



Privacy and Civil Liberties Oversight Board
Federal Agency Annual EEO Program Status Report

Management Directive – 715

Fiscal Year 2022

March 4, 2023

FY 2022 Management Directive 715 (MD-715)

Table of Contents

1. Overview
2. Parts A-E: Agency Logistics with Executive Summary
3. Part F: Signature Page
4. Part G: Self-Assessment Checklist
5. Part J: Special Program Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities
6. Appendix documents
 - a. Organizational Chart
 - b. EEO Policy Statement
 - c. DEIA Strategic Plan
 - d. Anti-Harassment Policy and Procedures
 - e. Reasonable Accommodation Procedures (including Personal Assistance Services Procedures, Alternative Dispute Resolution Procedures)

Overview

This Equal Employment Opportunity (EEO) Program Status Report for Fiscal Year (FY) 2022 is prepared and submitted under the Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715) and accompanying instructions and guidance.

Additionally, this report provides relevant information to the success of the Privacy and Civil Liberties Oversight Board (PCLOB) Diversity, Equity, Inclusion, and Accessibility ("DEIA") efforts, consistent with our strategic plan and Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce (June 25, 2021).

“The overriding objective of [MD-715] is to ensure that all employees and applicants for employment enjoy equality of opportunity in the federal workplace regardless of race, sex, national origin, color, religion, disability or reprisal for engaging in prior protected activity.”

Similarly, the PCLOB’s DEIA Strategic Plan “reflects a commitment by the Board to make DEIA considerations a core component of the agency’s workforce and decision-making framework.” This report also represents “the status of the agency’s efforts to advance diversity, equity, inclusion, and accessibility within the agency, and the agency’s success in implementing the Agency DEIA Strategic Plan,” as required by the Executive Order.

MD-715

Parts A Through E

Part A - Department or Agency Identifying Information

Agency	Second Level Component	Address	City	State	Zip Code (xxxxx)	Agency Code (xxxx)	FIPS Code (xxxx)
Privacy and Civil Liberties Oversight Board		800 North Capitol Street, NW	Washington	DC	20002	VD00	8840

Part B - Total Employment

Total Employment	Permanent Workforce	Temporary Workforce	Total Workforce
Number of Employees	29	0	29

Part C.1 - Head of Agency and Head of Agency Designee

Agency Leadership	Name	Title
Head of Agency	Sharon Bradford Franklin, Ed Felten, Travis LeBlanc, Beth Williams, Richard DiZinno	Chair and Board Members
Head of Agency Designee	Sharon Bradford Franklin	Chair

Part C.2 - Agency Official(s) Responsible for Oversight of EEO Program(s)

EEO Program Staff	Name	Title	Occupational Series (xxx x)	Pay Plan and Grade (xx-xx)	Phone Number (xxx-xxx-xxxx)	Email Address
Principal EEO Director/ Official	Brian Young	Executive Director, Acting EEO Director and CDO				Brian.young@pclob.gov
Affirmative Employment Program Manager	N/A					
Complaint Processing Program Manager	GSA Shared Service Provider					
Diversity & Inclusion Officer	Brian Young	Executive Director, Acting EEO Director and CDO				Brian.young@pclob.gov
Hispanic Program Manager (SEPM)	N/A					
Women's Program Manager (SEPM)	N/A					
Disability Program Manager (SEPM)	N/A					
Special Placement Program Coordinator (Individuals with Disabilities)	N/A					
Reasonable Accommodation	Leah Kieff ¹	Operations Director				Leah.kieff@pclob.gov

¹ Operations Director Kieff departed at the end of FY22.

EEO Program Staff	Name	Title	Occupational Series (xxx x)	Pay Plan and Grade (xx-xx)	Phone Number (xxx-xxx-xxxx)	Email Address
Program Manager						
Anti-Harassment Program Manager	Brian Young	Executive Director, Acting EEO Director and CDO				Brian.young@pclob.gov
ADR Program Manager	Leah Kieff	Operations Director				Leah.kieff@pclob.gov
Compliance Manager	Andrew Proyect	General Counsel				Andrew.proyect@pclob.gov
Principal MD-715 Preparer	Andrew Proyect	General Counsel				Andrew.proyect@pclob.gov
Other EEO Staff	N/A	N/A				

Part D.1 – List of Subordinate Components Covered in this Report

Please identify the subordinate components within the agency (e.g., bureaus, regions, etc.).

If the agency does not have any subordinate components, please check the box.

Subordinate Component	City	State	Country (Optional)	Agency Code (xxxx)	FIPS Codes (xxxxx)

Part D.2 – Mandatory and Optional Documents for this Report

In the table below, the agency must submit these documents with its MD-715 report.

Did the agency submit the following mandatory documents?	Please respond Yes or No	Comments
Organizational Chart	Yes	
EEO Policy Statement	Yes	
Strategic Plan	Yes	
Anti-Harassment Policy and Procedures	Yes	
Reasonable Accommodation Procedures	Yes	
Personal Assistance Services Procedures	Yes	Part of RA procedures
Alternative Dispute Resolution Procedures	Yes	

In the table below, the agency may decide whether to submit these documents with its MD-715 report.

Did the agency submit the following optional documents?	Please respond Yes or No	Comments
Federal Equal Opportunity Recruitment Program (FEORP) Report	No	
Disabled Veterans Affirmative Action Program (DVAAP) Report	No	Completed first DVAAP Plan in CY22.
Operational Plan for Increasing Employment of Individuals with Disabilities under Executive Order 13548	No	
Diversity and Inclusion Plan under Executive Order 13583	Yes	DEIA Strategic Plan
Diversity Policy Statement	No	
Human Capital Strategic Plan	No	

Did the agency submit the following optional documents?	Please respond Yes or No	Comments
EEO Strategic Plan	No	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	Yes	Completed Annual Employee Survey and registered for FEVS.

Part E – Executive Summary

Part E.1 - Executive Summary: Mission

In its 2004 report, the National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission, recommended the creation of what is now the **Privacy and Civil Liberties Oversight Board** (PCLOB). The Commission noted that many of its recommendations “call[ed] for the government to increase its presence in our lives—for example, by creating standards for the issuance of forms of identification, by better securing our borders, by sharing information gathered by many different agencies,” and by consolidating authority over intelligence agencies under a new Director of National Intelligence. The Commission observed that “this shift of power and authority to the government” would require “an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life.” It also found, however, that there was “no office within the government whose job it is to look across the government at the actions we are taking to protect ourselves to ensure that liberty concerns are appropriately considered.” To fill that gap, the Commission called for “a board within the executive branch” to oversee “the commitment the government makes to defend our civil liberties.”

In response to the 9/11 Commission’s recommendations, Congress enacted the Intelligence Reform and Terrorism Prevention Act of 2004, which created a Privacy and Civil Liberties Oversight Board within the Executive Office of the President. In 2007, the Implementing Recommendations of the 9/11 Commission Act (“9/11 Commission Act”) dissolved the White House entity, and established the PCLOB as an independent agency within the Executive Branch. Finally, in 2012, the PCLOB came into existence in its current form as an independent agency after the first Board Members were appointed and confirmed.

The PCLOB is a “micro-agency” of fewer than 40 employees whose strategic goals are to:

- Conduct effective oversight of executive branch authorities, policies, and activities related to efforts to protect the nation against terrorism to ensure appropriate protection of privacy and civil liberties.
- Provide effective and timely advice to ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the nation against terrorism.
- Strengthen the Board’s capabilities and knowledge regarding advanced and emerging technologies, their potential impacts on, and potential to safeguard, privacy and civil liberties, and their potential uses to perform oversight.
- Further promote the public’s interest in transparency regarding Board activities and executive branch counterterrorism efforts that impact privacy and civil liberties to the greatest extent possible, consistent with the protection of classified information and applicable law.
- Continue to strengthen the PCLOB’s institutional strength and capacity.

Part E.2 - Executive Summary: Essential Element A - F

Per the EEOC Instructions to Federal Agencies for EEO Management Directive (MD)-715, “the purpose of this executive summary is to alert all managers and supervisors of their responsibilities regarding the status of the agency’s EEO program.” This is to ensure their understanding of both “(1) the agency’s overall EEO program direction and (2) the expected contributions necessary for the agency to become a model employer.” The content and format of this executive summary are directed by the EEOC.

This Equal Employment Opportunity Program Status Report for Fiscal Year 2022 (FY 2022) outlines the status of PCLOB Equal Employment Opportunity (EEO) Program activities undertaken pursuant to its EEO program responsibilities under Title VII of the Civil Rights Act of 1964, as amended. This report also describes PCLOB activities undertaken pursuant to its affirmative action obligations under the Rehabilitation Act of 1973, as amended and as required by the MD-715.

In utilizing the DEIA nexus, the PCLOB has begun adopting a data-driven approach to advancing DEIA initiatives, and ensuring that EEO principles are upheld, consistent with Executive Order 14035. These have included a pay equity assessment, incorporating DEIA focused questions in exit interviews, and our first barrier analysis.

Essential Element A. Demonstrate Commitment for Agency Leadership

This element requires agency heads and other senior management officials to demonstrate a firm commitment to equality of opportunity for all employees and applicants for employment, including through issuance of a policy statement ensuring a workplace free of discriminatory harassment and a commitment to equal employment opportunity.

Successes:

- The EEO Policy Statement sets forth the PCLOB’s commitment to ensuring a workplace free from unlawful discrimination and harassment, and fostering a work environment that fully utilizes the capabilities of every employee and manager at all organizational levels.
- EEO Director met with Agency Head and leadership to discuss EEO programs.
- State of Agency EEO Program was delivered.
- No FEAR Act Quarterly and Annual Statements posted on website.
- EEO information distributed to new employees, emailed to staff, and available to employees through website and shared drive.
- Formation and support of DEIA and Pay Equity committees. The DEIA Committee is composed of personnel from across the agency, and reports to the Board. The DEIA

Committee had a briefing to the Board on the status of the agency and the efforts to date. This was in addition to the EEO State of the Agency briefing. The Pay Equity Committee also provided an analysis to the Board.

- As part of the EEO/DEIA effort, the PCLOB has also evaluated a number of training opportunities for hiring managers, with multiple different trainings completed by different personnel. This effort included both contractor and interagency coordination. A number of trainings are currently available to staff, though none are required.
- As part of the DEIA effort, PCLOB has also been planning on increasing relationships with institutions that serve historically underserved communities.

