Federal Barrier Analysis: Identifying and Eliminating Roadblocks to Equal Employment Opportunity
What Do I Know About the Management Directive (MD)-715 Report
Training Objectives

- Understand the requirements for submission of MD-715 Report
- Establish and maintain a Model EEO Program
- Discuss the importance of the Self-Assessment Checklist (Part G & H)
- Identify triggers
- Understand the basic process of conducting barrier analysis – identify barriers
- Recommend solutions – eliminating barriers
- Group Workshop
MD-715 and Reasons for Revision

Management Directive (MD) – 715 provides policy guidance and standards for establishing and maintaining effective affirmative employment programs of equal opportunity under section 717 of Title VII and Section 501 of the Rehabilitation Act.

- Factors contributed to the revised MD-715 instructions:
  - Incorporate new affirmative action requirements from 29 CFR 1614.203, in support of Section 501 of the Rehabilitation Act;
  - Use Part G to capture significant requirements from the regulations, MD-715, MD-110, and other EEOC guidance;
  - Restructure Part I and the tables to aid barrier analysis efforts; and
  - Expand tables to include missing applicant flow data and address the collection of Alternative Pay Plans.
Statutory Obligations
29 CFR 1614.203

The new Section 501 regulations (29 C.F.R. 1614.203(e)) require agencies to submit an annual report to EEOC and post that document on their external website:

- Affirmative Action Plan;
- Summary of Last Two Workforce Analyses (percentages);
- Number of Schedule A Employees and Hires; and
- Changes Since Last Submission
Summary of Changes

- Overview of the changes in the Part forms and the Workforce Data Tables.

- **Agencies by size**
  - 1,000 or more in pwf
  - 200 – 499 in pwf
  - 1 - 199 in pwf

- **Reporting requirements**
  - Parts A-J and tables 1-9
  - Parts A-J and tables 1-5
  - Parts A-G and tables 1-5

pwf – permanent workforce
Part G - Self-Assessment Checklist

- Part G – Identify program deficiencies.
- A “No” response is a program deficiency which requires a plan (Part E for agencies under 200 and Part H for agencies with 200 or more).
- Part G is required by all agencies.
- New questions are related to reporting requirement for the disability programs and other activities required by EEOC regulations, management directives, and other guidance.
- Emphasizes the necessary involvement of other agency offices to achieve a ‘Model EEO Program’ (HC, OIT, finance, legal counsel, program offices, etc.)
A program deficiency is a problem that inhibits an agency's efforts to develop a model EEO program, but does not impact directly upon individuals.

Program deficiencies are the aspects of the Agency’s EEO Program where more work is needed to bring the program into compliance with the model.

Agencies should use the Self-Assessment Checklist (Part G) to identify deficiencies.
Examples of Program Deficiencies

- New supervisors not provided a copy of EEO policies.
- Equal employment opportunity staff not included in the Agency's strategic planning.
- Lack of timeliness in the complaints process.
- EEO Policy Statement not distributed to employees annually.
- Agency does not have an Anti-Harassment program or policy.
- Managers and supervisors are not required to participate in ADR.
- Agency does not have Reasonable Accommodation procedures that include Personal Assistance Services procedures.
Report Program Deficiencies

- Program deficiencies are identified by answering ‘No’ in Part G and addressed through action plans in Part H, not part I.

- Part H should report when a deficiency has been eliminated.

- Once eliminated, program deficiencies no longer need to be reported from year to year, unless the deficiency reoccurs.
Barrier Analysis: Identifying and Eliminating -- Considerations and Approaches
Identifying Triggers

- A trigger is a "red flag."
- Triggers are conditions, disparities, or anomalies warranting further inquiry.
- A trigger may be any piece of information (a statistical anomaly, a trend, etc.) that alerts an EEO Practitioner that additional inquiry in the area where the trigger occurred is necessary.
- Agencies should investigate triggers to determine whether actual barriers are at work.
Sources and Examples of Triggers

Sources
- Workforce data and applicant flow data (MD-715 data).
- A trend in EEO complaints from a particular group (Form 462s logs, etc.).
- EEO and Human Capital offices.
- Surveys, focus groups, & exit interviews.
- Studies by outside organizations (GAO, EEOC, OPM).

