ASIAN AMERICAN AND PACIFIC ISLANDER WORK GROUP

REPORT TO THE CHAIR OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EXECUTIVE SUMMARY

On October 11, 2007, U.S. Equal Employment Opportunity Commission Chair Naomi C. Earp announced the formation of an Asian American and Pacific Islander Work Group (AAPI Work Group). The AAPI Work Group was diverse in race, ethnicity and gender, and was comprised of persons from various agencies, grade levels, occupational categories, levels of management, and professions. This was the first of such work groups organized by the Commission to address issues of concern to the Asian American and Pacific Islander community.

Specifically, the AAPI Work Group was tasked with examining this community's concerns about federal sector employment, special emphasis programs and the complaints process. Moreover, the AAPI Work Group was given the responsibility of formulating recommendations designed to enhance employment opportunities, leadership development programs and to eliminate barriers to senior level opportunities for AAPI federal employees.

The AAPI Work Group examined statistical data as well as anecdotal information relevant to the experience of AAPI's in the federal workforce. The group particularly focused on what is termed, the bamboo ceiling, which has inhibited elevation of AAPI employees to the ranks of senior management.

The AAPI Work Group generated a Sub-group to focus on two major concerns. First, the apparent reluctance of AAPI federal employees to access the federal sector EEO complaint process to air their grievances; and second, the underutilization of special emphasis programs to enhance cultural awareness of the AAPI community. The Sub-group conducted additional research, which focused largely on anecdotal data, and submitted its findings and recommendations to the full AAPI Work Group.

The combined statistical and anecdotal data formulated by the AAPI Work Group and the Sub-group, as well as the recommendations for the Chair's consideration, are included in the present report. Among the recommendations that are being issued, are the following:

1. Promulgating an Executive Order that addresses issues of discrimination against AAPI employees in the federal sector, and that supports programs to encourage professional advancement;

2. Re-invigorate the government-wide SES Candidate Development Program with an emphasis on greater diversity within and among its participants. Provide skill development opportunities to AAPI employees in order to allow them to be competitive for professional progress within the agency.

3. Create requirements that hold senior leadership accountable is ensure selection and promotion of qualified AAPI candidates to the highest levels.

4. Assist agencies to enlist their affinity groups to become liaisons between employees and management.

5. Providing internal and external assistance to AAPI employees and affinity groups seeking to engage with the agency's EEO Office.

These are practical recommendations for every facet of the federal government. The AAPI Work Group thanks the Chair for allowing the group to start the EEOC's work in focusing in this little-studied community. Her support and guidance has been unprecedented and we look forward to continuing our work to making the federal government the model workplace.

ASIAN AMERICAN AND PACIFIC ISLANDER WORK GROUP

REPORT TO THE CHAIR OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

I. Introduction

Asian Americans and Native Hawaiian or other Pacific Islanders (or AAPI) population is one of the fastest growing groups in the United States[1]. Between 1990 and 2000 this population grew 48%, from 6.9 million to 10.2 million persons. AAPIs comprise nearly 4% of the U.S. population. Nearly two-thirds of Asian Americans are foreign born, most of who arrived in the United States since 1965 when changes in the immigration laws eliminated the quota system that was essentially designed to keep people of non-European background from immigrating to this country. Asians make up about one-third of the nearly 1 million legal immigrants entering this country each year.

Who are Asians and Pacific Islanders? They include Chinese, Japanese, Koreans, Filipinos, South Asians (Indians, Pakistani, Bangladeshis, Sri Lankans, Nepalese, and Burmese), Pacific Islanders Southeast Asians (Vietnamese, Thai, Cambodians, Laotians, Hmong, Mien) as well as Indonesians and Malaysians. The diversity of cultural groups within the API population makes a full description of some groups very difficult. To further complicate matters, some groups, such as the Indonesians and Afghanis, are of such recent status and are growing so rapidly that accurate information is scarce. According to the 2004 American Community – Asians Census report, the population of the Asian and Pacific Islanders in the U.S. consists of:

- 23.4% are Chinese
- 18.6% are Asian Indian
- 17.8% are Filipinio
- 10.5% are Vietnamese
- 10.3% are Korean
- 7.0% are Other Pacific Islander
- 6.9 % are Japanese
- 5.5% are Other Asians

AAPIs have been called the “model minority,” but this community seems to be the “forgotten minority.” This community has been facing a number of misperceptions or stereotypes – for example, AAPIs are quiet, hardworking, family-oriented, technically-oriented, good at math and science, but are also passive, non-confrontational and antisocial. However, while some of these stereotypes have positive characteristics, they have become the framework of barriers establishing glass or bamboo ceilings which prevent AAPIs from moving into the upper tiers of an

[1] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

organization. In addition, AAPIs face sticky floors which hold AAPIs at a particular level for a prolonged period of time and other obstacles. Good or bad, these are the myths that have created real barriers.

Beginning in 2005 and 2006, Naomi C. Earp, the EEOC Chair, began a dialog with representatives of the AAPI federal community, such as the Federal Asian Pacific American Council and the Asian American Government Executives Network. During these discussions, anecdotal information came forward illustrating problems Asian Americans and Pacific Islanders faced in the federal workforce. The concerns raised by the group were not just about employment but also problems with federal special emphasis programs. By Fall 2007), based on those conversations, the Chair found that the compelling problems raised by the AAPI federal community boiled down to three categories: (1) employment; (2) special emphasis programs; and (3) complaints. To examine and address these problems, the Chair formed the AAPI Work Group in October 2007. The AAPIWG was charged with examining these three specific problems categories:

a. Employment

The EEOC's role in the federal sector is different than its role in the private sector. The Commission not only plays a role in adjudicating complaints of discrimination, but also has further oversight over federal agency equal employment opportunity and diversity programs. According to data provided to the Commission, there are 2.6 million individuals employed in the federal sector, of which 5.9 percent are Asian American and Pacific Islanders. While a cursory review of this data indicates that Asians and Pacific Islanders are well-represented in the overall federal workforce, such a simple comparison doesn't tell the whole story. For example, at the SES level, the percentage of AAPIs is slightly over 2 percent. There is still work left to be done to overcome this deficit. The perceptions of the AAPI community are paradoxical: both positive and negative simultaneously. It's clear we need to understand why a group is valued and seen as a "model," and, at the same time, perceived as passive and complacent.

b. Special Emphasis Programs

During discussions with FAPAC and others regarding issues facing AAPI federal employees, this theme of "the forgotten minority" was reinforced. Anecdotal stories were shared with us about how agencies' special emphasis programs lacked support for or focus on AAPI issues or programs. Further, the EEOC was told that agencies fail to provide support to AAPI affinity groups. One such story was told of a former President of FAPAC who was regularly denied time and forced to use annual leave to meet with the Chair of the EEOC or other members of FAPAC to raise concerns facing AAPIs in the federal sector.

c. Complaints

In a survey conducted by the Gallup Organization which sampled employees' perceptions of discrimination at work and the effect those perceptions had on performance and retention. The data showed that while much progress has been made in fulfilling the promise of equal opportunity, more remains to be done. The survey data (released in December 2005) indicated that

15% of all workers perceived that they had been subjected to some sort of discriminatory or unfair treatment. When broken down into sub-groups, 31% of Asians surveyed reported incidents of discrimination, the largest percentage of any ethnic group, with African Americans constituting the second largest group at 26%.

