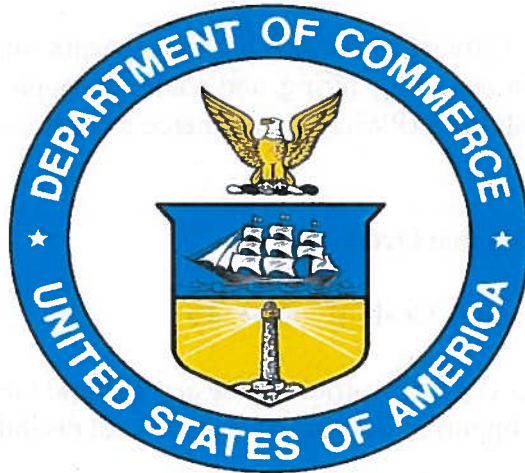



Recruiting, Hiring, and Retaining People with Disabilities



U.S. Department of Commerce Operational Plan

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Approved by: _____


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Date

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Executive Order (EO) 13548, issued July 26, 2010, directs executive departments and agencies to improve their efforts to employ Federal workers with disabilities and targeted disabilities through increased recruitment, hiring, and retention of these individuals. The Department of Commerce (Commerce) is committed to making the agency a model employer for people with disabilities by not only expanding recruiting and hiring, but also improving its retention of people with disabilities. Commerce is committed to providing a welcoming place for people with disabilities where they can thrive and make the most of their talents and abilities.

This Plan has information and strategies to assist hiring managers, supervisors, and Human Resources (HR) Specialists in recruiting, hiring, and retaining people with disabilities (PWD) and people with targeted disabilities (PWTD). Commerce's submission contains the following:

I. Department of Commerce Overview

II. Plan for Implementing the Goals of EO 13548

- The senior-level agency official to be accountable for enhancing employment opportunities for individuals with disabilities and targeted disabilities
- Disability Recruitment Task Force
- Establish numerical hiring goals each year for employing individuals with disabilities and sub-goals for employing individuals with targeted disabilities.
- Utilize Schedule A when advertising all occupations and grade levels of positions being recruited.
- Continue to utilize strategies to increase the use of Title 5, Code of Federal Regulation (CFR), Schedule A § 213.3102(u), *Appointment of persons with severe physical, intellectual, or psychiatric disabilities*.
- Network across Commerce for best practices to explore recruitment/ outreach strategies.
- Utilize associated special hiring authorities.
- Mandatory training requirements for hiring managers, supervisors, and HR Specialists
- Career/skill development strategies to increase participation of individuals with disabilities in internships, fellowships, and training and mentoring programs

- Strategies to retain individuals who are injured on the job, including ways to improve, expand, and increase successful return-to-work outcomes of employees who sustain work-related injuries and illnesses (as defined under the Federal Employees Compensation Act (FECA)), to increase the availability of job accommodations and light or limited duty jobs, and to remove disincentives for FECA claimants to return to work
- Enhance strategies to retain and identify Commerce employees with disabilities.
- Strategies to ensure reasonable accommodation needs are met
- A one-stop resources website
- Accountability and reporting requirements in Commerce

Note on Disabilities and Targeted Disabilities: Under Section 501 of the Rehabilitation Act of 1973, the term “disability” means: (1) a physical or mental impairment that substantially limits one or more major life activities; (2) a record of a substantially limiting impairment; or (3) being regarded (i.e. treated) as having a substantially limiting impairment. This definition is broader than the “targeted disabilities” that the Federal Government has identified for special emphasis in affirmative action and data collection. It is also broader than the severe disabilities eligible for Schedule A appointment authority. (Equal Employment Opportunity Commission) For identification of targeted and other disabilities, go to OPM’s Standard Form 256 (October 2016):

https://www.opm.gov/Forms/pdf_fill/sf256.pdf

I. DEPARTMENT OF COMMERCE OVERVIEW

The Department of Commerce, originally established by Congress as the United States Department of Commerce and Labor (February 14, 1903), is one of the oldest executive-level departments in the Federal Government. Officials in Washington soon realized there was a need for a Federal agency exclusively devoted to promoting American business; therefore, on March 4, 1913, Commerce was renamed the Department of Commerce as the bureaus and agencies specializing in labor were transferred to the new Department of Labor (DOL). As the Federal Government grew and evolved, other bureaus were transferred to and from Commerce, giving it a rich history and unique role in the Cabinet. Commerce is a dynamic organization with a diverse mission that impacts national and international business, the economy, telecommunications, research, trade, and weather forecasting. Commerce's workforce currently has approximately 46,000 dedicated employees serving in the following 11 bureau-level offices, which report directly to the Office of the Secretary:

