

## Affirmative Action Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

### Section I: Efforts to Reach Regulatory Goals

*EEOC regulations (29 CFR §1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with disabilities and persons with targeted disabilities in the federal government*

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

- |                                |        |     |
|--------------------------------|--------|-----|
| a. Cluster GS-1 to GS-10 (PWD) | Answer | No  |
| b. Cluster GS-11 to SES (PWD)  | Answer | Yes |

In FY22, the NLRB's permanent workforce was 1188 employees with 86 employees identifying as a person with disability (PWD). Using the goal of 12%, the Agency's total permanent workforce reported 7.2% (which falls below the goal of 12%). In the GS-1 to GS-10 cluster, 26 employees reported as PWDs. We calculated the goal using the total number of permanent employees (168) in that cluster. Therefore, 15.4% of the Agency's workforce GS-1 to GS10 are PWDs. In the GS-11 to SES cluster, 60 employees reported as PWDs. Therefore, 5.1% of the Agency workforce in this cluster has a PWD. The Agency continues to improve its communication strategy encouraging employees to self-identify and/or update their information in the Agency's systems. Currently, the Agency is planning a robust communication plan with support from leadership to encourage employees to self-identify, which will hopefully assist with meeting these benchmarks.

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

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

- |                                 |        |     |
|---------------------------------|--------|-----|
| a. Cluster GS-1 to GS-10 (PWTD) | Answer | No  |
| b. Cluster GS-11 to SES (PWTD)  | Answer | Yes |

In FY22, NLRB's permanent workforce was 1,188 employees with 25 employees identified as a person with a targeted disability (PWTD). The Agency's permanent workforce shows 2.1% reporting a PWTD. Therefore, the agency has met the overall goal. Looking at each cluster the following accomplishments are reported: For the GS-1 to GS-10 cluster, five (5) employees reported as PWTDs. Calculating the 2% goal using the total number of permanent employees in this cluster (168) 2.9% of the Agency's employees in this cluster are PWTDs. For the GS-11 to SES cluster 20 employees reported as PWTD. Using the total number of permanent employees in this cluster (1020) 1.96% of the Agency's employees in this cluster are PWTDs. The agency is showing consistent improvement reaching its goal for PWTD. In reviewing our disability workforce data and practices, the Agency continues to improve its communication strategy to encourage employees to self-identify and/or update their information in the Agency's systems. Currently, the Agency is planning a robust communication plan with support from leadership to encourage employees to self-identify, which will hopefully assist with meeting these benchmarks.

Grade Level Cluster(GS or Alternate Pay Planb)	Total	Reportable Disability		Targeted Disability	
	#	#	%	#	%
Numarical Goal	--	12%		2%	
Grades GS-1 to GS-10	168	29	17.26	3	1.79
Grades GS-11 to SES	1019	79	7.75	19	1.86

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

The NLRB continues to communicate the hiring process to hiring managers and the importance of using hiring flexibilities, such as the veterans' hiring authorities and Schedule A hiring authority for persons with disabilities; and shares the Schedule A applicant pool with hiring managers before posting vacancy announcements to increase its hiring of applicants with PWD and PWTD.

## Section II: Model Disability Program

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

### A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM

1. Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If "no", describe the agency's plan to improve the staffing for the upcoming year.

Answer Yes

The Agency has a dedicated Disability Program Manager (DPM), who also serves as the Agency's Selective Placement Program Coordinator. The DPM/SPPC oversees all activities and management of the Schedule A program, and the Veterans Recruitment Authority (VRA) when recruiting veterans who are 30% or more disabled. The Agency's Disability Program is centralized and housed in the Office of Human Resources, and the DPM reviews and uploads resumes to the central site and advocates for individuals with disabilities seeking employment opportunities with the NLRB. Currently, the Agency is in the process of training additional staff in Schedule A hiring and flexible disability hiring authorities.

