



**U.S. Department of Energy**  
National Nuclear Security Administration

**EEOC Management Directive-715  
Federal Agency Annual  
EEO Program Status Report**

**Fiscal Year 2019**

**National Nuclear Security Administration**

**Fiscal Year 2019  
Equal Employment Opportunity Commission (EEOC)  
Management Directive 715  
Annual Agency EEO Program Status Report**

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**CHECKLISTS AND SUPPLEMENTAL-PLAN SECTIONS:**

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Department of Energy  
National Nuclear Security Administration (DN01)

For period covering FY 2019 (October 1, 2018 to September 30, 2019)

<b>PART A:</b> Department or Agency Identifying Information	<b>Agency</b>	U.S. Department of Energy National Nuclear Security Administration		
	<b>2<sup>nd</sup> Level Reporting Component</b>	None, N/A		
	<b>Address</b>	1000 Independence Avenue SW		
	<b>City, State, Zip Code</b>	Washington DC 20585		
	<b>Agency Code</b>	DN01		
	<b>FIPS Code</b>	8840		
<b>PART B:</b> Total Employment (# of Employees)	<b>Permanent Workforce:</b>  2,464	<b>Temporary Workforce:</b>  24	<b>Total Workforce:</b>  2,488	
<b>PART C:</b> Head of Agency, Head of Agency Designee, and Agency Officials Responsible for Oversight of EEO Programs	<b>Part C.1: Head of Agency and Head of Agency Designee</b>			
	<b>Head of Agency</b>	Lisa Gordon-Hagerty Under Secretary for Nuclear Security and NNSA Administrator		
	<b>Head of Agency Designee</b>	William Bookless Principal Deputy Administrator		
	<b>Part C.2: Agency Officials Responsible for Oversight of EEO Programs</b>			
	<b>Principal EEO Director/Official</b>	Bonnie Baisden EEO Manager		
	<b>Affirmative Employment Program Manager</b>	Bonnie Baisden EEO Manager		
	<b>Complaint Processing Program Manager</b>	Orlando Sepulveda Lead EEO Specialist		
	<b>Diversity and Inclusion Officer</b>	Mary Ann Fresco Director, Office of Employee Empowerment		
	<b>Hispanic Program Manager (SEPM)</b>	Orlando Sepulveda Lead EEO Specialist		
	<b>Women's Program Manager (SEPM)</b>	Orlando Sepulveda Lead EEO Specialist		
	<b>Disability Program Manager (SEPM)</b>	Orlando Sepulveda Lead EEO Specialist		
	<b>Special Placement Program Coordinator (Individuals with Disabilities)</b>	Antoinette Hawkins Supervisory HR Specialist		
	<b>Reasonable Accommodation Program Manager</b>	Rita Hollins RA Program Coordinator		
	<b>ADR Program Manager</b>	Bonnie Baisden EEO Manager		
	<b>Compliance Manager</b>	Bonnie Baisden EEO Manager		
	<b>Principal MD-715 Preparer</b>	Bonnie Baisden EEO Manager		
	<b>Other EEO Staff</b>	Denise Ramos EEO Specialist		
<b>Other EEO Staff</b>	Jason Fleming EEO Specialist			

<b>PART D:</b> List of Subordinate Components in this Report, and Mandatory and/or Optional Documents Provided to the EEOC	<b>Part D.1: List of Subordinate Components Covered in this Report</b>		
	<b>Subordinate Component and Location:</b> Not Applicable	<b>Subordinate Component Agency and FIPS Codes:</b> Not Applicable	
	<b>Part D.2: Mandatory and Optional Documents for this Report</b>		
	In the table below, the agency must indicate its submission of these documents with its MD-715 report.		
	<b>Did the agency submit the following <u>mandatory</u> documents?</b>	<b>Yes or No</b>	<b>Comments</b>
	Organizational Chart	YES	Uploaded via FedSEP
	EEO Policy Statement	YES	Uploaded via FedSEP
	Strategic Plan	YES	Uploaded via FedSEP
	Anti-Harassment Policy and Procedures	YES	Uploaded via FedSEP
	Reasonable Accommodation Procedures	YES	Uploaded via FedSEP
	Personal Assistance Services Procedures	YES	Uploaded via FedSEP
	Alternative Dispute Resolution Procedures	YES	Uploaded via FedSEP
	<b>Did the agency submit the following <u>optional</u> documents?</b>	<b>Yes or No</b>	<b>Comments</b>
	Federal Equal Opportunity Recruitment Program (FEORP) Report	YES	Uploaded via FedSEP
	Disabled Veterans Affirmative Action Program (DVAAP) Report	YES	Uploaded via FedSEP
Operational Plan for Increasing Employment of Individuals with Disabilities under Executive Order 13548	N/A	N/A	
Diversity and Inclusion Plan under Executive Order 13583	N/A	N/A	
Diversity Policy Statement	N/A	N/A	
Human Capital Strategic Plan	N/A	N/A	
EEO Strategic Plan	N/A	N/A	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	YES	Uploaded via FedSEP	

## PART E: Executive Summary

Equality of opportunity to participate and advance in the federal workforce is paramount to achieving the federal government's goal of becoming a model employer. This Equal Employment Opportunity (EEO) Program Status Report for Fiscal Year 2019 (FY 2019) outlines the status of the U.S. DOE National Nuclear Security Administration's (NNSA) EEO Program activities undertaken pursuant to its program responsibilities under Title VII of the Civil Rights Act of 1964. This report also describes the agency's activities undertaken pursuant to its affirmative action obligations under the Rehabilitation Act of 1973, and as required by the U.S. Equal Employment Opportunity Commission's (EEOC) Management Directive 715.

This report describes participation rates of agency employees (and applicants for federal employment with the NNSA) by race, gender, and voluntarily self-identified disability status, delineated by employee pay bands, particular occupations, and senior level pay positions. Comparing particular groups' rates-of-participation to their availability in the 2010 U.S. Census Bureau's Civilian Labor Force (CLF) provides one means of evaluating the agency's progress toward achieving equal opportunity. Disability statistics are compared to the Department-prescribed goals for achieving the expected level of participation for Persons with Disabilities and Persons with Targeted Disabilities.

The agency's annual self-assessment (measuring the NNSA's level of implementation of the EEOC's prescribed "*Essential Elements of a Model EEO Program*" standards) was conducted by the agency's EEO Manager. NNSA demonstrated several significant accomplishments during FY 2019 towards meeting and/or exceeding these standards, and also self-identified several opportunities/areas for improvement. Salient highlights and observations (as a result of the self-assessment) are summarized within this Executive Summary.

### Part E.1: Agency Mission

NNSA's core mission pillars are: to maintain a safe, secure, and effective nuclear deterrent; to prevent, counter, and respond to the threats of nuclear proliferation and terrorism worldwide; and to provide naval nuclear propulsion. NNSA is committed to fostering a work environment which depends on a highly capable workforce with specialized skills in a broad array of technical fields. NNSA recognizes the people and physical infrastructure which comprise the nuclear security enterprise are fundamental to successfully executing NNSA's mission.

### Part E.2: Essential Elements A through F

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

##### **Leadership Commitment to Enforcement of EEO Policy**

Secretary Rick Perry re-issued the *DOE Secretary's Policy Statement on EEO, Anti-Harassment, and Anti-Retaliation* on August 30, 2019. This Policy Statement emphasizes leadership's

commitment to Equal Employment Opportunity, and towards ensuring a workplace free of discrimination, harassment, and retaliation.

The Policy Statement addresses all protected bases (age, color, disability, sex, genetic information, national origin, race, religion, and reprisal) contained in the laws enforced by the EEOC. The Policy Statement is well-established and readily-accessible in electronic format to all NNSA employees (and applicants for federal employment) via internal and external-facing web presences, and clearly communicates the agency's commitment to EEO for all employees and applicants.

New employees receive training regarding the Policy Statement during New-Hire Orientation sessions. Newly-appointed supervisors and managers receive additional training regarding the Policy Statement during their attendance at initial and refresher supervisor-level training course sessions.

The Policy Statement explicitly states the following, with specific regard to the responsibility of managers and supervisors: "Managers who have knowledge of an act of possible discrimination or harassment should contact their local EEO or Human Capital Office, or the Office of the Ombudsman, for guidance. Managers must act promptly and appropriately to eliminate and prevent discrimination and harassment in the workplace."

The agency ensures Managers and Supervisors remain aware of their responsibility to vigorously enforce the Policy Statement. Staff members of the Office of Civil Rights administer live, interactive EEO training to supervisors and managers, ensuring management remains abreast of their responsibilities to immediately address and resolve workplace conflicts; to monitor and identify barriers to equal opportunity; to properly address all raised concerns; to ensure a workplace free of all forms of discrimination, harassment, and retaliation; and to ensure full cooperation with EEO Program Staff, EEO Counselors, and EEO Investigators.

### **Evaluation of Agency Federal Employee Viewpoint Survey (FEVS) Results**

The Federal Employee Viewpoint Survey (FEVS) is one of the primary sources of employee feedback and engagement data for the NNSA. The information gathered via FEVS is used by the agency management and employees to better understand NNSA's organizational strengths, and to help clarify the challenges NNSA faces in recruiting and retaining a high-performing workforce.

During FY 2019, NNSA's senior leadership led FEVS participation efforts across the enterprise, and NNSA achieved a commendable 73.90% agency-wide FEVS participation rate. Employee Empowerment Office staff members prepared and issued NNSA's FEVS Organizational Management Reports, Breakout Reports, Comparison Reports, and special data requests to managers and supervisors across the agency. Managers and supervisors subsequently shared survey results with their employees, and developed work plans to address particular challenges identified for their respective organizations.

NNSA leverages the three OPM FEVS indices and sub-factors to help measure organizational progress and strengthen employee engagement; these three indices include the Employee Engagement Index, the Global Satisfaction Index, and The New IQ Index. These indices measure factors which influence employees wanting to join, stay, and enable the agency to meet its mission.

NNSA demonstrated a positive outcome for the NNSA enterprise across all three indices and sub-factors. NNSA's 2019 Employee Engagement Index score was 74.00% (a 0.1% points decrease from 2018); the Global Satisfaction Index score was 69.90% (a 0.80% decrease from 2018); and the New IQ Index score was 68.00% (no change when compared to 2018).

Per the EEOC, an agency's EEO Program self-assessment and barrier analyses should include more than an agency's review of its workforce demographics data; the results of climate assessment surveys should also be reviewed, as the agency's workplace climate may play a role in the success of an agency's diversity efforts, and results may serve as an assessment tool to monitor employees' perception of EEO principles within the NNSA workplace. In this regard, the EEOC specifically recommends federal agencies examine Federal Employee Viewpoint Survey questions # 34 and # 38, which pertain to employees' views on the agency's efforts regarding the promoting of a diverse workplace, and the agency's tolerance for prohibited personnel practices.

The EEO Manager examined the agency's Positive Response rates of four particular 2019 Federal Employee Viewpoint Survey questions:

- Question # 34: "Policies and programs promote diversity in the workplace (for example, recruiting minorities and women, training in awareness of diversity issues, mentoring)."
- Question # 38: "Prohibited Personnel Practices (for example, illegally discriminating for or against any employee/applicant, obstructing a person's right to compete for employment, knowingly violating veterans' preference requirements) are not tolerated."
- Question # 45: "My supervisor is committed to a workforce representative of all segments of society."
- Question # 55: "Supervisors work well with employees of different backgrounds."

The results of this examination are as follows:

- FEVS Question # 34: The NNSA's 2019 Positive Response Rate of 62.20% was 3.20% above the aggregate federal government 2019 Positive Response rate of 59.00% for this question; and was consistent with the agency's 2018 Positive Response rate for this question.
- FEVS Question # 38: The NNSA's 2019 Positive Response Rate of 75.70% was 5.70% above the aggregate federal government 2019 Positive Response rate of 70.00% for this question; and was consistent with the agency's 2018 Positive Response rate for this question.
- FEVS Question # 45: The NNSA's 2019 Positive Response Rate of 78.2% was 6.20% above the aggregate federal government 2019 Positive Response rate of 72.00% for this question; and was consistent with the agency's 2018 Positive Response rate for this question.

- FEVS Question # 55: The NNSA's 2019 Positive Response Rate of 74.00% was 4.00% above the aggregate federal government 2019 Positive Response rate of 70.00% for this question; and was consistent with the agency's 2018 Positive Response rate for this question.

Positive Response Rates of these examined FEVS questions shows the NNSA's Positive Response Rate as scoring above the aggregate federal government's Positive Response Rate in all four of the examined areas. These results indicate positive progress and continual improvement within NNSA with regard to employee-satisfaction and employees' perceptions of the agency's policies and programs which promote diversity in the workplace; non-tolerance for Prohibited Personnel Practices; and supervisors who work well with employees of different backgrounds, and are committed to a workforce representative of all segments of society.

In addition to the above, the EEO Manager also reviewed and considered the following FY 2019 FEVS responses by employees within these respective additional FEVS topical-areas of interest:

**Employee Engagement Index Sub-factor pertaining to Supervisors' Display of Trust, Respect, and Support:**

This sub-factor specifically relates to employees' perceptions of their first-line supervisor; 82.60% of employees responded that their Supervisors' actions reflect the interpersonal relationship between worker and supervisor, with regard to trust, respect, and support (resulting in an increase of 0.3% from FY 2018).

**The New IQ Five Behaviors and Habits of Inclusion:**

1. Fairness: Relates to the sense of impartiality in the employee's organization. It answers the question: **Are all employees treated equally?** 56.4% of FEVS participants responded favorably in this regard (an increase of 0.2% from FY 2018)
2. Openness: Relates to the sense of diversity found in one's organization. It answers the question: **Does management support diversity in all ways?** 66.10% of FEVS participants responded favorably in this regard (an increase of 0.2% from FY 2018)
3. Cooperative Environment: An environment which fosters communication and collaboration. It answers the question: **Does management encourage communication and collaboration?** 65.00% of FEVS participants responded favorably in this regard (a decrease of 0.7% from FY 2018)
4. Supportive Environment: An environment which values employees. It answers the question: **Do supervisors value employees?** 85.10% of FEVS participants responded favorably in this regard (a decrease of 0.1% from FY 2018)
5. Empowerment: The empowered aspect of one's organization. It answers the question: **Do employees have the resources and support needed to excel?** 67.50% of FEVS participants responded favorably in this regard (an increase of 0.4% from FY 2018)

## **Promotion and Awareness of the Agency's EEO Program and Related Services**

Informational materials were updated and made available to employees (and to the public) in electronic format via the agency's internal and external-facing web presences. The Office of Civil Rights' public-facing webpages provide detailed information regarding the EEO complaint process (to include explicit notification of the 45-calendar day requirement for entry into the EEO complaint process); agency workforce statistics; copies of mandated annual and quarterly reports; EEO training resource information; information regarding Section 508 and Architectural Barriers Act non-compliance complaints-processes; a detailed overview of the agency's Alternative Dispute Resolution Program; and information regarding the agency's Reasonable Accommodation Program and Personal Assistance Services. Hard-copies of updated EEO Program posters remained posted within prominent areas at all NNSA locations.

### **Essential Element B: Integration of EEO into the Agency's Strategic Mission, and EEO Program Reporting and Staffing**

#### **Direct Reporting of EEO Director to Agency Head**

The NNSA's EEO Director continued to report to the Agency Head, and the agency's organizational chart clearly defines the reporting structure for the agency's EEO Office. NNSA recognizes the importance of ensuring the EEO Director reports to the agency head, as this demonstrates leadership's consideration of EEO as a priority, and serves to reinforce the importance of ensuring employees continue to maintain trust in the impartialness of the agency's EEO complaint processing capability.

#### **Senior Management Communication and Support**

The EEO Manager maintained a direct means of communicating with and informing the agency head/designees of the effectiveness, efficiency, and legal compliance of the agency's EEO Program. The EEO Manager continued to report to the Agency Head, and conducted EEO Program status bi-weekly teleconferences directly with the NNSA's Chief of Staff.

The FY 2019 "*Annual State of the NNSA EEO Program*" briefing was presented in-person by the EEO Manager to senior leadership on May 21, 2019. During this briefing, the EEO Manager ensured senior leadership fully understood the importance of the integration of EEO into the Agency's strategic mission and into the NNSA's strategic planning activities. Senior leadership was also briefed on the agency's workforce diversity statistics, EEO complaint activity statistics, and particular actions senior leadership shall continue to take (which significantly contribute to a successful agency-level model EEO program). Topics discussed with senior leadership during this briefing also included the importance of continued demonstrated commitment to EEO from agency leadership; management and program accountability; promotion of the agency's ADR program; identification of EEO-relevant trends within respective organizations; identification and removal of barriers which may exist to exclude particular groups; and promotion of and adherence to Reasonable Accommodation procedures and policy.

The NNSA EEO Manager sustains a solid partnership between the Office of Civil Rights, the Employee Empowerment office, Human Resources, Senior Leadership, and the agency's Learning

and Career Management Office. The EEO Manager collaborated with the Director of Human Resources and the Director of the Office of Management and Budget, with specific regard to achieving MD-715 Model EEO Program objectives, which include ensuring the EEO Manager is included in human capital planning actions (i.e., hiring, workforce planning, workforce professional development, and recruiting), and ensuring leadership is aware of the requirement to include EEO staff in deliberations on personnel decisions.

The NNSA EEO Manager remains an active member of the agency's Training Liaison Consortium, and ensures EEO aspects are reviewed and considered in the agency's training-offerings and initiatives. The EEO Manager also attends and participates in agency-level budget-planning discussions and meetings.

The NNSA's *Human Capital Management Implementation Plan* is the strategic direction which outlines the strategy for addressing anticipated mission growth and closing the existing manpower gap. The *Human Capital Management Implementation Plan* explicitly states emphasis is to be placed on hiring actions focusing on students (National Graduate Fellows Program, Pathways Program participants, and Presidential Management Fellows) and Veterans, towards increasing the strength of agency personnel; addressing the growth of retirement-eligible personnel; and to promote a diversified workforce.

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

The integration of EEO principles and practices into the agency's strategic mission is articulated and publicized within the NNSA's (December 2018) *Strategic Vision* document, and also within the accompanying *Governance and Management Framework* document, which both serve to ensure every member of the NNSA Team understands the road ahead, and works together toward accomplishing mission success. NNSA's *Strategic Vision* document identifies the agency's values, principles, mission priorities, and goals, and the *Governance and Management Framework* document focuses on the NNSA Team approach to mission integration and strategic planning, establishing clear roles and responsibilities across the enterprise. As further explanation, the *Strategic Vision* identifies the NNSA's vision for the future, policy direction, and mission priorities, as well as current challenges to overcome, while the *Governance and Management Framework* document provides the "how" to the *Strategic Vision's* "what."

