



Frequently Asked Questions About Management Directive-715

Management Directive 715 (MD-715) is the policy guidance which the Equal Employment Opportunity Commission (EEOC) provides to federal agencies for their use in establishing and maintaining effective programs of equal employment opportunity under Section 717 of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e *et seq.*, and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 *et seq.* MD-715 provides a roadmap for creating effective equal employment opportunity (EEO) programs for all federal employees as required by Title VII and the Rehabilitation Act. MD-715 took effect on October 1, 2003.

The Instructions to Federal Agencies for Equal Employment Opportunity Management Directive 715 (Instructions) set forth general reporting requirements for federal agencies.

A copy of MD-715 and the Instructions are available on the EEOC's web site: <http://www.eeoc.gov/federal/directives/index.cfm> (<https://www.eeoc.gov/federal-sector/management-directive/regulations-directives-guidance-and-resource-documents>). Also available are PARTS A through J of EEOC FORM 715-01 (in HTML, PDF, and MS WORD), the Workforce Data Tables (in HTML, MS WORD and EXCEL), the Department or Agency List with Second Level Reporting Components, Guidance on Completing the EEOC Form 715-01 Workforce Data Tables and links to the OPM/ Census Occupation Cross-Classification Table and the Census EEO 2000 Data Tool.

The following questions are those which have been most frequently asked by persons who have read MD-715 and the Instructions.

GENERAL QUESTIONS

1. What format may I use to submit the MD-715 report and the applicable Workforce Data Tables? Access? Text?

At the present time, your MD-715 report (FORM 715-01, all supporting documentation, and all the Workforce Data Tables) must be submitted to the EEOC in hard copy format. All data must be identified and arranged in the same manner as shown in the Workforce Data Tables.

2. How do I know if I am a 2nd level, 3rd level or 4th level reporting component?

Most federal agencies have subordinate components, but not every subordinate component is a subordinate **reporting** component for purposes of filing under MD-715. A subordinate **reporting** component, *i.e.*, a second, third or fourth level **reporting** component, is one that enjoys a certain amount of autonomy from its parent agency. In other words, does the subordinate component have its own personnel system, finance department, recruitment structure, culture, etc? Or is the component simply a regional office that operates more as an extension of the parent? If the component is closer to being independent, then it is considered a subordinate **reporting** component.

For example, the Department of Justice (DoJ) is a parent agency with several subordinate components. Some of those subordinate components, like the Federal Bureau of Investigation (FBI), Drug Enforcement Agency, etc., operate independently (albeit under the umbrella of DoJ); they have their own recruitment programs, personnel systems, culture, etc. Thus, the FBI is a 2nd level **reporting** component. Compare the FBI to the Baltimore District Office of the EEOC. The Baltimore District Office is not an independent entity, but rather a spoke on the wheel, with EEOC headquarters at the center.

The majority of federal agencies do not have 2nd level **reporting** components, and even fewer will have a 3rd or 4th level **reporting** component, because very few agencies have independent and autonomous entities under their second level components. One example of a 3rd level **reporting** component would be the National Weather Service (NWS). The parent agency is the Department of Commerce. Under Commerce is the National Oceanic and Atmospheric Administration (NOAA), which meets the definition of a second level **reporting** component. NWS comes under NOAA and meets the same definition.

Contrast NWS with FBI's New York District Office (NYDO). The Department of Justice is a parent agency with several subordinate components. The Federal Bureau of Investigation is one such component that is greatly autonomous from Justice. Thus, it is a 2nd level **reporting** component. Under FBI, there are several regional offices, including the New York District Office. The FBI-NYDO is not a subordinate **reporting** component. It has no filing requirements under MD-715. Note, however, that this does not mean the FBI-NYDO has no responsibility under MD-715! See FAQ No. 9, below.

The EEOC has developed a Department or Agency List with Second Level Reporting Components, which may be accessed through the following link: <http://www.eeoc.gov/federal/agencylist.cfm> (<https://www.eeoc.gov/federal-sector/management-directive/department-or-agency-list-second-level-reporting-components>)

Please contact Lori Grant at 202 663-4616 or lori.grant@eeoc.gov if you believe that your agency or department has a Second Level Reporting Component which should have been included on this list or if you believe such a component has been included erroneously.

3. What about very large regional offices that are not considered subordinate *reporting* components? Does the above definition mean that those subordinate components do not have any responsibilities under MD-715?

