



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
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Via U.S. Mail and
Email (Janice.samuel@dla.mil)

Janice Samuel, Director
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Defense Logistics Agency
8725 John J. Kingman Road
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Dear Ms. Samuel:

The U.S. Equal Employment Opportunity Commission (EEOC), Office of Federal Operations (OFO) has reviewed the Defense Logistics Agency's (DLA) Affirmative Action Plan (hereinafter referred to as "AAP"), which was submitted on May 14, 2018.

EEOC regulation, 29 C.F.R. § 1614.203(c) provides that the federal government shall be a "model employer" of individuals with disabilities. In addition, the regulation sets forth the requirements for EEOC to approve an agency's affirmative action plan. Specifically, the regulation states that "[a]gencies shall. . .take affirmative action to promote the recruitment, hiring and advancement of qualified individuals with disabilities, with the goal of eliminating under-representation of individuals with disabilities in the federal workforce."

After reviewing DLA's affirmative action plan, EEOC **approves** the AAP because the agency did not complete the minimum requirements: (1) submit reasonable accommodation procedures; (2) post personal assistance services (PAS) procedures on its public website; and (3) establish numerical goals for people with disabilities and people with targeted disabilities. Below, we will provide feedback on key aspects of DLA's plan.

Submission of Reasonable Accommodation Procedures

Section 501 of the Rehabilitation Act of 1973 requires federal agencies to provide reasonable accommodations to qualified individuals with disabilities, absent undue hardship. On January 3, 2017, EEOC issued 29 C.F.R. § 1614.203(d)(3), requiring agencies to adopt reasonable accommodation procedures that meet the twenty minimum requirements within one year of the issuance date. Pursuant to Section 2 of Executive Order 13164, agencies must submit their reasonable accommodation procedures to EEOC for review.

Our records show that on September 6, 2017, DLA submitted its revised reasonable accommodation procedures to EEOC for review. We thank DLA for updating its procedures in an effort to comply with our regulations. We will provide written feedback on the procedures in a separate letter.

Submission of PAS Procedures

As part of the agencies' obligation to engage in affirmative action, EEOC amended its regulations implementing Section 501 of the Rehabilitation Act of 1973 to require agencies to provide personal assistance services. Personal assistance services help individuals who, because of targeted disabilities, require assistance to perform basic activities of daily living (e.g., eating and using the restroom), but the services are not related to their job performance. Pursuant to 29 C.F.R. 1614.203(d)(5)(v), agencies must adopt and post their PAS procedures on their public website by January 3, 2018.

Our records show that DLA has submitted its PAS procedures to EEOC; however, the agency did not post its PAS procedures on its public website. We expect DLA to notify EEOC when the agency has posted its PAS procedures on its public website.

Efforts to Reach Regulatory Goals

EEOC regulation, 29 C.F.R. § 1614.203(d)(7)(i), requires agencies to adopt the goals of achieving a 12% representation rate for people with disabilities (PWD) at the GS-11 and above (including SES) and at the GS-10 level and below.¹ Using the same grade level clusters, agencies must also adopt goals for individuals with targeted disabilities (PWTD) to reach 2%. Only permanent, full-time, non-seasonal employees count toward the goals.

A review of DLA's AAP shows that the agency established the goals for PWD and PWTD in the two grade level clusters. We thank DLA for implementing these goals for PWD and PWTD.

Progress Toward Goals FY 2017	People with Disabilities	People with Targeted Disabilities
EEOC Goal	12.00%	2.00%
GS-1 to GS-10 Cluster	13.46%	2.42%
GS-11 to SES Cluster	14.94%	1.92%

After reviewing DLA's workforce data, we found that the agency has met three of the following goals: (1) PWD in the GS-1 to GS-10 cluster; (2) PWD in the GS-11 to SES cluster; and (3) PWTD in the GS-1 to GS-10 cluster. Although DLA did not achieve all

¹ Employees who are not paid under the GS scale should be placed in the "GS-11 and above" category if their salary is equal to or greater than the salary of a GS-11, Step 1 employee in the Washington, DC locality. For the "GS-10 and below" category, the employees' salary must be less than the salary of a GS-11, Step 1 employee in the Washington, DC locality.

of the regulatory goals, we note that failure to achieve a goal, by itself, is not ground for disapproval. Rather, we evaluate whether the agency has developed a plan to take meaningful steps that are reasonably designed to achieve this goal.