The *Strategic Vision* clearly explains that the agency's mission success is dependent upon the five-pillared Core Values (integrity, trust, respect, accountability, and excellence) and states, "*Each member of our NNSA Team shall foster an inclusive environment where every perspective is recognized, and diversity of thought is valued—up, down, and across the leadership chain.*"

The *Governance and Management* document distinctly speaks to the NNSA's workforce as being the agency's greatest asset, and states, "*A successful governance approach depends on an inclusive and collaborative environment where we can work across organizational boundaries, eliminate stovepipes, and align to a common purpose. Every member of NNSA's workforce must know and understand our mission and his or her role in accomplishing it. In order for individuals to understand their role in supporting the mission, we focus on values, personnel management, training, and diversity. Our workforce is inspired by the core values detailed in the NNSA Strategic Vision: Integrity, Trust, Respect, Accountability, and Excellence. Our core values guide our actions*

*as an enterprise, define our direction, drive our behaviors, and unite our employees. Our values and their resulting culture enable NNSA to achieve its mission and function as the NNSA Team. Our leadership's actions ensure that the workforce is engaged and that our enterprise stands behind our vision and values. We accomplish this at the senior management level by modeling NNSA's core values in our daily actions. We reinforce these practices through training, by regularly monitoring feedback from workforce surveys, and through other methods of communication, including newsletters, social media, and site visits."*

With regard to reflecting the agency's sincere commitment to fostering and empowering employees' collective belonging, diversity, and inclusion, the *Governance and Management* document states, "We are focused on leading people in an open, supportive environment that encourages innovation, continuous improvement, and inclusive behaviors that support collaboration and effective teaming. The unique challenges related to nuclear security require a diverse set of skills and experiences that can only be found in a workforce that is representative of our Nation's diverse population. We will draw on the unique talents and diverse perspectives of our workforce to innovate and address challenges as a high-performing organization. One NNSA means having an effective, unified team working toward serving our Nation and accomplishing our vital mission. This supportive and diverse environment will improve mission integration and implementation of solutions to enhance workplaces throughout the enterprise and continue to promote NNSA as a 'best place to work' in the Federal Government."

Additionally, the agency's Director of Human Resources ensured EEO principles remained ingrained within the agency's strategic mission, ensuring all employees received important EEO-relevant information via the Human Resources Monthly Newsletter, which is emailed to every NNSA employee. During FY 2019, Human Resources ensured inclusion of newsletter articles and information with specific regard to Compensatory Time Off for Religious Observances; the agency's Work-Life Programs, including workplace flexibilities, telework, and dependent care; the importance of Happiness in the Workplace, and ways to foster a positive work environment; Merit System Principles, with regard to fairness in selections and promotions; acceptable and unacceptable employee conduct in the workplace, and supervisors' responsibility to address unacceptable behavior; Alternative Dispute Resolution and mediation; information on the various types of non-competitive Special Hiring Authorities; identification and addressing acts of workplace bullying; prohibited personnel practices with regard to accessing employees' medical records; Sexual Harassment prevention and response; Veterans' Employment Preference; and Reasonable Accommodation.

### **EEO Program Staffing and Budget**

NNSA allocated sufficient funding and qualified staffing to successfully implement the agency's EEO Program, providing the ability for the EEO Program to conduct a self-assessment of the agency for possible EEO Program deficiencies, and to conduct barrier analyses of its workforce; to timely, thoroughly, and fairly process EEO complaints, including the performance of Informal EEO Counseling and formal EEO complaint investigations; to provide 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 Alternative Dispute Resolution, and Workplace Civility; to publish and distribute EEO materials (e.g. anti-harassment policies, EEO posters, reasonable accommodations procedures); to effectively manage its

Reasonable Accommodation program; and to ensure timely and complete compliance with EEOC orders. The agency is fully compliant with the 29 CFR § 1614.102(a)(1), which requires the agency's EEO office to have a budget that is separate from other offices within the agency.

### **Compliance with EEO Counselor and EEO Investigator Training Requirements**

The EEO Manager delivered 8 hours of EEO Counselor update-training to the agency's collateral-duty EEO Counselors on June 21, 2019, ensuring 100% of the agency's tenured collateral-duty EEO Counselors received the required minimum amount of annual refresher/update training hours prior to the end of the fiscal year. The EEO Manager verified all contracted EEO Investigators received their respective required minimum amount of annual refresher/update training hours, and ensured new collateral-duty EEO Counselors completed the requisite 32-hours of training to attain EEO Counselor certification.

### **EEO Office Partnerships and Coordination**

Staff members of the Office of Civil Rights consistently coordinated, communicated, worked, and engaged with numerous agency managers and offices (including Human Resources; the Office of General Counsel; the Office of Internal Affairs; the Office of Personnel and Facility Clearances and Classification Support; the Office of Secure Transportation; the NNSA ABQ Complex Physical Security Division; the Office of Employee Empowerment; the Office of Management and Budget; the DOE Alternative Dispute Resolution Office; the DOE HQs Office of Civil Rights; and the DOE Office of the Ombudsman), addressing and resolving issues and concerns in real time.

### **Supervisor and Manager Level EEO Training and Advisory Services**

29 CFR § 1614.102(a)(5) prescribes the requirement for all Federal agency managers and supervisors to receive training on their responsibilities under the agency's EEO Program. The NNSA's training division is operated and managed by the NNSA Chief Learning Officer (CLO) within the agency's Learning and Career Management (LCM) branch. LCM's Supervisory Training Program identified mandatory training and developmental tracks based on years of experience, and continued NNSA's efforts to foster a fair and equitable work environment where diversity, employee engagement, equal opportunity, and employee empowerment thrive, consistent with Executive Order 13583: *Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce*; the Secretary of Energy's EEO and Diversity Policy Statements; and the DOE Order for training.

All newly-appointed supervisors are required to complete the *NNSA Supervisor's Role Training Course* within their first year. Tenured supervisors must attend the *Supervisor's Role Refresher Training Course* at least once every three years. Both courses contain training modules on Inclusive Diversity, Employee Engagement, New IQ, the Employee Concerns Program, Alternative Dispute Resolution, Harassment Prevention and Response, Equal Employment Opportunity, and Reasonable Accommodation. These particular blocks-of-instruction provide attendees with in-depth instruction on the EEO complaint process; the Reasonable Accommodation process; the anti-harassment policy; Alternative Dispute Resolution (with emphasis on the federal government's interest in encouraging mutual resolution of disputes, and the many benefits associated with utilizing Alternative Dispute Resolution). Additional detailed information regarding the agency's EEO

and Anti-Harassment training efforts and accomplishments is contained within section *Essential Element C*.

Within the agency's established Supervisory Training Framework, there were a series of corporately-funded courses provided by the agency (with no associated cost for tuition or travel charged to respective Programs' and Offices' training/travel budgets) which equipped leaders in each organization with the ability to more effectively manage and promote diversity; to be accountable; to resolve conflict; to measure results; to refine approaches; and to institute and sustain a culture of inclusion. LCM Management has also designed the Organizational Leadership Framework, which includes training modules on Reasonable Accommodation, Harassment Prevention, and Equal Employment Opportunity.

Staff members of the Office of Civil Rights ensured managers and supervisors were specifically provided with one-on-one custom guidance and direction, and with tailored/situational-based group-training intended for eliminating, addressing, and for resolving allegations of workplace-related harassing conduct; and ensured managers and supervisors remained fully aware of their responsibility to properly and immediately address all alleged acts of workplace-related harassing conduct (in order to prevent matters from potentially rising to the level of unlawful harassment).

Ad-hoc meetings and confidential one-on-one Advisory Service consultations between staff members of the Office of Civil Rights and agency management (and line-level employees) occurred on an ongoing and regular basis, and recurring scheduled meetings occurred between the staff members of the Office of Civil Rights and various agency managers and supervisors (at all levels) to proactively address and resolve issues having potential for crossover into the EEO complaints process, or to identify and promptly resolve potential barriers to equal employment opportunity. Staff members of the Office of Civil Rights also ensured supervisors and managers are made aware of the importance of continually monitoring their respective workplaces for indicators of barriers (realized or perceived) to equal employment opportunity, and instructed management to immediately consult with the Office of Civil Rights to proactively address and resolve all identified EEO-relevant triggers and barriers without delay.

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

#### **Harassment Allegations: Response and Prevention Strategy**

NNSA fully implements the EEOC's "5 Core Principles For Preventing and Addressing Harassment," as identified within the *2016 Report of the Co-Chairs of EEOC's Select Task Force on the Study of Harassment in the Workplace*:

- Committed and engaged leadership
- Consistent and demonstrated accountability
- Strong and comprehensive harassment policies
- Trusted and accessible complaint procedures
- Regular, interactive training tailored to the audience and the organization

NNSA recognizes that the cornerstone of a successful harassment prevention strategy is the consistent and demonstrated commitment of senior leaders to create and maintain a culture in which

harassment is not tolerated. NNSA adopts and implements the *DOE Secretary's Policy Statement on EEO, Harassment, and Retaliation*, which clearly and unequivocally states harassment is prohibited.

This Policy Statement is comprehensive, easily understood, and is periodically updated and distributed to the entire DOE workforce.

The Policy Statement explains that EEO is not only the law, but a fundamentally sound business practice which assists in achieving the mission for which DOE is charged, and Secretary Perry expresses his personal commitment to ensuring the Department maintains a workplace free from discrimination and harassment (sexual and non-sexual), and retaliation. The Policy Statement serves to remind all employees of their rights and responsibilities under the law, and provides information on how employees may seek assistance if they believe that they have experienced employment discrimination or harassment.

The Policy Statement (supplemented with additional detailed information within the Office of Civil Rights' public-facing webpage) informs employees that DOE seeks to protect the confidentiality of discrimination and harassment allegations to the fullest extent possible, and shares information only with those who have need-to-know in the performance of their official duties, and both employees and applicants for employment are made aware they have the right to report incidents of discrimination or harassment without fear of retaliation.

The Policy Statement informs employees that any employee who is found to have engaged in discrimination or harassment may be subject to disciplinary action, including suspension or dismissal, and directs managers who have knowledge of an act of possible discrimination or harassment to contact the EEO Office, Human Resources, or the Office of the Ombudsman, for guidance. The Policy Statement directs managers to act promptly and appropriately to eliminate and prevent discrimination and harassment in the workplace, and informs employees that DOE fully supports the use of Alternative Dispute Resolution (ADR) as a way to resolve conflict constructively, and at the earliest opportunity.

The Policy Statement (supplemented with additional detailed information within the Office of Civil Rights' public-facing webpage) explicitly states no applicant or employee will be subjected to harassment (sexual or non-sexual), and provides examples of related prohibited behaviors. The Policy Statement clearly informs employees and applicants of the options and mechanisms within DOE for reporting discrimination or harassing conduct. The Policy Statement explains if a formal complaint is accepted, a prompt, thorough, and impartial investigation will be conducted; and, as it is the responsibility of the agency to address matters before they reach the level of severe or pervasive harassment (with the goal of preventing harassment before employees have been subjected to actionable harm), the agency may conduct an inquiry into the matter, even in the absence of an EEO complaint/concern.

With regard to investigations of reported allegations of harassing conduct, NNSA maintains a highly-supportive environment where individuals feel safe to report harassing behaviors. The agency's Employee Relations Branch and the Office of Internal Affairs both provide a fully-resourced cadre of well-trained, objective, and neutral investigators who perform timely, comprehensive, and complete investigations of allegations of harassing conduct, ensuring investigations remain confidential (to the greatest extent possible). Mechanisms are in place to determine whether individuals who file reports

or provide information during an investigation experience retribution, and the agency maintains authority to impose consequences on those who engage in retaliation. During the pendency of the investigation of harassment allegations, systems exist to ensure individuals alleged to have engaged in harassment are not "presumed guilty" and are not "punished" unless and until a complete investigation determines that harassment has indeed occurred.

NNSA employs DOE Order 333.1, *Administering Work Force Discipline*, which distinctly informs all employees of the agency's prohibition (and commensurate disciplinary consequences for violation) of particular, discrete workplace behaviors and actions comprising and/or intrinsically related to harassing conduct, including use of abusive or offensive language, fighting, quarreling, acting aggressively, intimidating, baiting, harassing, threatening, hitting, pushing, kicking or other acts which may or may not inflict bodily harm on another; inappropriate teasing, remarks, jokes, gestures, communications, or touching (including, but not limited to, those of a sexual nature); and discourteous or inappropriate conduct involving a co-worker, a subordinate employee, or a member of the public.

DOE Order 333.1 remains readily-available in electronic format to all employees, and new employees are briefed on this Order by the agency's Employee Relations Branch during New Employee Orientation sessions.

Employees attending the Office of Civil Rights' "*Sustaining a Culture of Workplace Civility*" training-presentations receive additional, specific information regarding the agency's prohibition (and commensurate disciplinary consequences for violations) of discrete workplace behaviors and actions comprising and/or related to harassing and retaliatory conduct. Supervisors and Managers, during their required initial and periodic refresher Supervisory training sessions, are provided with additional training on DOE Order 333.1 by staff members of the Employee Relations Branch, and are provided with valuable information to equip them to prevent, recognize, and respond to objectionable conduct that, if left unchecked, may rise to the level of unlawful harassment.

### **Anti-Harassment Compliance Training**

NNSA senior leadership demonstrates its continued high level of support by ensuring a holistic harassment-prevention effort, which includes delivery of specific compliance training for all employees regarding the agency's anti-harassment policy, reporting systems, and response. NNSA has implemented and practices the EEOC's recommended Structural Principles for implementing effective anti-harassment compliance training for its workforce. The staff members of the Office of Civil Rights regularly deliver this training in a manner which is interactive and engaging; provide realistic examples tailored to the NNSA's workplace and workforce, including discrete examples pertaining to disability and religion-based harassment; fully explain the differences between unacceptable conduct and illegal conduct; provide information to change behaviors, not attitudes; fully explain how and whom to contact to report unwelcome conduct and retaliation; and instruct supervisors and managers how to respond to unacceptable conduct in a variety of difficult situations.

The Office of Civil Rights delivers this training to employees at all levels, and achieves maximum effectiveness by regularly consulting with and assisting Senior Management officials by developing and delivering custom-tailored anti-harassment training for their specific organizations and

departments. The training serves to educate employees and management about their rights and responsibilities if they experience (or become aware of) unacceptable conduct occurring in the workplace, and describes, in simple terms, the process for reporting harassment that is experienced or observed. Employees are also informed of the various potential consequences (as prescribed by DOE policy) of engaging in unacceptable conduct.

The EEO Manager provides Supervisors and Managers with easy-to-understand and realistic methods for dealing with harassing conduct or behaviors which they observe or is reported to them, or which they otherwise acquire knowledge or information, including a description of potential consequences for inaction. Supervisors and managers are also provided with clear instructions on how to address allegations of harassing conduct, and to immediately engage with the Employee Relations Branch for assistance. Managers and Supervisors are trained to practice situational awareness, and to regularly assess their respective workforce for risk factors regarding workplace discrimination and harassment.

LCM and the Office of Civil Rights partnered with the DOE HQs Office of Civil Rights, and jointly re-designed and developed the new compliance-based online harassment-prevention training course (titled: "Testing Our Compass"), which was deployed to the entire DOE and NNSA workforce during FY 2019. This particular online training course is prefaced by a video-based introduction by DOE Secretary Rick Perry, which clearly demonstrates leadership's stance in this regard (that harassment is unacceptable, and is not to be tolerated within the DOE/NNSA workplace).

### **Workplace Civility Training**

Allegations of unlawful Workplace Harassment remain a persistent problem within the U.S. Federal employment sector. Across the aggregate U.S. Federal Government, the issue most- frequently alleged in Federal Sector discrimination complaints is Non-Sexual Harassment (Hostile Work Environment). The EEOC's *Select Task Force on the 2016 Study of Harassment in the Workplace* determined that, unfortunately, the anti-harassment training being provided to the Federal Sector workforce over the last 30 years has not been effective as a prevention tool - it's been too focused on simply avoiding legal liability.

NNSA has fully and successfully implemented the EEOC's Select Task Force recommendation, which encourages Federal agencies to incorporate workplace "civility training" that does not focus on eliminating unwelcome or offensive behavior based on characteristics protected under employment non-discrimination laws, but rather, on promoting respectful behaviors in the workplace.

During FY 2019, the agency's EEO Manager delivered workplace civility training titled, "Sustaining a Culture of Workplace Civility." This training is presented live by staff members of the Office of Civil Rights (via in-person delivery, or remotely via video-teleconferencing). The training sessions are engaging and highly interactive, and are intentionally designed to be no more than sixty minutes in duration; by maintaining the session-duration to not exceed sixty minutes, this assists tremendously in ensuring a high level of employee attendance and participation, as it is possible to provide up to five training sessions in the same day, allowing employees maximum flexibility in selecting their respective attendance-times.

The “Sustaining a Culture of Workplace Civility” training presentations are provided to both line-level employees and supervisors; the EEO Manager personally developed and designed this training with focus on maintaining a civil and respectful workplace for all. Employees are taught how to increase their respective levels of self-awareness of expected and respectful behaviors, and are provided with ways to control their actions and reactions to people and various situations. Attendees attain understanding of the various aspects and the impact of workplace incivility, and become aware of the expectations and requirements for demonstrating civility and respectful behaviors within the NNSA workplace (and of the potential consequences for non-compliance with agency policy/requirements which govern employees’ conduct expectations); learn practical ways of effectively practicing Workplace Etiquette; understand how acts of workplace incivility can subtly contribute to creating an unlawful Hostile Work Environment, and inevitably result in instances of discriminatory harassment and lawsuits when left unchecked; understand the overall negative impact of incivil behaviors and actions on employees’ well-being; and understand the specific interventions and resources available within NNSA (to both line-level employees and Supervisors) for reporting, addressing, and resolving acts of workplace incivility and allegations of harassing conduct.

Initiated in FY 2018, and continued throughout FY 2019, the EEO Manager delivered “Sustaining a Culture of Workplace Civility” training presentations to approximately 500 NNSA and DOE employees and supervisors at various DOE/NNSA sites and locations across the U.S., with plans to continue to systemically deliver this training to additional employees and supervisors during FY 2020 and beyond.

As indicators and potential anecdotal evidence of the efficacy and success of the NNSA’s harassment-prevention efforts, as of the end of FY 2019, NNSA experienced a significant 55% decrease in the amount of filed formal EEO complaints alleging claims of Harassment and/or Hostile Work Environment over the past 2 years, and it has been over 6 years since the Agency was last issued a Finding of Discrimination with regard to a claim of Unlawful Harassment.

