

Surface Transportation Board

For period covering October 1, 2018 to September 30, 2019

PART A Department or Agency Identifying Information	1. Agency	1. Surface Transportation Board		
	1.a 2nd level reporting component			
	2. Address	2. 395 E Street, SW		
	3. City, State, Zip Code	3. Washington, DC 20423		
	4. Agency Code 5. FIPS code(s)	4. TD15	5. 11001	

PART B Total Employment	1. Enter total number of permanent full-time and part-time employees	1. 116
	2. Enter total number of temporary employees	2. 5
	3. TOTAL EMPLOYMENT [add lines B 1 through 2]	4. 121

PART C Agency Official(s) Responsible For Oversight of EEO Program(s)	Title Type	Name	Title
		Head of Agency	Ann Begeman
	Head of Agency Designee	Ann Begeman	Chairman
	Principal EEO Director/Official	Ebony R. Jarrett	EEO Director
	Affirmative Employment Program Manager	Ebony R. Jarrett	EEO Director
	Complaint Processing Program Manager	Ebony R. Jarrett	EEO Director
	Diversity & Inclusion Officer	Ebony R. Jarrett	EEO Director
	Hispanic Program Manager (SEPM)	Ebony R. Jarrett	EEO Director
	Women's Program Manager (SEPM)	Ebony R. Jarrett	EEO Director
	Disability Program Manager (SEPM)	Ebony R. Jarrett	EEO Director
	Special Placement Program Coordinator (Individuals with Disabilities)	Nilsa Grange	Human Resources Specialist
	Reasonable Accommodation Program Manager	Ebony R. Jarrett	EEO Director
	Anti-Harassment Program Manager	Ebony R. Jarrett	EEO Director
	ADR Program Manager	Ebony R. Jarrett	EEO Director
	Compliance Manager	Ebony R. Jarrett	EEO Director
	Principal MD-715 Preparer	Ebony R. Jarrett	EEO Director

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PART D List of Subordinate Components Covered in This Report	Subordinate Component and Location (City/State)	Country	Agency Code
EEOC FORMS and Documents	Required	Uploaded	
Anti-Harassment Policy and Procedures	Y	Y	
EEO Policy Statement	Y	Y	
Reasonable Accommodation Procedure	Y	Y	
Personal Assistance Services Procedures	Y	Y	
Organization Chart	Y	Y	
Agency Strategic Plan	Y	Y	
Alternative Dispute Resolution Procedures	Y	Y	
EEO Strategic Plan	N	N	
Federal Equal Opportunity Recruitment Program (FEORP) Report	N	N	
Human Capital Strategic Plan	N	N	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	N	N	
Disabled Veterans Affirmative Action Program (DVAAP) Report	N	N	
Diversity Policy Statement	N	N	

Surface Transportation Board

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EXECUTIVE SUMMARY: MISSION

The Surface Transportation Board (Board, STB, or agency) is an independent adjudicatory and economic regulatory agency charged by Congress with resolving railroad rate and service disputes and reviewing proposed railroad mergers.

The STB is primarily charged with the economic oversight of the nation's freight rail system. The economics of freight rail regulation impact the national transportation network and are important to our nation's economy. For this reason, Congress gave the STB sole jurisdiction over rail mergers and consolidations, exempting STB-approved transactions from federal antitrust laws and state and municipal laws. The Board also has exclusive authority to determine whether certain railroad rates and practices are reasonable. While a majority of the Board's work involves freight railroads, the STB also performs certain oversight of passenger rail matters, the intercity bus industry, non-energy pipelines, household goods carriers' tariffs, and rate regulation of non-contiguous domestic water transportation (marine freight shipping involving the mainland United States, Hawaii, Alaska, Puerto Rico, and other U.S. territories and possessions).

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

STB'S ANNUAL SELF-ASSESSMENT AGAINST MD-715 ESSENTIAL ELEMENTS

Essential Element A: Demonstrated Commitment from STB Leadership

The STB's commitment to equal employment opportunity (EEO) is evident in the Board's Equal Employment Opportunity and Diversity Policy Statement, dated September 9, 2019, which reads, in part:

"The Surface Transportation Board (STB) is committed to equal opportunity in employment regardless of race, color, sex (including pregnancy, sexual orientation and gender stereotyping), national origin, religion, age (40 years and older), disability (physical and/or mental), genetic information, and/or for opposing discrimination or participating in the EEO process. The STB will continue to provide a workplace that is free from all forms of discrimination, harassment, and retaliation and that provides equal opportunity in all human capital and employment programs, management practices, and employment-based decisions."

The EEO Program contact information is posted on the STB's public webpage and throughout the STB's offices.

Essential Element B: Integration of EEO into the Board's Strategic Mission

The STB's Strategic Plan for Fiscal Years (FY) 2019-2022 underscores the Board's commitment to attract and retain a highly effective and diverse workforce. The plan includes the following language:

Strategic Goal 4: Ensure Proper Agency Structure: "Recruit, retain, and train staff with a focus on critical needs, skills shortages, and diversity." To accomplish those goals, the STB undertook initiatives to ensure a diverse workforce that maximizes effective utilization of human capital.

Essential Element C: Management and Program Accountability

During FY 2019, the STB engaged in numerous actions to promote accountability of its EEO program, including, but not limited to, the following:

- Posted its FY 2018 Annual EEO Program Report on its public website in a Section 508-compliant format;

EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

- Delivered its FY 2018 Annual EEO Program Report to the Chairman;
- Posted EEO complaint processing data on its public website. (Consistent with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act));
- The Office of Human Resources offered exit interviews to all separating employees which included questions about diversity and improving the hiring/retention for persons with disabilities; and
- Required hiring managers to complete Schedule A training via *FedTalent*.

Essential Element D: Proactive Prevention of Unlawful Discrimination

As part of its proactive prevention efforts, the STB disseminates EEO policies covering harassment prevention and personal assistance services to all personnel. The STB also published information on the EEO complaint process, EEO policies, and the roles and responsibilities of the EEO office on its public website. EEO posters are placed in the Human Resources Office to provide employees and applicants for employment with notice of their EEO rights and to highlight the 45-day time limit for contacting an EEO Counselor or the EEO Director.