Absolutely not. **All entities that make up a federal agency have responsibilities under MD-715.** A federal agency needs to work closely with all of its subordinate entities in order to ensure that the agency itself can perform a Model EEO self-assessment and undertake a comprehensive barrier analysis to identify barriers and execute plans for eliminating them **throughout its workforce**, as well as to maintain an effective, **agency-wide** special recruitment program which establishes specific goals for the employment and advancement of individuals with targeted disabilities.

Continuing the example from above, the Baltimore District Office of the EEOC is required to conduct a self-assessment of its EEO program and a barrier analysis of its workplace. Deficiencies identified in the self-assessment and barriers uncovered must be addressed and corrective plans must be developed and instituted. All this information (the self-assessment, the corrective plans, etc.) will then be rolled up to EEOC headquarters to be used in completing the **overall** EEOC MD-715 report. EEOC

headquarters can't possibly report on the entire Commission without the input of all subordinate entities (regional, district and field offices).

Similarly, the FBI-NYDO will have to engage in the Model EEO self-assessment and perform a thorough barrier analysis. Plans to address identified deficiencies and barriers will need to be developed and instituted. These plans will be rolled up to FBI headquarters for inclusion in its Bureau-wide report. Additionally, FBI headquarters will roll up its information to Justice for inclusion in the department-wide report. The important distinction to understand is that, **regardless of whether a subordinate entity has to file a report with the EEOC, all of the activities required by MD 715 have to be done either by or for all of an agency's entities - whether those entities are termed major commands, post offices, small air bases, regional centers, etc.**

4. I have subordinate components that are reporting components. Who and where do they report to, and what are they reporting?

Second Level Reporting Components which have 1,000 or more employees in permanent full or part time appointments must submit MD-715 reports (FORM 715-01, PARTS A-F and H-J and all Workforce Data Tables) to their agency headquarters for inclusion in the agency-wide report and for submission by the parent to the EEOC. Second Level Reporting Components with 500 or more (but fewer than 1,000) employees in permanent full or part time appointments must file MD-715 reports with PARTS A-F and H-I and Workforce Data Tables A/B 1-7 with their agency headquarters for inclusion in the agency-wide report and maintain a copy.

See The Quick Guide in Section III of the Instructions, available at the following link: <http://www.eeoc.gov/federal/715instruct/section3.html> (<https://www.eeoc.gov/federal-sector/instructions-federal-agencies-eeo-md-715-section-iii>).

5. My agency has several Second Level Reporting Components. Must the agency's MD-715 report include all of the PART Hs, Is and Js prepared by its Second Level Reporting Components?

No. The agency's overall MD-715 Report may incorporate these by reference. However, the MD-715 report filed by the parent agency (i.e., the agency-wide report) should include the PART Hs, Is and Js to be addressed at the headquarters level. Please note that ultimately, it is the agency itself which is responsible for ensuring

that a Model EEO self-assessment and a comprehensive barrier analysis to identify barriers and execute plans for eliminating them have been conducted **throughout its workforce**, and for ensuring that the agency maintains an effective, **agency-wide** special recruitment program which establishes specific goals for the employment and advancement of individuals with targeted disabilities.

6. Should a Second Level Reporting Component file its MD-715 report directly with the Commission or should it first submit its MD-715 report to its parent agency?

As previously noted, a federal agency needs to work closely with all of its subordinate entities in order to ensure that the agency itself can perform a Model EEO self-assessment and undertake a comprehensive barrier analysis to identify barriers and execute plans for eliminating them **throughout its workforce**, as well as to maintain an effective, **agency-wide** special recruitment program which establishes specific goals for the employment and advancement of individuals with targeted disabilities. Thus, an agency's EEO Director ultimately is responsible for ensuring equal opportunity throughout the entire agency.

Accordingly, all Second Level Reporting Components should first submit their MD-715 reports to their parent agency's EEO Director for review and coordination. The parent agency should submit a complete package of MD-715 reports to the EEOC. Therefore, those agencies which have Second Level Reporting Components need to seriously consider the date by which these entities must gather and analyze all necessary data and information and to perform the required MD 715 exercises, in order to complete the review and coordination process well in advance of the January 31 due date. Practically speaking, since subordinate components, whether they are reporting components or not, make up the report of the parent entity, the parent entity will need its subordinate's MD-715 report well in advance of January 31. Parent agencies should keep this in mind when setting internal deadlines for subordinate components, and take care to have in place a procedure which will ensure that the review of a subordinate component's MD-715 report will be concluded in sufficient time to allow required MD-715 reports to be filed by January 31.

