

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 |

The percentage of PWD in the GS-1 to GS-10 cluster is 14.27% and the percentage of PWD in the GS-11 to SES cluster is 7.72%. Note: DOJ has two additional pay plans: Administratively Determined (AD) and WS (Wage Grade). The percentage of PWD in the AD pay plan is 5.40% and the percentage of PWD in the WS pay plan is 10.45%.

*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 |

The percentage of PWTD in the GS-1 to GS-10 cluster is 2.17% and the percentage of PWTD in the GS-11 to SES cluster is 1.12%. Note: DOJ has two additional pay plans. The percentage of PWTD in the AD pay plan is 1.22% and the percentage of PWTD in the WS pay plan is 1.59%.

Grade Level Cluster(GS or Alternate Pay Planb)	Total		Reportable Disability		Targeted Disability	
	#	%	#	%	#	%
Numerical Goal	--			12%		2%
Grades GS-1 to GS-10						
Grades GS-11 to SES						

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

The JMD EEO Staff regularly briefed DOJ Component HR and EEO Directors, and personnel involved in the recruitment of PWD on hiring goals.

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

During FY 2019, the agency hired a Departmental Disability Employment Program Manager, which will increase the agency’s ability to implement the Disability Employment Program. Training is also being developed for DOJ Selective Placement Program Coordinators (SPPC).

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	
Architectural Barriers Act Compliance	1	0	0	Scott Snell Director Scott.Snell@usdoj.gov
Special Emphasis Program for PWD and PWTB	1	0	0	Annette.M.Garland@usdoj.
Section 508 Compliance	1	0	0	Lisa Mendis DOJ Section 508 Coordinator Lisa.Mendis@usdoj.gov
Processing applications from PWD and PWTB	1	0	0	Karen Humes Human Resources Specialist Karen.Humes@usdoj.gov
Answering questions from the public about hiring authorities that take disability into account	1	0	0	Karen Humes Human Resources Specialist Karen.Humes@usdoj.gov
Processing reasonable accommodation requests from applicants and employees	1	0	0	Karen Humes Human Resources Specialist Karen.Humes@usdoj.gov

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

Answer Yes

Departmental Disability Program staff received training from the National Employment Law Institute entitled the “Americans with Disabilities Act Workshop” and regularly participated in the Federal Exchange on Employment in Disability or “FEED” meetings sponsored by the U.S. Department of Labor (DOL) and the EEOC, and webinars provided by the EEOC’s Office of Federal Operations. The Departmental Disability Employment Program Manager attended Disability Program Manager Training (Basic) conducted by the EEOC Training Institute.

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 No

During FY 2019, the JMD EEO Staff filled the Departmental Disability Employment Program Manager position; received additional funding to conduct targeted employment outreach for PWD; and conducted research and met with various vendors about commercial off the shelf IT applications for tracking reasonable accommodations.

Section III: Program Deficiencies In The Disability Program

Brief Description of Program Deficiency	B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]
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Brief Description of Program Deficiency	B.4.a.8. to effectively administer its special emphasis programs (such as, Federal Women’s Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]
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Brief Description of Program Deficiency	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.
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Brief Description of Program Deficiency	E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)]
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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 PWTD

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.

DOJ provides PWD with opportunities to be considered for employment. Job candidates can search current employment opportunities posted on both USAJOBS, on the DOJ website at doj.gov/careers, and www.fbijobs.gov. For attorney and law student opportunities at DOJ, PWD can review DOJ’s legal careers webpage to search the listed vacancies. In addition, PWD can also reach out to a DOJ Component SPPC to be considered for a non-competitive appointment through Schedule A, Section (u). Each DOJ litigating Component has a Disability Point of Contact (DPOC) for attorney hiring, where persons who are interested in being considered through the Schedule A hiring process can obtain assistance. Information about the Schedule A, Section (u) appointment authority and contact information for SPPCs and DPOCs for attorney hiring are on the DOJ “Careers” webpage. During FY 2019, JMD HR, in collaboration with JMD EEOs, created a job vacancy register seeking job candidates who are eligible for hire through Schedule A, Section (u). This job vacancy register was posted on USAJOBS. This jobs register allows the agency to better manage applicant inquiries, track applications and documentation, and refer applicants more quickly and efficiently to hiring managers when positions become available. Applicants receive a response providing resources on resume writing and other federal government disability employment resources. Thus far, 49 individuals submitted their resumes and other materials. Their resumes were referred to other DOJ Components for consideration based upon the organization’s hiring needs. DOJ Components continued to use the Office of Personnel Management’s (OPM) Agency Talent Portal (ATP) to search active resumes on USAJOBS and to identify candidates who are eligible for non-competitive hire under Schedule A, Section (u) or a disabled veterans hiring authority.