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

Disability Program Task	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Processing applications from PWD and PWTD	1	0	0	carmelete.fortune@nlrb.gov
Architectural Barriers Act Compliance	0	0	1	Jessica Graham Director Jessica.Graham@nlrb.gov
Answering questions from the public about hiring authorities that take disability into account	1	0	0	carmelete.fortune@nlrb.gov
Special Emphasis Program for PWD and PWTD	1	0	0	carmelete.fortune@nlrb.gov
Processing reasonable accommodation requests from applicants and employees	3	0	0	Charnita Walker Associate Director Charnita.walker@nlrb.gov

Disability Program Task	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Section 508 Compliance	1	0	0	Thomas Pojeta Associate Chief Information Officer Thomas.Pojeta@nlrb.gov

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

Answer Yes

The Employment Solutions Team frequently discusses the responsibilities of implementing and presenting the options of the Schedule A program for recruitment during regularly scheduled meetings. The team remains focused on updating and improving the intake process made to our SharePoint database and shared updated information that we can use when referring a person with a disability to a Hiring Manager. The DPM frequently participated in the engagement on EEOC-facilitated Federal Exchange on Employment and Disability (FEED) calls. NLRB will be revamping the disability webpage to include more resourceful information for our employees and to share with the general public.

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

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

Answer Yes

Each fiscal year the NLRB allocates funds to support the disability program including the reasonable accommodation program.

**Section III: Program Deficiencies In The Disability Program**

<b>Brief Description of Program Deficiency</b>	C.2.b. Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR §1614.203(d)(3)]		
<b>Objective</b>	Implement revised Agency Reasonable Accommodation procedures to incorporate specific feedback provided in EEOC analysis.		
<b>Target Date</b>	Apr 30, 2023		
<b>Completion Date</b>	Apr 4, 2023		
<b>Planned Activities</b>	<u>Target Date</u>	<u>Completion Date</u>	<u>Planned Activity</u>
	Aug 12, 2021	August 13, 2021	Resubmit draft of Agency revisions to Agency Reasonable Accommodation procedures that incorporate EEOC feedback.
	Dec 30, 2021	January 5, 2022	Engage with Agency collective bargaining representatives for review and input for implementation of revised Reasonable Accommodation Procedures compliant with Section 501 revisions.
	Sep 30, 2022	March 31, 2023	Complete discussions with Agency collective bargaining representatives to fully implement revised Reasonable Accommodation Procedures that are compliant with Section 501 revisions.
<b>Accomplishments</b>	<u>Fiscal Year</u>	<u>Accomplishment</u>	
	2021	Agency submitted draft Reasonable Accommodation Procedures to EEOC for approval.	
	2022	Agency engaged with employee collective bargaining representatives for review and input on draft Reasonable Accommodations Procedures.	
	2023	On April 4, 2023, the Agency implemented revised Reasonable Accommodation Procedures.	

<b>Brief Description of Program Deficiency</b>	C.2.b.5. Does the agency process all initial accommodation requests, excluding ongoing interpretative services, within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If "no", please provide the percentage of timely-processed requests, excluding ongoing interpretative services, in the comments column.		
<b>Objective</b>	Increase percentage of reasonable accommodation requests completed within the Agency's Reasonable Accommodation Procedures.		
<b>Target Date</b>	Sep 30, 2023		
<b>Completion Date</b>			
<b>Planned Activities</b>	<u>Target Date</u>	<u>Completion Date</u>	<u>Planned Activity</u>
	Sep 30, 2022	October 31, 2022	Provide mandatory training on reasonable accommodations for Agency managers and supervisors under the revised Section 501 provisions.
	Mar 31, 2023		Implement revised Reasonable Accommodation Procedures following engagement with Agency collective bargaining representatives.
<b>Accomplishments</b>	<u>Fiscal Year</u>	<u>Accomplishment</u>	
	2022	The Agency developed and provided mandatory training for managers and supervisors on their roles and responsibilities in handling requests for reasonable accommodations.	



