



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

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

**Fiscal Year 2020**

Department of Energy  
National Nuclear Security Administration (DN01)

For period covering FY 2020 (October 1, 2019 to September 30, 2020)

<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>  2,430	<b>Temporary Workforce:</b>  24	<b>Total Workforce:</b>  2,454
<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 (during FY 2020)</b>	Lisa Gordon-Hagerty Under Secretary for Nuclear Security and NNSA Administrator	
	<b>Head of Agency Designee (during FY 2020)</b>	William Bookless Principal Deputy Administrator	
	<b>Part C.2: Agency Officials Responsible for Oversight of EEO Programs (during FY 2020)</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>	Juliana Astrachan Lead EEO Specialist	
	<b>Diversity and Inclusion Officer</b>	Jenny Kline Director, Inclusion and Diversity Program	
	<b>Hispanic Program Manager (SEPM)</b>	Juliana Astrachan Lead EEO Specialist	
	<b>Women's Program Manager (SEPM)</b>	Juliana Astrachan Lead EEO Specialist	
	<b>Disability Program Manager (SEPM)</b>	Juliana Astrachan 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>	Juliana Astrachan Lead 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	YES	Uploaded via FedSEP	
Diversity Policy Statement	YES	Uploaded via FedSEP	
Human Capital Strategic Plan	N/A	N/A	
EEO Strategic Plan	YES	Uploaded via FedSEP	
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 2020 (FY 2020) 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 levels of agency employees by race, gender, and voluntarily self-identified disability status, delineated by employee pay bands, particular occupations, and senior level pay positions. Comparing rates-of-participation to particular groups' levels of availability (using the EEOC's prescribed comparator, 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 of Energy (DOE) prescribed goals for achieving the expected levels 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 2020 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**

NNSA adopts and employs the DOE Secretary's Policy Statement on EEO, Harassment, and Retaliation, and during FY 2020, the DOE Secretary re-issued the DOE Secretary's Policy Statement on EEO, Harassment, and Retaliation on December 30, 2020. 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 (race, color, sex [including pregnancy, gender identity, and sexual orientation], religion, national origin, age, disability, genetic information, or retaliation for participation in protected EEO activity) contained in the laws enforced by the EEOC. The Policy Statement content informs employees this protection against discrimination and harassment extends to all management practices and decisions, including, but not limited to, recruitment and hiring practices, merit promotions, training, career development programs, benefits, transfers, reassignments, and separations, and explains this means that employment-related decisions must be based on merit, and not on discriminatory factors.

The Policy Statement informs employees they are highly encouraged to promptly report discrimination or unlawful harassment to any management official, or directly to their respective cognizant EEO Office, within 45 calendar days from the date on which they reasonably became aware of the discrimination or unlawful harassment. Employees are provided (within the Policy Statement) with the website URL/link to access their respective cognizant EEO Office. Employees are informed if a formal EEO complaint is accepted, then a prompt, thorough, and impartial investigation will be conducted, and are informed measures are in place to protect the confidentiality of discrimination and harassment allegations to the fullest extent possible (and this information is divulged only with those who have a need to know in the performance of their official duties). The Policy Statement explains that employees (and applicants for employment) have the right to report incidents of discrimination or unlawful harassment without fear of retaliation, and further explains Retaliation (in this particular context) is a form of discrimination where an individual is subjected to an adverse employment action or harassment, solely because the individual previously filed a charge of discrimination or harassment; or participated in an EEO investigation, proceeding, or hearing; or took other similar action in opposition to unlawful discrimination or harassment.

The Policy Statement explains it is the responsibility of the Agency to address matters of Harassing Conduct before they reach the level of becoming severe or pervasive, with the goal of preventing Harassment before employees have been subjected to actionable harm, and explains the Agency may choose to conduct an inquiry into the matter, even in the absence of an EEO complaint.

The Policy Statement explains the Agency fully supports the use of Alternative Dispute Resolution (ADR) as a way to resolve conflict constructively and at the earliest opportunity, and contains phone numbers for the DOE ADR Office and the DOE Office of the Ombudsman.

The Policy Statement explains the DOE's mission is critical to our Nation, and unlawful discrimination and harassment in the workplace undermines our ability to achieve the mission, and as such, each employee is expected to honor the principles of EEO in the workplace. The Policy statement informs employees that any employee who engages in discrimination or harassment in violation of the law or the Policy Statement may be subject to disciplinary action, including suspension or dismissal.

The Policy Statement informs managers and supervisors of their additional affirmative responsibilities in this regard, and instructs managers, who attain knowledge of an act of possible discrimination or harassment, to contact their local EEO Office or Human Resources office for guidance. Managers are

informed they must act promptly and appropriately to eliminate and prevent discrimination and harassment in the workplace.

The Policy Statement is well-established and made 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. Tenured employees receive ongoing training on the Policy Statement when completing annual EEO and Anti-Harassment training, as well as through their attendance at the NNSA Office of Civil Rights' "Sustaining a Culture of Workplace Civility" training sessions.

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 enforce and promote a workplace free of all forms of discrimination, harassment, and retaliation; and to provide full cooperation with EEO Program Staff, EEO Counselors, and EEO Investigators.

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

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

During FY 2020, NNSA's senior leadership led FEVS participation efforts across the enterprise, and NNSA achieved a commendable 78.90% agency-wide FEVS participation rate (a 5.00% increase when compared to FY 2019). NNSA Office of Learning and Career Management (LCM) staff members prepared and issued NNSA's FEVS Organizational Management Reports, Breakout Reports, and Comparison Reports to managers and supervisors across the agency. Managers and supervisors subsequently shared survey results with their employees, and developed tailored plans to address particular challenges identified for their respective organizations.

NNSA leverages the three U.S. Office of Personnel Management (OPM) FEVS indices and sub-factors to help measure organizational progress, and to 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' levels of desire to stay with the agency and to enable the agency to meet its mission.

NNSA demonstrated positive outcome for the NNSA enterprise across these indices and sub-factors. NNSA's 2020 Employee Engagement Index score was 77.80% (a 3.80% increase from 2019); NNSA's Global Satisfaction Index score was 73.00% (a 3.10% increase from 2019).



Due to changes made by OPM to the 2020 FEVS questions (which were made in order to accommodate new survey questions related to the COVID-19 pandemic), the New IQ Index was not calculated by OPM for federal agencies for FY 2020.

Per the EEOC, an agency's EEO Program self-assessment and barrier analyses should include more than a review of its workforce statistical 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 FEVS questions # 34 and # 38, which pertain to employees' views on the agency's efforts regarding supporting and promoting a diverse workplace, and the agency's tolerance for prohibited personnel practices. However, as previously explained above, OPM adjusted 2020 FEVS questions (to accommodate acquisition of feedback germane to the COVID-19 pandemic), and as a result of OPM's adjustment, there are no FY 2020 FEVS results for (prior) questions #34 and #38.

Despite this change, the NNSA EEO Manager selected and examined the agency's responses to four alternative (yet relevant) particular FY 2020 Federal Employee Viewpoint Survey questions (for which FY 2020 FEVS results were available):

- Question # 45: **"My supervisor is committed to a workforce representative of all segments of society."** The NNSA's 2020 Positive Response Rate of 84.90% was an increase of 6.70% in comparison to 2019.
- Question # 42: **"My supervisor supports work-life balance."** The NNSA's 2020 Positive Response Rate of 89.80% was an increase of 0.80% in comparison to 2019.
- Question #47: **"My supervisor supports my development."** The NNSA's 2020 Positive Response Rate of 87.20% was an increase of 6.20% in comparison to 2019.
- Question # 49: **"My supervisor treats me with respect."** The NNSA's 2020 Positive Response Rate of 88.60% was an increase of 0.10% in comparison to 2019.

These results indicate positive progress and continual improvement within NNSA with regard to employee-satisfaction levels and employees' perceptions of the agency's policies and programs which promote diversity in the workplace and promote a representative workforce. The results also demonstrate supervisors' strong levels of commitment to sustaining a workforce representative of all segments of society; supervisors' strong levels of support towards increasing employees' levels of professional development; and supervisors' professional and respectful behaviors towards others.

In addition to the above, the EEO Manager also reviewed and considered the following FY 2020 FEVS responses by employees within these respective additional FEVS topical-areas of interest:

#### **Employee Engagement Index Sub-factor: "Supervisors"**

This sub-factor specifically relates to employees' perceptions of their first-line supervisor. The 2020 FEVS results indicate 85.90% 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 3.30% compared to FY 2019).

### **Employee Engagement Index Sub-factor: “Leaders Lead”**

This sub-factor pertains to employees’ perceptions of the levels of integrity of agency leadership, and leadership’s levels of effective communication and workforce motivation. 67.60% of employees responded that agency leadership is effective this regard (resulting in a 4.40% increase compared to FY 2019).

### **Employee Engagement Index Sub-factor: “Intrinsic Work Experience”**

This subfactor serves to depict employees’ feelings of motivation and competency relating to their role in the workplace. 79.90% of employees responded that the agency is effective in this regard (resulting in a 3.80% increase compared to FY 2019).

NNSA’s FY 2020 Employee Engagement Index results exceed the OPM’s Strength Threshold level (of 65.00%), and additionally, NNSA’s Employee Engagement Index results also exceed those of the aggregate Department of Energy.

## **FEVS COVID-19 PANDEMIC QUESTIONS**


As previously explained, for FY 2020, OPM modified the historical FEVS survey questions to remove some previous survey questions, and included new questions specifically relating to the COVID-19 pandemic. The new (FY 2020) COVID-19 Questions categories created were Senior Leaders, Supervisor, and Work Unit, with results depicted below:

	Work Unit 2020 Results		
During the COVID-19 pandemic my organization’s senior leaders have...	Positive	Neutral	Negative
demonstrated commitment to employee health and safety.	✓ 90.1%	6.2%	3.7%
supported policies and procedures to protect employee health and safety.	✓ 90.6%	5.8%	3.6%
provided effective communications about the pandemic.	✓ 87.3%	7.5%	5.2%
During the COVID-19 pandemic my supervisor has...	Positive	Neutral	Negative
show n concern for my health and safety.	✓ 92.5%	4.9%	2.6%
supported my efforts to stay healthy and safe w hile w orking.	✓ 92.4%	5.5%	2.0%
created an environment w here I can voice my concerns about staying healthy and safe.	✓ 89.3%	7.0%	3.6%
During the COVID-19 pandemic my work unit has...	Positive	Neutral	Negative
met the needs of our customers.	✓ 92.3%	6.6%	1.1%
contributed positively to my agency’s performance.	✓ 93.3%	5.1%	1.7%
produced high-quality w ork.	✓ 91.8%	6.6%	1.6%
has adapted to changing priorities.	✓ 91.2%	6.6%	2.2%
successfully collaborated.	✓ 85.8%	10.4%	3.8%
achieved our goals.	✓ 91.7%	6.7%	1.6%

Within the Senior Leaders category, positive responses (to the individual questions) were highly-favorable, ranging between 87.30% to 90.60%. Within the Supervisor category, positive responses were also highly favorable, ranging between 89.30% to 92.50%. Within the Work Unit category, positive responses were highly favorable as well, ranging between 85.80% to 93.30%.



With regard to employees' perceptions of various Work Effects of operating during the COVID-19 pandemic, results are depicted below:

	Work Unit 2020 Results		
	Positive	Neutral	Negative
I am able to do my work during the COVID-19 pandemic without disruption.	45.0% 	35.0%	20.0%
My work demands increased because of the COVID-19 pandemic.	50.3%	42.6%	7.1%
In the phased return, my organization has made employee safety a top priority.	✓ 85.8%	10.0%	4.2%
I believe my organization will respond effectively to future emergencies.	✓ 83.4%	11.9%	4.7%

Highly favorable results were also achieved with regard to employees' positive responses (85.80%) regarding employees' perceptions that their respective organizations (within NNSA) have made employees' safety a top priority with regard to a phased return to the workplace, as well as with regard to employees' positive perceptions (83.40%) in their belief that their organization will respond effectively to future emergencies. 45.00% of employees indicated they were able to perform their work without disruption during the COVID-19 pandemic, and 50.30% indicated their work demand increased due to the COVID-19 pandemic.

Employees were also requested to respond to FY 2020 FEVS questions regarding their telework status (before and during the COVID-19 pandemic); these results are depicted below:

	Before the COVID-19 pandemic	During the peak of the pandemic	As of the date took the (FEVS) survey
Infrequently	23.7%	2.4%	5.0%
1-2 Days per Month	9.6%	0.8%	2.0%
1-2 Days per Week	12.4%	5.3%	13.4%
3-4 Days per Week	1.2%	15.0%	23.6%
Every Work Day	1.6%	74.2%	51.3%
Must be Physically Present	11.1%	1.4%	2.2%
Technical Issues	3.1%	0.4%	0.6%
Not Approved	12.3%	0.1%	0.6%
Choose Not To	25.1%	0.3%	1.2%

Although 25.10% of respondents stated they chose not to telework prior to the COVID-19 pandemic (and 23.70% stated they infrequently teleworked prior to the COVID-19 pandemic), this is not necessarily to be construed as NNSA not supporting employees' ability to perform work remotely; it is understandable that NNSA is largely comprised of those who perform work within Major Occupations directly executing the agency's Nuclear Security mission, whose particular duties and responsibilities are not permissible or able to be performed away from a secure/controlled physical workplace.

### 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 website provides 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 Alternative Dispute Resolution Program; information on how and whom to report Harassing Conduct violations; and information regarding the agency's Reasonable Accommodation Program and Personal Assistance Services. Hard copies of 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 (within the top tier of the agency, the NNSA's Office of the Administrator), and the agency's organizational chart clearly defines the agency's EEO Office within the NNSA's reporting structure. 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 2020 *"Annual State of the NNSA EEO Program"* briefing was unable to be conducted by the EEO Manager during FY 2020 due to the COVID-19 pandemic creating exigent circumstances and impediments in this regard, however, the NNSA EEO Manager presented the FY 2021 *"Annual State of the NNSA EEO Program"* briefing to senior leadership on April 20, 2021, during which FY 2020-relevant data and information was also included and presented. During this briefing, the EEO Manager ensured senior leadership fully understands the importance of the integration of EEO into the Agency's strategic mission and into the NNSA's strategic planning activities. Senior leadership was 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 by agency leadership; management's responsibility to promptly respond to all allegations of harassing conduct; management and program accountability; promotion of the agency's ADR services; 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 solid partnerships with the Office of Civil Rights, the NNSA Inclusion and Diversity Office, NNSA Human Resources, Senior Leadership, and the agency's Learning and Career Management Office. The EEO Manager collaborates 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 includes ensuring the EEO Manager is included in human capital

planning actions (i.e., hiring, workforce planning, workforce professional development, and recruiting), as well as ensuring leadership remains 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 policies, procedures, offerings and initiatives. The EEO Manager also attends and participates in agency-level budget-planning discussions and meetings.

The *NNSA 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 promoting 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 (issued 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 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* document identifies the NNSA's vision for the future, policy direction, and mission priorities, as well as current challenges to overcome; 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, equity, 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 Human Capital and EEO-relevant information via the Human Resources Monthly Newsletter (which is emailed to every NNSA employee). Articles and topics within Human Resources Monthly Newsletters during FY 2020 included (but were not limited to) the following:

- Virtual Benefits Fair information
- Supervisors' expectations and tips regarding ensuring of fairness in employees' annual Performance Evaluations
- Dealing with workplace changes resulting from the COVID-19 pandemic (emphasis on ensuring supervisors praise employees, promote transparency, stay connected, and stay informed)
- Conflict Resolution (tips in actions supervisors can do to manage workplace conflict)
- Reasonable Accommodation (explanation of Reasonable Accommodation, and the legal requirements; and a comprehensive overview of the steps within the Reasonable Accommodation Process)
- Guidance for Supervisors regarding employees' use of COVID-19 Work and Safety Leave
- DOE/NNSA COVID-19 Response Team Hotline information and instructions for reporting potential or confirmed COVID-19 cases across the entire DOE/NNSA complex
- Employee Assistance Program (EAP) description of services, and contact information
- Guidance for Supervisors for managing employees on COVID-19 related Telework and the Coronavirus (and understanding employees' unique challenges, including care of dependents and children, and reminder to supervisors to remain flexible and agile)
- Leave Options regarding COVID-19/Coronavirus
- Workplace Flexibilities and COVID-19 Maximum Telework Posture
- Guidance for Supervisors, titled: The Importance of a Maintaining a Positive Work Environment
- Family Medical Leave Act Changes for 2020
- Guidance for Supervisors, titled: Sustaining High Employee Morale

## **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, religious accommodations, the EEO complaint process, Alternative Dispute Resolution, Reasonable Accommodation, 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 29 CFR § 1614.102(a)(1), which prescribes the requirement for agencies' EEO offices 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 developed and delivered the requisite eight (8) hours of interactive EEO Counselor update-training to the agency's collateral-duty EEO Counselors on the dates of August 5, 2020 and August 6, 2020 (delivered live via a virtual classroom, split over two 4-hour days) 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 their initial 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 Employee Relations Branch, 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 Learning and Career Management; 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 a wide variety of 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) office. LCM's Supervisory Training Program identified mandatory training and developmental tracks based on supervisors' years of experience and/or tenure, 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 DOE Secretary of Energy's EEO and Diversity Policy Statements; and the DOE Order and NNSA policy regarding training.