Deficiencies:

- A.1.a.: EEOC noted that policy statement wasn't signed; however, it was approved by the Board. MD 715 requires that the agency head issue a policy statement. Only Question A.1. of the self-assessment checklist asks whether it's signed.
- A.2.b.1.: EEO Director email not listed on website.

Deficiency Action Plans:

- A.1.a.: While the Board unanimously voted to approve, signatures were not sought since signature-requirement is only mentioned in MD 715 Instructions. PCLOB will update for the FY23 statement.
- A.2.b.1.: Currently, there is only an Acting EEO Director. It is anticipated that a person will be selected and onboard in the second or third quarter of FY23.

Essential Element B. Integration of EEO into the Agency's Strategic Mission- Budget and Staffing

This element requires that EEO programs be organized and structured to maintain a workplace free from discrimination in any of the PCLOB's policies, procedures or practices and supports the PCLOB's strategic mission.

Successes:

- EEO Director directly reports to the Head of Agency. EEO Director has regular access to the Head of Agency and other management officials.
- Given the size and budget of the PCLOB, EEO program has sufficient resources to operate at the current level.
- EEO materials available on website, in office, and sent via email.

- Organizational Chart updated to clearly define the reporting structure of the EEO Director.
- No EEO Complaints were received this year.
- B.4.a.2.: Despite limited staff, PCLOB conducted its first barrier analysis of workforce. While currently meeting EEO program requirements, additional requested budget and personnel in FY24 Budget Request may improve the process of conducting a more thorough barrier analysis and review other potential triggers.
- B.4.a.4.: PCLOB led EEO training.

Deficiencies:

- B.1.a.: While meeting the requirement, EEO Director is currently dual hatted and EEO is a collateral duty.
- B.4.a.7.: PCLOB does not maintain data collection of applicant flow data.
- B.4.a.8.: Due to having fewer than 40 people, PCLOB does not have sufficient staff or resources to operate independent or major special emphasis program (SEP) or any affinity group programs.
- B.5.a.4.: PCLOB supervisors are not explicitly trained on supervisory, managerial, communication, or interpersonal skills in order to supervise a diverse work force.

Deficiency Action Plans:

- B.1.a.: PCLOB is seeking an indefinite part-time detail to serve as EEO Director to ensure expertise and focus on the PCLOB EEO program, based on guidance from EEOC. This is anticipated in the second or third quarter of FY23.
- B.4.a.7.: PCLOB is working on collecting data from shared service providers and converting to usable form.
- B.4.a.8.: While having fewer than 40 people, PCLOB is working to operate a single program and has begun doing special observance programs. The Acting EEO Director has highlighted numerous special observances and activities during this FY. This is a manageable SEP for our agency size.
- B.5.a.4.: Both the DEIA Committee and OGC have been working to procure different training opportunities for supervisors to address this requirement.

Essential Element C. Management and Program Accountability

This element requires agencies to hold managers, supervisors, EEO officials, and personnel officers accountable for the effective implementation and management of the agency's program.

Successes:

- PCLOB managers and supervisors are evaluated on their commitment to EEO and Diversity goals.
- PCLOB policies and procedures were examined and updated.
- PCLOB's policy of anti-harassment discourages offensive conduct before it rises to the level of discriminatory harassment.
- C.2.a.6.: PCLOB training materials on anti-harassment now specifically list examples of disability-based harassment.

Deficiencies:

- C.2.a.2.: PCLOB EEO Director oversaw the Anti-harassment program. EEOC found the existing firewall was insufficient due to a lack of clarity in the policy's use of the word "should" instead of "must."
- C.3.b.: Officials are not explicitly required to evaluate the performance of supervisors on EEO standards. While all supervisors are evaluated for EEO policies and principles in their performance objectives (C.3.a.), the specific factors are not evaluated.
- C.4.e.1.: PCLOB is working on establishing an improved affirmative action plan² for individuals with disabilities.
- C.5.a.: PCLOB does not have a disciplinary policy.

Deficiency Action Plans:

- C.2.a.2.: PCLOB is working to revise its anti-harassment policy to be more clear that a firewall exists consistent with EEOC guidance.
- C.3.b.: PCLOB is currently working on a holistic update to its performance appraisal system and expect to have EEO support as a distinct element in FY23.

² The required affirmative action plan as used throughout is defined by 29 USC 791(b) and 29 CFR 1614.203(a)(6) and (d).

- C.4.e.1.: PCLOB is working on establishing an improved affirmative action plan for individuals with disabilities.
- C.5.a.: PCLOB has a draft disciplinary policy pending Board approval. PCLOB voted to approve same day as approved this report in FY23.
- C.5.c.: While the agency has not had any findings of discrimination, the agency would inform managers and supervisors about allegedly discriminatory conduct if such conduct occurred.

Essential Element D. Proactive Prevention of Unlawful Discrimination

This element requires that agencies make efforts to prevent discriminatory actions and eliminate barriers to equal employment opportunity in the workplace, specifically including Title VII and the Rehabilitation Act.

Successes:

- PCLOB provided all employees with training regarding their rights and responsibilities under various laws through posters, all-employee emails, and policy statements.
- New employees receive the No Fear Act training within 90 days of onboarding and receive refresher training every two years.
- D.1.a., D.1.b., D.2.c., and D.2.d.: PCLOB has completed its initial effort at identifying triggers and assessing associated barriers. PCLOB is using relevant sources of information to help with this assessment.
- D.1.c.: PCLOB has adopted an exit survey seeking information, such as how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities.
- D.4.d.: As part of its first effort to assess triggers and barrier analysis, PCLOB identified a PWD of 4% and PWTD of 0%, below the EEOC benchmarks. As such, the DEIA Committee has identified that better recruiting efforts must be accomplished for PCLOB to reach the assessed goals. As a result, PCLOB will promote EEO/DEIA training for hiring managers, and improve advertising in certain areas.

Deficiencies:

- D.2.b.: PCLOB does not regularly examine the impact of management/personnel policies, procedures, and practices on protected classes.
- D.4.a PCLOB has not posted an AAP on its website.

Deficiency Action Plans:

- D.2.b.: While PCLOB does assess this during certain activities, PCLOB is working on ways to automate this process as part of its reviews in order to ensure consideration on a more regular basis.
- D.4.a.: PCLOB plans on posting this FY's AAP on its website.

Essential Element E. Efficiency

This element requires that systems be in place for evaluating the impact and effectiveness of the Agency's EEO programs and the efficiency and fairness of the dispute resolution process.

Successes:

- PCLOB had zero EEO complaints during the reporting period.
- PCLOB utilizes a Shared Service Provider to account for information.

Deficiencies:

- E.1.1.: FedSep – only a few roles are currently occupied.
- E.4.a.4.: PCLOB does not effectively collect, monitor, and analyze applicant flow data.

Deficiency Action Plans:

- E.1.1.: FedSep – due to turnover and small agency status, FedSep information must be updated to ensure all roles and responsibilities are met.
- E.4.a.4.: PCLOB has the capacity to get data from our Shared Service Provider, but does not currently do so. Current analysis is focused on current employee data, with expectations to improve processes as the agency sophistication with EEO processes mature.

Essential Element F. Responsiveness and Legal Compliance

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

Successes:

- PCLOB continues to strive towards full compliance with the law, and has worked with EEOC on improving procedures and processes via the technical review.
- PCLOB timely posts quarterly No Fear Act data on public website.

Deficiency: None.

Part E.3 – Executive Summary: Workforce Analyses

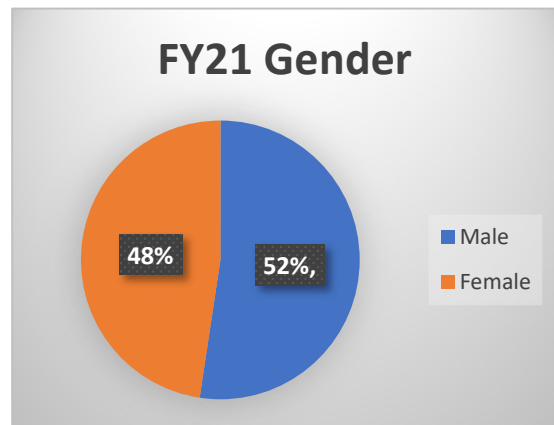
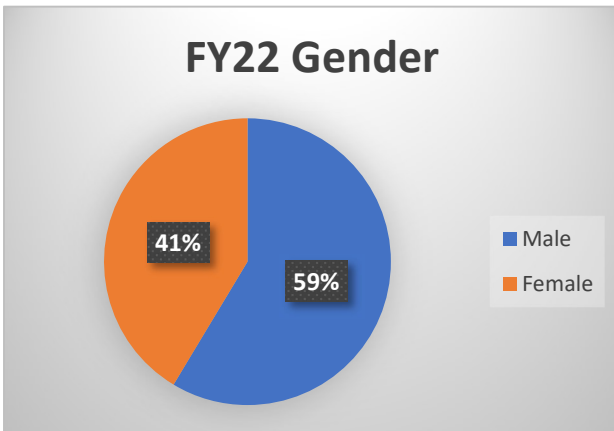
The PCLOB workforce is comprised primarily of permanent employees. All employees are Administratively Determined (AD) rather than General Schedule (GS). Due to the lack of GS levels, assessment of participation in the workforce by Grade Level is problematic. Instead, management and non-management status is used to as a comparator. No employees fall with the Senior-Level or Senior Executive Service (ES, EX, SL). The salary of all employees is capped at Executive Schedule Level (EX) V.

PCLOB has five Politically Appointed Senate Confirmed (PAS) Board Members whose salary is tied to the Executive Schedule.

PCLOB currently has approximately 42 FTE positions, including Board Members.