Examples
- The participation rate of Hispanic males in the total workforce is 1.18%, as compared to the 5.17% availability of Hispanic males in CLF.
- The participation rate of individuals with targeted disabilities (0.41%) is lower than the federal goal (2%).
- High separation rate of women in the workforce.
- Lack of promotions of Asians to senior level positions.
- Increase in EEO complaints involving gender-based harassment.
Barrier Defined

Any employment policy, procedure, practice, condition, or facet thereof, that limits employment opportunities for members of a particular Race/Ethnicity/Gender or because of a Disability.
Some Policies, Procedures and Practices that Should be Examined for Barriers

Employment Cycle:
- Recruitment
- Hiring
- Retention
- Promotions and other internal and external selections
- Career advancement opportunities
- Awards
- Disciplinary actions
- Separations
Barrier Analysis Process

- Identify triggers using such information sources as:
  - Workforce data tables/applicant flow data
  - Part IV of Form 462 – Bases/Issues Matrix
  - Other sources
- Determine the root cause of each trigger
- If the root cause is a barrier, devise action plan
- Assess results through follow-up
Barrier Analysis Basics

- Goal: to identify the trends and causes behind barriers to equal employment opportunity for different groups.
- Focus is on examining the full employment pipeline, including:
  - Recruitment
  - Hiring
  - Training
  - Advancement
  - Retention
- Workforce data is key, but mainly as a starting point.
Sources of Information to Identify Potential Barriers

- Analyze workforce statistics/demographics
- Review trends in the EEO complaints process
- Talk to unions and Employee Resource groups
- Conduct surveys and focus groups
- Review your agency’s federal viewpoint survey
Resources and Stakeholders

Data
- Onboard
- Applicant
- Exit Survey
- Career Development Hiring, Promotion and Separation
- Employee engagement
- EEO-related
- Reasonable Accommodation

Stakeholders
- Employee Resource Groups
- EEO staff
- Training officers
- Recruitment/talent officers
- Human Capital staff
- Workforce data team
- Hiring officials
- Special Placement Coordinators
Barrier Root Cause Analysis - Recruitment

- Identify your Mission Critical Occupations

  Applicant data
  - Is it collected? What demographic data is included? Who reviews the data?
  - If not, what alternative data sources are accessible? (exit interviews, climate assessments, focus groups, recruitment/talent officers)

- You can also compare workforce participating and FEVS from agencies with comparable workforce.

FEVS – Federal Employee Viewpoint Survey
Recruitment – Root Cause Analysis

- How are employment opportunities announced?
  - USAJobs? Agency website? Other platforms (LinkedIn, Indeed, social media, etc.)

- Recruitment Strategies
  - Do you have recruiters and/or a strategic recruitment plan?
  - How is outreach conducted and with whom?
  - Are recruiters trained on unconscious bias awareness and/or inclusive recruitment?
  - Are there constraints to recruiting (geography, specialized occupations)?
  - Do SEPMS and/or EEO officials have input on recruitment?
Hiring – Root Cause Analysis

- Always compare group participation rates to civilian rates, especially by occupational field.

- **Hiring goals:**
  - Do they align needs with EEO/diversity aims (ex. human capital strategic plans)?
  - Are hiring officials evaluated based on EEO/D&I metrics?

- **Examine the Selection process**
  - Are there controls for unconscious bias (ex. blind spots selection process)?
  - Are there specific criteria that produce unintended barriers (ex. skill tests, credit and/or background checks)?
  - How often is the process reviewed? Are SEPMS and/or EEO staff involved?
Advancement – Root Cause Analysis

- Career Development/Training Opportunities
  - What’s offered? How are they advertised to employees?
  - Are they competitive?
  - Is selection or participation data collected?
  - Do they focus on technical skills only, or also include leadership training?
- Are supervisors evaluated on ensuring training/career development for their employees?
- Are there constraints to providing sufficient career development?
- Review employee climate assessments to determine satisfaction with career growth.
Retention – Root Cause Analysis

- **Exit Survey or Interview Process**
  - How are these conducted?
  - Is demographic data collected?

- **Criteria to examine**
  - Satisfaction with leadership and/or supervisor(s).
  - Career growth opportunities (experience, leadership, promotional).
  - Workplace climate - do employees feel included and/or safe?
  - Compensation and benefits.
Process to Address Barriers

- Identify triggers where barriers may exist using a variety of sources.
- Investigate to pinpoint actual barriers and causes.
- Devise a plan to eliminate barriers.
- Assess the success of plan’s implementation.
- Determine if plan needs to be adjusted because additional barriers remain or arise.
Plan to Eliminate Barriers

- Design an action plan to correct the identified causes of barriers.
- Even if barrier is job-related, explore alternatives that serve the same purpose and that have less impact on a particular group of employees.
- Progress should be measurable and agency officials held accountable.
- Periodic reassessments should be done to adjust plan, if necessary.
- Report your plan and progress to the EEOC annually.
Group Workshop
QUESTIONS