### **Bystander Intervention Training**

Bystander intervention training has long been used as a violence prevention strategy, and it has been shown to change social norms and empower students to intervene with peers to prevent assaults from occurring. Most Bystander Intervention trainings employ at least four strategies:

- Create awareness - enable bystanders to recognize potentially problematic behaviors.
- Create a sense of collective responsibility - motivate bystanders to step in and take action when they observe problematic behaviors.
- Create a sense of empowerment - conduct skills-building exercises to provide bystanders with the skills and confidence to intervene as appropriate.
- Provide resources - provide bystanders with resources they can call upon and that support their intervention.

The EEOC believes bystander intervention training might be effective in the workplace. The EEOC posits such training could help employees identify unwelcome and offensive behavior that is based on a co-workers’ protected characteristic under employment non-discrimination laws; could create a sense of responsibility on the part of employees to “do something” and not simply stand by; could give employees the skills and confidence to intervene in some manner to stop harassment;

and finally, could demonstrate the employer's commitment to empowering employees to act in this manner. Bystander training also affords employers an opportunity to underscore their commitment to non-retaliation by making clear that any employee who "steps up" to combat harassment will be protected from negative repercussions.

Understandably, most co-workers are not comfortable when harassment occurs around them, even when they are not the direct victims of the harassment. The EEOC recognizes this, and believes that bystander training could teach co-workers how to recognize potentially problematic behaviors; motivate and empower employees to step in and take action; teach employees skills to intervene appropriately; and give them resources to support their intervention. The EEOC believes organizational culture starts from the top, but reinforcing that culture can and must come from the bottom, middle, and everywhere else in between, and believes bystander intervention training provides that reinforcement in a particularly concrete manner.

The NNSA Office of Civil Rights is currently engaged in the process of designing and developing customized Bystander Intervention training for NNSA, and plans on making this particular training available for NNSA employees within FY 2020.

### **Reasonable Accommodation: Policy, Request-Processing, and Training**

NNSA adopts and employs the Reasonable Accommodation (RA) and Personal Assistance Services (PAS) procedures prescribed by DOE. NNSA ensures these RA and PAS procedures are available in electronic format to all employees and applicants via the agency's public-facing website.

The agency maintained a dedicated Disability Placement Program Coordinator, as well as dedicated staff members managing and executing the agency's Reasonable Accommodation Program. Staff members of the agency's Reasonable Accommodation Program ensure employees, managers, and supervisors remain aware of the Reasonable Accommodation services and Personal Assistance Services (PAS) available from the agency's Reasonable Accommodation Program, ensuring consistent and appropriate enforcement of and compliance with the requirements prescribed within the agency's Reasonable Accommodation and PAS policy.

During EEO training sessions provided by the staff of the Office of Civil Rights, employees and supervisors are informed of the reasoning and rationale for maintaining a distinct separation of duties (firewall) between the Reasonable Accommodation Program Manager and the EEO Director. Reasonable Accommodation Program staff assisted agency management officials with determining essential duties of positions, identifying architectural barriers, and recommending potential modifications to ensure persons with disabilities were provided with accessibility, and were able to successfully perform their essential duties.

NNSA Reasonable Accommodation Program staff members assisted employees, job applicants, and management with the processing of twenty-four (24) requests for reasonable accommodation during FY 2019, and the average time to process these requests was 45 days. The Reasonable Accommodation policy states twenty (20) calendar days is the appropriate processing timeframe, however, the majority (over 90%) of the requests processed within NNSA during FY 2019 required exceptions to the established twenty-day processing-timeframe due to situational and exigent

circumstances (such as multiple attempts being necessary to reach an appropriate accommodation, which entailed Department-wide position/job searches; or some cases involved employees who were concurrently processing workers' compensation matters; or, the matter required further review and determination by Federal Occupational Health officials, etc.).

With regard to NNSA's provisioning of Personal Assistance Services (PAS) for employees who have Targeted Disabilities, NNSA follows DOE's procedures with regard to PAS. The NNSA Reasonable Accommodation Program monitors and tracks PAS requests within a secure database. During FY 2019, the NNSA Reasonable Accommodation Program received one (1) PAS request from an employee who requested personal assistance services during a business trip; in this instance, the Agency authorized the employee to have a personal friend (as the assistant) to travel with the employee to perform the required personal assistance services, and NNSA funded the assistant's travel expenses.

During New-Hire Orientation sessions, new employees received training and information regarding the agency's Reasonable Accommodation and PAS procedures and requirements. Reasonable Accommodation and PAS training was provided to supervisors and managers by staff of the agency's Reasonable Accommodation Program during the NNSA New Supervisor Training Course and NNSA Supervisor Refresher Training Course sessions, during which supervisors and managers were made aware of and reminded of their responsibility to immediately engage in the Reasonable Accommodation Interactive Process, and to ensure timely provisioning of Reasonable Accommodation (religious or disability related) when the requested accommodations are determined to not cause undue hardship.

### **Integration of EEO with Performance Evaluation Measures**

Managers and supervisors are evaluated on their commitment to EEO. The particular standardized performance evaluation criteria/element states: "Managers and supervisors shall display commitment throughout the performance year to further NNSA's objectives to create a workplace which embraces diversity, provides equal employment opportunity, and supports the zero tolerance policy of discrimination, harassment (sexual and non-sexual) and retaliation." Performance evaluation criteria applicable to employees at all levels includes Contributing Factors; the Contributing Factors specific to the topical areas of Cooperation and Teamwork explicitly include the expectation of employees' demonstrated support of the agency's EEO and diversity efforts, programs, and objectives.

### **Reviews of Personnel Policies, Processes, and Practices**

Numerous personnel policies and procedures were examined at regular intervals by staff members of the Human Resources office, to assess whether hidden impediments or barriers to the realization of equality of opportunity for any group of employees or applicants were present. Hiring and selection processes were continuously reviewed to ensure equal treatment of all candidates regardless of race, sex, color, national origin, or disability. Annual audits of individual recruitment case file selection(s) were conducted. Human Capital Management Accountability Audits are conducted approximately every four years; although these particular audits are focused primarily on regulatory compliance issues, many of those compliance issues relate to fair and open competition, and selection decisions based on merit. In response to these audit reports,

NNSA established corrective actions, which often included development of Standard Operating Procedures, Checklists, and additional training for staff to ensure continued equal treatment for all applicants.

Human Resources staff members regularly encouraged management to advertise vacant positions as broadly as possible, to ensure fair and open competition, as well as for attracting a diverse pool of applicants. During weekly meetings, Human Resources Staffing and Classification staff addressed and resolved issues (as they arose) related to the requirements in the Merit Assignment Plan, and assessed how those requirements may potentially impact applicant pools, as well as referrals and selections of qualified applicants. Should a systemic issue arise, Human Resources Staffing and Classification staff raise their concerns to the Office of Policy staff for review and consideration of a policy change, or for necessary further interpretation.

With regard to interview/selection panels used in hiring-selections, promotion-selections, and award-recipient selections, NNSA recognizes the greater amount of objectivity that is built into the interview/selection process, the higher the likelihood is that the agency can demonstrate its selection process is fair; as such, the agency continued to use objective and consistent evaluation methods which promoted impartiality and neutrality. The agency ensured the interview/selection process propagated fairness by promoting a structured interview process which reduces the likelihood of bias, and increases objectivity. The use of interview/selection panels was promoted and highly encouraged, and these panels were used by many Hiring Officials to fairly assess applicants (the decision to use selection panels ultimately remains at the discretion of each Hiring Official). When interview/selection panels were utilized, Human Resources Consultants and Office of Civil Rights' EEO Program officials encourage Hiring Officials to consider the diversity of interview/selection-panel members, and promoted the use of the NNSA Office of Civil Rights' EEO Observer Program.

Each NNSA work location maintains and executes formal Exit Interview procedures. Discussions are held with departing employees, or the departing employees are provided the opportunity to provide written feedback, in order to capture and evaluate employees' reasons for leaving employment with NNSA, and for the purpose of gathering and considering departing employees' perceptions of their work experiences at the NNSA. Comments of particular concern proffered by a departing employee are provided to the Employee Relations Branch supervisor, who determines the necessity to follow-up with particular action(s). If needed, action is taken by the Employee Relations Branch, to identify and/or correct any real or perceived problems or barriers. Concerns provided by departing employees are reviewed by the Employee Relations Branch to also determine necessary actions to continually improve the work environment for all employees.

During FY 2019, the Employee Relations Branch supervisor updated the Exit Interview questionnaire, to specifically ask departing employees if an employee's departure is due to NNSA policies or practices creating barriers to Persons with Disabilities.

Measures are in place to ensure removal/involuntary separation actions are conducted fairly, and in a non-discriminatory manner. Involuntary separation actions are initiated consistent with applicable laws and regulations. Each involuntary separation action is unique and based on its own merit with supporting evidence. Employee Relations Branch Consultants review all relevant documentation to ensure the written record supports an involuntary separation action; if there are

inappropriate considerations, the Employee Relations Branch Consultant immediately escalates the matter to the attention of the Employee Relations Branch Supervisor for remedy. Regulations are enforced, and processes in place, to provide employees with their afforded appeal opportunities and rights, which include the EEOC and the MSPB, and these rights are fully explained and outlined for employees within each Letter of Involuntary Separation.

With regard to ensuring equality of opportunity within the agency's Training and Development-centric policies and procedures, LCM staff employ multiple methods to ensure the agency's training and professional development policies and procedures are reviewed. LCM staff actively review applicable existing training and developmental related supplemental directives (and Departmental orders) as they are due for cyclical review. All LCM staff members' email correspondence includes a customer-survey feedback link, which allows customers the opportunity to provide instant feedback on any training-related service or product they receive from LCM. The agency's Chief Learning Officer conducted an analysis of survey feedback-data gathered during FY 2019, and the results yielded no indication of potential impediments to the realization of equality of opportunity in regard to employees' training activities, training opportunities, or professional development.

### **Workplace Conduct and Corrective Action: Policy and Processes**

Employees, supervisors, and managers, through various mechanisms (including briefings and training sessions provided by the staff of the Office of Civil Rights and staff of the Employee Relations Branch), remain informed about behaviors deemed inappropriate in the NNSA workplace; are informed of particular inappropriate behaviors which may result in formal disciplinary action; and are informed of the penalties for violation.

NNSA utilizes the standardized Table of Offenses and Penalties located within DOE Order 333.1, *Administering Workforce Discipline* (which specifically delineates commensurate disciplinary-action measures for retaliation/reprisal against an employee for providing information to EEO investigators; for testifying in an official proceeding; for discrimination based on race, color, sex, religion, age, marital status, political affiliation, or disability; and for sexual harassment).

Supervisors are directly instructed by staff members of the Employee Relations Branch on how to properly perform a Douglas Factor Analysis for proposing and imposing fair and commensurate disciplinary action. This policy and analysis are two of the most important objective criteria used by NNSA management to determine appropriate corrective action to address employee misconduct. Employee Relations Branch consultants research the latest relevant case-decisions, and they advise management accordingly (as penalty-selection ultimately remains at the discretion of supervisors, since each situation is unique, and the Table of Offenses and Penalties does not contain an exhaustive list of all possible offenses and violations). The Employee Relations Branch provides new employees with a copy of DOE Order 333.1, as well as with a copy of the agency's Standards of Conduct during new employees' initial in-processing.

During FY 2019, supervisors (those who were due to complete the prescribed periodic NNSA Supervisor Refresher Training Course) received training in this regard, wherein the agency's disciplinary process was explained in great detail by Employee Relations Branch consultants, and supervisors were reminded of their responsibility to hold continual discussions with their subordinates regarding supervisors' (and the agency's) employee-conduct expectations. Employee Relations Branch staff members performed periodic reviews of imposed disciplinary actions to evaluate and determine if there exists disproportionate imposition of disciplinary action, with regard to disciplined employees' race, religion, sex, national origin, or disability. These reviews included performance of trending-analyses of disciplinary-actions, and of issues occurring within (or isolated to) particular NNSA sites, locations, or organizations, to ascertain if disciplinary actions for particular issues would (or did) have a particularly negative effect on particular groups; no anomalies were identified in this regard during FY 2019.

Additionally, staff members of the Office of Civil Rights also performed reviews of allegations of discrimination processed within the agency during FY 2019; none (0%) of those processed involved claims alleging issues pertaining to unfair institutionalized disciplinary practices or policies.

### **EEO Program Updates for Management, and Trending-Actions**

Staff of the Office of Civil Rights provided management officials with EEO Program updates on a regular basis. These updates were provided via supervisory EEO training sessions, briefings, monthly and semi-annual reports, and other scheduled recurring meetings with senior management officials. Staff of the Office of Civil Rights remained available at all times to provide quality customer service and neutral technical/procedural advice (in the form of confidential Advisory Services) to management, and to answer questions or provide clarification on matters relevant to the federal sector EEO Complaint Process and Alternative Dispute Resolution.

## **Essential Element D: Proactive Prevention**

### **Monitoring Efforts and Preventative Actions**

Staff members of the Office of Civil Rights performed semi-annual evaluation, trending, and reporting of the agency's workforce statistics, considering the aggregate agency workforce, as well as the workforce within each individual organization. These statistics were compiled and reported by gender; race; pay band/grade distribution; age; disability; and veteran preference status. The semi-annual reports were published and made readily-available from the agency's public-facing internet website, as well as personally provided by the EEO Manager to senior leadership within each respective organization.

Staff of the Office of Civil Rights employ and evaluate various sources of information for trigger identification in addition to workforce statistical data; these additional sources include (but are not limited to) evaluation of Informal EEO Counseling (pre-complaint) data; formal EEO complaint/grievance data; Exit Survey data; FEVS survey results; focus-group session output; confidential Advisory Service data; and Reasonable Accommodation data. Staff members of the Office of Civil Rights conduct weekly scheduled meetings dedicated to collective evaluation of EEO claims and contacts, and determination of any identifiable trends or potential barriers.

The EEOC Office of Federal Operations (OFO) recommends (as specified within the *OFO's Recruitment and Hiring Gender Disparities in Public Safety Occupations Report*, dated June 2018) federal agencies to leverage the use of social media as a means of improving the hiring of women by communicating job vacancies, demystifying job requirements and application procedures, and for promoting a positive image of these professions. During FY 2019, the EEO Manager reviewed the agency's public-facing Facebook® and Twitter® feeds, as well as its YouTube® channel, and verified the NNSA effectively employs these social media platforms to announce and promote employment, internship, and Fellowship opportunities; to honor and highlight numerous historical significant accomplishments of women in STEM fields; to promote special emphasis event celebrations, and increase awareness of the benefits of hiring of veterans and persons with disabilities; to effectively visually depict the diversity of the agency's workforce; and to share first-hand testimonial video-recorded interviews with current agency employees via the agency's "Voices of Nuclear Security" video series.

The EEO Manager also reviewed the agency's public-facing website to ascertain the type of information the agency shares with applicants interested in employment with the agency. The agency's "*Working at NNSA*" webpage depicts photographs of employees who are women and persons-of-color in various agency occupations, and also provides information on additional employment-related opportunities, including the agency's Graduate Fellowship Program; the Pathways Program; the agency's Legal Internship Program; the agency's Military Academy Collaboration Program; and the Minority Serving Institution Partnership Program.

### **Essential Element E: Efficiency, and Essential Element F: Responsiveness and Legal Compliance**

#### **Customer Service**

Staff members of the Office of Civil Rights remained available at all times to provide exceptional customer service and neutral technical and procedural advice (in the form of confidential Advisory Services) to management, line-level employees, and applicants for all matters relevant to the EEO Complaint Process.

The EEO Manager continued to partner with the DOE HQs Office of Civil Rights (and with various other DOE Field Office EEO Programs, the DOE Office of the Ombudsman, the DOE Alternative Dispute Resolution Office, and with the EEOC) to share ideas, and to identify best practices. Federal employee collateral-duty EEO Counselors remained available to perform Informal EEO Counseling when required. Investigations of formal EEO complaints and court-reporting services (for EEOC Hearings) were provided and performed in a timely manner by service-support contractor personnel overseen by the federal staff members within the Office of Civil Rights.

#### **Complaints and Investigations**

The Office of Civil Rights is responsible for the management and processing of EEO complaint actions at both the pre-complaint (Informal EEO Counseling (stage), and the Formal EEO Complaint stage.

The EEO Manager maintained an effective complaint tracking and monitoring system which provides real-time status of each complaint/case within the agency’s EEO complaints inventory, and which surpasses the EEOC’s prescribed expectations in this regard (those requiring a system which has the ability to track and report on EEO complaint/case activity by bases, issues, and complainant and management officials’ names; and captures and tracks the length of time elapsed at each stage of the EEO complaint process).

The EEO Manager has established internal processing-timeframes and performance metrics for issuance of Notices of Acceptance/Dismissal decisions, which the EEO Manager requires to be completed and issued no later than five (5) business days of the office’s receipt of a formal EEO complaint. Staff members of the Office of Civil Rights issued all Notices of Final Interview/Right to File Formal Complaint Letters with no delays, and also ensured EEO investigations were completed within allowable timeframes (and within allowable extended timeframes when required due to exigent/uncontrollable circumstances beyond the control of the Office of Civil Rights). In the event an investigation of a formal EEO complaint is not able to be accomplished within the prescribed timeframe due to exigent circumstances beyond the Office of Civil Rights’ control (such as instances involving non-availability of officials, or unresponsiveness/non-cooperation by the Complainant or other witnesses), Office of Civil Rights personnel notify Complainants of the of their right to request an EEOC Hearing and/or to file a civil action.

**EEO Complaint Activity**

At the end of FY 2019, a total of seven (7) formal EEO complaints were filed within the NNSA, resulting in a slight increase when compared to FY 2018 (during which a total of 4 formal EEO complaints were filed), and a significant decrease when compared to FY 2017 (during which occurred a total of fifteen 15 formal EEO complaint filings).

A review of the top three invoked bases and top three claimed issues claimed in formal EEO complaint filings occurring between FY 2015 and FY 2019 reveals Retaliation, Age, and Disability as the protected bases most frequently invoked during this 5-year time period; Harassment continued to be the most frequently-alleged issue in EEO complaint filings within the same 5-year time period.