DOJ HR personnel and personnel from the DOJ Office of Attorney Recruitment and Management (OARM), completed the OPM training on use of the ATP. The Criminal Division used the Workforce Recruitment Program (WRP) Database administered by the DOL Office of Disability Employment Policy, as a resource to find students and recent graduates with disabilities. The Criminal Division HR staff identified job candidates from the database and sent those resumes to hiring managers who could make non-competitive selections before the job vacancy announcement was posted. The WRP program uses federal employees to interview and document those interviews to identify qualified students and recent graduates for the program. A Criminal Division HR Specialist participated as an interviewer/assessor to assist DOL in identifying qualified candidates for the WRP database. The JMD EEO Staff also served as interviewers/assessors for the WRP during this review period. DOJ anticipates that it will continue to support this program and use it as a source for job candidates with 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 PWTD for positions in the permanent workforce

DOJ follows federal regulations and OPM guidelines to recruit and hire candidates who are eligible per Schedule A, Section (u).

- 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.

DOJ follows federal regulations and OPM guidelines to recruit and hire candidates who are eligible per Schedule A, Section (u). DOJ employees involved in the hiring process are required to complete training on hiring PWD and the appropriate use of Schedule A, Section (u).

- 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

DOJ employees involved in the hiring process are required to complete training on hiring PWD and the appropriate use of Schedule A, Section (u) every three years.

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.

DOJ establishes new contacts with organizations by participating in employment outreach events and contacting organizations that support the employment of PWD. The JMD EEO Staff regularly contacted the following organizations during FY 2019: Bender Consulting (Virtual Career Fairs); the National Association of Law Students with Disabilities; Gallaudet University, the Division of Workforce Development and Adult Learning within the Maryland Department of Labor Licensing and Regulation, the DOL Office of Disability Employment Policy, and the Veterans Administration.

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 No
- b. New Hires for Permanent Workforce (PWTD) Answer Yes

The rate of new hires who are PWD is 1.5% and the rate of new hires who are PWTD is 1.51%. The goal of 12% of PWD for new hires was met, however the goal of 2% of PWTD among new hires was below the benchmark.

New Hires	Total (#)	Reportable Disability		Targeted Disability	
		Permanent Workforce (%)	Temporary Workforce (%)	Permanent Workforce (%)	Temporary Workforce (%)
% of Total Applicants	0				
% of Qualified Applicants	0				
% of New Hires	0				

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

The overall rate of new hires in MCO who are PWD is 9.48% and the overall rate of new hires who are PWTD is 1.44%. The goal of 12% of PWD and 2% of PWTD was met in the MCO of General Attorney (0905) with a rate of 13.52% of PWD and 2.70% of PWTD among new hires respectively.

New Hires to Mission-Critical Occupations	Total (#)	Reportable Disability		Targetable Disability	
		Qualified Applicants (%)	New Hires (%)	Qualified Applicants (%)	New Hires (%)
Numerical Goal	--	12%		2%	

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 No
- b. Qualified Applicants for MCO (PWTD) Answer No

Unable to determine whether triggers exist due to the unavailability of applicant flow data.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission- critical occupations (MCO)? If “yes”, please describe the triggers below. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Promotions for MCO (PWD) Answer No
- b. Promotions for MCO (PWTD) Answer No

Unable to determine whether triggers exist due to the unavailability of applicant flow data.

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.

DOJ will continue to assess policies and programs to support the advancement of PWD, and when necessary make adjustments. In FY 2020, DOJ will: • Consider developing a career development program to specifically support PWD at DOJ; • Continue to include information on how to request a reasonable accommodation, if needed, for career development programs and training; • Re-launch the DOJ Disability Roundtable series to educate employees on various issues related to disability employment, such as accommodations and information regarding specific types of disabilities, programs that enhance opportunities for PWD, and the use of inspiring speakers who have experienced tremendous success despite limitations and challenges due to their disability; • Continue to collaborate with the Attorney General’s Advisory Committee on PWD, and DOJ HR and EEO professionals to develop programs that support of the employment PWD; and • Ensure that those eligible persons hired under Schedule A, Section (u) are converted within two years of the initial temporary appointment to a permanent appointment.