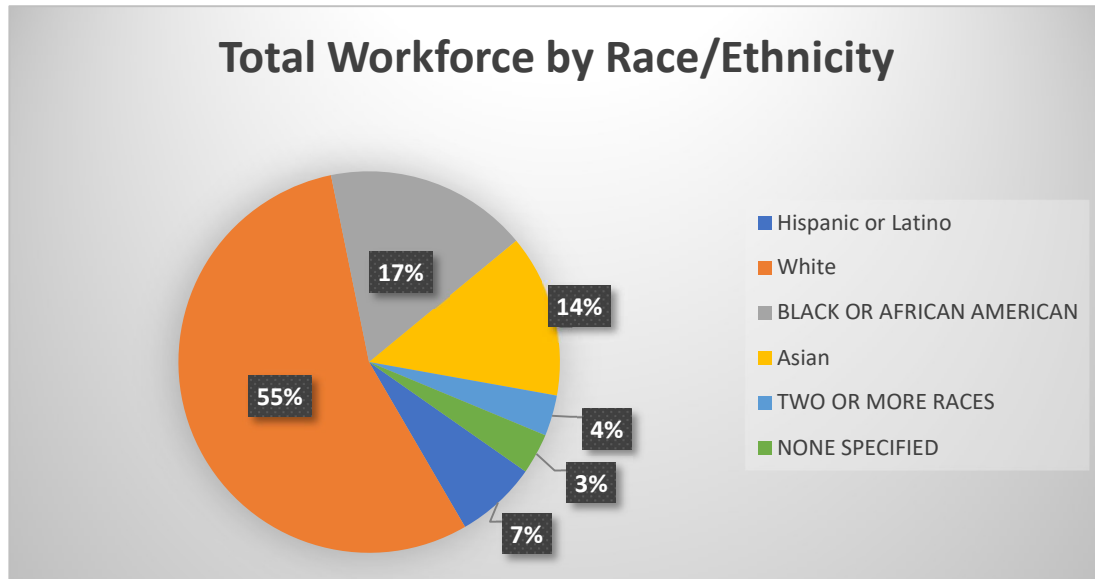
Total Workforce by Gender

During the reporting period, PCLOB had 29 employees, including Board Members. Males represented 58.62% and females represented 41.38%. This compares to FY 21 with Males representing 52% and Females representing 48%.



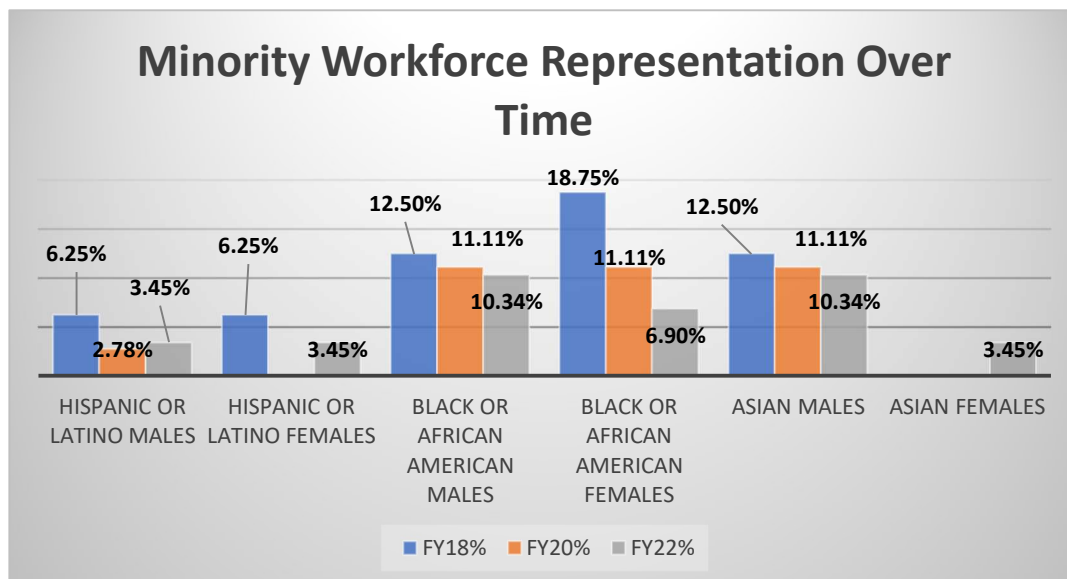
Total Workforce by Race and Ethnicity

No employees identified as American Indian/Alaskan Native, or Native Hawaiian / Pacific Islander. Some employees identified as Two or More Races or None Specified. The last two categories have been combined into an “other” category due to lack of specificity.



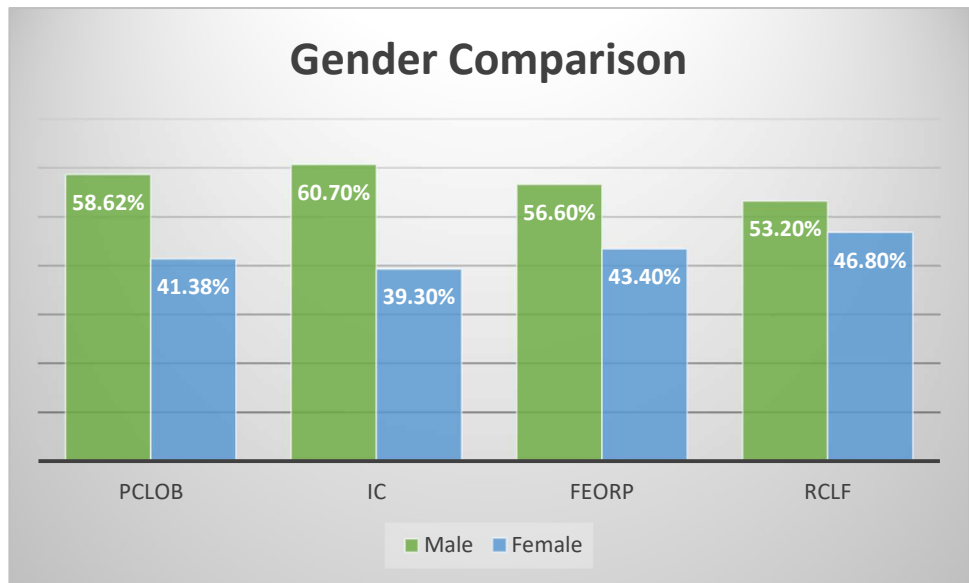
Workforce Representation Percentage Change by Race/Gender

The comparisons of minority representation over time appears significant. However, these are mostly due to fluctuations in personnel numbers. In FY18, PCLOB had only 16 people. In FY20, PCLOB had 36 people. Additionally, there was significant turnover in personnel.



Gender Comparison to other agencies and standards

PCLOB considered a percentage comparison to the Intelligence Community (IC) (FY 2020 Annual Demographic Report), OPM Federal Equal Opportunity Recruitment Program data, and Relevant Civilian Labor Force (RCLF) data (2018 data table for federal officials and managers).



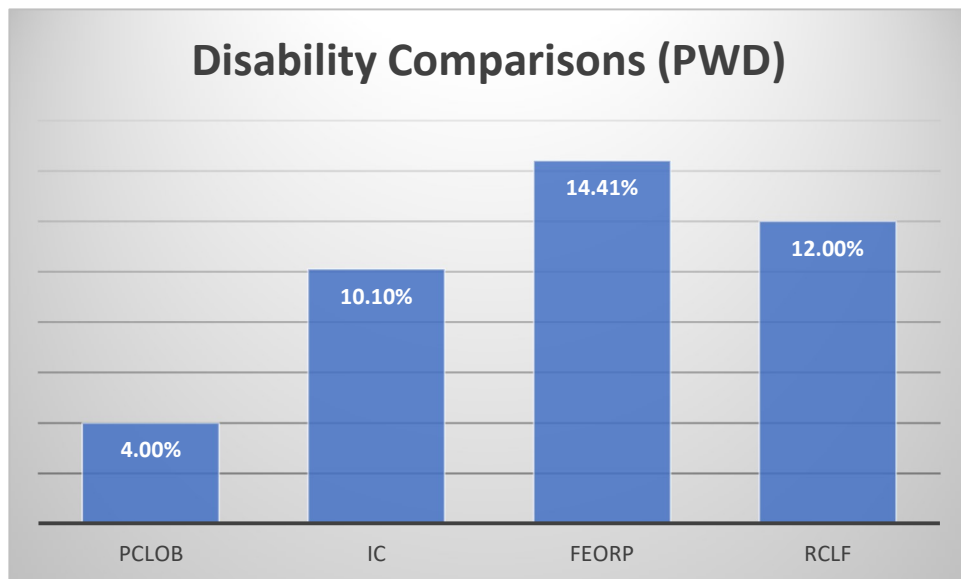
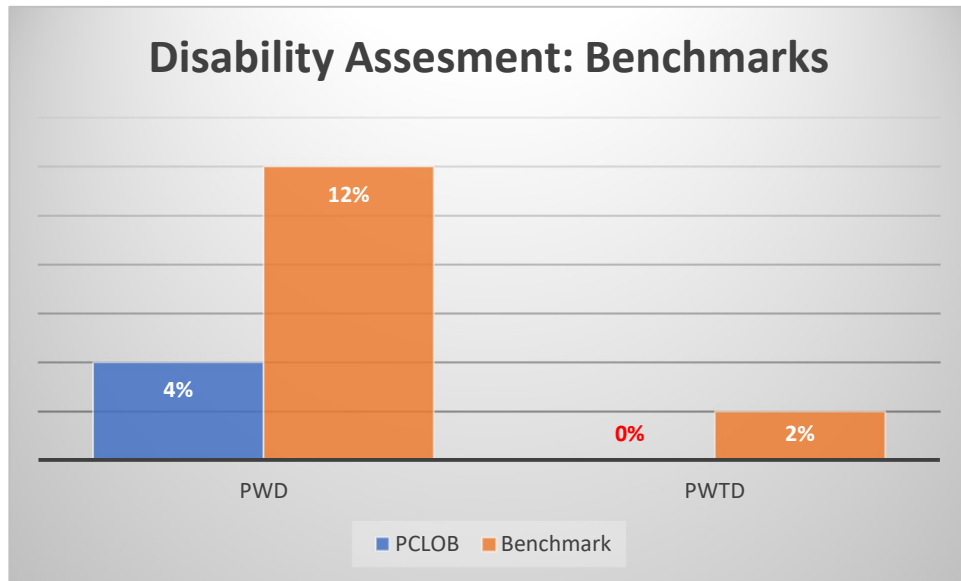
Minority Representation

Approximate minority representation comparing the PCLOB to the Intelligence Community and overall federal workforce.