All newly-appointed supervisors are required to complete the multi-day *NNSA Supervisor's Role Training Course* within their first year of appointment to a supervisory position. Tenured supervisors must attend the multi-day *Supervisor's Role Refresher Training Course* at least once every three years. Both courses contain training modules on Inclusive Diversity, Employee Engagement, the Employee Concerns Program, Alternative Dispute Resolution, Harassment Prevention and Response, Equal Employment Opportunity, and Reasonable Accommodation. These particular blocks-of-instruction provide supervisors 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 costs for tuition or travel charged to respective Programs' and Offices' training/travel budgets) which equipped leaders in each organization 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 also designed the agency's 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 customized 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 informed supervisors and managers of their responsibility to continually monitor their respective workplaces for indicators of barriers (realized or perceived) to equal employment opportunity, and instructed supervisors and managers 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: Response and Prevention Strategy**

NNSA 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 harassing conduct 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 Equal Employment Opportunity (EEO) is not only the law but serves to advance the inclusion of others to propel the DOE mission to address energy, environmental, and nuclear challenges on behalf of the American people. The DOE Secretary also expresses their personal commitment to ensuring the Department maintains a workplace free from discrimination, 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 provided 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 possess adequate need-to-know in the performance of their official duties. Both employees and applicants for employment are made aware they have the right to report incidents of discrimination or unlawful 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 their local EEO Office, Human Resources office, or the DOE Office of the Ombudsman for guidance in order to promptly and appropriately address acts of discrimination and harassment in the workplace.

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 that when 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.

Although NNSA is a semi-autonomous sub-organization within the Department of Energy (DOE), NNSA adopts and employs particular DOE-level personnel policies. It is NNSA's intent, at the time when DOE implements the DOE-level Anti-Harassment Program (and Policy), to abide by and implement the DOE Anti-Harassment Policy (and Program) accordingly within NNSA.

With regard to DOE's status and progress in implementing the DOE Anti-Harassment Policy (and Program), the establishment of the DOE-level Anti-Harassment Program/Policy is currently in progress, and up to this particular point in time, several steps and actions have been taken by DOE towards achieving completion:

- Based on the work of an Organizational Culture subgroup's efforts (during FY 2019, which were focused on addressing organizational culture and workplace bullying), the DOE Office of the Chief Human Capital Officer (DOE HC) determined DOE HC would assume ownership and primary responsibility for establishing and managing the DOE's Anti-Harassment Program. DOE HC had completed draft procedures for the anti-harassment and workplace bullying program, which were under review during FY 2020.
- However, in late September 2020, DOE HC established a new office, the DOE Office of Employee and Labor Relations, Policy, and Oversight (DOE ELRPO), to best support Departmental and organizational priorities in this critical area. This reorganization shifted responsibility for establishment of the DOE Anti-Harassment Policy and procedures to DOE ELRPO.
- DOE ELRPO is currently building upon the foundational work which was previously completed in this area during FY 2019 and FY 2020, and DOE ELRPO identified new milestones that will result in the development and issuance of DOE's Anti-Harassment Policy and procedures by November 2021. DOE will ensure that the new DOE Anti-Harassment Policy and procedures comply with EEOC's requirements in this regard. Additionally, DOE ELRPO is developing training materials to orient managers/supervisors to their responsibilities and requirements (to be established within the forthcoming DOE Anti-Harassment Policy). This training is expected to be available to all DOE personnel (including NNSA) beginning in January 2022.

Understanding that the issuance of the DOE Anti-Harassment Policy (and the DOE Anti-Harassment Program establishment) is currently not yet implemented, this is neither to be construed as an absence of effective measures in place within NNSA with regard to NNSA proactively preventing acts of harassing conduct within the NNSA workplace, nor to be construed as an absence of NNSA's ability to effectively address employees' concerns and allegations regarding workplace harassment; to the contrary, NNSA employs numerous effective processes and well-established measures to prevent and properly address acts of harassing conduct within the workplace, which is accomplished through several effective means, as explained, articulated, and delineated below.

## **Robust Training Efforts regarding Harassment Prevention, Response, and Reporting**

### **Annual Anti-Harassment Online/Computer-Based Training:**

NNSA employees complete the DOE Anti-Harassment and Prevention online training course (which the DOE's Office of Civil Rights and the NNSA's Office of Civil Rights jointly designed, developed and launched in FY 2019, and thereafter, provided to DOE and NNSA employees annually). This online training course provides examples of various forms and types of Harassing Conduct; contains content related to managers'/supervisors' duty to act and to respond to concerns of Harassing Conduct; contains content regarding the conduct of management inquiries (to properly address allegations of Harassing Conduct); and explanation of consequences and potential disciplinary action for violations of the DOE Order regarding employee misconduct (involving acts of harassing conduct).

### **NNSA New Employee Orientation/EEO and Anti-Harassment Training:**

New NNSA employees attend NNSA New Employee Orientation (NEO) sessions, during which new employees receive a detailed live and interactive presentation from a staff member of the NNSA Office of Civil Rights. This includes instruction on the topics of Equal Employment Opportunity; the EEO Complaint Process; Alternative Dispute Resolution; the Reasonable Accommodation Process; and a very detailed explanation regarding the topic of Harassing Conduct (which contains an overview [and a copy of] of the most-recent version of the *DOE Secretary's Policy Statement on EEO, Harassment, and Retaliation*; a description and examples of harassing conduct behaviors; examples of situations when harassing conduct is deemed unlawful; examples of how, when, and to whom to report harassing conduct; and full explanation that harassing conduct is not tolerated within the NNSA workplace).

### **Tailored Anti-Harassment Training for NNSA Supervisors (new supervisors and tenured supervisors):**

During the multi-day NNSA New Supervisor and NNSA Supervisor Refresher training course sessions (which occur several times each year), the NNSA EEO Manager (or designee, in the event the EEO Manager is unavailable) presents an interactive live 3-hour block-of-instruction which includes supervisor-centric tailored training on Equal Employment Opportunity; the EEO Complaint Process; Alternative Dispute Resolution; the Reasonable Accommodation Process; and a very detailed interactive discussion on the topic of Workplace Harassing Conduct (which includes an overview of the *DOE Secretary's Policy Statement on EEO, Harassment, and Retaliation*; a description and examples of various types of harassing conduct behaviors; examples of situations when harassing conduct is deemed unlawful; examples of how, when, and to whom to report harassing conduct when an employee alleges or reports a violation to management; emphasis on supervisors' affirmative obligation to properly address ALL allegations and instances of confirmed or suspected harassing conduct; explanation, and examples of consequences and disciplinary actions which may be imposed for acts of harassing conduct; and full explanation that harassing conduct is not tolerated within the NNSA workplace).

**Harassment, EEO, and Retaliation Reporting and Response Training:  
Development, Methodology, and Structure**

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 employs 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 all 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 designed 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 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 supervisors' inaction. Supervisors and managers are also provided with clear instructions on how to address allegations of harassing conduct, and are instructed 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 unique risk factors regarding workplace discrimination and harassment.

**Workplace Civility Training:**

Since 2018, the NNSA Office of Civil Rights provides live, interactive Workplace Civility Training, titled, "Sustaining a Workplace Culture of Civility." As the EEOC's Select Task Force recommends and encourages Federal agencies to incorporate workplace "civility training" that does not focus on eliminating unwelcome or offensive behavior based on characteristics protected under employment nondiscrimination laws, but rather, on promoting respectful behaviors and civility in the workplace, the NNSA EEO Manager developed, promotes, and delivers this training.

This training is highly interactive and engaging, and is provided live/real-time (in-person or available to be delivered virtually). During this training, attendees achieve an understanding of the expectations and requirements for demonstrating civil and respectful behaviors within the NNSA workplace (and are provided with examples of potential consequences for non-compliance with DOE policy and requirements, including consequences for acts of harassing conduct).

Attendees learn practical ways of effectively practicing Workplace Etiquette; attendees attain an understanding of how acts of workplace incivility subtly contribute to creating an unhealthy work environment and undesirable workplace culture, which can inevitably result in negative impact on employees' well-being; and attendees achieve understanding of the specific interventions and resources available to all NNSA employees, supervisors, and managers for reporting, addressing, and resolving acts of workplace incivility and harassing conduct.

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**NNSA Employee Relations Branch, “HR In Focus” Training Sessions:**

The NNSA Employee Relations Branch (within NNSA Human Resources) provides training and information to all NNSA employees, with specific regard to harassment prevention and response. The NNSA Employee Relations Branch conducts ongoing live “HR In Focus” interactive training sessions, of which several sessions focus on the topics of workplace harassment, sexual harassment, and (overall) employee conduct rules and requirements (and consequences for violation). Employees are instructed on recognizing harassing conduct in the workplace; methods and means available for reporting harassing conduct; and are informed of assistance-resources available to assist employees with addressing matters involving workplace harassing conduct.

**NNSA Human Resources, OneHR Newsletters:**

NNSA Human Resources develops and distributes monthly OneHR Newsletters (distributed via email to all NNSA employees), and includes articles focusing on the topics of employee conduct rules and requirements, including workplace harassment (both sexual and non-sexual harassment) reporting, response, and prevention.

**Anti-Harassment Training for Senior Executives:**

Each time when the NNSA EEO Manager presents the annual “State of the NNSA EEO Program” briefing to the agency’s Senior Executives, the NNSA EEO Manager also provides Senior Executives with information particularly regarding the topic of Workplace Harassment, ensuring senior management remains aware of their respective responsibilities (as organization-level Senior Leaders) to support and to enforce immediate intervention actions when concerns arise within their organization (when harassing conduct is alleged to have occurred, or even suspected to be occurring). Senior Leaders are also reminded of their responsibility to ensure their assigned organization(s) maintain an overall culture where discrimination and harassing conduct are not tolerated, and a workplace culture where employees feel free to not only report violations, but also are encouraged by management to reach out to all available assistance-resources at the earliest stage possible.

**Plans to develop and deliver Bystander Intervention Training:**

The NNSA EEO Manager is currently in the process of planning the design, development, and delivery of Bystander Intervention Training, which is planned to be available and delivered to the NNSA workforce in December of 2021.

**Training of EEO Counselors in Harassment Response and Reporting:**

The NNSA EEO Manager ensures NNSA EEO Counselors remain fully aware of their responsibility to immediately inform the EEO Manager whenever an individual brings any matter to their attention regarding allegations of unlawful harassment, sexual harassment, or harassing conduct.



**Information Provided on Agency Website  
Regarding Harassment Reporting and Response**

The NNSA Office of Civil Rights maintains a presence on the agency's public-facing website (viewable/accessible 24/7), and maintains a webpage section titled, "*Frequently Asked Questions on Addressing and Preventing Workplace Harassment*." The information on this webpage informs website viewers/employees about Unlawful Harassment, including Sexual Harassment; provides examples of workplace related Harassing Conduct; explains how (and whom within NNSA) to report acts of Unlawful Harassment, Sexual Harassment, and Harassing Conduct; informs employees of management's responsibility to immediately and appropriately address all concerns related to acts (alleged or suspected) of harassing conduct; and comprehensively explains the multiple resources available for use by management when responding to and addressing employees' concerns regarding harassing conduct.

This webpage/information is available via the Internet at: <https://www.energy.gov/nnsa/leadership-and-offices/nnsa-office-civil-rights> (in section titled: *Frequently Asked Questions on Addressing and Preventing Workplace Harassment*).

**Effective Assistance-Resource Partnerships  
(as relevant to preventing, addressing, and resolving concerns  
regarding harassing conduct in the workplace):**

The NNSA EEO Manager is the Director of the NNSA's Office of Civil Rights, where NNSA employees' complaints of Unlawful Discrimination (including complaints of Unlawful Harassment) are received and processed in accordance with the requirements prescribed within EEOC Management Directive 110.

The EEO Manager maintains strong and effective working relationships and partnerships with the following resources involved (either directly, or indirectly) with effectively preventing and/or addressing and resolving instances of workplace-related Harassing Conduct:

- NNSA's Employee Relations Branch (assists NNSA supervisors and managers with promptly and properly addressing employee misconduct issues and violations, including allegations of harassing behaviors)
- NNSA Office of Internal Affairs (working in tandem with the NNSA Employee Relations Branch, this office conducts independent management inquiries, including those regarding matters involving employee misconduct and acts of workplace-related harassing behaviors)
- DOE Employee Concerns Program (provides a formalized alternative means to disclose and address concerns associated with the workplace environment; safety; health; security; and mismanagement of contractor-managed activities)
- DOE Alternative Dispute Resolution (ADR) Office (provides ADR services for all DOE and NNSA employees)
- DOE Office of the Ombudsman (services all DOE and NNSA Federal employees, providing informal, independent, neutral, confidential services including coaching, facilitations, team-



building, group support, and workplace-conflict resolution assistance for individuals and workgroups)

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 retaliatory conduct. 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 disciplined until a complete investigation determines that a violation has indeed occurred).

Working in partnership with the above-identified assistance-resources and Offices, the NNSA EEO Manager ensures that all allegations of Harassing Conduct brought to the attention of the NNSA Office of Civil Rights are properly triaged and situationally (and appropriately) routed, addressed, and resolved per established effective processes and referral-workflows/notifications.

In summary, NNSA employs numerous effective and well-established measures which collectively serve to ensure (despite the DOE Anti-Harassment Policy not yet being in place) there do indeed exist effective practices, measures, and procedures within NNSA to not only promptly and properly address matters involving instances of harassing conduct within the workplace, but more importantly, there exist extremely robust training and awareness efforts in place towards eliminating acts of harassing conduct in the NNSA workplace.

### **Agency Employee Conduct Policy**

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, citing: 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.

### **Workplace Civility Training (Purpose, Intent, Methodology, and Implementation)**

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 raised 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 form of anti-harassment training 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.

Since 2018, 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 virtually via web-based video-teleconferencing tools). The training sessions are engaging, 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 achieving a higher level of employee attendance and participation, as it is feasible to provide up to five training sessions in the same day, allowing employees maximum flexibility in selecting their respective attendance-times.

"*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 employees at all levels. Attendees 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 acts 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). Attendees 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.

## 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 harm 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 can be effective in the workplace. The EEOC posits such training could help employees to identify unwelcome and offensive behaviors based on a co-worker's 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, even when they are not the direct victims of the harassment, most individuals are not comfortable when acts of harassing conduct occurs around them. 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 employees information on available resources to support intervention. The EEOC believes organizational culture starts from the top, and reinforcing that culture can (and must) come from the bottom, middle, and everywhere else in between.

The 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 prior to the end of December 2021.

## Reasonable Accommodation and Personal Assistance Services: Policy, Processing of Requests, and Training

NNSA abides by the DOE-level Reasonable Accommodation (RA) Procedures (the *DOE Interim Desk Reference for Reasonable Accommodation*, 2017 version), and does not have influence over the particular content within these DOE-level procedures. NNSA ensures the RA and Personal Assistance Services (PAS) procedures remain available in electronic format to all employees and applicants via the agency's public-facing website.

The DOE Reasonable Accommodation Procedures are currently in the process of being revised/developed by DOE ELRPO. DOE ELRPO is building upon the foundational work that had been

previously completed in this area (and DOE ELRPO has identified new milestones that will result in the development and issuance of DOE's reasonable accommodations and personal assistance services policy and procedures by May 2021). DOE ELRPO is developing training materials to orient managers/supervisors to their specific responsibilities and requirements established within the forthcoming revised Reasonable Accommodation procedures/policy, and this training is expected to be available in 2021.

Despite the DOE-level Reasonable Accommodation Procedures not yet (at this particular point in time) deemed by the EEOC as meeting full compliance with EEOC's particular requirements, NNSA continues to ensure effective processing and timely provisioning of NNSA employees' Reasonable Accommodation requests.

While NNSA was operating under a maximum-telework posture during the COVID-19 pandemic in 2020, the NNSA Reasonable Accommodation Program developed and presented five live, virtually-delivered agency-wide Reasonable Accommodation training sessions to supervisors and employees (and also conducted other separate Reasonable Accommodation training sessions specifically tailored for and provided to NNSA EEO Counselors and to Human Resources Liaisons); this training also addressed the unique circumstances regarding Reasonable Accommodation request-processing within the pandemic-driven maximum-telework environment.