The STB's offices are accessible to persons with physical disabilities in compliance with the Architectural Barriers Act.

The EEO Director analyzed applicant flow data, which is discussed in the Workforce Analysis below.

Essential Element E: Efficiency

In FY 2019, there were zero counseling matters initiated.

Essential Element F: Responsiveness and Legal Compliance

The STB has conducted an annual self-assessment against the essential elements prescribed by the EEOC's Management Directive 715 (MD-715). Where the Board found non-compliance with the MD-715 requirements, the STB developed and implemented a plan for addressing the gaps with input from senior leaders.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

ANALYSIS OF WORKFORCE PROFILES

The STB analyzed its workforce profiles to identify any triggers that may require further inquiry as to the existence of barriers to equal employment opportunities for any employee group based on race, sex, or disability.

STB WORKFORCE

At the end of FY 2019, the STB had 121 employees (116 permanent and five temporary employees). Of the 116 permanent employees, there were 59 (50.9%) males and 57 (49.1%) females. *See Table A1.* During FY 2019 [BA1] [JE2] [QV3], the STB hired 16 permanent employees, and there were seven (7) voluntary separations.

The following provides a summary of representation within the STB's permanent workforce compared to the Civilian Labor Force (CLF):

STB Permanent Workforce %	Race/Ethnicity	Compared to 2010 Civilian Labor Force (CLF)			
		2020 CL %	FY 2020	FY 2020	FY 2020
	Hispanic or Latino Male	5.8	2.6	1.8	0.9
	Hispanic or Latino Female	4.8	1.7	0.9	0.0
	White Male	38	41	40	39
	White Female	34	22	22	24
	Black or African American Male	5.5	3.4	4.5	5.1
	Black or African American Female	6.5	19	20	22
	Asian Male	2.0	2.6	2.7	2.6
	Asian Female	1.9	5.2	4.5	4.7
	Native Hawaiian/Other Pacific Islander Male	0.1	0.0	0.0	0.0
	Native Hawaiian/Other Pacific Islander Female	0.1	0.0	0.0	0.0

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

American Indian/Alaska Native Male	0.6	0.0	0.0	0.0
American Indian/Alaska Native Female	0.5	0.0	0.0	0.0
Two or More Races Male	0.3	0.9	0.9	0.0
Two or More Races Female	0.3	0.0	0.0	0.0

The EEOC has established a workforce participation rate goal of two percent for persons with targeted disabilities (PWTD). There are nine targeted disabilities: hearing, vision, missing extremities, partial paralysis, complete paralysis, epilepsy, severe intellectual disability, psychiatric disability, and dwarfism. In addition, guidance from the U.S. Office of Personnel Management (OPM), issued pursuant to Executive Order 13548, requires federal agencies to establish Disability Employment Plans consistent with the federal government goal of hiring 100,000 additional individuals with disabilities, including those with targeted disabilities.

The STB re-surveyed the workforce in October 2018 using OPM's 2016 guidance issued on re-surveying the workforce for persons with disabilities. This initiative allowed employees to self-identify any disability(ies) using Employee Express. In addition, the EEO Director explained to staff updates to the SF-286 form and the expanded definition of disability. Overall, there was a 1.7% increase in employees who self-identified as having a targeted disability.

The following provides a summary of representation within the STB's permanent workforce.

STB Persons with Disabilities (Permanent Workforce)

STB Total Workforce % Compared to EEOC Goals				
Race/Ethnicity	EE Gc	FY 20	FY 20	F) 20
No Disability		10 (9)	97 (8)	10 (8)
Not Identified		4 (3)	4 (3)	4 (3)
Disability	12	7 (6)	8 (7)	10 (8)
Targeted Disability	2.0	3 (2)	1 (0)	2 (1)

APPLICANT FLOW DATA

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Applicant flow data is provided to the STB by OPM. This data is available through OPM's USA Staffing tool only for STB jobs that were posted on USAJobs. The STB used OPM recruitment services to post 80% of STB hiring actions. In FY 2019, the STB did not have a tool to capture and report on applicant flow data for the remaining 20% of its hiring actions, specifically, those hired for excepted positions or under other hiring flexibilities. USA Staffing only provides applicant flow data when certificates are generated. However, certificates may not be generated in all cases., including for excepted positions or those using other hiring flexibilities.

A few important notes about applicant flow data help to facilitate interpretation. First, the USA Staffing tool captures and provides information only through the point at which a selection decision is made. Various hiring process steps beyond a selection decision may impact success in onboarding a new hire (e.g., suitability assessment, or the selectee subsequently declines, deciding to remain with their current employer or take another offer), but the data only shows applicant flow data through to *selected* applicants. In contrast, Tables A8 and B8 present data on new hires onboarded during the course of the year. Differences are observed in the demographic statistics of those selected versus those hired.

Second, applicant flow data for the STB combines applications submitted for permanent and temporary positions with the STB. Thus, the data tables below reflect the pool of applications submitted for permanent and/or temporary employment.

The certificate applicant flow data provided by OPM was analyzed for two major occupations at the STB: paralegal specialist and transportation industry analyst. Below are the highlights of this analysis.

Paralegal Specialist (0950): 273 Total Applicants

In FY 2019, the STB received 273 total applications for paralegal specialist positions; of these, 175 were rated as qualified and one selection was made. The following are the demographics of the individuals who were qualified and self-identified for the 0950 position.