In its AAP, DLA reported that the agency communicated the numerical goals to hiring managers through the DLA Today, LOGLINES magazine, HR newsletters, and videos. The agency also promotes National Disability Awareness Month presentations and seminars, which state its commitment to increase the representation of PWD and PWTD. We urge DLA to expand its plan to include (1) considering disability status as positive factor in hiring, promotion, or assignment decisions to the extent permitted by law, (2) conducting additional outreach and recruitment efforts for PWD in the senior grade levels, (3) offering training, internship, and mentoring programs for PWD to reach the senior grade levels, and (4) providing disability-related training to its managers and employees. We look forward to reviewing the agency's progress in its next AAP.

Model Disability Program

Pursuant to 29 C.F.R. § 1614.203(d)(1)(ii), agencies must ensure that they have sufficient staff to handle any disability-related issues that arise during the application and selection processes. This regulation also requires agencies to provide such staff with training, support, and other resources sufficient to enable them to: (1) answer disability-related questions; (2) provide job applicants with necessary reasonable accommodations; (3) accept, validate, and forward applications for appointment under hiring authorities that take disability into account to the relevant hiring official; and (4) oversee any other disability-related hiring programs.

We commend DLA for ensuring that its disability program has sufficient staffing, training, and other resources. In its AAP, the agency explained that its full-time Disability Program Manager (DPM) and six Disability Program Coordinators (DPC) attended a disability manager training course and the Office of EEO and Diversity (DO) hosted roundtable events every other month to discuss RA, special emphasis program and affirmative employment program matters. During the roundtable events, DO also conducts on-the-spot training, and shares best practices, trends, and solutions. While DLA did not report any program deficiencies directly involving its disability program, we found the following deficiencies that could potentially impact the effectiveness of its disability program:

- Management/personnel policies, procedures and practices are not 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;
- Trend analyses are not conducted involving workforce profiles, major occupations, grade level distribution, compensation and reward system by disability status; and
- Recruitment efforts are not tracked analyzed for potential barriers.

In Part H-1 of DLA's MD-715 report, the agency acknowledged the deficiency regarding the review of management/personnel policies, procedures, and practices, and created a timetable to review all relevant documents by September 30, 2020. However, the agency did not report any accomplishments in FY 2017. The agency also established a plan in Part H-2 to perform a trend analyses of its major occupations, grade levels, and rewards systems by September 30, 2019. Similar to Part H-1, DLA did not report any accomplishments in FY 2017. We expect DLA to demonstrate meaningful progress in correcting these deficiencies.

Although DLA reported in Part G the lack of applicant flow data for Tables A/B 7, 9, 11, and 12, the agency did not create a plan in Part H to correct this deficiency. This applicant flow data is essential for the agency to analyze whether barriers exist for PWD as they seek to advance to the senior grade levels. For FY 2018, the applicant flow data will also expand to include (1) internal competitive promotions for supervisory positions, (2) new hires for the senior grade levels and supervisory positions, and (3) career development programs for the senior grade levels and supervisory positions. In its next MD-715 report, we expect DLA to either provide all required applicant flow data in its workforce data tables, or establish a plan in Part H to correct this deficiency.

Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. § 1614.203(d)(1)(i), agencies are required to use programs and resources that identify applicants who are eligible to be appointed under hiring authorities that take disabilities into account. Also, agencies must establish and maintain contacts with organizations that specialize in the employment of individuals with disabilities.

Using the workforce data on Table B6P, we combined all of DLA's mission-critical occupations (MCO) and found that PWD (13.93%) exceeded the 12% goal in FY 2017. The rates of PWTD (1.92%), however, were slightly below the 2% goal in the combined MCO's. Specifically, PWTD remained below than the goal in every MCO, except for the 0501, 0511, 1102, 2001, 2210, 6901, 6913, 7002, and 7006 series. Unfortunately, the agency did not provide applicant flow data for the new hires to these occupations; therefore, we could not analyze the agency's recruitment efforts to these occupations. As such, we expect DLA to determine whether barriers exist for PWTD in the recruitment and/or selection processes for the MCOs.

To improve recruitment, DLA uses various programs and resources to identify and hire job applicants with disabilities, including those with targeted disabilities. The agency stated in its AAP that all vacancy announcements are open to PWD and 30% or more disabled veterans and that all new supervisors receive training on the special hiring authorities. As a participant in the Workforce recruitment program, DLA hired 65 college students and graduates with disabilities. Moreover, we are pleased to note that DLA received the Best Mid-Sized Component Disability Award by the Secretary of Defense, and was the top Workforce Recruitment Program employer in the Department of Defense and the federal government for the fifth time since 2008. Lastly, we are

pleased to note that DLA has established and maintained contacts with various organizations, including Chris Williams Camp for Deaf and Hard of Hearing Youth, State Rehabilitation Service, Veteran Employment Centers, Gallaudet University, National Institute of the Blind, and Wounded Warrior Project. We commend DLA for its recruitment efforts.

