

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.

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

In FY19, FDA met the benchmark of 12% for PWD in cluster GS-1 to GS-10 ranging from 15.60% to 39.13%. The total average for GS-00-GS-10 was 17.26%. In FY19, FDA did not meet the benchmark of 12% for PWD in grades GS-11 to SES. For SES, PWD was 1.75%. The range from GS-11 to GS-15 was from 3.14% to 9.51%. The total average for GS-1 to GS-15 was 5.26%. The overall GS total for PWD was 5.94%.

*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.

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

In FY19, FDA did meet the benchmark of 2% for PWTD in cluster GS-1 to GS-10 which ranged from 1.65% to 14.29%. The trigger which yielded a 1.65% is for GS-7. However, the overall score for GS-00 to GS-10 did meet the 2% benchmark with 3.45%. In FY19, FDA did not meet the benchmark of 2% for PWTD in cluster GS-11 to SES which ranged from 0% to 1.44%. The 0% is for SES and the 1.44% is for GS-11. The overall total for GS-11 to GS-15 is 1.07% and 0% for SES.

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.

Goals for hiring employees with disabilities are being communicated with center hiring managers semiannually.

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

In FY19 FDA had 5 staff members to support the disability program with a projection to increase their staff to 9 in FY20.

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 reasonable accommodation requests from applicants and employees	0	0	0	Robert Thomas Team Lead
Section 508 Compliance	1	0	0	Rita Harrison IT Specialist
Answering questions from the public about hiring authorities that take disability into account	0	0	2	Patricia Mendoza Supervisory Human Resources
Special Emphasis Program for PWD and PWTB	2	0	0	Joyce.Washington@fda.hhs
Processing applications from PWD and PWTB	0	0	1	Patricia Mendoza Supervisory Human Resources
Architectural Barriers Act Compliance	0	0	0	Donald Demers Director for the Office of Facilities

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

Disability Staff received training in FY19 to successfully support the program as well as hiring managers.

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

In FY19, reasonable accommodations moved to the office of enterprise management services. Funds are now provided through the working capital fund.

Section III: Program Deficiencies In The Disability Program

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	D.4.a. Does the agency post its affirmative action plan on its public website? [see 29 CFR §1614.203(d)(4)] If yes, please provide the internet address in the comments.
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Brief Description of Program Deficiency	D.4.d. Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR §1614.203(d)(7)(ii)]
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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.

FDA utilized a variety of recruitment strategies designed to increase the number of qualified applicants with disabilities and applicants with targeted disabilities for disabled veterans and people with disabilities. FDA continues to maintain a database with resumes of PWD, PWTD and veterans . Hiring managers are encouraged to review those applications for Schedule A hiring considerations.

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

FDA continues to provide training to staff to increase the knowledge and skills when hiring PWD, PWTD and Veterans. All hiring managers are encouraged to hire PWD and PWTD for permanent positions.

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.

FDA requests from the applicant documentation of eligibility for employment under Schedule A that can be obtained from a licensed medical professional (e.g., a physician or other medical professional certified by a state, the District of Columbia, or a U.S. territory to practice medicine); a licensed vocational rehabilitation specialist (i.e., state or private); or any Federal agency, state agency, or agency of the District of Columbia or a U.S. territory that issues or provides disability benefits. Once FDA has confirmed the the letter was issued by a licensed medical professional or a licensed vocational rehabilitation specialist, the resume/application of the individual is forwarded to the hiring manager with the non-competitive certificate of eligibility and recommended to

interview the applicant. If the PWD and PWTD candidate is selected for the position, FDA encourages the manager to convert the applicant from noncompetitive to career conditional after two years. The Office of Human Resources launched in FY 17 a searchable Schedule A candidate database for hiring managers and continues to maintain it on the OHR's SharePoint site. This database is a searchable applicant database for Disabled Veterans, Schedule A, and Veterans' Recruitment Appointment (VRA). Managers have access to this database and are encouraged to hire these candidates.

