

DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY PROGRAM EVALUATION

- 1. REASON FOR ISSUE:** To explain and provide instructions regarding VA's mandatory facility-based Diversity and Equal Employment Opportunity (EEO) Program self-assessments and related on-site audit visits in accordance with the policies set forth in VA Directive 5975, Diversity Management and Equal Employment Opportunity.
- 2. SUMMARY OF CONTENTS:** This handbook introduces procedures for the completion of facility-level Diversity and EEO Program self-assessments and the process for conducting on-site Diversity and EEO Program evaluations.
- 3. RESPONSIBLE OFFICE:** The Office of Diversity Management and Equal Employment Opportunity (DM&EEO) has the overall responsibility for ensuring that diversity and EEO program evaluations are conducted in accordance with the procedures set forth in this handbook.
- 4. RELATED DIRECTIVE:** VA Directive 5975, Diversity Management and Equal Employment Opportunity.
- 5. RESCISSIONS:** None

CERTIFIED BY:

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**BY DIRECTION OF THE SECRETARY
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DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY PROGRAM EVALUATION

CONTENTS

PART I. FIELD FACILITY DIVERSITY AND EEO PROGRAM SELF-ASSESSMENTS

PART II. ON-SITE FIELD AUDIT VISITS

DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY PROGRAM EVALUATION

PART I. FIELD FACILITY DIVERSITY AND EEO PROGRAM SELF-ASSESSMENTS

CONTENTS

PARAGRAPH	PAGE
1. <u>PURPOSE</u>	I-1
2. <u>BACKGROUND</u>	I-1
3. <u>RESPONSIBILITIES</u>	I-2
4. <u>CONDUCTING THE SELF-ASSESSMENT</u>	I-3

FIELD FACILITY DIVERSITY AND EEO PROGRAM SELF-ASSESSMENTS

1. PURPOSE. To explain and provide instructions regarding VA's facility-based Diversity and Equal Employment Opportunity (EEO) Program self-assessment.

2. BACKGROUND

a. **Title VII of the Civil Rights Act of 1964 – Section 717.** Pursuant to Section 717 of Title VII, each Federal agency must make all personnel actions free from discrimination based on race, color, religion, sex or national origin; maintain an “affirmative program of equal employment opportunity” for all employees and applicants; and submit annual plan and/or updates to Equal Employment Opportunity Commission (EEOC) for approval.

b. **The Rehabilitation Act of 1973 – Section 501.** Pursuant to Section 501 of the Rehabilitation Act, each Federal agency must make all personnel actions free from discrimination based on disability; maintain an “affirmative action program plan for the hiring, placement and advancement of people with disabilities,” and submit annual plan and/or updates to EEOC for approval.

c. **Executive Order 11478.** Pursuant to Executive Order 11478, EEOC has the responsibility for overall leadership of the Federal Government's entire EEO effort.

d. **EEOC Management Directive 715 (MD-715).** MD-715 provides policy guidance and standards for establishing and maintaining effective affirmative action programs of EEO under Section 717 of Title VII and effective affirmative action programs under Section 501 of the Rehabilitation Act. Pursuant to MD-715, all executive branch departments and agencies, including the U.S. Postal Service and the Postal Rate Commission, must develop and maintain model EEO program; ensure all employment decisions are free from discrimination; examine employment policies, procedures, and practices to identify and remove barriers to equal opportunity; develop plans to correct identified barriers; and report plans and progress to EEOC. MD-715 also sets forth general reporting requirements, which includes mandatory performance of self-assessment in conformance with the MD-715's Model EEO Program Standards (Part G); development of action plan to attain essential elements of Model EEO Program (Part H); and development of action plan to eliminate barriers to equal employment opportunity (Part I).

e. **The Model EEO Program Standards.** In performing self-assessment, VA—like every other Federal agency—is rated against the following six essential elements defined by EEOC in MD-715:

(1) **Demonstrated Commitment from Agency Leadership.** EEO must be embraced by Agency leadership and communicated through the ranks from the top down; EEO principles must be made a fundamental part of the Agency's culture; and Agency head must issue annual EEO and anti-harassment policy statements.

(2) **Integration of EEO into the Agency's Strategic Mission.** EEO Director must have regular access to Agency head and senior management; EEO professionals must be involved in all major human resources decisions; EEO programs must have sufficient resources; and managers and employees must be involved in the implementation of Agency's Title VII and Rehabilitation Act programs.

