

# FEDERAL COMMUNICATIONS COMMISSION



The Equal Employment Opportunity Program Status Report  
(EEOC MD-715 Report)

For

FISCAL YEAR 2016

## TABLE OF CONTENTS

I.	Introduction.....	1
II.	The Mission of the Federal Communications Commission.....	1
III.	The Mission of the Office of Workplace Diversity.....	1
IV.	Model Agency Elements.....	1
A.	Essential Element A: Demonstrated Commitment from Agency Leadership.....	2
B.	Essential Element B: Integration of EEO into the Agency’s Strategic Mission.....	3
C.	Essential Element C: Management and Program Accountability.....	3
D.	Essential Element D: Proactive Prevention.....	3
E.	Essential Element E: Efficiency.....	3
F.	Essential Element F: Responsiveness and Legal Compliance.....	4
V.	Workforce Profile.....	4
A.	Results of the FCC’s Annual Self-Assessment.....	4
B.	Employment of Individuals with Disabilities.....	5
C.	Hires and Separations.....	6
D.	Employment in Mission Critical Occupations.....	7
E.	Employment of High Grade Employees.....	11
VI.	Career Development Opportunities.....	13
VII.	Complaint Processing.....	14
VIII.	FY 2017 Objectives.....	14
IX.	Conclusion.....	15

## **I. Introduction**

This Equal Employment Opportunity (EEO) Program Status Report for Fiscal Year (FY) 2016 outlines the Federal Communications Commission's (FCC or Commission) Equal Employment Opportunity (EEO) program activities, as required by the Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715). This report highlights the FCC's accomplishments in establishing and maintaining a model EEO Program by promoting equal opportunity for all of our employees and applicants, and identifying areas for improvement. It also provides the objectives for FY 2017 and beyond.

## **II. The Mission of the Federal Communications Commission**

The FCC is an independent U.S. Government Agency with primary authority for communications law, regulation and technological innovation. The FCC regulates interstate and international communications by radio, television, wire, satellite and cable in all fifty states, the District of Columbia and the U.S. territories. As the FCC faces economic opportunities and challenges associated with rapidly evolving advances in global communications, the FCC seeks to:

- Promote Economic Growth and National Leadership;
- Protect Public Interest Goals;
- Make Networks Work for Everyone; and
- Promote Operational Excellence.

## **III. The Mission of the Office of Workplace Diversity**

The Office of Workplace Diversity (OWD or Office) is responsible for developing and administering the Commission's policies, programs, and practices to foster a diverse workplace and promote and ensure EEO for all employees and applicants for employment. Additionally, the Office is responsible for conducting independent analyses of the Commission's policies and practices to ensure that those policies and practices foster diversity in the workplace and ensure equal opportunity and equal treatment for employees and applicants. Moreover, the Office advises the Commission, Bureaus, and Offices of their responsibilities under Title VII of the Civil Rights Act of 1964, as amended; Section 501 of the Rehabilitation Act of 1973, as amended; the Age Discrimination in Employment Act of 1967, as amended; Executive Order 11478; and all other statutes, Executive Orders, and regulatory provisions relating to workplace diversity, equal employment opportunity, nondiscrimination, and civil rights.

## **IV. Model Agency Elements**

The MD-715 has six essential elements that agencies use to assess the health of their EEO programs and assist in developing and maintaining a model EEO program. The FCC's accomplishments under each element are listed below:

***A. Essential Element A: Demonstrated Commitment from Agency Leadership***

- Former Chairman Wheeler's continued initiative to increase the number of employees who have disabilities led to the implementation of a "Plan to Increase Employment of People with Disabilities," which encompasses and includes the increased employment of disabled veterans.
- As part of this effort, the FCC engages in education to managers and supervisors on such issues as: working with local vocational rehabilitation offices, working with the Council of State Administrators of Vocational Rehabilitation, partnering with non-governmental organizations who represent individuals with disabilities, and using databases and resources such as the OPM Shared List of People with Disabilities and the Workforce Recruitment Program.
- The Agency established an "Accessibility Team" to evaluate and assess all areas of accessibility for individuals with all types of disabilities. The Team is led by a top agency executive and involves leadership from all agency Bureaus and Offices. The Team drafted a FCC Accessibility Plan with the objective to make the FCC a model for accessibility in the Federal Government.
- The Agency also promoted increased awareness for staff, to include managers and supervisors, to raise awareness to the benefits of employing and retaining individuals with disabilities. A number of programs, seminars and internal efforts helped to educate and remind selecting officials of the availability and benefits of accommodation to open advancement doors to individuals with disabilities. Additionally, the FCC developed and implemented a mandatory video "Disabilities Sensitivity Training" for all staff, involving several FCC employees with disabilities in the production effort.
- The FCC Chairman championed the use of the 213.3102(u) hiring authority and challenged hiring managers to consider opportunities for individuals with intellectual disabilities. In fact, the Washington Post featured one of the FCC's employees in a recent news article touting the job success he has had with the agency.
- The FCC was recognized and profiled by WAMU, National Public Radio's (NPR) Washington, DC station, which positively reflected on the FCC's disability hiring efforts in a 5-part series, "From Institution to Inclusion", titled, "Why One Federal Agency Decided To Hire People With Developmental Disabilities".
- New Hire Orientation includes a session conducted by OWD leadership which provides new employees information regarding diversity, EEO, and affirmative employment matters.
- The OWD staff continued to have a positive presence within the offices and bureaus by meeting with managers and supervisors regarding their responsibilities within the EEO arena.
- Chairman Wheeler issued a new EEO Policy Statement and a new Anti-Harassment Policy Statement on July 29, 2016.
- The OWD published the EEO and Anti-Harassment policy statements on the intranet, internet and in high-traffic areas.

***B. Essential Element B: Integration of EEO into the Agency's Strategic Mission***

- OWD Acting Director is under direct supervision of Agency Head.
- During FY 2016, the FCC expanded on our recognition of diversity programs through its FCC Diversity Series to include our first Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) observance, in addition to the Martin Luther King, Jr. Holiday, Black History Month, Women's History Month, Asian American Pacific Islander Heritage Month, Hispanic Heritage Month, National Disability Employment Awareness Month, and Native American History observances.

***C. Essential Element C: Management and Program Accountability***

- OWD Acting Director provides regular EEO updates to the Chairman's Office.
- The Agency promptly complies with EEOC, Merit Systems Protection Board, Federal Labor Relations Authority, Labor Arbitrators and District Court orders.

