0819, 1301 |
| White Females                        | 0301, 0343, 0401                   |
| Asian Males                          | 0301, 0343, 1301                   |
| Asian Females                        | 0301, 1301                         |
| Native Hawaiian Males                | 0301, 0819                         |
| American Indian Females              | 0401, 0819, 1301                   |

**Qualification**

The qualification rates of Asian and White Females are higher than their application rates in all major occupational series (with the exception of the 1301 series, in which the application and selection rates were identical for Asian Females). In FY 2012, the qualification rates of Black Males is no longer lower than their application rates in the 1301 Physical/Environmental Scientist occupational series, as it was in FY 2011. Likewise, in FY 2012, the qualification rates of Black Females are no longer lower than their application rates in the 0819 Environmental Engineer and 0401 General Biological Science occupational series.

On the other hand, the following chart reflects the major occupations by race, national origin, and sex where the qualification rate is lower than the application rate:

| <b>Race, National Origin and Sex</b> | <b>Occupational Series</b>         |
|--------------------------------------|------------------------------------|
| Hispanic Males                       | 0028, 0301, 0343, 0401, 0819, 1301 |

|                          |                              |
|--------------------------|------------------------------|
| Hispanic Females         | 0819, 1301                   |
| White Males              | 0301, 0343, 0401, 0819       |
| Black Males              | 0028, 0301, 0343, 0401, 0819 |
| Black Females            | 0028, 1301                   |
| Asian Males              | 0301, 0401, 0819, 1301       |
| Native Hawaiian Males    | 0401                         |
| Native Hawaiian Females  | 0028                         |
| American Indian Males    | 0028, 0343, 0401             |
| Two or More Race Males   | 0028, 0343, 0401             |
| Two or More Race Females | 0301                         |

**Selection**

The selection rates of White Females are higher than their qualification rates in all occupational categories except for 0819 Environmental Engineer. In FY 2012, the selection rates of Hispanic and Native Hawaiian Males is no longer lower than the qualification rates in 1301 Physical/Environmental Scientist, as it was in FY 2011. Similarly, in FY 2012, the selection rates of Black Males are no longer lower than their qualification rates in 0301 Miscellaneous Administration and Program Specialist, as it was in FY 2011. However, the following chart reflects the major occupations by race, national origin, and sex where the selection rate is lower than the qualification rate:

| Race, National Origin and Sex | Occupational Series                |
|-------------------------------|------------------------------------|
| Hispanic Males                | 0028, 0301, 0343, 0401, 0819       |
| Hispanic Females              | 0301, 0401, 1301                   |
| White Males                   | 0301, 0343, 1301                   |
| White Females                 | 0819                               |
| Black Males                   | 0028, 0343, 0401, 0819, 1301       |
| Black Females                 | 0028, 0343, 0401, 1301             |
| Asian Males                   | 0028, 0301, 0343, 0401, 0819, 1301 |
| Asian Females                 | 0028, 0301, 0401, 1301             |
| Native Hawaiian Females       | 0301, 0401, 0343                   |
| American Indian Males         | 0028, 0301, 0343, 0819, 1301       |
| American Indian Females       | 0301                               |
| Two or More Race Males        | 0028, 0301, 0343                   |
| Two or More Race Females      | 0301, 0343, 0401, 0819, 0028       |

Additionally, a review of data in chart A8 shows a particular concern with respect to the hiring of Hispanics in new permanent positions. There were a total of 244 new permanent hires in FY



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|--|---|
|  | <p>2012, but out of that number, only 2 Hispanic Males were hired (0.82%) and 4 Hispanic Females (1.64%).</p>   |
| <p><b>STATEMENT OF IDENTIFIED BARRIER:</b><br/>Provide a succinct statement of the Agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p> | <p>At this time, the Agency is working to identify and investigate whether any specific policy, practice, or procedure is causing any of the identified lower than expected participation rates. In FY 2012, the Agency implemented the following planned activities to determine what may have caused the less than anticipated application, qualification, and selection rates: 1) issued a guidebook on Hiring Flexibilities and Authorities which covered key approaches to recruitment and selection, including measures that selecting officials can take to design a fair and judicious process for selections; 2) coordinated outreach and recruitment strategies to maximize ability to recruit from a diverse, broad spectrum of potential applicants; 3) reviewed leadership development programs to determine whether the draw from all segments of the workforce; 4) collected and distributed demographic workforce data throughout Agency on a quarterly basis with a list of ways to promote diversity and inclusion; and 5) conducted a deeper assessment of the data from the Management Hiring Satisfaction Survey to support identification of procedural barriers that may exist in the development of vacancy announcements. The improvement in certain major occupational series in the qualification and selection rates of for Black Males, Black Females, Native Hawaiian Males, Asian Females, and White Females series may be the result of the Agency's FY 2012 planned activities.</p> <p>Nonetheless, the Agency's application, qualification, and selection rates suggest that it should closely examine: 1) its recruitment policies and practices for the 0301 Miscellaneous Administration and Program Specialist, 0343 Management/Program Analyst, 0401 General Biological Science, 0819 Environmental Engineer, and 1031 Physical Scientist/Environmental Scientist occupational series to determine why some individuals are not applying for positions in numbers approaching their availability in the RCLF; 2) its qualification policies and practices for all major occupational series to determine why some individuals appear to be found qualified for these positions at lower rates than their application rates; and 3) its selection policies and practices for all major occupational series to determine why some individuals appear to be selected for positions at rates lower than their qualification rates.</p> |
| <p><b>OBJECTIVE:</b><br/>State the alternative or</p>  | <p>The Agency will continue its analysis of the hiring process, including recruitment, qualification and selection, associated with</p>   |

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| revised Agency policy, procedure or practice to be implemented to correct the undesired condition. | the above-identified lower than expected participation rates for several occupational series.   |
| RESPONSIBLE OFFICIAL:  | Associate Assistant Administrator for Diversity, Outreach, and Collaboration<br>Director of Human Resources<br>Director of Office of Civil Rights<br>Managers and Supervisors throughout Agency |
| DATE OBJECTIVE INITIATED:  | February 15, 2011   |
| TARGET DATE FOR COMPLETION OF OBJECTIVE:   | September 30, 2015  |

| PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:   | TARGET DATE<br>(Must be specific)         |
|--|---|
| <p>The Office of Human Resources (OHR) will draft a guidebook on hiring flexibilities and authorities and the selection process for managers and organizations, covering key approaches to recruitment and selection, including how to develop an effective hiring strategy, measures selecting officials can take to design a fair and judicious process for selections, and the appropriate use of hiring authorities under Schedule A and other workplace flexibilities.</p>  | <p><b>Complete<br/>May 2011</b></p>       |
| <p>OHR will develop a presentation package to support the managers' guidebook and in-person presentations by representatives of the recruitment staff on hiring flexibilities, selection processes, and approaches to managers.</p>  | <p><b>Complete<br/>January 2012</b></p>   |
| <p>OHR will collaborate with program management officers and regional human resources officers on content and messaging of guidebook and presentation materials.</p>   | <p><b>Complete<br/>February 2012</b></p>  |
| <p>The Office of Diversity, Outreach, and Collaboration, working with the Office of Human Resources and the Office of Civil Rights, will complete an EPA Diversity and Inclusion Strategic Plan (DISP Plan) as required by EO 13583.</p> <p>a. Conduct a baseline assessment of the current workforce, which will include but not be limited to, a review of yearly employee trends, hires, promotions, employment by occupational series, employee grade distribution, and retirement projection.</p> <p>b. Coordinate outreach and recruitment strategies to maximize ability to recruit from a diverse, broad spectrum of potential applicants.</p> <p>c. Develop diversity and inclusion measures to track Agency efforts.</p> | <p><b>Complete<br/>June 2012</b></p>      |
| <p>The Associate Assistant Administrator for ODOC in coordination with the Director of OHR, Director of Office of Civil Rights (OCR), and the Office of General Counsel (OGC), will send demographic data to Regions and Assistant Administratorships on a quarterly basis together with a list of ways to promote diversity and inclusion in the region and ensure equal employment opportunity for all.</p>  | <p><b>Complete<br/>September 2012</b></p> |

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| <p>OCR will develop a plan for assessing whether there are attitudinal barriers to selection opportunities by holding a series of at least 5 separate listening sessions throughout EPA with various constituencies invited. This may also include meetings with Special Emphasis Program groups, EEO leaders, Union officials, and other managers and employees.</p>   | <p><b>Complete<br/>September 30, 2012</b></p> |
| <p>The Office of Human Resources, in consultation with training offices and the Special Emphasis Program Managers, will develop a plan to market the creation and benefits of individual development plans to employees and supervisors.</p>  | <p>December 15, 2012</p>                      |
| <p>Support a “One Great Place to Work Initiative” committing the Agency to foster a work environment that nurtures and advances the talents, drive, and interests of all employees. This initiative is built around three principal areas: a supportive work environment, professional development, and benefits and amenities, which may allow employees who may not otherwise consider applying for promotions or positions of greater responsibility to do so, which could include parents, caregivers, and individuals requiring flexibility due to a medical condition of themselves or a loved one.</p>   | <p>January 30, 2013</p>                       |
| <p>The Office of Human Resources will utilize two surveys to establish baseline data going back through FY 2012 that captures: 1) EPA hiring managers’ satisfaction with selected applicants (survey instrument: OPM Chief Human Capital Officer’s 6-Month Management Hiring Satisfaction Survey); and 2) Satisfaction of EPA new hires with their new positions (survey instrument: components of the existing EPA New Hire Survey).</p>   | <p>March 31, 2013</p>                         |
| <p>The Office of Human Resources and Office of Civil Rights will analyze: 1) its recruitment policies and practices for the 0301 Miscellaneous Administration and Program Specialist, 0343 Management/Program Analyst, 0401 General Biological Science, 0819 Environmental Engineer, and 1031 Physical Scientist/Environmental Scientist occupational series to determine why some individuals are not applying for positions in numbers approaching their availability in the RCLF; 2) its qualification policies and practices for all major occupational series to determine why some individuals appear to be found qualified for these positions at lower rates than their application rates; and 3) its</p> | <p>April 30, 2013</p>                         |