- 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

FDA conducted trainings for all hiring managers including those that are mandatory by HHS/OPM, and other optional trainings, at least annually. FDA also maintains and updates a Resume Repository of individuals seeking employment for any of the covered hiring authorities. Hiring officials have access to and can review the resumes of covered individuals to fill their vacant positions. They are provided a demonstration on how to use the repository as part of their training. One outstanding example of additional training for Hiring Managers occurred in the FDA Center for Veterinary Medicine (CVM). CVM developed a comprehensive hiring manager training program to encourage the promote and encourage use of non-competitive hiring authorities such as People with Disabilities Hiring Authority and the 30% Disabled Veterans Appointing Authority. This Strategic Recruitment Management Process provides an avenue by which hiring managers are educated on federal recruitment, hiring, and selection to include specifics on schedule A and veterans hiring flexibilities and preference procedures. Part of the CVM plan encourages recruitment advisors to continually strategize with hiring managers (as part of the Center's Strategic Recruitment Management Process) on the use of federal hiring flexibilities that advance efforts to recruit and hire people with disabilities. This plan also encourages use of the FDA Resume Repository as a resource for finding qualified applicants.

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.

FDA has established MOUs with several minority serving institutions and organizations, to assist with hiring PWD and PWTD for positions within the agency. This is in addition to the current agreements that we have with state vocational rehabilitation agencies and with the US Department of Labor. There is a Career and Student Profile System to recruit staff for PWD and PWTD for internships and career opportunities within the agency.

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

Among New Hires using the B tables in FY19, (GS-1 to GS-11), The selection rate for PWDs was 5.91% and for PWTDs it was 1.07%. For GS-13 to SES, PWDs was 4.57% and PWTDs was 0.81%. Using the Applicant Flow Data (AFD) Yes, triggers exist for PWD and PWTD among the new hires in the permanent workforce. The participation rate of PWDs is only 2.8%, which is 9.3% below the 12% benchmark. The participation rate of PWTD is 0.9% which is 1.1% below the benchmark of 2%. Separations for PWD and PWTD also exceed new hires in FY19, indicating that recruitment goals are not being met in addition to there being a potential retention barrier. In FY19 14 PWTD separated while AFD reflects only 1 new EOD(Entrance On Duty) from this group. A similar trend is seen in PWD where a total of 61 PWD separated from the Agency while AFD reflects only 3 new EODs for this group.

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

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

Using the Applicant Flow Data (AFD) report, triggers exist both for PWD and PWTD . Triggers exist for all MCOs with the exception of the 0301 series PWD group. PWOD IR for all recruited MCOs was a positive value, where the IR for PWD and PWTD was typically 0%. A single PWD selection was made in the 0301 series informing an inclusion rate of 1.1% for PWD. This exceeds the inclusion rate of 0.9% for PWOD. Therefore, a trigger does not exist for the 0301 MCO for PWD. There is a trigger in the case of PWTD for this group. In the case of MCOs 0110, 0401, 0403, 0405, 0601, 0696, 1320 and 1529, the original applicant pool sizes were insufficient to inform a full FTE when applying the PWOD IR. For example, the applicant pool for series 0601 PWD is 20; if the 0601 PWOD IR is applied to this pool size, the product is less than 1 FTE (.003*20=0.06 FTE). This points to a possible barrier where recruitment approach is concerned. Mitigation should focus on finding ways to increase the applicant pool size.