***D. Essential Element D: Proactive Prevention***

- OWD hosted a 2-hour Anti-Harassment for Supervisors and Managers Seminar on July 19, 2016. Participation was mandatory, and participants received comprehensive training to identify, address and prevent workplace harassment.
- Reinvigoration of the Alternative Dispute Resolution (ADR) program – a senior FCC employee was detailed and dedicated to the program; focus groups were conducted to assess the program for improvements.
- OWD Acting Director met with Senior Managers to identify barriers to equal opportunity.
- The OWD prepared trend analysis of workforce profiles by race, national origin, gender and disability.
- The FCC prepared trend analysis of the workforce's major occupations, and grade level distribution by race, ethnicity, gender and disability.
- FCC developed and launched an unique FCC-specific web-based disability-awareness training module featuring contributions from the Chairman, several Commissioners and employees with disabilities.

***E. Essential Element E: Efficiency***

- OWD staff continues to work with the IT staff for the development and deployment of an online complaint filing and tracking system.
- OWD's eleven collateral-duty counselors received 20 hours of refresher counselor training. In addition to meeting for one hour each month to discuss and review EEO claims processing, the OWD brought in an outside trainer to provide a consolidated 8-hour block of EEO Counselor training.

## ***F. Essential Element F: Responsiveness and Legal Compliance***

- OWD timely complies with orders and directives of the EEOC.
- The Office of the General Counsel timely complies with orders and directives of the EEOC.

## **V. Workforce Profile**

### ***A. Results of the FCC's Annual Self-Assessment***

The Commission's FY 2016 total workforce was comprised of 1,608 employees, a 4.74% decrease from the prior year total of 1,688 (80 fewer employees). The participation rate of 49.32% for males and 50.68% for females remained relatively steady from the previous year (*See* Figure 2).<sup>1</sup> The distribution of the FY 2016 FCC workforce by Race/National Origin (RNO), Gender, and Reported Disability was as follows (*See* Figures 1 and 3):

- Hispanic or Latino males 1.99% (32)
- Hispanic or Latino females 1.68% (27)
- White males 33.58% (540)
- White females 25.37% (408)
- Black or African American males 8.52% (137)
- Black or African American females 19.96% (321)
- Asian males 4.85% (78)
- Asian females 3.36% (54)
- Native Hawaiian or Other Pacific Islander males 0% (0)
- Native Hawaiian or Other Pacific Islander females 0.06% (1)
- American Indian/Alaska Native males 0.19% (3)
- American Indian/Alaska Native females 0.12% (2)
- Two or More Races males 0.19% (3)
- Two or More Races females 0.12% (2)
- Reported Disability 5.66% (91)<sup>2</sup>
- Targeted Disability<sup>3</sup> 1.24% (20)

---

<sup>1</sup> For FY 2015, the participation rate for males was 49.59% and 50.41% for females.

<sup>2</sup> This number includes Persons with Targeted Disabilities.

<sup>3</sup> Targeted disabilities are those disabilities that the federal government, as a matter of policy, has identified for special emphasis. The targeted disabilities listed on the MD-715 Tables are: hearing, vision, missing extremities, partial paralysis, complete paralysis, epilepsy, severe intellectual disability, psychiatric disability, and dwarfism.