Plan to Ensure Advancement Opportunities for Employees with Disabilities

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

According to DLA's FY 2017 workforce data, PWTD had triggers among the senior grade levels as well as two levels of management (Managers and Executives). We also note that PWD had a trigger at the SES level. Although DLA did not provide applicant flow data in Table B11, the agency explained in its AAP that PWD had triggers involving promotions to grades GS-12 and GS-13, while PWTD had triggers for promotions to grades GS-13 to GS-15. Among new hires to the senior grade levels, PWD and PWTD had triggers for grades GS-13 and GS-14, PWTD also had a trigger for the SES. As to management positions, PWTD had triggers for new hires to Manager positions and promotions to Supervisor, Manager, and Executive positions. Using the inclusion rate, we also found that PWD had triggers in three types of awards: (1) time-off awards 1-9 hours; (2) cash awards \$100-\$500; and (3) quality step increases. In addition, PWTD had triggers in the time-off awards over 9 hours and the quality step increases. We urge DLA to investigate whether PWTD have barriers in the recruitment and/or selection processes for new hires and promotions to its senior grade levels and management positions as well as the distribution of awards.

Given the number of triggers involving PWTD in the senior grade levels and management positions, we are concerned that DLA does not provide sufficient advancement opportunities for employees with disabilities. We are pleased to note that DLA established a plan to improve career advancement opportunities for PWD. In its AAP, DLA stated that its Career Mapping Program assists all employees and supervisors in planning career development activities to support the attainment of individual career goals. In addition, the agency utilizes a 2-year entry-level program that includes built-in promotion potential for successful performers and a coaching program for experienced supervisors above GS-12. Although DLA did not provide applicant flow data for its career development programs in Table B12, the agency reported in its AAP that triggers existed for PWD among applicants for the coaching program and for PWTD among applicants for the fellowship, coaching, and detail programs. In FY 2018, DLA plans to provide a business case analysis to justify implementing a mentorship program that will be available for all employees, and plans to start an employee resource group to identify areas of improvement that will advance PWD. We also recommend that DLA include career development questions in a climate assessment survey, interview the disability program manager, and conduct a focus group with PWD and PWTD.

Plan to Improve Retention of Persons with Disabilities

To be a model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace personal assistance services.

In its AAP, DLA recognized that triggers exist for PWD in voluntary and involuntary separations. A trigger also existed for PWTD among the involuntary separations. After reviewing its exit survey data, the agency concluded that of the 89% of respondents with a disability separated due to retirement or transfer to another agency. Unfortunately, the agency did not ascertain why PWD transferred to another agency. As such, we recommend that DLA explore whether any policies, procedures, or practices are causing PWD to leave the agency.

All agencies must establish a comprehensive retention strategy for its employees with disabilities. Pursuant to 29 C.F.R. § 1614.203(d)(4), federal agencies are required to inform job applicants and employees of their rights concerning the accessibility of agency technology and facilities. See Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(b); Architectural Barriers Act of 1968 (ABA), 42 U.S.C. § 4151 – 4157. We found that DLA has not informed job applicants and employees of their rights concerning accessibility of technology and agency facilities. We expect the agency to ensure the Section 508 and ABA notices are posted on its public website as soon as possible.

One way to retain PWTD is to ensure that the agency converts Schedule A employees with disabilities to the competitive service after two years of satisfactory performance. In its AAP, DLA reported that it has converted all eligible Schedule A employees with disabilities. We commend the agency for meeting this requirement.

Identification and Removal of Barriers

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

After reviewing the AAP, we found that DLA identified several triggers involving PWD and PWTD; however, the agency did not establish a plan to investigate whether barriers are causing the triggers. To assist DLA with its barrier analysis efforts, we will discuss triggers involving PWTD in the GS-11 to SES grade level cluster. We note that the workforce data tables are a starting point in investigating the possible reasons for this trigger; however, they cannot identify specific policies, procedures, and practices.