- Bureau of Economic Analysis – Provides timely, relevant, and accurate economic data to promote a better understanding of the U.S. economy.
- Bureau of the Census – Serves as the leading source of quality population data.
- Bureau of Industry and Security – Protects the national, economic, cyber, and homeland security of the United States.
- Economic Development Administration – Works in partnership with state and local governments, regional economic development districts, public and private nonprofit organizations, and Native American tribes to help afflicted communities in addressing problems associated with economic distress, such as recovering from the economic impact of natural disasters, as well as the closure of military installations and other Federal facilities.
- International Trade Administration – To create prosperity by strengthening the international competitiveness of U.S. industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements.
- Minority Business Development Agency – Fosters the growth and competitiveness of minority-owned firms in the United States. The efforts of the agency cross public, private, state and local governmental, business, and institutional interests. The programs significantly contribute to job creation, economic revitalization, community sustainability as well as regional, national, and global competitiveness.

- National Institute of Standards and Technology – Promotes U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology to enhance economic security and improve Americans’ quality of life.
- National Oceanic and Atmospheric Administration – Focuses on the condition of the oceans and atmosphere, providing environmental information products and stewardship services, as well as performing scientific research on ecosystems, climate, weather, water, commerce, and transportation.
- National Technical Information Service – Serves as the largest central resource for government-funded scientific, technical, engineering, and business-related information.
- National Telecommunications and Information Administration – Serves as the President’s principal advisor on telecommunications and information policy issues; in this role, the NTIA frequently works with other executive branch agencies to develop and present the Administration’s position on these issues.
- Patent and Trademark Office – Fostering innovation, competitiveness, and economic growth, domestically and abroad, by delivering high quality and timely examination of patent and trademark applications, guiding domestic and international intellectual property policy, and delivering intellectual property information and education worldwide, with a highly-skilled, diverse workforce.

Mission

Create conditions for economic growth and opportunity.

Vision

For more than a century, Commerce has partnered with American businesses to maintain a healthy and prosperous United States. In so doing, it has established an exemplary record of innovation in manufacturing, transportation, communications, measurement, and materials. Consequently, Commerce’s vision is to ensure that the United States remains a leader in the global economic arena while simultaneously being a model employer of individuals, including individuals with disabilities and targeted disabilities.

Strategic Goals

- Accelerate American Leadership – Promote the growth of commercial space activities, investing in foundational research, and protecting intellectual property to ensure creators can be rewarded for their inventions.

- Enhance Job Creation – Increase aquaculture production, reduce and streamline regulations, strengthen domestic commerce and the U.S. industrial base, increase U.S. exports, and increase inward investment in the United States to enhance and maximize job creation.
- Strengthen U.S. Economic and National Security – Enforce compliance with trade laws, provide cybersecurity tools to thwart cybercrime, share accurate weather information, and deploy a first-responder broadband network that will protect lives and property.
- Fulfill Constitutional Requirements and Support Economic Activity – Provide demographic and housing data from the Census to assist Federal, State, local, and tribal governments make better decisions about how they spend their money.
- Deliver Customer-centric Excellence – Provide timely human resources, information technology, and acquisition services. Increase the cost-effectiveness of services and improve human capital management. Focus on strategies to improve service and efficiency, and engage employees by better aligning their time and efforts to the Department’s priorities.

II. PLAN FOR IMPLEMENTING THE GOALS OF EO 13548

Responsibility

The Director of Human Resources Management and Chief Human Capital Officer, a position in the Senior Executive Service (SES), along with the Veterans Employment and Selective Placement Program Manager, will be accountable for enhancing employment opportunities for individuals with disabilities and targeted disabilities.