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

Using the Applicant Flow Data (AFD) report, YES. Triggers exist for all MCOs with the exception of the 0110, 0343, 0696, and 1529 series for the PWD group; and series 0696 for PWTD. In each of these cases, the IR for PWD/PWTD exceeded the IR for PWOD. In all other cases, PWOD IR for all recruited MCOs was a positive value, where the IR for PWD and PWTD was typically 0%. The 0301 and 0343 MCOs were less severe cases in that one or more PWD selection was made from these groups to inform a positive inclusion rate higher than 0%. AFD signals a disparity when these inclusion rates are compared to the same for PWOD. For example, the 0343 MCO series has an inclusion rate of 3.8% for PWTD compared to the PWOD IR for the same group which is 4.3%. This is a relatively small gap (.5%) which can be closed more easily than the cases of 0% IR MCOs. The 0301 MCO series also reflects a positive IR at 3% for PWTD and 4% for PWD, compared to the 4.3% IR for PWOD. In the case of MCOs 0110, 0401, 0403, 0405, 0701, 1320, and 1529, the original applicant pool sizes were insufficient to inform a full FTE when applying the PWOD IR. For example, the applicant pool for series 0403 is zero providing no basis to apply an IR. This points to a possible barrier where recruitment approach is concerned. Mitigation should focus on finding ways to increase the applicant pool size. In the case of the 1529 MCO series, although the applicant pool for PWD is small (7 qualified), if the PWOD IR for the same series is applied to this pool size, one would expect 2-3 selections to be made from this group versus the single selection made, based on the PWOD IR of 45% for this series. This points to a trigger for PWD Selection IR for the 1529 MCO series.

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 Yes

a. FDA's overall rate for PWDs was 5.64% in FY19. Of the 853 employees selected for internal promotions in major occupations, 6.57% were PWDs. b. FDA's overall rate for PWTDs was 1.04% in FY19. Of the 853 employees selected for internal promotions in major occupations, 0.59% were PWTDs. Data from Tables B-1 and B-9.

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.

FDA has plans to provide opportunities and advancement for PWD and PWTD. The OEEO will work with the Office of Talent Solutions (OTS) to identify opportunities for advancement with PWD and PWTD. Further plans will be reflected in the FY20 report.

B. CAREER DEVELOPMENT OPPORTUNITES

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

FDA has several career development programs at the center level however they do not track if participants are PWD or PWTD. The agency is looking at centralizing all of the career development opportunities within the centers to provide that information on future MD 715 reports. More detailed information about opportunities is provided in the Executive Summary.

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 (%)
Detail Programs	N/A	N/A	N/A	N/A	N/A	N/A
Fellowship Programs	N/A	1,044	N/A	N/A	N/A	N/A
Other Career Development Programs	N/A	589	N/A	N/A	N/A	N/A
Mentoring Programs	N/A	1,345	N/A	N/A	N/A	N/A
Training Programs	N/A	17	N/A	N/A	N/A	N/A
Internship Programs	3,941	197	N/A	N/A	N/A	N/A
Coaching Programs	N/A	129	N/A	N/A	N/A	N/A

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 N/A
- b. Selections (PWD) Answer N/A

FDA does not have data for PWD or PWTD applicants for fellowship, career development, coaching, training, or detail programs. We are looking at capturing this information in future reports.

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 N/A
 - b. Selections (PWTD) Answer N/A

Currently, FDA does not collect any Disability information on applicants or selectees participating in Career Development Programs.

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

Using the B table, the rates identified do not provide a true inclusion rate, but rather an occurrence rate/portion. Picturing a pie chart, this report only identifies the portion of each pie slice. Additionally, inclusion of the ‘total awards count’ versus the ‘total employees who received an award’ creates a conflict for comparison. This is because a single employee in any given category can receive more than one award creating a one to many relationship between employee and awards. Due to the explanation above, the B-9 table may reflect triggers for all of the categories for PWD and PWTD. Comparing the information calculated from the 501 Goal (PWD-12% and PWTD-2%), are the numbers for FDA in FY19. Time-Off Awards 1-10 hours PWD=5.23%; PWTD=0.92% 11-20 hours PWD=6.65%; PWTD=1.24% 21-30 hours PWD=6.68%; PWTD=1.34% 31-40 hours PWD=6.14%;PWTD=0.96% 41-80 hours no % for PWD and PWTD QSI’s PWD=4.26% and PWTD=0.39% Cash Awards (\$500 and Under) PWD=6.16% and PWTD=0.72% (\$501-\$999) PWD=8.38% and PWTD=1.80% (\$1,000-\$1,999) PWD=5.78% and PWTD=1.11% (\$2,000-\$2,999) PWD=4.22% and PWTD=0.71% (\$3,000-\$3,999) PWD=3.94% and PWTD=0.42% (\$4,000-\$4,999) PWD=2.55% and PWTD=0.73% (\$5,000-\$5,999) PWD=4.32% and PWTD=0.72% (\$6,000-\$9,999) =0 for both (PWD and PWTD) (\$10,000+ \$19,999) PWD=1.52% Performance-Based Pay Increases PWD=0.91%