(3) **Management and Program Accountability.** Agency must conduct regular internal EEO program audits; Agency must establish procedures to prevent all forms of discrimination; Agency must evaluate managers and supervisors on efforts to ensure equality of employment opportunity; Agency must maintain effective reasonable accommodation procedures; and Agency must maintain clearly defined and fair personnel policies, selection and promotion procedures, audit procedures, rules of conduct and training systems.

(4) **Proactive Prevention of Unlawful Discrimination.** Agency must conduct a self-assessment on at least an annual basis to monitor progress and identify areas where barriers may operate to exclude certain groups; and Agency must develop strategic plans to eliminate identified barriers.

(5) **Efficiency.** Agency must maintain an efficient, fair, and impartial complaint resolution process; Agency must separate investigation and adjudication functions from the legal defense arm of the agency; Agency must establish and encourage the widespread use of alternative dispute resolution; and Agency must maintain effective data collection systems on workforce, applicant flow and complaint tracking.

(6) **Responsiveness and Legal Compliance.** Agency must ensure full compliance with Title VII and Rehabilitation Act, including EEOC regulations, orders, and other written instructions; Agency must report agency program efforts and accomplishments to EEOC; and Agency must comply with final EEOC orders for corrective action and relief.

f. **Web-Based Diversity and EEO Program Self-Assessment Instrument.** To help measure VA's performance against plan to attain model EEO program and plan to eliminate identified barriers, a Diversity and EEO Program self-assessment instrument exists to assist field facility Directors in conducting yearly, systematic, internal facility diversity and EEO program self-reviews utilizing "point and click" responses to the Web-based assessment instrument.

3. RESPONSIBILITIES

a. **Veterans Integrated Service Network (VISN), Area Field, and Memorial Service Network (MSN) Directors.** Veterans Health Administration (VHA) VISN, Veterans Benefits Administration (VBA) Area Field, and National Cemetery Administration (NCA) MSN Directors, or designees, will periodically review the status of subordinate facility Diversity and EEO Program self-assessments as part of the systemic review of VA's diversity and EEO program.

b. **Facility Directors.** Each VHA, VBA, and NCA field facility Director, or designee, will complete an assessment of the facility diversity and EEO program each fiscal year utilizing the VISN Support Service Center (VSSC) Web-based assessment instrument available at <http://vssc.med.va.gov>. Each Director, or designee, must also approve action plans and barrier analysis.

c. **VA Office of Diversity Management and Equal Employment Opportunity (06).** Office of Diversity Management and Equal Employment Opportunity (DM&EEO) staff will verify the content of the facility self-assessment, review improvement action plans, and documented progress during on-site audits (see Part II of this Handbook). DM&EEO auditors will conduct on-site diversity and EEO program assessments of a cross-section of field facilities on an annual basis in accordance with the assessment schedule located on the DM&EEO Web site. DM&EEO staff will review the annual Web-based submissions and compile a report on the status of VA's diversity and EEO program for submission to the Assistant Secretary for Human Resources and Administration by December 30 of each year. DM&EEO will also provide quarterly accountability status updates to the Secretary's Strategic Management Council.

4. CONDUCTING THE SELF-ASSESSMENT. VA has an ongoing obligation to eliminate barriers that impede free and open competition in the workplace and prevent individuals of any races or national origin group or either sex from realizing their full potential.

a. **Assessment Goals.** Each facility Director or designee is expected to conduct an honest and realistic diversity and EEO program self-assessment. The primary goal is to identify areas that are successful and can subsequently be evaluated as a "best practice," those needing improvement that can be corrected over time and those that need urgent attention, and to establish achievable improvement targets. Over time, the typical facility will be able to report and demonstrate progress in a number of human capital areas. DM&EEO verified "best practices" will be highlighted on the DM&EEO Web site, *Diversity News* broadcast, or through other VA media as examples for potential adoption by other VA facilities.

b. **Timing of Assessments.** Guidance from VHA, VBA and NCA will be provided to each respective facility. Each field facility is to complete the diversity and EEO program self-assessment by the end of each fiscal year. The assessment posting to the Web site is to capture the current status of diversity and EEO programs at the facility. The assessment posting may be done at any time during the fiscal year and completed no later than September 30. It is advised that facilities conduct the current status assessment early enough to ensure that adequate analysis and action plans can be completed on time.

c. **Assessment Process.** The following steps lay out the self-assessment process:

(1) The facility Director or designee will distribute copies of the Web-based assessment instrument (Part G) for input to all facility management or a significant representational sample of management officials (e.g., managers and supervisors) throughout the facility.