Disability Recruitment Task Force

Commerce will continue to use the Disability Recruitment Task Force, comprised of bureau Selective Placement Program Coordinators, Selective Placement Program Managers, and representatives from the equal employment opportunity staff, current employees with disabilities, and hiring managers. The Task Force will meet quarterly to discuss and develop strategies on a variety of topics, such as: hiring and recruiting individuals with disabilities, eliminating barriers to recruitment of individuals with disabilities, addressing challenges in providing reasonable accommodations, career development, and training opportunities.

Numerical Hiring Data and Goals

At the end of Fiscal Year (FY) 2018, Commerce’s percentage of employees with disabilities was 9.68 percent and with targeted disabilities 2.48 percent. Commerce upholds its commitment to be a model employer by ensuring the participation of people with disabilities in the workforce in accordance with goals established by the Equal Employment Opportunity Commission (EEOC).

Since the previous Operational Plan on Hiring People with Disabilities, the EEOC implemented new regulations under Section 501 of the Rehabilitation Act of 1973, establishing new numerical goals for permanent employees with disabilities in Federal agencies. EEOC regulations established hiring goals of 12 percent within two cluster groups (GS-1 to GS-10, and GS-11 to SES) for individuals with disabilities. For targeted disabilities, the goal is 2 percent in both clusters. Commerce is committed to maintaining/increasing the number of new hires with disabilities and targeted disabilities (as specified on Standard Form (SF) 256, Self-Identification of Disability) over the next 5 years.

In FY 2018, the onboard percentages in these clusters reflected:

Cluster GS-1 to GS-10 (PWD): 13.81%

Cluster GS-11 to SES (PWD): 7.27%

Cluster GS-1 to GS-10 (PWTD): 3.39%

Cluster GS-11 to SES (PWTD): 1.99%

Commerce bureaus under the 12 percent goal in either cluster for PWD must make progress each year by at least 1 percent from their current standing to achieve Commerce’s goal of 12 percent.

Commerce bureaus under the 2 percent goal in either cluster for PWTD must maintain or improve their current standing to 2 percent.

To increase/maintain the number of employees with disabilities and targeted disabilities in the cluster groups in accordance with EEOC goals, **Commerce will establish hiring goals:**

	<u>FY20</u>	<u>FY21</u>	<u>FY22</u>	<u>FY23</u>	<u>FY24</u>
*PWD (cluster GS 1-10)	2%	3%	3%	3%	3%
PWD (cluster GS11-SES)	11%	13%	14%	15%	16%
PWTD (cluster GS 1-10)	2%	2%*	2%*	2%*	2%*
PWTD (cluster GS11-SES)	3%	3%*	3%*	3%*	3%*

*** Since Commerce already exceeds EEOC goals in these clusters for Federal employees onboard, hiring goals are set to offset the annual attrition rate.**

Each year, Commerce will review the onboard number for PWD/PWTD participation in the Commerce workforce, along with projected attrition rates, to determine recruitment efforts.

Occupations and Grade Levels of Positions Being Recruited

Within approved budgets, Commerce will recruit for the following mission-critical occupations at various grade levels:

- 0110 - Economist*
- 0201 - Human Resources*
- 0301 - Miscellaneous Administration and Program Management
- 0343 - Management Program Analyst
- 0482 - Fishery Biologist
- 0500 - Accounting and Budgeting
- 0511 - Auditing*
- 0800 - Professional Engineering Positions
- 0905 - General Attorney
- 1101 - General Business and Industry
- 1102 - Contract Specialist*
- 1140 - Trade Specialist
- 1224 - Patent Examiner
- 1301 - Physical Scientist or General Physical Science
- 1310 - Physicist
- 1315 - Hydrology
- 1320 - Chemistry
- 1340 - Meteorologist
- 1360 - Oceanography
- 1529 - Mathematical Statistician
- 1530 - Statistician
- 1550 - Computer Science
- 1801 - General Inspections, Investigations and Compliance
- 2210 - Information Technology Specialist*

* Government-wide, mission-critical occupations

**Strategies to Increase the Use of the Schedule A Hiring Authority § 213.3102(u),
*Appointment of persons with severe physical, intellectual, or psychiatric disabilities***

Each Servicing Human Resources Office (SHRO) shall maintain a database of resumes of individuals who meet eligibility requirements for appointment under Schedule A, Title 5, CFR § 213.3102(u). Prior to or concurrently with posting a Job Opportunity Announcement (JOA) on *USAJOBS*, the SHRO will review the database and provide the hiring manager with the resumes of all qualified Schedule A individuals.