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| selection policies and practices for all major occupational series to determine why some individuals appear to be selected for positions at rates lower than their qualification rates.   |                    |
| Create a formal diversity and inclusion council with visible leadership involvement to ensure implementation of the Diversity and Inclusion Strategic Plan.   | April 30, 2013     |
| Create a workgroup consisting of representatives from the Office of Civil Rights, Office of Enforcement and Compliance Assurance, Office of General Counsel, and Office of Human Resources to study changes that will be required to begin the collection, retention, and analysis of applicant flow data for Series 0905 Attorney positions. | June 30, 2013      |
| The Office of Human Resources (OHR) will update the guidebook on hiring flexibilities and authorities and ensure that the updated information is broadly distributed to EPA selecting officials.  | June 30, 2013      |
| The Office of Human Resources will implement its plan to market the creation and benefits of individual development plans to employees and supervisors.   | July 31, 2013      |
| The Office of Diversity, Outreach, and Collaboration in consultation with Senior Management will complete a Diversity Roadmap which will set forth timelines, action items, and specific deliverables based on the Diversity and Inclusion Strategic Plan.  | August 31, 2013    |
| The Office of Human Resources will finalize the supervisory guidebook on selections and hiring authorities and launch in-person presentations throughout EPA Regions and AAships.   | September 30, 2013 |
| OCR, ODOC, and OHR will conduct a deeper assessment of the data from the Management Hiring Satisfaction Survey to support identification of procedural barriers that may exist in the development of vacancy announcements and the conduct of outreach efforts.   | December 15, 2013  |
| The Office of the Director of Human Resources will develop, in  | September 30, 2014 |

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| <p>coordination with the Associate Assistant Administrator for Diversity, Outreach and Collaboration, Director of Office of Civil Right and the Office of General Counsel, a strategic recruitment plan and guidance document, which will be disseminated to all supervisors in the Agency.</p>   |                           |
| <p>The Agency will evaluate the effectiveness of it strategic recruitment plan and guidance document and make necessary modifications or changes.</p>   | <p>September 30, 2015</p> |
| <p>Report of Accomplishments and Modifications to Objective</p>   |                           |
| <p><b><u>Summary of Fiscal Year 2012 Accomplishments for Part I1</u></b></p> <p>In 2011, EPA was able to complete an analysis of applicant flow data for the following major occupations: 0028 Environmental Protection Specialist; 0301 Miscellaneous Administration and Program Specialist; 0343 Management/Program Analyst; 0401 General Biological Science (Research); 0819 Environmental Engineer (Research); and 1301 Physical/Environmental Scientist (Research). Specifically, EPA compared the: 1) application rate associated with the above-reference occupational series to the Relevant Civilian Labor Force; 2) qualification rate associated with the above-referenced occupational series to their overall applicant pool; and 3) selection rate associated with the above-referenced occupational series to their overall qualification pool. In 2011, the Agency had found that there were disparities in several instances in the rates which we identified as a trigger, and EPA then set forth specific measures designed to address any policies, practices, or procedures which may be creating a barrier for employees.</p> <p>In 2012, we are pleased to report that the initiatives that we identified in our 2011 Plan have been completed. For example, the Office of Human Resources (OHR) authored and publicized a guidebook on hiring flexibilities, which included specific information on the need to develop an effective hiring strategy, how to ensure the preservation and adherence to merit systems principles in all stages of the selection process, and a specific section on non-competitive hiring authorities under Schedule A related to hiring individuals with targeted disabilities. OHR will continue to update the book, as appropriate, with new information about the Pathways program or other changes. The development and distribution guidebook was designed to ensure that decisions concerning new hires in the Agency are made in accordance with merit systems principles.</p> <p>Executives from our Office of Civil Rights and Diversity, Outreach, and Collaboration Program met with senior leadership to discuss the state of the program, and EPA leadership through the establishment of a Civil Rights Executive Committee, personally analyzed the functions of the EEO and Civil Rights Program and developed a list of recommendations for improvement. One of the focus areas for that report is on ensuring that managers (who are also the selecting officials) know what their respective EEO and diversity responsibilities are, and that they are held accountable. In 2011, the Agency had revised and strengthened SES standards, and in</p> |                           |

April, 2011, made it mandatory for all of EPA's more than 1,700 supervisors and managers to have language about support for EEO and diversity as a portion of their job performance standards. In 2012, supervisors' and managers' performance standards that included language about supporting EEO and diversity were in place for the first full performance cycle.

The Agency's Special Emphasis Managers (SEPMs) across the Agency met with their respective constituencies throughout the year to discuss training, MD 715 initiatives, and ways to address potential barriers. The Office of Civil Rights sponsored a national 4-day virtual conference, with SEPMs, EEO leaders, and EEO staff from across the Agency that provided training on MD 715 and how to develop effective SEP programs based around MD 715. There were also numerous listening sessions and monthly national SEP telephonic meetings conducted with SEPMs and national OCR staff to discuss MD 715 and ways to address potential barriers. Regions and AAships each developed their own MD 715 plans and had their own accomplishments which are attached to this report.

The Office of Diversity, Outreach and Collaboration (ODOC) submitted the EPA Diversity & Inclusion Strategic Plan (DISP) in a timely manner to the Office of Personal Management, which supports many of the same initiatives that are the focus of our MD 715 Program. The Diversity and Inclusion Strategic Plan contains a series of specific metrics and establishes a formal council at the senior level. The DISP provides a broad view of the Agency's goals to achieve diversity and inclusion in the workforce. ODOC continues to develop and distribute the Dashboard workforce analysis reports to Agency staff via a newly created ODOC intranet webpage which provides EPA's workforce with information on the Agency's diversity and inclusion efforts including the latest Dashboard reports.

| PART I-2: Promotions  |   |
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| <p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?</p> | <p>Data comparisons between the application, qualification, and selection rates for internal competitive promotions in some major occupations revealed instances of lower than anticipated application, qualification, and/or selection rates.</p>  |
| <p><b>BARRIER ANALYSIS:</b></p> <p>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>  | <p>In light of this trigger, the Agency reviewed the statistical data associated with internal competitive promotions (Table A9).</p> <p><b>Application</b></p> <p>The Agency compared the participation rate of groups in major occupations by race, national origin, and sex (Table A6) to the representation of applicants for internal competitive promotions (Table A9). While it is true that not every person in a specific major occupation would be eligible to apply for a promotion, it is still the most appropriate and relevant comparator.</p> <p>There are some successes in many major occupations. Specifically, the percentage of applicants from some groups exceeds their representation in certain major occupations. For example, Hispanic Males represent 2.17% of those employed in the 0028 Environmental Protection Specialist series, but applied for promotions at a rate of 5.97% in that occupation series. In fact, in every major occupation except 1301 General Physical Science, American Indian Males applied for promotions at rates above their overall representation in the respective occupation series. This was also the case for Black Males in the 0301 Miscellaneous Administration and Program Specialist, 0343 Management Analyst, and 0401 Biologist occupation series. On the other hand, White and Black Females applied for promotions at rates below their representation in every major occupation.</p> |



The following chart reflects the major occupations by race, national origin, and sex where the application rate for promotions is lower than the overall respective representation in the career series:

| <b>Race, National Origin and Sex</b> | <b>Occupational Series</b>         |
|--------------------------------------|------------------------------------|
| White Males                          | 0401, 0819, 1301                   |
| White Females                        | 0028, 0301, 0343, 0401, 0819, 1301 |
| Black Males                          | 0028, 0819, 1301                   |
| Black Females                        | 0028, 0301, 0343, 0401, 0819, 1301 |
| Asian Males                          | 0819, 1301                         |
| Asian Females                        | 0301, 0343, 0401, 0819             |
| Native Hawaiian Males                | 0301                               |
| Native Hawaiian Females              | 0028, 0301, 0343, 0819, 1301       |
| American Indian Females              | 0028, 0343, 0401, 1301             |
| Two or More Race Males               | 1301                               |
| Two or More Race Females             | 0819, 1301                         |

**Qualification**

The Agency also looked at qualification rates in comparison to application rates. For White Females, as in 2011, qualification rates are above application rates in every major occupation. On the other hand, Hispanic, American Indian, Black, Asian, and White Males as well as Hispanic, Black, Asian, Native Hawaiian, and American Indian Females were found qualified at rates below their application rate in every major occupation.