<b>EEO COMPLAINT FILING ACTIONS, FISCAL YEARS 2015-2019</b>					
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Pre-Complaint (Informal EEO Counseling), Individual Participants</b>	19	21	15	9	14
<b>Formal Complaints of Discrimination Filed</b>	15	10	15	4	7

<b>FORMAL EEO COMPLAINT ACTIONS, BASES CLAIMED AND ALLEGED ISSUES, FISCAL YEARS 2015-2019</b>					
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Top 3 Bases Claimed:</b>	1. Reprisal 2. Sex 3. Age	1. Disability 2. Reprisal 3. Age	1. Reprisal 2. Disability 3. Age	1. Disability 2. Reprisal 3. No Distinct 3 <sup>rd</sup> place	1. Race 2. Sex 3. Reprisal
<b>Top 3 Issues Claimed:</b>	1. Harassment 2. Performance Evaluation 3. Assignment of Duties	1. Change in Conditions of Employment 2. Assignment of Duties 3. Harassment	1. Harassment 2. Non-Selection 3. Denial of Leave and Training	1. Harassment 2. Non-Selection 3. Denial of Reasonable Accommodation	1. Harassment 2. Non-Selection 3. Admin Leave and Suspension

### Contractor and EEO Counselor Performance-Accountability

The EEO Manager and the assigned Contracting Officer Representative (COR) maintained an effective process in place for its contracted EEO Investigators be held accountable (in the event these contractor personnel are deemed culpable or responsible) for unexcused delays in timely investigation of complaints, or for unexcused delays in rendering of other contracted services. Contractors' performance was objectively assessed and rated by the COR accordingly, and any issues regarding contractors' performance were quickly remediated with the Contractor.

Likewise, the Office of Civil Rights maintained accountability-processes applicable to the agency's Federal collateral-duty EEO Counselors who may fail to fulfill their responsibilities (i.e., ensuring timely completion of assigned Informal EEO Counseling events, or failure to complete timely Final Interviews at or prior to the end of an ADR-related 90-Day Informal EEO counseling period), ensuring appropriate and prompt corrective or remedial training was provided by the staff of the Office of Civil Rights.

### Final Agency Decision (FAD) Issuance

Staff of the Office of Civil Rights forwarded, without delay, all complainants' requests for a Final Agency Decision to the DOE HQs Office of Civil Rights, as the DOE HQs Office of Civil Rights is the DOE element solely authorized and responsible for the issuance of all Final Agency Decisions (FADs) for all Department of Energy offices and entities, including the NNSA; issuance of FADs does not occur at the NNSA level.

It was observed several FADs requested by NNSA employees/complainants during FY 2019 were overdue in issuance (over and beyond the allowable 60-day FAD decision/issuance timeframe), however, despite the NNSA having no control or influence on the timeliness of FAD issuance by the DOE HQs Office of Civil Rights, the NNSA Office of Civil Rights continues to take affirmative and proactive measures to partner with, and to assist the DOE HQ Office of Civil Rights with expediting the FAD writing/issuance process for FADs issued by the DOE HQs Office of Civil Rights for NNSA. As previously reported within the agency's FY 2018 MD-715 Report, the NNSA Office of Civil Rights maintains a contract with an approved government contractor, for the purposes of having the contractor draft the Final Agency Decisions, after which the NNSA Office

of Civil Rights then provides the draft FADs to the DOE HQs Office of Civil Rights for their review, any desired modification, and their issuance. The intent (in utilizing contracted draft FAD-writing services) is to assist the DOE HQs Office of Civil Rights to expedite the FAD-issuance process (for those involving NNSA complainants/employees), and the NNSA Office of Civil Rights will continue to monitor and track the effectiveness of this effort.

### **Proper Separation of Functions**

The EEO Manager maintains a clear separation between the agency's EEO Complaint Program and the agency's defensive function. When seeking legal-sufficiency reviews, the EEO Manager requests and receives sufficiency-review services from the legal staff employed within the DOE HQs Office of Civil Rights. The EEO Manager has established stringent internal timeframes, to allow for additional cushions of time if needed in the event a sufficiency-review is required.

If an exigent circumstance were ever to arise which would cause the EEO Manager to rely on the agency's defensive function to conduct a legal sufficiency review, processes are in place to ensure the existence of a firewall between the reviewing staff attorney and the particular assigned agency representative. The EEO Manager ensures agency representatives do not intrude upon Informal EEO Counseling efforts, formal EEO complaint processing and investigations, and Final Agency Decisions.

### **Alternative Dispute Resolution Program**

The NNSA's Alternative Dispute Resolution (ADR) services are managed and accomplished via an established partnership with the Department of Energy Alternative Dispute Resolution Office; these ADR services provide employees with a means to quickly address and resolve disagreements and workplace conflicts, regardless of one's EEO complaint-process participation. The program remains available to address workplace disputes resulting from personnel issues, allegations of discrimination, or any other types of personal disagreements employees may encounter within their work environment.

Employees are encouraged, by distribution of the *Deputy Secretary's Policy Statement on ADR* (most recently updated and distributed to the entire workforce in January of 2019), and through the use of ADR Program training and promotional materials, to use Alternative Dispute Resolution, when appropriate, as a means of addressing and resolving any manner of workplace conflict (EEO-relevant or not). The *Deputy Secretary's Policy Statement on ADR* informs the entire workforce of the expectation for all employees, including management, to incorporate ADR techniques into daily interactions to prevent workplace conflicts from escalating and becoming destructive clashes. This Statement explains, that although participation in ADR is always voluntary for employees, if an employee requests intervention via the use of ADR, managers are strongly encouraged to participate, absent extenuating circumstances.

All mediation sessions occur in a neutral and comfortable manner and environment. Mediators ensure an appropriate management official with settlement authority is accessible during the dispute resolution-attempt process, and ensure the responsible management official named in the dispute does not have settlement authority.

ADR Program services remained available and are offered (when deemed appropriate by the EEO Manager) to every individual during the Informal EEO Counseling stage, as well as during the Formal EEO Complaint stage. ADR Program services also remained available to all employees (not limited only to those not engaged with the EEO Complaint Process) to assist with resolving all types of non-EEO related workplace disputes, disagreements, and conflicts.

The Office of Civil Rights promoted the use of ADR services through the use of training sessions, new employee orientations, posters, and a dedicated publically-accessible Internet webpage, which provides employees with readily-available information about the many benefits of ADR; via a comprehensive handbook explaining ADR; and through instruction for initiating ADR participation-requests. Supervisors and managers received management-level ADR-related training from the staff of the Office of Civil Rights during the FY 2019 New Supervisor and Supervisor Refresher training sessions. During this training, supervisors were informed of leadership's commitment to promoting employees' use of ADR as a way to address and resolve conflicts in a fair, amicable, timely, equitable, and cost-effective manner, as well as employing ADR as a means to resolve disputes at the earliest opportunity, and at the lowest possible level. Supervisors and managers were reminded of Secretary Perry's expectation; that although participation in ADR is always voluntary for employees, if an employee requests intervention via the use of ADR, managers are strongly encouraged to participate, absent extenuating circumstances.

NNSA employees participated in several live ADR Program Lunchtime Program events throughout FY 2019, which were presented by the staff members of the DOE ADR Office; these were made available via remote access (via WebEx) and in-person at DC FORS. Topics presented included:

- *Treating Employees as 'A Whole Person'*
- *Transforming Our World by Transforming Our Practice*
- *ADR's Crucial Role in Addressing Harassment in the Workplace*
- *SNAP Into It! How to Experience Conflict Mindfully*
- *Transforming Conflict through Hip Hop*

### **Data Collection Systems and Monitoring Efforts**

The EEO Manager employs and maintains effective systems, processes, and methodologies in place to accurately collect, monitor, and analyze complaint activity (including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management officials). The staff members of the Office of Civil Rights are provided with full query-access to the Department of Energy's personnel database, and are able to acquire real-time workforce statistical data regarding the race, national origin, sex, age, disability, and veteran-preference status of NNSA employees.

The agency maintains an effective system of management control to ensure agency officials comply with timeliness requirements regarding all orders and directives issued by EEOC Administrative Judges. The unit charged with the responsibility for verifying compliance with EEOC orders is appropriately located within the Office of Civil Rights. Effective processes (which have been tested and proven as highly effective) remain in place to ensure timely and proper compliance.

Human Resources staff members maintain processes and procedures to accurately and effectively track data pertaining to recruitment activities. Staff members of the agency's Reasonable Accommodation Program maintain an effective system in place for tracking and monitoring Reasonable Accommodation and PAS requests (and decisional-outcomes).

The lack of ability to acquire reliable Applicant Flow Data will continue to be addressed by the agency. During FY 2019, NNSA Human Resources met with the representatives from Monster Government Solutions (MGS) to discuss a means to acquire accurate applicant-flow data. NNSA is continuing to work with MGS to reliably aggregate accurate applicant flow data, and NNSA provided MGS with data tables (populated by the system, as well as official tables that show demographics for actual hires in order for MGS to understand the inaccuracy and create a resolution to the applicant-flow reporting system). This particular deficiency continues to remain unmitigated, and despite some progress being made by personnel within Human Resources during the past few years (with regard to troubleshooting of the technical issues regarding the system which compiles and tracks applicant data, and recommending of next steps towards remedy), further action will continue to be taken during FY 2020 and beyond in effort to resolve and mitigate this open deficiency. This matter is captured within Part H.2 as an open program deficiency item, and progress and resolution/closure will be tracked accordingly.

### **Settlement Action Processing and Tracking**

Five (5) Settlement Agreement actions (with regard to EEO-complaint related settlement agreements) occurred during FY 2019. The EEO Manager maintained effective methodologies, processes, and tracking-procedures which ensured 100% of settlement-related obligations and actions occurred in a timely manner, and in full compliance with the specified terms.

### **Part E.3: Workforce Analysis**

The total number of employees at the NNSA was 2,398 at the beginning of FY 2019, and 2,488 at the end of FY 2019.

When compared to the EEOC-prescribed comparator (which is the 2010 U.S. Census Bureau Civilian Labor Force/CLF statistics), groups (delineated by Sex, and by Sex and Race) falling below the expected levels of participation included Females (overall); White Females; Black Males; Asian Females; and Black Females. Groups above the expected levels of participation included Males (overall); Hispanic Males; Hispanic Females; White Males; Asian Males; American Indian/Alaska Native Males; and American Indian/Alaska Native Females.

#### **Details Regarding Particular Groups (by Sex and Race)**

#### **Falling Below the CLF's Prescribed Expected Levels of Participation During FY 2019:**

##### **Female Employees (Overall)**

Female employees experienced a net-change increase of 2.66%, resulting in Female employees comprising 32.56% of the NNSA's workforce during FY 2019 (falling 15.60% below the EEOC's prescribed expected level-of-participation of 48.16%).

White Female Employees

White Female employees experienced a net-change increase of 3.11%, comprising 17.32% of the agency's total workforce during FY 2019 (falling 16.71% below the EEOC's prescribed expected-level-of-participation of 34.03%).

Black Male Employees

Black Male employees experienced a net-change increase of 11.11%, comprising 4.42% of the agency's total workforce during FY 2019 (falling 1.07% below the EEOC's prescribed expected-level-of-participation of 5.49%).

Black Female Employees

Black Female employees experienced a net-change increase of 0.74%, comprising 5.51% of the agency's total workforce during FY 2019 (falling 1.02% below the EEOC's prescribed expected-level-of-participation of 6.53%).

Asian Female Employees

Asian Female employees experienced a net-change increase of 28.57%, comprising 1.81% of the agency's total workforce during FY 2019 (falling below the EEOC's prescribed expected-level-of-participation of 1.93%).

Of particular note with regard to the above-identified groups falling below the CLF-prescribed expected-levels-of-participation, it was observed that all these groups experienced increases in numbers between FY 2018 and FY 2019, and demonstrates NNSA's progression in this regard.

With regard to levels of participation of Persons with Disabilities within the agency's workforce, during FY 2019, 86.17% of the workforce voluntarily self-identified as having No Disability, and 13.83% of the workforce voluntarily identified as having a Disability (of those, 1.97% identified as having a Targeted Disability). During FY 2019 there occurred a net-change increase of 4.26% in the amount of employees voluntarily self-identifying as having Targeted Disabilities (at the end of FY 2018, the agency employed 47 employees with self-identified Targeted Disabilities, and at the end of FY 2019, the agency employed a total of 49 employees with self-identified Targeted Disabilities).

**FY 2019 Identified Triggers/Barriers:**

The agency has completed the required trigger and barrier analyses in accordance with the direction and instruction prescribed by the EEOC (including employment of the prescribed various benchmarks and comparators for table-data analyses). The EEO Manager acknowledges that data provided within the U.S. Civilian Labor Force (CLF) statistics can serve as a benchmark and comparator (as prescribed by the EEOC for particular data-table analyses), however, it is noted that such comparator-data does not necessarily correlate with the precise workforce make-up of the NNSA, therefore, in addition to the CLF-data comparators, the NNSA also performs additional refined analyses from other data and information-sources in order to more carefully assess (and to more accurately portray) the participation-levels of all groups in the agency's workforce.

The staff of the Office of Civil Rights has employed the guidance directed and prescribed by the EEOC, and has analyzed agency workforce profiles, and conducted barrier identification and

analysis activities aimed at detecting whether any management or personnel policy, procedure, or practice is operating to disadvantage any group based on Race, Sex, or Disability.

The following triggers have been identified for the following affected groups:

*1. FEMALES (OVERALL). There has been no increase (over the past three fiscal years) in the participation and representation levels of Females (overall), and, in particular, White Females. This observation remains consistent, as previously identified in prior fiscal years. See PART I for further details regarding this trigger/observation.*

*2. PARTICIPATION LEVELS OF PARTICULAR GROUPS, REGARDING THOSE SERVING IN SES/EXECUTIVE-LEVEL POSITIONS. There have been no observed significant improvements in the increase of participation levels of particular groups within the ranks of NNSA's Senior Executive Service (SES). These particular underrepresented groups within the SES ranks include the following: Females (overall); Hispanic Males and Hispanic Females; Black Females; Asian Females; and American Indian/Alaska Native Males and American Indian/Alaska Native Females. This observation remains consistent, as previously identified in prior fiscal years. See PART I.2 for further details regarding this trigger/observation.*

*3. PERSONS WITH TARGETED DISABILITIES. During FY 2019, the NNSA's level of employees who voluntarily self-identified as having a Targeted Disability was 1.97%, which is just slightly below the Federal Goal of 2.00%, however, there did occur an increase (increased from 47 to 49) of those who voluntarily self-identified as having Targeted Disabilities. The agency will continue to strive to increase the participation and representation rates of persons who voluntarily self-identify as having Targeted Disabilities, and to meet and to surpass the prescribed 2.00% Federal Goal. See PART J, Section VII, for further details regarding this trigger/observation.*

Expanded discussion and explanatory content with regard to these particular observations are contained within PARTs I and PART J of this report.

## **Part E.4: Accomplishments**

### **NNSA's *Best Places to Work in the Federal Government*® Ranking**

The Partnerships for Public Service *Best Places to Work in the Federal Government*® rankings (which are deemed to be an authoritative evaluation of employee engagement within the U.S. federal government) are comprised of the views of federal employees who participated in the Federal Employee Viewpoint Survey. Participating federal organizations are ranked according to overall employee engagement, and the vast majority of those entities are also rated on several

additional Engagement categories including Leadership, Strategic Management, Innovation, Support for Diversity, and Work–Life Balance.

Over the past three years (2017, 2018, and 2019), NNSA has consistently ranked in the Above Median quartile. With regard to the Support for Diversity category ranking, NNSA ranked above the Sub-Agency Median (62 percent) at 66.2 percent.

NNSA ranks (in FY 2019) at the 139th place (out of 420 comparator agencies), achieving an Engagement Score of 68.4. Over the past 5 years (and as of FY 2019), NNSA's index score has increased by 17.6 points.

### **Recruiting and Outreach Activities**

NNSA expanded its recruitment and outreach efforts to over 60 colleges and universities during FY 2019 to fill mission critical positions in the science and engineering fields. NNSA leveraged its relationships with these colleges and universities to provide NNSA job opportunities to current undergraduate and graduate students. Additionally, NNSA expanded the public's awareness of the Agency's career opportunities through paid advertising in the Washington DC-based Express newspaper, Metro, railway cars, and radio stations.

As part of NNSA's recruitment strategy, to ensure recruiting from a diverse and qualified group of potential applicants towards securing a high-performing workforce drawn from all segments of American society, the agency's Human Resources office employs two (2) dedicated Human Resources Consultants, whose primary responsibilities entail management of the Pathways Program and performing outreach activities, including networking with disability organizations, veteran organizations, and partnering with particular colleges and universities. NNSA participated in the Department of Energy (DOE) Disability Mentoring Day, which offered college students with disabilities the opportunity to learn about the mission and work of DOE and NNSA, and offered students a preview into their potential career field(s) by pairing them with working professionals in those fields.

In FY 2019, NNSA also enhanced its participation in job fairs at colleges and universities throughout the country. NNSA strategically identified colleges and universities known to have top-rated engineering programs, which included Georgia Tech, Purdue, Texas A&M, UC Merced, Missouri University S&T, University of Tennessee, University of New Mexico, New Mexico State University, and University of Michigan. NNSA participated in numerous job fairs at these colleges and universities in order to attract talent for career opportunities at NNSA. Additionally, NNSA held job fairs in Arlington, Virginia in FY 2019, and ensured interpreters were available at these job fairs. NNSA also established partnerships with local veteran organizations and vocational rehabilitation agencies.

As an effective means of ensuring employees continued to remain aware of agency-internal job opportunities, NNSA Human Resources continued to publicize detail and reassignment opportunities in OneHR email announcements (which are sent to the entire NNSA workforce). These detail and reassignment opportunities allow all employees to gain valuable knowledge, skills, and experience, making them more competitive for future promotional opportunities.

During FY 2019, NNSA continued to ensure all vacancy announcements (which are announced via USAJobs.com) explicitly stated each vacancy is open to 30% or More Disabled Veterans, and to Persons with Disabilities under the Schedule A special hiring authority. All vacancy announcements contained hyperlinks to webpages which further described these particular appointments and eligibility-requirements. Information was disseminated to requestors by Human Resources regarding the use of the Schedule A hiring authority for persons with disabilities, and regarding the agency's use of the OPM Bender List. The agency continued to have access to the OPM Bender List, which was shared with customers to identify persons with disabilities who may be interested and qualified for positions with the NNSA.

As further evidence of NNSA's commitment and endeavors to improve and broaden efforts to recruit persons with disabilities (including disabled veterans), during FY 2019, NNSA procured and successfully deployed the UbiDuo® device. The UbiDuo® device provides communication-equality between people who are deaf, hard of hearing, and hearing with no barriers. The UbiDuo® device provides simultaneous real-time communication, and eliminates the need for interpreters or cell phones to communicate. Participants sit and face each other while conducting a conversation using the UbiDuo device. The UbiDuo® device provides a neutral conduit by which two persons can easily, quickly, and seamlessly express themselves to each other; one does not have to wait for the other person to finish typing before the other can say what's on their mind, just as one would in a verbal conversation. The UbiDuo® device has a split screen, enabling the users to see each side of the conversation. The UbiDuo supports the interviewer with the availability to capture and print interview conversations conducted via the device.