Each SHRO Selective Placement Program Coordinator will be responsible for coordinating with their respective HR Specialists on reviewing and determining qualifications of Schedule A unsolicited resumes/applications from OPM's Talent Portal of Candidates with Disabilities, and the Workforce Recruitment Program for College Students with Disabilities (WRP) database. This individual will also be responsible for collecting and retaining Schedule A letters and proof of disability. This information is confidential and must be maintained in a secured area in accordance with records' management policies.

Commerce will explore the possibility of creating a database to be shared among all SHROs, creating an efficient and effective method of sharing the resumes/applications of individuals qualified under Schedule A. This shared database will ultimately increase the number of Schedule A applicants being considered for positions for which they qualify throughout all 11 Commerce bureaus, and not just the SHRO that received the resume/application.

Commerce will coordinate with hiring officials when reviewing vacant positions to determine if the job can be restructured and filled at a career-entry level in order to increase hiring opportunities for people with disabilities.

Recruitment/Outreach Strategies

In an effort to improve recruitment and hiring of people with disabilities; Commerce hiring officials and/or HR personnel will:

- Utilize the Presidential Management Fellows Program, a non-competitive hiring authority, to hire persons with disabilities. These candidates have passed an extensive application and screening process and have been found highly qualified by OPM.
- Conduct continuous mining of resumes from OPM's *USAJOBS* for persons with disabilities and targeted disabilities;
- Use JOAs that are written in plain, easy-to-understand language. Each JOA shall provide information and a point of contact for applicants who need to submit their application in an alternate format other than Commerce's

automated hiring system. In addition, each JOA will contain both the required equal opportunity and the reasonable accommodation statements.

- Send JOA notifications electronically to a variety of diverse organizations serving persons with disabilities, including state rehabilitation offices, and to various organizations that help people with disabilities (and wounded veterans) find employment opportunities;
- Continue to use the WRP as a source to find qualified candidates with disabilities. The program helps Federal agencies nationwide find post-secondary students and recent graduates with disabilities. Information on using the WRP as a recruitment source can be found at www.wrp.gov.
- Continue to utilize State Vocational Rehabilitation Agencies and various veterans' organizations to recruit qualified disabled candidates;
- Utilize social media as a platform to highlight and/or advertise vacant positions as feasible; and
- Participate in recruitment/outreach events targeted to individuals with disabilities, such as the equal opportunity publication *CAREERS & the disABLED*, and the magazine's Career Expo for People with Disabilities at <http://www.eop.com/expos.php> and other events focused on people with disabilities.

The SHROs will continue to conduct outreach efforts at colleges and universities with career placement offices, campus organizations, and other networks that provide services to students with disabilities.

Through partnerships with disability student service offices at college campuses and State Vocational Rehabilitation Agencies, the SHROs will participate in special recruiting events, including virtual events, specifically focused on people with disabilities.

Special Hiring Authorities

- Title 5, CFR, Schedule A § 213.3102(u), *Appointment of persons with severe physical, intellectual, or psychiatric disabilities*
- Title 5, CFR, Schedule A § 213.3102(11), for hiring readers, interpreters, and personal assistants for disabled employees
- Title 5, CFR § 315.604, for hiring disabled veterans who have satisfactorily completed an approved course of training prescribed by the U.S. Department of Veterans Affairs under Chapter 31, Title 38, United States Code

- Title 5, CFR § 316.302(b)(4) and Title 5, CFR § 316.402(b)(4), for hiring veterans with compensable service-connected disability ratings of 30 percent or more
- Title 5, CFR § 307.103, for hiring veterans under the Veterans Recruitment Appointment (VRA), an excepted authority that allows an agency to appoint an eligible veteran, non-competitively

Mandatory Training

Commerce will ensure that training is provided for hiring managers and HR Specialists on recruitment and hiring of people with disabilities. The training will include information on a variety of available resources, such as the Workforce Recruitment Program for College Students with Disabilities; Project ABLE; Job Accommodation Network (JAN); the Department of Defense's Computer/Electronic Accommodations Program (CAP); OPM's Shared Register of Candidates with Disabilities; Operation Warfighter Program; On-the-Job Training Program; Non-Paid Work Experience Program; non-competitive appointing authorities (i.e., the Veterans Recruitment Appointment, 30 percent disabled, Schedule A § 213.3102(u), student appointments, etc.); and procedures for providing reasonable accommodations.