The data suggests that there seem to be greater challenges for Hispanic, Black, Asian, American Indian, and Two or More Race Males and Females as well as White Males trying to qualify for selection lists than for other groups. The following chart reflects the major occupations by race, national origin, and sex where the qualification rate is lower than the application rate:

| <b>Race, National Origin and Sex</b> | <b>Occupational Series</b>         |
|--------------------------------------|------------------------------------|
| Hispanic Males                       | 0028, 0301, 0343, 0401, 0819, 1301 |

|  | <table border="1"> <tr><td>Hispanic Females</td><td>0401, 0819, 1301</td></tr> <tr><td>White Males</td><td>0028, 0301, 0343, 0819</td></tr> <tr><td>Black Males</td><td>0028, 0301, 0343, 0401, 0819</td></tr> <tr><td>Black Females</td><td>0028, 0819, 1301</td></tr> <tr><td>Asian Males</td><td>0301,0819, 1301</td></tr> <tr><td>Asian Females</td><td>0401, 1301</td></tr> <tr><td>Native Hawaiian Males</td><td>0401</td></tr> <tr><td>American Indian Males</td><td>0028, 0301, 0343, 0401, 0819, 1301</td></tr> <tr><td>American Indian Females</td><td>0301, 0819</td></tr> <tr><td>Two or More Race Males</td><td>0301, 0343, 0819</td></tr> <tr><td>Two or More Race Females</td><td>0301, 0343</td></tr> </table> <p><b>Selection</b></p> <p>The Agency compared the qualification and selection rates based on race, national origin, and sex. The data showed that the selection rate for Black Males is lower than their qualification rates in three of six occupational series. However, in 2011, the selection rate was lower for Black Males in every major occupation, so the 2012 numbers are an improvement. White Females are selected above the rate at which they are found qualified in 5 of the 6 major occupations. The chart below reflects all occupations by race where the selection rate was lower than the qualification rate:</p> <table border="1"> <thead> <tr> <th>Race, National Origin and Sex</th> <th>Occupational Series</th> </tr> </thead> <tbody> <tr><td>Hispanic Males</td><td>0028, 0343, 0401, 0819</td></tr> <tr><td>Hispanic Females</td><td>0301, 0401, 1301</td></tr> <tr><td>White Males</td><td>0028, 0343, 0401, 1301</td></tr> <tr><td>Black Males</td><td>0343, 0819, 1301</td></tr> <tr><td>Black Females</td><td>0401, 1301</td></tr> <tr><td>Asian Males</td><td>0028, 0401, 0819, 1301</td></tr> <tr><td>Asian Females</td><td>0028, 0343, 1301</td></tr> <tr><td>American Indian Males</td><td>0028</td></tr> <tr><td>Two or More Race Males</td><td>0028, 0343</td></tr> <tr><td>Two or More Race Females</td><td>0028, 0301, 0343, 0401, 0819</td></tr> </tbody> </table> | Hispanic Females | 0401, 0819, 1301 | White Males | 0028, 0301, 0343, 0819 | Black Males | 0028, 0301, 0343, 0401, 0819 | Black Females | 0028, 0819, 1301 | Asian Males | 0301,0819, 1301 | Asian Females | 0401, 1301 | Native Hawaiian Males | 0401 | American Indian Males | 0028, 0301, 0343, 0401, 0819, 1301 | American Indian Females | 0301, 0819 | Two or More Race Males | 0301, 0343, 0819 | Two or More Race Females | 0301, 0343 | Race, National Origin and Sex | Occupational Series | Hispanic Males | 0028, 0343, 0401, 0819 | Hispanic Females | 0301, 0401, 1301 | White Males | 0028, 0343, 0401, 1301 | Black Males | 0343, 0819, 1301 | Black Females | 0401, 1301 | Asian Males | 0028, 0401, 0819, 1301 | Asian Females | 0028, 0343, 1301 | American Indian Males | 0028 | Two or More Race Males | 0028, 0343 | Two or More Race Females | 0028, 0301, 0343, 0401, 0819 |
|--|--|------------------|------------------|-------------|------------------------|-------------|------------------------------|---------------|------------------|-------------|-----------------|---------------|------------|-----------------------|------|-----------------------|------------------------------------|-------------------------|------------|------------------------|------------------|--------------------------|------------|-------------------------------|---------------------|----------------|------------------------|------------------|------------------|-------------|------------------------|-------------|------------------|---------------|------------|-------------|------------------------|---------------|------------------|-----------------------|------|------------------------|------------|--------------------------|------------------------------|
| Hispanic Females   | 0401, 0819, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| White Males  | 0028, 0301, 0343, 0819   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Black Males  | 0028, 0301, 0343, 0401, 0819   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Black Females  | 0028, 0819, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Asian Males  | 0301,0819, 1301  |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Asian Females  | 0401, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Native Hawaiian Males  | 0401   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| American Indian Males  | 0028, 0301, 0343, 0401, 0819, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| American Indian Females  | 0301, 0819   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Two or More Race Males   | 0301, 0343, 0819   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Two or More Race Females   | 0301, 0343   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Race, National Origin and Sex  | Occupational Series  |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Hispanic Males   | 0028, 0343, 0401, 0819   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Hispanic Females   | 0301, 0401, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| White Males  | 0028, 0343, 0401, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Black Males  | 0343, 0819, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Black Females  | 0401, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Asian Males  | 0028, 0401, 0819, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Asian Females  | 0028, 0343, 1301   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| American Indian Males  | 0028   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Two or More Race Males   | 0028, 0343   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| Two or More Race Females   | 0028, 0301, 0343, 0401, 0819   |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |
| <p><b>STATEMENT OF IDENTIFIED BARRIER:</b></p> <p>Provide a succinct statement of the Agency policy,</p> | <p>At this time, the Agency is continuing to work to identify and investigate whether any specific policy, practice, or procedure is a barrier that is causing any of the identified lower than expected participation rates. In FY 2012, the Agency implemented several planned activities identified in the FY 2011 MD 715 Report in an</p>  |                  |                  |             |                        |             |                              |               |                  |             |                 |               |            |                       |      |                       |                                    |                         |            |                        |                  |                          |            |                               |                     |                |                        |                  |                  |             |                        |             |                  |               |            |             |                        |               |                  |                       |      |                        |            |                          |                              |

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| <p>procedure or practice that has been determined to be the barrier of the undesired condition.</p>   | <p>attempt to determine what may have caused statistical anomalies: 1) issued guidebook on Hiring Flexibilities and Authorities which covered key approaches to recruitment and selection, including measures that selecting officials can take to design a fair and judicious process for selections; 2) reviewed leadership development programs to determine whether the draw from all segments of the workforce; 3) collected and distributed demographic workforce data throughout Agency on a quarterly basis with a list of ways to promote diversity and inclusion; and 4) conducted a deeper assessment of the data from the Management Hiring Satisfaction Survey to support identification of procedural barriers that may exist in the development of vacancy announcements. The improvement in the qualification and selection rates of Black Males in certain major occupational series may be the result of the Agency’s FY 2012 planned activities.</p> <p>Nonetheless, the Agency’s application, qualification, and selection rates suggest that it should closely examine: 1) its policies and practices related to internal announcements of promotion opportunities for all major occupational series to determine why some individuals are not applying for positions in numbers approaching their availability in the respective feeder group; 2) its qualification policies and practices for all major occupational series to determine why some individuals appear to be found qualified for these positions at lower rates than their application rates; and 3) its selection policies and practices for all major occupational series to determine why some individuals appear to be selected for positions at rates lower than their qualification rates.</p> |
| <p><b>OBJECTIVE:</b></p> <p>State the alternative or revised Agency policy, procedure or practice to be implemented to correct the undesired condition.</p> | <p>The Agency will continue its analysis of the qualification and selection policies and practices associated with the above-identified lower than expected qualification and selection rates for several occupational series.</p>  |
| <p><b>RESPONSIBLE OFFICIAL:</b></p>   | <p>Associate Assistant Administrator for Diversity, Outreach and Collaboration<br/>                 Director of Human Resources<br/>                 Director of Office of Civil Rights</p>   |

|  |  |
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|  | Managers and Supervisors throughout Agency |
| DATE OBJECTIVE INITIATED:                | February 15, 2011                          |
| TARGET DATE FOR COMPLETION OF OBJECTIVE: | September 30, 2015                         |

| PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:   | TARGET DATE<br>(Must be specific)         |
|--|---|
| <p>The Office of Human Resources (OHR) will draft a guidebook on hiring flexibilities and authorities and the selection process for managers and organizations, covering key approaches to recruitment and selection, including how to develop an effective hiring strategy, measures selecting officials can take to design a fair and judicious process for selections, and the appropriate use of hiring authorities under Schedule A and other workplace flexibilities.</p>  | <p><b>Complete<br/>May 2011</b></p>       |
| <p>OHR will develop a presentation package to support the managers' guidebook and in-person presentations by representatives of the recruitment staff on hiring flexibilities, selection processes, and approaches to managers.</p>  | <p><b>Complete<br/>January 2012</b></p>   |
| <p>OHR will collaborate with program management officers and regional human resources officers on content and messaging of guidebook and presentation materials.</p>   | <p><b>Complete<br/>February 2012</b></p>  |
| <p>The Office of Diversity, Outreach, and Collaboration, working with the Office of Human Resources and the Office of Civil Rights, will complete an EPA Diversity and Inclusion Strategic Plan (DISP Plan) as required by EO 13583.</p> <p>a. Conduct a baseline assessment of the current workforce, which will include but not be limited to, a review of yearly employee trends, hires, promotions, employment by occupational series, employee grade distribution, and retirement projection.</p> <p>b. Coordinate outreach and recruitment strategies to maximize ability to recruit from a diverse, broad spectrum of potential applicants.</p> <p>c. Develop diversity and inclusion measures to track Agency efforts.</p> | <p><b>Complete<br/>June 2012</b></p>      |
| <p>The Associate Assistant Administrator for ODOC in coordination with the Director of OHR, Director of Office of Civil Rights (OCR), and the Office of General Counsel (OGC), will send demographic data to Regions and Assistant Administratorships on a quarterly basis together with a list of ways to promote diversity and inclusion in the region and</p>   | <p><b>Complete<br/>September 2012</b></p> |