The EEOC noted that areas where the Gallup data on perceptions differ from EEOC's actual experience of individuals filing charges. While the Gallup Poll taken in 2005 showed that 31 percent of AAPIs reported incidents of discrimination, the agency's enforcement experience shows that only about 2 percent of all charges in the private sector and 3.26 percent in the federal sector are filed by AAPIs. There is more discrimination occurring in the workplace than is being reflected in our charge/complaint statistics.

This report addresses the issues regarding employment barriers faced by AAPIs in the federal sector providing the Chair with a number of recommendations. In the appendix of this report, the workgroup addresses the issues of special emphasis program support for and the lack of complaints by AAPIs.

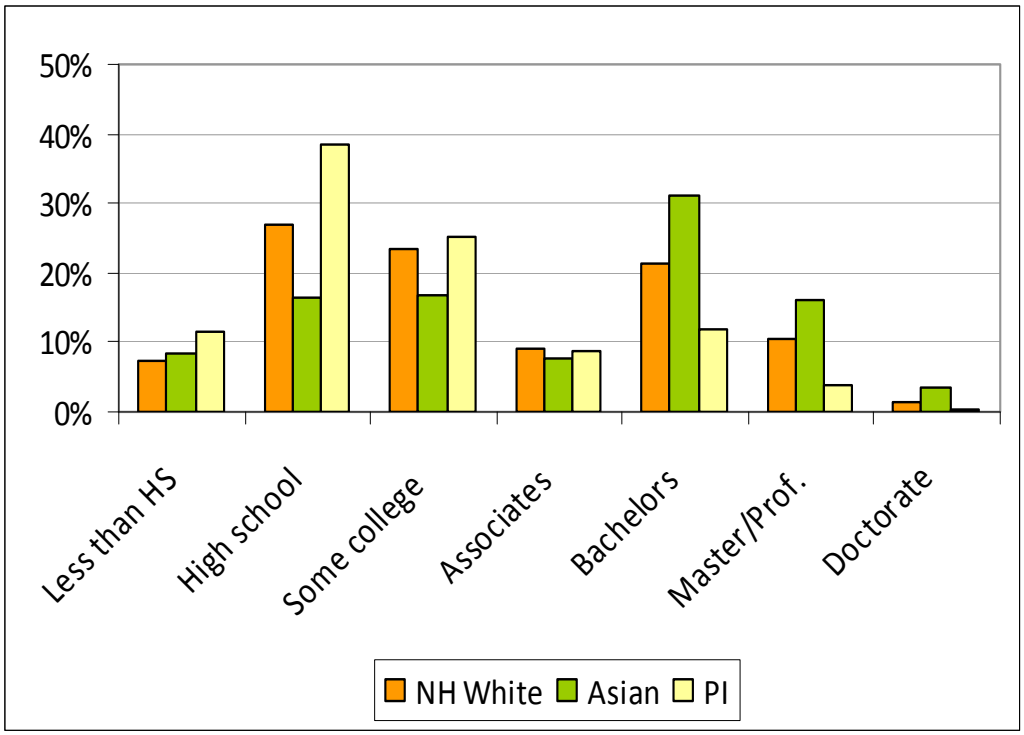
BARRIERS TO EMPLOYMENT

I. Introduction to the Issues

a. The Asian Population and Demographics

At an EEOC Commission Meeting held on July 22, 2008, Dr. Paul Ong of UCLA presented an overview of the APA workforce in the United States. Statements from Dr. Ong, as well as statements from other panel members and further information, can be found at the EEOC website, http://www.eeoc.gov/abouteeoc/meetings/7-22-08/index.html. Dr. Ong indicated that the AAPI workforce has grown rapidly over the past 25 years and this growth will continue over the next century. This workforce is very heterogeneous by level of human capital, class, nativity, and ethnicity. This growing and diverse pool of workers must be tapped by the federal government for ensured success in the 21st century.

Over 4% of the U.S. population – almost 11 million people – are of Asian and Pacific Islander descent. AAPIs are the fastest growing racial/ethnic group in the United States: the Census Bureau projects that the AAPI population will increase to almost 40 million (10% of the U.S. population) by the year 2050. This rapid growth was dramatically evident between 1980 and 2005. During that 25 year period, the AAPI working-age population grew by nearly 300% compared to 29% for the total working-age population. Projections estimate the AAPI working-age population will grow 62% from 2005 to 2030 compared to 14% for the total working-age population. In 1999, 67% of AAPIs were found to participate in the labor force as opposed to 65% participation rate of the population as a whole.



As to education demographics, Dr. Ong noted that Asian are over represented at the bottom end, those without a high school education, but also significantly over represented among those with advanced education. In terms of occupational distribution, partly because of the education, AAPIs are over represented in the scientific and technical professions. A higher proportion of non-Pacific Islander APAs work in professional specialty occupations than Whites. Specifically, many of these APAs hold scientific and technical positions. Although APAs comprise 4% of the population, 10% of the nation's scientists are APAs. Pacific Islanders, however, are more likely employed in blue collar and service jobs.

	NH White	Asian	PI
White collar workers	26.8%	24.1%	27.1%
Blue collar workers	16.0%	11.3%	18.8%
Managers	11.3%	9.7%	6.2%
Service workers	10.1%	12.6%	16.1%
Health care workers	7.0%	9.9%	5.7%
Scientific/technical professionals	5.7%	13.9%	3.1%
Business professionals	4.7%	5.9%	2.6%
Other professionals	9.1%	6.7%	7.6%
Other	9.4%	6.0%	12.7%

There's also under representation in the managerial categories. If we look at the managerial categories compared to Non-Hispanic Whites, Asians are less likely to be chief executives or very high managers. Therefore, despite the numbers in the civilian labor force and education levels of the AAPI community, barriers still exist for AAPI from full participation in the federal workforce.

a. Barriers for AAPIs

i. Introduction

The glass ceiling as experienced by Asian Americans and Pacific Islander (AAPIs) can be defined in a number of ways. Some have referred to the phenomenon as the "bamboo ceiling:" a situation where there are high numbers and perhaps overrepresentation of Asian American employees in lower rungs of the organizational ladder but disproportionately low and sometimes nonexistent representation of Asian Americans and Pacific Islanders in the highest ranks of the organization. Hyun, J. (2005). *Breaking the bamboo ceiling: Career strategies for Asians*. New York: Harper Collins. This bamboo or glass ceiling can be conceptualized more generally as the absence of Asian Americans in leadership and decision making positions. Mervis, J. A. (2005). Glass ceiling for Asian scientists? *Science, 310*, 606–607. In the academic literature, the glass ceiling is often conceptualized in terms of salary *See* Lee S. M. (1994). Poverty and the U.S. Asian population.