With regard to outreach activities with veteran-centric organizations, during FY 2019, NNSA established partnerships with a variety of national and local veteran organizations and vocational rehabilitation programs in order to expand its recruitment strategies to recruit and employ individuals with disabilities. NNSA worked closely with over 50 organizations and military installations to promote NNSA career opportunities. In FY 2019, NNSA participated in the Hiring Our Heroes® Program, which is a veteran's employment outreach program coordinated by the U.S. Chamber of Commerce. NNSA participated in Hiring our Heroes® Program career fairs, as well as in career summits for separating service members.

### **Minority Serving Institutions Partnership Program**

NNSA strives to recruit and hire a highly skilled workforce representing America's rich diversity. The Minority Serving Institutions Partnership Program (MSIPP) is designed to bring heightened awareness of NNSA to Minority Serving Institutions (MSIs) with an interest in science, technology, engineering, and mathematics (STEM) research fields. MSIs strive to provide the tools needed to overcome racial discrimination and limited economic prospects. The MSIPP connects these inspired minority students with the vast resources of our nation's laboratories, plants, and sites – setting them on a career path of innovation and achievement.

The MSIPP provides students (those attending minority serving institutions supported by NNSA via federal grants, who are pursuing a degree in STEM) with internship assignments spanning a duration of ten weeks, during which all of their expenses are paid by the school using funding provided by NNSA through the grant. Students make substantial contributions during their ten-

week summer internship, and once they complete their academic requirements, qualified students are often recruited for full-time employment.

The MSIPP provides participants with the opportunity to combine their studies with on-the-job training and experience directly related to their academic program, which serves to enable participants to make more informed career choices in the future. The MSIPP provides students the opportunity to work on exciting projects at NNSA’s laboratories, Federal field offices, or with the agency’s small business partners, and provides particular MSI Internship Program participants (those with science, technology, engineering or mathematics backgrounds) the ability to work in research environments with the nation’s top scientists and engineers. The students represent dozens of different MSIs, and the internships are focused on an array of STEM disciplines, including engineering, physics, computer science, chemistry, and mathematics.

During FY 2019, NNSA sponsored one-hundred and twenty-nine (129) student interns who participated via the MSIPP. NNSA also created new partnerships with six Hispanic Serving Institutions (HSIs), and these new partnerships were utilized to establish two new pipeline grants.

**NNSA Pathways Program**

The NNSA Pathways Program exists to improve recruiting efforts; to offer clear paths to Federal internships for students from high school through post-graduate school (and to careers for recent graduates); and to provide meaningful training and career development opportunities for individuals who are at the onset of their Federal service career.

During FY 2019, NNSA converted two (2) Presidential Management Fellows (PMF) to term-appointments, one (1) PMF to a career-conditional appointment, and two (2) Pathways Interns to career-conditional appointments. NNSA also employed 1 (one) Presidential Management Fellow and 6 (six) interns.

**Veteran Hiring**

In FY 2019, 34.91% of NNSA’s external new-hires were Veterans; 14.22% of NNSA’s newly-hired employees were Veterans with Disabilities; and 11.63% of all newly-hired employees within NNSA were 30% or More Disabled Veterans. The table below depicts the Department’s established hiring goals in this regard, and a comparison of results achieved by NNSA between 2018 and 2019.

<b>Group:</b>	<b>FY 2019 Goals</b>	<b>FY 2019 NNSA Result</b>	<b>FY 2018 NNSA Result</b>	<b>FY 2019 Change</b>
<b>Veterans</b>	25% of all new hires	34.91%	36.50%	- 1.59%
<b>Veterans with Disabilities</b>	11% of all new hires	14.22%	10.36%	+ 3.86%
<b>30% or More Disabled Veterans</b>	7% of all new hires	11.63%	6.30%	+ 5.33%

NNSA exceeded all of the Department's established FY 2019 Veteran and Disabled Veteran hiring goals, accomplishing a truly significant increase in hiring of individuals who are 30% or More Disabled Veterans.

With regard to NNSA's use of Veteran-centric special hiring authorities, during FY 2019, NNSA hired six (6) new employees under the Veterans Recruitment Appointment (VRA) Hiring Authority. With regard to NNSA employees who were previously hired under VRA appointments (those having successfully completed 2 years of service), during FY 2019, eleven (11) employees were converted to career and career-conditional appointments in the competitive service, and two (2) of those conversions included employees who are 30% or More Disabled Veterans.

### **EEO Observer Program**

The Office of Civil Rights operates and manages the NNSA's EEO Observer Program (which exists to ensure competitive selection-board and interview panel proceedings used for hiring, promotions, assignments, and for particular awards are properly conducted), ensuring interview and selection proceedings are conducted without discriminatory or other unfair practices occurring. The Office of Civil Rights continued to promote and market the use of the EEO Observer Program to agency managers and supervisors throughout the year.

As selection of employees for participation within the NNSA's Leadership and Career Development Programs is competitive, an EEO Observer was present during every Leadership and Career Development Programs Selection-Board proceeding, ensuring applicable laws and regulations were followed, and verifying the Board's selection-process remained fair, impartial, and presented no barriers relevant to equal opportunity.

### **Professional Development, Learning, Mentoring, and Training**

NNSA values and promotes a healthy learning culture to enable all employees to achieve their fullest potential. The agency's Learning and Career Management (LCM) manages and provides a wide variety of corporately-funded training programs, products, and services, which are available to employees at all levels. This includes but is not limited to corporate training courses; leadership development programs; on-boarding programs; learning consultants; individual development plans; coaching; rotational programs; mentoring; and supervisor, manager, and executive training. Program processes for NNSA's learning opportunities provide clear information related to eligibility and procedures for requesting, applying for, and registering for training. Participation in LCM's training-offerings does not guarantee a job promotion, but allows employees to gain skills which will expand their professional development and growth, thus making them eligible to compete for higher level positions.

LCM made significant progress in terms of policies and procedures during FY 2019. The updated *NNSA Supplemental Directive 360.1A, Federal Employee Training*, was signed by the NNSA Administrator in August of 2019; NNSA SD 360.1A superseded the prior version that was published in 2014. The updated NNSA SD 360.1A grants the NNSA's Chief Learning Officer (dual-hatted as the LCM Director) authority to issue, as/when necessary, subordinate policies and procedures that implement Supplemental Directive (SD) provisions.

LCM reviewed its internal policies and procedures on a regular basis throughout FY 2019. For instance, many web pages within LCM’s website were updated to reflect new programs, products, and services, as well as refinements to existing learning offerings. LCM’s lessons-learned paid dividends – for instance, the process for announcing and selecting program participants for Professional Military Education degree programs was refined.

During FY 2019, LCM enhanced current programs, products, and services, and developed additional programs. These additional programs included the launch of the Aspiring Leader, Team Lead, and Aspiring Supervisor certificate programs. In addition, NNSA senior leadership funded \$3.6 million of organizational training and training for travel needs that were identified on the Annual Training Assessment, further demonstrating NNSA’s commitment to becoming a learning agency. LCM continues to produce monthly reports on training cancellations (by employees) and denials (by supervisors) for the situational awareness of NNSA leadership.

Supervisors are required to articulate their rationale for denying previously-approved training (e.g., denied due to an urgent mission need). NNSA-wide broadcasts (conducted via NNSA Connect and OneLearning email messages, as well as website updates, etc.) amplify the training opportunity announcements to all segments of the NNSA workforce. All online training-content, videos, graphics, and supporting materials (prior to making available to employees via the NNSA’s online learning management system) are fully vetted by LCM staff members, to ensure these items do not promote discrimination; are in good taste; and encourage, propagate, and foster an inclusive work environment.

**NNSA Mentoring Program**

NNSA leadership continued to recognize the benefits and opportunities afforded by supporting and endorsing the NNSA Mentoring Program during FY 2019. The NNSA Mentoring Program provided networking opportunities, engagement with leadership, broadening of perspectives, and expanded professional development and growth for Mentees. Mentors shared best practices, provided new perspectives, and helped to shape the future of the agency. Within the agency’s Learning Nucleus LMS (Learning Management System), Federal employees are provided with instant ability to sign up to serve as a Mentor or as a Mentee.

**FY 2019 NNSA Mentoring Program participation levels of Mentees and Mentors, as depicted by Sex, are as follows:**

	Mentoring Program Participation Percentage	Percentage in NNSA Total Workforce
<b>MENTEES:</b>		
<b>Male Mentees:</b>	<b>56%</b>	<b>67.44%</b>
<b>Female Mentees:</b>	<b>44%</b>	<b>32.56%</b>
<b>MENTORS:</b>		
<b>Male Mentors:</b>	<b>35%</b>	<b>67.44%</b>
<b>Female Mentors:</b>	<b>65%</b>	<b>32.56%</b>

**FY 2019 NNSA Mentoring Program participation levels of Mentees and Mentors, as depicted by Race, are as follows:**

	Mentoring Program Participation Percentage	Percentage in NNSA Total Workforce
<b>MENTEES:</b>		
Mentees, Black:	12%	9.93%
Mentees, White:	60%	66.92%
Mentees, Asian:	8%	5.07%
Mentees, Hispanic:	20%	16.11%
Mentees, Amer. Indian:	0%	1.97%
<b>MENTORS:</b>		
Mentors, Black:	5%	9.93%
Mentors, White:	85%	66.92%
Mentors, Asian:	0%	5.07%
Mentors, Hispanic:	10%	16.11%
Mentors, Amer. Indian:	0%	1.97%

Mentoring Program participants who voluntarily self-identify as a Person with a Disability comprised 16% of those who served in the role of a Mentee, and 10% of those who served as a Mentor. Military Veterans comprised 25% of those who served in the role of a Mentor, and comprised 12% of those who served in the role of a Mentee.

**NNSA Leadership and Career Development Program**

The agency offered a wide range of developmental opportunities to employees at all levels (entry, mid-career, supervisory, managerial and executive) under the NNSA’s formal Leadership and Career Development Program (LCDP). Each LCDP program offered competency development in one or more of OPM’s prescribed Executive Core Qualifications. NNSA employees, supervisors, and managers applied for, and/or were competitively-selected for participation in the following LCDPs during FY 2019:

LCDP Course Title	# of Applicants	Applicant By Race and Sex	NNSA Selectee/Participant By Race and Sex
Air Force Nuclear College (AFNC) Senior Leader Nuclear Management Course (Nuclear 400)	1	Male, Hispanic	Hispanic Male
Office of Personnel Management (OPM) Federal Executive Institute (FEI) Leadership for a Democratic Society (LDS)	4	White, Male White, Female White, Male White, Male	White Female

Harvard Kennedy School <b>Senior Executive Fellows (SEF) Program</b>	10	White, Male White, Female White, Male White, Female White, Male White, Male Hispanic, Female White, Male White, Male White, Female	White Male White Male
US Navy Naval War College <b>College of Naval Warfare (CNW)</b>	1	Asian, Male	Asian Male
National Defense University (NDU) <b>Dwight D. Eisenhower School for National Security and Resource Strategy [Eisenhower School (ES)]</b>	5	Asian, Male Black, Male White, Male White, Male White, Male	White Male White Male
National Defense University (NDU) <b>College of International Security Affairs (CISA)</b>	1	White, Male	White Male
National Defense University (NDU) <b>National War College (NWC)</b>	3	Asian, Male Black, Male White, Male	White Male
<b>NNSA Mid-Level Leadership Development Program (MLDP)</b>	16	White, Female Hispanic, Female Asian, Female White, Male White, Male White, Male White, Male White, Male White, Male White, Male Hispanic, Female White, Female White, Male Hispanic, Female White, Male White, Male White, Female	White Female Hispanic Female Asian Female White Male White Male White Male White Male White Male White Male White Female White Male Hispanic Female White Male White Male White Female
U.S. Army War College Center for Strategic Leadership and Development (CSLD) <b>Senior Leader Seminar (SLS): Senior Leader Development Course</b>	4	White, Female White, Male White, Male White, Male	White, Female White, Male White, Male White, Male
American Political Science Association <b>APSA Congressional Fellowship Program (CFP)</b> Fellowships for U.S. Federal Executive Employees	3	White, Male White, Male White, Male	White Male White Male
Center for Strategic and International Studies (CSIS) <b>Project of Nuclear Issues Mid-Career Cadre (PONI MCC)</b>	2	White, Male Black, Female	Black Female

Sandia National Laboratories (SNL) <b>Weapon Intern Program (WIP)</b>	2	Hispanic, Male American Indian, Male	Amer. Indian Male
Partnership for Public Service <b>Excellence in Government (EIG) Fellows Program</b>	4	Black, Male White, Male White, Male American Indian, Female	Black Male White Male

Additionally, employees who voluntarily self-identify as a Person with a Disability comprised 3.03% of those selected to participate within LCDP offerings during FY 2019. Military veterans comprised 30.00% of LCDP participants (resulting in over a 100% increase, when compared to the number of military veterans selected to participate within LCDP offerings during the prior fiscal year).

### NNSA Rotations Program

The NNSA Rotations Program provided NNSA employees with the opportunity to obtain diverse experience at Field Offices, Headquarters locations, and with other organizations and agencies. Rotations Program participants engaged in innovative projects and assignments which served to broaden their perspectives and potential, and to prepare them for future challenges and opportunities.

The Rotations Program opportunities were available to all NNSA Federal employees, and varied in pay-band requirements. Rotations lasted 90 days, with the option to extend an additional 90 days with organization and home-supervisor approval. All associated travel costs for rotations were corporately-funded through LCM. During FY 2019, there were eight participants who performed rotations facilitated by the NNSA Rotations Program (which resulted in a 33% increase of participation when compared to FY 2018).

In addition to the NNSA Rotations Program, NNSA participates in the following Government-wide Rotation Programs:

- Presidential Management Council Rotation Program
- Congressional Fellowship Program
- OPM/White House Leadership Development Program

### Employee Empowerment Initiatives

NNSA's Office of Employee Empowerment (OEE) is charged with leading the agency's inclusive diversity efforts which affect and monitor strategies and initiatives to empower and sustain a diverse and inclusive workforce; with building a diverse workforce and cultivating an inclusive workplace, which empowers and sustains a workforce to creatively and innovatively meet the NNSA mission; and with facilitating the fostering of a work environment where management at all levels encourage employee and contractor involvement, and actively support an atmosphere in which employees can voice concerns and issues. This vital corporate initiative will continue to move the enterprise towards achieving and sustaining its goal of building, fostering, and leading a diverse, inclusive, and empowered workforce.

During FY 2019, NNSA OEE led initiatives encouraging increased senior leadership from women within the Department. The three “Aspiring Leaders Series” sessions (sponsored by the DOE Senior Executive Service Women’s Empowerment Network/DOE SES WEN, an OEE-hosted group), were live events that focused on how women can effectively chart their paths to Senior Executive Service (SES) positions. Each event built upon the prior one, and discussed why women should consider applying for SES positions, and offered actionable steps on how to prepare for and obtain SES roles. These events had support from top Department leadership (including the DOE Senior Executive Service Women’s Empowerment Network Champions, DOE Deputy Secretary Dan Brouillette, and NNSA Administrator Lisa E. Gordon-Hagerty). DOE Secretary Rick Perry was the keynote speaker at the June 2019 event. The presence and backing of these leaders demonstrates that DOE and NNSA support and value women executives, and strives to ensure women executives’ success. The events were open to all employees, and at all levels.

Additionally, the DOE Senior Executive Service Women’s Empowerment Network provides a space for women SES to share their experiences, insights, and observations as senior leaders within DOE and NNSA. This group meets monthly and encourages dialogue, collaboration, and action to further promote women and leadership in the 21st century and beyond.

### **Special Emphasis Program Activities**

Special Emphasis Program (SEP) activities were managed and occur locally at each individual Field Office, and each Field Office has a designated collateral-duty Special Emphasis Program Representative. The Persons With Disabilities Program Manager responsibility/role is performed by a staff member within the Human Resources office, and the appointed individual performed these responsibilities and duties as required under Selective Placement Program for Individuals with Disabilities (prescribed within Section 501 of the Rehabilitation Act, Title 5 USC, subpart B, Chapter 31, subchapter 1-3102; 5 CFR 213.3102(t) and (u); and 5 CFR 315.709).

NNSA employees attended and participated in various Special Emphasis Program activities and events sponsored by the Department, which included the following during FY 2019:

- Special emphasis observance recognizing Hispanic Heritage Month on October 4, 2018
- Special emphasis observance recognizing National Disability Employment Awareness Month, Oct 23, 2018
- Special emphasis observance recognizing Native American Heritage Month on November 29, 2018
- Celebration of Dr. Martin Luther King, Jr. with a special event hosted on January 23, 2019
- DOE Secretary Rick Perry and US HUD Secretary Ben Carson participated in a fireside chat celebrating National African American History Month on February 27, 2019
- Special emphasis observance event recognizing Women’s History Day with DOE Secretary Rick Perry, NNSA Administrator Lisa E. Gordon-Hagerty, and a panel of distinguished DOE and NNSA women on March 20, 2019
- Special emphasis observance recognizing Asian American and Pacific on May 7, 2019
- Special emphasis observance recognizing LGBTQ Pride Month with a panel on inclusivity in the workplace on June 19, 2019

Notably, during FY 2019, NNSA also participated in the DOE Disability Mentoring Day outreach-event. The Disability Mentoring Day event serves to educate college/university-level students who identify as Persons with a Disability, about the important role of DOE, and about the services DOE provides to the nation; to establish and strengthen relationships with local colleges and universities through outreach for the event; and provides students an opportunity, through job mentoring, to learn more about a specific field while exploring necessary preparations to position themselves for a career in a chosen field. The goal of this particular event was to encourage students to apply for internship opportunities at the Department (and within the NNSA) for the following summer. The program's agenda included presentations from several Program Offices, followed by a question and answer session. This event allowed NNSA management officials and Human Resources' recruiting staff to network with a diverse group of individuals who have identified as Persons with Disabilities.

### **Promotion and Awareness of Part-Time Employment and Job-Sharing Schedules**

NNSA fully recognizes that some employees, including those who identify as Persons with Disabilities, need (or desire) to work less than the traditional eighty-hour pay period for a variety of reasons. NNSA ensures supervisors and managers are made aware (during supervisory training sessions, as well as via Human Resources' "Part Time Employment and Job Sharing Fact Sheet" posted on the agency's internal OneHR Webpage) that providing agency employees with part-time or job-sharing work schedules greatly contributes to improved workforce performance and employee satisfaction. The agency ensures supervisors and employees understand these particular part-time and job-sharing schedules provide a means and potential to retain highly qualified employees, improve recruitment, increase productivity, and reduce absenteeism.