(2) Alternately, the facility may utilize focus groups of management officials to achieve the same results as in paragraph 4c(1).

(3) To respond to some questions, the facility may need to designate a lead staff member to confirm factual information or seek advice from their respective EEO office.

(4) The facility Director or designee will then compile the overall facility assessment instrument which will then be completed on-line on the VSSC Web site.

(5) The facility Director or designee should also involve facility managers in completing the instruments again indicating improvements the facility plans to achieve within the next 12 months. For each planned improvement, the facility Director or designee will post an improvement action plan to the VSSC Web site utilizing the action plan format (Part H) contained on the Web site. This posting will be done during the same time frame as the instrument indicating planned improvements is completed on the Web site.

(6) The facility Director or designee should also involve facility managers in completing the barrier analysis concurrently with completing Parts G–H. The facility Director or designee will follow the MD-715 procedures for conducting Barrier Analysis, as described in paragraph 4d, which includes identifying possible barriers, investigating to pinpoint actual barriers and causes, barrier elimination, and assess success of plan to eliminate barriers. The facility Director or designee will post the plan to eliminate identified barrier to the VSSC Web site using the prescribed format (Part I) contained on the Web site.

d. **Barrier Analysis.** MD-715 requires that agencies “report specific plans of action aimed at removing barriers from their policies, procedures, or practices that limit or restrict free and open competition of all groups to participate in employment opportunities and benefits.” Some employment policies, procedures, and practices that should be examined for barrier analysis include hiring, promotions, and other internal selections; attainment of supervisory and management positions; training and developmental opportunities; performance incentives and awards; disciplinary actions; and separations. Sources for information to identify potential barriers should include analyzing workforce statistic; reviewing EEO complaint; talking to EEO and human resources staff; talking to unions and advocacy groups, conducting surveys, focus groups and exit interview and reviewing studies by outside agencies. Action plans to eliminate barriers should include designing corrective plans to address the identified causes of barriers, exploring alternatives that serve the same purpose and that have less impact on a particular group of employees, measuring progress, holding Agency officials accountable, and requiring periodic reassessments for plan adjustment.

e. **Access to the Web Site Submissions.** DM&EEO will manage and control access to the VSSC Web site. Officials, or designees in the direct chain of command will designate authorized users for the Web site submissions. Each Under Secretary may designate additional authorized users to enter or edit contents on the VSSC Web site submissions.

f. **Subsequent Facility Activity.** The facility must publicize its action plans to ensure that improvement efforts permeate throughout the facility. Periodic progress reports should also be publicized throughout the facility.

g. File Maintenance

(1) Each facility Director or designee is to retain a signed hard copy of the postings made to the VSSC Web site; i.e., the current assessment instrument (Part G) and associated action plan (Part H).

(2) Each facility Director or designee is to retain copies of all documents used in compiling the facility's current and future diversity and EEO program self-assessments. These will be reviewed by DM&EEO on-site auditors as part of the systematic on-site audit process.

DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY PROGRAM EVALUATION

PART II. ON-SITE FIELD AUDIT VISITS

CONTENTS

PARAGRAPH	PAGE
1. PURPOSE AND BACKGROUND.....	II-1
2. OVERSIGHT PROGRAM.....	II-1
3. ACCOUNTABILITY OUTCOMES.....	II-1
4. AUDIT TEAM COMPOSITION.....	II-1
5. THE AUDIT PROCESS.....	II-2
6. CONDUCTING THE AUDIT.....	II-2
7. PEER REVIEWS.....	II-3
8. SPECIAL PURPOSE VISITS.....	II-3
9. AUDIT REPORTS.....	II-4
10. SELF-GUIDED ASSISTANCE FOR ADDRESSING DEFICIENCIES.....	II-4
11. BEST PRACTICES.....	II-4
APPENDIX	
II-A. SELF-GUIDED ASSISTANCE FOR ADDRESSING DEFICIENCIES.....	II-A-1