	FY22		
	PCLOB	IC	Federal Workforce
Black or African American	17.24%	12.30%	18.70%
Hispanic	6.90%	7.00%	9.10%
Asian	13.79%	4.30%	6.10%
Other	6.90%	4.30%	3.80%
White	55.17%	71.90%	62.30%

Disability Representation

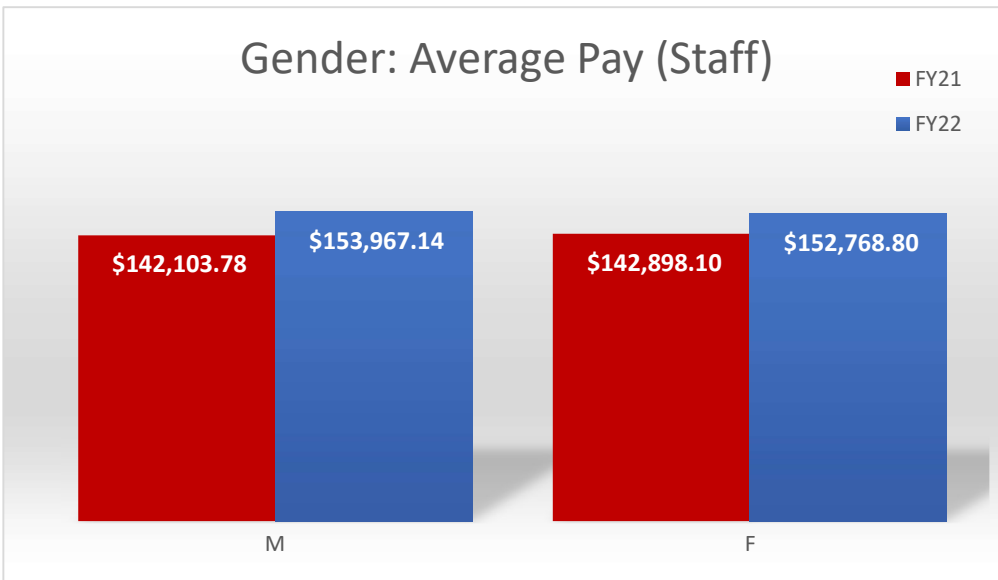
Four percent of the Board's permanent workforce has a disability. Zero percent are Persons with Targeted Disabilities.



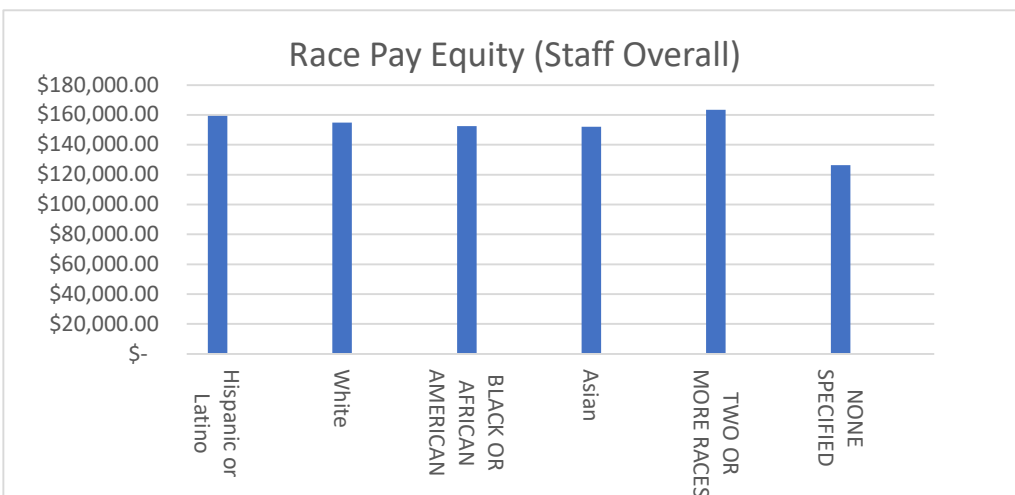
Pay Equity

This assessment was done based on FY21 personnel and salary levels. As part of the DEIA Strategic Plan, it was used as a benchmark assessment associated with the ending of the sub-quorum period. The goal of the DEIA Committee is to have the FY23 report contain a comparison over the three-year period, FY21 - FY23.

At the staff level, men make approximately \$1,200 more than women. In FY21, women made approximately \$800 more than men.

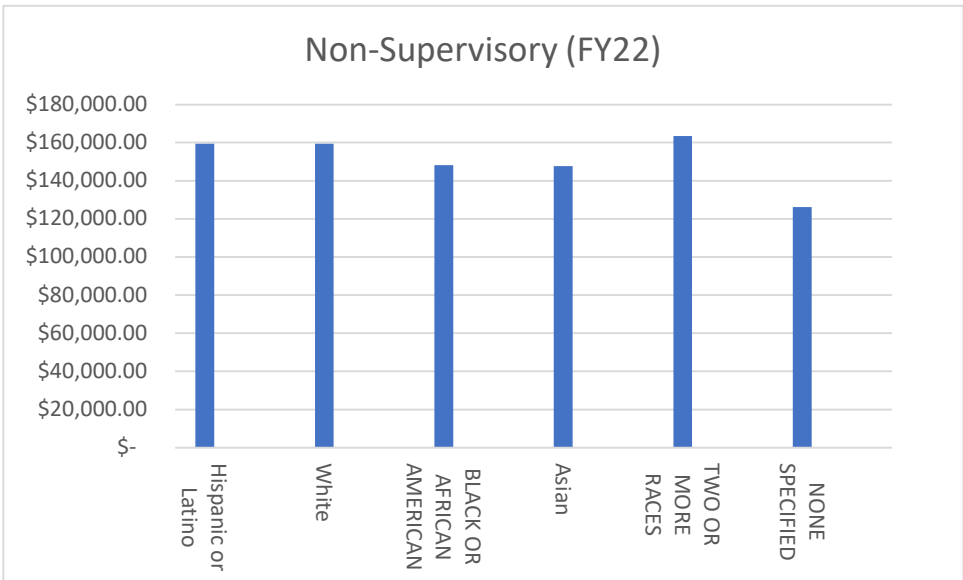
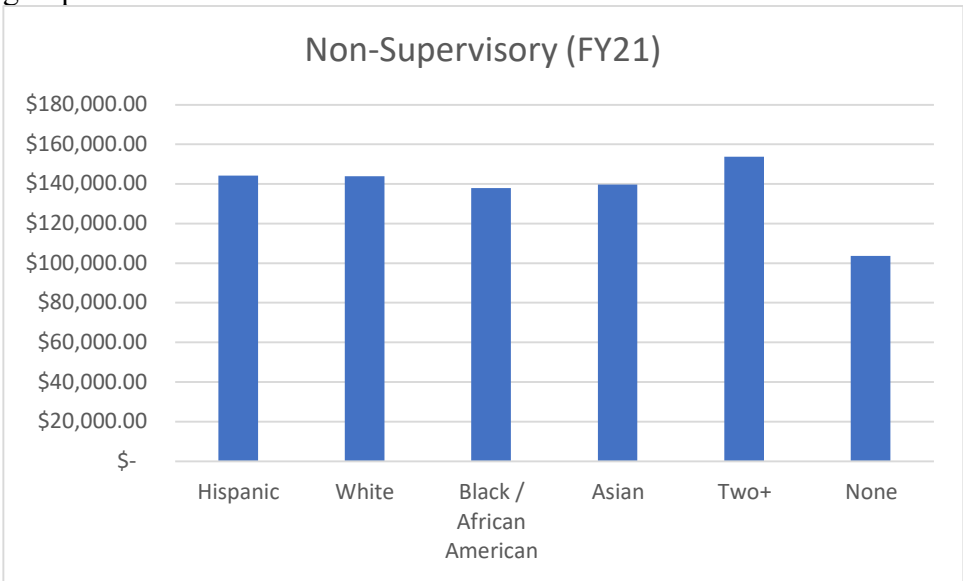


Staff pay levels are generally equal across race.

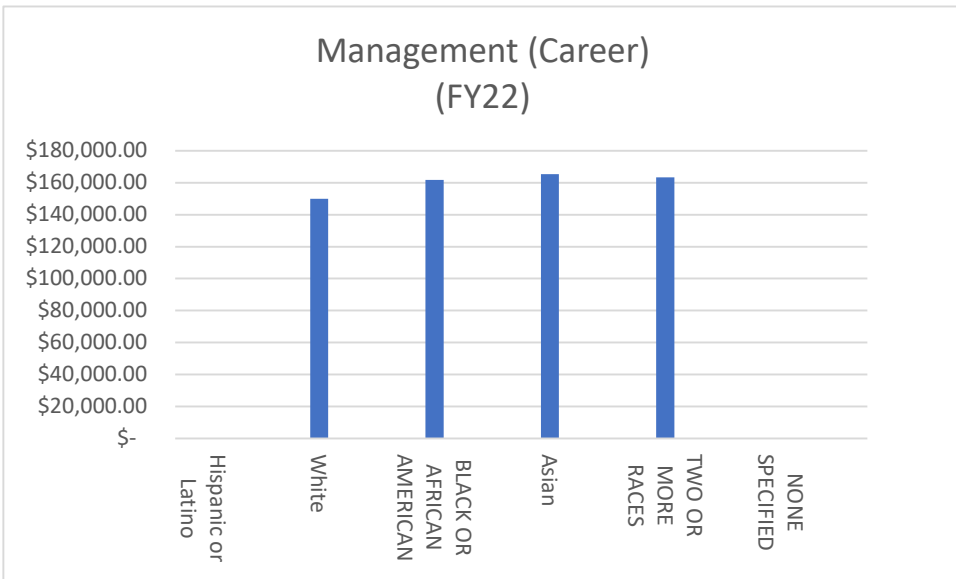
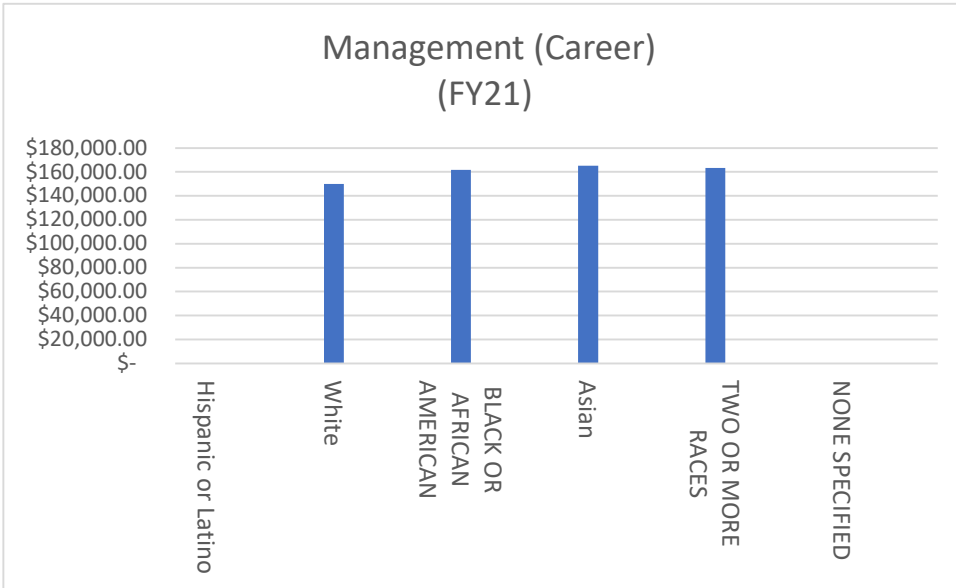