MODEL EEO PROGRAMS AND BARRIER QUESTIONS

7. What should be done under MD-715 when a particular group has a low participation rate?

A low participation rate should be taken as a "trigger," a situation which alerts the agency to the possible existence of a barrier to equal opportunity. An agency should identify the likely factor (or combination of factors) which has adversely affected the employment opportunities of the group in question. Depending on the nature of the potential problem, an agency could consider a variety of questions. For example, if a particular group has a low participation rate in a particular occupation, the agency should determine whether recruitment efforts are resulting in a diverse pool of applicants. In this regard, it should be noted that actions designed to increase the number of applications for employment from a particular group are unaffected by *Adarand*. See DoJ Memorandum at pp. 3-4.

If the applicant pool includes a cross-section of qualified applicants, the agency should explore whether there is a significant disparity between a group's proportionate representation in the applicant pool and the pool of selectees. If so, the agency needs to explore why. Are there selection criteria that tend to screen out the group in question?

If there is a situation where the participation rate for a group occupying a higher level position is lower than the corresponding participation rate in the lower level feeder pool for that position, the agency should review its merit promotion processes and may also need to review related processes, such as career development programs, appraisal systems and/or awards programs, for barriers affecting the group's advancement to the next level.

Numerous other examples of questions which should be addressed during a thorough investigation of a potential barrier in an assortment of employment processes are found in Section II of the Instructions to Federal Agencies for Equal Employment Opportunity Management Directive 715.

8. My agency has identified many areas where our EEO Programs are deficient and numerous areas which should be explored for barriers. How can we be expected to file so many PART Hs and PART Is?

We suggest that your agency first determine whether any of the program deficiencies are interrelated and could, therefore, be addressed in a comprehensive manner which can be set forth in a single PART H. In addition, an agency may need

to prioritize its needs. If an agency will be unable to address the deficiency during the Fiscal Year in question (whether due to budget, lack of personnel or other reasons), the deficiency should be identified in a PART H together with at least a general indication of the agency's current plans to address the deficiency in an identified, subsequent Fiscal Year.

Similarly, a thorough and systematic analysis may identify certain barriers which are interrelated and could, therefore, be addressed in a comprehensive manner which can be set forth in a single PART I. In addition, if an agency is unable to explore data, an employment process, or other sources for possible barriers during the Fiscal Year in question (whether due to budget, lack of personnel or other reasons), the barrier should be identified in a PART I together with a general indication of the agency's current plans to perform an analysis to determine the cause of the condition and develop measurable objectives to correct the undesired condition address the barrier in an identified, subsequent Fiscal Year.

9. Do you have any suggestions as to how the data gathered in my agency's Form 462 Report could be utilized in conducting a barrier analysis under MD-715?

Yes. An agency is required to examine any policy, principle or practice that limits or tends to limit employment opportunities for members of a particular sex, race or ethnic background, or based on an individual's disability status. An analysis of the Form 462 data relating to the nature and disposition of EEO complaints can provide useful insight into the extent to which an agency is meeting its obligations under Title VII and the Rehabilitation Act and, thus, may help an agency to identify areas where barriers may be operating to limit certain groups.

For example, an analysis may reveal that there are certain trends in the types of complaints being filed or problem areas within the agency. Does the data reveal an increase in complaints about employee development or training? How about promotions? Awards? Disciplinary actions? If the answer to any of these questions is 'yes,' then an agency should study the data further to determine if there is an identifiable trend - is a particular group making a significant percentage of the complaints? Is the increase attributable to a certain facility, office, region, etc.? Do complaints about promotion, for example, tend to involve a particular stage of the promotion process or procedures? Do complaints involving reasonable accommodation issues also involve failures to comply with the agency's reasonable accommodation procedures? Has a union, ombudsman, employee advocacy group, special emphasis group or other group also raised concerns about the area in

question?

In addition, note that the 462 data also is invaluable in assessing whether your agency's EEO program is meeting the 6 essential elements of a model EEO program. If the data reveals that complaints are not being processed within the regulatory time frame, the 462 will allow you to determine what stage of the process needs attention: Is counseling completed in a timely manner? Does the problem lie with timely completion of investigations? If your agency does both, is there a significant difference in timeliness between in-house and contract investigations? Is the agency's information collection system accurate and adequate for purposes of completing the Form 462? Any deficiencies in these areas also need to be addressed in the 715 report.

10. Please discuss the impact of the Supreme Court's decision in *Adarand* and its applicability to agencies' affirmative employment programs.