### **Employees' Voluntary Self-Identification of Disability Status**

During new employee orientation training sessions, and via emailed notification messages, all NNSA employees are made aware the agency aggregates and analyzes employees' voluntarily-disclosed disability status data, and employees are also made aware this data is used to identify employment trends, ascertain success in meeting established hiring goals, evaluate the effectiveness of recruitment activities, and to secure resources needed to advance the affirmative employment of individuals with disabilities.

NNSA employees are informed disability-data integrity is essential to NNSA's ability to effectively measure results, and to determine areas in this regard where improvement is needed. Employees are notified disability status data is collected and kept strictly confidential in accordance with the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. During FY 2019, all DOE and NNSA employees were requested and encouraged (via an agency-wide emailed announcement) to review their self-identified disability status within the agency's collection-system, and to voluntarily self-update their disability status with any necessary changes.

### **Organizational Change Policy**

NNSA did not experience any significant agency-wide re-organizations/re-alignments during FY 2019. Should agency-wide re-organizations or realignments occur in the future, in order to more efficiently and effectively accomplish the NNSA mission, all aspects are considered, including potential adverse impact upon employees.

The agency's Business Operating Procedure 02.01, "Organizational Change Policy," ensures management's consideration of personnel and management issues with which the organization is contending, e.g., an aging workforce or reduced/enhanced mission; ensures exploration of all feasible means of employee communication; requires management to provide information, explain various changes, and answer questions; and requires management to allay unfounded employee concerns, all while seeking to foster an atmosphere of trust.

DOE National Nuclear Security Administration

For period covering October 1, 2018 to September 30, 2019

CERTIFICATION of ESTABLISHMENT of CONTINUING  
EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Bonnie E. Baisden

NQ-0260-04

am the

(Insert Name Above)

(Insert official  
title/series/grade above)

Principal EEO Director/Official for

DOE National Nuclear Security Administration

(Insert Agency/Component Name above)

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

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

*Bonnie Baisden*

08/10/2020

Signature of Principal EEO Director/Official

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

*William Bookman*

08/10/2020

Signature of Agency Head or Agency Head Designee

## **EEOC MD-715 Report - PART G Agency Self-Assessment Checklist**

The Part G Self-Assessment Checklist is a series of questions designed to provide federal agencies with an effective means for conducting the annual self-assessment required in Part F of MD-715. This self-assessment permits EEO Directors to recognize, and to highlight for their senior staff, deficiencies in their EEO program that the agency must address to comply with MD-715's requirements. Nothing in Part G prevents agencies from establishing additional practices that exceed the requirements set forth in this checklist.

All agencies will be required to submit Part G to EEOC. Although agencies need not submit documentation to support their Part G responses, they must maintain such documentation on file and make it available to EEOC upon request.

The Part G checklist is organized to track the MD-715 essential elements. As a result, a single substantive matter may appear in several different sections, but in different contexts. For example, questions about establishing an anti-harassment policy fall within Element C (Management and Program Accountability), while questions about providing training under the anti-harassment policy are found in Element A (Demonstrated Commitment from Agency Leadership).

For each MD-715 essential element, the Part G checklist provides a series of "compliance indicators." Each compliance indicator, in turn, contains a series of "yes/no" questions, called "measures." To the right of the measures, there are two columns, one for the agency to answer the measure with "Yes", "No", or "NA;" and the second column for the agency to provide "comments", if necessary. Agencies should briefly explain any "N/A" answer in the comments. For example, many of the sub-component agencies are not responsible for issuing final agency decisions (FADs) in the EEO complaint process, so it may answer questions about FAD timeliness with "NA" and explain in the comments column that the parent agency drafts all FADs.

A "No" response to any measure in Part G is a program deficiency. For each such "No" response, an agency will be required in Part H to identify a plan for correcting the identified deficiency. If one or more sub-components answer "No" to a particular question, the agency-wide/parent agency's report should also include that "No" response.

<b>Essential Element A: Demonstrated Commitment From agency Leadership</b> <b>This element requires the agency head to communicate a commitment to equal employment opportunity and a discrimination-free workplace.</b>			
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>A.1 – The agency issues an effective, up-to-date EEO policy statement.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>A.1.a</b>	Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency’s commitment to EEO for all employees and applicants? If “yes”, please provide the annual issuance date in the comments column. [see MD-715, II(A)]	Yes	The Policy Statement is re-issued by the Department on a periodic basis, which may or may not occur every 12 months. Latest re-issuance date is August 30, 2019.
<b>A.1.b</b>	Does the EEO policy statement address all protected bases (age, color, disability, sex [including pregnancy, sexual orientation and gender identity], genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>A.2 – The agency has communicated EEO policies and procedures to all employees.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>A.2.a</b>	Does the agency disseminate the following policies and procedures to all employees:		
<b>A.2.a.1</b>	Anti-harassment policy? [see MD 715, II(A)]	Yes	
<b>A.2.a.2</b>	Reasonable accommodation procedures? [see 29 C.F.R § 1614.203(d)(3)]	Yes	
<b>A.2.b</b>	Does the agency prominently post the following information throughout the workplace and on its public website:		
<b>A.2.b.1</b>	The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	Yes	
<b>A.2.b.2</b>	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	
<b>A.2.b.3</b>	Reasonable accommodation procedures? [see 29 C.F.R. § 1614.203(d)(3)(i)] <u>If so, please provide the internet address in the comments column.</u>	Yes	<a href="https://www.energy.gov/nnsa/leadership-and-offices/nnsa-office-civil-rights">https://www.energy.gov/nnsa/leadership-and-offices/nnsa-office-civil-rights</a>
<b>A.2.c</b>	Does the agency inform its employees about the following topics:		
<b>A.2.c.1</b>	EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and	Yes	Frequency is described in detail in

	1614.102(b)(5)] If "yes", please provide how often.		Part E
<b>A.2.c.2</b>	ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.	Yes	Frequency is described in detail in Part E
<b>A.2.c.3</b>	Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.	Yes	Frequency is described in detail in Part E
<b>A.2.c.4</b>	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	Frequency is described in detail in Part E
<b>A.2.c.5</b>	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	Frequency is described in detail in Part E

 <b>Compliance Indicator</b>  <b>Measures</b>		<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
	<b>A.3 – The agency assesses and ensures EEO principles are part of its culture.</b>		
<b>A.3.a</b>	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	On-the-spot cash awards are provided to collateral-duty EEO Counselors and to others involved with promoting EEO on an ad-hoc basis
<b>A.3.b</b>	Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]	Yes	

**Essential Element B: Integration of EEO into the agency's Strategic Mission**  
**This element requires that the agency's EEO programs are structured to maintain a workplace that is free from discrimination and support the agency's strategic mission.**

 <b>Compliance Indicator</b>  <b>Measures</b>		<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
	<b>B.1 - The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.</b>		
<b>B.1.a</b>	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>B.1.a.1</b>	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>B.1.a.2</b>	Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	Yes	
<b>B.1.b</b>	Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials	Yes	

	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]		
<b>B.1.c</b>	During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If "yes", please provide the date of the briefing in the comments column.	Yes	Presented on May 19, 2019
<b>B.1.d</b>	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	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.2 – The EEO Director controls all aspects of the EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.2.a</b>	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>B.2.b</b>	Is the EEO Director responsible for overseeing the completion of EEO counseling [see 29 CFR §1614.102(c)(4)]	Yes	
<b>B.2.c</b>	Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	Yes	
<b>B.2.d</b>	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 subordinate level components.]	N/A	Final Agency Decisions are not issued at the agency/NNSA level; FADs for NNSA are issued by the Department of Energy HQs Office of Civil Rights.
<b>B.2.e</b>	Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	Yes	
<b>B.2.f</b>	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>B.2.g</b>	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	

 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.3 - The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.3.a</b>	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>B.3.b</b>	Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] <u>If "yes", please identify the EEO principles in the strategic plan in the comments column.</u>	Yes	Described in detail in Part E
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.4 - The agency has sufficient budget and staffing to support the success of its EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.4.a</b>	Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:		
<b>B.4.a.1</b>	to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	Yes	
<b>B.4.a.2</b>	to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	Yes	
<b>B.4.a.3</b>	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>B.4.a.4</b>	to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column.	Yes	
<b>B.4.a.5</b>	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>B.4.a.6</b>	to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	Yes	
<b>B.4.a.7</b>	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	Yes	

	comments section.		
<b>B.4.a.8</b>	to effectively administer its special emphasis programs (such as, Federal Women’s Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]	Yes	
<b>B.4.a.9</b>	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>B.4.a.10</b>	to effectively manage its reasonable accommodation program? [see 29 CFR § 1614.203(d)(4)(ii)]	Yes	
<b>B.4.a.11</b>	to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	Yes	
<b>B.4.b</b>	Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]	Yes	
<b>B.4.c</b>	Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	Yes	
<b>B.4.d</b>	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?	Yes	
<b>B.4.e</b>	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?	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.5 – The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.5.a</b>	Pursuant to 29 CFR § 1614.102(a)(5), have all managers and supervisors received training on their responsibilities under the following areas under the agency EEO program:		
<b>B.5.a.1</b>	EEO Complaint Process? [see MD-715(II)(B)]	Yes	
<b>B.5.a.2</b>	Reasonable Accommodation Procedures? [see 29 C.F.R. § 1614.102(d)(3)]	Yes	
<b>B.5.a.3</b>	Anti-Harassment Policy? [see MD-715(II)(B)]	Yes	
<b>B.5.a.4</b>	Supervisory, managerial, communication, and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	Yes	
<b>B.5.a.5</b>	ADR, with emphasis on the federal government’s interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]	Yes	

 <b>Compliance Indicator</b>  <b>Measures</b>	<b>B.6 – The agency involves managers in the implementation of its EEO program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>B.6.a</b>	Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	Yes	
<b>B.6.b</b>	Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	Yes	
<b>B.6.c</b>	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>B.6.d</b>	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	
<b>Essential Element C: Management and Program Accountability</b> <b>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.</b>			
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.1 – The agency conducts regular internal audits of its component and field offices.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>C.1.a</b>	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	Not applicable (no component field offices)
<b>C.1.b</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	Not applicable (no component field offices)
<b>C.1.c</b>	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	Not applicable (no component field offices)
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.2 – The agency has established procedures to prevent all forms of EEO discrimination.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>C.2.a</b>	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, §	<b>No</b>	The EEO Manager has identified this measure as mostly-met; effective procedures exist and are in place within NNSA, however,

	V.C.1 (June 18, 1999)]		DOE (Department-level) prescribed standardized procedures for the DOE's formalized Anti-Harassment Program are pending finalization for implementation/adoption within NNSA. See PART H for further detailed explanation.
<b>C.2.a.1</b>	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	
<b>C.2.a.2</b>	Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]	Yes	
<b>C.2.a.3</b>	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	
<b>C.2.a.4</b>	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	All EEO Counselors are trained to immediately inform the EEO Manager of all claims or allegations pertaining to alleged or suspected harassing conduct, "hostile work environment," or workplace-bullying type behaviors. The EEO Manager then subsequently informs respective management/responsible officials of their responsibility to immediately address, mitigate, and resolve these matters.
<b>C.2.a.5</b>	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 comments column.	Yes	
<b>C.2.a.6</b>	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	
<b>C.2.b</b>	Has the agency established disability reasonable accommodation procedures that comply with EEOC's	Yes	

	regulations and guidance? [see 29 CFR 1614.203(d)(3)]		
<b>C.2.b.1</b>	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	
<b>C.2.b.2</b>	Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	Yes	
<b>C.2.b.3</b>	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	
<b>C.2.b.4</b>	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	
<b>C.2.b.5</b>	Does the agency process all accommodation requests within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] <u>If "no", please provide the percentage of timely-processed requests in the comments column.</u>	Yes	Although sometimes the prescribed timeframes are exceeded, this is due to unique and exigent circumstances meriting extended timeframes (i.e., when agency-wide or area-wide job search for an employee's reassignment is required, etc.), and is not reflective of the agency not meeting prescribed timeframes.
<b>C.2.c</b>	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	
<b>C.2.c.1</b>	Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR § 1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.	Yes	<a href="https://www.energy.gov/nnsa/leadership-and-offices/nnsa-office-civil-rights">https://www.energy.gov/nnsa/leadership-and-offices/nnsa-office-civil-rights</a>
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.3 - The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>C.3.a</b>	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	
<b>C.3.b</b>	Does the agency require rating officials to evaluate the performance of managers and supervisors based on the		

	following activities:		
<b>C.3.b.1</b>	Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	Yes	
<b>C.3.b.2</b>	Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	Yes	
<b>C.3.b.3</b>	Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	Yes	
<b>C.3.b.4</b>	Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]	Yes	
<b>C.3.b.5</b>	Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	Yes	
<b>C.3.b.6</b>	Provide disability accommodations when such accommodations do not cause an undue hardship? [ see 29 CFR §1614.102(a)(8)]	Yes	
<b>C.3.b.7</b>	Support the EEO program in identifying and removing barriers to equal opportunity. [see MD-715, II(C)]	Yes	
<b>C.3.b.8</b>	Support the anti-harassment program in investigating and correcting harassing conduct. [see Enforcement Guidance, V.C.2]	Yes	
<b>C.3.b.9</b>	Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]	Yes	
<b>C.3.c</b>	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	
<b>C.3.d</b>	When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.4 – The agency ensures effective coordination between its EEO programs and Human Resources (HR) program.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>C.4.a</b>	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	
<b>C.4.b</b>	Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full	Yes	

	participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]		
<b>C.4.c</b>	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	Partially deficient, with regard to applicants' demographic data; see PART H for description and explanation of deficiency as captured for Item # E.4.a.4
<b>C.4.d</b>	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	
<b>C.4.e</b>	Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:		
<b>C.4.e.1</b>	Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	Yes	
<b>C.4.e.2</b>	Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	Yes	
<b>C.4.e.3</b>	Develop and/or provide training for managers and employees? [see MD-715, II(C)]	Yes	
<b>C.4.e.4</b>	Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	Yes	
<b>C.4.e.5</b>	Assist in preparing the MD-715 report? [see MD-715, II(C)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.5 – Following a finding of discrimination, the agency explores whether it should take a disciplinary action.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>C.5.a</b>	Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? 29 CFR § 1614.102(a)(6); see also <i>Douglas v. Veterans Administration</i> , 5 MSPR 280 (1981)	Yes	
<b>C.5.b</b>	When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If “yes”, please state the number of disciplined/sanctioned individuals during this reporting period in the comments.	Yes	Yes, however, not applicable (no Findings of Discrimination issued) during this evaluated FY 2019 reporting period (0 employees disciplined or sanctioned).
<b>C.5.c</b>	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	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>C.6 – The EEO office advises managers/supervisors on EEO matters.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>

<b>C.6.a</b>	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] <u>If "yes", please identify the frequency of the EEO updates in the comments column.</u>	Yes	Described in detail in Part E
<b>C.6.b</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.**

 <b>Compliance Indicator</b>  <b>Measures</b>	<b>D.1 – The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>D.1.a</b>	Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	Yes	
<b>D.1.b</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	
<b>D.1.c</b>	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	

 <b>Compliance Indicator</b>  <b>Measures</b>	<b>D.2 – The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>D.2.a</b>	Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	Yes	
<b>D.2.b</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)]	Yes	
<b>D.2.c</b>	Does the agency consider whether any group of employees or	Yes	

	applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]		
<b>D.2.d</b>	Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program; and/or external special interest groups? [see MD-715 Instructions, Sec. I] If “yes”, please identify the data sources in the comments column.	Yes	Described in detail in Part E
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>D.3 – The agency establishes appropriate action plans to remove identified barriers.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>D.3.a.</b>	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	
<b>D.3.b</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	
<b>D.3.c</b>	Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>D.4 – The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</b>
<b>D.4.a</b>	Does the agency post its affirmative action plan on its public website? [see 29 CFR 1614.203(d)(4)] <u>Please provide the internet address in the comments.</u>	Yes	<a href="https://www.energy.gov/nnsa/downloads/nnsa-eeo-plans-and-reports">https://www.energy.gov/nnsa/downloads/nnsa-eeo-plans-and-reports</a>
<b>D.4.b</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	
<b>D.4.c</b>	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	
<b>D.4.d</b>	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	
<b>Essential Element E: Efficiency</b>			

**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(I)?	Yes	
E.1.d	Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? <u>If so, please provide the average processing time in the comments.</u>	Yes	Issuance occurs within 0 to 5 business days upon receipt of the EEO Counselor's report.
E.1.e	Does the agency ensure all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?	Yes	
E.1.f	Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	Yes	
E.1.g	If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?	Yes	
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	Not applicable to NNSA (FADs for the NNSA are issued by the Department of Energy HQs Office of Civil Rights)
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	Not applicable to NNSA (Final Orders for the NNSA are issued by the Department of Energy HQs Office of Civil Rights)
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)] <u>If "yes", please describe how in the comments column.</u>	Yes	Described in detail in Part E
E.1.k	If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]	Yes	

E.1.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	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>E.2 – The agency has a neutral EEO process.</b>	<b>Measure Met? (Yes/No/N A)</b>	<b>Comments</b>
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	The NNSA Office of Civil Rights is distinctly separate from the agency's Office of General Counsel
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)] <u>If "yes", please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.</u>	Yes	The NNSA's EEO Office requests and receives sufficiency-review services by the legal staff within the DOE HQs Office of Civil Rights
E.2.c	If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]	N/A	Not applicable, as the NNSA's EEO Office requests and receives sufficiency-review services by the legal staff within the DOE HQs Office of Civil Rights
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	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>E.3 - The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.</b>	<b>Measure Met? (Yes/No/N A)</b>	<b>Comments</b>
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	Yes	

	named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]		
<b>E.3.f</b>	Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>E.4 – The agency has effective and accurate data collection systems in place to evaluate its EEO program.</b>	<b>Measure Met? (Yes/No/N A)</b>	<b>Comments</b>
<b>E.4.a</b>	Does the agency have systems in place to accurately collect, monitor, and analyze the following data:		
<b>E.4.a.1</b>	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	
<b>E.4.a.2</b>	The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	Yes	
<b>E.4.a.3</b>	Recruitment activities? [see MD-715, II(E)]	Yes	
<b>E.4.a.4</b>	External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]	<b>No</b>	See PART H for description and explanation of deficiency
<b>E.4.a.5</b>	The processing of requests for reasonable accommodation? [29 CFR § 1614.203(d)(4)]	Yes	
<b>E.4.a.6</b>	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	
<b>E.4.b</b>	Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	Yes	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>E.5 – The agency identifies and disseminates significant trends and best practices in its EEO program.</b>	<b>Measure Met? (Yes/No/N A)</b>	<b>Comments</b>
<b>E.5.a</b>	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	
<b>E.5.b</b>	Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If “yes”, provide an example in the comments.	Yes	The EEO Manager performs ongoing research of case-decisions, and reviews other agency's EEO Program website and MD-715 Reports. The EEO Manager also subscribes to LRP's Federal EEO Advisor newsletter, and has a subscription to LRP's CyberFeds database.
<b>E.5.c</b>	Does the agency compare its performance in the EEO process	Yes	

	to other federal agencies of similar size? [see MD-715, II(E)]		
<b>Essential Element F: Responsiveness and Legal Compliance</b>			
This element requires federal agencies to comply with EEO statutes and EEOC regulations, policy guidance, and other written instructions.			
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>F.1 – The agency has processes in place to ensure timely and full compliance with EEOC Orders and settlement agreements.</b>	<b>Measure Met? (Yes/No/N A)</b>	<b>Comments</b>
<b>F.1.a</b>	Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	Yes	
<b>F.1.b</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	
<b>F.1.c</b>	Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	Yes	
<b>F.1.d</b>	Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	Yes	
<b>F.1.e</b>	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	
 <b>Compliance Indicator</b>  <b>Measures</b>	<b>F.2 – The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.</b>	<b>Measure Met? (Yes/No/N A)</b>	<b>Comments</b>
<b>F.2.a</b>	Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]	Yes	
<b>F.2.a.1</b>	When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]	Yes	
<b>F.2.a.2</b>	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]	Yes	
<b>F.2.a.3</b>	When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]	Yes	
<b>F.2.a.4</b>	Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?	Yes	

 Compliance Indicator  Measures	F.3 - The agency reports to EEOC its program efforts and accomplishments.	Measure Met? (Yes/No/N A)	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	NOTE: The NNSA's No FEAR Act Report data is rolled-into and included within the Department of Energy's aggregate reporting.
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	NOTE: The NNSA's No FEAR Act Report data is rolled-into and included within the Department of Energy's aggregate reporting.