This pay equity remains steady in groups based on supervisory and non-supervisory statuses.

For the 17 non-supervisory staff members, there remains general pay equity. The exception is for individuals not identifying a race receiving approximately \$40,000 less than the next group.



For the 5 supervisors, there remains general pay equity. The exception is for those identifying as White receiving approximately \$30,000 less than the next group in FY21, but becoming closer to pay equity in FY22.



Part E.4 – Executive Summary: Accomplishments

In FY22, the PCLOB again received quorum with the appointment of two additional Board Members. The Board was able to promote additional efforts and accomplishments, including:

- Initiation of policy revisions for EEO, Anti-Harassment, Awards, Discipline, and Personal Assistance Services.
- Publication of new Reasonable Accommodation Procedures (including Personal Assistance Services).
- Conducting a climate survey in preparation, and to establish a baseline, for the Federal Employment Viewpoint Survey.
- First-time registering for the Federal Employee Viewpoint Survey for FY23.
- Establishing a Diversity, Equity, Inclusion, and Accessibility Committee.
- Began reviewing data to conduct barrier analysis and workforce analysis.
- Updated website with additional EEO information.
- Began circulating emails to all staff regarding Special Observances and activities.
- Began effort to hire a dedicated EEO Director rather than provide for support as collateral duties.
- Updating policies and procedures associated with EEO and DEIA, including the drafting of a Workplace Safety policy to address domestic violence, sexual assault, or stalking (DVSAS).
- Updating an employee mentorship program.

Part E.5 – Executive Summary: Planned Activities

As a small and young agency, PCLOB is working on planned activities:

- Improve data driven tracking and assessments of the workforce, barriers, and potential triggers. This includes applicant flow data.
- Promoting diversity, equity, and inclusion objectives through data analytics.

PART F: Certification of Establishment of Continuing Equal Employment Opportunity Programs

I, Brian Young, am the Principal EEO Director/Official for **the Privacy and Civil Liberties Oversight Board**.

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 has plans to conduct 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.

Brian Young
Acting EEO Director / Acting Executive Director

Date

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



Sharon Bradford Franklin
Chair, PCLOB



Date

MD-715



PART G:

Agency Self-Assessment Checklist

 Compliance Indicator  Measures		Measure Met? (Yes/No/NA)	Comments
A.1.a	<p>A.1 – The agency issues an effective, up to date EEO policy statement.</p> <p>Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency’s commitment to EEO for all employees and applicants? If “yes”, please provide the annual issuance date in the comment’s column. [see MD-715, II(A)]</p>	No	<p>Dated annual policy statement issued 6/29/2022. Document was not signed.</p> <p>https://documents.pcllob.gov/prod/DynamicImages/Generic/b4beb2bd-0856-4d98-8281-5761d24e3870/EEO%20and%20AH%20Statement%20-%20Completed%20508%20-%202007132022.pdf</p>
A.1.b	<p>Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)]</p>	Yes	<p>It specifies that opposition to reprisal is protected, not reprisal itself as suggested by Question A.1.b.</p>



 Compliance Indicator  Measures	A.2 – The agency has communicated EEO policies and procedures to all employees.	Measure Met? (Yes/No/NA)	Comments
A.2.a	Does the agency disseminate the following policies and procedures to all employees?	N/A	
A.2.a.1	Anti-harassment policy? [see MD 715, II(A)]	Yes	Yes. PCLOB Policy 2016-003-01. Policy update is currently pending Board vote, and will be made to staff and on the website.
A.2.a.2	Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)]	Yes	Yes. Available internally and on the website.
A.2.b	Does the agency prominently post the following information throughout the workplace and on its public website?	N/A	
A.2.b.1	The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	No	Information is provided; however, the EEO Director point of contact is not listed as the position is not currently filled. In the interim, the Acting EEO Director's information is not listed, with the goal of directing people to EEO Counselor through a Shared Service Provider.
A.2.b.2	Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 C.F.R § 1614.102(b)(5)]	Yes	Yes.
A.2.b.3	Reasonable accommodation procedures? [see 29 C.F.R. § 1614.203(d)(3)(i)] If so, please provide the internet address in the comment's column.	Yes	Yes. https://documents.pclob.gov/prod/DynamicImages/Generic/53f2b563-1648-4890-880e-53a34d42d79f/Reasonable%20Accommodation%20Policy.pdf
A.2.c	Does the agency inform its employees about the following topics?	N/A	
A.2.c.1	EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and	Yes	Annually through email.



	1614.102(b)(5)] If "yes", please provide how often.		
A.2.c.2	ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.	Yes	Annually through email.
A.2.c.3	Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.	Yes	Annually through email.
A.2.c.4	Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If "yes", please provide how often.	Yes	Annually through email.
A.2.c.5	Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR § 2635.101(b)] If "yes", please provide how often.	Yes	Annually through email.

 Compliance Indicator	A.3 – The agency assesses and ensures EEO principles are part of its culture.	Measure Met? (Yes/No/NA)	Comments
 Measures			New Compliance Indicator
A.3.a	Does the agency provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a) (9)] If "yes", provide one or two examples in the comments section.	Yes	Currently, the PCLOB recognizes such efforts though not in policy. PCLOB has updates to its award policy, specifically establishing EEO/DEIA based Special Act Awards.
A.3.b	Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]	Yes	PCLOB has signed up for FEVS in FY23, but used an agency climate survey to establish a baseline.



Essential Element B: INTEGRATION OF EEO INTO THE AGENCY'S STRATEGIC MISSION

This element requires that the agency's EEO programs are structured to maintain a workplace that is free from discrimination and support the agency's strategic mission.



 Compliance Indicator  Measures	B.1 - The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.	Measure Met? (Yes/No/NA)	Comments
B.1.a	Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	
B.1.a.1	If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If "yes," please provide the title of the agency head designee in the comments.	N/A	
B.1.a.2	Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	
B.1.b	Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	Yes	
B.1.c	During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of	Yes	April 14, 2022

	the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I)] If “yes”, please provide the date of the briefing in the comment’s column.		
B.1.d	Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]	Yes	
 Compliance Indicator  Measures			
	B.2 – The EEO Director controls all aspects of the EEO program.	Measure Met? (Yes/No/NA)	Comments New Compliance Indicator
B.2.a	Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)]	Yes	
B.2.b	Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)]	Yes	EEO counseling is generally completed by our shared service provider. However, the EEO Director ensures completion of EEO counseling.
B.2.c	Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes	EEO investigation is generally completed by our shared service provider. However, the EEO Director ensures completion of EEO investigations.
B.2.d	Is the EEO Director responsible for overseeing the timely issuing final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain	Yes.	FADs are generally completed by our shared service provider. However, the EEO Director ensures completion of FADs in a timely manner.

	subordinate level components.]		
B.2.e	Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	Yes	
B.2.f	Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]	Yes	
B.2.g	If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2) and (c)(3)]	N/A	PCLOB does not have subordinate level EEO offices.



 Compliance Indicator	B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/per sonnel actions.	Measure Met? (Yes/No/ NA)	Comments
 Measures			
B.3.a	Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]	Yes	



B.3.b	Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comment's column.	Yes	https://documents.pclob.gov/prod/Documents/StrategicPlans/14/PCLOB%20Strategic%20Plan_2022-2026-5.25.2022-FINAL%20BOARD%20APPROVED-07142022-Completed%20508.pdf Goal to build a model EEO program, implement DEIA goals, recruit diverse staff, expand opportunities from historically underserved communities
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 Compliance Indicator  Measures	B.4 - The agency has sufficient budget and staffing to support the success of its EEO program.	Measure Met? (Yes/No/NA)	Comments
B.4.a	Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:	N/A	
B.4.a.1	to conduct a self-assessment of the agency for possible program deficiencies. [see MD-715, II(D)]	Yes	
B.4.a.2	to enable the agency to conduct a thorough barrier analysis of its workforce. [see MD-715, II(B)]	Yes	
B.4.a.3	to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR § 1614.102(c)(5) & 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]	Yes	
B.4.a.4	to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B)]	Yes	

	and III(C)] If not, please identify the type(s) of training with insufficient funding in the comment's column.		
B.4.a.5	to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)]	N/A	
B.4.a.6	to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	Yes	
B.4.a.7	to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)]. If not, please identify the systems with insufficient funding in the comments section.	No	The PCLOB relies on the support of our shared service provider to help operate our EEO program, including the use of accurate data collection and tracking systems. However, PCLOB is working on improving its efforts regarding accurate data collection and tracking systems for workforce demographics and applicant flow.
B.4.a.8	to effectively administer its special emphasis programs (such as, Federal Women's Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]	No.	While PCLOB has dedicated collateral duties for the EEO Director to assist in executing many facets of the SEP programs, the agency lacks sufficient dedicated staff to effectively administer the multiple subprograms. By operating a single overarching SEP program, PCLOB is able to promote an appropriate SEP given the agency's size and budget. As the overall agency is fewer than 40 people, providing staff resources for multiple programs would prevent mission accomplishment.
B.4.a.9	to effectively manage its anti-harassment program. [see MD-715 Instructions, Sec. I); EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes	
B.4.a.10	to effectively manage its reasonable accommodation program. [see 29 CFR § 1614.203(d)(4)(ii)]	Yes	
B.4.a.11	to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	Yes	
B.4.b	Does the EEO office have a budget that is separate from other offices within the	N/A	No offices within the PCLOB have a separate budget.



	agency? [see 29 CFR § 1614.102(a)(1)]		
B.4.c	Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	Yes	
B.4.d	Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II)(A) of MD-110?	N/A	The PCLOB does not employ counselors or investigators as part of its EEO program. The PCLOB relies on its shared service provider to handle those responsibilities. However, PCLOB verifies compliance with this requirement by reviewing the shared service provider's MD715 report. Link .
B.4.e	Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?	N/A	The PCLOB does not employ counselors or investigators as part of its EEO program. The PCLOB relies on its shared service provider to handle those responsibilities. However, PCLOB verifies compliance with this requirement by reviewing the shared service provider's MD715 report. Link .