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 %

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 Yes
 - b. Pay Increases (PWTD) Answer Yes

Using the raw data receiving pay increases. The difference of data between the PWOD and PWD is 96.36%. If we use 0.69% as the threshold and looking at the participation rate for employees with performance based pay increases is 0.91% for PWD and 97.27% for PWOD. There difference between the participation rate for PWD and PWOD is 96.36%. No performance based pay increases did not exist for PWTD. This may also be considered a trigger. The raw data shows that 107 (PWOD) received pay increases while 1 (PWD) received a pay increase and (PWTD) did not receive any pay increases.

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 N/A
 - b. Other Types of Recognition (PWTD) Answer N/A

Using the B-9 , the only awards that are calculated are the time-off awards, QSIs, Cash Awards and Performance-Based Pay Increases. If there are other types of recognition that the agency is giving to PWD and PWTD is is not currently being tracked. FDA is looking at ways to capture other types of recognition given to PWD and PWTD.

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 N/A
 - ii. Internal Selections (PWD) Answer N/A
 - 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

Using the B-11 table, there were 1,032 employees selected for internal senior level positions from GS-13 to SES. There were 938 (91%) employees reported having no disability; 31 (3%) of employees did not answer if they had a disability; 63 (6.1%) employees

identified as PWD; and 11 (1.1%) employees identified as PWTD. Using the Applicant Flow Data (AFD), PWDs Qualified and were Selected at rates significantly lower than PWOD's and those who did not identify if they had a disability. Qualification Rates G13-15, PWD Total No Disability Not Qualified % Disability Identified PWD G13 39.12% 37.54% 42.73% 28.55% G14 46.29% 43.67% 49.70% 37.95% G15 46.15% 45.13% 49.28% 23.86% Overall 42.71% 40.60% 46.44% 31.57% Selection Rates, G13-15 PWD No Not Grd Overall Disability Identified PWD" G13 3.59% 3.32% 4.24% 1.67% G14 3.63% 3.26% 4.22% 1.54% G15 4.52% 3.50% 4.53% 2.27% Overall 3.71% 3.44% 4.27% 1.67%

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 N/A

ii. Internal Selections (PWTD) Answer N/A

b. Grade GS-15

i. Qualified Internal Applicants (PWTD) 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

Using the Applicant Flow Data (AFD), PWTDs were Qualified and Selected at rates significantly lower than PWODs and those who did not identify if they had a disability. Total No Not Qualified" Disability Identified PWTD G13 39.12% 37.54% 42.73% 25.18% G14 46.29% 43.67% 49.70% 26.90% G15 46.15% 45.13% 49.28% 25.71% Overall 42.71% 40.60% 46.44% 25.77% Selection Data for G13-15 Internal Promotions % Selected % w/ No % Not % Grd Overall Disability Identified PWTD" G13 3.59% 3.32% 4.24% 1.46% G14 3.63% 3.26% 4.22% 0.00% G15 4.52% 3.50% 4.53% 0.00% Overall 3.71% 3.44% 4.27% 0.88%

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 N/A

b. New Hires to GS-15 (PWD) Answer Yes

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

d. New Hires to GS-13 (PWD) Answer Yes

Using the Applicant Flow Data (AFD), Triggers exist for PWD at grades GS-13 and GS-15. The IR for these grades is 0% with no

selections made for PWD, compared to PWOD IR of 1.8% for GS-13 and 1.7% for GS-15. Similar to PWTD, the pool size of qualified candidates was sufficient to make a selection, albeit small. However, if the PWOD IR was applied to it would produce a fraction of an FTE. A trigger does not exist in the case of PWD GS-14. This senior grade reflects a PWD IR of 3.3% which exceeds the IR for PWOD of 2.9% for GS-14. There was no AFD data for SES.