EEO Group	Qualified Applicants (175 Applicants)	Referred Applicants (95 Applicants)	Selected (1 Applicant)
Hispanic or Latino Males	6 (3.4%)	6 (6.3%)	0 (0.0%)
Hispanic or Latino Females	9 (5.1%)	5 (5.3%)	0 (0.0%)
White Males	15 (8.6%)	9 (9.5%)	0 (0.0%)
White Females	18 (10.3%)	9 (9.5%)	0 (0.0%)
Black or African American Males	18 (10.3%)	10 (10.5%)	0 (0.0%)
Black or African American Females	57 (32.6%)	33 (34.7%)	1 (100.0%)
Asian Males	1 (0.6%)	0 (0.0%)	0 (0.0%)

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Asian Females	8 (4.6%)	5 (5.3%)	0 (0.0%)
Native Hawaiian/Other Pacific Islander Females	1 (0.6%)	0 (0.0%)	0 (0.0%)
Two or More Races Males	1 (0.6%)	1 (1.1%)	0 (0.0%)
Two or More Races Females	1 (0.6%)	0 (0.0%)	0 (0.0%)
Sex and/or Race/ Ethnicity Omitted	40 (22.9%)	18 (18.9%)	0 (0.0%)
No Disability	108 (61.7%)	63 (66.3%)	1 (100.0%)
Targeted Disability	6 (3.4%)	3 (3.2%)	0 (0.0%)
Disability	3 (1.7%)	1 (1.1%)	0 (0.0%)
Not Identified	58 (33.1%)	28 (29.5%)	0 (0.0%)

Economist (0110): 36 Total Applicants

The STB received 36 total applications for the economist position. Of the 36 applicants, five were rated as qualified and one selection was made. The following are the demographics of the individuals who were qualified and self-identified for the 0110 position.

Please also note that one Hispanic/Latino female, three black/African American males, two black/African American females 11 who omitted their sex and/or race/ethnicity, and three persons with targeted disabilities applied for the vacancy but were not rated as qualified.

EEO Group	Qualified Applicants (5 Applicants)	Referred Applicants (3 Applicants)	Selected (1 Applicant)
White Males	2 (40.0%)	1 (33.3%)	0 (0.0%)
White Females	1 (20.0%)	0 (0.0%)	0 (0.0%)
Asian Males	1 (20.0%)	1 (33.3%)	0 (0.0%)
Asian Females	1 (20.0%)	1 (33.3%)	1 (100.0%)
No Disability	4 (80.0%)	2 (66.7%)	0 (0.0%)
Not Identified	1 (20.0%)	1 (33.3%)	1 (100.0%)

New Hires

In FY 2019, the STB hired 14 permanent employees, eight (57.1%) males and six (42.9%) females. One temporary hire was identified as a white female. Using data from Tables A1, the following table reflects demographic information for the FY 2019 new hires:

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Permanent Employees				Hispanic or Latino		White		Black or African American		Asian		Two or More Races	
		Total	M	F	M	F	M	F	M	F	M	F	
New Hires	#	14	8	6	0	1	7	2	0	1	0	2	1
	%	100%	57.1%	42.9%	0.0%	7.1%	50.0%	14.3%	0.0%	7.1%	0.0%	14.3%	7.1%
Total Permanent Workforce	#	116	59	57	3	2	48	26	4	2	3	7	1
	%	100%	50.9%	49.1%	2.6%	1.7%	41.4%	22.4%	3.5%	1.7%	2.6%	6.0%	0.9%
2010 CLF	%	100%	51.8%	48.2%	5.2%	4.3%	34.3%	5.6%	2.1%	1.0%	0.0%	0.0%	0.0%

In FY 2019, the STB hired 14 permanent employees, none of whom reported having a disability.

Participation Rates for STB Major Occupations

There are five mission critical occupations (MCOs) within the STB: attorneys, transportation industry analysts, paralegal specialists, economists, and environmental protection specialists. Of the 116 permanent employees, there were 49 attorneys, 14 transportation industry analysts, nine paralegal specialists, five economists, and five environmental protection specialists. These positions comprised 70.7% of the STB's FY 2019 permanent employees.

Using data from Table A6, the demographic breakdown as it compares to the Occupational CLF is below:

Job Title		Total	Hispanic or Latino		White		Black or African American		Asian	
			M	F	M	F	M	F	M	F
Attorney (0905)	#	49	1	0	21	18	0	5	1	3
	%	100%	2.0%	0.0%	42.9%	36.7%	0.0%	10.2%	2.0%	6.1%
Occupational CLF		100	2.7%	1.9%	59.2%	26.5%	2.2%	2.1%	1.1%	1.1%
Transportation Industry Analyst (2110)	#	14	0	1	10	2	0	0	1	0
	%	100	0.0%	7.1%	71.4%	14.3%	0.0%	0.0%	7.1%	0.0%
Occupational CLF		100	8.3%	6.0%	36.1%	32.0%	4.5%	2.2%	2.2%	2.2%

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Paralegal Specialist (0950)		9	0	0	1	0	1	7	0	0
		100	0.0%	0.0%	11.1%	0.0%	1	7	0	0
		100	1.9%	9.1%	10.9	63.4%	1	7	0	2
Economist (0110)	#	5	0	0	3	1	0	0	0	1
	%	100	0.0%	0.0%	60.0%	20.0%	0	0	0	2
Occupational CLF	%	100	5.9%	2.8%	49.7%	23.4%	3	2	7	4
Environmental Protection Specialist (0028)		5	0	0	4	1	0	0	0	0
		100	0.0%	0.0%	80.0%	20.0%	0	0	0	0
		100	2.6%	1.4	63.4	23.2	2	1	2	1

Within the attorney group, the participation rates of Hispanic female and white/black or African American male attorneys are more than 2% below their Occupational CLF. There were four attorneys, three white males and one white female, hired in FY 2019 using Schedule A hiring authority (excepted service), which differs from the Schedule A hiring authority used for hiring PWD. This authority allows for agencies to hire attorneys without competitively advertising the position to the public. Although these positions were advertised, as discussed above, applicant flow data were not available for these excepted service positions.

For transportation industry analysts, Hispanic or Latino males/females, white females, black or African American males/females and Asian females participate more than 2% below the Occupational CLF. In FY 2019, two Transportation Industry Analysts were selected, one Hispanic or Latino female and one white male.

For paralegal specialists, outside of white males and black or African American males/females, all other demographic groups are more than 2% below the Occupational CLF. In FY 2019, one Paralegal Specialist was selected; the employee identified as a black or African American female.