Social Science Quarterly, 75, 541–559; Lewis, G. B., & Kim, P. S. (1997). Asian Americans in the federal service: Education, occupational choice and perceptions of discrimination: A reply. *Public Administration Review, 57*, 267-269; Zeng, Z., & Xie, Y. (2004). Asian-Americans' earnings disadvantage reexamined: The role of place of education. *American Journal of Sociology, 109*, 1075-108. The findings here are complicated in that Asian Americans and Pacific Islanders do not across the board make less money than their white counterparts after accounting for things like education and experience. Disparity between salaries paid to Asian Americans and Pacific Islanders compared to that paid to Whites can depend on industry, occupation, and geographic location. Interestingly, when examining the earnings data, one can find evidence that indicators of acculturation make a difference [e.g., whether one is educated either at a foreign university or domestic (Zheng & Xie, 2004)]. Additionally, even if pay parity is achieved, the pathways to obtaining equal pay are more limited for Asian Americans (Lee, 1994).

Focusing on perceived discrimination experienced by Asian Americans, much of the research uses aggregate data so that individualized perceptions of discrimination can be studied systematically. This reduces the likelihood of response bias since it is recognized that individuals are differentially targeted differentially likely to perceive stigma, and differentially likely to encounter situations of bias. (Ragins & Cornwell, 2001). *See* Barry D.T., & Grilo C.M. (2003). Cultural, self-esteem and demographic correlates of perception of personal and group discrimination among East Asian immigrants. *American Journal of Orthopsychiatry, 73*, 223–229; Sidanius, J., & Veniegas, R. C. (2000). Gender and race discrimination: The interactive nature of disadvantage. In S. Oskamp (Ed.). *Reducing prejudice and discrimination the Claremont symposium on applied social psychology,* (pp. 47-69). Mahwah, New Jersey: Lawrence Erlbaum Associates; Ruggiero, K.M., & Taylor, D.M. (1997). Why minority group members perceive or do not perceive the discrimination that confronts them: The role of self-esteem and perceived control. *Journal of Personality and Social Psychology, 72*, 373-389; Sellers R.M., & Shelton J.N. (2003). The role of racial identity in perceived racial discrimination. *Journal of Personality Social Psychology, 84*, 1079 – 92; Ragins, B.R. & Cornwell, J.M. (2001). Furthermore, by focusing on perceived discrimination, one can understand the *processes* that yield the disproportionately lower earnings and ranks/grades of Asian Americans. Finally, perceptions of discrimination can speak to the human toll experienced by the targets of discrimination, at both the individual and organizational levels.

ii. Multiple Sources of Discrimination

The sources or types of discrimination can be ordered on a continuum of acculturation. In this array, perceptions of Asian Americans range from “Go home! Forever Foreigner;” to Asian Americans are “becoming White” and therefore if Asian Americans are patient, they will slowly work through the glass ceiling. *See* Mervis, 2005. The latter perception fails to recognize the possible role of systematic discrimination experienced by Asian Americans. Often these perceptions are exacerbated in a competitive workplace. Discrimination or “unfair treatment based on perceived category membership,” as opposed to merit or individually based treatment, is invidious. This section examines the sources of discrimination that Asian Americans face in the workplace.

a. Perceptions as a Model Minority & Excessive Competence

Asian Americans have been perceived as a 'model minority' beginning in the 1960s. *See e.g.*, Peterson, W. (January 9,1966). Success story, Japanese- American style. The New York Times Magazine, 20-40. This stereotype ─ that Asian Americans are a minority group who through hard work and education have become successful ─ persists today. The model minority myth placed on Asian Americans pits Asian Americans against Hispanics and African Americans.

The first response to this 'myth' is to look at the heterogeneity of Asian Americans in terms of economic, educational, and even societal adjustment success. *See* Ong, P., & Hee, S.J. (1994). Economic diversity; P. Ong (Ed.) *The state of Asian Pacific America: Economic diversity, issues, and policies*, (pp. 31-56); Los Angeles: LEAP Asian Pacific American Public Policy Institute and UCLA Asian American Studies Center; Matsuoka, J. K., Breaux, E., & Ryujin, D. (1997); National utilization of mental health services by Asian Americans/Pacific Islanders. *Journal of Community Psychology, 25*, 141-145. Furthermore, this myth applies to only a small subset of Asian Americans. For those Asian Americans not 'mythically' successful, this stereotype prevents needed assistance. Therefore, Asian American networking associations may not be fully supported, skill deficiencies may not be proactively met, mentoring relationships may not be developed, and systematic discrimination may be understood as an African American, but not Asian American, problem. For those Asian Americans that are 'mythically' successful, increased pressure to live up to these standards may ensue, e.g., stereotype threat. Shih, M., Pittinsky, T.L., & Ambady, N. Stereotype Susceptibility: Identity salience and shifts in quantitative performance. *Psychological Science, 10(1),* 80-83 (1999).

Interestingly, the stereotypes of Asian Americans as hardworking have changed somewhat since the 1960s. According to the empirically verified Stereotype Content Model, Asian Americans are perceived to be competent, and excessively so. Lin, M. H., Kwan, V. S. Y., Cheung, A., & Fiske, S. T. (2005). *Personality and Social Psychology Bulletin, 31*, 34-47 (finding that stereotype content model explains prejudice for an envied out-group: Scale of anti-Asian American stereotypes). This can lead to perpetration of the model minority myth, resentment, and differential work assignments. One respondent, when asked 'what happened?" upon recalling a discrimination incident, replied, "It's job related, ask Chinese to do a lot of things, as if we were machines." Goto, Gee, & Takeuchi, 2008. Additional assignments are not in themselves problematic, as long as appropriate recognition/compensation occurs, which may not be the case.

b. Language/Accent Discrimination

Over 13% of working Chinese Americans reported experiencing unfair treatment due to language or accent. Goto S.G., Gee G.C., & Takeuchi D.T. (2008). *A culturally based examination of the antecedents, consequents, and nature of discrimination experienced by working Chinese Americans.* Manuscript in preparation. This number includes those who speak accented and unaccented English. According to Ancheta, "...between dominant and subordinate English speakers, the 'foreign' accent or the low-status accent can be a source of subordination." Ancheta, A.N. (2006). *Race, rights, and the Asian American experience* (2nd ed). New Brunswick, NJ: Rutgers University Press, at 124. Asian accents are perceived to be low status accents leaving Asian immigrants in subordinate positions. As Matsuda wrote, "…In a society with a speech

hierarchy…, it is quite common that speakers of the low-status speech variety, by necessity, are able to understand speakers of the high-status variety. Speakers of the high-status variety, on the other hand, frequently report that they cannot understand speakers below them on the speech-status scale." Matsuda, M.J. (1991). Voices of America: Accent, antidiscrimination law, and a jurisprudence for the last reconstruction. *Yale Law Journal, 100*, 1329-1407.