In *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995), the U.S. Supreme Court held that all racial classifications imposed by a federal, state, or local government must be analyzed by a reviewing court under "strict scrutiny," meaning that such classifications are constitutional only if they are narrowly tailored measures that further compelling government interests. The *Adarand* case arose under the Equal Protection clause of the U.S. Constitution regarding a federal program that provided financial incentives for contractors to hire subcontractors controlled by socially and economically disadvantaged groups, which included various racial and ethnic groups.

EEOC is tasked by Congress to enforce laws prohibiting employment discrimination, including Title VII of the Civil Rights Act. *Adarand* does not affect an agency's responsibilities under MD-715. Neither EEOC policy nor MD-715 requires agencies to establish racial or ethnic preferences or quotas. Indeed, federal anti-discrimination laws and EEOC's policies require that agencies prohibit discrimination, including "reverse" discrimination. MD-715 requires agencies to take proactive steps to ensure equal employment opportunity for all their employees and applicants for employment by regularly evaluating their employment practices to identify and eliminate barriers that hamper the advancement of any racial or ethnic group in federal agencies.

In July 1995, the Department of Justice issued a memorandum entitled "Post-*Adarand* Guidance on Affirmative Action in Federal Employment" ("DoJ

Memorandum"). The DoJ Memorandum provides guidance to all federal agencies on how to interpret *Adarand* in the context of federal employment and agencies seeking guidance in this area should review the DoJ Memorandum. It should be noted that the DoJ Memorandum re-emphasizes the federal commitment to affirmative employment in the federal government.

11. But MD-715 requires agencies to collect and analyze data which show the representation of groups by ethnicity and race (as well as by sex and disability status) in numerous profiles, such as grade distribution, major occupations, promotions, career development, etc. Thus, agencies must identify personnel by their membership in protected groups. Aren't such classifications unlawful?

No, an agency's collection and analysis of data by protected group is not unlawful. Neither *Adarand* nor any other controlling authority prohibits such collection and analysis. As is specifically noted in the DoJ Memorandum, "*Adarand* ... does not preclude tracking participation [by protected class] in the agency's workforce through the collection and maintenance of statistics or the filing of reports with the Equal Employment Opportunity Commission." DoJ Memorandum, p. 4. The purpose of the data collection is to allow the evaluation of policies, practices or procedures which may be impacting the employment opportunities of any protected group. Of course, agencies must ensure that the data collected are used appropriately for the purpose of developing and monitoring affirmative employment programs.

12. Are federal agencies prohibited from adopting goals based on race or ethnicity?

If a federal agency desires to develop numerical objectives or goals, the agency's General Counsel should carefully review the DoJ Memorandum before establishing any goals.

13. Are federal agencies prohibited from adopting preferences based on race or ethnicity?

Before a federal agency uses ethnicity or race as a basis for an employment decision, the agency must satisfy strict scrutiny to ensure that the decision promotes "compelling" government interests and that it is "narrowly tailored" to serve those interests. Again, the agency's General Counsel should carefully review the DoJ Memorandum before establishing any preferences.

TABLE QUESTIONS

14. Why did the EEOC revise the categories under which the agencies are to report the race and ethnicity of employees and applicants?

The Instructions call for federal agencies to report statistical information on the racial and ethnic categories of employees and applicants as prescribed by the Office of Management and Budget (OMB) in Statistical Policy Directive No. 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting (OMB Directive 15), which all federal agencies were required to adopt no later than January 1, 2003. OMB Directive 15 is available at: <http://www.whitehouse.gov/omb/fedreg/ombdir15.html> (<https://wonder.cdc.gov/wonder/help/populations/bridged-race/directive15.html>).

Under OMB Directive 15:

"The minimum categories for data on race and ethnicity for Federal statistics, program administrative reporting, and civil rights compliance reporting are defined as follows:

- **American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **Black or African American.** A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."
- **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino."
- **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **White.** A person having origins in any of the original peoples of Europe, the

Middle East, or North Africa.

Respondents shall be offered the option of selecting one or more racial designations. Recommended forms for the instruction accompanying the multiple response question are 'Mark one or more' and 'Select one or more.'" (Emphasis added.)

15. Why doesn't the EEOC require agencies to report on the race of Hispanic employees and applicants?

Agency's reports to the EEOC use the minimum categories prescribed by OMB Directive 15 because we have determined that these categories provide the most useful statistics for federal oversight purposes. Also, inasmuch as the prior Management Directive 714 also did not require agencies to report the race of Hispanic employees or applicants, the use of the minimum categories allows for comparison of historical data.