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 | N/A |
| 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 |

Using the Applicant Flow Data (AFD), no data was available for SES pay plan; YES. Triggers exist for all of the senior grade levels for PWTD. Despite there being a pool of qualified applicants to choose from, albeit small, no selections were made for PWTD at the senior grade levels. The PWTD IR is 0% for GS-13, GS-14 and GS-15 New Hires. This compares to PWOD rates of 1.8% (GS-13), 2.9% (GS-14), and 1.7% (GS-15). With that said, pool size must be considered when comparing IR. The PWTD pool sizes would not inform a full FTE if applied to the pool size for PWTD. For example, PWTD Qualified Applicant pool for the GS-14 grade level is 10 applicants. If the PWOD IR of 2.9% was applied to this number it would equate to a fraction of an FTE (0.029*10=0.29 FTE).

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 | N/A |
| ii. Internal Selections (PWD) | Answer | N/A |
| 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 |

YES. Triggers exist for all of the supervisory positions. The largest disparity is observed when comparing the PWTD IR to that of PWOD. The gap appears to show more so in the comparison of Qualification IRs, where the IR for Selection is less triggering in comparison. This is reflected in the IRs for Managers which has a Qualification IR for PWD of 36.1% compared to the PWOD IR (45.2%) of the same group, a 10% delta. However, the Selection IR for PWD is 5.9% for Managers, compared to the PWOD IR of 7.9%; only a 2% delta in this case. PWTD is a big trigger for all Supervisory Levels when comparing Selection IRs to PWOD. Zero selections were made of PWTD despite both the applicant and qualified applicant pools being sufficient for a selection to be made both in the case of Managers and Supervisors. Pool size could be a factor for GS-15 Managers. In this case, if the Selection or

Qualification IRs for PWOD were applied to the PWTD applicant pools at the GS-15, the result would be a fraction of an FTE.
 QUALIFICATION INCLUSION RATE SELECTION INCLUSION RATE INCLUSION RATE CALCULATION PWOD PWD
 PWTD PWOD PWD PWTD EXECUTIVES No data No data No data No data No data No data MANAGERS 45.15% 36.09%
 26.72% 7.93% 5.93% 0.00% SUPERVISORS 52.20% 34.57% 28.30% 9.78% 1.79% 0.00% People who did not identify as having
 a disability may have been referred and selected at higher rates than all others.

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 N/A
- ii. Internal Selections (PWTD) Answer N/A

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

Using the Applicant Flow Data (AFD) report, there is no Executives data available. For Managers, counts are based on counts of non-supervisory GS 14/15 positions. There is no exact metric available for these two categories. Executives-No Data Managers (non-supervisory 14/15) Applicant Pool Total Pool (Internal)=5,939 Category Total=131 Qualified Total Pool (Internal)=2,652 Category Total=15 New Data (yes to all above) YES. Triggers exist for all of the senior grade levels for PWTD. Despite there being a pool of qualified applicants to choose from, albeit small, no selections were made for PWTD at the senior grade levels. The PWTD IR is 0% for GS-13, GS-14 and GS-15 New Hires. This compares to PWOD rates of 1.8% (GS-13), 2.9% (GS-14), and 1.7% (GS-15). With that said, pool size must be considered when comparing IR. The PWTD pool sizes would not inform a full FTE if applied to the pool size for PWTD. For example, PWTD Qualified Applicant pool for the GS-14 grade level is 10 applicants. If the PWOD IR of 2.9% was applied to this number it would equate to a fraction of an FTE (0.029*10=0.29 FTE). The same triggers exist for PWD at grades GS-13 and GS-15. The IR for these grades is 0% with no selections made for PWD, compared to PWOD IR of 1.8% for GS-13 and 1.7% for GS-15. Similar to PWTD, the pool size of qualified candidates was sufficient to make a selection, albeit small. However, if the PWOD IR was applied to it would produce a fraction of an FTE. A trigger does not exist in the case of PWD GS-14. This senior grade reflects a PWD IR of 3.3% which exceeds the IR for PWOD of 2.9% for GS-14.