As documented by Goto, Gee, and Takeuchi, "When I was in some tumor hospital applying for a job, I asked for an application. The receptionist said, "you don't need to fill out the form, you can't speak English well." Another employee recalled, "My several job applications was [sic] turned down because in my training class, almost all the white people [sic] from the South. I'm the only Chinese. They think the white should teach, because they were afraid that I couldn't make myself clear." Language and accent discrimination has a negative impact upon Asian Americans. Where some groups might experience a perceived competence boost through their accent, this is clearly not the case for Asian accents. Communication skills and perceived competence in general are negatively affected by language and accent discrimination.

c. Perceptions of Foreigness

Perceptions of Asian Americans as "forever foreign" are related to negative effects of accent, but also apply to those Asian Americans with unaccented English. Tuan, M. (1998) *Forever foreigners or honorary Whites? The Asian experience today*. Piscataway, NJ: Rutgers University Press. Beyond Wen Ho Lee, laboratory research has shown that in highly educated, sophisticated Yale undergraduates, using explicit, self report measures, Asian Americans were perceived as being "American," but under implicit, subconscious measures Asian Americans were perceived as "foreign." "American" was associated with Whiteness. Devos, T., & Banaji, M. R. (2005). American = White? *Journal of Personality and Social Psychology, 88*, 447-466. These perceptions of Asian Americans as foreign can negatively impact assessments of communication ability, competence and, importantly, trustworthiness.

d. Perceptions of Social Deficiency

Perceptions of social deficiency are related to perceptions of foreigness. According to the Stereotype Content Model, developed via six extensive studies, Asian Americans experience mixed envious racial prejudice. The model indicates that individuals from outgroups fall into one of two clusters of perception. 'Paternalized groups' are liked as warm but disrespected as incompetent. 'Envied groups' are respected as competent but disliked as lacking warmth. The studies indicated that Asian Americans fall into the latter cluster of the envied category. In a laboratory study, perceived low sociability drove the rejection of Asian Americans. Lin, Kwang, Cheung, & Fiske, 2005. Thus, perceptions of low sociability can lead to exclusion from social networks and exclusion from positions requiring social prowess (e.g., leadership positions).

e. Perceptions of Leadership (or the lack thereof)

This leads to the next source of discrimination, namely the perception of a lack of leadership skills. Despite general perceptions of Asian Americans as competent and hard workers, they have

been largely kept out of leadership positions in organizations. For example, in an article that appeared in *Science*, it was noted that 9.2% of the 950 senior investigators at NIH were Asian Americans while 21.5% of the tenure track investigators were Asian Americans. Mervis, 2005. Leadership is difficult to define as evidenced by the broad and varying definitions. Looking for individuals to occupy leadership positions is an equally vague and sometimes Byzantine process, but importantly also one where the risks are great. Under these situations, it is likely that many of the sources of discrimination previously discussed come into play. Asian Americans may be perceived as unassertive, team players more than leaders, and lacking self-promotion. Xin (2004). Asian American Managers: An impression gap? *The Journal of Applied Behavioral Science, 40(2), 160-181.* Leadership decisions are likely based on 'perceived similarity,' or a tendency to promote those like the self.

During the Commission Meeting on July 22, 2008, Dr. Goto provided an example of the perception of lack of leadership. She told story of a successful, smart, and affable retired vice president from a multinational computer firm that she interviewed who said that he progressed through the ranks quite comfortably, but when it came to further promotion, to the most exclusive levels, he was told that he did not have 'presence.' What is 'presence?' Like 'leadership,' it is prone to perceptions like many of the sources of discrimination previously discussed. If there is not a *willingness* to perceive 'presence' in a person, it will not be found, regardless of competence and merit.

b. Overview of issues regarding federal employment of AAPIs

In an effort to assist federal agencies in their goal of retaining a diverse and excellent workforce, the EEOC has undertaken a two year initiative designed to track the participation of Asian Americans and Native Hawaiian or other Pacific Islanders (AAPIs) in the federal workforce. In order to understand issues facing the federal government in its attraction and retention of AAPI employees, it is essential to look at more than just the aggregate number of AAPIs in the entire federal workforce. In the aggregate, AAPIs have participated in the federal workforce at a rate that exceeds their presence in the overall Civilian Labor Force (CLF), and that participation rate has been steadily increasing over the past five years. During FY 2006, for example, the government-wide AAPI participation rate was 6.06%, which exceeded the 3.80% availability of AAPIs in the CLF.

However, while these numbers reflect a positive trend, when one looks at agency specific numbers and the participation rate of AAPIs in management and senior level positions, unfavorable trends become evident. Workforce data from numerous federal agencies suggest that there may be a glass ceiling at the highest levels of federal agencies that may be impeding the careers of persons of Asian or Pacific Island descent. The purpose of the EEOC initiative was to discover negative trends and to determine whether federal agencies are identifying these trends as issues in need of further analysis. Employment issues relating to the advancement of AAPIs take on greater urgency in light of the desire to maintain diversity despite the extensive wave of retirements projected to take place over the next five years. This report offers guidance to the federal community on how to identify and eliminate barriers to employment.

This section will provide a snapshot of AAPIs in the federal workforce over the past ten years and show those agencies which have the highest and the lowest participation of AAPIs government-wide.

II. Federal Asian Participation – a 10 year trend

a. Methods

As indicated above, the term "AAPI" refers to "Asian American – Pacific Islander," and is a composite of Asian and Native Hawaiian and other Pacific Islander (NHOPI) national origin categories. Although EEOC gathers information separately for these two groups, the data was combined because many agencies have not yet resurveyed their employees to determine which of its Asians fall into the NHOPI category. Prior to 2003, AAPI data was gathered into a single category. In 2003, EEOC issued a directive that required agencies to gather the data in separate national origin categories. To determine the AAPI participation rate in a particular category, the participation rates for Asian and NHOPI males and females are combined into a single percentage for that category. For example, the availability of AAPIs in the civilian labor force (CLF) (3.80%) can be found by adding the CLF availability rates for Asian males (1.90%), Asian females (1.70%), NHOPI males (0.10%) and NHOPI females (also 0.10%).

The workgroup developed a survey to test if anecdotal information received from the AAPI community was correct. One portion of the survey asked federal agencies to determine whether triggers were identified for the AAPI community. If a trigger was noted, agencies were asked to analyze possible barriers to participation of AAPIs in their workforce. The survey is attached as Appendix A. In addition, the workgroup met with representatives from a variety of agencies to discuss problems, recommendations, and best practices. These have been collected and vetted by the workgroup.

b. An Overview

In order to gain a perspective on the employment of AAPIs in the federal government, one must review the past decade to see what the employment trends have been for this group. In 1997, AAPIs participated in the federal government at a rate of 4.71%. Five years later in 2002, AAPIs participated at an increased rate of 5.45%. By 2006, the participation of AAPIs had increased to 6.06%. The CLF data was available beginning in 2000 and indicated that AAPIs participated in the CLF at a rate of 3.80% overall. As can be seen from this data, the participation rate of AAPIs has been steadily increasing. Table 1 shows the participation rate of AAPIs in different pay categories such as Senior pay, General Schedule and Related pay systems (GSR), Federal Wage Grade pay systems (FWS), and other pay systems (OPS). From this snapshot, it is clear that AAPIs do not maintain their share of senior pay positions when compared to their participation in the total workforce. However, the trend improves over the ten year period. By contrast, the percent of AAPIs in other pay systems exceeds their overall participation rate, which indicates that a disproportionate number of employees in the other pay systems are AAPIs. Again, the gap continually narrows from year to year, indicating that more AAPIs are getting jobs in the GSR and FWS pay systems.