For economists, outside of white males, all other demographic groups participate more than 2% below the Occupational CLF. In FY 2019, one economist was selected; the employee identified as an Asian male.

For environmental protection specialists, outside of white males, all other demographic groups participate more than 2% below the Occupational CLF. In FY 2019, there were no environmental protection specialist positions advertised; therefore, no data is available to conduct a barrier analysis.

Career Ladder Promotions

A review of the STB's non-competitive promotions reflects that of the six individuals eligible for career ladder promotions, two (33.3%) were male and four (66.7%) were female. No individuals with targeted disabilities exceeded minimum time in grade for a career ladder promotion.

EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Employee Recognition and Awards

A review of employee recognition and awards reflects that males and females received similar time-off awards in FY 2019. One cash award in the \$100 - \$500 category was received by a black/African American female. For time-off awards of 1-9 hours, two white females received awards.

For cash awards of \$501 and more, males received 51.5% of those awards and females received 48.5% of those awards. The average award amount for males was \$2,247.50, while females received an average award of \$2,201.36. Hispanic/Latino males averaged the highest amount at \$2,780. Black/African American and Two or More Races males received the lowest amounts at \$1,594 and \$1,521, respectively. Time-off awards in the 9+ hours category was given out evenly across the board, the average award being 23 hours.

The STB awarded nine employees with a quality step increase (QSI). The QSI awardees were three white males, four white females, one black/African American female, and one Two or More Races male. The average benefit to the employee was \$1,062. No employee with a disability received a QSI.

Cash awards of \$501 or more averaged \$2,012 for individuals with disabilities and \$1,689 for individuals who did not identify a disability, which is below the average amount of \$2,267 for those employees with no disability. Persons with targeted disabilities averaged a cash award of \$2,451, which is \$184 more than those without a disability. Time-off awards in the 9+ hours category was given out evenly across the board, the average award being 23 hours.

Separations

A review of separation data shows in FY 2019, seven employees (6%) voluntarily separated from the STB. The breakdown of separation type is below

Type of Voluntary Separation	Number of Employees
Transfer to Another Federal Agency	3 (42.9%)
Resignation	2 (28.6%)
Retirement	2 (28.6%)

In FY 2019, one employee self-identified as having a disability separated from the STB via retirement.

Exit interviews were offered to all separating employees, however, only two participated. Both employees stated the STB was a great place to work and were separating due to retirement. Both employees had been with the STB for over 15 years.

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

Accomplishments

In FY 2019, the STB achieved several accomplishments in the areas of EEO and Diversity and Inclusion, including those listed below:

Adopted EEOC PWD/PWTD Goals for Outreach and Recruitment

In FY 2019, the EEO Director and the HR Director educated hiring officials on the agency goals to attract, hire, and attain PWD/PWTD. To this effort, the EEO and HR offices collaborated to:

- Ensure a procedure for applying under the Schedule A hiring authority was added to vacancy announcements;
- Inform disability-related affinity groups of vacancy announcements;
- Train supervisors and hiring officials, via *FedTalent*, on the Schedule A hiring authority;
- Disseminate updated reasonable accommodation and personal assistance services procedures;
- Re-survey the workforce; and
- Attend Federal Exchange on Employment and Disability meetings.

Federal Employee Viewpoint Survey

The Federal Employee Viewpoint Survey (FEVS) measures employees' perceptions in several important areas, including drivers of employee engagement and diversity and inclusion. With respect to FEVS rankings published by OPM, the STB moved up five spots to number 13 in the Employee Engagement Index among 27 small agencies. Within this index, the STB scored on par or higher than the government-wide average among employees representing different demographic groups (e.g., gender, race, ethnicity, age groups, and disability status).

The Partnership for Public Service annually publishes the Best Places to Work in the Federal Government rankings. In FY 2019, the STB increased to 13th place in *Support for Diversity* and 10th place in *Teamwork* out of 28 small-sized agencies.

Anti-Harassment Program

The STB implemented an Anti-Harassment Program policy and procedures in June 2019. In addition, the STB collaborated with the EEOC to provide *Respectful Workplace* training to all non-supervisory employees and *Leading a Respectful Workplace* to all supervisory employees.

Barrier Analysis

The STB conducted two barrier analyses in FY 2019.

Barrier Analysis #1: During FY 2019, the EEO Director conducted an analysis to determine if there is a barrier for male or female Hispanic or Latino employees or for persons with disabilities at the STB. These groups participate at rates below the Civilian Labor Force (CLF).

The following actions were completed while conducting the barrier analysis:

- Reviewed personnel policies and corresponding written procedures that relate to recruitment, hiring, promotion, and retention;
- Analyzed FY 2018 and FY 2019 applicant flow data, i.e., the demographics of individuals seeking employment/promotion and how successful they were at the qualified/referred stages of the selection process;
- Analyzed Federal Employee Viewpoint Survey (FEVS) results for FY 2017 and FY 2018, with emphasis on responses from Hispanic or Latino employees and employees with disabilities;
- Engaged in discussion with the Office of Human Resources about hard-to-fill positions and declined job offers; and

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

- Researched best practices within the government/private industry for recruiting/retaining Hispanics or Latinos and persons with disabilities.

The STB consistently has low participation rates for Hispanic or Latino employees and persons with disabilities. The STB has a relatively low turnover rate, as once an employee is hired, they often stay until retirement. Since 2016, the STB has advertised between 10 and 12 positions each year. The advertised positions are often highly specialized and require significant experience.

When looking at the FY 2019 applicant data for all advertised positions, Hispanic or Latino males or females made up 7.2% of the self-identified applicants. Persons with disabilities or targeted disabilities made up 4.8% of self-identified applicants. Both groups apply for vacancies at the STB at a low rate. Of those who applied, only 7.1% of Hispanic or Latino males and females and 4.8% of persons with disabilities or targeted disabilities were rated as "qualified." This does not provide a large pool from which the selecting official could pull.

Based on the information reviewed, no barrier was identified.