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| ensure equal employment opportunity for all.   |  |
| OCR will develop a plan for assessing whether there are attitudinal barriers to selection opportunities by holding a series of at least 5 separate listening sessions throughout EPA with various constituencies invited. This may also include meetings with Special Emphasis Program groups, EEO leaders, Union officials, and other managers and employees.   | <b>Complete<br/>September 30, 2012</b> |
| The Office of Human Resources, in consultation with training offices and the Special Emphasis Program Managers, will develop a plan to market the creation and benefits of individual development plans to employees and supervisors.  | December 15, 2012                      |
| Support a “One Great Place to Work Initiative” committing the Agency to foster a work environment that nurtures and advances the talents, drive, and interests of all employees. This initiative is built around three principal areas: a supportive work environment, professional development, and benefits and amenities, which may allow employees who may not otherwise consider applying for promotions or positions of greater responsibility to do so, which could include parents, caregivers, and individuals requiring flexibility due to a medical condition of themselves or a loved one. | January 30, 2013                       |
| The Office of Human Resources will utilize two surveys to establish baseline data going back through FY 2012 that captures: 1) EPA hiring managers’ satisfaction with selected applicants (survey instrument: OPM Chief Human Capital Officer’s 6-Month Management Hiring Satisfaction Survey); and 2) Satisfaction of EPA new hires with their new positions (survey instrument: components of the existing EPA New Hire Survey).   | March 31, 2013                         |
| Create a formal diversity and inclusion council with visible leadership involvement to ensure implementation of the Diversity and Inclusion Strategic Plan.  | April 30, 2013                         |
| The Office of Human Resources and Office of Civil Rights will analyze: 1) policies and practices related to internal announcements of promotion opportunities for all major occupational series to determine why some individuals are not applying for positions in numbers approaching their  | May 30, 2013                           |

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| availability in the respective feeder group; 2) its qualification policies and practices for all major occupational series to determine why some individuals appear to be found qualified for these positions at lower rates than their application rates; and 3) its selection policies and practices for all major occupational series to determine why some individuals appear to be selected for positions at rates lower than their qualification rates. |                    |
| The Office of Human Resources (OHR) will update the guidebook on hiring flexibilities and authorities and ensure that the updated information is broadly distributed to EPA selecting officials.  | June 30, 2013      |
| The Office of Human Resources will implement its plan to market the creation and benefits of individual development plans to employees and supervisors.   | July 31, 2013      |
| The Office of Diversity, Outreach, and Collaboration in consultation with Senior Management will complete a Diversity Roadmap which will set forth timelines, action items, and specific deliverables based on the Diversity and Inclusion Strategic Plan.  | August 31, 2013    |
| The Office of Human Resources will finalize the supervisory guidebook on selections and hiring authorities and launch in-person presentations throughout EPA Regions and AAships.   | September 30, 2013 |
| OCR, ODOC, and OHR will conduct a deeper assessment of the data from the Management Hiring Satisfaction Survey to support identification of procedural barriers that may exist in the development of vacancy announcements and the conduct of outreach efforts.   | December 15, 2013  |
| The Office of the Director of Human Resources will develop, in coordination with the Associate Assistant Administrator for Diversity, Outreach and Collaboration, Director of Office of Civil Right and the Office of General Counsel, a strategic recruitment plan and guidance document, which will be disseminated to all supervisors in the Agency.   | September 30, 2014 |
| The Agency will evaluate the effectiveness of its strategic recruitment plan and guidance document and make necessary modifications or changes.   | September 30, 2015 |

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| Report of Accomplishments and Modifications to Objective |
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EPA completed an analysis of internal promotions in the major occupations by race, national origin, and sex by comparing the following data: 1) application rates and the makeup of the respective major occupation; 2) the application and qualification rates; and 3) the qualification and selection rates. In 2011, the Agency had found that there were disparities in several instances in the rates which we identified as a trigger, and EPA then set forth specific measures designed to address any policies, practices, or procedures which may be creating a barrier for employees.

In 2012, we are pleased to report that the initiatives that we identified in our 2011 Plan have been completed. For example, the Office of Human Resources authored and publicized a guidebook on hiring flexibilities, which included specific information on the need to develop an effective hiring strategy, how to ensure the preservation and adherence to merit systems principles in all stages of the selection process, and a specific section on non-competitive hiring authorities under Schedule A related to hiring individuals with targeted disabilities. OHR will continue to update the book, as appropriate, with new information about the Pathways program or other changes. The development and distribution guidebook was designed to ensure that promotion decisions in the Agency are made in accordance with merit systems principles.

The Agency completed and submitted its Diversity and Inclusion Strategic Plan (DISP) in a timely manner to the Office of Personal Management, which supports many of the same initiatives that are the focus of our MD 715 Program. The DISP contains a series of specific metrics and establishes a formal council at the senior level.

Executives from our Office of Civil Rights and Diversity, Outreach, and Collaboration Program met with senior leadership to discuss the state of the Program, and EPA leadership through the establishment of a Civil Rights Executive Committee, personally analyzed the functions of the EEO and Civil Rights Program and developed a list of recommendations for improvement. One of the focus areas for that report is on ensuring that managers (who are also the selecting officials) know what their respective EEO and diversity responsibilities are, and that they are held accountable. In 2011, the Agency had revised and strengthened SES standards, and in April, 2011, made it mandatory for all of EPA's more than 1,700 supervisors and managers to have language about support for EEO and Diversity as a portion of their job performance standards. In 2012, those standards were in place for the first full performance cycle. Holding managers accountable for EEO in their performance standards, for example by ensuring that they recruit from a broad and diverse applicant pool and strongly consider using diverse selection panels, helps ensure promotion decisions based on merit.



| PART I-3: Senior Grades   |  |
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| <p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?</p> | <p>Data comparisons between the respective feeder pools (one grade below the grade being analyzed), application, qualification, and selection rates revealed instances of lower than anticipated application, qualification and/or selection rates.</p>  |
| <p><b>BARRIER ANALYSIS:</b></p> <p>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>  | <p>In light of this trigger, the Agency reviewed the statistical data associated with Internal Selections for Senior Level Positions (Table A11) as well as the attached graphical representation of the data for the Agency's major occupations. The Agency analyzed feeder pool information from Chart A4.</p> <p><b>Application</b></p> <p>The Agency looked at the application rate for Senior Grade positions (GS 13, GS 14, and GS 15) by comparing the application rate for each Senior Grade level (GS 13, GS 14, and GS 15) to applications of the respective population at the next lower grade (e.g. the feeder pool for GS 13 Hispanic Females is their overall representation at the GS 12 level). The good news is that Hispanic Males, Black Males, Asian Males, and American Indian Males apply for positions in numbers that exceed their representation in the feeder pool. This would suggest that there are no substantial barriers for minority males with respect to applying for senior-graded positions. In addition, Hispanic Females are applying for positions at the GS-14 and 15 levels in numbers above their representation in the feeder pool.</p> <p>However, the data suggests that, in general, Females tend to apply for positions in numbers less than their representation in the feeder pools. This is the case for White Females, Black Females, Native Hawaiian Females, and American Indian Females in every senior grade level position (GS 13, GS 14, and GS 15). This trend was also evident in our 2011 MD 715</p> |

analysis, and leads the Agency to identify a process and method by which to analyze what may be causing females not to apply for leadership positions as often as their male counterparts.

Employees applied for Senior Grade positions at rates lower than their representation in the relevant feeder pool in the following categories:

| <b>Race, National Origin and Sex</b> | <b>Grades</b>           |
|--------------------------------------|-------------------------|
| Hispanic Females                     | GS 13                   |
| White Males                          | GS 14 and GS 15         |
| White Females                        | GS 13, GS 14, and GS 14 |
| Black Females                        | GS 13, GS 14, and GS 15 |
| Asian Females                        | GS 14 and GS 15         |
| Native Hawaiian Males                | GS 14 and GS 15         |
| Native Hawaiian Females              | GS 13, GS 14, and GS 15 |
| American Indian Males                | GS 14 and GS 15         |
| American Indian Females              | GS 13, GS 14, and GS 15 |

**Qualification**

The news about potential barriers to qualification for Senior Grades is mixed. Similar to the findings in the 2011 MD 715, Females were generally found to be qualified at rates higher than their application rate. White Females, Black Females, and Asian Females were always found qualified at rates above their application rate at the GS 13, GS 14, and GS 15 levels; Hispanic females were found to be qualified at rates above their application rate at the GS 13 and GS 15 level.