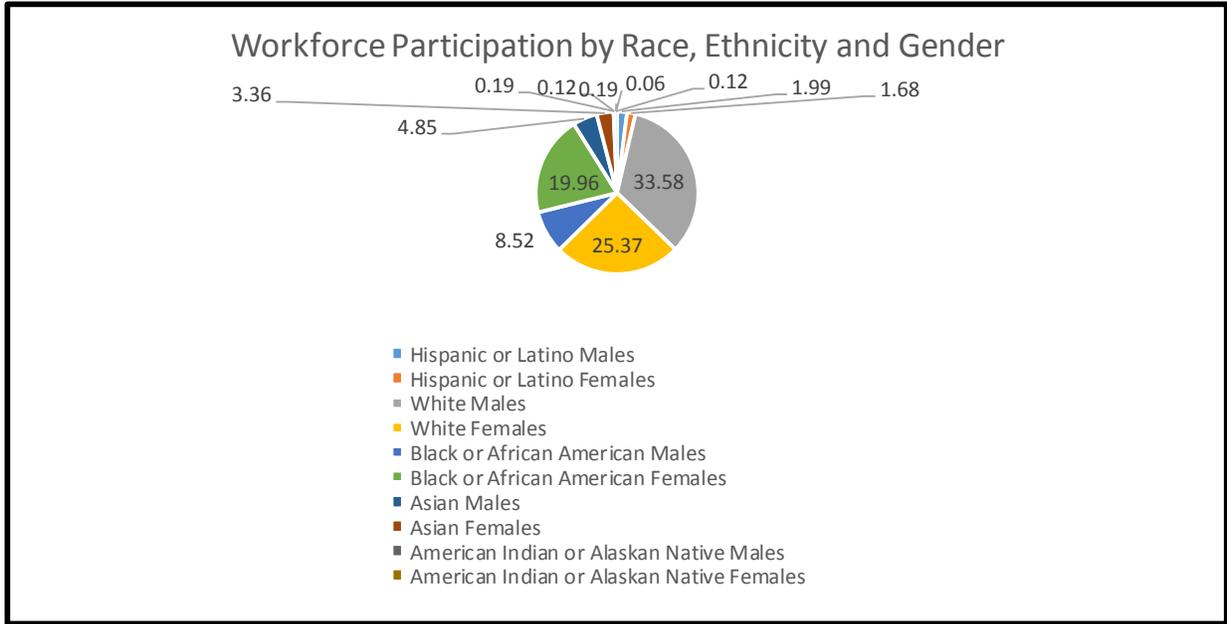


Figure 1

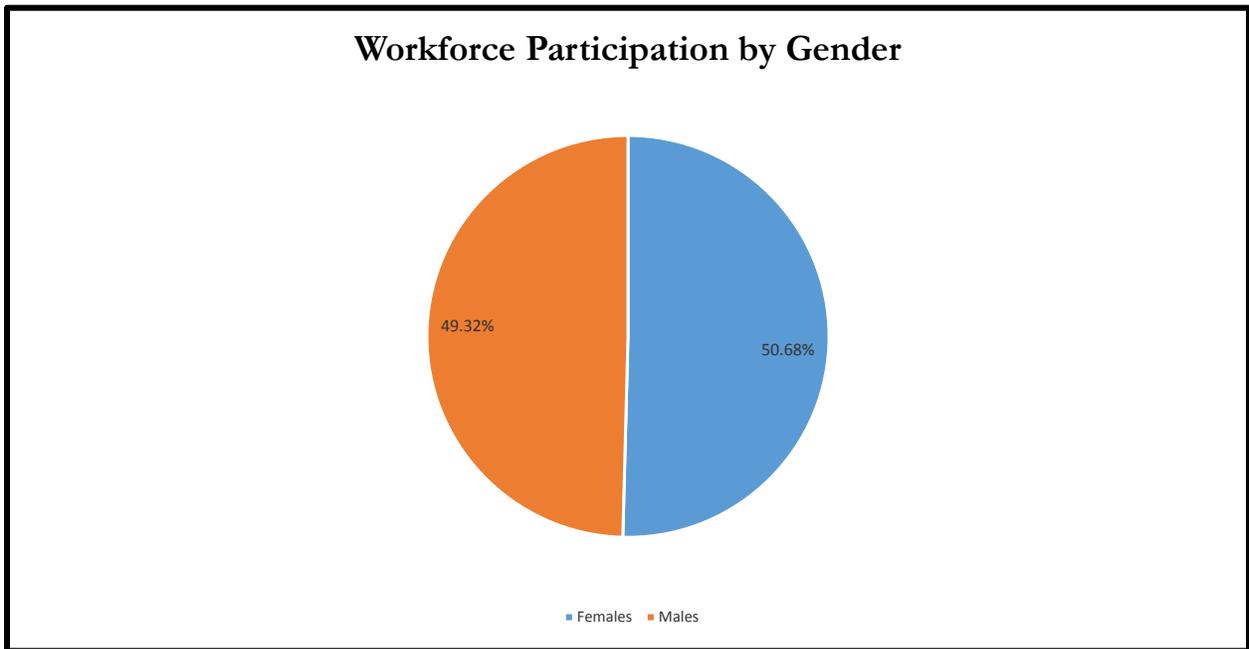


Figure 2

***B. Employment of Individuals with Disabilities***

The FCC continues its efforts with the "Plan to Increase Employment of People with Disabilities," which encompasses and includes the increased employment of disabled veterans. The FCC

continued to educate managers and supervisors on such issues as: working with local vocational rehabilitation offices, working with the Council of State Administrators of Vocational Rehabilitation, partnering with non-governmental organizations who represent individuals with disabilities, and using databases and resources such as the OPM Shared List of People with Disabilities and the Workforce Recruitment Program.

In accordance with the language and spirit of the Rehabilitation Act of 1973, and two resulting Executive Orders, the FCC has used training programs to promote the advancement of employees with disabilities, by taking into account the specific needs of these individuals. Furthermore, the FCC Chairman championed the use of the Section 213.3102(u) hiring authority and challenged hiring managers to consider opportunities for individuals with intellectual disabilities. In fact, the Washington Post featured one of the FCC's employees in a recent news article touting the job success he has had with the agency: [https://www.washingtonpost.com/national/health-science/youre-autistic-you-know-you-can-do-a-good-job-but-will-employers-listen/2016/09/22/412956bc-4dca-11e6-a422-83ab49ed5e6a\\_story.html](https://www.washingtonpost.com/national/health-science/youre-autistic-you-know-you-can-do-a-good-job-but-will-employers-listen/2016/09/22/412956bc-4dca-11e6-a422-83ab49ed5e6a_story.html) Similar recognition was also made by WAMU, NPR's Washington, DC station, which positively profiled the FCC's disability hiring efforts in a 5-part series, "From Institution to Inclusion" titled, "Why One Federal Agency Decided To Hire People With Developmental Disabilities" on their WAMU.org website: <https://wamu.atavist.com/from-institution-to-inclusion#chapter-740164>.

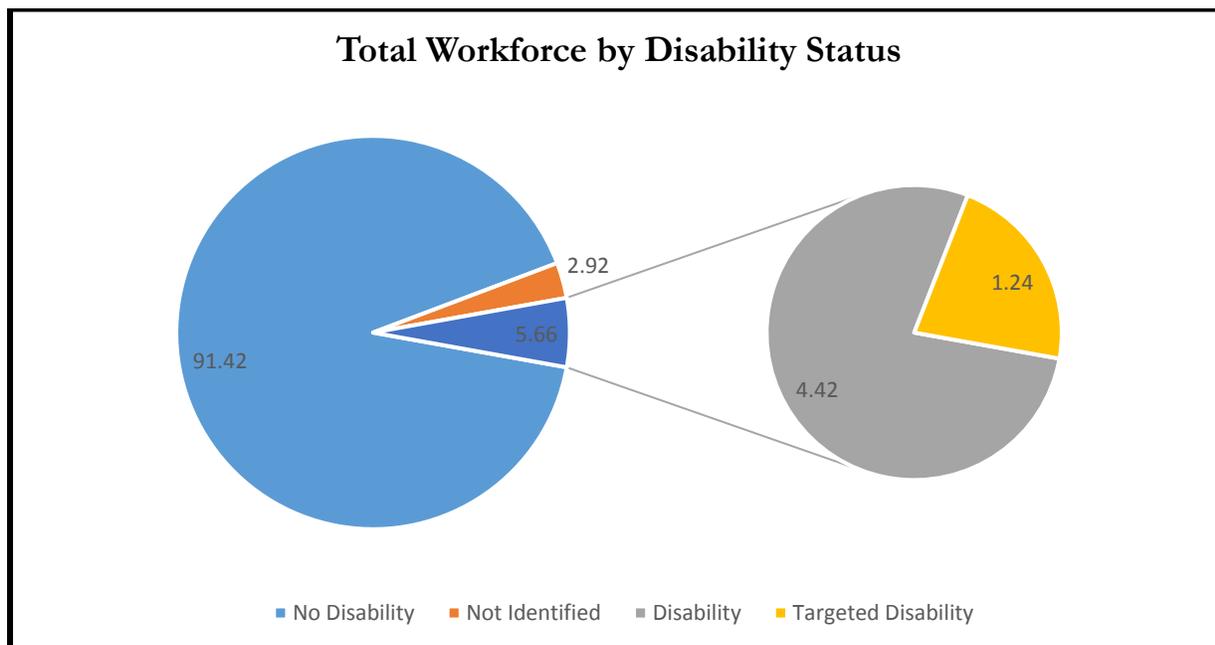


Figure 3

### C. Hires and Separations

On the hiring front, the FCC does well in attracting employees from most racial and ethnic groups. Notably, the participation rates of African American or Black males and females and Asian American

males and females exceeds the national civilian labor force (CLF)<sup>4</sup> percentages. Although there was a slight increase in percentage in the participation rates for Hispanic or Latino males and females in the total workforce from FY 2015, we are still lacking in comparison with the CLF.<sup>5</sup> Additionally, the separation rate for Black or African American females increased by over 3% in 2016, from 18.49% in 2015 to 21.60% in 2016.