 Compliance Indicator  Measures	B.5 – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills.	Measure Met? (Yes/No/NA)	Comments New Indicator
B.5.a	Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program:	N/A	
B.5.a.1	EEO Complaint Process? [see MD-715(II)(B)]	Yes	
B.5.a.2	Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)]	Yes	
B.5.a.3	Anti-Harassment Policy? [see MD-715(II)(B)]	Yes	
B.5.a.4	Supervisory, managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	No.	Training was not explicitly performed for this topic. However, it is the goal of the DEIA Committee to expand related training in Q3 and Q4 of FY23. Additionally, OGC has made efforts to procure related supervisory training for FY23.
B.5.a.5	ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes	Yes	



	and the benefits associated with utilizing ADR? [see MD-715(II)(E)]		
 Compliance Indicator  Measures	B.6 – The agency involves managers in the implementation of its EEO program.	Measure Met? (Yes/No/NA)	Comments New Indicator
B.6.a	Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	Yes	
B.6.b	Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	Yes	
B.6.c	When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I]	Yes	
B.6.d	Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR § 1614.102(a)(5)]	Yes	



Essential Element C: MANAGEMENT AND PROGRAM ACCOUNTABILITY			
This element requires the agency head to hold all managers, supervisors, and EEO officials responsible for the effective implementation of the agency's EEO Program and Plan.			
 Compliance Indicator		Measure Met? (Yes/No/NA)	Comments
 Measures			
C.1.a	Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	N/A	The PCLOB does not have component offices.
C.1.b	Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.	N/A	The PCLOB does not have component offices.
C.1.c	Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]	N/A	The PCLOB does not have component offices.
 Compliance Indicator	C.2 – The agency has established procedures to prevent all forms of EEO discrimination.	Measure Met? (Yes/No/NA)	Comments
 Measures			New Indicator
C.2.a	Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes	
C.2.a.1	Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	Yes	
C.2.a.2	Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]	No	





C.2.a.3	Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	Yes	
C.2.a.4	Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [see Enforcement Guidance, V.C.]	Yes	
C.2.a.5	Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see <u>Complainant v. Dep't of Veterans Affairs</u> , EEOC Appeal No. 0120123232 (May 21, 2015); <u>Complainant v. Dep't of Defense (Defense Commissary Agency)</u> , EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comment's column.	Yes	
C.2.a.6	Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR 1614.203(d)(2)]	Yes	
C.2.b	Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR 1614.203(d)(3)]	Yes	
C.2.b.1	Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR 1614.203(d)(3)(D)]	Yes	
C.2.b.2	Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	Yes	
C.2.b.3	Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR 1614.203(d)(1)(ii)(B)]	Yes	





C.2.b.4	Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR 1614.203(d)(3)(i)(M)]	Yes	
C.2.b.5	Does the agency process all accommodation requests within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If "no", please provide the percentage of timely-processed requests in the comment's column.	Yes	
C.2.c	Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR 1614.203(d)(6)]	Yes	
C.2.c.1	Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR § 1614.203(d)(5)(v)] If "yes", please provide the internet address in the comment's column.	Yes	https://www.pcllob.gov/Legal/Eeo
 Compliance Indicator  Measures	C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.	Measure Met? (Yes/No/NA)	Comments New Indicator
C.3.a	Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	Yes	
C.3.b	Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities?	N/A	
C.3.b.1	Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.]	No	
C.3.b.2	Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	No	
C.3.b.3	Ensure a workplace that is free from all forms of discrimination, including	No	



	harassment and retaliation? [see MD-715, II(C)]		
C.3.b.4	Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]	No	
C.3.b.5	Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	No	
C.3.b.6	Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	No	
C.3.b.7	Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]	No	
C.3.b.8	Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]	No	
C.3.b.9	Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]	No	
C.3.c	Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]	Yes	
C.3.d	When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]	N/A	Did not occur during rating period.
 Compliance Indicator  Measures	C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program.	Measure Met? (Yes/No/NA)	Comments
C.4.a	Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	Yes	
C.4.b	Has the agency established timetables/schedules to review at regular intervals its merit promotion	Yes	





	program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]		
C.4.c	Does the EEO office have timely access to accurate and complete data (e.g., demographic data for workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]	Yes	
C.4.d	Does the HR office timely provide the EEO office have timely access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]	Yes	
C.4.e	Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:	N/A	
C.4.e.1	Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	No	The PCLOB is working on implementing an improved affirmative action plan for individuals with disabilities.
C.4.e.2	Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	Yes	
C.4.e.3	Develop and/or provide training for managers and employees? [see MD-715, II(C)]	Yes	
C.4.e.4	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	Yes	
C.4.e.5	Assist in preparing the MD-715 report? [see MD-715, II(C)]	Yes	
 Compliance Indicator  Measures	C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.	Measure Met? (Yes/No/NA)	Comments
C.5.a	Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? 29 CFR § 1614.102(a)(6); see also <u>Douglas v. Veterans Administration</u> , 5 MSPR 280 (1981)	No	The PCLOB is reviewing a draft policy.
C.5.b	When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If “yes”, please state the number of disciplined/sanctioned individuals	Yes	0





	during this reporting period in the comments.		
C.5.c	If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct? [see MD-715, II(C)]	Yes	
 Compliance Indicator  Measures	C.6 – The EEO office advises managers/supervisors on EEO matters.	Measure Met? (Yes/No/NA)	Comments
C.6.a	Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If “yes”, please identify the frequency of the EEO updates in the comment’s column.	Yes	Annually, or more often as needed.
C.6.b	Are EEO officials readily available to answer managers’ and supervisors’ questions or concerns? [see MD-715 Instructions, Sec. I]	Yes	





Essential Element D: PROACTIVE PREVENTION			
This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity.			
 Compliance Indicator  Measures		Measure Met? (Yes/No/NA)	Comments
D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.			
D.1.a	Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	Yes	The PCLOB is currently developing this through iterative reviews by the DEIA Committee. PCLOB has assessed triggers for PWD/PWTD personnel.
D.1.b	Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	Yes	As part of assessing PCLOB workforce, PCLOB reviews such data, including workforce data, complaint data, reasonable accommodation data, and related information to the extent available.
D.1.c	Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR 1614.203(d)(1)(iii)(C)]	Yes	
 Compliance Indicator  Measures		Measure Met? (Yes/No/NA)	Comments New Indicator
D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)			
D.2.a	Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	Yes	The PCLOB is currently developing this through iterative reviews. PCLOB has assessed triggers for PWD/PWTD personnel. The DEIA Committee reviews data on an annual basis to review triggers and assess potential barriers.
D.2.b	Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	No	The PCLOB is currently developing a method to formalize this process. However, the DEIA Committee reviews draft policies and procedures.
D.2.c	Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]	N/A	PCLOB has not had any reorganizations or realignments.



D.2.d	Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If “yes”, please identify the data sources in the comment’s column.	Yes	As part of the iterative process with assessing triggers, PCLOB also assesses such data such as complaint/grievance data, exit surveys, climate surveys, RA requests, the anti-harassment program, and responses to the special emphasis programs.
 Compliance Indicator  Measures	D.3 – The agency establishes appropriate action plans to remove identified barriers.	Measure Met? (Yes/No/NA)	Comments New Indicator
D.3.a.	Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	Yes	No barriers have been identified during the reporting period.
D.3.b	If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	Yes	No barriers have been identified during the reporting period; however, triggers were assessed and planned activities resulted.
D.3.c	Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	Yes	Annual basis.
 Compliance Indicator  Measures	D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities	Measure Met? (Yes/No/NA)	Comments New Indicator
D.4.a	Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)] Please provide the internet address in the comments.	No	The PCLOB is working on creating a viable affirmative action plan. Once created, it shall be posted.
D.4.b	Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR 1614.203(d)(1)(i)]	Yes	
D.4.c	Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR 1614.203(d)(1)(ii)(A)]	Yes	
D.4.d	Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR 1614.203(d)(7)(ii)]	Yes	

Essential Element E: EFFICIENCY			
This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency's EEO programs and an efficient and fair dispute resolution process.			
 Compliance Indicator	E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process.	Measure Met? (Yes/No/NA)	Comments
 Measures			
E.1.a	Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?	Yes	
E.1.b	Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?	Yes	
E.1.c	Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(l)?	N/A	PCLOB did not have a case within the reporting year.
E.1.d	Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(l)? If so, please provide the average processing time in the comments.	N/A	PCLOB did not have a case within the reporting year.
E.1.e	Does the agency ensure all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?	Yes	
E.1.f	Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	N/A	PCLOB did not have a case within the reporting year.
E.1.g	If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?	N/A	PCLOB did not have a case within the reporting year.
E.1.h	When the complainant does not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?	N/A	PCLOB did not have a case within the reporting year.
E.1.i	Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?	N/A	PCLOB did not have a case within the reporting year.
E.1.j	If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.	N/A	PCLOB does not use contractors. It does use a government shared service provider, which has met all requirements.
E.1.k	If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]	Yes	Employees are held accountable for Performance objectives through the Performance management process consistent with merit system principles, due process rights, agency policies, and related applicable.