Barrier Analysis #2: During FY 2019, the EEO Director conducted an analysis to determine if there is a barrier for female economists and Hispanic or Latino, Asian, or African American or black male economists at the STB, because these groups had participation rates lower than the Occupational CLF (OCLF).

The following actions were completed while conducting the barrier analysis:

- Reviewed participation rates for women in the total workforce and in each of the critical occupations;
- Analyzed workforce demographic data from FY 2013 - FY 2019;
- Reviewed the agency's hiring policies and established procedures;
- Analyzed applicant flow data for economist hiring;
- Reviewed EEO complaint activity from FY 2013 - FY 2019 to determine if any female economists, Hispanic or Latino, Asian, or African American or black male economists perceived they had been discriminated against in the STB's hiring process; and
- Researched best practices in recruiting female economists for employment in the federal government and private industry.

The STB is a high-grade, specialized organization with 92 (76%) positions at a GS-14 or higher. The economist positions require a wealth of experience in a specialized field to help the STB complete its mission. The OCLF data provided by the Department of Labor show that Hispanic or Latino males and females do not participate at a high rate in these fields.

Job Title	Total	Hispanic or Latino		White		Black or African American		Asian	
		M	F	M	F	M	F	M	F
Economist	5	0	0	3	1	0	0	0	1
(0110)	100	0.0%	0.0%	60.0%	20.0%	0.0%	0.0%	0.0%	20.0%
Occupational CLF	100	5.9%	2.8%	49.7%	23.4%	3.2%	2.3%	7.1%	4.4%

The OCLF data for economists show that Hispanic or Latino or Asian or African American or black males

EXECUTIVE SUMMARY: ACCOMPLISHMENTS

or females have a low participation rate in this career field. While members of these groups apply for positions, they are not rated as qualified and therefore are not listed on the certificate of eligible hires that is provided to the selecting official. To this end, the STB cannot hire someone who is not qualified.

The qualifications required for these positions are standard across the federal government and the OPM deemed the economist position as "one of several occupations identified as a government-wide, high-risk, mission-critical occupation." OPM Plans New Pay System for Economists, Others to Follow, FEDweek, Oct. 16, 2018, <https://www.fedweek.com/fedweek/opm-plans-new-pay-system-for-economists-others-to-follow/> (quoting an OPM fact sheet). In 2018, OPM took the first step toward creating an occupation-specific classification and pay system, beginning with the field of economics, and "work has been underway for several years to identify and implement strategies to improve recruitment, retention and development of economists." *Id.*

Using FY 2019 applicant data, 36 individuals applied for an economist position and 5 (13.9%) were rated as qualified. The qualified candidates were 2 white males, 1 white female, 1 Asian male and 1 Asian female. Of the qualified candidates, 3 (60%) - 1 white male, 1 Asian male, and 1 Asian female - were referred to the selecting official. The Asian female was selected.

Based on the information above, no barrier was identified. Economists have been identified as "a government-wide, high-risk, mission-critical occupation" that is hard-to-fill. While the STB has advertised for this position, the groups with low participation are not applying at a high rate and those that did apply were not qualified.

Additional Accomplishments

The STB's EEO and HR Director met with OPM's Diversity and Inclusion Program Office for technical assistance with the STB's Diversity Strategic Plan.

EXECUTIVE SUMMARY: PLANNED ACTIVITIES

During FY 2020, the EEO office will complete the following:

- Resurvey the workforce using OPM's guidance to allow staff to self-identify in Employee Express;
- Facilitate EEO and sexual harassment training;
- Provide input to HR while HR develops an agency-wide hiring interview guide; and
- Finalize a Diversity Strategic Plan.

The STB continues to lead initiatives to address diversity and inclusion efforts to impact recruitment, development, and retention through means of behavioral and social science research, benchmarking promising practices, and a commitment to recruit and retain a workforce reflective of the Nation's diversity.

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**CERTIFICATION of ESTABLISHMENT of CONTINUING
EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS**

[Redacted] am the
(Insert Name Above) (Insert official title/series/grade above)

Principal EEO Director/Official for

[Redacted]
(Insert Agency/Component Name above)

The agency has conducted an annual self-assessment of Section 717 and Section 501 programs against the essential elements as prescribed by EEO MD-715. If an essential element was not fully compliant with the standards of EEO MD-715, a further evaluation was conducted and, as appropriate, EEO Plans for Attaining the Essential Elements of a Model EEO Program, are included with this Federal Agency Annual EEO Program Status Report.

The agency has also analyzed its work force profiles and conducted barrier analyses aimed at detecting whether any management or personnel policy, procedure or practice is operating to disadvantage any group based on race, national origin, gender or disability. EEO Plans to Eliminate Identified Barriers, as appropriate, are included with this Federal Agency Annual EEO Program Status Report.

I certify that proper documentation of this assessment is in place and is being maintained for EEOC review upon request.

Signature of Principal EEO Director/Official
Certifies that this Federal Agency Annual EEO Program Status Report is in compliance with EEO MD-715.

Date

Signature of Agency Head or Agency Head Designee



Date

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Essential Element: A Demonstrated Commitment From agency Leadership

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.1. The agency issues an effective, up-to-date EEO policy statement.				
	A.1.a. Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "Yes", please provide the annual issuance date in the comments column. [see MD-715, II(A)]	X			Statement was issued, posted, and emailed on September 9, 2019. 9/9/2019
	A.1.b. Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)] If the EEO policy statement covers any additional bases (e.g., marital status, veteran status and political affiliation), please list them in the comments column.	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.2. The agency has communicated EEO policies and procedures to all employees.				
	A.2.a. Does the agency disseminate the following policies and procedures to all employees:				
	A.2.a.1. Anti-harassment policy? [see MD 715, II(A)]	X			
	A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)]	X			
	A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:				
	A.2.b.1. The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	X			
	A.2.b.2. Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 CFR §1614.102(b)(5)]	X			
	A.2.b.3. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.	X			https://prod.stb.gov/wp-content/uploads/Reasonable_Accor
	A.2.c. Does the agency inform its employees about the following topics:				
	A.2.c.1. EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If "yes", please provide how often and the means by which such training is delivered.	X			Annually
	A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.	X			Annually
	A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.	X			Annually
	A.2.c.4. Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If "yes", please provide how often.		X		Annually.
	A.2.c.5. Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR §2635.101(b)] If "yes", please provide how often.	X			Annually