This training provided participants with information regarding the legal requirements and the steps within the Reasonable Accommodation Process; explained the roles and responsibilities of requestors, supervisors, and Reasonable Accommodation Program personnel as they relate to the Reasonable Accommodation Process; informed participants about Personal Assistance Services; provided instructions for how and whom to contact to initiate a request for Reasonable Accommodation; and included interactive modules with various scenarios. The NNSA Reasonable Accommodation Program is currently in the process of having this Reasonable Accommodation training converted to become an on-demand, self-paced online training course, to be accessible at employees' convenience within Learning Nucleus.

The NNSA Reasonable Accommodation Program's fundamental goal is to monitor and improve their program's effectiveness through the evaluation of qualitative and quantitative information. The NNSA Reasonable Accommodation Program monitors and compares the amount of inquiries (from both supervisors and employees) and the amount Reasonable Accommodation requests/cases opened from those inquiries. The staff of the NNSA Reasonable Accommodation Program then compares and quantifies inquiries and actual Reasonable Accommodation requests/cases through use of their Reasonable Accommodation Case Log, and tracks the number of days each Reasonable Accommodation request/case is active. Qualifying and quantifying of Reasonable Accommodation requests/cases is achieved through measuring interactive discussion 'successes,' as well as based on the number of remands made to the DOE Alternative Dispute Resolution Office (or to other offices and entities). Through the consolidation of quantifiable and qualitative information, the NNSA Reasonable Accommodation Program maintains effective capability to identify trends, as well as to promptly address and resolve any identified potential areas of concern which may arise.

During FY 2020, the NNSA Reasonable Accommodation Program processed a total of eleven (11) new requests for reasonable accommodation (which all were initiated prior to the COVID-19 pandemic emergence in March of 2020); the average processing-time was approximately forty-five (45) calendar days. The *DOE Interim Desk Reference for Reasonable Accommodation* states that twenty (20) calendar days is the appropriate Reasonable Accommodation request processing timeframe, however, the majority (90% or more) of NNSA's Reasonable Accommodation requests processed during FY 2020 required exceptions to the twenty-day processing timeframe. These exceptions were (primarily) necessary due to multiple attempts being required to receive medical documentation from employees, as well as additional time required for employees' submitted medical documentation to subsequently be reviewed by Federal Occupation Health [FOH] physicians (as FOH physicians consult directly with employees' physicians, to determine if an employee's Reasonable Accommodation request is based on a disability and/or condition which warrants an accommodation). Exceptions were also needed due to multiple interactive discussions conducted between the supervisor and employee, which logically necessitated extending of processing-timeframes.

The NNSA Reasonable Accommodation Program reported that during the current pandemic-related maximum telework environment (starting in March of 2020), the NNSA Reasonable Accommodation Program's intake-rate of new requests for reasonable accommodation significantly decreased. The NNSA Reasonable Accommodation Program's duties primarily involved answering employees' requests for information about the Reasonable Accommodation process, as well as conducting referrals for non-Reasonable Accommodation ergonomic inquiries and other provisions (e.g., FMLA, and the voluntary leave transfer donations program, which are not directly managed by the NNSA Reasonable Accommodation Program).

The table below depicts the number and type (employee or applicant) of Reasonable Accommodation requests received and processed by the NNSA Reasonable Accommodation Program between FY 2017 (through April of FY 2021):

TYPE OF REASONABLE ACCOMMODATION REQUESTOR	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021 (as of April 2021)
Employee	30	28	27	11	1
Applicant	1	0	0	1	0

The top three approved forms of Reasonable Accommodations during FY 2020 were for (and/or were related to) Teleworking; Sit-Stand Desks and Ergonomic Chairs; and Business Travel.

With regard to Personal Assistance Services, the NNSA incorporates PAS policies, procedures, and practices into Reasonable Accommodation training. During FY 2020, the NNSA Reasonable Accommodation Program received only one (1) PAS request; this PAS request was accommodated and provided within the expected processing timeframe.

With specific regard to successes achieved by the NNSA Reasonable Accommodation Program during FY 2020, the NNSA Reasonable Accommodation Program realized a valuable return on investment as a result of Reasonable Accommodation training being provided to supervisors and employees. The NNSA Reasonable Accommodation Program observed that when both parties (reasonable



accommodation requestors and their supervisors) are trained and specifically made aware of their respective roles, responsibilities, and expectations within the Reasonable Accommodation Process, this serves to greatly mitigate extended request/case processing timelines, and assists both the requesting employee and their supervisor to work in tandem towards acquiring timely, appropriate, and effective accommodations.

Reasonable Accommodation Program staff members 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. During EEO training sessions provided by the staff members 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.

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 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.

Additional detailed information regarding the NNSA Reasonable Accommodation Program is contained within Part J (section titled: *Reasonable Accommodation*).

### **Integration of EEO with Supervisors' and Managers' Performance Evaluation Measures**

Supervisors' performance is evaluated using specific criteria within various Areas (Leading and Mentoring; Achieving Results; Resources Management; and Equal Opportunity and Diversity and Inclusion). Each evaluated Area is comprised of individual Performance Measures.

Within the evaluated Area of *Equal Opportunity and Diversity and Inclusion*, the following Performance Measures for supervisors apply:

- *Ensures internal and external interactions are respectful, appropriately cooperative and flexible, and facilitate the open exchange of ideas and opinions from diverse groups, so as to establish trust and to foster cooperation and knowledge sharing. Encourages and expects employees to do likewise.*
- *Promotes a work environment that is free of discrimination, harassment, and retaliation of any kind.*
- *Promotes and leads an inclusive work environment in which employees are valued/respected for individual and cultural differences and their talents are fully utilized.*
- *Ensures internal and external interactions are respectful, appropriately cooperative and flexible, and facilitate the open exchange of ideas and opinions from diverse groups, so as to establish trust and to foster cooperation and knowledge sharing. Encourages and expects employees to do likewise.*
- *Promotes a work environment that is free of discrimination, harassment, and retaliation of any kind.*



Senior Executives' performance plans include a critical element titled "Leading People" (which integrates EEO, diversity, and inclusion), and is comprised of the following Performance Measures:

- *Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals.*
- *Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts.*
- *Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards.*
- *Holds employees accountable for appropriate levels of performance and conduct.*
- *Seeks and considers employee input.*
- *Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.*

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

Numerous personnel policies and procedures were examined at regular intervals during FY 2020 by staff members of the agency's Human Resources office, to assess whether hidden impediments or barriers to the realization of equal opportunity for any group of employees or applicants were present.

Hiring and selection processes were reviewed to ensure equal treatment of all candidates regardless of one's race, sex, color, national origin, or disability. Annual audits of individual recruitment case file selection(s) were also conducted. Human Resources staff members regularly encouraged management to advertise vacant positions as broadly as possible to ensure fair and open competition, as well as towards attracting a diverse pool of applicants. During weekly meetings, Human Resources Staffing and Classification personnel addressed and resolved issues (as/if they arose) related to the requirements in the Merit Assignment Plan; and assessed how those requirements may potentially impact applicant pools, 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.

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 to selection decisions based on merit.

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 encouraged 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.

Additionally, staff members of the NNSA Office of Civil Rights performed independent reviews of the agency's personnel policies, to assess whether hidden impediments or barriers to the realization of equality of opportunity for any group of employees or applicants were present; no barriers were identified.

When employees depart their employment with the agency, departing employees are asked to voluntarily provide their feedback with special regard to their workplace-experience with NNSA and their feedback provides valuable information towards NNSA can improve regarding recruitment, hiring, inclusion, retention, and advancement. In this regard, the agency-wide NNSA Exit Survey Program provides a single uniformed Exit Survey process. There are three different ways for departing employees to participate:

- Online completion (via an emailed link which is provided to departing employees)
- By completion of a manual form, which departing employees can complete, scan, and submit via email to the Exit Survey mailbox
- By completion of a manual form completed by a departing employees' supervisor (if the departing employee chooses to instead have an Exit Discussion with their supervisor)

Exit Survey responses and feedback are compiled, and responses are provided as a report (by-question) for use in addressing retention actions, planning for recruitment strategies, as well as for addressing multiple other strategic human capital management areas. In the event a concern or negative experience is communicated by a departing employee, immediate action is taken to evaluate, and when necessary, to promptly and strategically remedy actionable concerns. With specific regard to individuals with disabilities, NNSA includes a particular Exit Survey question, specifically asking all departing employees if their departure is due to any 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 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. Proper processes remain in place to provide employees with their afforded appeal opportunities and rights (which include the EEOC and the Merit Systems Protection Board), and these rights are fully explained and outlined for involuntarily-separated 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 customers receive from LCM. The agency's Chief Learning Officer conducted an analysis of survey feedback-data gathered during FY 2020, 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 efforts.

### **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 specific 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 range of 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). The Table of Offenses and Penalties within DOE Order 333.1 specifically addresses acts of misconduct in the form of discrimination based on race, color, sex (including sexual harassment), religion, age, marital status, political affiliation, or disability. 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 staff members research the latest relevant case-decisions and advise management accordingly (as penalty-selection ultimately remains at the discretion of supervisors, and since each situation is unique, 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 2020, new supervisors (as well as tenured supervisors 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 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, age, 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 2020.

Staff members of the Office of Civil Rights also performed reviews of allegations of discrimination processed within the agency during FY 2020; none (0%) of the allegations processed involved claims pertaining to alleged unfair institutionalized disciplinary practices or policies.

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

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

Staff members of the Office of Civil Rights performed regular actions regarding 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. These reports were published and made readily-available from the agency's public-facing internet website, and are also personally provided by the EEO Manager to senior leadership within each respective organization.

Staff members 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; human capital policies and procedures; 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 evaluation of 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 2020, the EEO Manager reviewed the agency's public-facing Facebook® and Twitter® feeds, as well as its YouTube® channel, and verified 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; to 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 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.

Staff members 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.

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

#### **Customer Service and Partnerships**

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 directly overseen by the federal staff members within the Office of Civil Rights.

#### **Complaints Processing and Investigations**

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

The EEO Manager developed and maintains 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 of Civil Rights' receipt of a formal EEO complaint submission (surpassing the EEOC's prescribed requirement of issuance within 30 days).

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, with specific regard during FY 2020 to some complaints involving Complainants who were directly affected by the COVID-19 pandemic who requested accommodation in the form of extended time to submit their affidavits, etc.).

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 involved officials, or unresponsiveness/non-cooperation by the Complainant or other witnesses), Office of Civil Rights personnel notify Complainants of their right to request an EEOC Hearing and/or to file a civil action.

### EEO Complaint Activity

At the end of FY 2020, a total of nine (9) formal EEO complaints were filed within NNSA, resulting in a slight increase when compared to FY 2019 (during which a total of 7 formal EEO complaints were filed), and a significant decrease when compared to FY 2017 (during which occurred a total of 15 formal EEO complaint filings).

A review of the top invoked bases and top claimed issues (claimed in formal EEO complaint filings) occurring between FY 2016 and FY 2020 reveals Retaliation as the protected basis 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 2016-2020</b>					
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Pre-Complaint (Informal EEO Counseling), Individual Participants</b>	<b>21</b>	<b>15</b>	<b>9</b>	<b>14</b>	<b>12</b>
<b>Formal Complaints of Discrimination Filed</b>	<b>10</b>	<b>15</b>	<b>4</b>	<b>7</b>	<b>9</b>



FORMAL EEO COMPLAINT ACTIONS, BASES CLAIMED AND ALLEGED ISSUES, FISCAL YEARS 2016-2020					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>Top 3 Bases Claimed:</b>	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	1. Reprisal 2. Disability 3. None Distinct
<b>Top 3 Issues Claimed:</b>	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	1. Harassment 2. Denial of requested RA 3. Performance Appraisal and Time/Attendance (tied)

### 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 the 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, and any issues regarding contractors' performance were quickly remediated by 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 (e.g., ensuring timely completion of Informal EEO Counseling assignments, 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

During FY 2020, the DOE HQs Office of Civil Rights was 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 did not occur at the NNSA level during FY 2020.

During FY 2020, the NNSA Office of Civil Rights, upon receiving an individual's request for a FAD, immediately (within the same business day) submitted NNSA complainants' FAD requests to the DOE HQs Office of Civil Rights; additionally, in effort to assist the DOE HQs Office of Civil Rights with timelier issuance of FADs for NNSA complainants, the NNSA Office of Civil Rights (several years ago) acquired a support-service contract for draft FAD-writing services (and would immediately provide the draft FADs to the DOE HQs Office of Civil Rights for their review and issuance).

During FY 2020, no (0) Final Agency Decisions were timely issued by the DOE HQs Office of Civil Rights (for NNSA EEO complaints). The DOE HQs Office of Civil Rights has informed the NNSA EEO Manager that the DOE HQs Office of Civil Rights received this as an identified deficiency by the EEOC.

The DOE HQs Office of Civil Rights has explained (to the EEOC) the several exigent circumstances inhibiting their office's timely issuance of FADs, and has also explained the multiple actions taken by the DOE HQs Office of Civil Rights to resolve this deficiency, including hiring of additional staff members to develop FADs.

Nevertheless, recent significant changes (as of March 2021) have occurred in this regard. Effective March 2021, Final Agency Decisions (for NNSA complainants) will no longer be issued by the DOE HQs Office of Civil Rights, and will instead be issued by the NNSA Office of Civil Rights.

The NNSA EEO Manager is confident that this change will result in future timely issuance of Final Agency Decisions. The NNSA EEO Manager concurs that this particular identified deficiency shall remain open until resolved (current FAD backlog cleared, and new FADs will be issued within the prescribed 60-day timeframe), and the EEO Manager will report and track progress accordingly.

### **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, during FY 2020 the EEO Manager received 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 or when circumstances 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/Actions.

### **Alternative Dispute Resolution Services**

Alternative Dispute Resolution (ADR) services are managed and accomplished via the NNSA's established partnership with the DOE Alternative Dispute Resolution Office. These ADR services provide NNSA employees with a means to quickly address and resolve disagreements and workplace conflicts (including individuals who are participating within the EEO Complaint Process). ADR services remain 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 *DOE Secretary's Policy Statement on ADR* (most recently updated and distributed to the entire workforce in June of 2021), and through the use of ADR Program training and promotional materials, to use Alternative Dispute Resolution services and techniques as a means of addressing and resolving any manner of workplace conflict.

The *DOE 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 services (such as mediation) is always voluntary for employees, when

an employee requests intervention via the use of ADR, managers are strongly encouraged to participate.

ADR-related 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 mediators ensure the management official named in the dispute does not have settlement authority.

ADR services remained available and are offered (unless deemed inappropriate 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.

NNSA ensures effective ADR-related training and awareness actions remain in place to constantly promote and encourage employees to consider participating in ADR to promptly resolve workplace conflicts and issues, as well as to ensure supervisors and managers remain abreast of their responsibilities in this regard. NNSA's efforts in this particular regard include the following:

#### **NNSA EEO Counselor ADR Training:**

The NNSA EEO Manager provides customized and tailored annual-update training for NNSA EEO Counselors each year. During these training sessions, NNSA EEO Counselors are trained by the staff of the NNSA Office of Civil Rights in various ways for EEO Counselors to remain effective in promoting and encouraging individuals' participation in ADR during the pre-complaint stage. Additionally, EEO Counselors provide individuals with brochures which contain useful information regarding the many benefits of ADR participation.

#### **NNSA New Employee Orientation/EEO and ADR Training:**

New NNSA employees attend the NNSA New Employee Orientation (NEO) sessions during which new NNSA employees receive a detailed live and interactive presentation from a staff member of the NNSA Office of Civil Rights, which includes the topics of Equal Employment Opportunity; the EEO Complaint Process; the Reasonable Accommodation Process; and Alternative Dispute Resolution. With specific regard to ADR, new employees are informed of the *DOE Secretary's ADR Policy Statement*, and of the many benefits of participating in ADR as a means of resolving all manners of workplace conflicts and issues.

New employees are informed of their right to request to participate in ADR at the Pre-Complaint (Informal EEO Counseling) stage of the EEO Complaint Process and are also informed that ADR also remains a viable option during the Formal EEO Complaint stage. New employees are also informed that they may obtain ADR informational materials (ADR brochure; NNSA ADR Guidebook; and the *DOE Secretary's Policy Statement on ADR*), which are available 24/7 via the NNSA Office of Civil Rights' public-facing webpage. Attendees are also informed, per the *DOE Secretary Policy Statement on ADR*, that while participation in ADR is voluntary for employees, managers and supervisors should fully participate in the ADR process when requested to do so.

### **Tailored ADR Training for NNSA Supervisors (new supervisors and tenured supervisors):**

During the multi-day NNSA New Supervisor and NNSA Supervisor Refresher training courses (which both courses occur several times each year), the NNSA EEO Manager (or designee, in the event the EEO Manager is unavailable) presents an interactive live 3-hour block-of-instruction which includes supervisor-centric tailored training of Equal Employment Opportunity; the EEO Complaint Process; the Reasonable Accommodation Process; and Alternative Dispute Resolution. With specific regard to ADR, attendees are informed of employees' right to request to participate in ADR at the Pre-Complaint Stage of the EEO Complaint Process, and are also informed that participation in ADR remains a viable option during the Formal EEO Complaint stage. Attendees are also informed that they may view/obtain ADR materials (ADR brochure; NNSA ADR Guidebook; and the *DOE Secretary's Policy Statement on ADR*), which are available 24/7 via the NNSA Office of Civil Rights' public-facing webpage.