For Males, however, there seem to be far greater instances in which qualification rates are less than application rates. The following employee classes were found qualified at levels below their respective application rates for senior-graded positions:

| <b>Race, National Origin and Sex</b> | <b>Grades</b>           |
|--------------------------------------|-------------------------|
| Hispanic Males                       | GS 13, GS 14, and GS 15 |
| Hispanic Females                     | GS 14                   |
| White Males                          | GS 13 and GS 15         |
| Black Males                          | GS 13, GS 14, and GS 15 |
| Asian Males                          | GS 14 and GS 15         |
| Native Hawaiian Males                | GS 13                   |
| American Indian Males                | GS 13 and GS 15         |

|   | <table border="1" data-bbox="597 199 1430 310"> <tr> <td>American Indian Females</td> <td>GS 14</td> </tr> <tr> <td>Two or More Race Males</td> <td>GS 13, GS 14, and GS 15</td> </tr> <tr> <td>Two or More Race Females</td> <td>GS 14</td> </tr> </table> <p data-bbox="597 352 722 384"><b>Selection</b></p> <p data-bbox="597 426 1430 604">The data on selections appears to be mixed. For all Senior Grades, Black Females were selected for positions at a higher rate than their qualification rate. However, Hispanic, Asian, and Two or More Race Females were selected for GS 14 positions at lower rates than they were found qualified, as indicated below:</p> <table border="1" data-bbox="597 642 1430 1094"> <thead> <tr> <th data-bbox="602 648 1016 716">Race, National Origin and Sex</th> <th data-bbox="1024 648 1425 716">Grades</th> </tr> </thead> <tbody> <tr> <td data-bbox="602 722 1016 753">Hispanic Males</td> <td data-bbox="1024 722 1425 753">GS 14</td> </tr> <tr> <td data-bbox="602 760 1016 791">Hispanic Females</td> <td data-bbox="1024 760 1425 791">GS 14</td> </tr> <tr> <td data-bbox="602 798 1016 829">White Males</td> <td data-bbox="1024 798 1425 829">GS 13, GS 14, and GS 15</td> </tr> <tr> <td data-bbox="602 835 1016 867">White Females</td> <td data-bbox="1024 835 1425 867">GS 13</td> </tr> <tr> <td data-bbox="602 873 1016 905">Black Males</td> <td data-bbox="1024 873 1425 905">GS 15</td> </tr> <tr> <td data-bbox="602 911 1016 942">Asian Males</td> <td data-bbox="1024 911 1425 942">GS 13, GS 14, and GS 15</td> </tr> <tr> <td data-bbox="602 949 1016 980">Asian Females</td> <td data-bbox="1024 949 1425 980">GS 13, GS 14, and GS 15</td> </tr> <tr> <td data-bbox="602 987 1016 1018">American Indian Males</td> <td data-bbox="1024 987 1425 1018">GS 14 and GS 15</td> </tr> <tr> <td data-bbox="602 1024 1016 1056">Two or More Race Males</td> <td data-bbox="1024 1024 1425 1056">GS 13 and GS 14</td> </tr> <tr> <td data-bbox="602 1062 1016 1094">Two or More Race Females</td> <td data-bbox="1024 1062 1425 1094">GS 13, GS 14, and GS 15</td> </tr> </tbody> </table> | American Indian Females | GS 14 | Two or More Race Males | GS 13, GS 14, and GS 15 | Two or More Race Females | GS 14 | Race, National Origin and Sex | Grades | Hispanic Males | GS 14 | Hispanic Females | GS 14 | White Males | GS 13, GS 14, and GS 15 | White Females | GS 13 | Black Males | GS 15 | Asian Males | GS 13, GS 14, and GS 15 | Asian Females | GS 13, GS 14, and GS 15 | American Indian Males | GS 14 and GS 15 | Two or More Race Males | GS 13 and GS 14 | Two or More Race Females | GS 13, GS 14, and GS 15 |
|---|---|-------------------------|-------|------------------------|-------------------------|--------------------------|-------|-------------------------------|--------|----------------|-------|------------------|-------|-------------|-------------------------|---------------|-------|-------------|-------|-------------|-------------------------|---------------|-------------------------|-----------------------|-----------------|------------------------|-----------------|--------------------------|-------------------------|
| American Indian Females   | GS 14   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Two or More Race Males  | GS 13, GS 14, and GS 15   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Two or More Race Females  | GS 14   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Race, National Origin and Sex   | Grades  |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Hispanic Males  | GS 14   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Hispanic Females  | GS 14   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| White Males   | GS 13, GS 14, and GS 15   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| White Females   | GS 13   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Black Males   | GS 15   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Asian Males   | GS 13, GS 14, and GS 15   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Asian Females   | GS 13, GS 14, and GS 15   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| American Indian Males   | GS 14 and GS 15   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Two or More Race Males  | GS 13 and GS 14   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| Two or More Race Females  | GS 13, GS 14, and GS 15   |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| <p data-bbox="186 1136 521 1203"><b>STATEMENT OF IDENTIFIED BARRIER:</b></p> <p data-bbox="186 1247 570 1461">Provide a succinct statement of the Agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p> | <p data-bbox="597 1136 1430 1499">At this time, it is not possible to identify a specific policy, practice or procedure which may be causing any of the identified lower than expected participation rates. But, the data suggests that the Agency should more closely examine: 1) its employee training and development programs for senior positions to determine why certain classes are not applying for positions in numbers approaching their availability in the relevant feeder pool; 2) its selection policies and practices for all senior level grades to determine why some Females and Males appear to be selected for positions at rates lower than their qualification rates.</p>  |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |
| <p data-bbox="186 1612 370 1644"><b>OBJECTIVE:</b></p> <p data-bbox="186 1688 537 1860">State the alternative or revised Agency policy, procedure or practice to be implemented to correct the undesired condition.</p>   | <p data-bbox="597 1612 1430 1793">The Agency will continue its analysis of the hiring process, including employee development and training as well as qualification and selection procedures associated with the above-identified lower than expected participation rates for several grades at senior levels.</p>  |                         |       |                        |                         |                          |       |                               |        |                |       |                  |       |             |                         |               |       |             |       |             |                         |               |                         |                       |                 |                        |                 |                          |                         |

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| RESPONSIBLE OFFICIAL:                    | Associate Assistant Administrator for Diversity, Outreach and Collaboration<br>Director of Human Resources<br>Director of Office of Civil Rights<br>Managers and Supervisors throughout Agency |
| DATE OBJECTIVE INITIATED:                | February 15, 2011  |
| TARGET DATE FOR COMPLETION OF OBJECTIVE: | September 30, 2013   |

| PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:   | TARGET DATE<br>(Must be specific)         |
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| <p>The Office of Human Resources (OHR) will draft a guidebook on hiring flexibilities and authorities and the selection process for managers and organizations, covering key approaches to recruitment and selection, including how to develop an effective hiring strategy, measures selecting officials can take to design a fair and judicious process for selections, and the appropriate use of hiring authorities under Schedule A and other workplace flexibilities.</p>  | <p><b>Complete<br/>May 2011</b></p>       |
| <p>OHR will develop a presentation package to support the managers' guidebook and in-person presentations by representatives of the recruitment staff on hiring flexibilities, selection processes, and approaches to managers.</p>  | <p><b>Complete<br/>January 2012</b></p>   |
| <p>OHR will collaborate with program management officers and regional human resources officers on content and messaging of guidebook and presentation materials.</p>   | <p><b>Complete<br/>February 2012</b></p>  |
| <p>The Office of Diversity, Outreach, and Collaboration, working with the Office of Human Resources and the Office of Civil Rights, will complete an EPA Diversity and Inclusion Strategic Plan (DISP Plan) as required by EO 13583.</p> <p>a. Conduct a baseline assessment of the current workforce, which will include but not be limited to, a review of yearly employee trends, hires, promotions, employment by occupational series, employee grade distribution, and retirement projection.</p> <p>b. Coordinate outreach and recruitment strategies to maximize ability to recruit from a diverse, broad spectrum of potential applicants.</p> <p>c. Develop diversity and inclusion measures to track Agency efforts.</p> | <p><b>Complete<br/>June 2012</b></p>      |
| <p>The Associate Assistant Administrator for ODOC in coordination with the Director of OHR, Director of Office of Civil Rights (OCR), and the Office of General Counsel (OGC), will send demographic data to Regions and Assistant Administratorships on a quarterly basis together with a list of ways to promote diversity and inclusion in the region and</p>   | <p><b>Complete<br/>September 2012</b></p> |

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| ensure equal employment opportunity for all.   |  |
| OCR will develop a plan for assessing whether there are attitudinal barriers to selection opportunities by holding a series of at least 5 separate listening sessions throughout EPA with various constituencies invited. This may also include meetings with Special Emphasis Program groups, EEO leaders, Union officials, and other managers and employees.   | <b>Complete<br/>September 30, 2012</b> |
| The Office of Human Resources, in consultation with training offices and the Special Emphasis Program Managers, will develop a plan to market the creation and benefits of individual development plans to employees and supervisors.  | December 15, 2012                      |
| Support a “One Great Place to Work Initiative” committing the Agency to foster a work environment that nurtures and advances the talents, drive, and interests of all employees. This initiative is built around three principal areas: a supportive work environment, professional development, and benefits and amenities, which may allow employees who may not otherwise consider applying for promotions or positions of greater responsibility to do so, which could include parents, caregivers, and individuals requiring flexibility due to a medical condition of themselves or a loved one. | January 30, 2013                       |
| The Office of Human Resources will utilize two surveys to establish baseline data going back through FY 2012 that captures: 1) EPA hiring managers’ satisfaction with selected applicants (survey instrument: OPM Chief Human Capital Officer’s 6-Month Management Hiring Satisfaction Survey); and 2) Satisfaction of EPA new hires with their new positions (survey instrument: components of the existing EPA New Hire Survey).   | March 31, 2013                         |
| Create a formal diversity and inclusion council with visible leadership involvement to ensure implementation of the Diversity and Inclusion Strategic Plan.  | April 30, 2013                         |
| The Office of Human Resources and Office of Civil Rights will analyze: 1) its employee training and development programs for senior positions to determine why certain classes are not applying for positions in numbers approaching their availability in the relevant feeder pool; 2) its selection policies and practices for all senior level grades to determine  | May 30, 2013                           |