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	A.3. The agency assesses and ensures EEO principles are part of its culture.				
	A.3.a. Does the agency provide recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a)(9)] If "yes", provide one or two examples in the comments section. .		X		
	A.3.b. Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]	X			

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Essential Element: B Integration of EEO into the agency's Strategic Mission

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.1. The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.				
	B.1.a. Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	X			
	B.1.a.1. If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If "yes," please provide the title of the agency head designee in the comments.			X	EEO Director reports to the agency head,
	B.1.a.2. Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	X			
	B.1.b. Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	X			
	B.1.c. During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If "yes", please provide the date of the briefing in the comments column.	X			The Chairman was briefed on September 16, 2019.
	B.1.d. Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.2. The EEO Director controls all aspects of the EEO program.				
	B.2.a. Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)] If not, identify the office with this authority in the comments column.	X			
	B.2.b. Is the EEO Director responsible for overseeing the completion of EEO counseling? [see 29 CFR §1614.102(c)(4)]	X			
	B.2.c. Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	X			
	B.2.d. Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]	X			
	B.2.e. Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]	X			
	B.2.f. Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]	X			
	B.2.g. If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2); (c)(3)]			X	No subordinate level components.
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	B.3. The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions.	Yes	No	N/A	
	B.3.a. Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]	X			
	B.3.b. Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.	X			Diversity

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 Compliance Indicator	Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
	B.4. The agency has sufficient budget and staffing to support the success of its EEO program.				
	B.4.a. Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:				
	B.4.a.1. to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]	X			
	B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]	X			
	B.4.a.11. to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]	X			
	B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]	X			
	B.4.a.3. to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR §§ 1614.102(c)(5); 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]	X			
	B.4.a.4. to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column.	X			
	B.4.a.5. to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)]			X	No subordinate components or field offices.
	B.4.a.6. to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]	X			
	B.4.a.7. to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)] If not, please identify the systems with insufficient funding in the comments section.	X			
	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]	X			
	B.4.a.9. to effectively manage its anti-harassment program? [see MD-715 Instructions, Sec. I; EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C. 1]	X			
	B.4.b. Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]	X			
	B.4.c. Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	X			
	B.4.d. Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II) (A) of MD-110?	X			
	B.4.e. Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	B.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills				
	B.5.a. Pursuant to 29 CFR §1614.102(a)(5), have all managers and supervisors received orientation, training, and advice on their responsibilities under the following areas under the agency EEO program:				
	B.5.a.1. EEO complaint process? [see MD-715(II)(B)]	X			
	B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]	X			
	B.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]	X			
	B.5.a.4. Supervisory, managerial, communication and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	X			
	B.5.a.5. ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	B.6. The agency involves managers in the implementation of its EEO program.				
	B.6.a. Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]		X		Not all senior managers are involved.
	B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	X			
	B.6.c. When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I]	X			
	B.6.d. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR §1614.102(a)(5)]	X			

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Essential Element: C Management and Program Accountability

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.1. The agency conducts regular internal audits of its component and field offices.			N/A	
	C.1.a. Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.			X	No sub-components or field offices.
	C.1.b. Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.			X	No sub-components or field offices.
	C.1.c. Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]			X	No sub-components or field offices.

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 Compliance Indicator	Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
	C.2. The agency has established procedures to prevent all forms of EEO discrimination.				
	C.2.a. Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	X			
	C.2.a.1. Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	X			
	C.2.a.2. Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]	X			
	C.2.a.3. Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	X			
	C.2.a.4. Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [See Enforcement Guidance, V.C.]	X			
	C.2.a.5. Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120123232 (May 21, 2015); Complainant v. Dep't of Defense (Defense Commissary Agency), EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.	X			
	C.2.a.6. Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR §1614.203(d)(2)]	X			
	C.2.b. Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR §1614.203(d)(3)]	X			
	C.2.b.1. Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR §1614.203(d)(3)(D)]	X			
	C.2.b.2. Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	X			
	C.2.b.3. Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR §1614.203(d)(1)(ii)(B)]	X			
	C.2.b.4. Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR §1614.203(d)(3)(i)(M)]	X			
	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.	X			
	C.2.c. Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR §1614.203(d)(6)]	X			

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C.2.c.1. Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR §1614.203(d)(5)(v)] If “yes”, please provide the internet address in the comments column.	X			https://prod.stb.gov/wp-content/uploads/files/docs/equalEmploymentPersonal_Assistance
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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	C.3. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.	Yes	No	N/A	

C.3.a. Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?	X			
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C.3.b. Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:				
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C.3.b.1. Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]	X			
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C.3.b.2. Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]	X			
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C.3.b.3. Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]	X			
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C.3.b.4. Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]	X			
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C.3.b.5. Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]	X			
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C.3.b.6. Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]	X			
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C.3.b.7. Support the EEO program in identifying and removing barriers to equal opportunity?. [see MD-715, II(C)]	X			
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C.3.b.8. Support the anti-harassment program in investigating and correcting harassing conduct?. [see Enforcement Guidance, V.C.2]	X			
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C.3.b.9. Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]	X			
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C.3.c. Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]			X	Not applicable for FY19, as there were no incidents
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C.3.d. When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]			X	Not applicable for FY19, as there were no incidents
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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	C.4. The agency ensures effective coordination between its EEO program and Human Resources (HR) program.				
	C.4.a. Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	X			
	C.4.b. Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]	X			
	C.4.c. Does the EEO office have timely access to accurate and complete data (e.g., demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]	X			
	C.4.d. Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]	X			
	C.4.e. Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:				
	C.4.e.1. Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	X			
	C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	X			
	C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)]	X			
	C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	X			
	C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	C.5. Following a finding of discrimination, the agency explores whether it should take a disciplinary action.	Yes	No	N/A	
	C.5.a. Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR §1614.102(a)(6); see also Douglas v. Veterans Administration, 5 MSPR 280 (1981)]	X			
	C.5.b. When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If "yes", please state the number of disciplined/sanctioned individuals during this reporting period in the comments.			X	No instances of discriminatory conduct in FY19.
	C.5.c. If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct (e.g., post mortem to discuss lessons learned)? [see MD-715, II(C)]			X	No instances of discriminatory conduct in FY19.