Additionally, as this particular training course is tailored for managers and supervisors, attendees are reminded of their specific additional responsibilities as supervisors regarding ADR in the workplace; they are specifically informed that managers/supervisors shall integrate ADR practices into their respective organization's framework, and shall actively encourage employees to utilize these methods as a primary means of dispute resolution in the workplace. Attendees are also informed, per the *DOE Secretary Policy Statement on ADR*, that while participation in ADR is voluntary for employees, managers and supervisors should fully participate in the ADR process when requested to do so.

### **ADR Section of NNSA Office of Civil Rights' Public-Facing Webpage:**

The NNSA Office of Civil Rights maintains a dedicated section within its public-facing webpage that provides employees (as well as the public) with valuable information pertaining to the use of ADR services within NNSA. The section contains content which informs webpage viewers that ADR services are available to all NNSA employees, and explains ADR serves to assist in resolving conflicts and disagreements existing between employees, managers, and/or peers. Webpage viewers are informed ADR services may be utilized for disputes and conflicts resulting from personnel issues, alleged discrimination complaints, or other types of personal disagreements employees may encounter within their respective work environment. Viewers are informed on how and whom to contact for requesting participation in ADR, and are also provided with downloadable materials (ADR brochure; NNSA ADR Guidebook; and the *DOE Secretary's Policy Statement on ADR*).

### **NNSA Workforce ADR and Conflict Resolution Training Participation:**

The DOE Alternative Dispute Office (DOE ADRO) manages a robust ADR training and awareness campaign; all NNSA employees are provided the opportunity to participate, and to learn of the many benefits of ADR. DOE ADRO offered live virtual-based "ADR Lunchtime Learning" training sessions, which recently included the following during FY 2020 (and into FY 2021):

- March 4, 2021: *Switch It Up: Pivoting to Provide Support Amid Disruption*
- October 15, 2020: *Conflict Resolution Day Event: Ctrl-Alt-Shift & Reboot to Move Forward*
- October 1, 2020: *DOE Conflict Resolution Month Event: Virtual Open House - ADRO, Employee Assistance Program (EAP), and DOE Office of the Ombudsman*

- June 30, 2020: *Be the Ideal Model - Physical Communication Tools that Reduce Tension & Enhance Empathy for All*
- December 12, 2019: *The Cost of Workplace Conflict*
- October 30, 2019: *Make it Rain: Changing Pathways through Educational Immunology*

Similarly, the DOE Office of the Ombudsman provides ADR-related support services for NNSA employees, and provides numerous live, virtual-based interactive training opportunities for NNSA employees to participate. Recent offerings provided to NNSA employees by the DOE Office of the Ombudsman included:

- March 23, 2021: *"Before Things Get Too Heated: De-escalation Techniques for Difficult Interactions"*
- October 9, 2020: *"Can We Talk? Delivering Effective Feedback"*
- October 8, 2020: *"Why Do They Do That? Exploring Different Styles in the Workplace"*

During FY 2020, NNSA employees also attended numerous live, virtually-delivered training sessions provided by the Los Alamos National Labs Office of the Ombudsman. Session topics included: Stress and Conflict; Decision Making Skills; The Power of a Positive 'No'; Practical Negotiation Principles; Skills for Effective Meetings; Crucial Conversations; and Digital Communication in the Workplace.

Understanding that although some individuals may be reticent or reluctant (for a wide variety of their own personal reasons and concerns) to pursue ADR services (in lieu of Traditional Informal EEO Counseling) during the Pre-Complaint stage of the EEO Complaint Process, it is evident that NNSA's many robust measures and actions (to promote and encourage employees' use and participation in ADR) are highly effective.

### **Data Collection Systems and Data Management**

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 individual 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, in order to acquire real-time workforce statistical data regarding the race, national origin, sex, age, disability, and veterans' 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.

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. This has been an ongoing challenge for NNSA (as well as for the entire DOE) over the past several years. The previously-employed applicant-data web-based application, Monster Hiring Management Enterprise Solution (managed at the DOE level and in-place for the past several years) has proven to be unreliable with regard to providing the required/necessary applicant flow data.

However, NNSA (in May 2021) is transitioning away from using Monster Hiring Management Enterprise Solution, and will instead begin using the U.S. Office of Personnel Management's Talent Acquisition System (USA Staffing). NNSA expects USA Staffing will provide reliable and robust hiring metrics (and other beneficial data analytic capabilities), which will greatly aid NNSA in acquiring credible and reliable applicant flow data.

As the shift to using USA Staffing specifically for obtaining applicant flow data has not yet been completed at this particular point in time (which the NNSA EEO Manager is confident, when completed, will result in the ability to obtain necessary applicant flow data for FY 2022), the NNSA EEO Manager will report and track progress accordingly, and this matter is captured within Part H as an open program deficiency item, and progress and resolution/closure will be accordingly tracked and reported.

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

Six (6) Settlement Actions (with regard to EEO-complaint related no-fault settlement agreements) occurred during FY 2020. 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 2,488 at the beginning of FY 2020, and 2,454 at the end of FY 2020.

When compared to the EEOC-prescribed comparator (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 during FY 2020 included Females (overall); White Females; Black Males; Asian Females; and Black Females. Groups above the expected levels of participation during FY 2020 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 2020:**

- **Female Employees (Overall):** Employees who identify as Female experienced a net-change decrease of 2.59%, resulting in Female employees comprising 32.15% of the NNSA's workforce during FY 2020 (falling 16.01% below the EEOC's prescribed expected level-of-participation of 48.16%).

- White Female Employees: Employees who identify as White Female experienced a net-change decrease of 2.78%, comprising 17.07% of the agency's total workforce during FY 2020 (falling 16.96% below the EEOC's prescribed expected-level-of-participation of 34.03%).
- Black Male Employees: Employees who identify as Black Male experienced a net-change increase of 5.45%, comprising 4.73% of the agency's total workforce during FY 2020 (falling 0.76% below the EEOC's prescribed expected-level-of-participation of 5.49%).
- Black Female Employees: Employees who identify as Black Female experienced a net-change decrease of 2.19%, comprising 5.46% of the agency's total workforce during FY 2020 (falling 1.07% below the EEOC's prescribed expected-level-of-participation of 6.53%).
- Asian Female Employees: Employees who identify as Asian Female experienced a net-change increase of 2.22%, comprising 1.87% of the agency's total workforce during FY 2020 (falling 0.06% below the EEOC's prescribed expected-level-of-participation of 1.93%).

### **Federal Goal Accomplishment Regarding Individuals with Disabilities**

During FY 2020, NNSA exceeded the Federal Goals with regard to employment of Individuals with Disabilities (Federal Goal is 12%) and employment of Individuals with Targeted Disabilities (Federal Goal is 2%). 16.63% of the NNSA workforce voluntarily self-identified as having a Disability (and 2.24% voluntarily self-identified as having a Targeted Disability).

There occurred a net-change increase of 12.24% in the amount of employees voluntarily self-identifying as having a Targeted Disability (at the beginning of FY 2020, the agency employed 49 employees who self-identified as having Targeted Disabilities, and at the end of FY 2020, the agency employed a total of 55 employees who self-identified as having Targeted Disabilities).

### **FY 2020 Identified Triggers/Barriers:**

The agency has completed the required trigger and barrier analyses (aimed at detecting whether any management or personnel policy, procedure, or practice is operating to disadvantage any group based on Race, Sex, or Disability) 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 EEOC's prescribed comparator (the U.S. Civilian Labor Force [CLF] statistics) can serve as a benchmark and comparator, however, it is noted that such quantitative 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 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. See PART I for further details regarding this trigger/observation.*
2. DISPARATE PARTICIPATION LEVELS 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; White Females; Black Females; Asian Males and 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 for further details regarding this trigger/observation.*

## Part E.4: FY 2020 Agency Accomplishments

### Recruiting and Outreach Activities

The 2020 COVID-19 pandemic presented substantial challenges, however, NNSA remained highly successful in its recruitment efforts despite operating within a maximum-telework posture. The NNSA held three of its first ever virtual-based job fairs in FY 2020, which included Program, Functional, and Field Offices and the last fair included Management and Operating (M&O) partners from six sites. Thirty-four employees from within nine different NNSA organizations represented NNSA, and forty-one representatives from Kansas City National Security Campus (KCNSC), Lawrence Livermore National Laboratory, Los Alamos National Laboratories, Nevada National Security Site (NNSS), Pantex, Y-12, Sandia National Laboratories, and Savannah River Nuclear Solutions participated in the event.

NNSA and the M&O partners also collaborated to deliver "NSE Day" events at Georgia Tech, Purdue, Texas A&M, and UC Merced. During these events, NNSA and the M&O partners provided information to undergraduate and graduate students regarding the mission and work of the Nuclear Security Enterprise through the use of panel discussions. NNSA Human Resources staff members were present and available to receive resumes, and to explain current career opportunities and benefit packages.

During FY 2020, NNSA continued its outreach to veterans and persons with disabilities. NNSA maintained its established partnerships with a variety of national and local veterans groups, and with veteran-centric vocational-rehabilitation programs. NNSA worked closely with over fifty organizations and military installations to provide NNSA job opportunities to veterans.

NNSA participated in two Service Academy Career Conferences, which are designed exclusively for U.S. service-academy alumni. NNSA partnered with other organizations who provide transition

assistance programs to veterans and offer veteran's employment assistance. Additionally, NNSA established relationships with local military installations in the metropolitan Washington DC area, as well as with other local and national veteran organization and vocational rehabilitation agencies.

NNSA continued its established relationship with the Operation Warfighter Program Manager for the NNSA's worksites located in Washington DC and the Albuquerque, New Mexico. Some of the other organizations and agencies with whom NNSA partnered during FY 2020 include Work For Warriors (WFW), the Wounded Warrior Project (WWP), the U.S. Department of Labor, and the U.S. Department of Veteran Affairs.

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 serve as a means for employees to gain valuable knowledge, skills, and experience, and prepare employees for future promotional opportunities.

As part of NNSA's recruitment strategy (to ensure actions regarding 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 a variety of outreach activities (including networking with disability organizations, veteran organizations, and partnering with particular colleges and universities).

NNSA effectively promoted its recruitment of individuals with disabilities by employing several strategies and techniques; several examples of these include:

- Using social media (e.g., Facebook and Twitter) and the agency's public-facing website, to announce special events of interest to (and for) individuals with disabilities (e.g., the NNSA's involvement in the DOE Disability Mentoring Day events, Virtual Job Fairs, etc.).
- Utilization of USAJobs for posting vacancy announcements and for processing applications for employment with NNSA (as USAJobs is compliant with the requirements of Section 508 of the Rehabilitation Act and meets requirements under Web Content Accessibility Guidelines 2.0, as well as complaint with the accessibility standards issued by the Architectural and Transportation Barriers Compliance Board); and by including a clear statement in every vacancy announcement (and within other recruitment materials) about NNSA's readiness to provide accommodations for applicants with disabilities.
- Provisioning of information (within vacancy announcements) of the Schedule A Hiring Authority, the Veterans Recruitment Act (VRA) appointment authority, the 30 Percent or More Disabled Veterans appointment authority, and the Veterans Employment Opportunities Act of 1998 (VEOA) appointment authority.
- Providing Reasonable Accommodation during the entire application process; informing applicants that requests for Reasonable Accommodation are welcomed; and conducting in-

person interviews in locations (or by other means) which provide full accessibility to applicants with mobility, visual, hearing, or other disabilities.

- NNSA conducted its multiple Virtual Job Fairs using the Brazen platform (which is compliant with Section 508 of the Rehabilitation Act of 1973, which requires U.S. Federal government agencies to develop, procure, or maintain information and communication technology that it is accessible to persons with disabilities).
- 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 to identify qualified persons with disabilities who may be interested and for positions with the NNSA.
- NNSA Human Resources owns and employs a 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 may sit and face each other during an in-person interview 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.

### **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) involved 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 minority students to the vast resources within NNSA's laboratories, plants, and sites, and sets these students on a career path of innovation and achievement. The MSIPP provides students (those attending MSIs supported by NNSA via federal grants, who are pursuing a degree in STEM) with internship assignments spanning a duration of ten weeks, during which students' expenses are paid by the school through 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 also provides student-participants with the opportunity to combine their studies with on-the-job training and experience directly related to their respective academic program, which serves to enable these students to make 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 participants (those with pursuits of study in science, technology, engineering or mathematics fields) 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 2020, the NNSA's MSIPP maintained ten active consortiums, including thirty-eight university partners from Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), and TCUs (Tribal Colleges and Universities). Through a competitive funding opportunity announcement, five new consortiums were selected for award during FY 2020, and NNSA's MSIPP placed one-hundred and six students at an NNSA national laboratory or plant (and twenty of these students received offers for permanent employment with NNSA during FY 2020).

### **Veteran Hiring**

During FY 2020, 42.20% of NNSA's new hires were Veterans. 18.50% of new-hires were veterans with disabilities, and 12.90% of new-hires were 30% or more Disabled Veterans.

NNSA continued to exceed all of the DOE's established FY 2020 Veteran and Disabled Veteran hiring goals, and NNSA accomplished increases (in comparison to FY 2019) in each of the three veteran categories:

<b>Group:</b>	<b>FY 2020 Goals</b>	<b>FY 2020 NNSA Result</b>	<b>FY 2019 NNSA Result</b>	<b>Change</b>
Veterans	25% of all new hires	42.20%	34.91%	+7.29%
Veterans with Disabilities	11% of all new hires	18.50%	14.22%	+4.28%
30% or More Disabled Veterans	7% of all new hires	12.90%	11.63%	+1.27%

With regard to NNSA employees who were previously hired under the Veterans Recruitment Appointment (VRA) hiring authority (those employees having successfully completed 2 years of service), during FY 2020, twenty-eight employees were converted to career and career-conditional appointments in the competitive service; two of these conversions included 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 that during competitive selection-board and interview panel proceedings (i.e., for hiring, promotions, assignments, and for particular awards), applicable laws and regulations are properly

followed, towards 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.

### **Equal Opportunity Regarding 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 Office of 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 policies and processes regarding NNSA's learning opportunities provide clear information related to eligibility and procedures for requesting, applying for, and registering for training and developmental opportunities. Participation in LCM's training offerings and developmental programs does not guarantee a job promotion, but allows employees to gain new skills which will expand their professional development and growth, and increases their eligibility to compete for higher level positions.

LCM made significant progress in terms of policies and procedures over the past two years. During FY 2019 the updated NNSA Supplemental Directive (SD) 360.1A, *Federal Employee Training*, was signed by the NNSA Administrator in August of 2019 (NNSA SD 360.1A superseded the version previously published in 2014). To ensure alignment with the newly published SD, LCM reviewed its internal policies and procedures on a regular basis throughout FY 2020.

LCM's website is routinely updated to announce and promote new programs, products, and services, as well as refinements to existing learning offerings. LCM's lessons-learned and evaluations continue to be used as a means to improve LCM's future programs, products, and services. LCM also implemented a new requirement (for all employees to address a Diversity and Inclusion Foundational Competency within all employees' annual Individual Development Plans).

During FY 2020, LCM enhanced current programs, products, and services and developed additional programs (including the launch of the Academic Degree Program), and by expanding the Rotations Program to include rotations at the agency's M&O partner sites. During FY 2020, NNSA senior leadership funded \$3.4 million of organizational training for travel needs that were identified through the Annual Training Assessment process, further demonstrating NNSA's commitment to the development and growth of all employees.

Supervisors are required to articulate and document their rationale for denying or cancelling their employees' previously-approved training (e.g., cancellation required due to an urgent unanticipated

mission need). NNSA-wide broadcasted messages (conducted via *NNSA Connect* and *OneLearning* email messages, as well as via LCM website updates) amplify the training opportunity announcements to all segments of the NNSA workforce.

All online training-content, videos, graphics, and supporting materials are thoroughly vetted by LCM staff members, to ensure training-content does not promote discrimination; is in good taste; and encourages, propagates, and fosters an inclusive work environment.

### **NNSA Academic Degree Program**

The NNSA Supplemental Directive 360.1A, *Federal Employee Training*, allows for NNSA organizations to fund academic degrees for employees. The NNSA Academic Degree Program (ADP), launched during FY 2020, is a critical recruitment and retention tool for NNSA (as well as a vehicle for furthering employees' professional education and development), and results in employees becoming even more proficient in their current position (and better eligible for future positions and promotional opportunities).