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| why some Females and Males appear to be selected for positions at rates lower than their qualification rates.   |                    |
| The Office of Human Resources (OHR) will update the guidebook on hiring flexibilities and authorities and ensure that the updated information is broadly distributed to EPA selecting officials.  | June 30, 2013      |
| The Office of Human Resources will implement its plan to market the creation and benefits of individual development plans to employees and supervisors.   | July 31, 2013      |
| The Office of Diversity, Outreach, and Collaboration in consultation with Senior Management will complete a Diversity Roadmap which will set forth timelines, action items, and specific deliverables based on the Diversity and Inclusion Strategic Plan.  | August 31, 2013    |
| The Office of Human Resources will finalize the supervisory guidebook on selections and hiring authorities and launch in-person presentations throughout EPA Regions and AAships.   | September 30, 2013 |
| The Office of Human Resources will utilize survey instruments to measure satisfaction of hiring managers and new hires after 6 months of service.   | October 31, 2013   |
| OCR, ODOC, and OHR will conduct a deeper assessment of the data from the Management Hiring Satisfaction Survey to support identification of procedural barriers that may exist in the development of vacancy announcements and the conduct of outreach efforts.   | December 15, 2013  |
| The Office of the Director of Human Resources will develop, in coordination with the Associate Assistant Administrator for Diversity, Outreach and Collaboration, Director of Office of Civil Right and the Office of General Counsel, a strategic recruitment plan and guidance document, which will be disseminated to all supervisors in the Agency. | September 30, 2014 |
| The Agency will evaluate the effectiveness of its strategic recruitment plan and guidance document and make necessary modifications or changes.   | September 30, 2015 |

## Report of Accomplishments and Modifications to Objective

In 2011, EPA completed an analysis of applicant flow data for senior graded positions (GS 13, GS 14, and GS 15) by Race, National Origin, and Sex. This included: 1) comparing applicants for senior grades by Race/National Origin and Sex to the makeup of the feeder pool. In this case, the feeder pool was defined as individuals in the next lower grade (so we compared GS 13 applicants to the number of GS 12s by Race, National Origin, and Sex); 2) comparing those found qualified by The Office of Human Resources for positions to the overall applicant pool; and 3) finally, comparing actual selections to the diversity of the pool of those found qualified (i.e. those who made it to the selection lists). We found that there were disparities in several instances in the rates which we identified as a trigger. EPA then set forth specific measures designed to address any policies, practices, or procedures which may be creating a barrier for employees.

In 2012, we are pleased to report that the initiatives that we identified in our 2011 Plan have been completed. For example, the Office of Human Resources authored and publicized a guidebook on hiring flexibilities, which included specific information on the need to develop an effective hiring strategy and how to ensure the preservation and adherence to merit systems principles in all stages of the selection process. OHR will continue to update the book, as appropriate, with new information about the Pathways program or other changes.

The Agency completed and submitted its Diversity and Inclusion Strategic Plan in a timely manner to the Office of Personal Management, which supports many of the same initiatives that are the focus of our MD 715 Program. The DISP contains a series of specific metrics and establishes a formal council at the senior level.

Executives from our Office of Civil Rights and Diversity, Outreach, and Collaboration Program met with senior leadership to discuss the state of the Program, and EPA leadership through the establishment of a Civil Rights Executive Committee, personally analyzed the functions of the EEO and Civil Rights Program and developed a list of recommendations for improvement. One of the focus areas for that report is on ensuring that managers (who are also the selecting officials) know what their respective EEO and diversity responsibilities are, and that they are held accountable. In 2011, the Agency had revised and strengthened SES standards, and in April, 2011, made it mandatory for all of EPA's more than 1,700 supervisors and managers to have language about support for EEO and diversity as a portion of their job performance standards. In 2012, those standards were in place for the first full performance cycle.



| <b>PART I-4: Senior Executive Service</b>   |  |
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| <p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?</p> | <p>EPA has not acquired adequate applicant flow data (to include applicant, qualification, and selection information by sex and race) sufficient to conduct a comprehensive analysis of the Senior Executive Service (SES) workforce.</p>  |
| <p><b>BARRIER ANALYSIS:</b></p> <p>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>  | <p>Prior to FY 2011, EPA did not have the capability of gathering applicant flow data related to applicants for SES vacancies. EPA's Executive Resources Division worked throughout FY 2011 to create a system and successfully launched that system in the 4th quarter of FY 2011. When selections are made, retrospective analyses of applicant flow data related to determinations on best qualified candidates for the vacancies can be conducted and reported. However, unfortunately, this data was unable to be broken down into EEO categories by the Agency in time for this report due to staffing limitations imposed by sequestration.</p> |
| <p><b>STATEMENT OF IDENTIFIED BARRIER:</b></p> <p>Provide a succinct statement of the Agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>         | <p>At this time, it is not possible to identify if there is a specific hiring or promotion process policy, practice, or procedure that may be impacting the representation of any group in the SES ranks. However, the Agency will collect and analyze applicant flow data for the SES in FY 2013.</p>   |
| <p><b>OBJECTIVE:</b></p>  | <p>The Agency will work to continue its efforts to enhance its automated data</p>  |

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| State the alternative or revised Agency policy, procedure or practice to be implemented to correct the undesired condition.  | capture capabilities.  |
| RESPONSIBLE OFFICIAL:  | Director of Human Resources<br>Director of Executive Resources<br>Division<br>Director of Office of Civil Rights |
| DATE OBJECTIVE INITIATED:  | December 1, 2010   |
| TARGET DATE FOR COMPLETION OF OBJECTIVE:   | September 30, 2013   |
| PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:   | TARGET DATE<br>(Must be specific)  |
| OCR and OHR will discuss additional data requirements for the MD 715 related to applicant flow and demographic responses for the SES.  | <b>Complete<br/>January 30, 2012</b>   |
| OHR and the Executive Resources Division (ERD) will examine data collection and analyses as conducted for GS vacancies and determine methodologies to collect parallel data for SES vacancies. | <b>Complete<br/>March 1, 2012</b>  |
| Evaluate data collection   | <b>Complete<br/>August 31, 2012</b>  |
| Analyze and, if necessary, modify procedures for capturing data.   | April 30, 2013   |

### Report of Accomplishments and Modifications to Objective

To date, the EPA has collected more than 18 months of applicant flow data for SES vacancies. ERD has completed its analysis on the applicant flow data and can determine the overall diversity of the applicant pool for SES vacancies and the diversity of applicant pools to the most populous job classifications series.

In FY 2012, over 2,500 applications were received in response to vacancies posted through USAJOBS. The electronic application process has increased the number of applicants by approximately 400%. The attention and commitment of program offices to develop and implement diversity action plans in the recruitment of SES has resulted in an (average) application rate of 44% by those self identifying as a member of a minority group. The Agency will analyze 2012-2013 data in the FY 2013 EPA Report for trends or potential barriers.

### PART I-5: Individuals with Targeted Disabilities

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| <p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?</p> | <p>Data comparisons between FY 2011 and FY 2012 indicate that while the total EPA workforce increased slightly, the total number of individuals with targeted disabilities within EPA workforce fell from FY 2011 to FY 2012.</p>  |
| <p><b>BARRIER ANALYSIS:</b></p> <p>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>  | <p>The Agency completed Part J of this report and noted that the total number of individuals with targeted disabilities in the EPA workforce declined from 234 in FY 2011 to 227 in FY 2012. In other words, the percentage of individuals with targeted disabilities declined by 2.99% from FY 2011 to FY 2012. Additionally, the total number of qualified individuals with a disability declined by 3.34% from FY 2011 to FY 2012. As indicated in Table B1, of the individuals with targeted disabilities, EPA lost 4 permanent employees and 3 temporary employees with targeted disabilities.</p> <p>Information about the participation of individuals with targeted disabilities in career development programs was not available.</p> <p>We worked with the National Disability Program Manager and Regions and AAships through their MD 715 action plans to identify possible attitudinal or institutional barriers that may be causing the number of individuals with targeted disabilities to be declining. These submissions demonstrated that there may be attitudinal barriers, and that all Agency managers may not have adequate knowledge or awareness to use Schedule A hiring authorities under 5 CFR 213.3102(u).</p> <p>Another concern identified in some Action Plans was that individuals can qualify for Schedule A even if they do not have targeted disabilities because of the different definitions. For example, under 5 CFR 213.3102(u), people with any type of severe physical disabilities or psychiatric disabilities, which are not specifically defined in statute, can qualify for non-</p> |