Table 1: Ten-Year Trends – Government-wide

	*AAPI Participation in the Federal Workforce - Ten Year Trends**									
	1997	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**
Overall	4.71%	4.95%	5.11%	5.22%	5.32%	5.45%	5.54%	5.79%	5.94%	6.06%
Senior Pay**	1.98%	2.10%	2.14%	2.25%	2.49%	2.70%	2.96%	3.18%	3.39%	3.73%
GSR***	3.97%	4.01%	4.08%	4.14%	4.24%	4.39%	4.43%	4.60%	4.90%	5.03%
FWS†	4.65%	4.63%	4.71%	4.60%	4.62%	4.75%	4.50%	4.73%	4.75%	4.76%
OPS††	6.31%	6.76%	6.70%	6.85%	7.04%	7.12%	7.29%	7.49%	7.76%	7.86%
2000 CLF				3.80%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%

***Source: EEOC's Annual Report on the Federal Workforce - Fiscal Year 2006, Appendix III, Table A-1.**
**** Senior pay includes pay grades above GS-15 or equivalents in other pay systems.**
***** General Schedule and Related Pay Systems.**
† Federal Wage Grade Pay System.
†† Other Pay Systems - includes September 30, 2006 agency data as reported in CPDF and all employees of AAFES, TVA and USPS, but does not include data for intelligence gathering agencies.

A further snapshot of AAPIs can be taken from a review of the five agencies with the highest participation of AAPIs and the five agencies with the lowest participation of AAPIs over the past five years. In addition, data below shows the five agencies which had the highest increase of AAPIs in their workforce over the past five years.

A review of Table 2 will reveal that the Broadcasting Board of Governors' most recent numbers place it at 14.94% AAPI participation, down from as high as 21.91% in previous years. The Defense Commissary Agency has generally increased participation of AAPIs over the past five years, always maintaining about 16% participation. Each year the AAPI participation rate has gone up and in FY 2006 it reached almost 9.0%. The Army Air Force Exchange Service has had a participation rate over 13% from FY 2002 to FY 2006. The Department of the Navy was at about 10% participation and each year increased slightly to end FY 2006 at 10.55%. The Department of Commerce five years ago had a 7.19% participation rate.

Table 2 shows that the Tennessee Valley Authority has consistently been the agency with the lowest participation of AAPIs. From FY 2004 to FY 2005, the participation rate dropped from 1.01% to 0.13%. The Government Printing Office also has a low participation rate of AAPIs. However, the table shows that the participation rate has increased slightly every year. The participation rates at the Court Services and Offenders Supervision Agency and the Railroad Retirement Board have not changed significantly over the past five years and remain below 2.0%. The Defense Security Service was able to reach 2.0% participation in FY 2003, but they showed no further improvement.

The last section of the table shows the agencies which exhibited the greatest improvement over the past five years. The United States Agency for International Development, the Department of State, and the Department of Health and Human Services (HHS) increased more than 2 percentage points between FY 2002 and FY 2006. This increase is particularly impressive for agencies the size of HHS and the Department of State. The Federal Trade Commission went

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
DHHS - Indian Health Service (IHS)	0.96%	2.04%	4.53%	6.58%	0.00%
DHHS - National Institutes of Health (NIH)	13.49%	10.16%	12.89%	8.20%	3.28%
DHHS - Office of the Secretary & Admin on Aging (OS&AA)	5.24%	5.29%	5.33%	4.19%	1.76%
Department of Veterans Affairs – Main	6.18%	4.65%	3.38%	18.57%	1.06%
Department of Veterans Affairs – Nat'l Cemetery Admin. (NCA)	3.77%	3.12%	10.00%	0.00%	0.00%
Department of Veterans Affairs - Veterans Benefits Admin. (VBA)	2.96%	2.51%	2.06%	2.66%	0.00%
Department of Veterans Affairs - Veterans Health Admin. (VHA)	6.48%	4.87%	3.54%	19.12%	1.24%

***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

d. Projected retirement trends in the federal workforce and future employment outlook

The projected retirement trends for the next several years will increase opportunities for APAs to ascend into the executive ranks. In 2006, OPM reported that 90 % of approximately 6,000 federal executives will be eligible for retirement in the next ten years. Given that most SESs do not enter that rank until well into their careers, the retirement eligibility rate for SES is higher than that of other levels. However, of the 90 percent eligible to retire, many will retire: for example, the Postal Service expects nearly half of its executives to retire within 5 years. The projected high number of SES retirements could result in a loss of leadership continuity, institutional knowledge, and expertise among the SES corps. Succession training is critical to maintain the highest caliber of leadership.

Over the next several years, the government will not only replace retiring SES level leaders, but will also hire many knowledge-based workers to fill new positions. These opportunities, covering the spectrum of agencies, will be entry, mid-career, and of the more upper levels. In the period 2004-2014, the occupational growth within the federal government in percent increase will be 24.6% for criminal investigators, 13.8% for computer specialists, 9.4% for biological scientists, 8.4% for engineers, 8.2% for physicians, 4% for management analysis, and 4% for attorneys. This occupational growth within the federal government offers new opportunities for diversity in the federal workforce.

III. Business Case for Diversity

The vast majority of the world's population belongs to one or more AAPI demographic groups. Moreover, the APA population cumulatively inhabits the largest portion of the world's land mass compared to any other single group. Their indigenous lands reach from the Himalayas to Hawaii, and from the deserts of the Middle East to the tropics of the South Pacific. The APA demographic group encompasses a vast array of cultural, religious, social and institutional entities. Included in this demographic group are regions of astounding economic growth and development, as well as regions where internal and external strife abounds.

As recent events have confirmed, the American economy is inextricably tied to various nations in Asia and the Pacific Island regions. Indeed, America is increasingly dependent on these partners for our economic well being. No longer exclusively Eurocentric, our trading partners are as likely to be APA nations as any nation in Europe. However, as indicated above, this is also a region that harbors many internecine conflicts as nations experience the transformation from Third-World to New World status. Moreover, there are APA nations that are either in open conflict with the United States, or that are home to errant organizations that garner ill will towards the U.S.

In either case, whether a nation is a partner or antagonist, the onus is on this country to formulate a means to effectively communicate our interests, values and beliefs. It is only through communication that we are able to bridge the cultural divides that limit or impair healthy, mutually beneficial relationships. There can be no better way to reach out to the myriad of ethnic and cultural entities than to have within our ranks, persons who are members of those very groups that are contained within the APA demographic population. Who better to heighten our internal sensibilities, convey our message effectively, and liaison among and between internal and external entities, than individuals who belong to the very groups with whom we seek to communicate?