<b>Brief Description of Program Deficiency</b>	C.2.c. 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)]		
<b>Objective</b>	Develop and implement procedures for the provision of personal assistance services (PAS) that comply with EEOC guidance.		
<b>Target Date</b>	Apr 30, 2023		
<b>Completion Date</b>	Apr 4, 2023		
<b>Planned Activities</b>	<b><i>Target Date</i></b>	<b><i>Completion Date</i></b>	<b><i>Planned Activity</i></b>
	Aug 12, 2021	August 13, 2021	Submit Agency draft of Reasonable Accommodation Procedures, including personal assistance services (PAS) incorporating EEOC feedback to EEOC for review.
	Dec 30, 2021	January 5, 2022	Engage with Agency collective bargaining representatives for review and input on implementation of revised Reasonable Accommodation Procedures, including requests for personal assistance services (PAS).
	Apr 30, 2023	April 4, 2023	Complete discussions with Agency collective bargaining representatives on approved draft of Reasonable Accommodation Procedures that include procedures for personal assistance services (PAS), and implement those procedures.
<b>Accomplishments</b>	<b><i>Fiscal Year</i></b>	<b><i>Accomplishment</i></b>	
	2021	The Agency submitted its draft revisions to the Agency's Reasonable Accommodation Policy and Procedures, including procedures for the provision of personal assistance procedures for review by the EEOC.	
	2022	The Agency engaged with its collective bargaining representatives for review and input prior to implementation of its revisions to the Reasonable Accommodation Procedures, including procedures for requesting personal assistance services (PAS).	
	2023	On April 4, 2023, the Agency implemented procedures for processing personal assistance services, included in the Agency's revised Reasonable Accommodation Procedures.	

## Section IV: 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 PWTDD

### A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

The agency uses the DOL Workforce Recruitment Program (WRP). Schedule A applicants that apply to agency USAJOBS postings (if determined to be Best Qualified) are also referred to the hiring manager for consideration. The Employment Solution (ES) team works collaboratively with Strategic Recruitment to identify programs and resources to recruit job applicants with disabilities. The Agency has partnered and collaborated with colleges, universities, institutions, and organizations with a focus on applicants with disabilities such as Hiring Our Heroes, DePaul University, and Gallaudet University. Agency is currently expanding its outreach and partnerships to identify job applicants with disabilities, including individuals with targeted disabilities.

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 PWTDD for positions in the permanent workforce

Schedule A applicants that apply to agency USAJOBS postings (if determined to be Best Qualified) are also referred to the hiring

manager for consideration. In addition, we maintain an inhouse database of resumes to refer qualified Schedule A Applicants to future vacancies.

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.

The DPM determines eligibility for Schedule A by examining documentation provided by the applicants. If the applicant requests consideration for a specific, advertised position, the DPM examines the applicant's qualifications. If determined qualified, the applicant is referred on a non-competitive certificate of eligible candidates. If the applicant does not request consideration for a particular position, the applicant will be added to the Schedule A searchable talent database for future referral.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Answer Yes

OHR has an ongoing collaboration and consultation with the hiring managers when developing a recruitment strategy to include hiring flexibilities such as Veterans hiring authorities and Schedule A hiring authority for persons with disabilities.

**B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS**

Describe the agency's efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

The Agency's Strategic Recruitment team has partnered and collaborated with colleges, universities, institutions, and organizations with a focus on applicants with disabilities such as the National Council on Disability, National Disability Rights Network, and The America Association for People with Disabilities and a continued contact with the Operation Warfighter Program/Wounded Warrior Program.

**C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)**

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

a. New Hires for Permanent Workforce (PWD) Answer Yes

b. New Hires for Permanent Workforce (PWTD) Answer Yes

During the reporting period, there were 107 new hires. Ten new hires were identified as PWD, and 2 new hires were identified as a PWTD. Using goals of 12% for PWD and 2% for PWTD, the Agency's new hires were at 9% for PWD and 1.9% for PWTD. Though the Agency fell below both benchmarks, the data shows improvement for PWTD.

New Hires	Total (#)	Reportable Disability		Targeted Disability	
		Permanent Workforce (%)	Temporary Workforce (%)	Permanent Workforce (%)	Temporary Workforce (%)
% of Total Applicants	157	7.64	0.00	2.55	0.00
% of Qualified	106	6.60	0.00	2.83	0.00

Applicants					
% of New Hires	6	33.33	0.00	16.67	0.00

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 Yes
- b. New Hires for MCO (PWTD) Answer Yes

In viewing the applicant pool, there is insufficient data to identify PWD and PWTD for the new hires in the MCO.

New Hires to Mission-Critical Occupations	Total (#)	Reportable Disability	Targetable Disability
		New Hires (%)	New Hires (%)
Numerical Goal	--	12%	2%
0905 ATTORNEY	6	33.33	16.67

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 Yes
- b. Qualified Applicants for MCO (PWTD) Answer Yes

In viewing the applicant pool, there is insufficient data to identify qualified internal applicants for any PWD and PWTD in the MCOs.