However, nothing in MD-715 or the Instructions prohibit federal agencies from capturing more detailed racial and ethnic information, including the race of its Hispanic employees and applicants or the specific races selected by employees and applicants who select more than one race. Indeed, agencies are encouraged to capture such information to ensure that their data base is as comprehensive as possible. However, for reporting purposes, such detailed data must be aggregated into the minimum categories provided for in the Workforce Data Tables.

In addition, please note that when capturing racial and ethnic data, agencies should use a form that allows employees or applicants to select more than one race. Agencies should not use a form that has a box labeled "two or more races."

16. Why does the EEOC only require agencies to re-survey their Asian employees and those who have not been previously identified? Shouldn't all employees be afforded the opportunity to self-identify under the categories prescribed by OMB Directive 15?

In order to ensure that agencies would be able to timely submit their initial MD-715 report by January 31, 2005, the EEOC limited the requirement to re-survey existing employees to those who are identified as Asian because these employees must be placed accurately into either the category of "Asian" or "Native Hawaiian or Other Pacific Islander." Similarly, those employees who have not been previously identified need to be surveyed as reporting such employees as "Other" or "Non-

category" does not comport with OMB Directive 15 or EEOC regulations. See *also* 29 C.F.R. § 1614.601(b).

The EEOC nonetheless encourages agencies to resurvey their employees for accurate race and national origin identification under OMB Directive 15. In addition, some agencies have concerns about the accuracy of their existing data and in such cases, re-surveying the workforce under the current categories would be a good idea. Finally, agencies are always strongly encouraged to periodically resurvey their employees to accurately capture current disability status.

17. My agency has not finished re-surveying its workforce nor has my agency begun tracking applicants. Should we still file the MD-715 report?

Yes. You should annotate your agency's Workforce Data Tables to indicate any data deviations or other assumptions made in the course of completing the Tables. You should also file as many PART Hs (EEO Plan To Attain the Essential Elements of a Model EEO Program) as may be necessary to address these deficiencies in your agency's EEO program. The Office of Personnel Management has revised Standard Form 181 to reflect OMB Directive 15. See <http://www.opm.gov/forms/html/sf.asp> (<http://www.opm.gov/forms/html/sf.asp>).

18. My agency does not appear to be reaching persons who identify themselves as two or more races. How does an agency target persons who are of two or more races?

Broad targeting of recruitment efforts to a wide range of diverse sources of applicants generally should be sufficient to reach all races including those who select more than one racial identification.

19. When re-surveying, does an agency's EEO Office or its Human Resources Office have the responsibility to request the data and conduct the survey?

The EEOC has emphasized that coordination and cooperation between an agency's EEO Office and its Human Resources Office is necessary for MD-715 to be a success. Indeed, the cooperation of all offices (General Counsel, Information Technology, Budget and Finance, etc.,) is critical if an agency is to successfully remove workplace barriers or attempt to develop and maintain a Model EEO Program. Cooperation and coordination is a must. Thus, it would be beneficial for both offices to work together to accomplish the re-survey.

20. How do I determine the appropriate Civilian Labor Force (CLF) Data to use on the various Workforce Data Tables? Where do I find the CLF data?

The CLF data is available at: <https://www.census.gov/data/tables/2000/demo/eeo/eeo-2000.html> (<https://www.census.gov/data/tables/2000/demo/eeo/eeo-2000.html>). The national CLF, as shown, should be used on Tables A1 and A2; however, no CLF data should be shown for occupational groups on Table A3.

For Tables A6 through A8, the appropriate or relevant CLF availability data generally depends on the employer's area of recruitment. If a job is recruited nationally, then it may be appropriate to use the national CLF for that occupation, particularly if individuals apply from all parts of the country and the location from which they apply is not a factor in the hiring decision.

On the other hand, if an agency's announcement is limited to a particular geographic area (e.g. region, state, county or city) or, although the agency advertised nationally for a low-graded position, the only applications received are from the city or county in which the position is located, then it may be more appropriate to consider the local area CLF.

An agency must have a justification for whichever CLF data it uses for comparison purposes in the Workforce Data Tables filed under MD-715. If the agency has questions about what CLF data to use, it should contact EEOC's Affirmative Employment Division at (202) 663-4555.

21. How are foreign nationals reported?

Foreign nationals are not reported in the Workforce Data Tables, whether or not the foreign national works overseas or in the United States. See Instructions, Section III, page 1, column 2. "All non-intermittent or non-seasonal employees except foreign nationals, will be reported". Employees who are U.S. citizens are included in the Workforce Data Tables, whether they are employed within the United States (including Puerto Rico) or abroad.