It is, therefore, not merely for the sole benefit of those individuals belonging to culturally diverse backgrounds, that they are employed by the federal government. Rather, it is in furtherance of our American interests that we develop and maintain a federal workforce that is reflective of the plethora of cultural and ethnic societies that comprise the APA group; and furthermore, to have this diversity extend to all levels of the employment spectrum. It not only strengthens us internally, by bringing cultural awareness and sensitivity to the work environment; but also externally by allowing us to communicate with our external customers and partners, to develop channels of communication, and thereby enhance our relationships.

It should be emphasized that the federal government functions through a relationship of trust with the people. Government entities are entrusted to act in furtherance of interests of the people at all times. In this way, they are stewards of taxpayer funds, and are thus entrusted with their proper disbursement. Within this stewardship is the implicit assurance that government will serve as a model employer, and as such will utilize taxpayer resources to develop a workforce that is both effective in its function and reflective of the population itself. Therefore, it is incumbent upon agency leadership to develop a federal workforce that reflects the composition of its people. In 2000, non-whites made up 25% of the population. By 2010, 33% of the population will be non-white. By 2040, half of the population will be non-white. Though the ratio of whites to non-whites

is 3 to 1 in the 40-70 age range, the ratio is only 2 to 1 for people under 40 and only 1.5-1 in children under 9. Leadership within government must account for these changes.

Notably, a McKinsey & Company study involving 77 companies and 6,000 managers indicated that the most important resource for companies over the next 20 years will be "human capital" – technologically skilled, globally savvy, and adaptive workers. Diversity among the corporate employees of the future brings perspectives and ideas, contributes to innovation, and positions a company to more effectively engage its customers.

The McKinsey study found that Companies that leverage the diversity of their people are better equipped to adapt and respond to changes in their expanding markets. These companies see an increase in revenue, more rapid growth, increased stock price and market valuation, and improved net-incomes. Logically, this study further shows that corporations whose workforces lack diversity function at a competitive disadvantage in the increasingly global market.[2] To the extent that this applies to corporations, it also applies to the government; and even more so, because the government is accountable to the American people.

Conclusion

AAPIs must be included in succession plans. The projected retirement trends opens up the opportunity to build a new SES that is more reflective of the American population. This would not only increase confidence in the government, but would also equip the government to more effectively operate in the 21st century. In 2003, AAGEN reported to the Subcommittee on Federal Workforce that there were approximately 200 APA SESs and that this number had remained static for the preceding decade. These SESs were joining the 90 percent of SES who are retirement eligible. AAGEN further reported that GAO projected in early 2000 that there would be little change for Asian Americans in the SES if the hiring practices and trends at that time continued. In 2007, AAGEN reported no noticeable increase of APA representation in the upper ranks of the federal government since its report in 2003. Efforts to increase APA participation have thus far maintained a status quo. Equal consideration for promotion to SES must be given to qualified APAs during the period of increased SES retirements. At agencies where there are many APAs in the upper levels of the GS scale, the new SES promotions should be proportionate to the strong APA presence. Adequate representation of APAs in succession pipelines is essential not only to reverse the lack of APA participation at the SES level, but also in the upper GS levels.

[2] These more diverse, and therefore more adaptive, companies effectively generate business abroad and also respond to this country's changing demographics. They recognize that the buying power of non-white groups increase every year. The African American population, at 30 million, has a buying power of $535 billion, and the Hispanic population, at 31 million, has a buying power of $383 billion. Asian and Pacific Islander Americans, at 11 million, have a buying power of $229 billion and the highest per capita buying power at $27.3 thousand.

IV. Problem Areas

a. Low representation across the board

There is a wide disparity in the degree of workforce diversity across the federal government with little concrete evidence on why some agencies have consistently been unrepresentative of the nation as a whole, while others have made measured, if only partial, progress during the same time frame. Unfortunately, there has been too little study of recent executive branch diversity efforts. While it is easy to measure the changes in demographics, it is more difficult to understand the causes. It is important that the Executive Branch and Congress address the various factors that promote and inhibit federal workforce diversity such as minority recruitment, building talent pipelines, succession planning, management development and most importantly sustained commitment of agency senior leaders to diversity.

Diversity enhances the effectiveness of government. For example, our various law enforcement agencies at all levels and across the country must begin to mirror our nation's diversity if they are to maintain domestic peace and equitably enforce our laws within and across our social strata. Failure to have diversity in law enforcement may lead to misunderstanding and assumptions of prejudice by communities that are not represented.

Several factors may result in a lack of AAPI representation across an individual agency. Some factors may be related to the particular mission or location of the agency (e.g. BIA, TVA) where significant numbers of AAPIs are less interested or less available. Other factors may be related to the historical lack of AAPIs in the occupational groups that predominantly govern the agency, e.g. law enforcement or national intelligence. Also, certain job requirements disadvantage APAs. In law enforcement, height and strength requirements may indirectly discriminate against hiring AAPIs. In the intelligence community, security requirements may complicate or delay the granting of clearances to citizens with family connections abroad. Cultures of individual agencies may also contribute to a lack of diversity Additionally, the lack of any AAPIs in senior management and executive positions will likely indicate the existence of a glass ceiling and could be a disincentive to join or stay with such organizations. These factors do not explain or excuse the low representation of AAPIs and it is ultimately senior management's responsibility to understand the reasons for the lack of diversity and to take positive and sustained actions to remedy the situation.

c. Lack of mid-level development and management opportunities

Agencies must employ open, fair, and equitable career development programs and objective selection processes in order to minimize susceptibility to subjective hiring and promotion methods. Agencies that have robust, diverse and effective management development programs will have healthier executive demographics than those that do not. Such agencies not only signal the importance of leadership and management development to their workforces, but they also commit significant resources to making those opportunities available. Successful management development programs are open, transparent, have sustained funding over time, and,

most importantly, are effective in the placement of graduates into supervisory and management positions. Unfortunately, data on the success rates of agency management development programs are not easily available.

Although the existence of formal career development programs and opportunities is no guarantee for management diversity (the selecting officials must also choose responsibly), the absence of leadership and management development programs will greatly exacerbate the difficulty AAPIs face in getting ahead. For FY2007, GAO reports that the SES Candidate Development Pool government-wide included 6.5% AAPIs. Although this percentage is not reported by individual departments or agencies, it is reasonable to expect that agencies that have robust, diverse and effective management development programs will have healthier executive demographics than those that do not. Such agencies not only signal the importance of leadership and management development to their workforces, but they also commit significant resources to making those opportunities available. Successful management development programs are open, transparent, have sustained funding over time, and, most importantly, are effective in the placement of graduates into supervisory and management positions. Unfortunately, data on the success rates of agency management development programs are not easily available.

VI. Recommendations

The recommendations made by the workgroup are part of a complete approach at addressing low participation rates in the federal sector. Every level of the federal government has a role to play, from its leadership, managers, and supervisors down to its affinity groups and employees. This report provides best practices and recommendations for each group to adopt.