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 Yes
- b. Promotions for MCO (PWTD) Answer Yes

In viewing the qualified applicant pool, there is insufficient data to identify employees who are identified as PWD or PWTDs and who have been promoted to the MCOs.

## Section V: 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.

The Agency has training and career development opportunities available to all employees, including PWDs and PWTs. For example, the Agency strongly encourages the use of Individual Development Plans (IDP) as a framework for assessing and addressing training and development needs, a touchstone for continuous improvement, and a roadmap for career success. The Agency also utilizes programs such as the Bridge Program, Pathways, and the Language Specialist Program, drives employee engagement, helps with upward mobility opportunities, and progresses employees from administrative to professional.

**B. CAREER DEVELOPMENT OPPORTUNITIES**

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

The Agency supports career development through in-house training programs, support for external training attendance, internship programs, and detail programs. Employees are encouraged to complete an Individual Development Plan (IDP) annually. Use of IDPs is voluntary. The Agency provides periodic workshops for employees and supervisors on best practices for IDP implementation. In FY22, the Agency conducted multiple sessions of 21 courses across our development programs, which include the Leadership Development Program, Legal Professional Development Program, Administrative Development Program, and General/Core Skills Development Program. The instructor-led training sessions were all conducted virtually, and there was a total of 1,106 participants (this total includes individuals who attended multiple courses). Additionally, In-house training programs include access to online training content through the Agency’s learning management system (LMS) with hundreds of self-paced courses, books, and videos; and West LegalEdcenter, a collection of legal training courses. Resources in the LMS were accessed 16,825 times during FY22, and West LegalEdcenter resources were accessed 1,166 times. Additionally, individual business units and conduct ad hoc training sessions as needed, and regional offices conduct monthly training sessions. External training attendance for targeted career development is supported through funding of attendance at external training events including classes, courses, conferences, meetings, symposia, etc. Any employee may request funding to attend external training. Individuals covered by a collective bargaining agreement (CBA) are subject to the limits outlined in their CBAs; requests from other employees are evaluated on a case-by-case basis. There were 215 approved requests to attend external training during FY22. The Agency offers the Bridge Program, an internship program for administrative professionals in the regional offices who are interested in converting to a higher-graded legal professional position. There are a limited number of opportunities in the Bridge Program offered each year, and they are filled through a competitive process. Detail programs are offered in accordance with CBA guidelines. Management determines the number and location of detail assignments, which are then filled via a competitive process jointly conducted by representatives from management and the bargaining unit. Selections are made primarily based on experience. The Agency provides a comprehensive Leadership Development Program (LDP) with different components for employees at different levels. The LDP is organized into five components: Aspire, Emerge, Apex, Emerge-Executive, and Executive Development. The Aspire component is a voluntary, self-paced program for unit employees who are interested in preparing for a possible future supervisory position. The Emerge component is a two-year mandatory program for new supervisors. The Apex component is a voluntary program for existing supervisors and managers. The Emerge-Executive component is an application-based program for managers who are interested in becoming executives. The Executive Development component is a voluntary program for ongoing development of SES employees.

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						
Coaching Programs	0	0				
Training Programs	614	614	52	52	5	5
Fellowship Programs	0	0				
Mentoring Programs	0	0				
Detail Programs	8	8	3	3	2	2
Other Career Development Programs	662	662	82	82	15	15

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”,

describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Applicants (PWD) Answer No
- b. Selections (PWD) Answer No

4. Do triggers exist for PWTB 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 (PWTB) Answer No
- b. Selections (PWTB) Answer No

**C. AWARDS**

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTB 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 (PWTB) Answer No