22. What is the "Federal High" used on Table B1?

This is the participation rate of the agency (with 500 or more permanent employees) which had the greatest participation rate of employees with targeted disabilities during the prior fiscal year. For 2005, that agency was the Equal Employment Opportunity Commission, where 2.16% of employees had a targeted disability.

23. I am aware that my agency has employees with targeted disabilities who have not self-identified. May I visually identify these employees for purposes of reporting them in the agency's MD-715 Report?

No. The collection of data on disability status is governed by 29 C.F.R. § 1614.601(f). This regulation provides that data on disability status is collected by voluntary self-identification. Agencies are to explain the importance of the data to employees and actively encourage them to self-identify. Only if the employee is a Schedule A appointee and refuses to self-identify, may the agency identify the employee's disability using the records supporting the appointment. For all other employees, if the employee still refuses to self-identify even with encouragement, the agency should report the employee's disability status as "unknown." Note that the fact that such a non-Schedule A, non-self-identifying employee may have requested an accommodation and provided records supporting the request which establish a disability is irrelevant; the records used for purposes of the accommodation request cannot be used by the agency to unilaterally identify the employee. Thus, visual identification may not be used for the collection of disability data.

24. Tables A1 and B1 ask agencies to report on employees who are paid with non-appropriated funds, in addition to reporting on permanent and temporary employees. Can you please explain this category?

Under previous management directives, agency affirmative employment reports to the Commission only contained workforce data statistics that were otherwise contained in OPM's Central Personnel Data File (CPDF). The CPDF excludes large portions of non-appropriated fund employees, meaning these employees often went unreported. Thus, an accurate snapshot of the agency workforce was never seen and reviewed. Agency resources, planned activities, etc., were also not evaluated with an accurate picture of the workforce in mind. MD-715 requires that all employees be reported. Therefore, by including a category where non-appropriated fund employees can be reported, this gap between what's in the CPDF and an agency's actual workforce total can be bridged. Hence, the data to be included in this category should include individuals excluded from the CPDF and otherwise not traditionally reported in affirmative employment reports.

25. In Tables A3 and B3, why is the EEOC using 9 occupational categories instead of the PATCOB categories used in the past? It is burdensome to have to use the 9 occupational categories for reports to the EEOC and PATCOB for reports to the Office of Personnel Management (OPM).

Since the 1960s, private employees have reported information to the EEOC on one of the more well-known reports collected by the Commission, the EEO-1 report. The EEO-1 report provides a breakout of the employer's workforce by gender and race/ethnicity in nine job categories. The EEOC's experience in analyzing EEO-1 reports for many years has led us to determine that use of similar occupational categories in the federal sector will provide more useful information. Moreover, use of similar occupational categories will allow comparisons between the federal and private sectors. In particular, use of the Officials and Managers category, further divided into hierarchical subcategories, allows for the collection of data about racial and gender stratification that can help to identify the existence of a "glass ceiling." We view this as a positive development in our mission to eradicate discrimination from the federal workplace and move toward the ultimate goal of making the federal government a model employer.

Although OPM may decide to continue its historical use of PATCOB, OPM's data needs differ significantly from the EEOC's data needs in its role as the enforcer of the civil rights laws governing employment. The EEOC determined that the PATCOB categories are outdated, overly broad and too imprecise to allow the level of analysis desired. To the extent that certain agencies may object to grouping their data into the nine occupational categories as burdensome, the EEOC notes that other agencies have represented that their information technology departments have not found this to be a difficult task. Nevertheless, EEOC staff have met with OPM staff and discussed the nine categories used under MD-715 as OPM proceeds in the development of the new Enterprise Human Resources Integration (EHRI) system. We also conveyed to OPM the need for the system to be equally compatible with PATCOB and the nine occupational categories used for reporting under MD-715. We expect to continue to meet with OPM staff to further coordinate our mutual needs.

26. Isn't this just obtaining information for the sake of having information? If the PATCOB is good enough for OPM, why isn't it good enough for EEOC?

As previously noted, EEOC's data needs differ substantially from those of OPM. While OPM's role is human resource management, EEOC is the enforcer of civil rights laws governing employment. We have concluded that the PATCOB categories are both outdated and too imprecise to provide the level of analysis needed in our mission to identify and eliminate impediments to equal opportunity. Moreover, PATCOB data does not give any information on the composition of an agency's

managers or otherwise allow for the identification of 'glass ceilings.'

The information obtained in the MD-715 reports is vital to our - that is, the Commission's and the agencies' - understanding of the Federal workforce.