The most effective approach to accelerating progress is to build upon the successful experience of those agencies that have developed best practices in achieving positive results in workforce diversity. A very quick survey of those best performing agencies should reveal those lessons learned that would have the widest applicability across government. The EEOC and OPM could sponsor a government-wide conference which would showcase those programs that are most deserving of replication and expansion. The following are the AAPI Work Group's recommendations to the Chair.

a. Executive Order

Strong leadership and personal commitment to diversity comes from the top down. To that end, the workgroup recommends that an Executive Order be issued by the President regarding a commitment to increased participation rates of AAPIs in all segments of the federal sector. The workgroup had a sub-group which drafted an Executive Order based on prior such orders issued regarding Hispanic and African-American employment in the federal sector. The workgroup also crafted it such that it provided for the particular needs of the AAPI community. The draft Order can be found at Appendix A of this report.

b. Agency Leadership

i. Strength of the EEO Program ─ top-down leadership involvement and a commitment to EEO and diversity

As noted above, it is imperative that an agency's top leadership demonstrate strong, continuous, and personal commitment to EEO and diversity. Without this demonstrable commitment in time, resources, and persistent attention, neither management nor the rank and file will regard any effort as a sincere and long-term commitment to transforming the workforce.

Agencies must include diversity as a strategic goal of their Human Capital Planning and goal accomplishment must be measured just as other high priority mission performance measures. In Agencies where the heads of diversity and EEO are included in the senior management team, diversity is more likely to remain a constant priority. Ultimately, unless substantive initiatives are taken to attract and retain a diverse workforce, from building a diverse pipeline to planning for succession and selecting senior leaders with diversity as one of the key goals, the status quo will continue.

In addition, Congress must exercise vigorous oversight over the evolution of the Senior Executive Service. We recommend that regular studies by the General Accountability Office be conducted to assess the degrees and rates of progress in executive diversity across all federal

agencies. Where particular challenges and obstacles for specific minorities such as AAPIs are identified, the Executive Branch, in collaboration with Congress, should formulate and implement appropriate remedies and solutions to ensure that our Senior Executive Service is truly reflective of all parts of American society.

ii. Re-invigorate agency career development/SES Candidate Development Programs (CDP) or develop programs that ensure diversity within them

OPM has recently testified before Congress that their government-wide SES Candidate Development Program has been put on hold while several administrative and procedural problems are resolved. We, the AAPI Work Group, would like to see a reactivation of this visible and important initiative since many smaller agencies rely on this central program to augment their own efforts. In addition, OPM should study and document the best practices in management and executive development both inside and outside government to provide models for larger agencies and departments to emulate. Furthermore, agencies with successful candidate development programs should be encouraged to cross-train other agencies' potential senior executives and managers.

In addition, diversity data on the enrollment, completion, and placement of all CDP initiatives should be collected and publicized on a regular basis so that potential applicants can determine which CDP offers the best prospects for career advancement.

iii. Providing a wide range of professional development opportunities to meet KSAs required for accession to the SES

In addition to their regular education and training programs, agencies should provide opportunities and resources to support rotational assignments and details to broaden experience and perspectives for management candidates. Attendance at appropriate professional conferences and selected university programs can also enrich and accelerate the career progression of specialists in need of greater exposure outside their individual disciplines. Formal mentoring programs can be a particularly effective approach to building robust management pipelines and talent pools.

iv. Promote greater respect and appreciation for workforce diversity

At the beginning of the 21st century, there is still less than universal acceptance and support for workforce diversity throughout government. There should be increased attention and funding for general training and orientation beginning at entry levels for the critical importance of workforce diversity and inclusion of all elements of American society. Leadership should provide visible support to AAPIs by attending observances or events. In addition, support should be given to the employee affinity groups.

c. Best practices for supervisors and management

i. EEO component to supervisor and manager evaluations

A critical element of developing a results-oriented diversity/EEO program is accountability. Therefore, making EEO and diversity goals an explicit component of regular performance evaluations is a *sine quo non*. Where agencies include diversity responsibilities as an explicit element of all management and executive performance reviews, managers cannot abdicate their individual responsibilities to promote diversity. The Department of Defense's initiative in making EEO a formal part of all officer fitness reports is highly instructive in institutionalizing necessary changes. Similarly, at NASA's Goddard Space Flight Center, supervisory performance plans include EEO and diversity as a critical element, and the heads of EEO and diversity review and concur with "Significantly Exceeds" ratings of supervisors prior to issuance of their rating.

ii. Analysis of diversity of awards

Analysis of data on which employees received awards, training, promotions and the like is critical to determining if progress is being made. While agencies conduct barrier identification and analysis as part of MD-715, the EEOC has found that even when triggers are identified, many agencies fail to conduct real barrier analysis. NASA's Goddard Space Flight Center strives to conduct meaningful barrier analysis and provides an admirable model. Diversity of nominations, subsequent selection for formal awards, and leadership and development programs are analyzed for identification of trends and areas in need of improvement.

d. EEO Office, Diversity Office, and Affirmative Employment Programs

i. Engage in Trigger and Barrier Analysis

MD-715 requires that federal agencies report data on their employment of AAPIs. This data includes AAPI participation in the agency's occupational categories, in career development programs, and in recognition and awards programs. Agencies also report on grade levels, number of new hires, and promotion rates. The holistic approach adopted by MD-715, which requires data not only on the numbers currently employed, but also on opportunities for advancement and recognition, is expected to lead to improved AAPI participation within the federal government. As noted earlier, agencies are not using their MD-715 reports to the full extent. Agencies should review their workforce data for triggers relating to the AAPI community. In addition, agencies should conduct thoughtful and effective barrier analysis. *See Appendix B for further discussion of barrier analysis.*

Another key strategy employed by the EEOC's Office of Federal Operations (OFO) to be more responsive to the needs of our federal sector customers is our successful Relationship Management project. This project, modeled after the private sector's approach to customer service, brought OFO personnel together with EEO staff from 12 agencies in non-adversarial partnerships to examine methods of helping these agencies foster an inclusive work culture. OFO further engages in a broader spectrum of federal outreach efforts. In FY 2006, federal sector staff participated in more than 200 outreach and technical assistance events before stakeholder groups.

In FY 2006, OFO staff also conducted a total of nine MD-715 training sessions for federal sector staff responsible for reporting under MD-715. Much of the training focused on barrier analysis, so that agencies can more easily achieve Model EEO Program status. Through the EEOC's Revolving Fund, OFO delivered five full-day MD-715 training sessions, and four 2-day MD-715 courses.

OFO continues to assist agencies in their implementation of MD-715 by maintaining a series of informational materials on the EEOC website, including MD-715's Implementing Instructions, FAQs, Sample Workforce Data Tables, an OPM/Census Occupation Cross-Classification table (Crosswalk), guidance for 2nd level reporting agencies, and multiple versions of the required forms and instructions.

OFO participated at several national employee stakeholder conferences, teaching workshops, maintaining informational booths, answering questions about the federal complaint adjudicative process and distributing copies of training materials. OFO staff attended and presented workshops at numerous conferences, including the FAPAC's and AAGEN's national conferences.