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 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	C.6. The EEO office advises managers/supervisors on EEO matters.				
	C.6.a. Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If "yes", please identify the frequency of the EEO updates in the comments column.	X			Annually
	C.6.b. Are EEO officials readily available to answer managers' and supervisors' questions or concerns? [see MD-715 Instructions, Sec. I]	X			

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Essential Element: D Proactive Prevention

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	D.1. The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.			N/A	
	D.1.a. Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	X			
	D.1.b. Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	X			
	D.1.c. Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR §1614.203(d)(1)(iii)(C)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	D.2. The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)	Yes	No	N/A	
	D.2.a. Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	X			
	D.2.b. Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	X			
	D.2.c. Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]	X			
	D.2.d. Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.	X			Federal Viewpoint Survey and special emphasis programs.

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 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	D.3. The agency establishes appropriate action plans to remove identified barriers.				
	D.3.a. Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]	X			
	D.3.b. If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]	X			
	D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]			X	FY20 will be the first year to review the effectiveness of the plans.
 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	D.4. The agency has an affirmative action plan for people with disabilities, including those with targeted disabilities.				
	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.	X			https://prod.stb.gov/wp-content/uploads/MD715-AAP-2018-Report.pdf
	D.4.b. Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR §1614.203(d)(1)(i)]	X			
	D.4.c. Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR §1614.203(d)(1)(ii)(A)]	X			
	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)]	X			

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Essential Element: E Efficiency

 Compliance Indicator	 Measures	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
E.1. The agency maintains an efficient, fair, and impartial complaint resolution process.				X	
E.1.a. Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?				X	There were no EEO complaints filed in FY19.
E.1.b. Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?				X	There were no EEO complaints filed in FY19.
E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?				X	There were no EEO complaints filed in FY19.
E.1.d. Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If so, please provide the average processing time in the comments.				X	There were no EEO complaints filed in FY19.
E.1.e. Does the agency ensure that all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?				X	There were no EEO complaints filed in FY19.
E.1.f. Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?				X	There were no EEO complaints filed in FY19.
E.1.g. If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?				X	There were no EEO complaints filed in FY19.
E.1.h. When the complainant did not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?				X	There were no EEO complaints filed in FY19.
E.1.i. Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?				X	There were no EEO complaints filed in FY19.
E.1.j. If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.				X	There were no EEO complaints filed in FY19.
E.1.k. If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]				X	There were no EEO complaints filed in FY19.
E.1.l. Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]				X	There were no EEO complaints filed in FY19.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.2. The agency has a neutral EEO process.			N/A	
E.2.a. Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)] If "yes", please explain.		X			The EEO program is separate from the Office of General Counsel, the Agency's defensive function.
E.2.b. When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.			X		Due to the low number of complaints filed and the size of the agency, a separate legal resource is not needed. STB employs 15 Office of General Counsel (OGC) attorneys. If a legal sufficiency review is needed, an OGC attorney would be walled off from the agency representative to conduct the review.
E.2.c. If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]		X			
E.2.d. Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]				X	There were no EEO complaints filed in FY19.
E.2.e. If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, Attaining a Model Agency Program: Efficiency (Dec. 1, 2004)]				X	There were no EEO complaints filed in FY19.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	E.3. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.				
	E.3.a. Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	X			
	E.3.b. Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	X			
	E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]	X			
	E.3.d. Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	X			
	E.3.e. Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	X			
	E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	E.4. The agency has effective and accurate data collection systems in place to evaluate its EEO program.				
	E.4.a. Does the agency have systems in place to accurately collect, monitor, and analyze the following data:				
	E.4.a.1. Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]	X			
	E.4.a.2. The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	X			
	E.4.a.3. Recruitment activities? [see MD-715, II(E)]	X			
	E.4.a.4. External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]	X			
	E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)]	X			
	E.4.a.6. The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]	X			
	E.4.b. Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	X			

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 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
E.5.a.	Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If "yes", provide an example in the comments.	X			Ensuring all reports are submitted on time and routinely reviewing and acting on the questions in this checklist.
E.5.b.	Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments.	X			Developing a diversity and inclusion plan.
E.5.c.	Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]	X			

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Agency Self-Assessment Checklist



Essential Element: F Responsiveness and Legal Compliance

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	F.1. The agency has processes in place to ensure timely and full compliance with EEOC orders and settlement agreements.	Yes	No	N/A	
	F.1.a. Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]	X			
	F.1.b. Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]	X			
	F.1.c. Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]	X			
	F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]	X			
	F.1.e. When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX)(H)]			X	No EEOC orders issued in FY19.
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures	F.2. The agency complies with the law, including EEOC regulations, management directives, orders, and other written instructions.	Yes	No	N/A	
	F.2.a. Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]			X	No EEOC orders issued in FY19.
	F.2.a.1. When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]			X	No EEOC orders issued in FY19.
	F.2.a.2. When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]			X	No EEOC orders issued in FY19.
	F.2.a.3. When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]			X	No EEOC orders issued in FY19.
	F.2.a.4. Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?			X	No EEOC orders issued in FY19.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A	
 Measures	F.3. The agency reports to EEOC its program efforts and accomplishments.				
	F.3.a. Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]	X			
	F.3.b. Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]	X			

Essential Element: Other

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Plan to Attain Essential Elements

PART H.1

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

A.2.c.4. Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If "yes", please provide how often.

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Plan to Attain Essential Elements

PART H.2

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

A.3.a. Does the agency provide recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a)(9)] If "yes", provide one or two examples in the comments section. .

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Plan to Attain Essential Elements

PART H.3

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

B.6.a. Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]

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Plan to Attain Essential Elements

PART H.4

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

C.1.a. Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.