			requirements.
E.1.i	Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]	Yes	
 Compliance Indicator  Measures	E.2 – The agency has a neutral EEO process.	Measure Met? (Yes/No/NA)	Comments Revised Indicator
E.2.a	Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)]	Yes	See below.
E.2.b	When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If “yes”, please identify the source/location of the attorney who conducts the legal sufficiency review in the comment’s column.	Yes	PCLOB relies on the support of our shared service provider to provide legal sufficiency reviews. Where the SSP is unable to provide such support, the OGC maintains separation between defensive personnel and those supporting the EEO office in order to establish a firewall consistent with EEO caselaw.
E.2.c	If the EEO office relies on the agency’s defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]	Yes	
E.2.d	Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]	Yes	
E.2.e	If applicable, are processing time frames incorporated for the legal counsel’s sufficiency review for timely processing of complaints? EEOC Report, <i>Attaining a Model Agency Program: Efficiency</i> (Dec. 1, 2004)	Yes	
 Compliance Indicator  Measures	E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.	Measure Met? (Yes/No/NA)	Comments
E.3.a	Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	Yes	
E.3.b	Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	Yes	
E.3.c	Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)]	Yes	
E.3.d	Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	Yes	
E.3.e	Does the agency prohibit the responsible management official named in the dispute from	Yes	

	having settlement authority? [see MD-110, Ch. 3(I)]		
E.3.f	Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	Yes	
 Compliance Indicator  Measures	E.4 – The agency has effective and accurate data collection systems in place to evaluate its EEO program.	Measure Met? (Yes/No/NA)	Comments
E.4.a	Does the agency have systems in place to accurately collect, monitor, and analyze the following data?		
E.4.a.1	Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]	Yes	
E.4.a.2	The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	Yes	
E.4.a.3	Recruitment activities? [see MD-715, II(E)]	Yes	
E.4.a.4	External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]	No	
E.4.a.5	The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)]	Yes	
E.4.a.6	The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]	Yes	
E.4.b	Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	Yes	
 Compliance Indicator  Measures	E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program.	Measure Met? (Yes/No/NA)	Comments
E.5.a	Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If “yes”, provide an example in the comments.	Yes	Complaints are tracked by issues and bases over FY. Use of No Fear Act, 462, and MD-715 reports for review.
E.5.b	Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If “yes”, provide an example in the comments.	Yes	Routinely reviews other agency publications and data. Compares reporting and data to Intelligence Community metrics and reporting. Participates in Small Agency Council EEO committee.
E.5.c	Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]	Yes	Participates in Small Agency Council EEO committee. Reviews reports published on other small agency websites as comparison.

Essential Element F: RESPONSIVENESS AND LEGAL COMPLIANCE			
This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.			
 Compliance Indicator  Measures		Measure Met? (Yes/No/NA)	Comments
F.1.a	F.1 – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.	Yes	
	Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]		
F.1.b	Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	Yes	
F.1.c	Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	Yes	
F.1.d	Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	Yes	
F.1.e	When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)]	Yes	This is incorporated into PCLOB policy.
 Compliance Indicator  Measures		Measure Met? (Yes/No/NA)	Comments
F.2.a	F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.	N/A	To date, PCLOB has not received an EEOC order.
	Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]		
F.2.a.1	When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]	N/A	To date, no PCLOB employee has requested a hearing.
F.2.a.2	When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]	N/A	To date, no PCLOB employee has requested a hearing, nor has there been a finding of discrimination in an EEO-related matter.

F.2.a.3	When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]	N/A	To date, no PCLOB employee has requested a hearing, nor has there been a finding of discrimination in an EEO-related matter.
F.2.a.4	Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	N/A	To date, no PCLOB employee has requested a Hearing, nor has there been a finding of discrimination in an EEO-related matter.
 Compliance Indicator  Measures	F.3 - The agency reports to EEOC its program efforts and accomplishments.	Measure Met? (Yes/No/NA)	Comments
F.3.a	Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]	Yes	
F.3.b	Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]	Yes	

MD-715 – Part J

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

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

Section I: Efforts to Reach Regulatory Goals

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

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes," describe the trigger(s) in the text box.
 - a. Cluster GS-1 to GS-10 (PWD) No
 - b. Cluster GS-11 to SES (PWD) Yes

Note that the PCLOB does not fall under the GS schedule. Therefore, PCLOB uses alternative salary clusters.

PCLOB does not currently have any personnel under a GS-11 equivalency basis. As such, no goals were set for that level.

PCLOB has a trigger for PWD. PCLOB recognizes the lower # of 4% not meeting the 12% benchmark, and has conducted a barrier analysis.

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

Note that the PCLOB does not fall under the GS schedule. Therefore, PCLOB uses alternative salary clusters.

PCLOB does not currently have any personnel under a GS-11 equivalency basis. As such, no goals were set for that level.

PCLOB has a trigger for PWTD. PCLOB recognizes the 0% not meeting the 2% benchmark, and has conducted a barrier analysis.

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

DEIA Committee works with hiring officials, including interviewers, the Chair, and the Board as a whole on stated goals.

Section II: Model Disability Program

Pursuant to 29 C.F.R. §1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

A. Plan to Provide Sufficient & Competent Staffing for the Disability Program

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

Answer: Yes.

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

Disability Program Task	# FTE Full Time	# FTE Part Time	# FTE Collateral Duty	Responsible Official (Name, Title, Office, Email)
Processing applications from PWD and PWTD			1	Chara Singleton, Chief Human Capitol Officer, chara.singleton@pclob.gov ³
Answering questions from the public about hiring authorities that take disability into account			3	Alan Silverleib, Legislation and Public Affairs Officer, alan.silverleib@pclob.gov Leah Kieff, Operations Director (and Reasonable Accommodation Coordinator), leah.kieff@pclob.gov Chara Singleton, Chief Human Capitol Officer, chara.singleton@pclob.gov
Processing reasonable accommodation requests from applicants and employees			1	Leah Kieff, Operations Director (and Reasonable Accommodation Coordinator), leah.kieff@pclob.gov
Section 508 Compliance			2	Alan Silverleib, Legislation and Public Affairs Officer Preston McGill, Chief Information Officer, preston.mcgill@pclob.gov
Architectural Barriers Act Compliance			1	Leah Kieff, Operations Director (and Reasonable Accommodation Coordinator)
Special Emphasis Program for PWD and PWTD			2	Chara Singleton, Chief Human Capitol Officer, chara.singleton@pclob.gov

³ CHCO Singleton departed at the end of FY22.

				Brian Young, Acting Executive Director (and Acting EEO Director/CDO), brian.young@pclob.gov
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3. Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Answer: No.

No training was provided to disability program staff in FY2022. The General Counsel plans to conduct a training in FY23.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

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

Yes

Section III: Plan to Recruit and Hire Individuals with Disabilities

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

A. Plan to Identify Job Applicants with Disabilities

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

Going forward to increase our outreach, we will include the use of websites to identify job applicants with disabilities. For example, www.askearn.org/topics/recruitment-hiring/finding-candidates-with-disabilities/, [AbilityJobs](#), etc.

Applicants may disclose disabilities during the application process and request reasonable accommodations via USAJobs on direct to hiring manger or RA process.

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

PCLOB has statutory authority to hire individual without regard to competitive service requirements. This allows for hirings that appropriately take disability in account.

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

Since the PCLOB has the authority to hire directly without competitive requirements, the PCLOB is not limited to specific schedules. If an applicant selects a Schedule A authority, PCLOB HR professionals understand the unique hiring authority’s application, and managers and supervisors understand that they can hire qualified candidates with disabilities without impediment.

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

No.

Since the PCLOB has the authority to hire directly without competitive requirements, the PCLOB is not limited to specific schedules. While our HR professionals understand specific hiring authorities, managers and supervisors understand that they can hire qualified candidates with disabilities without impediment. As such, no training is required.

B. Plan to Establish Contacts with Disability Employment Organizations

Describe the agency’s efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

None currently. The PCLOB is working towards establishing these relationships, including increasing advertising amongst various organizations to promote vacancy announcements.

C. Progression Towards Goals (Recruitment and Hiring)

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

- a. New Hires for Permanent Workforce (PWD) Yes X
- b. New Hires for Permanent Workforce (PWTD) Yes X

While goal of 12% and 2% are benchmarks, none of the new hires in the permanent workforce were PWD or PWTD. Human Resources monitors these categories.

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

- a. New Hires for MCO (PWD) Yes X
- b. New Hires for MCO (PWTD) Yes X

PCLOB MCOs include 0905 attorney advisors. None of the new hires in MCO categories were PWD or PWTD. At this time, PCLOB was unable to assess the qualified applicant pools for comparison, with a goal of a comparative assessment in the following year. While PCLOB also hires Program Analysts and has considered MCO, they may fall within different codes or series, including 0301.

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

- a. Qualified Applicants for MCO (PWD) Yes
- b. Qualified Applicants for MCO (PWTD) Yes

While goal of 12% and 2% are benchmarks, none of the new hires in the permanent workforce were PWD or PWTD. At this time, PCLOB was unable to assess the qualified applicant pools for comparison, with a goal of a comparative assessment in the following year.

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

- a. Promotions for MCO (PWD) No
- b. Promotions for MCO (PWTD) No

There were zero internal promotions made of PWD or PWTD in a MCO.

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

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

A. Advancement Program Plan

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

Due to the small size of the agency, formal career ladders do not exist.

Additionally, PCLOB has not had an instance where a qualified PWD or PWTD has not had equal employment opportunity as any other employee without a disability.

PCLOB would attempt reasonable accommodation when needed, appropriate, and where it doesn't cause an undue hardship to the agency, i.e. assisted technology, work schedule change, PAS, etc.

PCLOB granted all formal RA requests submitted in the reporting period.

B. Career Development Opportunities

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

PCLOB offers career development training that requires supervisor approval, but not competition. This includes mentoring, detail opportunities, and training opportunities. These are handled at the supervisor level, with awareness by the DEIA committee and CHCO.

Additionally, PCLOB employees have discussions with their supervisors at the beginning of the performance period to discuss their development.

2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate.

