

2010 EXCEL WORKSHOP OUTLINE

Practical Solutions to Real EEO Problems: Manager Accountability & Performance Plans, Leading Practices, Remedying Deficiencies & Other Relevant EEO Topics

Wednesday July 14, 2010, 3:00 pm to 4:30 pm

Workshop Objectives:

1. Identify and Discuss Five Key EEO Strategic Objectives.
2. Discuss Problems and Challenges in Achieving each EEO Strategic Objective.
3. Discuss Solutions and Best Practices to Overcome Problems and Challenges.

Key EEO Strategic Objectives

I. Integration of EEO into Agency's Strategic Priorities

- Agency Head demonstrates commitment to EEO.
- EEO Director reports directly, or has regular access, to Agency Head.
- EEO is reflected in Agency's strategic plans.
- EEO Director participates in Agency senior staff meetings and strategic planning.

Problems and Challenges

- EEO Director/Office does not have access to Agency Head or senior staff and strategic planning.
- EEO is not an Agency priority.

Solutions and Best Practices

- EEO Office should prepare Anti-Discrimination Policy for Agency Head to annually issue.
- EEO Director/Office must build trust and credibility regardless of location in the organization.
- EEO Director/Office should build coalitions and work to influence key decisionmakers and stakeholders.
- EEO Director/Office must build the business case and establish the value proposition for EEO – demonstrate Return on Investment, and link budget to priorities and results.
- Use MD-715 Essential Elements as a guide:
<http://www.eeoc.gov/federal/directives/md715instruct.cfm>.

Presented by:

Steve Shih, Deputy Civil Rights and Civil Liberties Officer, Director for EEO & Diversity Programs, U.S. Department of Homeland Security
Ronnie Venture, EEO Officer, Federal Bureau of Investigations
Veronica Villalobos, EEO Director, U.S. Equal Employment Opportunity Commission

II. Develop and Implement Essential EEO Policies and Procedures

- Anti-Discrimination/Anti-Retaliation Policy.
- Anti-Harassment Policy with six essential elements
- Reasonable Accommodation Procedures
- No FEAR Act Notice: initial posting to Federal Register and to Agency employees – requiring basic language set forth in OPM’s regulation on the No FEAR Act Notice.
- Procedures for Processing EEO Complaints Alleging Discrimination on the Basis of Parental Status or Sexual Orientation.

Problems and Challenges

- Need for guidance or technical expertise.
- Building support and obtaining approval from stakeholders and key decisionmakers.

Solutions and Best Practices

- For guidance on six essential elements of effective Anti-Harassment Policy, *see Torres v. Dep’t of Homeland Sec.*, EEOC Appeal No. 01A55221 (Jan. 4, 2006). *See also* EEOC Anti-Harassment Webpage at http://www.eeoc.gov/federal/model_eeo_programs.cfm.
- For guidance on Reasonable Accommodation Procedures, *see* EEOC’s *Policy Guidance On Executive Order 13164: Establishing Procedures To Facilitate The Provision Of Reasonable Accommodation* (Oct. 20, 2000) at http://www.eeoc.gov/policy/docs/accommodation_procedures.html.
- For guidance on preparing a No FEAR Act Notice, *see* OPM’s No FEAR Act regulations at: <http://edocket.access.gpo.gov/2006/06-4319.htm>; <http://edocket.access.gpo.gov/2006/E6-11541.htm>; and <http://edocket.access.gpo.gov/2006/E6-22242.htm>. *See also* OPM’s No FEAR Act Notice at: http://www.opm.gov/about_opm/nofear/notice.asp.
- For information on prohibition of discrimination based upon parental status or sexual orientation, *see* Executive Orders 13152, 11478, and 13087. *See also* EEOC Webpage on Parental Status or Sexual Orientation Discrimination at http://www.eeoc.gov/facts/fs-orientation_parent_marital_political.html.
- Development of training using EEO staff.
- Use of staff from EEO Offices at other agencies.
- Importance of establishing credibility and competence of EEO Office, and building coalitions.
- Importance of business case/Return On Investment.
- Importance of marketing and communicating EEO policies and procedures.