Because there is no CLF category for Persons with Targeted Disabilities, the FCC uses the inclusion rate to assess the progress it is making towards the hiring of Persons with Targeted Disabilities. Persons with Disabilities comprise 5.66% of the FCC's total workforce. For FY 2016, the FCC's new hire rate for persons with disabilities was 10.61% and the new hire rate for Persons with Targeted Disabilities was 1.52%. The separation rate for Persons with Targeted Disabilities at 2.82% was slightly higher than the new hire rate at 1.52%. The Persons with Targeted Disabilities Inclusion Rate at 5.00% is higher than the Persons without Targeted Disabilities Inclusion Rate of 4.09% with regards to hiring of employees. Similarly, the Persons with Targeted Disabilities Inclusion Rate at 20.00% is higher than the Persons without Targeted Disabilities Inclusion Rate of 8.69% with regards to the separation of employees.<sup>6</sup>

#### ***D. Employment in Mission Critical Occupations***

The FCC has three mission critical occupations: attorneys, economists and Electronics Engineers. With regard to the mission critical occupation of Electronics Engineering, the FCC has a diverse staff as the participation rates of females, American Indian or Alaska Native males and females, Asian males and females, Black or African American males and females and Hispanic or Latino males and females compare favorably to their CLF participation rates (*See* Figures 4, 5, 8 and 9). Although more work is required to improve the participation rates of Hispanic and Latino males and females in the mission critical occupations of General Attorney and Economist, the FCC has solid participation rates for the remaining racial/ethnic groups in this series when compared with the CLF (*See* Figures 6 and 7). Notably, the participation rate for Hispanic or Latino males remained steady in the Attorney Series and the Engineer Series (*See* Figures 5 and 8). Additionally, the FCC is doing very well with regards to the employment (inclusion rate) of Persons with Targeted Disabilities in the mission critical occupation of General Attorney (60.00%), while more work is required in the mission critical occupations of Economist (0.00%) and Electrical Engineering (4.55%) fields (*See* Figure 10).

---

<sup>4</sup> The identification of groups who have a low participation rate is a measurement gauge and does not constitute or promote using quotas or preferences for selection. As always, the best qualified applicants are selected.

<sup>5</sup> The reasons for the low participation rates of Hispanic or Latino males and females and the high separation rates of African American or Black females and Asian males are not readily apparent. Accordingly, the FCC will examine its policies and procedures to see if there are any systemic barriers that are fostering these rates.

<sup>6</sup> The FCC will perform a Barrier Analysis to understand the reasons for this disparity.