Many new Federal employees are drawn from the private sector. Clearly, the ability to cross-reference and analyze both Federal and private data moves all of us toward achieving our goal of making the Federal government a model employer.

Organizations that want to recruit and retain an inclusive workforce - one that reflects the American public - must use all available sources of candidates in these increasingly competitive times. Any agency that fails to benchmark itself against the full spectrum of the labor market will not achieve the mission and business of the agency. As more Federal employees become eligible for retirement, succession planning provides an opportunity to engage in a deliberate and systematic effort to ensure that critical skills positions attract and hire persons from all groups. A system of measurement which allows for comparison to the private workforce allows agencies to more successfully monitor the effectiveness of their efforts.

27. How do I know in which of the 9 occupational groups an employee should be placed?

The EEOC's website contains a link to the OPM/Census Occupation Cross-Classification Table (Crosswalk). This Crosswalk is intended as general guidance in cross-classifying OPM occupation codes to the nine occupational categories. Agencies are encouraged to contact EEOC with specific questions about what category might be appropriate for their particular occupations.

The link to the Crosswalk is: <http://www.eeoc.gov/federal/715instruct/00-09opmcode.html> (<https://www.eeoc.gov/federal-sector/eeoc-federal-sector-occupation-cross-classification-table>)

Please remember that when an employee is classified as a supervisor or manager, that employee should be placed in the **Officials and Managers** category rather than in the category in the crosswalk that they would otherwise be placed in based on their OPM occupation codes. Those employees classified as supervisors or managers who are at the GS-12 level or below should be placed in the First-Level subcategory of **Officials and Managers**, those at the GS-13 or 14 should be in the **Mid-Level** subcategory, and those at the GS-15 or in the SES should be placed in the **Executive/Senior-Level** subcategory. An agency may also choose to place

employees who have significant policy-making responsibilities, but do not supervise other employees, in these three subcategories.

The fourth subcategory, called "**Other**," contains employees in a number of different occupations that are primarily business, financial and administrative in nature, and do not have supervisory or significant policy responsibility. For example, Administrative Officers (OPM Code 0341) are appropriately placed in the "**Other**" subcategory.

28. May I utilize the codes used in the Federal Personnel Payroll System (FPPS) to identify my agency's supervisors or managers? These are the codes I would like to use: 02 - Supervisor or Manager, 04 - Supervisor, 05 - Management Official, 06 - Leader, and 07 - Team Leader.

You may use whatever method you deem appropriate to properly account for and categorize employees reflected in the Workforce Data Tables. The EEOC has no objection to an agency's use of FPPS codes or other agency-specific codes to assist in identifying the supervisors and managers who should be placed in one of the first three subcategories of the Officials and Managers category. However, please note that the EEOC does not consider Team Leaders to be supervisors or managers within the definition of the occupational group "Officials and Managers." Therefore, FPPS codes 06 and 07 may not be used to identify supervisors and managers.

29. What about Wage Grade employees who are supervisors or managers?

Wage Grade employees who are supervisors or managers should be included in the Officials and Managers category. An agency will have to determine which of the first three subcategories is the appropriate one for placement of the employee. Should an agency have specific questions in this area, they are welcome to consult with the EEOC.

30. I have employees in series that are not in the Crosswalk. Where do I place these employees?

When questions are raised about a series not being included on the Crosswalk, it generally has been because the series no longer exists. For example, some agencies' data systems still show employees in the former GS-334 series, which is now the GS-2210, Information Technology Management Series. Similarly, the former GS-204, 205, 221, 233, and 235 series were all placed into the GS-201, Human Resource Management Series and the former GS-345 series is now part of the GS-301 series.

Note that these changes include series both in the General Schedule and the Wage Grade areas. Also, another wrong or missing code example could occasionally be a violation of the "single agency code" rule. Specifically, when a GS code and title exists and is authorized only for one designated agency, sometimes others decide unilaterally to use it.

When these discrepancies are discovered, we suggest that Human Resources and EEO Offices coordinate on that matter, as the Human Resources office may need to reclassify the affected employees, using relevant OPM Position Classification Standards (PCS) that specify the "new" series relative to the "discontinued" series.

31. Why does the Commission ask for data on the Occupational Categories (Tables A3-1, A3-2, B3-1 and B3-2), Participation Rates in General Schedule Grades (Tables A4-1, A4-2, B4-1 and B4-2) and Participation Rates in Wage Grades (Tables A5-1, A5-2, B5-1 and B5-2) to be displayed in two ways?