ON-SITE FIELD AUDIT VISITS

1. PURPOSE AND BACKGROUND.

a. EEOC, through MD-715, requires VA to establish and maintain a system of accountability for affirmative programs of EEO that follow six essential elements of a model EEO program: commitment from Agency leadership; integration of EEO into the Agency's strategic mission; management and program accountability; prevention of unlawful discrimination; efficiency; and responsiveness and legal compliance.

b. Therefore, VA, through the Office of Diversity Management and Equal Employment Opportunity (DM&EEO), will conduct periodic diversity and EEO program on-site audits in order to assess the effectiveness and efficiency of the Title VII and Rehabilitation Act programs and to ascertain whether the Agency has made a good faith effort to identify and remove barriers to equality of opportunity in the workplace.

2. OVERSIGHT PROGRAM. DM&EEO's oversight program emphasizes adherence to the six essential elements of a model EEO program. The program is based on the premise that VA facilities' EEO programs need to focus on identification and elimination of workplace policies, practices, procedures, and conditions that prevent equal employment opportunity. Audits will tend to be more consultative than investigative, and will help advance VA's understanding of how to achieve and build accountability toward a model EEO program.

3. ACCOUNTABILITY OUTCOMES. VA has identified the following outcomes of its accountability program to be considered in these audits:

a. Directors, managers, supervisors, and EEO program officials are aware of and are held accountable for achieving a workplace free of discrimination.

b. Directors, managers, supervisors, EEO program officials and human resources officials are held accountable for successful implementation of EEO programs.

c. Directors, managers and supervisors ensure that personnel policies and procedures, rules of conduct, promotion, evaluation and training systems are routinely reviewed to ensure that they are clearly defined, well-communicated, consistently applied, and fairly implemented.

d. Directors or designee, managers and supervisors ensure that there are procedures in place for effective coordination between the Agency's EEO office and related Agency human resource programs and other management programs, such as Federal Equal Opportunity Recruitment Program, Alternative Dispute Resolution, Employee Relations, and others.

e. Systematic diversity and EEO program self-assessment leads to constructive change.

4. AUDIT TEAM COMPOSITION. Review teams may be composed of one to two members and will vary depending on facility. One team member will be from the Office of Diversity Management and EEO and one from Veterans Health Administration, Veterans Benefits Administration or National Cemetery Administration. Team members will be selected for their

general expertise in all of the EEO program areas. A specific program manager may be selected if problems have been identified within his or her program.

5. THE AUDIT PROCESS

a. **Consultative Process.** DM&EEO's consultative audit process will:

(1) Involve the facility Director of the facility being audited, the managers who report directly to top management, including the Director of Human Resources Management, the first level supervisors, EEO manager, and the special emphasis program managers.

(2) Build on the positives.

(3) Show linkages to higher goal; e.g., barrier elimination, succession planning, etc.

(4) Use audit results for potential policy development.

(5) Give as much attention to "what the managers need" as to what the regulation requires.

(6) Provide continuous support.

(7) Share information on a continuous basis.

(8) Facilitate positive change.

b. **Verification.** During the on-site review, DM&EEO auditors will verify the content of the facility's self-assessment (see Part I of this Handbook), audit improvement action plans and documented progress, as well as conduct audits of the major diversity and EEO programs.

6. CONDUCTING THE AUDIT

a. **Analysis of Information and Data.** DM&EEO will periodically conduct a review of field facility diversity and EEO programs through analysis of:

(1) Statistical workforce reports available on VSSC Web site.

(2) Climate surveys available on VSSC Web site.

(3) Annual EEO Self-Assessment.

(4) Annual Disabled Veterans Affirmative Action Program Plan and Performance Report.

(5) Federal Equal Opportunity Recruitment Plan and Performance Report.