People with Targeted Disabilities FY 2017	2010	1910	6912	6907	2003
Goal	2.00%				
Participation Rate	1.90%	1.71%	1.39%	1.37%	1.42%

We examined the mission-critical occupations (MCO) within DLA because they provide the career path to the senior grade levels. Since MCOs typically have career ladders that reach the senior grade levels, low participation rates in those occupations would impede the career advancement potential for PWTD. We are pleased to note that PWTD did not have triggers in DLA’s largest MCOs, including 1102, 2210, and 6901; however, we have highlighted several MCOs with triggers in the table above. We noticed that the participation rates of PWTD in the 1910, 2003, 2010, 6907, and 6912 series fell below the goal of 2%. We could not examine applicant flow data for new hires to DLA’s mission-critical occupations because the agency did not provide that data. This data would assist the agency in identifying whether there are barriers to the recruitment and/or selections of PWTD in its MCOs. In its next AAP, we expect DLA to examine any policies, procedures, or practices are limiting its recruitment and/or selection of qualified PWTD for new hires and promotions to the above-mentioned series.

To identify specific policies, procedures, or practices, agencies need to explore other sources of data, including EEO complaint data, grievance data, exit interview data, results from surveys and focus groups, anecdotal evidence from various stakeholders, and reports from outside organizations. To conduct a systematic and thorough investigation, agencies must ensure the active participation of its programmatic offices as well as its support offices, such as the Human Resources (HR) office.

When PWTD do not apply for certain MCOs, the agency should examine the reasons why the agency did not successfully recruit qualified PWTD for vacancies. For example, PWTD may not be aware of the vacancies if the agency did not send vacancy announcements to disability organizations that assist in the employment of PWTD. For that reason, DLA should consider the methods the agency utilizes to advertise job vacancies, including brochures, flyers, agency’s website, recruiters, USAJobs, specific professional societies and associations, or specific colleges. Moreover, the agency should assess whether the vacancy announcement includes a link to the agency’s reasonable accommodation procedures and whether the agency provides reasonable accommodations to PWTD during the application process. The agency should also examine whether the application process itself is accessible to persons with disabilities. Lastly, the agency should analyze the job requirements to determine whether they are necessary to perform the position and if those factors cause disparities among PWTD.

If qualified PWTD apply for vacancies, then DLA should assess whether barriers exist in the selection process. The agency should examine whether hiring officials understand and use the special hiring authorities. In addition, the agency should assess whether hiring officials require training on interviewing skills or sensitivity training for interviewing

PWTD. We also recommend that the agency conduct a focus group with current PWTD to understand their experience in the hiring process. The agency should ascertain whether PWTD received reasonable accommodations, when requested during the selection process. Please note that EEOC has also posted a root cause analysis tool (recruitment module) on the Guidance page in FedSEP and will release modules on new hires and promotions in the fourth quarter of FY 2018.

People with Targeted Disabilities FY 2017	GS-13	GS-14	GS-15	SES
Goal	2.00%			
Participation Rate	1.28%	0.87%	1.03%	0.00%

In the table above, the data shows that the participation rates of PWTD in the senior grade level were below the goal of 2%. Although DLA did not provide applicant flow data in Table B11, the agency explained in its AAP that PWTD had triggers for promotions to grades GS-13 to GS-15 as well as new hires to grades GS-13, GS-14, and the SES. In its next AAP, we expect DLA to investigate whether PWTD are experiencing barriers that either prevent them from applying for and/or being selected for promotions or new hires to the SES grade level. In the absence of statistical information that can assist the agency in pinpointing the exact phase of the recruitment and hiring process where barriers may exist, DLA should investigate other sources of information. For example, this effort might also call for the agency to gather information from complaint and grievance data, results from climate surveys or exit interviews, and focus groups of its employees, HR staff, and hiring officials.

People with Targeted Disabilities FY 2017	Supervisor	Manager	Executive
Goal	2.00%		
Participation Rate	2.40%	1.14%	0.62%

When examining DLA’s management positions in FY 2017, we noted that the participation rates of PWTD in the Supervisor, Manager, and Executives position were lower than the goal of 2%. In its AAP, the agency explained that PWTD had triggers for new hires to Manager positions and promotions to Supervisor, Manager, and Executive positions. We urge the agency to identify the proportion of mission-critical occupations that lead to management positions. If PWTD have a low participation rate in the occupations with the highest proportion of supervisory positions, that could explain these triggers. Conducting a climate survey or focus group with PWTD could reveal what is impeding their career advancement within the agency. We look forward to reviewing the results of DLA’s barrier analysis efforts in the next AAP.

Conclusion

Once again, we pleased to approve DLA's Affirmative Action Plan for FY 2017. We trust that this review has been constructive and helpful. Please note that DLA is not required to make any changes to its current AAP and should incorporate our recommendations into the agency's next MD-715 report.

We look forward to continuing our work together toward the shared goal of making the federal government a model employer. If you have any questions regarding this letter, please contact Ingrid Smith at ingrid.smith@eeoc.gov or (202) 663-4522

Sincerely,



for
Dexter Brooks, Associate Director
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