Time-Off Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Time-Off Awards 1 - 10 hours: Awards Given	453	30.56	39.88	36.36	29.07
Time-Off Awards 1 - 10 Hours: Total Hours	4111	262.04	360.95	331.82	244.19
Time-Off Awards 1 - 10 Hours: Average Hours	9	7.41	0.92	40.91	-1.16
Time-Off Awards 11 - 20 hours: Awards Given	126	8.33	11.20	4.55	9.30
Time-Off Awards 11 - 20 Hours: Total Hours	2128	122.22	191.16	72.73	134.88
Time-Off Awards 11 - 20 Hours: Average Hours	16	12.96	1.75	72.73	-2.33
Time-Off Awards 21 - 30 hours: Awards Given	35	3.70	2.88	4.55	3.49
Time-Off Awards 21 - 30 Hours: Total Hours	888	111.11	71.53	109.09	111.63
Time-Off Awards 21 - 30 Hours: Average Hours	25	27.78	2.47	109.09	6.98
Time-Off Awards 31 - 40 hours: Awards Given	7	0.00	0.41	0.00	0.00
Time-Off Awards 31 - 40 Hours: Total Hours	256	0.00	14.80	0.00	0.00
Time-Off Awards 31 - 40 Hours: Average Hours	36	0.00	3.70	0.00	0.00
Time-Off Awards 41 or more Hours: Awards Given	0	0.00	0.00	0.00	0.00

Time-Off Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Time-Off Awards 41 or more Hours: Total Hours	0	0.00	0.00	0.00	0.00
Time-Off Awards 41 or more Hours: Average Hours	0	0.00	0.00	0.00	0.00

Cash Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Cash Awards: \$501 - \$999: Awards Given	215	22.22	17.68	9.09	25.58
Cash Awards: \$501 - \$999: Total Amount	162418	17298.15	13320.97	7981.82	19681.40
Cash Awards: \$501 - \$999: Average Amount	755	720.37	77.39	3990.91	-116.28
Cash Awards: \$1000 - \$1999: Awards Given	368	31.48	30.73	40.91	29.07
Cash Awards: \$1000 - \$1999: Total Amount	628544	49365.74	53328.88	61663.64	46219.77
Cash Awards: \$1000 - \$1999: Average Amount	1708	1451.85	178.31	6850.00	70.93
Cash Awards: \$2000 - \$2999: Awards Given	288	23.15	25.08	31.82	20.93
Cash Awards: \$2000 - \$2999: Total Amount	711401	59697.22	61531.24	80740.91	54313.95
Cash Awards: \$2000 - \$2999: Average Amount	2470	2387.04	252.11	11531.82	47.67
Cash Awards: \$3000 - \$3999: Awards Given	202	10.19	17.68	9.09	10.47
Cash Awards: \$3000 - \$3999: Total Amount	711689	35669.44	62389.83	31136.36	36829.07
Cash Awards: \$3000 - \$3999: Average Amount	3523	3242.59	362.69	15568.18	89.53
Cash Awards: \$4000 - \$4999: Awards Given	86	4.63	7.91	4.55	4.65
Cash Awards: \$4000 - \$4999: Total Amount	359483	19397.22	33009.76	22495.45	18604.65
Cash Awards: \$4000 - \$4999: Average Amount	4180	3878.70	428.67	22495.45	-883.72
Cash Awards: \$5000 or more: Awards Given	66	4.63	5.55	0.00	5.81
Cash Awards: \$5000 or more: Total Amount	535067	37113.89	45038.03	0.00	46608.14
Cash Awards: \$5000 or more: Average Amount	8107	7422.22	834.02	0.00	9320.93

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

Other Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Total Performance Based Pay Increases Awarded	0	0.00	0.00	0.00	0.00

3. If the agency has other types of employee recognition programs, are PWD and/or PWTB 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 No

b. Other Types of Recognition (PWTB) Answer No

## D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

b. Grade GS-15

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

c. Grade GS-14

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

d. Grade GS-13

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

In viewing the PWD among the qualified internal applicants and/or selectees, there is insufficient data to identify PWDs for promotions to the senior grade levels.

2. Does your agency have a trigger involving PWTB among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES

i. Qualified Internal Applicants (PWTB) Answer Yes

ii. Internal Selections (PWTB) Answer Yes

b. Grade GS-15

i. Qualified Internal Applicants (PWTB) Answer Yes

- |                                         |        |     |
|-----------------------------------------|--------|-----|
| ii. Internal Selections (PWTD)          | Answer | Yes |
| c. Grade GS-14                          |        |     |
| i. Qualified Internal Applicants (PWTD) | Answer | Yes |
| ii. Internal Selections (PWTD)          | Answer | Yes |
| d. Grade GS-13                          |        |     |
| i. Qualified Internal Applicants (PWTD) | Answer | Yes |
| ii. Internal Selections (PWTD)          | Answer | Yes |