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 N/A
- b. New Hires for Managers (PWD) Answer No
- c. New Hires for Supervisors (PWD) Answer Yes

Using the Applicant Flow Data (AFD) report, there is no Executives data available. For Managers, counts are based on counts of non-supervisory GS 14/15 positions. There is no exact metric available for these two categories. For SES AFD for FY19. Executives-No Data for PWD Managers (non-supervisory 14/15) PWD Total Pool=556 (qualified) Total Pool=13 (selected) Supervisors (Cognos metric) PWD Total Pool=114 (qualified) Total Pool=6 (selected) YES. Triggers exist for all of the supervisory

positions for both PWD with the exception of PWD Managers. In this case, the Qualification IR of 3.3% exceeds the same for PWOD of 2.3%. The PWTD IR is a trigger at 0%, reflecting zero selections having been made. This is also the case for PWD Supervisors, 0%IR and zero selections made. When comparing IRs to PWOD, pool size must be factored in. The IRs for PWOD in these groups is already very low and when applied to the pool size of qualified applicants for PWD and PWTD, it would produce a fraction of an FTE. For example, if the PWOD IR of 2.3% was applied to the qualified applicant pool of PWTDs, the result would be 0.23 FTEs (0.023*10 applicants). Mitigation should include a focus on finding ways to increase the applicant pool size.

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

Using the Applicant Flow Data (AFD) report, there is no Executives or SES data available for FY19. For Managers, counts are based on counts of non-supervisory GS 14/15 positions. There is no exact metric available for these two categories. Executives-No Data for PWTD Managers (non-supervisory 14/15) PWTD Total Pool=556 (qualified) Total Pool=13 (selected) Supervisors (Cognos metric) PWTD Total Pool=114 (qualified) Total Pool=6 (selected) YES. Triggers exist for all of the supervisory positions for PWTD. The PWTD IR is a trigger at 0%, reflecting zero selections having been made. When comparing IRs to PWOD, pool size must be factored in. The IRs for PWOD in these groups is already very low and when applied to the pool size of qualified applicants for PWD and PWTD, it would produce a fraction of an FTE. For example, if the PWOD IR of 2.3% was applied to the qualified applicant pool of PWTDs, the result would be 0.23 FTEs (0.023*10 applicants). Mitigation should include a focus on finding ways to increase the applicant pool size.

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 No

The OEEO is currently working with the Policy, Programs and Accountability team to further investigate if all of the eligible Schedule A employees with a disability have been converted into a competitive service position after two years of satisfactory service. Information regarding this process will be included on future reports.

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

The inclusion rate for Voluntary Separations (PWD)=6.36%; the inclusion rate for Voluntary Separations (PWOD)=4.76%; the difference between the two=1.6% which is relatively low (e.g. 2%). In comparison to Involuntary Separations (PWD), the inclusion

rate=0.57%; the inclusion rate for Involuntary Separations (PWOD)=0.11%; the difference between the two=0.46% which is relatively low (e.g. 2%).

Seperations	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 No

The inclusion rate for Voluntary Separations (PWTD)=8.13%; the inclusion rate for Voluntary Separations (PWOD)=4.76%; the difference between the two=3.37% which is relatively high/more than (e.g. 2%). In comparison to Involuntary Separations (PWTD), the inclusion rate=0.63%; the inclusion rate for Involuntary Separations (PWOD)=0.11%; the difference between the two=0.52% which is relatively low (e.g. 2%).

Seperations	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.