DOE National Nuclear Security Administration

For period covering October 1, 2018 to September 30, 2019

Plan to Attain Essential Elements

**PART H.1**

STATEMENT of  
MODEL PROGRAM  
ESSENTIAL ELEMENT  
DEFICIENCY:

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)]

Implementation of DOE's formalized Anti-Harassment Program

**OBJECTIVE:**

<i><u>Date Objective Initiated:</u></i>	<i><u>Target Date For Completion Of Initiative:</u></i>
Oct 1, 2018	Oct 1, 2020

Implement, when available, the Department of Energy's formalized Anti-Harassment Program.

**Responsible Official**

Jennifer Chandler  
Bonnie Baisden

**Planned Activities**

<i><u>Target Date</u></i>	<i><u>Planned Activity</u></i>
Oct 1, 2020 12:00 AM	At this point in time, it is indeterminate when the Department of Energy will complete the formalization of the Department-wide Anti-Harassment Program, however, NNSA intends to evaluate and adopt the prescribed practices and requirements set forth in the DOE's standardized formal Anti-Harassment Program Plan within 180 days of the Department's issuance.

**Report of Accomplishments  
and Modifications to  
Objective**

Although the Department of Energy has not yet issued the Department-wide Anti-Harassment Program Plan, NNSA ensures the EEOC's prescribed best-practices for addressing allegations of unlawful harassment as well as harassing-conduct (actions which may not rise to the level of being unlawful, but constitute violation of Department policy) are successfully and effectively implemented and executed. Details are provided within Section E (Executive Summary), subsection "Essential Element C: Management and Program Accountability."

DOE National Nuclear Security Administration

For period covering October 1, 2018 to September 30, 2019

Plan to Attain Essential Elements

**PART H.2**

STATEMENT of  
MODEL PROGRAM  
ESSENTIAL ELEMENT  
DEFICIENCY:

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)]

The agency does not have an adequate system in place to accurately collect or monitor external and internal Applicant Flow Data concerning applicants' race, national origin, sex, and disability status. This particular deficiency is closely-conjoined with PART G Item # C.4.c., and continues to remain unresolved, despite some progress being made by the Office of Human Resources during FY 2019 (with regard to troubleshooting of the technical issues regarding the system which compiles and tracks applicant data, and recommending of next steps towards remedy). Further action is required to resolve and mitigate this deficiency.

**OBJECTIVE:**

*Date Objective Initiated:* Mar 30, 2019      *Target Date For Completion Of Initiative:* Dec 30, 2021

Acquire accurate Applicant Flow Data, as required per MD-715. This includes data pertaining to internal applicants (i.e., internal and external competitive promotions, and applicants for SES opportunities).

**Responsible Official**

Jennifer Chandler

**Planned Activities**

*Target Date*      *Planned Activity*

Dec 30, 2021 12:00 AM

Human Resources will continue partnering with the Department and with Monster Hiring Solutions to troubleshoot issues; to develop a solution; and to accomplish implementation of an adequate data collection and analysis system which permits tracking of Applicant Flow Data/information required by MD-715.

**Report of Accomplishments  
and Modifications to  
Objective**

The lack of ability to acquire reliable Applicant Flow Data will continue to be addressed by the agency. During FY 2019, NNSA Human Resources met with the representatives from Monster Government Solutions (MGS) to discuss a means to acquire accurate applicant-flow data. NNSA is continuing to work with MGS to reliably aggregate accurate applicant flow data, and NNSA provided MGS with data tables (populated by the system, as well as official tables that show demographics for actual hires in order for MGS to understand the inaccuracy and create a resolution to the applicant-flow reporting system). This particular deficiency continues to remain unmitigated, and despite some progress being made by personnel within Human Resources during the past few years (with regard to troubleshooting of the technical issues regarding the system which compiles and tracks applicant data, and recommending of next steps towards remedy), further action will continue to be taken during FY 2020 and beyond in effort to resolve and mitigate this open deficiency.

DOE National Nuclear Security Administration

For period covering October 1, 2018 to September 30, 2019

Plan to Eliminate Identified Barriers

**PART I.1**

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

Provide a brief narrative describing the condition at issue.  
How was the condition recognized as a potential barrier?

The overall participation level of Women in NNSA's total workforce during FY 2019 (32.56%) was lower than their expected corresponding availability in the EEOC's prescribed comparator (U.S. Census Bureau's 2010 Civilian Labor Force statistics, which is 48.16%). Black Female employees experienced a net-change increase of 0.74%, comprising 5.51% of the agency's total workforce during FY 2019 (falling 1.02% below the EEOC's prescribed expected-level-of-participation of 6.53%). White Female employees experienced a net-change increase of 3.11%, comprising 17.32% of the agency's total workforce during FY 2019 (falling 16.71% below the EEOC's prescribed expected-level-of-participation of 34.03%). Asian Female employees experienced a net-change increase of 28.57%, comprising 1.81% of the agency's total workforce during FY 2019 (falling below the EEOC's prescribed expected- level-of-participation of 1.93%). The percentages of Hispanic Female employees and American Indian/ Alaska Native Female employees were above the expected-levels-of-participation.

**STATEMENT OF BARRIER GROUPS:**

*Barrier Group*  
All Women

**BARRIER ANALYSIS:**

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

**STATEMENT OF IDENTIFIED BARRIER:**

Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.

N/A

**Objective**

Continued evaluation of this trigger will be performed, to explore and ascertain the cause of this lower-than-expected participation rate, and to determine appropriate recommendations and action(s).

**Date Objective Initiated** Mar 30, 2019

**Target Date For Completion Of Objective** Dec 30, 2020

**Responsible Officials**

Bonnie Baisden EEO Manager  
Jennifer Chandler Interim Human Resources Director

**Planned Activities Toward Completion of Objective**

**Planned Activity**

The Office of Civil Rights will establish an analysis workgroup in partnership with Human Resources, to further evaluate and determine the root cause of the lower-than-expected participation rate.

**Target Date**

Dec 30, 2020

**Report of Accomplishments and Modifications to Objective**

DOE National Nuclear Security Administration

For period covering October 1, 2018 to September 30, 2019

Plan to Eliminate Identified Barriers

**PART I.2**

<p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue.</p> <p>How was the condition recognized as a potential barrier?</p>	<p>Lower-than-expected participation levels (of particular groups) are occurring within the agency's Senior Executive Service (SES) ranks. The affected groups include the following: Females (overall); Hispanic Males and Hispanic Females; White Females; Black Females; Asian Males; Asian Females; and American Indian/Alaska Native Males and American Indian/Alaska Native Females.</p>					
<p><b>STATEMENT OF BARRIER GROUPS:</b></p>	<p><b>Barrier Group</b></p> <p>All Women Hispanic or Latino Males Hispanic or Latino Females White Females Black or African American Females Asian Males Asian Females American Indian or Alaska Native Males American Indian or Alaska Native Females</p>					
<p><b>BARRIER ANALYSIS:</b></p> <p>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>						
<p><b>STATEMENT OF IDENTIFIED BARRIER:</b></p> <p>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>	<p>In process of determination of existence of barrier(s)</p>					
<p><b>Objective</b></p>	<p>Continued evaluation of this trigger will be performed, to determine the cause of this lower-than-expected participation rate, and to determine appropriate recommendations and action(s).</p> <table border="1" data-bbox="760 1203 1055 1339"> <tr> <td><b>Date Objective Initiated</b></td> <td>Mar 30, 2019</td> </tr> <tr> <td><b>Target Date For Completion Of Objective</b></td> <td>Dec 30, 2020</td> </tr> </table>		<b>Date Objective Initiated</b>	Mar 30, 2019	<b>Target Date For Completion Of Objective</b>	Dec 30, 2020
<b>Date Objective Initiated</b>	Mar 30, 2019					
<b>Target Date For Completion Of Objective</b>	Dec 30, 2020					
<p><b>Responsible Officials</b></p>	<p>Bonnie Baisden EEO Manager Jennifer Chandler Interim Human Resources Director</p>					
<p><b>Planned Activities Toward Completion of Objective</b></p>	<p><b>Planned Activity</b></p> <p>The Office of Civil Rights will establish an analysis workgroup in partnership with Human Resources, to further evaluate and determine the root cause of the lower-than-expected participation levels.</p>	<p><b>Target Date</b></p> <p>Dec 30, 2020</p>				
<p><b>Report of Accomplishments and Modifications to Objective</b></p>						

**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 affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

**Section I: Efforts to Reach Regulatory Goals**

EEOC regulations (29 CFR §1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with disabilities and persons with 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)	Answer	No
b.Cluster GS-11 to SES (PWD)	Answer	No

\*For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d) (7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

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)	Answer	Yes
b.Cluster GS-11 to SES (PWTD)	Answer	Yes

See the detailed Plan of Action located within Part J.

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

Staff members of the agency's Human Resources Office are currently developing a Recruitment and Outreach Plan, with the objective of increasing PWD and PWTD employment within the NNSA, and this plan will be communicated to all hiring managers and recruiters. The plan includes recruitment campaign efforts, which will focus on key configurable areas to ensure the agency's effective PWD/PWTD related recruiting endeavors, to include attending career fairs; networking with PWD organizations; and partnering with local colleges and universities. The agency's Human Resources Office filled a full-time position, and this employee is assigned to represent the agency as the Outreach Coordinator, responsible for leading the agency's effort for communicating and achieving the agency's hiring goals for PWD, PWTD, and Schedule A.

**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

NNSA has twenty employees dedicated to processing applications from PWD and PWTD and two employees dedicated to processing reasonable accommodation requests. Human Resources is devoting two full-time positions to conduct recruitment and outreach activities for the Agency. These two positions will continue to establish new relationships with colleges and universities, rehabilitation agencies, and veteran organizations to identify applicants with disabilities.

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	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Architectural Barriers Act Compliance	0	0	1	Bonnie Baisden EEO Manager bonnie.baisden@nnsa.doe.gov
Special Emphasis Program for PWD and PWTD	0	0	1	Bonnie Baisden EEO Manager bonnie.baisden@nnsa.doe.gov
Processing reasonable accommodation requests from applicants and employees	2	0	4	Jesus Elias Supervisor jesus.elias@nnsa.doe.gov
Answering questions from the public about hiring authorities that take disability into account	20	0	0	Antoinette Hawkins Supervisory HR Specialist antoinette.hawkins @nnsa.doe.gov
Section 508 Compliance	1	0	0	Karen Sutton Supervisory IT Specialist karen.sutton@nnsa.doe.gov
Processing applications from PWD and PWTD	20	0	0	Antoinette Hawkins Supervisory HR Specialist antoinette.hawkins @nnsa.doe.gov

3. Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Answer    Yes

During FY 2019, Human Resources staff, the Disability Program Coordinator, Reasonable Accommodation Program Managers, Selective Placement Program Coordinators, and Hiring Managers completed required training titled, "A Roadmap to Success: Hiring, Retaining, and Including People with Disabilities." This training provided participants with useful and important information, covering all aspects of the disability employment including recruiting, interviewing, use of special hiring authorities, career development, and reasonable accommodations. Participants were provided with tools in order to effectively recruit, accommodate, hire, retain, and include individuals with disabilities, consistent with applicable law. Participants were trained on how to identify Federal laws, regulations, policies, and initiatives that promote an inclusive workplace for people with disabilities, and were provided with information on how to locate internal and external resources to recruit, develop, and retain employees with disabilities. Human Resources works closely with the Office of Civil Rights and the Department of Energy Human Resources as it relates to the Disability Program. Human Resources staff received on-the-job, web-based, and formal classroom training on hiring, to include Schedule A, Veterans Recruitment Appointment, and 30 percent or more disabled veteran hiring authorities, and reasonable accommodation. In FY 2020, NNSA will continue to receive training to include special emphasis program management, advanced training on Reasonable Accommodation, and managing workplace diversity.

## **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

Answer    Yes

Human Resources ensures sufficient funding to sustain twenty Human Resources Consultants in the Staffing and Classification Division, who advise hiring managers on the use of hiring authorities to include Schedule A, Veterans Appointment Act, and 30 % or More Disabled Veterans, as well as the use of the OPM Bender List. Human Resources has devoted two full-time positions to conduct recruitment and outreach for the Agency. During FY 2019, NNSA expanded its outreach efforts to include working closely with over 50 organizations and military installations to promote NNSA job opportunities. Additionally, NNSA worked to establish a partnership with Operation Warfighter in FY 2019 and currently has one individual from this Program working in the Human Resources Office and has several interviews pending for additional opportunities within Human Resources. Some of the organizations and agencies that NNSA partnered with include Work for Warriors, Wounded Warrior Project, Department of Labor, and Department of Veteran Affairs. In FY 2019, NNSA conducted two hiring events in Arlington, Virginia to fill mission critical positions. For these events, NNSA was proactive in obtaining interpreter services. Additionally, NNSA procured a UbiDuo in FY 2019 for hiring managers to utilize when conducting interviews with individuals who are hearing impaired. In FY 2020, NNSA will continue to expand its recruitment and outreach for persons with disabilities. This includes establishing new partnerships with organizations and participating in job fairs. Additionally, NNSA provides training to Hiring Managers and Human Resources staff members on Reasonable Accommodation.

### **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.

At the onset of FY 2019, NNSA participated in the "DOE Disability Mentoring Day (DMD)" event. DMD is designed to educate students about the important role of DOE, and about the services DOE provides to the nation; to establish and strengthen relationships with local colleges and universities through outreach for the event; and to provide students an opportunity through job mentoring to learn more about a specific field while exploring necessary preparations to position themselves for a career in a chosen field. The goal of this particular event was to encourage students to apply for internship opportunities at the Department and within the NNSA for the following summer. The program's agenda included presentations from several Program Offices, followed by a question and answer session. This event allowed DOE and NNSA officials and Human Resources recruiting staff to interact with a diverse group of well-abled individuals whom have identified as having disabilities.

During FY 2019, NNSA established partnerships with a variety of national and local veteran organizations and vocational rehabilitation programs in order to expand its recruitment strategies to recruit and employ individuals with disabilities. NNSA worked with over 50 organizations and military installations to promote NNSA job opportunities. NNSA ensured all job seekers were aware of the reasonable accommodation process through one-on-one discussions as well as inclusion on all vacancy announcements.

NNSA obtained interpreter services for its Agency-sponsored job fairs in FY 2019 as well as procured a UbiDuo device for hiring managers to utilize when conducting interviews with individuals who are hearing-impaired.

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

NNSA uses the following hiring authorities to hire individuals with disabilities into temporary and permanent positions: 30 Percent or More Disabled Veteran (5 U.S.C. 3112; 5 C.F.R. 316.302, 316.402, and 315.707); and the Schedule A Appointing Authority (5 C.F.R. § 213.3102(u)).

NNSA uses special hiring authorities as an effective and streamlined method of bringing persons with disabilities into the workforce. By using the Schedule A appointing authority, qualified candidates who meet the Schedule A eligibility criteria can be hired non-competitively, without posting and publicizing the vacancy, and without going through the certificate process.

The agency ensures every USAJobs vacancy announcement states the following: "Persons with Disabilities: Individuals with intellectual disabilities, severe physical disabilities, or psychiatric disabilities may apply for appointment through the Schedule A hiring authority. Certified verification of a disability from a licensed medical professional; a licensed vocational rehabilitation specialist; or any Federal, state, or District of Columbia agency or U.S. territory that issues or provides disability benefits will be required." With regard to the recruitment of disabled veterans, and as part of the agency's established recruitment strategy, during FY 2019 the agency ensured 100% of all vacancy announcements continued to explicitly explain each vacancy is open to 30% or More Disabled Veterans. All vacancy announcements contained links to webpages which further described the special hiring appointments (and the particular eligibility conditions).

In FY 2019, NNSA hired 6 people (2.6% of hires) using Schedule A Hiring Authority for people with disabilities, which is an increase over the prior three years. Of the 232 hires in FY 2019, 24 (10.3%) identified as having a disability and, of those, 3 identified as having a targeted disability. In FY 2019, 6 veterans (2.59%) were hired under the Veterans Recruitment Appointment authority. 27 hires (11.6% of hires) were veterans with 30% or More disabilities.

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.

Human Resources staff members review each candidate's application to ensure the qualification requirements, to include specialized experience and any required education requirements are met, as well as eligibility requirements for eligibility for the particular hiring authority. This includes any documentation from a doctor, licensed medical professional, rehabilitation professional, or any federal, state, DC or US territory agency that issues or provides disability benefits. The Human Resources staff includes the name(s) of any qualified and eligible candidate on the certificate to the hiring manager for consideration. Qualified and eligible candidates may be referred to hiring managers under Delegated Examining, Merit Promotion, Schedule A, Veterans Employment Opportunities Act, Veterans Recruitment Appointment, or 30 % or More Disabled Veterans hiring authority. Human Resources extends a tentative job offer once the selection certificate is returned from the hiring manager. The Human Resources staff member then appoints the individual using one of the authorities described above.