In viewing a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to the senior grade levels, there is insufficient data to identify PWTDS for promotions to the senior grade levels.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.
- |                             |        |     |
|-----------------------------|--------|-----|
| a. New Hires to SES (PWD)   | Answer | Yes |
| b. New Hires to GS-15 (PWD) | Answer | Yes |
| c. New Hires to GS-14 (PWD) | Answer | Yes |
| d. New Hires to GS-13 (PWD) | Answer | Yes |

In viewing the qualified applicant pool involving the PWDs, there is insufficient data to identify the new hires to the senior grade levels.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.
- |                              |        |     |
|------------------------------|--------|-----|
| a. New Hires to SES (PWTD)   | Answer | Yes |
| b. New Hires to GS-15 (PWTD) | Answer | Yes |
| c. New Hires to GS-14 (PWTD) | Answer | Yes |
| d. New Hires to GS-13 (PWTD) | Answer | Yes |

In viewing the qualified applicant pool involving the PWTDS, there is insufficient data to identify the new hires to the senior grade levels.

5. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.
- |                                        |        |     |
|----------------------------------------|--------|-----|
| a. Executives                          |        |     |
| i. Qualified Internal Applicants (PWD) | Answer | Yes |



ii. Internal Selections (PWD)	Answer	Yes
b. Managers		
i. Qualified Internal Applicants (PWD)	Answer	Yes
ii. Internal Selections (PWD)	Answer	Yes
c. Supervisors		
i. Qualified Internal Applicants (PWD)	Answer	Yes
ii. Internal Selections (PWD)	Answer	Yes

In viewing the data involving PWDs, there is insufficient data to identify the qualified internal applicants and/or selectees for promotions to supervisory positions.

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.

a. Executives		
i. Qualified Internal Applicants (PWTD)	Answer	Yes
ii. Internal Selections (PWTD)	Answer	Yes
b. Managers		
i. Qualified Internal Applicants (PWTD)	Answer	Yes
ii. Internal Selections (PWTD)	Answer	Yes
c. Supervisors		
i. Qualified Internal Applicants (PWTD)	Answer	Yes
ii. Internal Selections (PWTD)	Answer	Yes

In viewing the internal applicants involving PWTDs, there is insufficient data to identify the qualified internal applicants and/or selectees to promotions to supervisory positions.

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	Yes
b. New Hires for Managers (PWD)	Answer	Yes
c. New Hires for Supervisors (PWD)	Answer	Yes

In viewing the qualified applicant pool, there is insufficient data to identify the qualified selectees for new hires to supervisory positions.

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 Yes
- b. New Hires for Managers (PWTD) Answer Yes
- c. New Hires for Supervisors (PWTD) Answer Yes

In viewing the qualified applicant pool involving PWTDS, there is insufficient data to identify among the selectees for new hires to supervisory positions.

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

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

### A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

Answer Yes

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If “yes”, describe the trigger below.

- a. Voluntary Separations (PWD) Answer No
- b. Involuntary Separations (PWD) Answer No

Seperations	Total #	Reportable Disabilities %	Without Reportable Disabilities %
Permanent Workforce: Reduction in Force	0	0.00	0.00
Permanent Workforce: Removal	0	0.00	0.00
Permanent Workforce: Resignation	28	1.83	2.35
Permanent Workforce: Retirement	56	7.34	4.34
Permanent Workforce: Other Separations	21	2.75	1.63
Permanent Workforce: Total Separations	105	11.93	8.31

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

Seperations	Total #	Targeted Disabilities %	Without Targeted Disabilities %
Permanent Workforce: Reduction in Force	0	0.00	0.00
Permanent Workforce: Removal	0	0.00	0.00
Permanent Workforce: Resignation	28	0.00	2.35
Permanent Workforce: Retirement	56	0.00	4.69
Permanent Workforce: Other Separations	21	0.00	1.76
Permanent Workforce: Total Separations	105	0.00	8.80

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.

The Agency does have a process for collecting exit interview data from non-bargaining unit employees. However, the exiting interview survey is voluntary. Of the 16 voluntary separations reported having a PWD (4 resigned, 8 retired and 4 other types of separations).

## 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.

<https://www.nlr.gov/reports-guidance/policies/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.

<https://www.nlr.gov/reports-guidance/policies/section-508>

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.