(6) Information resulting from ongoing communication with field facilities.

b. **Advance Information Request.** Approximately 60 days prior to the scheduled on-site visit, DM&EEO will request that the facility provide certain information which will be used in developing the individual diversity and EEO program audit. A copy of the advance information request can be found on the DM&EEO Web site. Facility directors are responsible for ensuring that the requested information is forwarded to DM&EEO within 14 days of receipt of the request.

c. **On-Site Audits.** On-site audits will be scheduled on the basis of such factors as geographic location of the facility, type and size of the facility, consultation with each Administration, lapsed time since last visit, and frequency of EEO complaint activity and/or general complaints with EEO implications. They typically involve a full review of all diversity and EEO program activities.

d. **Programs Covered During On-Site Audits.** Most major diversity and EEO programs will be reviewed while on-site. Examples follow. (Note: This list is not all inclusive. As circumstances warrant, the on-site visit may culminate in looking at additional or differing diversity and EEO specialty programs. DM&EEO's full agenda will be discussed with facility management before going on site.)

- (1) Management and Administration
- (2) Training and Development
- (3) Recruitment and Advancement
- (4) Federal Women's Program
- (5) Hispanic Employment Program
- (6) People with Disabilities Employment Program
- (7) Special Emphasis Programs
- (8) Complaint Prevention

e. **On-Site Meetings.** While on site, the auditor will meet with the facility Director of the facility being audited, selected managers who report directly to top management, including the Director of Human Resources Management, selected first level supervisors, EEO Program manager and special emphasis program managers in order to assess the quality of diversity and EEO programs and adherence to the six essential elements of a model EEO program. Most meetings and interviews will be scheduled well in advance of the on-site visit. Others may be scheduled while on site.

7. PEER REVIEWS. DM&EEO encourages facility Directors and EEO Program managers to assist one another in periodically reviewing their respective diversity and EEO programs before

scheduled DM&EEO site visits. Assistance of this nature can be an invaluable tool in preparing for DM&EEO audits.

8. SPECIAL PURPOSE VISITS. When requested, ad hoc on-site assistance visits may be made for the purpose of providing advice and help on diversity and EEO programs. These visits may be scheduled by DM&EEO, the Office of Human Resources Management and Labor Relations, or an Administration and are outside the functional mission of DM&EEO.

9. AUDIT REPORTS. Audit reports (prepared by DM&EEO) will show clearly those program strengths and weaknesses which form the basis for an objective appraisal of the status of the diversity and EEO program. Such reports will be brief and to the point, highlighting how well program objectives are being met. Identification of problem areas, or functions in need of improvement, will be supplemented by suggestions, recommendations or other indications concerning action to be taken to correct inadequacies and strengthen programs. Action to implement corrective measures will be monitored through the submission of reports or follow-up site visits, to the extent deemed necessary, for completed action or to provide additional assistance. Audit reports will be submitted to the Director of the facility audited with a courtesy copy to the appropriate Administration head and VA Central Office EEO office.

10. SELF-GUIDED ASSISTANCE FOR ADDRESSING DEFICIENCIES. As when preparing for the facility's required self-assessment, facility officials may wish to peruse Web-posted (through the VSSC or DM&EEO Web site) and/or written guidance, tool boxes, and other information in order to assist in addressing any deficiencies identified during the on-site audit (see Appendix A). This may help when responding to any required corrective actions and/or recommendations cited in the DM&EEO review report.

11. BEST PRACTICES. Various best practices gleaned by the auditor may be posted on the DM&EEO Web site based on post-audit discussion with facility management or VA Administrations.

SELF-GUIDED ASSISTANCE FOR ADDRESSING DEFICIENCIES

1. GUIDANCE, TOOLS AND SUPPORT. When completing the required self-assessment and/or responding to required corrective actions or recommendations addressing deficiencies identified by DM&EEO's on-site diversity and EEO audit review, management officials may wish to seek additional guidance and tools. Below is a listing of Web sites and other information which can assist in setting specific objectives for improvements and assessing progress.

2. WEB SITES

a. **DM&EEO Intranet.** This Web site offers links to almost all available VA diversity and EEO program information.

b. **VSSC Intranet.** This Web site offers various VA workforce statistical reports, including:

- (1) Onboard Employees by Age Group
- (2) Onboard Employees by Race and Gender
- (3) Targeted Disabilities
- (4) Awards by Race/National Origin (RNO)
- (5) Diversity Change Report
- (6) Disability Change Report
- (7) Under-representation (U-Rep) Change Report
- (8) Veteran Change Report
- (9) Relevant Civilian Labor Force (RCLF) Report

c. **U.S. Equal Employment Opportunity Commission (EEOC) Internet.** This Web site offers Management Directive 715 that provides background information on authority for VA diversity and EEO program audits.