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|   | <p>competitive appointment. The definition of severe physical or psychiatric disability under 5 CFR 213.2102(u) is broader than the definition of “targeted disabilities” as defined by the EEOC. Therefore, individuals could be eligible for Schedule A appointments even if they do not have targeted disabilities. Examples would be late-stage cancer, severe obesity, or severe disfigurement.</p> <p>This is also the case with the EPA’s participation in the Workforce Recruitment Program for College Students with Disabilities, where a majority of student participants including those hired by EPA have disabilities but not targeted disabilities as defined by EEOC.</p> |
| <p><b>STATEMENT OF IDENTIFIED BARRIER:</b></p> <p>Provide a succinct statement of the Agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p> | <p>At this time, it is not possible to identify a specific policy, practice or procedure which may be causing any of the identified lower than expected participation rates. But, the data suggests that the Agency should more closely examine: 1) the uniform use and training on Schedule A and 5 CFR 213.3102(u); 2) the availability of training programs on Schedule A use and requirement for applicants and managers; 3) the gathering of applicant flow data to the extent it is possible.</p>   |
| <p><b>OBJECTIVE:</b></p> <p>State the alternative or revised Agency policy, procedure or practice to be implemented to correct the undesired condition.</p>   | <p>The Agency will continue its analysis of the retention and selection rates of individuals with targeted disabilities to identify possible barriers and work towards collecting applicant flow data on individuals with targeted disabilities.</p>  |
| <p><b>RESPONSIBLE OFFICIAL:</b></p>   | <p>Associate Assistant Administrator for Diversity, Outreach and Collaboration<br/> Director of Human Resources<br/> Director of Office of Civil Rights<br/> Managers and Supervisors throughout Agency</p>   |
| <p><b>DATE OBJECTIVE INITIATED:</b></p>   | <p>February 15, 2011</p>  |
| <p><b>TARGET DATE FOR COMPLETION OF</b></p>   | <p>September 30, 2013</p>   |

| OBJECTIVE:  |                                   |
|---|-----------------------------------|
| PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:  | TARGET DATE<br>(Must be specific) |
| The Office of Human Resources (OHR) will draft a guidebook on hiring flexibilities and authorities and the selection process for managers and organizations, covering key approaches to recruitment and selection, including how to develop an effective hiring strategy, measures selecting officials can take to design a fair and judicious process for selections, and the appropriate use of hiring authorities under Schedule A and other workplace flexibilities.  | <b>Complete<br/>May 2011</b>      |
| OHR will develop a presentation package to support the managers' guidebook and in-person presentations by representatives of the recruitment staff on hiring flexibilities, selection processes, and approaches to managers.  | <b>Complete<br/>January 2012</b>  |
| The Office of Human Resources will finalize the supervisory guidebook on selections and hiring authorities and launch in-person presentations throughout EPA Regions and AAships.   | <b>Complete<br/>January 2012</b>  |
| OHR will collaborate with program management officers and regional human resources officers on content and messaging of guidebook and presentation materials.   | <b>Complete<br/>February 2012</b> |
| <p>The Office of Diversity, Outreach, and Collaboration, working with the Office of Human Resources and the Office of Civil Rights, will complete an EPA Diversity and Inclusion Strategic Plan (DISP) as required by EO 13583.</p> <p>a. Conduct a baseline assessment of the current workforce, which will include but not be limited to, a review of yearly employee trends, hires, promotions, employment by occupational series, employee grade distribution, and retirement projection.</p> <p>b. Coordinate outreach and recruitment strategies to maximize ability to recruit from a diverse, broad spectrum of potential applicants.</p> <p>c. Develop diversity and inclusion measures to track Agency efforts.</p> | <b>Complete<br/>June 2012</b>     |

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| <p>OCR will ensure that there is an updated training toolkit available for Agency Local Reasonable Accommodation Coordinators throughout EPA Regions and AAships concerning requesting accommodations for applicants and employees with disabilities.</p>   | <p><b>Complete<br/>March 2012</b></p>     |
| <p>The Office of Human Resources will finalize the supervisory guidebook on selections and hiring authorities and launch in-person presentations throughout EPA Regions and AAships.</p>  | <p><b>Complete<br/>April 2012</b></p>     |
| <p>OCR will develop a plan for assessing whether there are attitudinal barriers to selection opportunities by holding a series of at least 5 separate listening sessions throughout EPA with disability constituency groups. This may also include meetings with Disability Special Emphasis Program groups, EEO leaders, Local Accommodation Coordinators, Union officials, and other managers and employees.</p>  | <p><b>Complete<br/>September 2012</b></p> |
| <p>OHR will carefully track the Agency's use of Schedule A appointing authorities for hiring individuals with targeted disabilities.</p>  | <p><b>Complete<br/>September 2012</b></p> |
| <p>OHR will carefully track the Agency's use of Schedule A appointing authorities for hiring individuals with targeted disabilities.</p>  | <p>October 1, 2012</p>                    |
| <p>Support a "One Great Place to Work Initiative" committing the Agency to foster a work environment that nurtures and advances the talents, drive, and interests of all employees. This initiative is built around three principal areas: a supportive work environment, professional development, and benefits and amenities, which may allow employees who may not otherwise consider applying for promotions or positions of greater responsibility to do so, which could include parents, caregivers, and individuals requiring flexibility due to a medical condition of themselves or a loved one.</p> | <p>January 30, 2013</p>                   |
| <p>The Agency will announce a numerical goal for each Region and AAship and for the Agency overall for the hiring of individuals with targeted disabilities consistent with Executive Order 13548.</p>  | <p>March 31, 2013</p>                     |
| <p>OCR will provide training to management and Agency Local Reasonable</p>  | <p>April 10, 2013</p>                     |

|   |                |
|---|----------------|
| Accommodation Coordinators throughout the Agency on using the toolkit as well as on facilitating requests for reasonable accommodation for applicants and employees with disabilities.  |                |
| The Office of Human Resources and Office of Civil Rights will analyze:<br>1) the uniform use and training on Schedule A and 5 CFR 213.3102(u);<br>2) the availability of training programs on Schedule A use and requirement for applicants and managers; 3) the gathering of applicant flow data to the extent it is possible.   | April 30, 2013 |
| OCR will continue to conduct assessments on whether there are attitudinal barriers to selection and promotion opportunities by holding a series of at least 5 separate listening sessions throughout EPA with disability constituency groups. This may also include meetings with Disability Special Emphasis Program groups, EEO leaders, Local Accommodation Coordinators, Union officials, and other managers and employees. | May 30, 2013   |
| The Office of Human Resources will implement its plan to market the creation and benefits of individual development plans to employees and supervisors.   | July 31, 2013  |

## Report of Accomplishments and Modifications to Objective

### **Summary of Fiscal Year 2012 Accomplishments**

In FY 2012, the EEO and Diversity Advisory Committee worked with the National Disability Program Manager, Regions and AAsips through their MD 715 action plans to identify possible attitudinal or institutional barriers that may be causing the number of individuals with targeted disabilities to be declining. Specifically, several EPA Regions and AAsips conducted disability listening sessions including the Office of General Counsel, Office of the Inspector General, Office of the Chief Financial Officer, and Regions 4, 7, and 9. In addition, EPA Disability Program Managers, who serve in a collateral capacity, held sessions together with employees, managers, and HR and EEO staff across the Agency to discuss attitudes and potential barriers to equal employment opportunity. At such sessions, it became evident that there may be barriers, both educational/training and attitudinal. For example, with respect to potential educational barriers, many Agency managers may not have adequate knowledge of the Schedule A hiring authorities under 5 CFR 213.3102(u) and how specifically to use the authority, there may be a lack of knowledge about the Workforce Recruitment Program's online database, and there is a need for more information about the benefits of hiring persons with disabilities. Attitudinal



barriers which some managers and employees brought forward included: a previous bad experiences with an employee with a disability which led to stereotyped thinking about the ability of all individuals with disabilities to perform their job, general perceptions based on a person's appearance regarding the ability to successfully perform work duties, a fear of the unknown, and being unfamiliar or uncomfortable with special hiring initiatives for individuals with disabilities in general. It is apparent that more training is needed to familiarize hiring managers and HR specialists with the various hiring tools to ensure the hiring of qualified persons with disabilities into the Federal government as well as sensitivity training to address potential attitudinal barriers. To the extent possible, this training will be incorporated in already existing mandatory or other standard training that is widely distributed and available.

As identified in Section I-1, the Agency successfully completed a guidebook and training concerning special hiring authorities for individuals with targeted disabilities under Schedule A. In addition, an Agency-wide memo was sent out to all employees concerning EPA's efforts in this important area which established a 2% hiring goal for individuals with targeted disabilities. This year, due to budgetary constraints, there were limited opportunities to hire new employees which affected the Agency's ability to achieve this goal.

The Office of Diversity, Outreach, and Collaboration completed its Diversity and Inclusion Strategic Plan. Part of the plan calls for providing workforce demographic data to Regions and AAships on a quarterly basis. ODOC successfully met this objective sending out quarterly reports. The reports contain a wealth of information that the Agency provides in an open and transparent manner. An important part of the demographic profile contains information about how Regions, AAship, and Offices look in terms of the number of individuals with disabilities and targeted disabilities.

In September 2012, the National Disability Program Manager, Reasonable Accommodations Coordinator, and the 508 Executive Council provided input and information to Administrator Lisa Jackson which allowed her to record an Agency-wide video on the EPA 508 Assistive Technology program at the EPA in honor of National Disability Employment Awareness Month Program.

The Disability Program Manager developed a training toolkit in January 2012 consisting of the definition of Disability and Targeted Disabilities; ABCs of Schedule A for hiring managers, HR professionals and disability program managers; the Workforce Recruitment Program for Students with Disabilities (WRP); the Computer /Electronic Accommodation Program (CAP) which provides assistive technological accommodations in the workplace for people with disabilities; disability law with Federal focus; Rehabilitation Act of 1973; and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). This toolkit was used at various trainings and events in April, May, and June, and more than 80 managers received training at HQ.