The Agency will continue to provide 508 training courses for the appropriate staff. The General Services Administration (GSA) manages government buildings and real estate spaces for Federal agencies. NLRB will continue to work with GSA through their ongoing accessibility assessment as part of their extensive diversity, equity, inclusion, and accessibility efforts.

## C. REASONABLE ACCOMMODATION PROGRAM

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

The average number of days from the date requests were received until the date reasonable accommodations were implemented was 56 days in FY22. This is very close to FY21 which was 57 days, however, there were 194 requests in FY22 compared to only 24 requests in FY21.

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.

During this reporting period, the Office of Human Resources, Workforce Relations (OHR/WR) program, office partnered with the Office of Employee Development (OED) and the Office of Equal Employment Opportunity (OEEO) in facilitating live Reasonable Accommodation Training for all Supervisors and Managers in the Agency. This training is Part 2 of the two-part mandatory Reasonable Accommodation Program Training for Supervisors and Managers. The team hosted four (4) live training sessions. During this live and interactive training session, supervisors and managers learned more about the Reasonable Accommodation process through different scenarios and were able to engage and ask the Reasonable Accommodation Program Managers (RAPMs) questions. This training proved to be effective and will be continued with Lunch and Learn sessions in FY23.

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

*Pursuant to 29 CFR §1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.*

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

During this reporting period, the agency did not receive any requests for Personal Assistance Services (PAS).

### **Section VII: 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 governmentwide average?  

Answer No
2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?  

Answer No
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.

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#### **B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION**

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?  

Answer No
2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?  

Answer No
- 3.

If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

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## Section VIII: Identification and Removal of Barriers

*Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.*

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer Yes

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

Answer Yes

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

<b>Source of the Trigger:</b>	Workforce Data (if so identify the table)					
<b>Specific Workforce Data Table:</b>	Workforce Data Table - B1					
<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 Agency had a 0.5% increase in employee's self-identification as a PWTD, which enabled it to reach the benchmark of 2% for PWTD. However, the benchmark of 12% for PWD was not met.					
<b>STATEMENT OF BARRIER GROUPS:</b>	<i>Barrier Group</i>					
<b>Barrier Analysis Process Completed?:</b>	N					
<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>			
	Referral Process		<p>When referring candidates to public job opportunity announcements (JOAs) only the veterans have preference. Schedule A candidates (PWD and PWTD) that are non-veteran preference eligibles if found BQ would only be referred with non-veterans. Public announcement by OPM regulations have categories of preference eligibles that must be referred first.</p> <p>When referring candidates for merit promotion job opportunity announcements PWD and PWTD are referred according to the special hiring authority (Schedule A) and eligibility requested by the candidate. This will give PWD and PWTD more visibility with hiring managers when referred.</p> <p>There is a lack of qualified PWD and PWTD for MCO. Many of the Schedule A resumes that we receive do not meet the qualifications for our MCO positions even at the entry level.</p>			
<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>	
10/01/2022	09/30/2023	Yes			To reach the benchmark of 12% for PWD.	
<b>Responsible Official(s)</b>						
<b>Title</b>		<b>Name</b>		<b>Standards Address The Plan?</b>		
Disability Program Manager		Carmelete Fortune		Yes		
<b>Planned Activities Toward Completion of Objective</b>						
<b>Target Date</b>	<b>Planned Activities</b>			<b>Sufficient Staffing &amp; Funding?</b>	<b>Modified Date</b>	<b>Completion Date</b>

<b>Report of Accomplishments</b>	
<b>Fiscal Year</b>	<b>Accomplishment</b>
2022	The Agency's 0.5% increase in employee's identification as an employee with a PWTD

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

FY22 OHR conducted the 80-day training which included hiring flexibilities (i.e., Schedule A, 30% preference). This is an ongoing effort to increase education and awareness.

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

Based on OHR's activities, the Agency's largest unit (the Division of Operations which manages all regional/field offices) specifically requested Schedule A referrals for the Program Support Assistant and the Labor Management Relations Examiner positions.

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.

As previously mentioned, we implemented a new process that now requires automatic referral of qualified Schedule A candidates for any vacant position prior to posting and before a selection is made. We are also expanding the agency's outreach efforts to more colleges, universities and organizations that support PWD and PWTD individuals that would be attracted to labor law and labor union issues.