B. CAREER DEVELOPMENT OPPORTUNITES

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

DOJ coordinates the following Department-wide programs to support employee career development: the DOJ Leadership Excellence and Achievement Program (LEAP), the DOJ Mentoring program, and the DOJ Summer Law Intern Program. DOJ also participates in the Pathways Program through the three sub-programs: the Internship Program, the Recent Graduates Program, and the Presidential Management Fellows Program. Current personnel data systems are unable to capture applicant flow data by race and national origin (RNO), gender, and disability for participation in all of the DOJ career development programs, and internal competitive promotions/selections for major occupations at mid-level grades to the Senior Executive Service (SES). (Note: Per OPM’s “Guide to Data Standards, Part C Training,” there are no data codes that allow federal agencies to collect via learning management systems information on race/ ethnicity, gender and/or disability of employees participating in career development programs). Therefore, comprehensive data is not readily available regarding career development programs, and it is unavailable regarding internal competitive promotions/ selections. During FY 2019, OARM collected disability status data on a volunteer basis, for candidates and selectees for the Department’s Summer Law Intern Program. Of those selected for the Department’s Summer Law Intern Program, 2.86% of candidates and 3.7% of selectees identified as a person with a disability.

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 (%)
Fellowship Programs						
Mentoring Programs	107	7	14.95	14.3		
Coaching Programs						
Training Programs						
Detail Programs						
Other Career Development Programs		32		6.25		
Internship Programs	663	54	2.86	3.7	0.75	1.85

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 Yes
- b. Selections (PWD) Answer Yes

DOJ is unable to determine if there are triggers in all of its career development programs due to the unavailability of relevant applicant flow data. In addition, with many programs such as LEAP, details, and other opportunities, the processing of initial applications is decentralized such that the JMD HR office does not have access to the initial list of applicants from DOJ Components. However, the agency began to capture disability data in its legal internship program (law students) in FY 2019, as noted above. Based upon this data, there was a participation rate of 3.7% for PWD and it appears that there is a trigger with regard to PWD due to the low participation rate of interns with disabilities. DOJ, through its OARM, continues to conduct recruiting activities at law schools nationwide for this mission critical occupation. OARM continues to use its Ambassadors Program to connect DOJ attorneys with the law school community to support recruiting efforts. OARM also continues to maintain its roster of DPOC on the DOJ public website. The DPOCs are a resource within DOJ components who provide information specifically for PWD about attorney hiring. In FY 2019, OARM used OPM’s Talent Portal to identify candidates who qualify for consideration per the Schedule A, Section (u) hiring authority in order to include candidates with disabilities for the applicant pool. DOJ obtained LEAP selectee information, which prepares employees for senior level and executive positions and falls in the category of “Other Career Development Programs.” In FY 2019, 32 employees were selected for this year-long developmental program. Two of the selectees identified as PWD. The DOJ Mentoring program administered by JMD HR is limited to DOJ employees who work in the Washington D.C. metropolitan area, and the number of employees who are selected for this program is driven by the number of mentors who are available.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

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

DOJ is unable to determine if there are triggers regarding PWTD in most of the career development programs identified above, due to the unavailability of relevant applicant flow data.

C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If “yes”, please describe the trigger(s) in the text box.

- a. Awards, Bonuses, & Incentives (PWD) Answer Yes
- b. Awards, Bonuses, & Incentives (PWTD) Answer Yes

There is no trigger for PWD or PWTD for Time Off Awards and in nearly all categories of hours awarded. PWD and PWTD had a higher comparable award rate than PWODs. There is no trigger for PWD or PWTD for Cash Awards for the amount category of \$0-\$500. There is a trigger for the award rates for the Cash Award categories \$501-5000+ for both PWD and PWTD. This may be due to the lack of PWD and PWTD at higher grade levels who have access to work opportunities (e.g., cases and projects that warrant higher Cash Awards amounts).