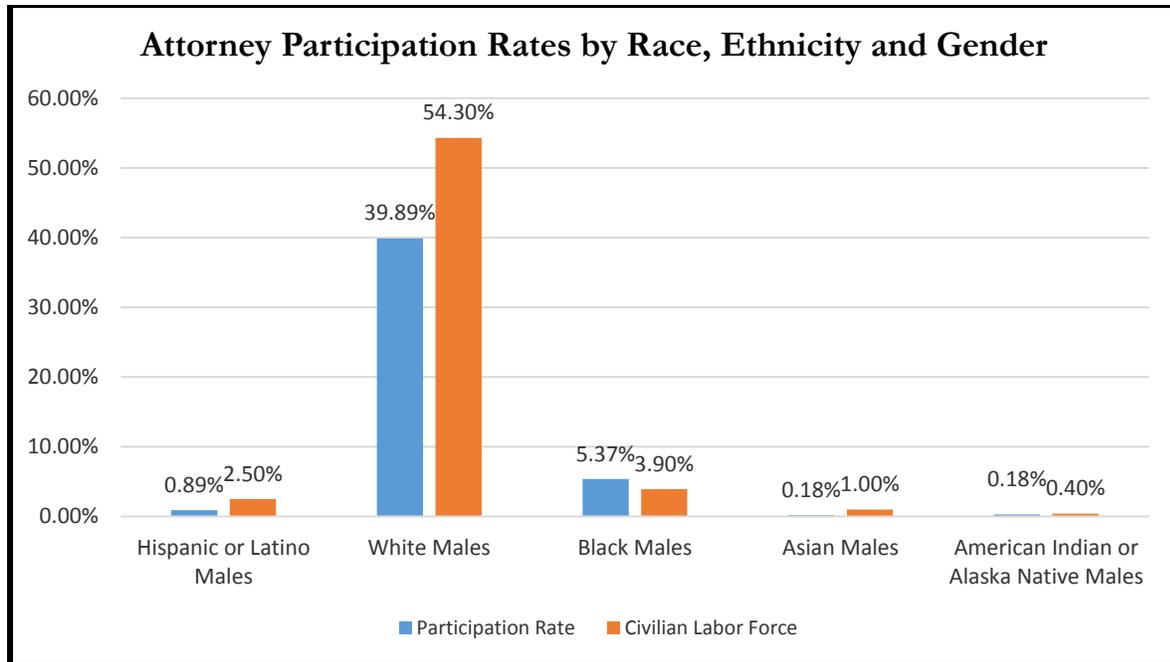


Figure 4

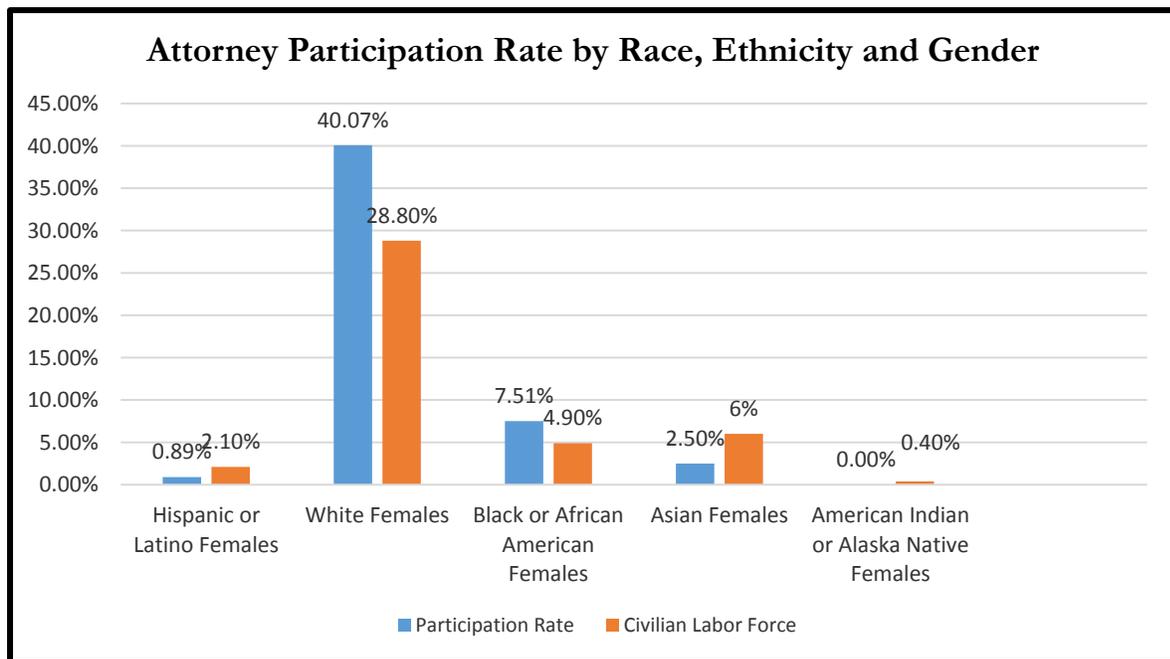


Figure 5

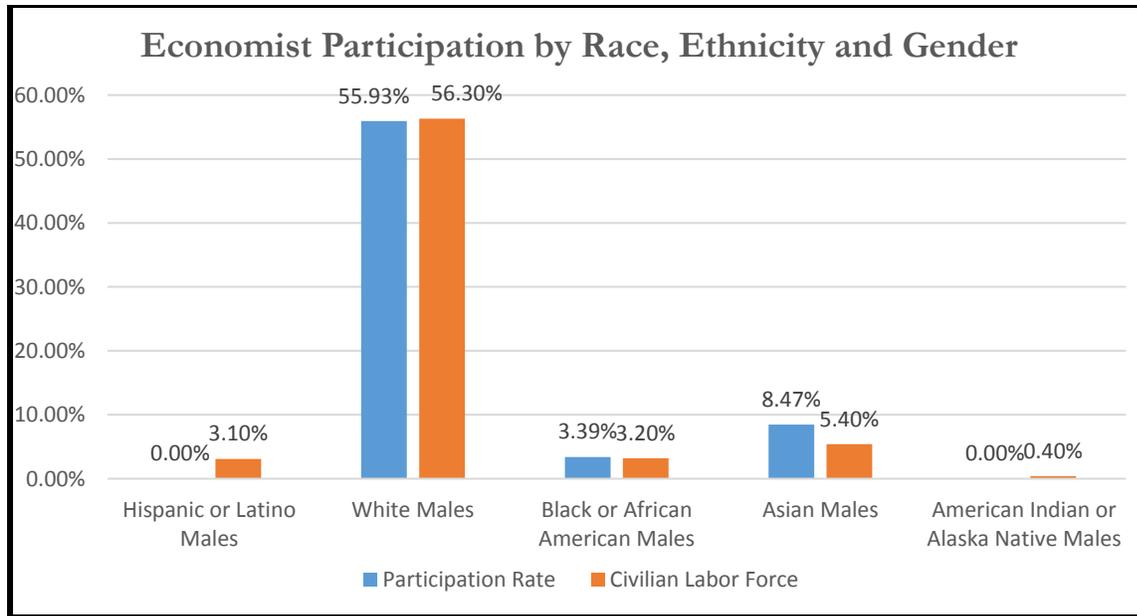


Figure 6

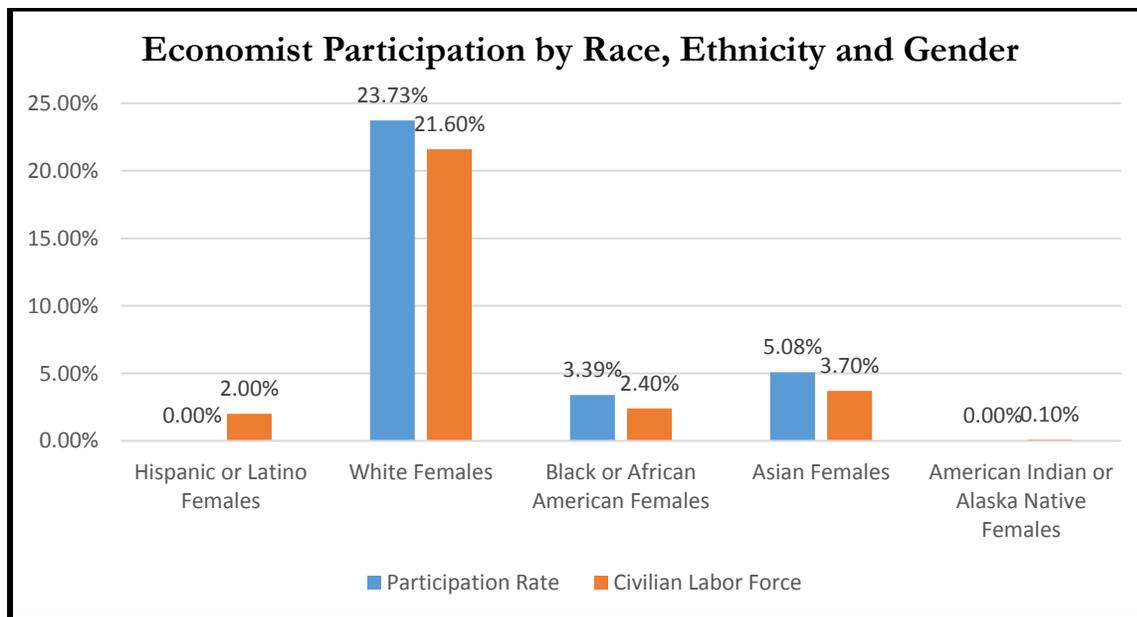


Figure 7

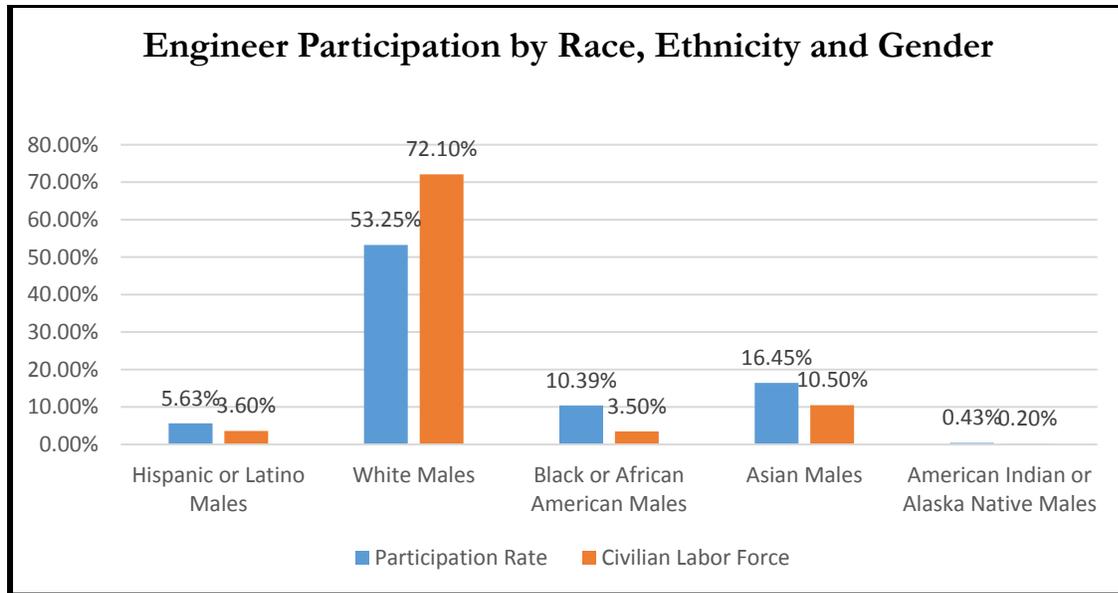


Figure 8

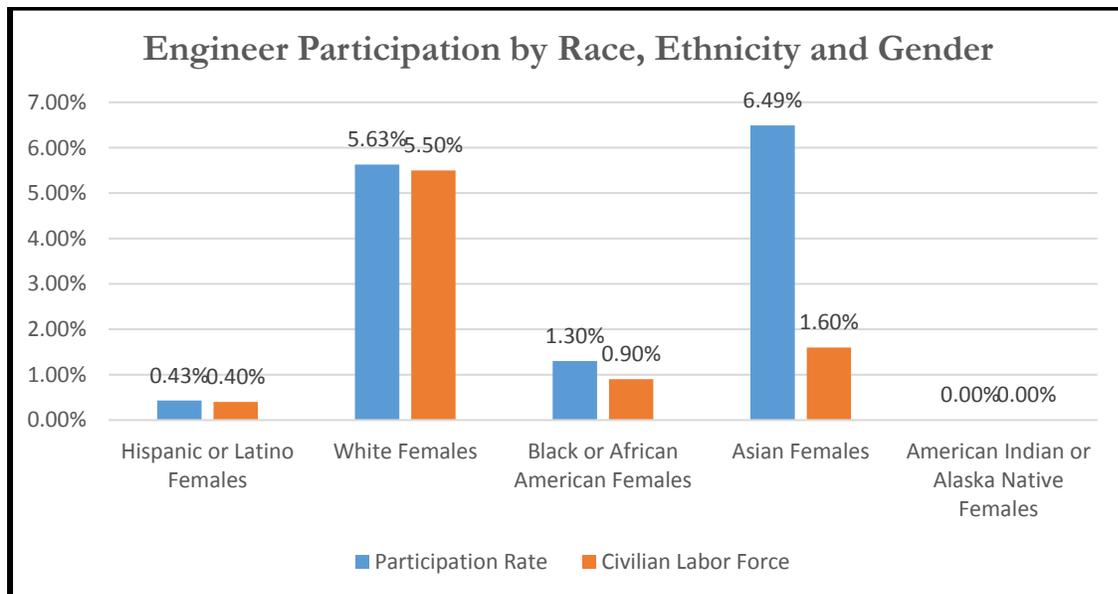


Figure 9

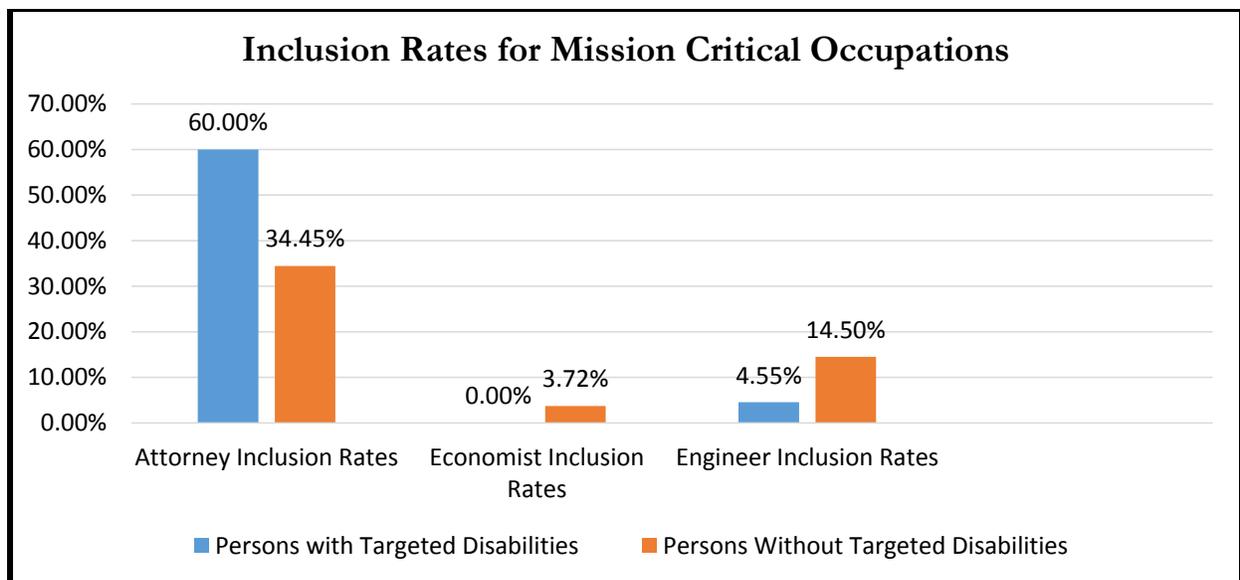


Figure 10

### E. Employment of High Grade Employees

Generally, high grade employees at the FCC are comprised of employees who occupy GS-15 and above positions. Males hold 58.20% of these positions, while females hold 41.80% which is an increase from 39.18% for 2015 of these positions (*See* Figure 11). Overall, women represent over 50% of the workforce, but only 41.80% of the high grade positions. Black females represent 19.96% of the FCC workforce, but only 5.79% of the high grade