Career Development Opportunities	Total Applicants (#)	Total Selectees (#)	Applicants who are PWD (%)	Selectees who are PWD (%)	Applicants who are PWTD (%)	Selectees who are PWTD (%)
Internship Programs	N/A	N/A	N/A	N/A	N/A	N/A
Fellowship Programs	N/A	N/A	N/A	N/A	N/A	N/A
Mentoring Programs	N/A	N/A	N/A	N/A	N/A	N/A
Coaching Programs	N/A	N/A	N/A	N/A	N/A	N/A
Training Programs	N/A	N/A	N/A	N/A	N/A	N/A
Detail Programs	N/A	N/A	N/A	N/A	N/A	N/A
Other Career Development Programs	N/A	N/A	N/A	N/A	N/A	N/A

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.

- a. Applicants (PWD) N/A
- b. Selections (PWD) N/A

N/A, see above.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs identified? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.

- a. Applicants (PWTD) N/A
- b. Selections (PWTD) N/A

N/A, see above.

C. Awards

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

- a. Awards, Bonuses, & Incentives (PWD) No
- b. Awards, Bonuses, & Incentives (PWTD) No

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

- a. Pay Increases (PWD) N/A
- b. Pay Increases (PWTD) N/A

As PCLOB does not use the general schedule scale, there are no actual QSIs.

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

- a. Other Types of Recognition (PWD) N/A
- b. Other Types of Recognition (PWTD) N/A

Supervisors and employees can recommend employees for awards. However, data is not collected on these demographics for awards.

D. Promotions

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

- a. SES
 - i. Qualified Internal Applicants (PWD) N/A
 - ii. Internal Selections (PWD) N/A

- b. Grade GS-15
 - i. Qualified Internal Applicants (PWD) No
 - ii. Internal Selections (PWD) No

- c. Grade GS-14
 - i. Qualified Internal Applicants (PWD) No
 - ii. Internal Selections (PWD) No

- d. Grade GS-13
 - i. Qualified Internal Applicants (PWD) No
 - ii. Internal Selections (PWD) No

PCLOB does not have SES equivalent personnel.

No triggers were identified.

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

- | | | |
|----------------|-------------------------------------|-----|
| a. SES | | |
| i. | Qualified Internal Applicants (PWD) | N/A |
| ii. | Internal Selections (PWD) | N/A |
| b. Grade GS-15 | | |
| i. | Qualified Internal Applicants (PWD) | No |
| ii. | Internal Selections (PWD) | No |
| c. Grade GS-14 | | |
| i. | Qualified Internal Applicants (PWD) | No |
| ii. | Internal Selections (PWD) | No |
| d. Grade GS-13 | | |
| i. | Qualified Internal Applicants (PWD) | No |
| ii. | Internal Selections (PWD) | No |

PCLOB has no PWTD personnel and thus no triggers were identified for promotions.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

- | | | |
|----|--------------------------|-----|
| a. | New Hires to SES (PWD) | N/A |
| b. | New Hires to GS-15 (PWD) | No |
| c. | New Hires to GS-14 (PWD) | No |
| d. | New Hires to GS-13 (PWD) | No |

PCLOB does not have SES equivalent personnel.

PCLOB currently does not have access to applicant pool data.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans,

please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box.

- a. New Hires to SES (PWTD) N/A
- b. New Hires to GS-15 (PWTD) No
- c. New Hires to GS-14 (PWTD) No
- d. New Hires to GS-13 (PWTD) No

PCLOB does not have SES equivalent personnel.

PCLOB currently does not currently have access to applicant pool data.

5. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.
- a. Executives
 - i. Qualified Internal Applicants (PWD) No
 - ii. Internal Selections (PWD) No
 - b. Managers
 - i. Qualified Internal Applicants (PWD) No
 - ii. Internal Selections (PWD) No
 - c. Supervisors
 - i. Qualified Internal Applicants (PWD) No
 - ii. Internal Selections (PWD) No

There were no internal applicants who were PWD.

6. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box.
- a. Executives
 - iii. Qualified Internal Applicants (PWD) N/A
 - iv. Internal Selections (PWD) N/A
 - b. Managers
 - iii. Qualified Internal Applicants (PWD) N/A

- iv. Internal Selections (PWD) N/A
- c. Supervisors
 - iii. Qualified Internal Applicants (PWD) Yes
 - iv. Internal Selections (PWD) Yes

PCLOB currently has no PWTD employees.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box.

- a. New Hires for Executives (PWD) N/A
- b. New Hires for Managers (PWD) Yes
- c. New Hires for Supervisors (PWD) Yes

PCLOB is not currently able to assess applicant pool data. However, 0% of new hire for managers/supervisors were PWD.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box.

- a. New Hires for Executives (PWTD) N/A
- b. New Hires for Managers (PWTD) Yes
- c. New Hires for Supervisors (PWTD) Yes

PCLOB is not currently able to assess applicant pool data. However, 0% of new hire for managers/supervisors were PWTD or PWTDD.

Section V: Plan to Improve Retention of Persons with Disabilities

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

A. Voluntary and Involuntary Separations

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

N/A

PCLOB did not have any personnel to convert. PCLOB only has excepted schedule positions.

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

- | | |
|----------------------------------|----|
| a. Voluntary Separations (PWD) | No |
| b. Involuntary Separations (PWD) | No |

There were no PWD separations in the reporting period.

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

- | | |
|-----------------------------------|----|
| a. Voluntary Separations (PWTD) | No |
| b. Involuntary Separations (PWTD) | No |

There were no PWTD separations in the reporting period.

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

N/A. No such trigger has been identified.

B. Accessibility of Technology and Facilities

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

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

<https://www.pclob.gov/Legal/Eeo> (under accessibility policy).

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

<https://www.pclob.gov/Legal/Eeo> (under accessibility policy).

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

PCLOB is continuing to work on improving accessibility of technology. PCLOB is in the process of ensuring that all prior products posted on the website were 508 compliant and are updating documents

C. Reasonable Accommodation Program

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

The average processing time was 9 business days.

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

PCLOB completed its RA policy, and has begun a training program for managers and employees. PCLOB occupies a floor in a privately owned and managed building. The building management company is responsible for facilities accessibility matters.

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

Pursuant to 29 C.F.R. § 1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

The PCLOB did not receive a request for personal assistance services (PAS) during the reporting period.

Section VI: EEO Complaint and Findings Data

A. EEO Complaint data involving Harassment

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

N/A

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

N/A

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

PCLOB had no complaints involving harassment during the reporting period.

B. EEO Complaint Data involving Reasonable Accommodation

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

N/A

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

N/A

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

PCLOB had no complaints involving reasonable accommodation during the reporting period.

Section VII: Identification and Removal of Barriers

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

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

No

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

N/A

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

Low disability numbers.

While triggers have been identified, the current barrier analysis has assessed that the triggers are not causing barriers to equal employment at the PCLOB. Due to small sample sizes, some barrier analysis is difficult to assess. No barriers regarding applicants or employees with disabilities have been identified to date; however, PCLOB still has difficulty accessing applicant data due to use of shared service providers and limited staffing due to agency size, as well as after-effects of a sub-quorum period. Barrier analysis to this point has reviewed workforce data tables, hiring efforts, surveys, and other sources of information.

While separation of PWD has not been an issue, recruitment of both PWD and PWTD remains an issue.

As an Intelligence Community (IC) oversight entity, PCLOB's percentages should be comparable to IC entities. In 2020, ODNI reported that the IC overall had a 10.1% PWD and 1.8% PWTD. Additionally, in 2020, NSA had a 11.9% PWD and NRO had 8.16% PWD above GS-11. In comparison, PCLOB currently has 4% PWD and 0% PWTD. This indicates the possible presence of a barrier.

It is also recognized that the EEOC benchmarks of 12% PWD and 2% PWTD are the equivalent of between 3 to 5 individuals and less than 1 individual respectively, given the PCLOB staff size.

There are no assessed physical, glass, or pipeline barriers. Assessments continue regarding institutional and attitudinal barriers; however, there is no current evidence supporting the existence of such barriers.

Assessments have included consideration of a variety of factors, including: (1) no disability goals shared with hiring managers and (2) efforts to recruit personnel with existing security clearances.

PCLOB is working on the first factor by working to establish hiring goals and promoting EEO/DEIA training for hiring officials. The second factor relies on primary recruiting from the IC and similar organizations. Although PCLOB also hires from outside of government, the potential pool of applicants thus decreases from the 14% disability pool in the FEORP to the estimated 10% pool from the IC. Recruiting from a smaller pool of potential candidates further reduces the ability to meet the relevant benchmarks. To remedy this impact, PCLOB is working in the next FY to improve recruitment efforts, such as advertising at alternate locations and websites, and promoting job advertisements.

Additionally, PCLOB intends to work on improving access to applicant data to better assess any barriers to applicants.

A third potential cause is simply agency size. PCLOB has fluctuated between under 20 personnel during sub-quorum period to 30 personnel, with a goal of reaching approximately 40 FTEs. Due to the small agency size, statistical analysis is prone to inaccuracies and bias. As noted by the EEOC, "For agencies with fewer than 50 employees, conclusions concerning the existence of workplace barriers cannot be drawn from numerical assessments. To identify specific policies, procedures, or practices, PCLOB would need to scrutinize complaints/ grievance data, merit promotion policies and procedures, disciplinary records, responses to employee satisfaction surveys, exit interview responses, and employee development policies and procedures." PCLOB has reviewed policies and practices, complaint data, promotion policies, disciplinary records, satisfaction surveys, and exit interview responses. This information has not yielded any additional evidence of a barrier and instead has indicated simply not meeting such benchmarks.

Based on conversations with hiring officials, the primary impact was lack of disability goals being shared with them, which is consistent with the first factor above. Given that all PCLOB employees are hired without regard to competitive service rules, the normal special hiring authorities considered by the EEOC are not relevant. PCLOB has discretion to hire the best qualified individuals, allowing PCLOB to hire PWD or PWTD without relying on standard Schedule A processes. This also indicates that hiring authorities were never a barrier to entry.

Triggers	Reduced representation of PWD and PWTD.			
Barrier(s)	N/A			
Objective(s)	To increase representation in PCLOB of PWD and PWTD			
Responsible Official(s)	Performance Standards Address the Plan? (Yes or no)			
Agency Leadership, DEIA CMTE				
Target Date	Planned Activities	Sufficient Staffing/Funding	Modified Date	Completion Date
FY	Accomplishments			

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

The agency had not identified any barriers.

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

N/A

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

N/A