The process for an employee to participate in the ADP begins with the employee identifying an accredited ADP that links to accomplishment of NNSA's mission and strategies. Once the accredited ADP is identified, the employee discusses their request with their supervisor, and documents the ADP within their Individual Development Plan (IDP). Upon IDP approval by the employee's supervisor, the employee then completes the NNSA ADP application. While the ADP application process is accessible to be completed throughout the year, there are two windows of time per year (aligned with the typical academic calendar) for an employee to submit their ADP application for consideration for NNSA to fund their ADP. Application periods are announced to all employees via broadcast email messages.

The table on the following page depicts applicants and selectees for Academic Degree Programs during FY 2020, denoted by Race and Sex.

Academic Degree Program Sessions	Applicants	Approved for Participation
Spring 2020	<ol style="list-style-type: none"> <li>1. Female, White</li> <li>2. Male, White</li> <li>3. Male, White</li> <li>4. Male, White</li> <li>5. Female, White</li> <li>6. Female, White</li> <li>7. Male, Hispanic</li> <li>8. Race undisclosed, Female</li> </ol>	<ol style="list-style-type: none"> <li>1. Female, White</li> <li>2. Male, White</li> <li>3. Male, White</li> <li>4. Male, White</li> <li>5. Female, White</li> <li>6. Female, White</li> </ol>
Fall 2020	<ol style="list-style-type: none"> <li>1. Male, White</li> <li>2. Male, Hispanic</li> <li>3. Female, Asian</li> <li>4. Male, Asian</li> <li>5. Male, White</li> <li>6. Female, Hispanic</li> <li>7. Female, White</li> <li>8. Female, Black</li> <li>9. Female, Hispanic</li> </ol>	<ol style="list-style-type: none"> <li>1. Male, White</li> <li>2. Female, Hispanic</li> <li>3. Female, White</li> <li>4. Female, Black</li> <li>5. Female, Hispanic</li> </ol>

Seventeen (17) applicants applied for FY 2020 NNSA Academic Degree Program opportunities, and eleven (11) applicants were approved. Additionally, employees who voluntarily self-identify as a Person with a Disability comprised 35.29% of those who applied for the FY 2020 NNSA Academic Degree Program opportunities, and comprised 27.27% of those who participated within NNSA Academic Degree Program opportunities during FY 2020.

### NNSA Leadership and Career Development Program

The agency offered a wide range of developmental opportunities to employees at all levels (entry, mid, supervisory, managerial and executive) under the NNSA's formal Leadership and Career Development Program (LCDP). Each LCDP course offered competency development in one or more of OPM's prescribed Executive Core Qualifications.

NNSA employees, supervisors, and managers who applied for, and were competitively-selected for participation in LCDPs during FY 2020 included the following, denoted by Race and Sex:

LCDP Course Title	# of Applicants	Applicant By Race and Sex	NNSA Selectee/Participant By Race and Sex
USAF Air War College	1	Female, Black	(x1): Female, Black
AFNC Sr. Leader Nuclear Mgt Course (GS-15 equiv)	3	Male, White Female, Hispanic Male, White	(x3): Male, White Female, Hispanic Male, White
AFNC Sr. Leader Nuclear Mgt Course (GO/SES)	1	Male, White	None

<b>OPM Federal Executive Institute Leadership for a Democratic Society Course</b>	8	Female, Black Male, White Male, White Male, White Male, White Male, White Female, Hispanic Female, White	(x4): Female, White Male, White Male, White Female, Hispanic
<b>Harvard Kennedy School Sr. Exec. Fellows (SEF) Program</b>	10	Female, White Male, Asian Female, Asian Female, Asian Male, White Female, Asian Female, Hispanic Male, White Male, Asian Male, White	(x4): Female, White Male, White Male, White Male, Asian
<b>US Navy College of Naval Warfare</b>	1	Male, White	(x1): Male, White
<b>US Navy College of Naval Command and Staff (CNCS)</b>	0	None	None
<b>National Defense Univ. Dwight D. Eisenhower School for National Security and Resource Strategy</b>	0	None	None
<b>National Defense University College of International Security Affairs</b>	0	None	None
<b>National Defense University National War College</b>	3	Female, White Male, White Male, White	(x2): Male, White Male, White
<b>US Army War College Senior Leader Seminar (SLS): Senior Leader Development Course</b>	2	Male, White Male, White	(x2): Male, White Male, White
<b>White House Leadership Program</b>	0	None	None
<b>APSA Congressional Fellowship Program: Fellowships for US Federal Executive Employees</b>	0	None	None
<b>NNSA Mid-Level Development Program (MLDP)</b>	12	Male, White Male, Hispanic Female, Asian Male, White Male, White Female, Hispanic Male, White Male, White Male, White Female, White Female, White	(x11): Male, Hispanic Female, Asian Male, White Male, White Female, Hispanic Male, White Male, White Male, White Female, White Female, White



		Male, White Male, Hispanic	Male, White Male, Hispanic
<b>Sandia Natl Labs Weapons Internship Program</b>	3	Female, Hispanic Female, White Female, White	(x3): Female, Hispanic Female, White Female, White
<b>Partnership for Public Service Excellence in Government (EIG) Fellows Program</b>	5	Female, White Male, White Male, Hispanic Female, White Male, White	(x2): Female, White Male, White

Forty-nine (49) applicants applied and competed for FY 2020 LCDP offerings, and thirty-three (33) applicants were selected. Additionally, employees who voluntarily self-identify as a Person with a Disability comprised 8.16% of those who applied for the FY 2020 LCDP offerings, and comprised 12.10% of those selected to participate within LCDP offerings during FY 2020.

### Aspiring Leader Certificate Program

The corporately-funded NNSA Aspiring Leader Certificate Program provides participants with foundational exposure to leadership skills and competencies essential for individual and organizational success. The program employs a road map with seven tracks to prepare employees to continue to add value to their organization, and to contribute to the success of the NNSA. This cohort-structured program engages in a variety of learning sessions and activities which include: virtual classroom and online courses; quarterly development forums; shadowing and interview assignments; mentoring; and completion of a capstone paper. All seminar sessions are held in a virtual setting. Between seminar sessions, participants were independently responsible for completing particular assigned activities to enhance their respective leadership knowledge, skills, and abilities.

The following table depicts applicants and selectees for the NNSA Aspiring Leader Certificate Program during FY 2020, denoted by Race and Sex:

FY 2020 Aspiring Leaders Certificate Program	FY 2020 Aspiring Leaders Certificate Program
Applicants	Selected for Participation
Female, White Male, Hispanic Male, White Male, White Male, White	Female, White Male, Hispanic Male, White Male, White Male, White

Five (5) employees applied for FY 2020 NNSA Aspiring Leader Certificate Program participation, and all five (5) applicants were selected. Additionally, employees who voluntarily self-identify as a Person with a Disability comprised 60.00% of those who applied for the FY 2020 NNSA Aspiring Leader

Certificate Program offerings, and also comprised 60.00% of those selected to participate within NNSA Aspiring Leader Certificate Program offerings during FY 2020.

### Mid-Level Leadership Development Program

The Mid-Level Leadership Development Program (MLDP) is a year-long program. The objectives and purpose of the MLDP are:

- to form a pool of diverse and qualified employees ready to assume leadership roles within NNSA
- to recruit individuals with high potential for leadership
- to develop participants' levels of proficiency in competencies
- to prepare participants for fulfilling leadership roles

The following table depicts applicants and selectees for the NNSA Mid-Level Leadership Development Program during FY 2020, denoted by Race and Sex:

FY 2020 Mid-Level Leadership Development Program Applicants	FY 2020 Mid-Level Leadership Development Program Selected for Participation
1. White, Female 2. Hispanic, Female 3. Asian, Female 4. White Male 5. White, Male 6. White, Male 7. White, Male 8. White, Female 9. White, Male 10. Hispanic, Female 11. White, Male 12. White, Male 13. Undisclosed Race, Female 14. White, Male 15. White, Male 16. Hispanic, Female	1. White, Female 2. Hispanic, Female 3. Asian, Female 4. White Male 5. White, Male 6. White, Male 7. White, Male 8. White, Female 9. White, Male 10. Hispanic, Female 11. White, Male 12. White, Male 13. Undisclosed Race, Female, 14. White, Male

Sixteen (16) applicants applied for FY 2020 Mid-Level Leadership Development Program participation, and fourteen (14) applicants were selected. No (0%) of employees who voluntarily self-identify as a Person with a Disability applied for participation in this program during FY 2020.

### Team Leader and Aspiring Supervisor Certificate Program

Team Leaders provide guidance, instruction, direction, and leadership to a group of individuals for the purpose of achieving a key result. Team Leaders have limited authority, but great responsibility for producing results and building cohesive teams. They also begin to develop skills crucial to becoming effective supervisors. NNSA is committed to equipping individuals with the knowledge, abilities, and

tools needed to succeed in this critical role. To that end, the corporately funded fifteen-month Team Leader and Aspiring Supervisor Certificate Program serves to increase awareness of personal leadership style, reinforces strengths, and builds technical and practical supervisory knowledge.

This program strengthens skills regarding leadership, communication, goal setting, time management, and motivation techniques, while improving individuals' abilities to diagnose problems and effectively train and supervise others. This program has identified a road map with seven tracks that will prepare employees for future supervisor roles. The cohort-structured program engages in a variety of learning activities that include: virtual classroom and online courses; quarterly development forums; shadowing and interview assignments; mentoring; and completion of a capstone paper.

The following table depicts applicants and selectees for the NNSA Team Leader and Aspiring Supervisor Certificate Program during FY 2020, denoted by Race and Sex.

FY 2020 Team Leader and Aspiring Supervisor Program Applicants	FY 2020 Team Leader and Aspiring Supervisor Program Selected for Participation
1. White, Male	1. White, Male
2. White, Male	2. White, Male
3. White, Female	3. White, Female
4. White, Female	4. White, Female
5. Black, Female	5. Black, Female
6. Hispanic, Female	6. Hispanic, Female
7. White, Female	7. White, Female
8. Hispanic, Male	8. Hispanic, Male
9. White, Female	9. White, Female
10. White, Female	10. White, Female
11. White, Male	11. White, Male
12. White, Male	12. White, Male
13. Hispanic, Female	13. Hispanic, Female
14. White, Female	14. White, Female

Fourteen (14) employees applied for NNSA Team Leader and Aspiring Supervisor Certificate Program participation, and all fourteen (14) applicants were selected. 7.14% of employees who voluntarily self-identify as a Person with a Disability applied for participation in this program during FY 2020, and the same individuals (7.14%) were selected for participation.

### NNSA Rotations Program

The NNSA Rotations Program provides employees with the opportunity to obtain diverse experience at the agency's various locations and sites. Participants engage in innovative projects and assignments to broaden their perspectives and potential, and to prepare them for future challenges. The Rotations Program is open for participation to all NNSA federal employees, and particular rotational assignments vary based on pay-band requirements. In 2019, LCM developed a new component (where federal employees rotate to have immersive interactions within NNSA's Management & Operating partners under the supervision of the Field Offices), and this new

component was launched during FY 2020. All rotations last ninety days (with the option to extend an additional ninety days with both host-organization and home-supervisor approval). All associated travel costs for rotations are corporately-funded through LCM. During FY 2020, LCM had no participants in a rotation facilitated by the NNSA Rotations Program, as participation in the program was adversely impacted by the COVID-19 pandemic.

In addition to the NNSA Rotations Program, NNSA also participates in the following external rotational programs:

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

### Special Emphasis Activities and Efforts

Special Emphasis 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).

Special observances are designed for the purpose of providing cultural awareness to the Department. Commemorative activities conducted for these observances are educational and employment-related. NNSA employees attended and participated in various virtually-delivered Special Emphasis Program monthly activities and events sponsored by the Department.

<u>MONTH</u>	<u>SPECIAL EMPHASIS PROGRAM OBSERVANCES</u>
January	Dr. Martin Luther King, Jr.
February	Black History Month
March	Women's History Month
May	Asian American/Pacific Islander Heritage Month
June	Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month
August	Women's Equality Day
September	National Hispanic Heritage Month
October	National Disability Employment Awareness Month
November	American Indian/Alaskan Native Heritage Month
November	Veterans Day

## Diversity, Equity, and Inclusion Initiatives

As a very recent example of NNSA's commitment to sustaining a collective culture of Diversity, Equity, and Inclusion, the February 2021 edition of the NNSA's "Government and Management News" newsletter featured a full two-page article which made all employees aware NNSA is increasing its Diversity, Equity, and Inclusion (DEI) and Employee Engagement initiatives in support of "Empowering a Diverse, Inclusive, and Innovative Workforce," as identified within the NNSA's Governance and Management Framework. This article informed employees that NNSA's Office of Management and Budget (NA-MB) strategically partners with individual offices throughout the NNSA to promote development of a diverse, talented workforce, and to promote a healthy culture that empowers employees (and fuels an inclusive culture where individuals at all levels of the organization embody the NNSA value of respect). This article also made employees aware of the following:

- *Employees and supervisors are encouraged to complete assessments of employees' proficiency levels in the NNSA Diversity and Inclusion Foundational Competency (one of NNSA's nine Foundational Competencies) via Learning Nucleus.*
- *Learning and Career Management supports offices with analyzing feedback in the Federal Employee Viewpoint Survey (FEVS) reports and workforce diversity statistics, and helps offices develop employee engagement action plans with strategies to promote employee engagement.*
- *Human Resources conducts briefings to educate employees and supervisors on topics that promote inclusion of employees with disabilities, such as Reasonable Accommodations.*

This article also educated employees (and provided numerous examples of) about Effective Diversity and Inclusion (by explicitly fostering an inclusive workplace; by becoming more aware of one's own attitude, biases, and perceptions of others; and by leveraging differences to achieve mission objectives), and provided examples of Ineffective Diversity and Inclusion (seeing only one's own viewpoint; solely complying with EEOC regulations; playing favorites; stereotyping; hiding behind quotas; hiring only like-minded individuals; and discouraging others' ideas).

This article also informed employees of several organizations within Nuclear Security Enterprise who are doing commendable work to ensure that the Nuclear Security field is a true reflection of America, (by harnessing the power of diversity and inclusion, and therefore enhancing mission success). The highlighted organizations included the following:

- **Women of Color Advancing Peace, Security and Conflict Transformation (WCAPS)**  
WCAPS is a strong voice and network for women of color with an interest in, or actively working in, the national security field. WCAPS develops working groups that allow its members and others to discuss a range of issues pertaining to peace, security, and conflict transformation, providing a gender and cultural lens to relevant policies. The WCAPS Nuclear Security Field Working Group's mission is to develop a dialogue on how the U.S. defines and funds national security today and how we can promote a definition and direction that is more reflective of the threats facing all Americans. WCAPS also connects senior experts with junior and early career professionals in addition to sharing job opportunities and openings. The organization takes actionable steps toward increasing diversity by creating a virtual space for networking through accessibility and informational interviews and sessions.



- **Diversity and Inclusion in American Nuclear Society (ANS) Committee**

The Diversity and Inclusion in ANS Committee is responsible for promoting and supporting the participation of underrepresented or marginalized groups within the ANS. Such groups include, but are not limited to women, persons of color, members of the LGBTQ+ community, persons with disabilities, and other underrepresented groups. The committee encourages entrance into the nuclear industry and serves as the ANS liaison to relevant committees in other technical societies, assists the Society in communicating public information where appropriate, and advises ANS leadership on domestic and international diversity and inclusion strategies.

- **American Association for the Advancement of Science's (AAAS) Entry Point**

Entry Point, a signature program of the AAAS Project on Science, Technology and Disability, is a national effort to discover and develop talent among undergraduate and graduate students with disabilities who demonstrated a talent and interest in pursuing a STEM career. The primary goal of Entry Point is to increase the diversity of the scientific and engineering workforce at the professional level. Entry Point recruits, screens, and refers qualified candidates to company and university research program partners for 10-week summer internships.

In yet another example of NNSA's efforts in promoting Diversity, Equity, and Inclusion, in September of 2020, the NNSA's Office of Defense Programs (DP) developed and established its organization-level Diversity, Equity, and Inclusion initiative. DP's DEI initiative aims to ensure that DP remains a diverse, equitable and inclusive organization, where every employee is treated with fairness, dignity, and respect. This ongoing DEI initiative includes conducting of climate surveys and performance of regularly scheduled informal engagements and workshops, which are spearheaded by the members of three Goal Working Groups (Goal 1, Culture; Goal 2, Employment; and Goal 3, Advancement). As a result of DP's significant and noteworthy efforts in this regard, numerous Core Team members were recognized for their continued and extraordinary efforts in the form of significant monetary awards.

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

NNSA fully recognizes that some employee 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. NNSA 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, to ascertain the agency's level of success in meeting established hiring goals, to 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 identify areas in this area where improvements may be 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 2020, 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 data-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 2020. Should agency-wide re-organizations or realignments occur in the future (as necessary 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 in 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 to affected employees, explain various changes, and answer questions; and requires management to allay employees' concerns, all while seeking to foster an atmosphere of trust.