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.

Answer Yes

Training is provided to supervisors and Hiring Managers, with the intent of overcoming stereotypes regarding hiring and employment of individuals with disabilities, and to ensure Hiring Managers' understanding of relevant special hiring authorities. NNSA provides training to all Hiring Managers, with specific regard to the use of special hiring authorities (i.e., Schedule A, and Disabled Veterans, and Veteran hiring) during Supervisory training courses provided to both new and tenured supervisors. New supervisors are required to attend this training within one year of their appointment; tenured supervisors are required to attend the refresher supervisory training course at least once every three years.

Hiring Managers are also required to complete annual training titled, "A Roadmap to Success: Hiring, Retaining, and Including People with Disabilities." This training provides participants with useful and important information, covering all aspects of disability employment including recruiting, interviewing, use of special hiring authorities, career development, and reasonable accommodations. Participants are provided with tools in order to effectively recruit, accommodate, hire, retain, and include individuals with disabilities, consistent with applicable law. Participants are trained on how to identify Federal laws, regulations, policies, and initiatives that promote an inclusive workplace for people with disabilities, and were provided with information on how to locate internal and external resources to recruit, develop, and retain employees with disabilities.

## **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.

NNSA worked to broaden its outreach efforts in Fiscal Year 2019. This included establishing new partnerships with a variety of national and local disabled veteran organizations and vocational rehabilitation programs.

NNSA worked closely with over 50 organizations and military installations to promote NNSA job opportunities. Additionally, NNSA worked to establish a partnership with Operation Warfighter in FY 2019 and currently has 1 individual from this Program working in the Human Resources Office (and has several interviews pending) for additional opportunities within Human Resources. Some of the organizations and agencies that NNSA partnered with include Work for Warriors, Wounded Warrior Project, Department of Labor, and Department of Veteran Affairs.

## **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)  | Answer | No |
| b. New Hires for Permanent Workforce (PWTD) | Answer | No |

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- |                             |        |     |
|-----------------------------|--------|-----|
| a. New Hires for MCO (PWD)  | Answer | N/A |
| b. New Hires for MCO (PWTD) | Answer | N/A |

See Part H for plan to remedy unavailability of applicant-flow data.

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- |  |        |     |
|--|--------|-----|
| a. Qualified Applicants for MCO (PWD)  | Answer | N/A |
| b. Qualified Applicants for MCO (PWTD) | Answer | N/A |

See Part H for plan to remedy unavailability of applicant-flow data.

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- |                              |        |     |
|------------------------------|--------|-----|
| a. Promotions for MCO (PWD)  | Answer | N/A |
| b. Promotions for MCO (PWTD) | Answer | N/A |

See Part H for plan to remedy unavailability of applicant-flow data.

## 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.

All managers and supervisors are encouraged to promote the career development of all employees, including individuals with disabilities and individuals with targeted disabilities. The agency employs a full-time Disability Employment Program Manager, who is primarily responsible for monitoring and conducting analyses on the recruiting, hiring and promotions processes, through an evaluation of various data sources, internal policies, focus groups, interviews, agency workforce data, policies, procedures, and personnel actions to determine causes of lower-than-expected participation rates regarding PWD and PWTD. NNSA's policies and procedures for merit promotion and employee recognition and awards are written to be inclusive of all employees. NNSA will continue to educate supervisors through the "NNSA Supervisor's Role" and "NNSAs Supervisor's Role Refresher" training courses on equal employment opportunity, hiring (to include merit promotion), performance management, and employee rewards and recognition. NNSA will continue to publish all detail and reassignment opportunities in OneHR messages which are sent to the entire workforce. These opportunities allow employees, including PWD, to gain valuable knowledge, skills, and experience making them more competitive for promotional opportunities. NNSA will conduct an analysis of the hiring and recognition processes by reviewing data such as promotions and awards to ensure PWD continue to have opportunities for advancement and recognition.

### B. CAREER DEVELOPMENT OPPORTUNITIES

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

The agency offered a wide range of developmental opportunities to employees at all levels (entry, mid-career, supervisory, managerial and executive) under the NNSA's formal Leadership and Career Development Program (LCDP). Each LCDP program offered competency development in one or more of OPM's prescribed Executive Core Qualifications. Other programs include the NNSA Mentoring Program, the Rotations Program (and others, described in detail within Part E.4 of the FY 2019 MD-715 Report).

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 Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)
Internship Programs						
Training Programs						
Fellowship Programs						
Detail Programs						
Mentoring Programs						
Other Career Development Programs (OLCM LCDPs)	56	30	5.35	3.33	1.78	0
Coaching Programs						

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Applicants (PWD)

Answer No

b. Selections (PWD)

Answer No

4. Do triggers exist for PWTD 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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Applicants (PWTD)

Answer No

b. Selections (PWTD)

Answer No

## 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)  | Answer | No |
| b. Awards, Bonuses, & Incentives (PWTD) | Answer | 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)  | Answer | No |
| b. Pay Increases (PWTD) | Answer | No |

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)  | Answer | N/A |
| b. Other Types of Recognition (PWTD) | Answer | N/A |

## 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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- |  |        |     |
|--|--------|-----|
| a. SES                                 |        |     |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD)          | Answer | N/A |
| b. Grade GS-15                         |        |     |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD)          | Answer | N/A |
| c. Grade GS-14                         |        |     |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD)          | Answer | N/A |
| d. Grade GS-13                         |        |     |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD)          | Answer | N/A |

See Part H for plan to remedy unavailability of applicant-flow data.

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- |   |        |     |
|---|--------|-----|
| a. SES                                  |        |     |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. Internal Selections (PWTD)          | Answer | N/A |
| b. Grade GS-15                          |        |     |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. Internal Selections (PWTD)          | Answer | N/A |
| c. Grade GS-14                          |        |     |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. Internal Selections (PWTD)          | Answer | N/A |

d. Grade GS-13

i. Qualified Internal Applicants (PWTD)

Answer N/A

ii. Internal Selections (PWTD)

Answer N/A

See Part H for plan to remedy unavailability of applicant-flow data.

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires to SES (PWD)

Answer N/A

b. New Hires to GS-15 (PWD)

Answer N/A

c. New Hires to GS-14 (PWD)

Answer N/A

d. New Hires to GS-13 (PWD)

Answer N/A

See Part H for plan to remedy unavailability of applicant-flow 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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires to SES (PWTD)

Answer N/A

b. New Hires to GS-15 (PWTD)

Answer N/A

c. New Hires to GS-14 (PWTD)

Answer N/A

d. New Hires to GS-13 (PWTD)

Answer N/A

See Part H for plan to remedy unavailability of applicant-flow 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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives

i. Qualified Internal Applicants (PWD)

Answer N/A

ii. Internal Selections (PWD)

Answer N/A

b. Managers

i. Qualified Internal Applicants (PWD)

Answer N/A

ii. Internal Selections (PWD)

Answer N/A

c. Supervisors

i. Qualified Internal Applicants (PWD)

Answer N/A

ii. Internal Selections (PWD)

Answer N/A

See Part H for plan to remedy unavailability of applicant-flow data.

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives

i. Qualified Internal Applicants (PWTD)

Answer N/A

ii. Internal Selections (PWTD)

Answer N/A

b. Managers

i. Qualified Internal Applicants (PWTD)

Answer N/A

ii. Internal Selections (PWTD)

Answer N/A

c. Supervisors

i. Qualified Internal Applicants (PWTD)

Answer N/A

ii. Internal Selections (PWTD)

Answer N/A

See Part H for plan to remedy unavailability of applicant-flow data.

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWD)

Answer N/A

b. New Hires for Managers (PWD)

Answer N/A

c. New Hires for Supervisors (PWD)

Answer N/A

See Part H for plan to remedy unavailability of applicant-flow data.

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. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWTD)

Answer N/A

b. New Hires for Managers (PWTD)

Answer N/A

c. New Hires for Supervisors (PWTD)

Answer N/A

See Part H for plan to remedy unavailability of applicant-flow data.

## Section V: Plan to Improve Retention of Persons with Disabilities

To be 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 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 CFR § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

Answer Yes

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)

Answer No

b. Involuntary Separations (PWD)

Answer No

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)

Answer No

b. Involuntary Separations (PWTD)

Answer No

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

N/A

### B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 CFR §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.

The NNSA’s public-facing web page (with regard to Section 508 of the Rehabilitation Act) is located at: [https://www.energy.gov/sites/prod/files/2018/03/f49/notice\\_of\\_rights\\_re\\_508\\_and\\_aba\\_compliance%5B1%5D.pdf](https://www.energy.gov/sites/prod/files/2018/03/f49/notice_of_rights_re_508_and_aba_compliance%5B1%5D.pdf); this web page provides employees and applicants with a Notice of Rights, specifically informing them Section 508 of the Rehabilitation Act requires all electronic and information technology (also referred to as information and communication technology, or ICT) that is developed, procured, maintained, or used by a federal agency is to be accessible to people with disabilities. The web page content provides examples of ICT (including web sites, telephones, multimedia devices, and copiers), and explains access available to individuals with disabilities must be comparable to access available to others. The web page content explains the Standards for Section 508 compliance are developed and maintained by the United States Access Board, and provides a hyperlink for further information about the Access Board’s standards and Section 508 ([www.section508.gov](http://www.section508.gov)). Employees and applicants are informed to contact the NNSA’s Office of Civil Rights at 505-845-5517 if they have questions about the NNSA’s Section 508 compliance or for initiating the process for filing a complaint under Section 508.

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.

NNSA's public-facing web page (with regard to the Architectural Barriers Act) is located at: [https://www.energy.gov/sites/prod/files/2018/03/f49/notice\\_of\\_rights\\_re\\_508\\_and\\_aba\\_compliance%5B1%5D.pdf](https://www.energy.gov/sites/prod/files/2018/03/f49/notice_of_rights_re_508_and_aba_compliance%5B1%5D.pdf).

This web page provides employees and applicants with a Notice of Rights with regard to the Architectural Barriers Act (ABA). The web page content informs employees and applicants the ABA requires access to facilities that are designed, built, altered, or leased with Federal funds, and explains the Access Board is the federal agency responsible for enforcing the ABA.

The content provides the website URL for the Access Board's accessibility standards ([www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards](http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards)), and explains information about filing an ABA complaint may be found at: [www.access-board.gov/aba-enforcement/file-a-complaint](http://www.access-board.gov/aba-enforcement/file-a-complaint), or they may also contact the NNSA Office of Civil Rights at 505-845-5517 for more information or for assistance.

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.

Agency leadership remains committed to ensuring physical accessibility (for employees with disabilities) within the NNSA workplace extends beyond minimal ADA compliance. The NNSA remains committed to providing and improving access for individuals to safely and fully participate in the job application process, and for employees with disabilities to safely and effectively perform the essential functions of his/her job, including provisioning of unimpeded physical access to NNSA buildings, work sites, and facilities.

Numerous accessibility and accommodation-related environmental and facility improvements and/or modifications were made during FY 2019 at various locations and facilities where NNSA employees reside and operate. NNSA fully recognizes the importance of maintaining effective procedures and practices with regard to providing equal opportunity and accessibility for employees with disabilities to participate in the agency's various developmental training offerings and events. It is fully understood the consequences of lack of accessibility and equal opportunity to participate in training and developmental endeavors are substantial, potentially resulting in employee's marked reduction of job satisfaction, with corresponding negative consequences affecting productivity and retention.

The agency's Chief Learning Officer (CLO) ensures all Learning and Career Management (LCM) sponsored/managed internal and external professional development programs and training events are accessible to employees with disabilities; ensures LCM staff remain knowledgeable of the agency's commitment with regard to providing accessibility in the workplace; and requires LCM staff to implement accessibility practices for all LCM-sponsored training events. The CLO ensures LCM staff remain mindful of different accommodation needs of employees with disabilities. Within training event and developmental opportunity announcements, LCM provides notice of training details, requirements, and expected goals, and ensures prospective attendees are informed of their right to be afforded with accessibility and disability-related reasonable accommodation when requested. The CLO ensures the availability of multiple training methods and approaches alternative to traditional, in-person classroom instruction (i.e., computer-based courses, or remote-training participation via audio and video teleconferencing), which provides effective accessibility to training, allowing users access to participate from one's office or home. When requested, LCM provides alternative formats of print materials such as Braille, large print or audio recording. Copies of lecture content or slides are made available in hard copy and soft copy format upon request. Video-recorded materials are closed-captioned, and online training course-content and materials are compliant with requirements prescribed within Section 508 of the Rehabilitation Act. When requested, LCM provides requestors with materials in advance of training events; acquires and provides assistive technologies, such as CART, interpreter, and recording devices; provides for training segments to be broken down into smaller increments; affords allowance of additional time for training and one-on-one tutoring; and provides seating away from distractions. The CLO ensures training locations are accessible to persons who use wheelchairs, and ensures consideration of accessible parking, restrooms, doors and aisles, unblocked (obstacle free) corridors, tables (height), seating (both in front and close to an exit).

## **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 policy states that 20 calendar days is the appropriate timeframe, however, the majority of Reasonable Accommodation (RA) requests processed during FY 2019 (over 90%) required exceptions such as multiple attempts to reach the appropriate accommodation, which results in a job search DOE-wide. In addition, the NNSA RA Program refers the case to the Federal Occupational Service (FOH) for review and determination. FOH will determine if the employee's request is based on a medical condition which warrants an accommodation. In order to make this determination, the FOH medical doctor consults with the employee's physician directly. FOH has up to 30 days to provide the Agency with the letter of determination. When this occurs it takes the RA request logically takes longer than 20 days to resolve. DOE's RA procedures are currently being re-worked with new time frames. In addition, many of these employees also have Workers' Compensation cases pending, which impacts one's Reasonable Accommodation request-processing timeframe. Specific work locations are discussed between the appropriate managers by the Employee Relations Consultants. If a wider spread trend or problem is determined or suspected, it is shared with the Director of EMRD and Policy and Initiatives.

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.

RA requests were received by the Reasonable Accommodation Coordinators (RACs), and an interactive process occurred between the RAC, the requesting employee, and the employee's supervisor. Supervisors became more familiar with RA, and the process and purpose, as a result of the RA-relevant information provided in the supervisory training sessions throughout the year. One challenge that has been resolved is a supervisor thinking that he/she is entitled to an employee's medical documentation. With this no longer causing a roadblock, this has enabled the RA interactive-process to run more efficiently and effectively. The RAC was able to discuss the employee's challenges/limitations without having to discuss the employee's diagnosis. Another challenge was ensuring that supervisors understood that RA does not negate adverse action in the event the employee is not performing. Generally, when supervisors were contacted about RA, they were more willing to listen and work on a timely resolution. It was imperative for the supervisors to understand that if an employee had a RA and was not performing, they could contact the NNSA Reasonable Accommodation Program. This improved/robust RA training has fostered an atmosphere of trust and understanding making the process less cumbersome. NNSA keeps track of all RA cases/requests in a secure database. This enables the RAC to identify trends, and to revise training information/materials accordingly.

## **D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE**

Pursuant to 29 CFR §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.

NNSA follows DOE's guidelines with regard to PAS. During FY2019 NNSA received a request in August from an employee who needed assistance as a result of a business trip scheduled for September. Pursuant to 5.U.S.C. 5707 the Agency authorized the employee to have a personal friend travel with him to assist with the travel and daily needs and paid for the assistant's travel expenses. Paperwork was completed, submitted and approved. The employee and his assistant traveled together and the trip was a success. NNSA is in the process of revising the information provided in the supervisory training courses and PAS information will be included in the agenda, as well as the "In-Focus" training sessions for all supervisors, managers, and employees. NNSA has created a secure database for tracking and monitoring PAS requests/cases.

## 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?

Answer No

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; No Findings of Discrimination were issued/received.

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. N/A; No Findings of Discrimination were issued/received.

### 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?

Answer No

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?

Answer No

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.

N/A; No Findings of Discrimination were issued/received.

## 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?

Answer No

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

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

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

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.

<p><b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b></p> <p>Provide a brief narrative describing the condition at issue.</p> <p>How was the condition recognized as a potential barrier?</p>	<p>Lower-than-expected levels of Persons with Targeted Disabilities within the agency's total workforce during FY 2019 (1.97%, which is .03% lower than the Federal target/goal of 2.00%)</p>											
<p><b>STATEMENT OF BARRIER GROUPS:</b></p>	<p><i>Barrier Group</i></p> <p>People with Targeted Disabilities</p>											
<p><b>BARRIER ANALYSIS:</b></p> <p>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>												
<p><b>STATEMENT OF IDENTIFIED BARRIER:</b></p> <p>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>	<p>Although no barrier is explicitly identified, and it is observed that there has been an increase (when compared to FY 2018) of the level of PWTD within the total workforce, this trigger will remain open pending further examination and monitoring.</p>											
<p><b>Objective</b></p>	<p>Increase employees' and managers'/supervisor's levels of training in regard to hiring and retention of PWTD, including increased levels of awareness and understanding of Reasonable Accommodation and PAS. Increase levels of outreach to entities and organizations which assist in hiring/employment of PWTD.</p> <table border="1" data-bbox="438 987 1513 1134"> <tr> <td data-bbox="438 987 641 1045"> <p><b>Date Objective Initiated</b></p> </td> <td colspan="3" data-bbox="646 987 1513 1045"> <p>Dec 1, 2019</p> </td> </tr> <tr> <td data-bbox="438 1045 641 1134"> <p><b>Target Date For Completion Of Objective</b></p> </td> <td colspan="3" data-bbox="646 1045 1513 1134"> <p>Dec 30, 2020</p> </td> </tr> </table>				<p><b>Date Objective Initiated</b></p>	<p>Dec 1, 2019</p>			<p><b>Target Date For Completion Of Objective</b></p>	<p>Dec 30, 2020</p>		
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<p><b>Responsible Officials</b> Jennifer Chandler Human Resources Director (Actg)</p>												
<p><b>Target Date (mm/dd/yyyy)</b></p>	<p><b>Planned Activities</b></p>	<p><b>Sufficient Staffing &amp; Funding (Yes or No)</b></p>	<p><b>Modified Date (mm/dd/yyyy)</b></p>	<p><b>Completion Date (mm/dd/yyyy)</b></p>								
<p>12/30/2020</p>	<p>Provide Reasonable Accommodation and PAS training to all NNSA employees.</p>	<p>Yes</p>										
<p>12/30/2020</p>	<p>Continue to perform outreach and networking with entities and organizations that assist in identification and employment of PWTD.</p>	<p>Yes</p>										