The participation rate of employees separating from the agency who complete the FDA exit survey is between 35%-40%. OEEO worked with Office of Human Capital Management (OHCM) to include demographic variables on the exit survey during Q4 of FY19. A total of 54 surveys were collected during Q4, 49 employees answered the questions about disability. Out of the 49 employees that responded, only 2 employees indicated that they were persons with disabilities (PWD). We cannot determine if a trigger exists for PWD or PWTD using the exit survey results at this time. For future reports, we will have more data to determine if a trigger may exist.

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.

FDA website for employees, applicants, public: <https://www.fda.gov/about-fda/about-website/internet-accessibility> and <https://www.fda.gov/media/80908/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.

The agency does not currently have an Architectural Barriers Act located on its public website. FDA Leadership will be addressing this deficiency as part of the evaluation/assessment of EEO and the development of a gap analysis and strategic plan.

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 FDA, acting for the Department of Health and Human Services, has a constantly evolving services of accessibility and accessibility for our community of users. As the technology of the internet evolves, the FDA shares with its users the ongoing improvement of FDA websites and its services. For individuals with disabilities who are having problems accessing information on the FDA web site using assistive technology, they are encouraged to contact the FDA 508 Coordinator (FDA508Coordinator@fda.hhs.gov). The FDA is committed to making content accessible to everyone. For individuals submitting presentations or documents to the FDA, guidance for formatting documents properly and assisting FDA efforts in equivalent access and transparency is provided. At this time, virtually all FDA information is being made accessible via screen readers and other accessibility tools with the exception of some pre-2001 information, Dockets, and some technical documents, which may not be available in accessible formats.

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 time for processing reasonable accommodation requests during FY19 was 89.3 days. Agency established time-frame for processing reasonable accommodation requests is 60 days, which includes consultation time with FDA's medical consultant. In FY19, the 35-day furlough contributed to the increase in processing time beyond the prescribed regulatory time-frame. Processing procedures, as well as timeframes, are currently under review and projected to be revised during FY20 to emulate other federal agencies best practices.

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.

The RAO coordinates with FDA offices and Centers, conducting training for managers and supervisors on a monthly and/or quarterly basis. As of June 2019, Executive Officers and senior officials are provided with monthly status/trend reports of FDA reasonable accommodation requests. During FY19, reorganization of the RAO triggered the establishment of a working group to review and revise FDA/RA policies and procedures and rebuild the program to increase efficiency and effectiveness.

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.

PAS for FDA employees is currently provided by the DHHS through the RA program office at EEOCO.Accommodations@hhs.gov, or at (202) 619-1564.

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 Yes

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.

Explanations: For question #1, There has been no data found to indicate that there was a higher percentage of Formal complaints alleging harassment filed by PWDs in FY19 as compared to the government average. For question #2, the response is yes for a settlement agreement, not a finding of discrimination. For question #3, there were no findings of discrimination alleging harassment based on disability status during FY19.

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 Yes

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 FDA had one (1) Finding of discrimination involving the failure to provide reasonable accommodations in FY 2019. There was a Final Agency Decision (FAD) issued awarding a lump sum to the Complainant as corrective measures for Non-pecuniary compensatory damages for emotional distress caused by the delay and denial of Reasonable Accommodation. Complainant was also awarded restored annual leave, and resorted family/friend leave.

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

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

The planned activities that the centers proactively lead during the FY19 were carried out. If there were any planned activities that were not able to be completed were either rescheduled to take place at a later date or reassessed to ensure that their impact would properly address the trigger(s) that were identified. The planned activities are highlighted in the Executive Summary (Part E.5).

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

There were no barriers identified in FY19's report. The agency is taking a closer look at the triggers that were identified in FY19 to determine how their planned activities can have a greater impact. Some triggers may continue to exist due to the how applicants self identify when applying for positions within the agency.

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.

Although there were no barriers identified for FY19 and no barrier analysis was conducted during this time-frame, the agency has identified triggers. The agency will provide center presentations to leadership to inform them of the triggers that were identified in FY19, as well as, share the report with the newly formed MD 715 work group to also share with their center leadership. The information identified in the MD 715 FY19 will help each center within the agency improve upon their existing programs and diversity & inclusion strategies.