DOE National Nuclear Security Administration

For period covering October 1, 2019 to September 30, 2020

**CERTIFICATION of ESTABLISHMENT of CONTINUING  
EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS**

Bonnie E. Baisden

Equal Employment Opportunity (EEO) Manager NQ-0260-04 am the

(Insert Name Above)

(Insert official  
title/series/grade above)

Principal EEO Director/Official for

DOE/National Nuclear Security Administration (NNSA)

(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*

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

July 19, 2021

Date

Signature of Agency Head or Agency Head Designee

Date

*8/26/21*

## **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 December 30, 2020.
<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>A.3 – The agency assesses and ensures EEO principles are part of its culture.</b>	<b>Measure Met? (Yes/No/NA)</b>	<b>Comments</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, SEPM, and others.
<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	
<b>Essential Element B: Integration of EEO into the agency's Strategic Mission</b> <b>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>			
 <b>Compliance Indicator</b>  <b>Measures</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>Measure Met? (Yes/No/NA)</b>	<b>Comments</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 of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715	Yes	

	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.	No	The COVID-19 pandemic situation during FY 2020 inhibited this occurring during FY 2020. A makeup-session that included both FY 2020 and FY 2021 information was presented by the EEO Manager to Senior Leadership on April 20, 2021.
<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 were not issued at the agency/NNSA level during FY 2020; FADs for NNSA were issued by the Department of Energy HQs Office of Civil Rights during FY 2020.
<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?</b> (Yes/No/NA)	<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)] If "yes", please identify the EEO principles in the strategic plan in the comments column.	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?</b> (Yes/No/NA)	<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	
<p align="center"><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></p>			
 <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, DOE (Department-level)





	V.C.1 (June 18, 1999)]		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 regulations and guidance? [see 29 CFR 1614.203(d)(3)]	No	NNSA employs the DOE Reasonable Accommodation Procedures, and it is understood that the DOE RA







			procedures are pending EEOC's review and approval.
<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/N A)</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 <u>Douglas v. Veterans Administration</u> , 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 2020 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	
<p align="center"><b>Essential Element D: Proactive Prevention</b></p> <p><b>This element requires that the agency head make early efforts to prevent discrimination and to identify and eliminate barriers to equal employment opportunity.</b></p>			
 <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	





### Essential Element E: Efficiency





This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency's EEO programs and an efficient and fair dispute resolution process.



 Compliance Indicator	E.1 - The agency maintains an efficient, fair, and impartial complaint resolution process.	Measure Met? (Yes/No/NA)	Comments
 Measures			
E.1.a	Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?	Yes	
E.1.b	Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?	Yes	
E.1.c	Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(l)?	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(l)? <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 during FY 2020)
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 during FY 2020)
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	Yes	



	performance review? [See MD-110, Ch. 5(V)(A)]		
<b>E.1.I</b>	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>
<b>E.2.a</b>	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
<b>E.2.b</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
<b>E.2.c</b>	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
<b>E.2.d</b>	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	
<b>E.2.e</b>	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>
<b>E.3.a</b>	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	
<b>E.3.b</b>	Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	Yes	
<b>E.3.c</b>	Does the agency encourage all employees to use ADR, where ADR is appropriate? [see MD-110, Ch. 3(IV)(C)]	Yes	
<b>E.3.d</b>	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	

<b>E.3.e</b>	Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	Yes	
<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)]	No	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 to other federal agencies of similar size? [see MD-715, II(E)]	Yes	
<p align="center"><b>Essential Element F: Responsiveness and Legal Compliance</b></p> <p align="center">This element requires federal agencies to comply with EEOC statutes and EEOC regulations, policy guidance, and other written instructions.</p>			
 <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, 2019 to September 30, 2020**

**Plan to Attain Essential Elements**

**PART H.1**

Brief Description of Program 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)]
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Implementation of DOE's formalized Anti-Harassment Program

**Objectives for EEO Plan**

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
06/08/2021	03/31/2022			Implement, when available, the Department of Energy's formalized Anti-Harassment Program.

**Responsible Officials**

Title	Name	Standards Address the Plan?
Human Resources Director	Lewis Monroe III	No

**Planned Activities**

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
03/31/2022	Although NNSA is a semi-autonomous sub-organization within the Department of Energy (DOE), NNSA adopts and employs particular DOE-level personnel policies. It is NNSA's intent, at the time when DOE implements the DOE-level Anti-Harassment Program. DOE ELRPO identified new milestones that will result in the development and issuance of DOE's Anti-Harassment Policy and procedures by November 2021.	Yes	06/08/2021	

**Accomplishments**

Fiscal Year	Accomplishment
2021	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, 2019 to September 30, 2020**

**Plan to Attain Essential Elements**

**PART H.2**

Brief Description of Program 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)]
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The agency did 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. NNSA (in May of 2021) Human Resources transitioned to USA Staffing, and it is anticipated that this transition will provide capability to provide useful Applicant Flow Data for FY 2022 and onward.

**Objectives for EEO Plan**

Date Initiated	Target Date	Date Modified	Date Completed	Objective Description
03/30/2019	10/01/2022	06/08/2021		The agency did 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. NNSA (in May of 2021) Human Resources transitioned to USA Staffing, and it is anticipated that this transition will provide capability to provide useful Applicant Flow Data for FY 2022 and onward.

**Responsible Officials**

Title	Name	Standards Address the Plan?
Human Resources Director	Lewis Monroe III	No

**Planned Activities**

Target Date	Planned Activity	Sufficient Staffing & Funding?	Modified Date	Completion Date
10/01/2022	The agency did 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. NNSA (in May of 2021) Human Resources transitioned to USA Staffing, and it is anticipated that this transition will provide capability to provide useful Applicant Flow Data for FY 2022 and onward.	Yes		

**Accomplishments**

Fiscal Year	Accomplishment
2021	The agency did 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. NNSA (in May of 2021) Human Resources transitioned to USA Staffing, and it is anticipated that this transition will provide capability to provide useful Applicant Flow Data for FY 2022 and onward.



DOE National Nuclear Security Administration

For period covering October 1, 2019 to September 30, 2020

## Plan to Eliminate Identified Barriers

## PART I.1

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)				
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A1				
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  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 2020 (32.15%) 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%). Employees who identify as Black Female experienced a net-change decrease of 2.19%, comprising 5.46% of the agency's total workforce during FY 2020 (falling 1.07% below the EEOC's prescribed expected-level-of-participation of 6.53%). Employees who identify as White Female experienced a net-change decrease of 2.78%, comprising 17.07% of the agency's total workforce during FY 2020 (falling 16.96% below the EEOC's prescribed expected-level-of-participation of 34.03%). Employees who identify as Asian Female experienced a net-change increase of 2.22%, comprising 1.87% of the agency's total workforce during FY 2020 (falling 0.06% 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.				
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> All Women White Females Black or African American Females Asian Females				
<b>Barrier Analysis Process Completed?:</b>	Y				
<b>Barrier(s) Identified?:</b>	N				
<b>STATEMENT OF IDENTIFIED BARRIER:</b>	<b>Barrier Name</b>		<b>Description of Policy, Procedure, or Practice</b>		
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		N/A		
<b>Objective(s) and Dates for EEO Plan</b>					
<b>Date Initiated</b>	<b>Target Date</b>	<b>Sufficient Funding / Staffing?</b>	<b>Date Modified</b>	<b>Date Completed</b>	<b>Objective Description</b>
10/01/2020	12/30/2021	Yes			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).
<b>Responsible Official(s)</b>					
<b>Title</b>		<b>Name</b>		<b>Standards Address The Plan?</b>	
Human Resources Director		Lewis Monroe III		No	
EEO Manager		Bonnie Baisden		Yes	

**DOE National Nuclear Security Administration**

**For period covering October 1, 2019 to September 30, 2020**

**Plan to Eliminate Identified Barriers**

**Planned Activities Toward Completion of Objective**

<b>Target Date</b>	<b>Planned Activities</b>	<b>Sufficient Staffing &amp; Funding?</b>	<b>Modified Date</b>	<b>Completion Date</b>
12/30/2021	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.	Yes		

**Report of Accomplishments**

<b>Fiscal Year</b>	<b>Accomplishments</b>
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DOE National Nuclear Security Administration

For period covering October 1, 2019 to September 30, 2020

## Plan to Eliminate Identified Barriers

## PART I.2

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)				
<b>Specific Workforce Data Table:</b>	Workforce Data Table - A3				
<b>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</b>  Provide a brief narrative describing the condition at issue.  How was the condition recognized as a potential barrier?	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.				
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i> 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				
<b>Barrier Analysis Process Completed?:</b>	Y				
<b>Barrier(s) Identified?:</b>	N				
<b>STATEMENT OF IDENTIFIED BARRIER:</b>  Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	<b>Barrier Name</b>		<b>Description of Policy, Procedure, or Practice</b>		
	N/A		In process of determination of existence of barrier(s)		
<b>Objective(s) and Dates for EEO Plan</b>					
<b>Date Initiated</b>	<b>Target Date</b>	<b>Sufficient Funding / Staffing?</b>	<b>Date Modified</b>	<b>Date Completed</b>	<b>Objective Description</b>
03/30/2019	06/01/2022	Yes			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).

DOE National Nuclear Security Administration

For period covering October 1, 2019 to September 30, 2020

Plan to Eliminate Identified Barriers

Responsible Official(s)

Title	Name	Standards Address The Plan?
Human Resources Director	Lewis Monroe III	No
EEO Manager	Bonnie Baisden	Yes

Planned Activities Toward Completion of Objective

Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
06/01/2022	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.	Yes		

Report of Accomplishments

Fiscal Year	Accomplishments
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# **MD-715 – Part J**

## **Special Program Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities FY 2020**

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)
- b. Cluster GS-11 to SES (PWD)

Answer	No
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)
- b. Cluster GS-11 to SES (PWTD)

Answer	No
Answer	No

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

NNSA continued to communicate its hiring goals for PWD and PWTD through a variety of methods to include supervisory training, senior leadership briefings, and thru consultations and meetings with hiring managers. All newly appointed supervisors are required to attend and complete a multi-day, in-person training course (the NNSA Supervisor's Role Training Course). Tenured supervisors are required to thereafter attend and complete a periodic in-person refresher training course (the NNSA Supervisor's Role Refresher Training Course). During this training, supervisors are provided instruction on the use of special hiring authorities, such as Schedule A and 30 Percent or More Disabled Veterans, and are provided information regarding the Agency's PWD and Veteran-centric hiring goals (and its progress in reaching these goals).

Additionally, senior leadership officials are briefed on staffing and personnel matters by NNSA Human Resources staff members on a bi-weekly basis; this briefing includes the demographics of the NNSA workforce, to include the demographics of newly-hired individuals.

Human Resources staff members continually educated hiring managers on the use of special hiring authorities (for individuals with disabilities) in order to fill mission critical positions in a timely manner, as well as to meet prescribed hiring goals. Human Resources also distributed monthly newsletters to all employees, and provided information on special hiring authorities regarding Persons with Disabilities.

## **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.**

Yes. NNSA Human Resources has eighteen (18) staff members dedicated to the processing of applications from PWD and PWTD, and six (6) staff members who process employees’ reasonable accommodation requests. Human Resources devoted two (2) full-time staff members to conduct recruitment and outreach activities for the Agency. These two Human Resources staff members will continue to establish new relationships with colleges and universities, rehabilitation agencies, and veteran organizations to identify applicants with who are individuals with disabilities.

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

<b>Disability Program Task</b>	<b># of FTE Staff By Employment Status</b>			<b>Responsible Official (Name, Title, Office Email)</b>
	<b>Full Time</b>	<b>Part Time</b>	<b>Collateral Duty</b>	
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	1	0	5	Jesus Elias Supervisor jesus.elias@nnsa.doe.gov
Answering questions from the public about hiring authorities that take disability into account	18	0	0	Jillian Hunt Supervisory HR Specialist jillian.hunt @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	18	0	0	Jillian Hunt Supervisory HR Specialist jillian.hunt @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.

Yes. Human Resources works closely with the NNSA Office of Civil Rights, the NNSA Reasonable Accommodation Program, and the Department of Energy Human Resources with regard to the management of the agency’s Disability Program. Disability Program personnel and Human Resources staff members received on-the-job training, web-based training, and formal classroom training on disability placement and hiring (to include the Schedule A, Veterans Recruitment Appointment, and 30 percent or More Disabled Veteran hiring authorities), and training on Reasonable Accommodation.

In addition to training Disability Program staff, during FY 2020, the NNSA Reasonable Accommodation Program provided several live, virtually-delivered Reasonable Accommodation training sessions to NNSA line-level employees and supervisors. NNSA is in the process of developing Reasonable Accommodation self-paced training modules (to be delivered via the agency’s online learning management system, Learning Nucleus). This will allow NNSA employees to continually refresh their levels of understanding of the NNSA Reasonable Accommodation Program’s services and the Reasonable Accommodation process.

## **B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM**

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

Yes. Sufficient funding is committed and remains available to ensure Human Resources maintains a sufficient amount of Human Resources Consultants in the Staffing and Classification Division, who are charged with advising hiring managers on the use of special hiring authorities (including Schedule A, Veterans Appointment Act, and 30 Percent or More Disabled Veterans, as well as with providing applicants and Hiring Managers with instruction on the use of the *OPM Bender List*.)

## **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.

During FY 2020, NNSA continued expanding its partnerships with a variety of national and local veteran organizations and vocational rehabilitation programs, and conducted virtual job fairs in order to expand the agency’s recruitment strategies (to recruit and employ individuals with disabilities). NNSA ensured all job seekers were aware of the Reasonable Accommodation process through one-on-one discussions, as well as through information provided within all posted vacancy announcements.

Human Resources devoted two full-time staff members to conduct recruitment and outreach activities for the Agency. During FY 2020, NNSA continued its previous initiatives and expanded outreach efforts, which included the development and conducting of virtual job fairs. The NNSA held three (of its first-ever) virtual job fairs in FY 2020, which included the agency's Program, Functional, and Field Offices (and the third virtual job fair included the NNSA's Management and Operating partners from six NNSA sites).

After the current COVID-19 pandemic is resolved and in-person events are recommenced, NNSA will continue to participate in the annual "DOE Disability Mentoring Day" (DMD) events. The goal of DMD is to encourage students to apply for internship opportunities within DOE and NNSA for the following summer. DMD is designed to educate students about the important role of DOE, and about the services DOE and NNSA provides to the nation. DMD serves to establish and strengthen DOE's and NNSA's relationships with local colleges and universities, and also provides students an opportunity (through job mentoring) to learn more about a specific field while exploring necessary preparations to position themselves for a possible career with NNSA within a chosen career field. DMD events include presentations from several Program Offices, followed by question and answer sessions. DMD events are extremely valuable towards allowing DOE and NNSA officials and Human Resources recruiting staff to interact with a diverse group of well-abled individuals with disabilities.

NNSA also effectively promotes recruitment of individuals with disabilities by employing several strategies and techniques, and several examples are delineated as follows:

- Using social media (e.g., Facebook and Twitter) and the agency's public-facing website to announce special events of interest to (and specifically for) individuals with disabilities (e.g., the NNSA's involvement in the DOE Disability Mentoring Day events, announcements of upcoming Virtual Job Fairs, etc.).
- Utilization of USAJobs for posting vacancy announcements and processing applications for employment with NNSA (as USAJobs is compliant with the requirements of Section 508 of the Rehabilitation Act and meets the Web Content Accessibility Guidelines 2.0 AA/WCAG 2.0, as well as compliant with the particular accessibility standards issued by the Architectural and Transportation Barriers Compliance Board); and by including a clear statement in every vacancy announcement (and other recruitment materials) about NNSA's readiness to provide accommodations for applicants with disabilities (and providing materials upon request, in a variety of alternate formats).
- Provisioning of information (within all vacancy announcements) of the Schedule A Hiring Authority, the Veterans Recruitment Act (VRA) appointment authority, the 30 Percent or More Disabled Veterans appointment authority, and the Veterans Employment Opportunities Act of 1998 (VEOA) appointment authority.
- Providing Reasonable Accommodation during the entire application process; explicitly informing applicants that requests for Reasonable Accommodation are welcomed; and ensuring interviews are conducted in a manner where accessibility is provided to applicants with mobility, visual, hearing, or other disabilities.

Despite the 2020 COVID pandemic having presented substantial challenges, NNSA has been highly successful in its recruitment efforts, even while operating within a maximum-telework posture. NNSA conducted several recruiting events, which attract and accommodate the entire applicant population. NNSA conducted its multiple FY 2020 Virtual Job Fairs using the Brazen platform (which is compliant with Section 508 of the Rehabilitation Act of 1973, which requires U.S. Federal government agencies to develop, procure, or maintain information and communication technology to ensure accessibility for persons with disabilities).