Time-Off Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %

Cash Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
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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 Yes

The overall inclusion rate for PWD who received a quality step increase (QSIs) is 8.13% and the overall inclusion rates for PWTD and PWOD who received a QSI are 6.79% and 7.51%, respectively. The inclusion rate is slightly higher for PWD overall as compared with the smaller group of employees that are categorized as PWTD and PWOD. *The Federal Bureau of Investigation no longer provides QSIs.

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

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If “yes”, describe the employee recognition program and relevant data in the text box.

- a. Other Types of Recognition (PWD) Answer No
- b. Other Types of Recognition (PWTD) Answer No

DOJ’s employee recognition program utilizes time-off awards, cash awards and quality step increases and only has available data on those programs as captured in questions C.1 & 2 above.

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 No
 - ii. Internal Selections (PWD) Answer No
- b. Grade GS-15
 - i. Qualified Internal Applicants (PWD) Answer No
 - ii. Internal Selections (PWD) Answer No
- c. Grade GS-14
 - i. Qualified Internal Applicants (PWD) Answer No
 - ii. Internal Selections (PWD) Answer No
- d. Grade GS-13
 - i. Qualified Internal Applicants (PWD) Answer No

ii. Internal Selections (PWD) Answer No

Unable to determine if there are triggers due to the unavailability of relevant applicant flow data for internal promotions to senior grade levels.

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

a. SES

i. Qualified Internal Applicants (PWTD) Answer No

ii. Internal Selections (PWTD) Answer No

b. Grade GS-15

i. Qualified Internal Applicants (PWTD) Answer No

ii. Internal Selections (PWTD) Answer No

c. Grade GS-14

i. Qualified Internal Applicants (PWTD) Answer No

ii. Internal Selections (PWTD) Answer No

d. Grade GS-13

i. Qualified Internal Applicants (PWTD) Answer No

ii. Internal Selections (PWTD) Answer No

Unable to determine if there are triggers due to the unavailability of relevant applicant flow data for internal promotions to 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 No

c. New Hires to GS-14 (PWD) Answer No

d. New Hires to GS-13 (PWD) Answer No

There were no PWD new hires for SES positions. The rate of PWD new hires to GS-15 or equivalent positions was 15%, GS-14 or equivalent was 18.92% and GS-13 or equivalent 28.83% respectively.

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	No

There were no PWTD new hires to SES positions. The rate of PWTD new hires to GS-15 or equivalent positions was 1.67%, GS-14 or equivalent was .90%. There was no trigger for PWTD new hires in the GS-13 or equivalent grade was 4.01%.

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	No
ii. Internal Selections (PWD)	Answer	No
b. Managers		
i. Qualified Internal Applicants (PWD)	Answer	No
ii. Internal Selections (PWD)	Answer	No
c. Supervisors		
i. Qualified Internal Applicants (PWD)	Answer	No
ii. Internal Selections (PWD)	Answer	No

Unable to determine if there are triggers due to the unavailability of relevant applicant flow data for internal job selections.

6. Does your agency have a trigger involving PWTD 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	No
ii. Internal Selections (PWTD)	Answer	No
b. Managers		
i. Qualified Internal Applicants (PWTD)	Answer	No
ii. Internal Selections (PWTD)	Answer	No
c. Supervisors		
i. Qualified Internal Applicants (PWTD)	Answer	No
ii. Internal Selections (PWTD)	Answer	No

Unable to determine if there are triggers due to the unavailability of relevant applicant flow data for internal job selections.

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 No
- b. New Hires for Managers (PWD) Answer No
- c. New Hires for Supervisors (PWD) Answer No

The rate of PWD new hires to Executive positions was 14.76%, Management positions was 25.97% and Supervisory positions was 20.73% respectively. (Note: SES and GS-15s are included here in the Executive category)

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 No
- c. New Hires for Supervisors (PWTD) Answer No

The rate of PWTD new hires to Executive positions was 1.64%, Management positions was 3.12% and Supervisory positions was 2.37% respectively. (Note: SES and GS-15s are included here in the Executive category)

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

The Department converted 78 employees who were hired pursuant to Schedule A, Section (u). In FY 2019, there were 35 employees who were eligible for conversion across DOJ Components, but were not converted within the two-year regulatory time-frame. The JMD EEO Staff contacted all DOJ Components, and all eligible employees hired pursuant to Schedule A, Section (u) were subsequently converted to the competitive service.