III. Develop and Deliver Essential EEO Training

- No FEAR Act Training – mandatory for all managers, supervisors and employees on a biannual basis.
- EEO Training
- Anti-Harassment Training
- Reasonable Accommodation Training

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Problems and Challenges

- Need for guidance or technical expertise.
- Building support and obtaining approval from stakeholders and key decisionmakers.
- Resources.
- Which program office is responsible?

Solutions and Best Practices

- EEOC Training: *see* <http://www.eeoc.gov/federal/training/index.cfm>.
- OPM Go Learn Program Office: *see* <http://www.golearn.gov/>.
- DEOMI Training: *see* <http://www.deomi.org/Education&Training/CourseInfoIndex.cfm>.
- Importance of establishing credibility and competence of EEO Office, and building coalitions.
- Importance of business case/Return On Investment.

IV. Ensuring Accountability for EEO Compliance

- Performance plans for all personnel include performance elements relating to EEO.
- Development and implementation of EEO performance metrics.
- Training and guidance on assessing performance towards EEO metrics.
- Commitment from senior leaders.

Problems and Challenges

- Agency strategic plan does not reflect clear link to EEO.
- Building support and obtaining approval from stakeholders and key decisionmakers.
- Difficulty in developing metrics involving quantifiable results.

Solutions and Best Practices

- Importance of business case/Return On Investment in order to establish links to Agency strategic plans.
- Importance of establishing credibility and competence of EEO Office, and building coalitions.
- Develop metrics initially focusing on outputs/activities but build upon these foundational metrics to ultimately measure outcomes.

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V. Effectively Managing the EEO Office

- Mission is clearly linked to the strategic priorities of the Agency.
- EEO Director reports to or has regular access to the Agency Head.
- EEO Office is a high performance organization capable of demonstrating measurable results.
- EEO Office's resource levels are aligned to its strategic objectives.
- EEO Office is staffed with competent, high-level performers.

Problems and Challenges

- EEO Office is "buried" in the Agency.
- EEO Director does not have access to the Agency Head or other senior leaders, and does not participate in Agency strategic planning.
- EEO Office does not demonstrate high performance with measurable results.
- EEO Office does not have adequate resource levels.
- EEO Office personnel are not high-level performers or lack competencies/knowledge.

Solutions and Best Practices

- Importance of business case/Return On Investment in order to establish links to Agency strategic plans.
- Importance of establishing credibility and competence of EEO Office, and building coalitions.
- Develop metrics initially focusing on outputs/activities but build upon these foundational metrics to ultimately measure outcomes.
- Market successful performance through all available reports and avenues for communication, including the No FEAR Act Annual Report and the No FEAR Act quarterly webposting data. Guidance on these reporting requirements may be located at: <http://edocket.access.gpo.gov/2006/E6-22242.htm> and <http://edocket.access.gpo.gov/2006/E6-12432.htm>.
- Conduct a comprehensive program evaluation to identify deficiencies and gaps, and develop and implement action plan to resolve program issues. Use MD-715 Essential Elements as a guide: <http://www.eeoc.gov/federal/directives/md715instruct.cfm>.
- Benchmark with other Federal agencies on best practices and performance metrics. For example, EEOC's Federal Report webpage provides helpful information, including EEOC's annual reports on the Federal workforce and a study on *Attaining a Model Program: Efficiency*. See <http://www.eeoc.gov/federal/reports/index.cfm>.
- Focus on recruitment and staffing, including updating all staffing and recruitment materials (e.g., Position Descriptions, staffing plans, vacancy announcements, etc.) and emphasizing effective interviewing and reference checks.
- Identify employee competency gaps and assess training needs through effective performance plans/evaluations and Individual Development Plans.
- Regularly and objectively assess employee performance and provide feedback. Hold employees accountable for achieving performance goals.

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