These Tables display the data by either showing (1) participation rates, i.e. the percentage of a particular group participating in an occupational category or a grade or (2) distribution rates, i.e. the distribution of a particular group throughout all of the occupational categories or grades.

In order to show the percentage of a particular group participating in an occupational category or a grade, in Tables A/B 3-1, 4-1, and 5-1, the data is computed across the rows, with the sum of the row equaling 100%. Thus, these Tables show what percentage of all employees in that occupational category or grade is represented by a particular group.

For example, an agency's Table A4-1 reflects that the agency has 788 GS-13 employees, of which 18, or 2.3%, are Hispanic females. The Table also shows that the agency has 361 GS-14 employees, of which 3, or 0.8%, are Hispanic females.

The participation rate of a particular group in an occupational category or grade should be compared to that group's participation rate in the agency's total workforce. If the group's participation rate is not comparable to its participation rate in the total workforce, an agency should explore whether members of the group are encountering obstacles to full participation in an occupational category or grade.

In Tables A/B 3-2, 4-2 and 5-2, the data is computed **down** the columns, with the sum of the column equaling 100%. Thus, these Tables show the distribution of a particular group among the occupational categories or grades.

For the agency in the above example, its Table A4-2 reflects that the agency has 90 Hispanic female employees, of which 18, or 20% of all Hispanic female employees, are at the GS-13 level. The Table also shows that 3 of the Hispanic female employees, or 3.3% of all Hispanic female employees, are at the GS-14 level.

The distribution rate of a particular group should be compared to that group's participation rate in the agency's total workforce. If the group's distribution rate is not comparable to its participation rate in the total workforce, an agency should explore to what extent members of the group are clustered in a particular occupational category or grade and whether members of the group are encountering obstacles to participation in other occupational categories or in advancing to higher grades.

Thus, in the examples given above, the two Tables together suggest that the agency should explore whether there is any barrier or "glass ceiling" facing Hispanic females. In investigating the "triggers" reflected in these Tables, the agency will want to consider the data on Hispanic females presented in the remainder of the Tables. For example, the agency should explore the representation rates for Hispanic females employed in the agency's major occupations (Tables A4-1 and A4-2), data on the agency's new hires of Hispanic females (Table A8), data on the agency's selections for internal competitive promotions for major occupations (Table A9), the participation rate of Hispanic females in career development programs (Table A12), the participation rate of Hispanic females in awards (Table A13) and data on the separation rates for Hispanic females (Table A14). The agency may wish to gather more refined data; e.g. the agency may wish to explore whether Hispanic females at the GS-13 level are separating from the agency at rates higher than would be expected and/or gather data on the performance ratings of Hispanic females at the GS-13 level.

32. My agency has pay bands. May I modify the Workforce Data Tables, particularly Tables A/B 4 and 5, to reflect pay bands instead of GS grades?

In its MD-715 report, an agency may not provide the data required by Tables A/B 4 and 5 solely by modifying the Tables to use pay bands. Glass ceilings can occur within a pay band, and this method does not allow the agency to identify the specific pay level where a group may be experiencing barriers. In addition, government-wide data is reported by use of the GS grades, which remain the most common pay schedule. Agencies must use payroll data to break down these employees into the equivalent GS-grades for purposes of completing Tables A/B 4

and 5. We suggest that the agency's EEO office, in conjunction with its Human Resource office, determine the precise metrics for breaking down of the payroll data to ensure consistency throughout the agency. An agency may, of course, elect to perform additional analyses using pay band data.

33. My agency has several different Wage Grade structures governing different employees and the actual pay for each grade level differs significantly from structure to structure. How do I fill out a single Workforce Data Table 5, as it will be difficult to reconcile the data from all the structures into one overall comparative Table?

An agency may fill out more than one Workforce Data Table in this instance or similar instances where the result is the provision of more precise and useful information. The agency should indicate the basis for providing the additional tables.

34. Workforce Data Tables A13 and B13 (Employee Recognition and Awards) require agencies to report on "Cash Awards - \$100-\$500" and Cash Awards - \$501+." A large percentage of my agency's workforce received well over \$500 in awards, with a substantial number receiving awards between \$3,000 and \$5,000, and others received over \$5,000. May I modify these Workforce Data Tables to include additional levels of awards?

Yes. This is another instance where the result is the provision of more precise and useful information.

35. Whom should I contact for further information?

For further information or questions on MD-715, please contact **Lori Grant** on (202) 663-4616 (voice) or (202) 663-4593 (TTY).