The EPA EEO Manager for the Disability Program attended the WRP database update and training session at the U.S. Department of Labor which revealed the latest features of the website that provided managers with greater ease and access to the student's qualifications and skill set. The Disability Program conducted training on Schedule A and the WRP program. In addition, more than 80 Senior Managers from the Office of Water received disability training conducted

by the National Disability Program Manager. EPA SEPMs were trained via monthly conference calls on how to give briefs and brown bag luncheons on WRP and Schedule A to managers in the regions and at headquarters. The goals were to provide managers and supervisors with the knowledge and information on how to location and hire highly qualified college students with disabilities in all academic fields and disciplines, as well as provide students with disabilities employment opportunities. The ultimate goal is to strengthen diversity at the EPA.

EPA has an established 508 Executive Council which is responsible for guiding the Agency's Section 508 Program. The Executive Council includes senior leaders from the EPA program and regional offices, and it is co-chaired by the Director of the Office of Information Analysis and Access (OIAA) and the Director of the Office of Civil Rights (OCR). The Council briefed senior leaders including Assistant Regional Administrators throughout the Agency and published a "Think 508 First" brochure available to all leaders stressing the importance of incorporating 508 considerations into Agency initiatives. It is publically available at:  
<http://www.epa.gov/inter508/docs/section-508-brochure.pdf>

Finally, in September 2012, Administrator Lisa Jackson recorded an Agency-wide video on the EPA 508 Assistive Technology program at EPA in honor of National Disability Employment Awareness Month Program.

**Part J: Special Program Plan for the Recruitment, Hiring,  
and Advancement of Individuals With Targeted Disabilities**

|  |  |                                       |         |                                |         |                       |                    |                      |        |  |
|--|--|---------------------------------------|---------|--------------------------------|---------|-----------------------|--------------------|----------------------|--------|--|
| <b>PART I<br/>Department or<br/>Agency<br/>Information</b>   | 1. Agency  | 1. US Environmental Protection Agency |         |                                |         |                       |                    |                      |        |  |
|  | 1a. 2 <sup>nd</sup><br>Level<br>Component  | 1a. N/A                               |         |                                |         |                       |                    |                      |        |  |
|  | 1b. 3 <sup>rd</sup><br>Level or<br>Lower   | 1b. N/A                               |         |                                |         |                       |                    |                      |        |  |
| <b>PART II<br/>Employment<br/>Trend and<br/>Special<br/>Recruitment for<br/>Individuals With<br/>Targeted<br/>Disabilities</b> | Enter<br>Actual<br>Number at<br>the:   | Start 10-01-2011                      |         | End 9-30-2012                  |         | Net Change            |                    |                      |        |  |
|  |  | Number                                | %       | Number                         | %       | Number                | Rate of<br>Change  |                      |        |  |
|  | Total<br>Work<br>Force   | 18,797                                | 100.00% | 18,055                         | 100.00% | -742                  | -3.95%             |                      |        |  |
|  | Reportable<br>Disability   | 1,198                                 | 6.37%   | 1,158                          | 6.41%   | -40                   | -3.34%             |                      |        |  |
|  | Targeted<br>Disability*  | 234                                   | 1.24%   | 227                            | 1.26%   | -7                    | -2.99%             |                      |        |  |
|  | * If the rate of change for persons with targeted disabilities is not equal to or greater than the rate of change for the total workforce, a barrier analysis should be conducted (see below). Please see Part I5. |                                       |         |                                |         |                       |                    |                      |        |  |
|  | 1. Total Number of Applications Received From Persons With Targeted Disabilities during the reporting period.  |                                       |         |                                |         |                       | Data not available |                      |        |  |
| 2. Total Number of Selections of Individuals with Targeted Disabilities during the reporting period.                           |  |                                       |         |                                |         | Data not available    |                    |                      |        |  |
| <b>PART III Participation Rates In Agency Employment Programs</b>  |  |                                       |         |                                |         |                       |                    |                      |        |  |
| <b>Other<br/>Employment/<br/>Personnel<br/>Programs</b>  | <b>TOTAL</b>   | <b>Reportable<br/>Disability</b>      |         | <b>Targeted<br/>Disability</b> |         | <b>Not Identified</b> |                    | <b>No Disability</b> |        |  |
|  |  | #                                     | %       | #                              | %       | #                     | %                  | #                    | %      |  |
| 3. Competitive Promotions  | N/A  | N/A                                   | N/A     | N/A                            | N/A     | N/A                   | N/A                | N/A                  | N/A    |  |
| 4. Non-Competitive Promotions  | 1,186  | 101                                   | 8.52%   | 24                             | 2.02%   | 34                    | 2.87%              | 1,051                | 88.62% |  |
|  |  |                                       |         |                                |         |                       |                    |                      |        |  |

**Part J: Special Program Plan for the Recruitment, Hiring,  
and Advancement of Individuals With Targeted Disabilities**

**5. Employee Career Development Programs - No Data Available**

|                     |     |     |     |     |     |     |     |     |     |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 5.a. Grades 5 – 12  | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| 5.b. Grades 13 – 14 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| 5.c. Grade 15/SES   | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

**6. Employee Recognition and Awards**

|  |                   |                |              |                |              |                |              |                   |               |
|--|-------------------|----------------|--------------|----------------|--------------|----------------|--------------|-------------------|---------------|
| 6.a. Time-Off Awards (Total hrs awarded) | <b>142,514</b>    | <b>9,107</b>   | <b>6.39%</b> | <b>1,369</b>   | <b>0.96%</b> | <b>2,627</b>   | <b>1.84%</b> | <b>130,780</b>    | <b>91.77%</b> |
| 6.b. Cash Awards (total \$\$\$ awarded)  | <b>17,776,657</b> | <b>943,897</b> | <b>5.31%</b> | <b>156,756</b> | <b>0.88%</b> | <b>228,313</b> | <b>1.28%</b> | <b>16,604,447</b> | <b>93.41%</b> |
| 6.c. Quality-Step Increase               | <b>342</b>        | <b>29</b>      | <b>8.48%</b> | <b>2</b>       | <b>0.58%</b> | <b>6</b>       | <b>1.75%</b> | <b>307</b>        | <b>89.77%</b> |

**Part IV**

Identification and Elimination of Barriers

Please see Form I-5.

**Part V**

Goals for Targeted Disabilities

**Hiring Goals** - EPA has established a goal to reach 2.0% representation in the total workforce for persons with targeted disabilities by the end of FY 2015. In order for EPA to reach the 2.0% goal, there will need to be approximately 362 individuals with targeted disabilities in the total workforce of 18,055. However, there were 227 individuals with targeted disability at the end of FY 2012. Therefore, efforts will be taken, to the extent the Agency is able to hire new employees, as outlined in Part I-5 to substantially increase the number of employees with targeted disabilities.

**PART K: Best Practices Summary**

EPA considers the following to be noteworthy best practices of our Agency:

- The inclusion of EEO and Diversity language in all management performance standards.
- The creation of an EEO and Diversity Advisory Council (EDAC) that brings together representatives of our Human Resources, Equal Employment Opportunity, Executive Resources, General Counsel, and Diversity, Outreach, and Collaboration Offices to strategize on initiatives and track accomplishment of MD 715 objectives.
- The development and availability of Agency guidance on the use of interview panels for senior-level positions.
- EPA Regions and AAships develop their own MD 715 action plans for the year based on the Agency's MD 715 Report.
- The existence of a senior-level National Reasonable Accommodation Coordinator position as well as establishment of Local Reasonable Accommodation Coordinators throughout EPA Regions who assist managers in providing reasonable accommodation, conducting training, and serving as a centralized source of subject matter expertise.
- EPA's model Lesbian, Gay, Bisexual and Transgender Diversity Program. In 2012, the Agency elevated both its LGBT and Older Workers programs to the status of Special Emphasis Programs. For many years, EPA was one of the few if not only federal agencies or departments with LGBT and Older Worker focus within its Civil Rights Division. Since 2003 these programs have provided valuable information to management with respect to issues on sexual orientation and ageism.
- Implemented a new centralized EEO Counseling assignment process beginning in 2012 that is expected to lead to a significant increase in timeliness and the utilization and success rates for alternative dispute resolution.
- Utilized applicant flow data to foster EEO by analyzing agency-wide employment decisions.
- In 2012, the EPA provided its first national virtual training conference for EEO employees. The 2012 Civil Rights National Conference offered collaborative training to Agency employees across the nation via online access allowing for a cost-effective and accessible training format. The Agency anticipates offering online training and outreach either annually or bi-annually.

- Close partnership and collaboration throughout the Agency on EEO in an effort to create a model Civil Rights Program.
- The availability of special training toolkits on ensuring effective selections, a toolkit on hiring individuals with disabilities, and an online Disability Training module.

|  |   |
|--|---|
| <b>EEOC<br/>FORM<br/>715-01<br/>PART F</b>       | <i>U.S. Equal Employment Opportunity Commission</i><br><b>FEDERAL AGENCY ANNUAL<br/>EEO PROGRAM STATUS REPORT</b> |
| <b>U. S. Environmental Protection<br/>Agency</b> | <b>For period covering October 1, 2011 to September 30,<br/>2012.</b>   |

CERTIFICATION of ESTABLISHMENT of CONTINUING  
EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

I, Vicki Simons, Acting Director of Civil Rights, am the Principal EEO Director/Official for the US Environmental Protection Agency.

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

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

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




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



Date



Signature of Agency Head or Agency Head Designee



Date