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 Yes
- b. Involuntary Separations (PWD) Answer Yes

The inclusion rate for PWD who voluntarily separated from the agency is 7.92% and the inclusion rate of Persons without Disabilities (PWOD) who voluntarily separated is 6.90%. The inclusion rate for PWD who involuntarily separated 0.26%, and the inclusion rate of PWOD who involuntarily separated is 0.15%.

Separations	Total #	Reportable Disabilities %	Without Reportable Disabilities %
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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 Yes

b. Involuntary Separations (PWTD) Answer Yes

The inclusion rate for PWTD who voluntarily separated is 7.96% and the inclusion rate for PWOD who voluntarily separated is 6.90%. The inclusion rate for PWTD who were involuntarily separated is 0.25% and the inclusion rate for PWOD is 0.15%.

Separations	Total #	Targeted Disabilities %	Without Targeted Disabilities %
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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.

Currently, DOJ is unable to explain the disparity in separations. EEO complaint data involving denial, delay, or ineffective reasonable accommodation as an issue falls below the government-wide average for complaints in this area. Therefore, it does not appear that failure to provide reasonable accommodation has caused higher rates of separation among PWD and PWTD. JMD HR began a pilot of an electronic exit survey system during FY 2019 that could be adopted agency-wide. Its status is pending. The JMD EEO Staff plans to develop a survey in FY 2020 to assess DOJ’s reasonable accommodation program.

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.justice.gov/jmd/page/file/1018261/download>

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.justice.gov/jmd/complaint-processing>

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.

DOJ will continue to partner with the Department of Defense, Computer Electronic Accommodations Program and support its Assistive Technology Resource Center, which is managed by the JMD OCIO, to determine ways to ensure access to products and

services. JMD OCIO offered an Accessibility Training series during FY 2019. The series trained employees to create and convert DOJ electronic documents into a 508 compliant format. JMD OCIO also launched the DOJ Accessible Electronic Community of Practice group (AED COP). The AED COP was established to raise awareness and encourage sharing of information across the department. The AED COP fosters a supportive 508 community and is a mechanism for developing and sharing best practices.

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.)

Currently, data is unavailable regarding the average time-frame to process reasonable accommodation requests. Per DOJ policy, deciding officials and/or supervisors must resolve requests for reasonable accommodations within a maximum of 30 business days (or less), depending upon whether there are extenuating circumstances.

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.

Unable to determine the effectiveness of efforts to respond to requests for reasonable accommodations at this time. Training regarding reasonable accommodation is provided across the Department for managers and supervisors, as part of the employee onboarding process, at management conferences, and at annual all employee conferences.

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.

Unable to determine the effectiveness of efforts to provide personal assistance services (PAS) at this time. Requests for PAS are addressed in the same manner as requests for reasonable accommodations. DOJ does not have specific data for processing time-frames and trends regarding the provision of 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.

The percentage of formal complaints of harassment and disability status is 10.63%, which is less than the Government-wide average of 19.66%. There were no findings of discrimination alleging harassment based on disability status during FY 2019; there were settlements.

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 Yes

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.

The percentage of formal complaints of failure to provide a reasonable accommodation and disability status is 7.72%, which is less than the Government-wide average of 13.53%. There were two findings of discrimination involving a reasonable accommodation denial based on disability status in the last fiscal year. Corrective measures included restoring leave, providing training to the responsible management official, paying compensatory damages and attorney fees, providing back pay and posting a notice at the facility. There were also several settlements.