In addition, Commerce's Selective Placement Program Manager will ensure all hiring managers, supervisors, and HR professionals complete the mandatory OPM course, "A Roadmap to Success: Hiring, Retaining and Including People with Disabilities" during the first quarter of each calendar year, and provide a statement certifying completion of the training to their SHRO.

The Office of Civil Rights will ensure equal employment opportunity training is included in new supervisory training. The training will include aspects of civil rights, including disability and reasonable accommodations, to ensure no qualified individual is denied the opportunity for advancement based solely on his or her disability.

Career/Skills Development

Commerce will ensure job opportunities posted on *USAJOBS* provide awareness to individuals with disabilities about opportunities throughout the Department of Commerce.

Commerce will ensure that employees with disabilities are made aware of various leadership development programs and have an equal opportunity to compete for all programs, including managerial, executive, and other career-enhancing programs and initiatives.

The Commerce Learning Center has more than 2,500 training courses to assist employees in managing their careers.

In addition, Commerce will continue to promote internal advancement opportunities for people with disabilities and targeted disabilities through several leadership development programs:

- The Aspiring Leaders Development Program (ALDP) – The ALDP program for GS-9 through GS-12 uses an integrated approach to provide a series of developmental experiences that include 3 non-consecutive weeks of core training including instructor-led formal trainings, seminars, online courses, developmental work assignments, mentoring from senior managers, book reading and discussion, management interviews, shadowing assignments, writing assignments, 3 book forums, a 45-day developmental assignment, and team action learning projects and presentations.
- The Executive Leadership Development Program (ELDP) – The ELDP enhances leadership competencies for GS-13 through GS-14 or equivalent candidates with an initial personal assessment, formal training and seminars, a 120-day developmental assignment at a Commerce organization, an action learning team project, and access to individual mentors and coaches.
- The Senior Executive Service Candidate Development Program (SES CDP) – The SES CDP provides GS-14 through GS-15 or equivalent candidates a wide variety of competency-based leadership development experiences. The program curriculum enhances leadership competencies through an initial personal assessment, formal training and seminars, a 120-day developmental assignment away from the home office, an action learning team project, and access to individual SES mentors.

Commerce will ensure all employees throughout the Department are made aware of all leadership development opportunities, and reasonable accommodations are provided for employees with disabilities to ensure they are fully able to participate.

Commerce also offers employees an opportunity to earn a certificate in project management through the Project Management Certificate Program. Through this program, participants will develop the following skill set:

- Estimate project costs and schedules using simple techniques;
- Plan, estimate, and organize project efforts;
- Identify customer requirements using proven techniques; and
- Manage projects with tight deadlines and limited budgets.

Strategies to Retain Employees with Disabilities

During their first year of employment, Selective Placement Program Coordinators and Disability Program Managers will periodically reach out to new employees with disabilities and targeted disabilities to assist them with transitioning to Commerce.

Exit interviews will be conducted with employees with disabilities leaving Commerce to collect information on barriers to retention. This information will be used to develop future strategies to assist Commerce with retaining employees with disabilities.

Workplace flexibilities such as telework and alternative work schedules will be used as tools to retain persons with disabilities.

Strategies to Retain Individuals Injured on the Job

Commerce has implemented a successful Return-to-Work Program along with additional resource restoration programs under the Office of Occupational Safety and Health (OOSH). These programs address the goals of EO 13548 to accommodate workers with serious injuries/illnesses who are receiving benefits under FECA (the Federal Employees' Compensation Act).