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Plan to Attain Essential Elements

PART H.5

STATEMENT of
MODEL PROGRAM
ESSENTIAL ELEMENT
DEFICIENCY:

E.2.b. When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/location of the attorney who conducts the legal sufficiency review in the comments column.

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Plan to Eliminate Identified Barriers

MD-715 – Part J
Special Program 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 |

Demographic data table B4 shows the following: STB has 115 employees in the GS-11 to SES cluster. Of the 115 employees, 10 employees (8.6%) have self-identified as a PWD. Although the STB falls 3.4% below the PWD goal, it is almost a three percent increase from Fiscal Year (FY) 2018.

*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 | Yes |
| b.Cluster GS-11 to SES (PWTD) | Answer | No |

Demographic data table B4 shows the following: STB has six employees in the GS-1 to GS-10 cluster. Of the six employees, no one identified themselves as having a targeted disability.

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

The Agency did not communicate the numerical goals to hiring managers, but will put into place procedures to ensure that those goals are communicated to the hiring managers going forward.

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

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

Disability Program Task	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Processing applications from PWD and PWTD	1	0	0	Nilsa Grange HR Specialist nilsa.grangestb.gov
Answering questions from the public about hiring authorities that take disability into account	1	0	0	Nilsa Grange HR Specialist nilsa.grange@stb.gov
Processing reasonable accommodation requests from applicants and employees	2	0	0	Reasonable Accommodation Panel Depu Various raap@stb.gov
Section 508 Compliance	1	0	0	Usha Naik Chief Information Officer usha.naik@stb.gov
Architectural Barriers Act Compliance	1	0	0	Michael Sullivan Chief of Facilities michael.sullivan@stb.gov
Special Emphasis Program for PWD and PWTD	1	0	0	Ebony Jarrett EEO Director ebony.jarrett@stb.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

Disability program staff completed Schedule A training, via FedTalent.

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

Section III: 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.

The EEO Director sent recruitment announcements to disability affinity groups in an effort to identify job applicants with disabilities, including individuals with targeted disabilities.

2. Pursuant to 29 C.F.R. §1614.203(a)(3), describe the agency’s use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTD for positions in the permanent workforce

Agency appropriately processes Schedule A applicants per OPM guidance.

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.

When individuals apply for a position under Schedule A, the HR specialist will confirm that the applicant has a Schedule A letter and determines if the applicant is qualified for a position by reviewing the job qualifications against the applicant’s resume. The HR specialist then provides a qualified applicants’ application/resume to the hiring official. The HR Specialist will also explain the Schedule A hiring authority should the hiring official have any questions.

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

In FY 2019, all hiring managers were required to complete Schedule A training using the online learning system, FedTalent.

B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

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

The EEO Office periodically contacts the Department of Labor's (DOL) disability program regarding the Workforce Recruitment Program and communicates with Veterans Employment and Training within DOL and the State of Maryland's Division of Rehabilitation Services.

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

None of the new hires self-identified as being a PWD/PWTD.

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 No
- b. New Hires for MCO (PWTD) Answer No

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

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

Section IV: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

A. ADVANCEMENT PROGRAM PLAN

Describe the agency's plan to ensure PWD, including PWTD, have sufficient opportunities for advancement.

The STB is committed to ensuring opportunities for advancement for PWD and PWTD by allowing for various training opportunities to enhance skills and development.

B. CAREER DEVELOPMENT OPPORTUNITIES

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

As a small agency, the STB does not have a formal development program. However, it provides training and offers periodic details (internal and external).

2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate.

Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)
Internship Programs	0	0	0	0	0	0
Fellowship Programs	0	0	0	0	0	0
Mentoring Programs	0	0	0	0	0	0
Coaching Programs	0	0	0	0	0	0
Training Programs	0	0	0	0	0	0
Detail Programs	0	0	0	0	0	0
Other Career Development Programs	0	0	0	0	0	0

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

Not applicable, as the STB does not have any formal career development programs due to its small size. However, all staff members are encouraged to seek out and attend trainings to maintain and develop their skillsets.

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

a. Applicants (PWTB)

Answer N/A

b. Selections (PWTB)

Answer N/A

Not applicable, as the STB does not have any formal career development programs due to its small size. However, all staff members are encouraged to seek out and attend trainings to maintain and develop their skillsets.

C. AWARDS

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

a. Awards, Bonuses, & Incentives (PWD)

Answer No

b. Awards, Bonuses, & Incentives (PWTB)

Answer No

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTB 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 (PWTB)

Answer No

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

a. Other Types of Recognition (PWD)

Answer N/A

b. Other Types of Recognition (PWTB)

Answer N/A

Not applicable, as the STB did not have any other type of employee recognition program during FY 2019.

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

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

a. SES		
i. Qualified Internal Applicants (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

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	No
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

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	No
b. New Hires to GS-15 (PWTD)	Answer	No
c. New Hires to GS-14 (PWTD)	Answer	No
d. New Hires to GS-13 (PWTD)	Answer	No

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

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

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

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

Section V: 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 CFR § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

Answer N/A

In FY 2019, the STB did not have any eligible Schedule A employees to convert into 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	No
b. Involuntary Separations (PWD)	Answer	No

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

a. Voluntary Separations (PWTD)	Answer	No
b. Involuntary Separations (PWTD)	Answer	No

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.

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://prod.stb.gov/about-stb/open-government/>

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://prod.stb.gov/about-stb/open-government/>

3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

The agency does not have any new plans, as we are in compliance with all programs, policies and practices that provide accessibility of agency facilities and/or technology.

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 processing time for initial requests was 20.75 days.

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 STB revised its reasonable accommodation procedures in FY 2019 to ensure they adhered to new guidance. This change in policy and procedure brings the STB into compliance with legal and EEOC standards.

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.

There were no requests for Personal Assistance Services during FY 2019.

Section VI: 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 government-wide average?

Answer N/A

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 N/A

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.

Not applicable, as there were no findings of discrimination.

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 N/A

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 N/A

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.

Not applicable, as there were no findings of discrimination.

Section VII: 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.

NA

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

Although no barrier was identified, the STB was able to increase the number of PWTDs in the workforce.

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.

NA