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 No

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

Answer N/A

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

<p>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</p> <p>Provide a brief narrative describing the condition at issue.</p> <p>How was the condition recognized as a potential barrier?</p>	<p>The percentage of PWD in the GS-1 to GS-10 cluster is 14.27% and the percentage of PWD in the GS-11 to SES cluster is 7.72%. The percentage of PWTD in the GS-1 to GS-10 cluster is 2.17% and the percentage of PWTD in the GS-11 to SES cluster is 1.12%.</p>							
<p>STATEMENT OF BARRIER GROUPS:</p>	<p><i>Barrier Group</i></p> <p>People with Disabilities</p> <p>People with Targeted Disabilities</p>							
<p>BARRIER ANALYSIS:</p> <p>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>								
<p>STATEMENT OF IDENTIFIED BARRIER:</p> <p>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>	<p>A review of the FY2019 data shows a trigger for PWD and PWTD due to the lower participation rate at the higher GS-11 to SES levels.</p>							
<p>Objective</p>	<p>Increase the external job candidate pool of PWTD for higher grade levels, and increase the pipeline of internal job candidates who are PWTD for the positions in the higher grade cluster.</p> <table border="1" data-bbox="483 978 649 1121"> <tr> <td>Date Objective Initiated</td> <td>Oct 1, 2018</td> </tr> <tr> <td>Target Date For Completion Of Objective</td> <td>Sep 30, 2021</td> </tr> </table>				Date Objective Initiated	Oct 1, 2018	Target Date For Completion Of Objective	Sep 30, 2021
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<p>Responsible Officials</p>	<p>Richard Toscano Director, JMD EEO Staff</p>							
<p>Target Date (mm/dd/yyyy)</p>	<p>Planned Activities</p>	<p>Sufficient Staffing & Funding (Yes or No)</p>	<p>Modified Date (mm/dd/yyyy)</p>	<p>Completion Date (mm/dd/yyyy)</p>				
<p>09/30/2021</p>	<p>The JMD EEO Staff will assist JMD HR to identify strategies to increase the job applicant pool with candidates who are PWTD for the higher grade clusters in an effort to meet the 2.0% goal. There will also be a particular focus on targeted outreach and recruiting for seeking job candidates who are PWTD who could be competitive for higher cluster positions.</p>	<p>Yes</p>						
<p>09/30/2021</p>	<p>Maintain the job vacancy register on USAJOBS to seek job candidates with disabilities eligible for Schedule A appointment.</p>	<p>No</p>						
<p>09/30/2021</p>	<p>Identify and increase participation in recruitment activities to inform applicants with disabilities of current DOJ job opportunities.</p>	<p>No</p>						
<p>09/30/2021</p>	<p>Continue to seek opportunities to partner with organizations that support the employment of persons with disabilities.</p>	<p>Yes</p>						
<p>09/30/2021</p>	<p>Continue to annually resurvey the DOJ workforce to account for disability status.</p>	<p>Yes</p>						
<p>Fiscal Year</p>	<p>Accomplishments</p>							
<p>2019</p>	<p>See the attached information on disability employment accomplishments in the FY 2019 DOJ FEORP.</p>							
<p>2019</p>	<p>In addition, JMD HR began including information on how to request a reasonable accommodation within some internal career development program announcements (LEAP and DOJ mentoring program) to encourage participation of PWD and PWTD in career development programs.</p>							

<p>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</p> <p>Provide a brief narrative describing the condition at issue.</p> <p>How was the condition recognized as a potential barrier?</p>		<p>The inclusion rates for PWD and PWTD who voluntarily and involuntarily separated from the agency is higher than that of PWOD.</p>		
<p>STATEMENT OF BARRIER GROUPS:</p>		<p><i>Barrier Group</i></p> <p>People with Disabilities</p> <p>People with Targeted Disabilities</p>		
<p>BARRIER ANALYSIS:</p> <p>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>				
<p>STATEMENT OF IDENTIFIED BARRIER:</p> <p>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>		<p>It has not been determined why inclusion rates for separations of PWD and PWTD are higher than for PWOD.</p>		
<p>Objective</p>		<p>Determine why there are differences in separation rates for PWD and PWTD as compared to PWOD, and increase activities that can support greater inclusion of PWD in the workplace.</p> <p>Date Objective Initiated Oct 1, 2018</p> <hr/> <p>Target Date For Completion Of Objective Sep 30, 2021</p>		
<p>Responsible Officials</p>		<p>Richard Toscano Director, JMD EEO Staff</p>		
Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Staffing & Funding (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2021	Increase educational activities related to PWD in the workplace	Yes		
09/30/2021	Collaborate with the Attorney General's Advisory Committee on PWD to develop a peer mentoring program for PWD as a supportive resource when new employees with disabilities join the agency.	Yes		
09/30/2021	Develop a survey to evaluate the provision of reasonable accommodation.	Yes		
09/30/2021	Provide training to agency management and staff on the updated DOJ RA policy and procedures.	Yes		
Fiscal Year	Accomplishments			
2019	See the attached information on disability employment accomplishments from the FY 2019 DOJ Federal Equal Opportunity Recruitment Program (FEORP).			