OOSH conducted an injury/illness data review for the Department of Labor chargeback year (ChY) 2018, which runs from July 1 of each year through June 30 of the following year. Overall, workplace injuries and illnesses, as well as related medical and compensation costs, have declined across Commerce since ChY 2015. Total costs (medical and compensation) have declined from \$14,806,796 in ChY 2015 to \$13,744,661 in ChY 2016, and down to \$12,918,605 for ChY 2017. In ChY 2018, the costs to Commerce were \$12,156,711, down by \$761,894 from ChY 2017. The avoided cost for FY18 was more than \$1,834,772.

The Department secured a contract in June 2015 for management services of workers' compensation claims with Managed Care Advisors. The contract affords the opportunity to:

- Standardize/simplify/centralize all processing functions throughout Commerce;
- Centralize case management skills into a small but viable group;
- Institutionalize a strong Return-To-Work Program for long-term cases;
- Institutionalize a strong light-duty program for new cases with pre-established light-duty work assignments at all duty locations; and
- Ensure senior management is onboard, and providing work opportunities.

The contract with Managed Care Advisors doubled the employment offers made to injured workers receiving FECA benefits, many of whom will be workers with serious injuries or illnesses. As an added benefit, it is anticipated that the successful return to work of these individuals will result in a 30 percent reduction of Commerce workers' compensation chargeback costs between FYs 2020–25, resulting in a savings of \$70 million over the life of

these FECA claims. Virtually all these savings will come about by accommodating employees with injuries/illnesses and successfully returning them to the workplace. Results will be reported quarterly to the agency senior-level official in charge.

Strategies to Ensure the Provision of Reasonable Accommodations

During FY 2019, Commerce will update and issue a revision of Department Administrative Order (DAO) 215-10, "Reasonable Accommodation for Employees or Applicants with Disabilities" to the Commerce workforce. These procedures contain specific steps and timelines for requesting and providing reasonable accommodation to employees and applicants for employment. Applicable policies will be updated as necessary. DAO 215-10 will be updated in accordance with the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, as amended, and the U.S. Equal Opportunity Employment Commission's (EEOC) requirements for processing reasonable accommodation requests. Periodic review of policy and procedures will be conducted. Any modifications will be submitted to the EEOC for review and approval.

Commerce will continue to partner with the Department of Defense's Computer Accommodations Program to provide technology-based accommodations to employees and interns with disabilities at no charge to the agency.

The Job Accommodation Network (JAN) will also be utilized when necessary to provide guidance and resources for effective reasonable accommodation options in the workplace.

During FY 2020, Commerce will conduct an analysis to determine the feasibility of establishing a centralized reasonable accommodation fund managed by the Department's Reasonable Accommodations Program Manager in the Office of Civil Rights.

One-Stop Resources Website

Commerce's website will hold current information about recruiting and hiring persons with disabilities. The website will be a resource for use by hiring managers, HR Specialists, employees, and applicants. The website will include information about the following:

- Non-competitive hiring authorities that can be used to recruit persons with disabilities and targeted disabilities, including detailed information on Title 5, CFR, Schedule A § 213.3102(u) non-competitive hiring authority;
- Useful information and resources, such as CAP, JAN, and OPM websites, for the recruiting, hiring, and retention of persons with disabilities;
- Procedures for requesting reasonable accommodations;

- Commerce policies related to hiring, recruitment, and reasonable accommodations, including HR Bulletin #177, FY14, “Schedule A Appointing Authority Title 5, Code of Federal Regulations (CFR) § 213.3102(u) for Persons with Disabilities,” effective November 1, 2013; and Department Administrative Order 215-10, “Reasonable Accommodation for Employees or Applicants with Disabilities,” effective April 24, 2013; and
- Various training presentations that can be used throughout Commerce.

Accountability and Reporting Requirements

At the end of each quarter, Selective Placement Program Coordinators from the bureaus must submit to the Selective Placement Program Manager statistical information on their efforts to conduct outreach, and to recruit and hire persons with disabilities, and the results.

At the end of each quarter, Reasonable Accommodation Coordinators from the bureaus will submit to Commerce’s Disability Program Manager data on reasonable accommodation requests, to include numbers of requests, average processing time, types of requests, and any other pertinent information.

Commerce’s Disability Program Manager and Selective Placement Program Manager will analyze the Department’s annual EEOC, Management Directive (MD) 715 report, as well as workforce data to establish goals and strategies as needed.