positions, which is a decrease from 6.90% in 2015. Persons with Targeted Disabilities represent 1.24% of the FCC workforce, 0.94% of the employees at the GS-15 and above levels. Conversely, Persons with no disabilities represent 91.42% of the workforce and 89.66% of the employees at the GS-15 and above positions. The representation of Hispanic or Latino males and females, Black males, Asian males and females and American Indian or Alaska Native males and females in the high grades is comparable to their representation in the FCC’s workforce<sup>7</sup> (*See* Figures 12 and 13). However, as noted above, the representation of Black females at the GS-15 and above level is 14% less than their representation in the FCC’s workforce. Only females as a group have a similar, but smaller, disparity of over 8% between their representation at the GS-15 and above levels (41.80%) and their representation in the FCC’s workforce (50.68%). Conversely, the representation of White males in the high grades is 45.66% while their representation in the FCC’s workforce is 33.58%. When comparing the FCC workforce with the CLF, White females and Hispanic and Latino males and females have low participation rates. Thus, White females and Hispanic and Latino males and females have low

<sup>7</sup> Although the representation at the GS-15 level and above is comparable within the FCC workforce, it must be noted that the representation of Hispanic and Latino males and females is significantly below the CLF, whereas the representation of Asian males is above the CLF.

participation rates when comparing their participation rates with both national workforce statistics and FCC workforce statistics.