<p>STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:</p> <p>Provide a brief narrative describing the condition at issue.</p> <p>How was the condition recognized as a potential barrier?</p>	<p>The inclusion rate for PWD who received QSIs is 9.7% and the inclusion rates for PWTD and PWOD are 8.29% and 8.24%, respectively.</p>													
<p>STATEMENT OF BARRIER GROUPS:</p>	<p><i>Barrier Group</i></p> <p>People with Disabilities</p> <p>People with Targeted Disabilities</p>													
<p>BARRIER ANALYSIS:</p> <p>Provide a description of the steps taken and data analyzed to determine cause of the condition.</p>														
<p>STATEMENT OF IDENTIFIED BARRIER:</p> <p>Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.</p>	<p>It has not been determined why there is a lower inclusion rate for PWTD as compared to PWD, although their inclusion rate is slightly higher than PWOD.</p>													
<p>Objective</p>	<p>Determine whether there is a barrier that if removed would improve the inclusion rate with regard to PWTD.</p> <table border="1" data-bbox="440 953 1515 1104"> <tr> <td data-bbox="440 953 646 1010">Date Objective Initiated</td> <td colspan="3" data-bbox="646 953 1515 1010">Oct 1, 2019</td> </tr> <tr> <td data-bbox="440 1016 646 1104">Target Date For Completion Of Objective</td> <td colspan="3" data-bbox="646 1016 1515 1104">Sep 30, 2021</td> </tr> </table>				Date Objective Initiated	Oct 1, 2019			Target Date For Completion Of Objective	Sep 30, 2021				
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4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

DOJ completed most of the planned activities that were identified in the FY 2018 Affirmative Action Plan. Additional resources are needed to provide expert level unconscious bias training in person or virtually. However, self-paced training on unconscious bias is currently available through LearnDOJ, the Department’s learning management system. Refresher training on the reasonable accommodation process was developed and posted on LearnDOJ. Planned in person training on reasonable accommodations for managers and supervisors was postponed due to Covid-19 and EEOC informing DOJ via a technical assistance meeting in July 2020, that they would recommend or require changes to the DOJ Reasonable Accommodation Policy and Instructions. DOJ has not received formal notification from EEOC as of the preparation of this report. Once EEOC’s feedback is received, the JMD EEO Staff will review those recommendations with the JMD Office of General Counsel. If necessary changes do not require review and comment by DOJ Components, the JMD EEO Staff will incorporate changes and then submit updated policy and instructions to the JMD Assistant Attorney for Administration for review and approval.

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

DOJ made progress during the review period by doing the following: created a job vacancy register in USAJOBS to obtain applicants eligible for hire through the Schedule A, Section (u) hiring authority; identified and participated in employment outreach activities targeting PWD to share information about DOJ employment opportunities; and continued to build awareness among DOJ HR, EEO officials and managers about the reasonable accommodation policy and instructions, which closely tracked then existing EEOC guidelines, the amended regulations to Section 501 of the Rehabilitation Act, and recommendations from the EEOC during an in-person consultation with the assigned EEOC attorney. Per EEOC, DOJ's reasonable accommodation policy and instructions were posted on the Department's internal and external websites in September 2019. In addition, the JMD EEO Staff routinely serves as a consultant regarding the provision of reasonable accommodation and disability employment to DOJ Components.

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.

There are triggers that indicate the PWD and PWTD are still clustered in the lower grade levels. The JMD EEO Staff will collaborate with JMD HR and component HR and EEO offices to conduct targeted recruiting and outreach for candidates with disabilities to fill higher graded and management positions. The JMD EEO Staff will also collaborate with JMD HR to determine additional ways to increase the use of the Schedule A section (u) hiring authority and seek to implement those tactics during the FY 2019. JMD HR is planning additional training for DOJ SPPCs. The JMD EEO Staff will encourage PWD to participate in career development programs and training initiatives that are designed to improve job promotion outcomes by including inclusive language, such as how to request a reasonable accommodation to participate in these programs.