The Department of Energy established the following three FY 2020 recruitment/hiring goals for employment of individuals with disabilities:

- 2% of all new hires are individuals with disabilities hired under the Schedule A hiring authority
- 12% of all new hires are Individuals with Disabilities
- 2% of all new hires are Individuals with Targeted Disabilities

The charts below depicts NNSA's progress and successful performance in meeting these Department-prescribed goals (between Fiscal Years 2016-2020):

SCHEDULE A HIRES						Agency Goal
Authority	FY-16	FY-17	FY-18	FY-19	FY-20	
All other hiring authorities	76.4%	82.8%	75.4%	84.3%	83.9%	2% of hires using Schedule A
30% Comp	1.8%	1.5%	0.4%	0.7%	1.5%	
<b>SCH. A - Disability</b>	<b>1.8%</b>	<b>1.0%</b>	<b>1.2%</b>	<b>3.0%</b>	<b>3.4%</b>	
SCH. A - Other	2.7%	1.5%	2.0%	1.1%	1.1%	
VEOA	6.4%	4.4%	4.9%	8.2%	9.4%	
VRA	10.9%	8.9%	16.0%	2.6%	0.7%	
	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	

PERCENTAGE OF NEW EMPLOYEES WITH DISABILITY	FY-16	FY-17	FY-18	FY-19	FY-20	Agency Goal
<b>Disability</b>	<b>10.0%</b>	<b>10.3%</b>	<b>10.7%</b>	<b>9.7%</b>	<b>13.9%</b>	12% of hires (with 2% being Targeted)
<b>Targeted Disability</b>	<b>0.9%</b>	<b>2.0%</b>	<b>0.8%</b>	<b>1.1%</b>	<b>1.9%</b>	
(01) Do Not Wish to Identify Disability	4.1%	4.9%	6.1%	7.1%	6.7%	
(05) No Disability	85.0%	82.8%	82.4%	82.0%	77.5%	
<b>Grand Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	

Hiring Managers and Human Resources personnel within NNSA receive additional specialized training by completing (at least once annually) a required training course titled, "*A Roadmap to Success: Hiring, Retaining, and Including People with Disabilities.*" This training course provides Hiring Managers and Human Resources personnel with valuable information to recognize the benefits of hiring individuals with a disability in the Federal workforce, and to further understand applicable Federal Government initiatives. This course also provides information on Affirmative Employment obligations stemming from the Rehabilitation Act of 1973, which call on the Federal Government to focus on the outreach,

recruitment, retention, and advancement of people with disabilities at all grade levels; and this course explains the Federal government's specific focus on hiring individuals with Targeted Disabilities.

Additionally, the NNSA EEO Manager manages the agency's EEO Observer Program. Designated EEO Observers participate in interview/selection proceedings as a passive observer to ensure interview proceedings are conducted free of inappropriate discussions, comments, questions, and non-merit considerations. EEO Observers are charged with intervening when necessary (and taking appropriate on-the-spot corrective action) during the course of these proceedings if problems arise/occur. By utilizing EEO Observers during hiring/interview proceedings, this greatly diminishes the likelihood of any candidate being treated more favorably than another, and ensures fairness in the hiring and selection of all applicants.

**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 these 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 being required to proceed through the certificate process).

The agency ensures every USAJobs vacancy announcement contains the following statement: *"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."* All vacancy announcements contained links to webpages which further described the special hiring appointments in detail (and explained the particular eligibility conditions).

With regard to the agency's efforts towards recruitment of disabled veterans, and as part of the agency's established recruitment strategy, during FY 2020 the agency ensured 100% of all vacancy announcements continued to explicitly explain each vacancy is open to 30% or More Disabled Veterans.

As previously explained, NNSA continued to expand its outreach efforts and endeavors in order to successfully recruit qualified Persons with Targeted Disabilities for vacancies. NNSA hired nine (9) individuals (3.40% of all FY 2020 new-hires) during FY 2020 under the Schedule A Hiring Authority for People with Disabilities, which resulted in an increase when compared to the prior four years.

**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 candidate's qualification requirements are met, and verify the candidate's specialized experience and any required education (as well as eligibility requirements for the particular special hiring authority). This includes reviewing a candidate's submitted documentation from the candidate's doctor, licensed medical professional, rehabilitation professional (or from any federal, state, DC or US territory agency that issues or provides disability benefits).

Human Resources staff members include the names of all qualified and eligible candidates on the certificate, which is provided to the Hiring Manager for the Hiring Manager's 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 Percent or More Disabled Veterans special hiring authorities. Human Resources staff members then extend the tentative job offer once the selection certificate is completed and returned by the Hiring Manager (and if the job offered is accepted, the candidate is appointed under one of the special hiring 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.**

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 Hiring Managers with useful and important information, covering all aspects of disability employment including recruiting, interviewing, use of special hiring authorities, career development, and reasonable accommodation. Through this training:

- Hiring Managers are provided with tools in order to effectively recruit, accommodate, hire, retain, and include individuals with disabilities, consistent with applicable law.
- Hiring Managers are trained on how to identify Federal laws, regulations, policies, and initiatives that promote an inclusive workplace for people with disabilities.
- Hiring Managers are provided with information on how to work with Human Resources staff members to locate internal and external resources to recruit, as well as to identify assistance-resources to assist ensuring development opportunities and retention of employees with disabilities.

## A. 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.**

The agency's Human Resources office maintains two (2) full-time staff members who are charged with representing the agency as designated Outreach Coordinators. These Outreach Coordinators manage and lead the agency's effort for meeting the established hiring goals for PWD, PWTD, and Schedule A hires. The Outreach Coordinators specifically lead the recruitment campaign to focus on key configurable areas, to ensure the agency effectively conducts its recruiting activities (which includes attending career fairs; networking with PWD-centric organizations; and partnering with local colleges and universities).

## B. 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.2 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.2 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.2 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.**

NNSA executes an effective, multi-faceted plan for ensuring individuals with disabilities are afforded the same opportunities for advancement as individuals without disabilities, and this is accomplished through a variety of techniques and offerings, as described below.

#### **Training, Mentoring, and Career Development Opportunities**

NNSA's Office of Learning and Career Management (LCM) leads the development of NNSA's talent, leadership, employee training, and career development policies and programs. LCM deploys the OneLeadership methodology, which focuses on the inclusive strategic development of all employees to reach their fullest potential at the NNSA.

Through a series of connected leadership and development initiatives linked to specific career goals for each employee, LCM is responsible for executing performance enrichment programs that establish a strong core of mid-level managers and rising leaders while attracting the best and the brightest minds entering the workforce. LCM promotes a visible and agency-wide use of knowledge management tools such as mentoring, coaching, InTeach, and career-mapping programs. With an entry-level guidance program that feeds ambition and fosters growth, all NNSA employees are afforded opportunities to begin developing their careers from the first day of employment at the agency. LCM also partners with program offices to emphasize a strong emphasis on mid-level and senior-level employees to enhance their basic (and to develop their advanced) leadership competencies with multi-faceted courses and workplace opportunities to apply new knowledge in real time. All policy and program implementations by LCM are designed and developed to promote employees' growth (as it directly correlates to the NNSA mission).

NNSA's Supplemental Directive SD 360.1A, titled, "Federal Employee Training," contains explicit mention of Equal Employment Opportunity; fully explains that training, mentoring, and development opportunities are provided to all employees; and explicitly explains it is illegal to discriminate against individuals because of one's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability, genetic information or reprisal/retaliation for prior protected EEO activity. Likewise, individuals with disabilities (those requiring accommodation) are provided with reasonable accommodation, to ensure their full participation in all agency-provided training events, mentoring programs, and career development opportunities.

The online Learning Management System used within NNSA, Learning Nucleus, helps to ensure the technical competency of NNSA's workforce by providing easy access to tools that assist in assessing employees' individual training needs, as well as providing employees with an expansive catalog of courses, to strengthen job related skills and to support upskilling and reskilling the NNSA's collective workforce.

Learning Nucleus provides NNSA employees with exceptional functionality to support NNSA employees' involvement in the NNSA Mentoring Program, Competency Assessments, Individual and Executive Development Plans, and Career Paths to support a systematic approach to employees' training and career development. As a cloud-based platform, the Learning Nucleus development-resources are available on demand to best support employees' career development goals.

Of related and significant note, the NNSA's Inclusion and Diversity Office is co-located and managed within LCM, which serves to further ensure full inclusion of Individuals with Disabilities into all training, mentoring, and career development programs and offerings provided by LCM.

### **Award Programs and Promotions**

Individuals with disabilities are afforded the very same opportunities as all others with regard to awards under the NNSA's Awards and Recognition Program. The NNSA's Employee Recognition Policy provides supervisors (and others) with standardized guidance and direction for nominating employees to receive awards (awards may be in the form of cash awards, time-off awards, and other forms of non-monetary awards such as service medals, coins, plaques, and pins). Likewise, individuals with disabilities are afforded the very same opportunities as all others with regard to promotions, and as promotions are competitive (under the NNSA's DEMO pay-band system), all accommodations and opportunities afforded under the initial application and hiring process are applied with regard to the application and selection process.

As previously explained within section III.A above, the NNSA EEO Manager manages the agency's EEO Observer Program. In addition to designated EEO Observers participating in interview/selection proceedings (as a passive observer to ensure interview proceedings are conducted free of inappropriate discussions, comments, questions, and non-merit considerations), EEO Observers also participate in competitive-award selection-panel proceedings (and are charged with intervening when necessary, and taking appropriate on-the-spot corrective action) during the course of these proceedings if problems arise/occur. By utilizing EEO Observers during competitive-award selection-panel proceedings, this greatly diminishes the likelihood of any award-nominee being treated more favorably than another, and ensures fairness in the award-selection process.

### **Disability Program Management**

The agency employs a full time Disability Employment Program Manager, who manages and performs the following:

- Participates in the DOE Disability Mentoring Day program, which offers DC-area college students with disabilities the opportunity to learn about the mission and work of DOE and NNSA. This program also offers students a glimpse into their chosen career fields by pairing

students with NNSA professionals within those career fields.

- Conducts 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 underrepresentation of PWD and PWTD.

### **Ensuring Retention of Individuals with Disabilities**

NNSA employs several successful measures toward ensuring retention of individuals with disabilities.

Provisioning of prompt and effective Reasonable Accommodation for individuals with disabilities plays a significant role with regard to retention of employees with disabilities, and as such, NNSA provides live, interactive EEO and Reasonable Accommodation training to all new employees during New Employee Orientation sessions, to ensure new employees are made aware of the agency's Reasonable Accommodation Program services.

The NNSA Office of Learning and Career Management (LCM) provides numerous formalized training, mentoring, and career development programs which ensure full inclusion of individuals with disabilities. As previously explained, Hiring Managers and Human Resources personnel receive additional specialized training in retention of individuals with disabilities by completing (at least once annually) a required training course, titled, *"A Roadmap to Success: Hiring, Retaining, and Including People with Disabilities."*

NNSA sustains a high level of retention of individuals with disabilities by providing and ensuring barrier-free accessibility (Architectural, Programmatic, Technology-Based, Communication-Based, and Alternate Format) to all agency-sponsored/provided career development programs, conferences, training events, tuition assistance, and rotational assignments. NNSA ensures online professional development classes and materials and workplace events are fully accessible, and ensures adequate funds remain available to provide disability-related accommodations for training and career-developmental opportunities.

### **Exit Survey Program**

When employees depart their employment with NNSA, departing employees are requested to voluntarily provide their feedback, with special regard to their workplace-experience with NNSA as an individual with a disability (if applicable); their feedback provides valuable information for NNSA to identify where improvements can (or need to) be made regarding recruitment, hiring, inclusion, retention, and advancement of persons with disabilities.

The agency-wide NNSA Exit Survey Program provides a single uniformed Exit Survey process. There are three different ways for departing employees to participate:

- Online (via an emailed link which is provided to departing employees)
- By completion of a manual form, which departing employees can complete, scan, and email to the Exit Survey mailbox
- A manual form completed by a departing employees' supervisor, if the departing employee chooses to instead have a verbal Exit Discussion with the supervisor

Exit Survey responses and feedback are compiled by staff within the Employee Relations Branch, and responses are captured within a report (by-question) for NNSA's use in addressing retention issues, planning for recruitment strategies, as well as for addressing multiple other strategic human capital management topics. In the event a concern or negative experience is communicated, immediate action is taken to evaluate the expressed concern, and when necessary, to promptly and strategically remedy actionable concerns.

### **Workplace Flexibilities**

Workplace flexibilities (which serve to maintain and/or increase retention of individuals with disabilities) are available to all NNSA employees. Various types of workplace flexibilities provided (of particular benefit to individuals with disabilities, which may or may not be conjoined with one's afforded Reasonable Accommodation, depending on each individual's unique situation) include (but are not limited to) part-time schedules; flexible arrival and departure times; alternate full-time work schedules; and teleworking from home.

NNSA fully understands and recognizes that Reasonable Accommodation plays a significant role in employee retention of individuals with disabilities, and therefore, NNSA ensures individuals' Reasonable Accommodations are continuously provided in an appropriate and timely manner, and NNSA also understands an individual's need for Reasonable Accommodation may change over time.

NNSA maintains a robust Reasonable Accommodation Program, as well as effective Reasonable Accommodation practices, procedures, and ensures Reasonable Accommodation Program staff members' maintain their own respective high levels of expertise. The NNSA Reasonable Accommodation Program provides services to both NNSA applicants and federal employees, and manages requests for Reassignment/Accommodation of Last Resort (which entails reviewing and monitoring of available positions, in coordination with the NNSA Workforce Planning and Recruitment Division, for the prescribed full 60-day review period).

NNSA's Reasonable Accommodation Program is executed in accordance with the *DOE Reasonable Accommodation Desk Reference* (version 2017), and current Reasonable Accommodation Program guidance is posted on the NNSA's OneHR Portal. Current NNSA employees and supervisors receive Reasonable Accommodation Program information through brown-bag training sessions, leadership briefings, and individual organizational-level briefings. NNSA is currently developing a Reasonable Accommodation refresher-training module in Learning Nucleus (to be completed at least once every three years by all employees).

Additional details regarding the NNSA's Reasonable Accommodation Program, processes, and procedures are contained within section V., *Reasonable Accommodation*, below.

### **Inclusion of Individuals with Disabilities**

With regard to ensuring full inclusion of individuals with disabilities within the NNSA workplace, NNSA fosters and promotes an inclusive workplace which values all employees for their strengths. It offers individuals with disabilities, whether visible or invisible, equal opportunity to succeed, to learn, to be compensated fairly, and to advance. NNSA fully recognizes that true inclusion is about embracing individuals' differences.

Understanding that individuals' initial perceptions of inclusiveness is crucial to (and starts with) NNSA's application and hiring process, NNSA ensures no barriers exist during the application and interview process; if new barriers are identified, NNSA ensures prompt action is taken to remove/mitigate any identified barriers.

NNSA employees, supervisors, managers, and Senior Executives receive training regarding the importance (and responsibility) of fostering a culture of inclusion for all employees (at the agency level, as well as within each organization). This is accomplished through a variety of means (e.g., during New Employee Orientation sessions; supervisor-specific training sessions; briefings by the NNSA EEO Manager to Senior Management; and in evaluation of supervisors' performance measures specifically pertaining to Inclusion, as contained within each supervisors' annual performance evaluation, which specifically reads: *"Promotes and leads an inclusive work environment in which employees are valued/respected for individual and cultural differences and their talents are fully utilized."*).

Regarding future efforts to further increase NNSA employees' levels of awareness and understanding of unconscious biases towards individuals with disabilities, NNSA will leverage DOE's (soon-upcoming) Unconscious Bias Training for Hiring Managers. This training will address unconscious biases related to hiring of individuals with disabilities and individuals with targeted disabilities, as well as other unconscious biases. DOE expects to develop and launch this training no later than September 15, 2021.

NNSA employees participate in targeted events (including the annual DOE National Disability Employment Awareness Month events, as well as the DOE Disability Mentoring Day events), which serve to further increase employees' awareness of the valuable contributions individuals with disabilities provide, and which also serve to remind employees of the need for dispelling of myths (or other negative biases) with regard to employment of individuals with disabilities.

As a very recent example of NNSA's commitment to maintaining a collective culture of Inclusion, the February 2021 edition of the NNSA's *"Government and Management News"* newsletter featured a full two-page article which made all employees aware NNSA is increasing its Diversity and Inclusion (D&I) and Employee Engagement initiatives in support of "Empowering a Diverse, Inclusive, and Innovative Workforce," as identified within the NNSA's Governance and Management Framework.