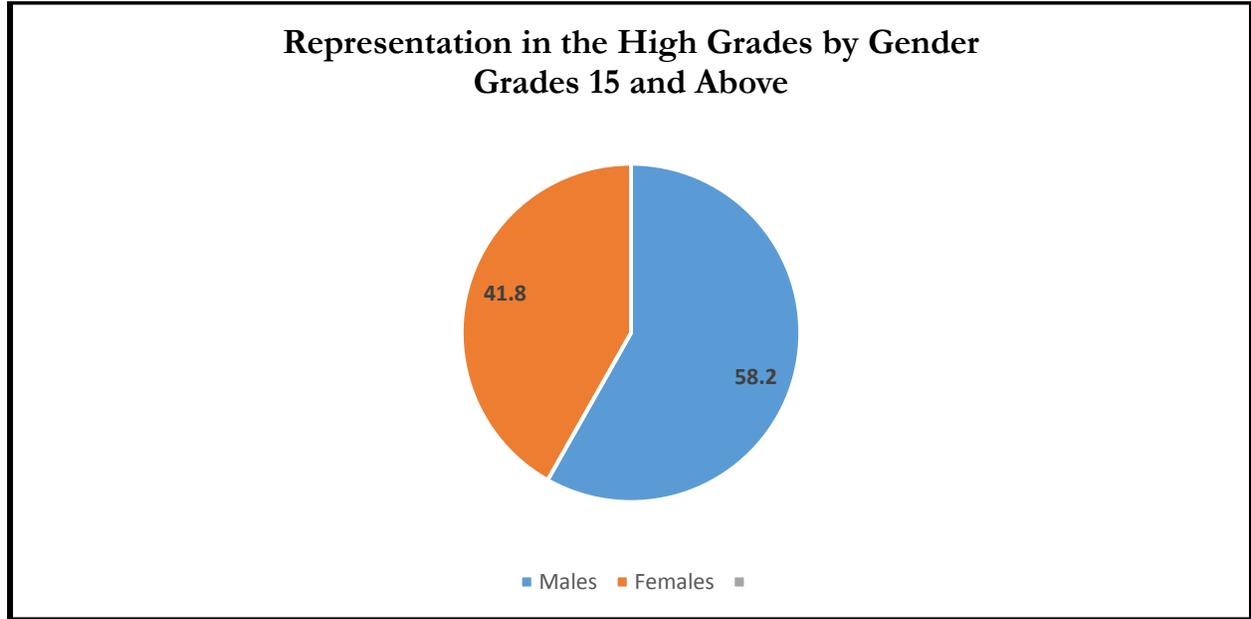


Figure 11

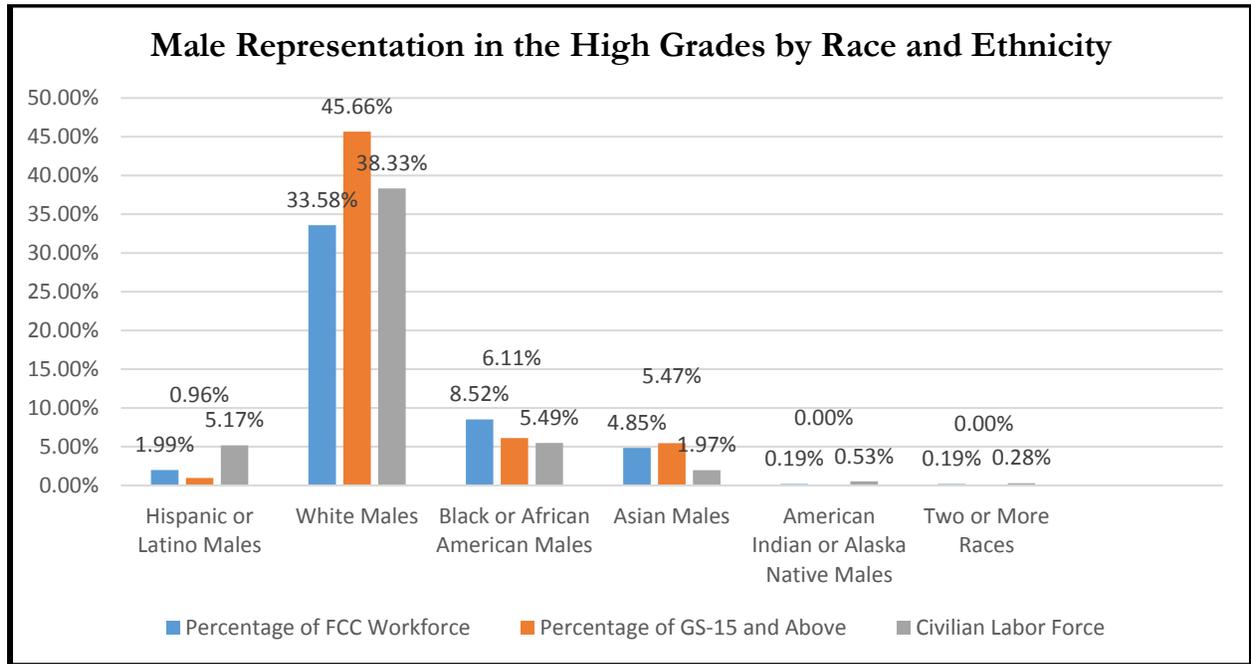


Figure 12

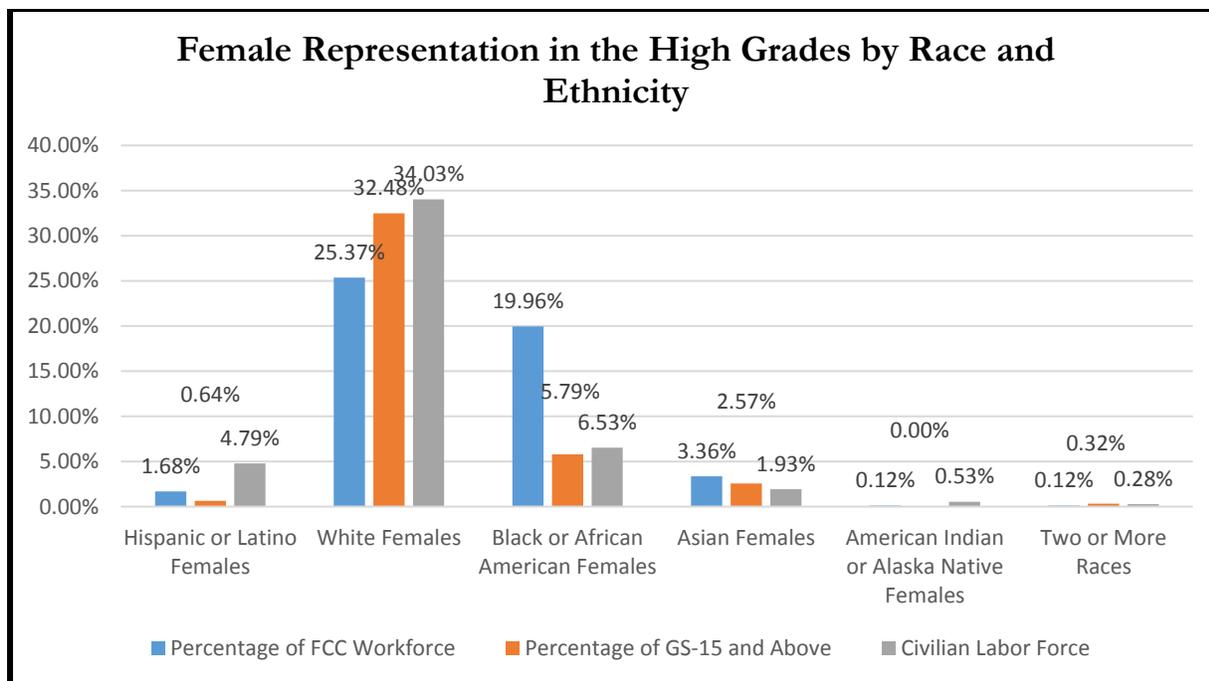


Figure 13

## VI. Career Development Opportunities

The Learning and Development Service Center (LDSC) continued to assist staff with their training and professional development opportunities. These actions included:

- LDSC coaches coaching 15 clients;
- Conducting a pilot with 20 supervisors to complete a mobile learning supervisory learning track using Franklin Covey’s *On Demand* curriculum. The pilot will end in February, 2017 and the results will be evaluated;
- Reevaluating the number of face-to-face learning opportunities and re-emphasized the mobile learning and micro learning curriculum, which focuses on short five-minute to 1.5 hour webinars, videos, performance support events and items, as well as facilitated workshops on relevant topics for the workforce;
- Coordinating the procurement of a state-of-the-art Learning Management System that will enable individual users to better guide and evaluate their individual learning needs
- Announcing individual learning events as separate entities as well as announcing the monthly digest of learning events to improve awareness and attendance;
- Continuing LDSC’s partnership with George Washington University to bring graduate-level, semester-long, Electrical and Telecom Engineering courses onsite for FCC Electronics Engineers; and
- Continuing to contract with the Practising Law Institute to provide access to an unlimited, legal curriculum that provides FCC attorneys with Continuing Legal Education and developmental opportunities.

## **VII. Complaint Processing**

In FY 2016, informal traditional EEO counseling and Alternative Dispute Resolution (ADR) efforts addressed most employee concerns before they resulted in formal EEO complaints. During this period, 15 contacts participated in 19 pre-complaint activities. Of those pre-complaint activities, only ten formal complaints were filed. In light of the FCC's encouragement to supervisors, managers, and employees to resolve EEO issues at the lowest level and utilize the FCC's ADR, Employee Assistance Program, and other workplace conflict resolution mechanisms, almost half of the pre-complaint activities were resolved due to either settlement by the parties or withdrawal from the EEO process.

In addition to the pre-complaint activities, there were 30 formal complaints pending. Also, during this period ten formal complaints were closed. Full participation of agency supervisors and managers is required in the EEO complaint resolution process.

## **VIII. FY 2017 Objectives**

The Commission's principal EEO objectives for FY 2017 and beyond include:

- Releasing its Diversity and Inclusion Plan;
- Identifying measures to increase the participation rates of Hispanic or Latino males and females and individuals with disabilities;
- Identifying and examining reasons for the high separation rates among Black or African American females;
- Identifying and examining reasons for the low participation rates of Hispanic or Latino males and females in the economist field and the low inclusion rates of persons with disabilities in the economist and engineer fields;
- Continuing, whenever possible, to make frequent use of appropriate appointing authorities, i.e., Schedule A Appointment of Persons with Disabilities, Veterans Recruitment Appointment, Veterans Employment Opportunity Act of 1998, the 30 percent Disabled Veterans Department of Defense Workforce Recruitment Program and the Department of Defense War-fighter Internship Program;
- Reviewing FCC personnel policies to ensure that they do not disproportionately impact members of any particular group;
- Publish Disciplinary Policy or Table of Penalties that covers employees found to have committed discrimination;
- Identifying strategies to increase the proportional representation of minorities in the FCC's higher grade positions, GS-15 and above; and
- Expanding education and training of managers, supervisors and employees on reasonable accommodation resources, procedures and requirements.

## **IX. Conclusion**

This report demonstrates that, with the exceptions noted within, the Commission's workforce is proportionally represented when compared with the CLF. The FCC seeks to maintain a highly skilled, diverse workforce in order to accomplish its mission and goals. Through the initiatives outlined in this report, the Commission will continue working to increase the participation rates for all groups in the agency's workforce and promote equal access and opportunity for all employees and applicants for employment.