This article informed all employees that NNSA's Office of Management and Budget (NA-MB) strategically partners with individual offices throughout the NNSA to promote development of a diverse, talented workforce, and to promote a healthy culture that empowers employees and fuels an inclusive culture where individuals at all levels of the organization embody the NNSA value of respect. Additionally, this article also made employees aware of the following:

- *Employees and supervisors are encouraged to complete assessments of employees' proficiency levels in the NNSA D&I Foundational Competency (one of nine NNSA Foundational Competencies) via Learning Nucleus.*
- *Learning and Career Management (LCM) supports offices with analyzing feedback in the Federal Employee Viewpoint Survey (FEVS) reports and workforce diversity statistics, and helps offices develop employee engagement action plans with strategies to promote employee engagement.*

- *Human Resources conducts briefings to educate employees and supervisors on topics that promote inclusion of employees with disabilities, such as Reasonable Accommodations.*

This article also informed employees (and provided numerous examples) of Effective Diversity and Inclusion (by explicitly fostering an inclusive workplace; by becoming more aware of one's own attitude, biases, and perceptions of others; and by leveraging differences to achieve mission objectives), and also provided examples of Ineffective Diversity and Inclusion (seeing only one's own viewpoint; solely complying with EEO regulations; playing favorites; stereotyping; hiding behind quotas; hiring only like-minded individuals; and discouraging others' ideas).

Also highlighted in this article was a section informing employees of a few organizations within NNSA's Nuclear Security Enterprise who are doing commendable work to ensure that the Nuclear Security field is a true reflection of America, thereby harnessing the power of diversity and inclusion, and enhancing mission success. The highlighted organizations included:

- **Women of Color Advancing Peace, Security and Conflict Transformation (WCAPS)**  
WCAPS is a strong voice and network for women of color with an interest in, or actively working in, the national security field. WCAPS develops working groups that allow its members and others to discuss a range of issues pertaining to peace, security, and conflict transformation, providing a gender and cultural lens to relevant policies. The WCAPS Nuclear Security Field Working Group's Mission is to develop a dialogue on how the U.S. defines and funds national security today and how we can promote a definition and direction that is more reflective of the threats facing all Americans. WCAPS also connects senior experts with junior and early career professionals in addition to sharing job opportunities and openings. The organization takes actionable steps toward increasing diversity by creating a virtual space for networking through accessibility and informational interviews and sessions.
- **Diversity and Inclusion in American Nuclear Society (ANS) Committee**  
The Diversity and Inclusion in ANS Committee is responsible for promoting and supporting the participation of underrepresented or marginalized groups within the ANS. Such groups include, but are not limited to women, persons of color, members of the LGBTQ+ community, persons with disabilities, and other underrepresented groups. The committee encourages entrance into the nuclear industry and serves as the ANS liaison to relevant committees in other technical societies, assists the Society in communicating public information where appropriate, and advises ANS leadership on domestic and international diversity and inclusion strategies.
- **American Association for the Advancement of Science's (AAAS) Entry Point**  
Entry Point, a signature program of the AAAS Project on Science, Technology and Disability, is a national effort to discover and develop talent among undergraduate and graduate students with disabilities who demonstrated a talent and interest in pursuing a STEM career. The primary goal of the project is to increase the diversity of the scientific and engineering workforce at the professional level. Entry Point recruits, screens, and refers qualified candidates to company and university research program partners for 10-week summer internships.

Additionally:

- NNSA managers and supervisors are continually encouraged to promote the career development and advancement of all employees, including individuals with disabilities and individuals with targeted disabilities.
- 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 promotions), performance management, and employee rewards and recognition.

- NNSA will continue to publish and announce all detail and reassignment opportunities via OneHR broadcast email messages, which are sent to the entire workforce. These detail and reassignment opportunities allow employees, including PWD and PWTD, to gain valuable knowledge, skills, and experience making them more competitive for promotional opportunities.
- NNSA will continue to conduct analyses of the agency's hiring and recognition processes, including reviewing of data such as promotions and awards, to ensure PWD and PWTD continue to have equal opportunity for advancement and recognition.

## **B. CAREER DEVELOPMENT OPPORTUNITIES**

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

During FY 2020 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 numerous training and developmental programs and offerings. Please see *Part E.4: FY 2020 Accomplishments* of this FY 2020 MD-715 report for detailed descriptions of each of these developmental programs and opportunities.

- Seventeen (17) applicants applied for FY 2020 NNSA Academic Degree Program opportunities, and eleven (11) applicants were approved. Employees who voluntarily self-identify as a Person with a Disability comprised 35.29% of those who applied for the FY 2020 NNSA Academic Degree Program opportunities, and comprised 27.27% of those approved to participate within NNSA Academic Degree Program opportunities during FY 2020.
- Forty-nine (49) applicants applied and competed for FY 2020 Leadership and Career Development Program (LCDP) offerings, and thirty-three (33) applicants were selected. Employees who voluntarily self-identify as a Person with a Disability comprised 8.16% of those who applied for the FY 2020 LCDP offerings, and comprised 12.10% of those selected to participate within LCDP offerings during FY 2020.
- Five (5) employees applied for FY 2020 NNSA Aspiring Leader Certificate Program participation, and all five (5) applicants were selected. Employees who voluntarily self-identify as a Person with a Disability comprised 60.00% of those who applied for the FY 2020 LCDP offerings, and also comprised 60.00% of those selected to participate within LCDP offerings during FY 2020.
- Sixteen (16) employees applied for FY 2020 Mid-Level Leadership Development Program participation, and fourteen (14) applicants were selected. No (0%) of employees who voluntarily self-identify as a Person with a Disability applied for participation in this program during FY 2020.

- Fourteen (14) employees applied for NNSA Team Leader and Aspiring Supervisor Certificate Program participation, and all fourteen (14) applicants were selected. 7.14% of employees who voluntarily self-identify as a Person with a Disability applied for participation in this program during FY 2020, and the same individuals (7.14%) were selected for participation.

**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						
<b>Other Career Development Programs (LCM LCDPs)</b>	<b>49</b>	<b>33</b>	<b>4 (8.16%)</b>	<b>4 (12.10%)</b>	<b>1 (2.04%)</b>	<b>1 (2.04%)</b>
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 (PWTD)      Answer: No  
b. Selections (PWTD)      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.

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.2 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.

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.2 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)   | N/A |
| b. | New Hires to GS-15 (PWD) | N/A |
| c. | New Hires to GS-14 (PWD) | N/A |
| d. | New Hires to GS-13 (PWD) | N/A |

*See Part H.2 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 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 (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.2 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.

Executives

- |     |                                     |        |     |
|-----|-------------------------------------|--------|-----|
| i.  | Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. | Internal Selections (PWD)           | Answer | N/A |

Managers

- |     |                                     |        |     |
|-----|-------------------------------------|--------|-----|
| i.  | Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. | Internal Selections (PWD)           | Answer | N/A |

Supervisors

- |     |                                     |        |     |
|-----|-------------------------------------|--------|-----|
| i.  | Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. | Internal Selections (PWD)           | Answer | N/A |

*See Part H.2 for plan to remedy unavailability of applicant-flow data.*

6. 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.

Executives

- |     |                                      |        |     |
|-----|--------------------------------------|--------|-----|
| i.  | Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. | Internal Selections (PWTD)           | Answer | N/A |

Managers

- |     |                                      |        |     |
|-----|--------------------------------------|--------|-----|
| i.  | Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. | Internal Selections (PWTD)           | Answer | N/A |

Supervisors

- |     |                                      |        |     |
|-----|--------------------------------------|--------|-----|
| i.  | Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. | Internal Selections (PWTD)           | Answer | N/A |

*See Part H.2 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.2 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.2 for plan to remedy unavailability of applicant-flow data*

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

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

- 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.**

Answer: 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 the following URL:

[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 the following URL:

[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 that 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 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 dedicated 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 their 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 2020 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 members to implement accessibility practices for all LCM-sponsored training events.

The CLO ensures LCM staff members 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) in order to provide 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 recordings. 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 Communication and Assistive Technology (CART), interpreters, and recording capability; 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.**

The agency's Reasonable Accommodation procedures are posted on the agency's public-facing webpage, located at the following URL:

<https://www.energy.gov/nnsa/downloads/interim-desk-reference-reasonable-accommodation-desk-reference-2017>

- 1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period.**

During FY 2020, the NNSA Reasonable Accommodation Program processed a total of eleven (11) new requests for reasonable accommodation (which all were initiated prior to the COVID-19 pandemic emerging in March of 2020); the average processing-time was approximately 45 calendar days. The *DOE Interim Desk Reference for Reasonable Accommodation* states that 20 calendar days is the appropriate Reasonable Accommodation request processing-timeframe, however, the majority (90% or more) of NNSA's Reasonable Accommodation requests processed during FY 2020 required exceptions to the 20-day processing timeframe based on exigent circumstances, primarily due to multiple attempts being required to receive medical documentation from employees (as well as additional time required for employees' medical documentation to then subsequently be reviewed by Federal Occupation Health [FOH] physicians, as FOH physicians consult directly with employees' physicians, to determine if an employee's request for reasonable accommodation is based on a disability or a condition which warrants the accommodation); and also due to multiple interactive discussions conducted between the supervisor and employee, which necessitated extending of processing-timeframes.

The top three approved Reasonable Accommodations addressed in NNSA during FY 2020 (and into FY 2021) were related to:

- Teleworking
- Sit Stand Desks and Ergonomic Chairs
- Business Travel

Of significant note, the NNSA Reasonable Accommodation Program reported that during the current pandemic-related maximum telework environment (starting in March of 2020), the NNSA Reasonable Accommodation Program's intake-rate of new requests for reasonable accommodation significantly decreased, and the NNSA Reasonable Accommodation Program's duties during FY 2020 primarily involved: answering employees' requests for general information about the Reasonable Accommodation process; performing referrals for non-Reasonable Accommodation ergonomic inquiries; and referring employee to other appropriate processes (such as Family Medical Leave Act process, and the NNSA Voluntary Leave Transfer Donations Program, which are not directly managed by the NNSA Reasonable Accommodation Program).

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.**

NNSA abides by the DOE-level Reasonable Accommodation Procedures and does not have influence over the content within these DOE-level procedures (the *DOE Interim Desk Reference for Reasonable Accommodation*, 2017 version). EEOC has previously informed NNSA that the DOE-level Reasonable Accommodation procedures do not yet meet EEOC's requirements. It is not clearly understood why the EEOC has held the NNSA accountable for this deficiency, as the NNSA has no influence on the development or content of the DOE-level reasonable accommodation procedures (as it is not produced at NNSA's level).

DOE reports that the DOE Reasonable Accommodation Procedures are currently in the process of being revised/developed, and DOE has identified new milestones that will result in their development and issuance of DOE's revised Reasonable Accommodation and Personal Assistance Services policy and procedures during FY 2021. DOE is also developing training materials to orient managers/supervisors to their specific responsibilities and requirements established within the forthcoming revised Reasonable Accommodation procedures/policy, and this training is expected to be available during FY 2021.

Despite the DOE-level Reasonable Accommodation Procedures not yet (at this particular point in time) meeting compliance with EEOC's requirements, NNSA continues to ensure effective processing of Reasonable Accommodation requests, and timely provisioning of Reasonable Accommodations.

While NNSA was operating under a maximum-telework posture during the COVID-19 pandemic in 2020, the NNSA Reasonable Accommodation Program developed and presented five (5) live, virtually-delivered Reasonable Accommodation training sessions (agency-wide) to supervisors and employees (as well as other separate Reasonable Accommodation training sessions tailored for and provided to NNSA EEO Counselors, and to NNSA Human Resources Liaisons); this training also addressed the unique considerations regarding Reasonable Accommodation within the pandemic-driven maximum-telework environment. This training provided participants with important information regarding the legal requirements and the steps within the Reasonable Accommodation Process; explained the roles of requestors, supervisors, and Reasonable Accommodation Program personnel as they relate to the Reasonable Accommodation Process; informed participants about Personal Assistance Services; provided instructions on how and who to contact to initiate a request for Reasonable Accommodation; and included audience-interactive modules using various theoretical scenarios. The NNSA Reasonable Accommodation Program is currently in the process of having this Reasonable Accommodation training converted to become an on-demand, self-paced online training course, to be accessible at employees' convenience within Learning Nucleus.

The NNSA Reasonable Accommodation Program's fundamental goal is to monitor and improve program effectiveness through the evaluation of obtained qualitative and quantitative information and data. The NNSA Reasonable Accommodation Program monitors and compares the amount of inquiries (from both supervisors and employees) with the amount of Reasonable Accommodation requests/cases opened (as a result of those inquiries). The NNSA Reasonable Accommodation

Program staff members then quantify and compare inquiries with actual Reasonable Accommodation requests/cases using the Reasonable Accommodation Case Log, as well as effectively track the number of days each Reasonable Accommodation request/case is open and active. The qualifying of Reasonable Accommodation requests/cases is achieved through measuring interactive discussion ‘successes,’ as well as based on the number of remands made to the DOE Alternative Dispute Resolution Office (or to other offices and entities). Through the consolidation of quantifiable and qualitative information and data, the NNSA Reasonable Accommodation Program maintains effective capability to identify trends, and to address and resolve any identified potential areas of concern as they may arise.

With regard to successes achieved by the NNSA Reasonable Accommodation Program during FY 2020, the NNSA Reasonable Accommodation Program deemed a valuable return on investment was realized as a result of the agency-wide Reasonable Accommodation training being provided to all supervisors and employees. The NNSA Reasonable Accommodation Program has observed that when both parties (reasonable accommodation requestors and their supervisors) are made aware of their respective roles, responsibilities, and expectations within the Reasonable Accommodation Process, this serves to greatly mitigate extended request/case processing timelines, and allows both the requesting employee and their supervisor to work together in acquiring timely, appropriate, and effective accommodations (which assist and enable employees with disabilities in continuing to meet the agency’s mission objectives).

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

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 and employs the DOE’s Reasonable Accommodation and Personal Assistance Services (PAS) policy and procedures. PAS policy and information regarding Personal Assistance Services is posted and available on the agency’s public-facing website at the following URL:

<https://www.energy.gov/nnsa/downloads/interim-desk-reference-reasonable-accommodation-desk-reference-2017>

Additionally, the NNSA Office of Civil Rights has posted additional PAS-related information on its public-facing webpage, which provides webpage visitors with the following content:

##### ***PERSONAL ASSISTANCE SERVICES (PAS)***

***On January 3, 2017, the Equal Employment Opportunity Commission (EEOC or Commission) amended the regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501), the law that prohibits the federal government from discriminating in employment on the basis of disability, and requires engagement in affirmative action for people with disabilities. As part of U.S. Federal agencies' obligation to engage in***

*affirmative action, federal agencies are required by the new regulations to provide Personal Assistance Services (PAS) to individuals who need them because of certain disabilities. See 29 C.F.R. § 1614.203(d)(5).*

*PAS are services which help individuals who, because of targeted disabilities, require assistance to perform basic activities of daily living, like eating and using the restroom. "PAS" means "assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom." For example, someone providing PAS might push a wheelchair, or assist someone with getting into or out of a vehicle at the worksite. PAS do not include, for example, performing medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure).*

*Agencies are required to provide PAS to an individual if the individual is a Federal employee of the agency; and the individual has a targeted disability; and the individual requires the services because of his or her targeted disability; and the individual will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any required reasonable accommodations have been provided; and providing PAS will not impose undue hardship on the agency. As with Reasonable Accommodation, NNSA Federal employees may initiate their request for PAS with their supervisor, or with the NNSA Reasonable Accommodation Program at (202)-586-7812.*

With regard to training relating to employees on Personal Assistance Services, the NNSA incorporates PAS policies, procedures, and practices into its agency-wide Reasonable Accommodation training (see the detailed explanation previously provided within section C. above).

During FY 2020, the NNSA Reasonable Accommodation Program received only one (1) PAS request, and this PAS request was accommodated/provided within the expected processing timeframe.

NNSA Reasonable Accommodation Program personnel track all PAS cases/requests within a secure database, and this enables the agency to easily identify trends, and to revise PAS training information/materials accordingly.

## **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?**

RESPONSE: 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?**

- Three [3] Complainants withdrew their complaints as part of no-fault settlement agreements.
- There were no (0) disability-based harassment complaints resulting in Findings of Discrimination

**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.**

RESPONSE: N/A (No Findings of Discrimination in this regard were received or issued)

## **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?**

RESPONSE: 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?**

- Two (2) Complainants withdrew their complaints as part of no-fault settlement agreements.
- There were no (0) Findings of Discrimination with regard to reasonable accommodation.

**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.**

RESPONSE: N/A (No Findings of Discrimination in this regard were received or issued)

## **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?**

The lack of useful applicant flow data for new hires and internal selections/promotions was not available, and the plan to remedy this deficiency has been documented in Part H.2.

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

Yes. The lack of useful applicant flow data for new hires and internal selections/promotions was not available, and the plan to remedy this has been documented in Part H.2.

**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.**

See Part H.2

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

See Part H.2

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

See Part H.2

**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.**

See Part H.2