All of these efforts are part of OFO's ongoing mission to promote workplace policies and practices that foster an inclusive work culture. In continuing to explore new ways for our federal sector staff to interact with agencies to proactively prevent employment discrimination, OFO and the AAPI Work Group hope to assist agencies as they improve their participation rates. By applying the strategies and tools developed from our experiences, and delivering relevant information and solutions to the leaders of federal agencies, we can assist agencies in creating more effective EEO programs.

ii. SES Program oversight and accountability

A pervasive and persistent barrier to diversity progress is the lack of integrated oversight and constant monitoring of diversity activities across government. This is especially true with respect to SES diversity. Establishing a single office in OPM to ensure that the SES reflects national diversity is a critical element to effective and responsible oversight of the federal SES. The proposed Senior Executive Service Diversity Assurance Act will bring much needed visibility and accountability in measuring the degree of progress for AAPI participation in the SES. This legislation will require the Federal government to institute policies, practices, and reporting processes that will clearly advance the common goals of equal opportunity and diversity.

The Senior Executive Services Resource Office's oversight will raise the visibility of executive diversity across all agencies by collecting and publishing SES demographic statistics, thereby increasing the accountability of agency leaders for their rates of progress or lack thereof. By requiring public access to these statistics, this legislation will remedy a longstanding frustration over the unavailability of accurate, complete, and timely SES diversity data for individual agencies.

In FY 2006, OFO staff also conducted a total of nine MD-715 training sessions for federal sector staff responsible for reporting under MD-715. Much of the training focused on barrier analysis, so that agencies can more easily achieve Model EEO Program status. Through the EEOC's Revolving Fund, OFO delivered five full-day MD-715 training sessions, and four 2-day MD-715 courses.

OFO continues to assist agencies in their implementation of MD-715 by maintaining a series of informational materials on the EEOC website, including MD-715's Implementing Instructions, FAQs, Sample Workforce Data Tables, an OPM/Census Occupation Cross-Classification table (Crosswalk), guidance for 2nd level reporting agencies, and multiple versions of the required forms and instructions.

OFO participated at several national employee stakeholder conferences, teaching workshops, maintaining informational booths, answering questions about the federal complaint adjudicative process and distributing copies of training materials. OFO staff attended and presented workshops at numerous conferences, including the FAPAC's and AAGEN's national conferences.

All of these efforts are part of OFO's ongoing mission to promote workplace policies and practices that foster an inclusive work culture. In continuing to explore new ways for our federal sector staff to interact with agencies to proactively prevent employment discrimination, OFO and the AAPI Work Group hope to assist agencies as they improve their participation rates. By applying the strategies and tools developed from our experiences, and delivering relevant information and solutions to the leaders of federal agencies, we can assist agencies in creating more effective EEO programs.

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iii. Recruitment and outreach

Traditional hiring and recruitment sources should be expanded to include those markets where qualified AAPI applicants are more abundant. While HBCUs, HACUs, OMUs and TCUs have been productive sources for African American, Hispanic and American Indian college recruits, no similar confederation for AAPIs exists. Nevertheless, there are universities that have significant concentrations of AAPI students not only in obvious geographic locations such as San Francisco, Los Angeles, and Hawaii, but also among some of our more prestigious colleges. These institutions should be identified and included in all college recruitment efforts.

iv. Re-examine entry level criteria for disparate impact

Without compromising necessary eligibility criteria, all screening criteria should be evaluated for disparate impact on AAPIs. The successful integration of women in the military demonstrated that historically discriminatory entrance criteria can be changed without compromising individual or organizational effectiveness. This is not crucial for agencies with low overall participation rates for AAPIs. In addition, agencies should examine the criteria at every point in which there is a ceiling for AAPIs.

iv. Be involved with the discussions regarding succession planning

EEO/Diversity offices should collaborate with line organizations and Offices of Human Capital Management on succession planning. Succession planning requires attention to the detail of how organizations manage their workforce and plans for its continued success and the future workforce. EEO/Diversity Offices should be part of the dialogue to ensure a diverse workforce in which opportunity is provided equitable.

e. Agency partnership with AAIP community

i. External collaborations

There are a number of AAPI organizations at the national and local levels that can assist federal agencies in promoting the advantages of public service (e.g. JACL, OCA, FAAPIC, AAGEN, CAAPISA, etc.). Agency Diversity Officers should reach out to AAPI organizations to help publicize their recruitment initiatives and also seek their advice on shaping marketing messages to prospective applicants.

ii. Internal collaborations

Agencies should cultivate and support employee affinity groups through official sponsorship of their events, funding their administrative costs, and providing regular access to agency senior leadership. Where AAPI employee affinity associations exist within a given agency, diversity offices should collaborate with them on creating and delivering career development activities as well as specific heritage awareness and recognition events. Where there is no existing AAPI affinity group within an agency, diversity officers should reach out to

established AAPI affinity groups at other agencies for advice and assistance in beginning AAPI initiatives.

iii. Present proposals, practices, and programs that have proven to promote diversity

Utilizing lessons learned and best practices across government, diversity officers should develop their own initiatives tailored to the specific needs, culture, and priorities of their own organization. Coordinated diversity activities across outreach, recruitment, career development, and succession planning can have synergistic benefits for an agency's internal and external image and significantly enhance its progress towards a workforce that represents all of America.

A dramatic jumpstart could be launched through a national conference sponsored by EEOC and OPM that would showcase the successful experiences of various diversity offices not only in federal agencies but also from state and local governments as well as from private industry. Proceedings from such a conference should be posted on the Internet for complete and continuous access for the benefit of all organizations interested in accelerating their diversity progress.

f. AAPI affinity/employee groups

There are limitations to what agencies can provide. AAPI affinity groups can serve as the eyes and ears for the EEO/Diversity offices as well as advocates for their constituency. Affinity groups can play a role as the focal point for the concerns of constituents, provide educational forums for employees and managers, develop liaisons in line organizations, assist in recruitment efforts, work proactively to help resolve problems affecting constituents, and contribute to the development of action plans designed to address barriers to recruitment, hiring, advancement, or retention of constituents.

i. Engage the EEO/Diversity Office and Office of Human Capital Management

AAPI affinity groups can identify and share the needs of the AAPI constituency and demonstrate the benefits of a partnership with the agency. These groups can provide guidance and recommendations to management on concerns of the community as well as collaborate on career development opportunities and mentoring programs.

One example of an affinity group that has developed career programs is the Patent and Trademark Office's Asian Pacific American Network (APANet). The mission of the APANet is to support diversity, educate employees in the area of cultural heritage, assist members with professional development, and foster a prejudice-free work environment. This organization has received much attention particularly due to its commitment to professional development through career development seminars. One such seminar is legal writing for the PTO's engineer work-force.

ii. Engage senior AAPIs in the agency

Even though there are small percentages of senior AAPIs in agencies, AAPI affinity groups should reach out to these leaders to tap their knowledge and experience. Many senior AAPIs are not part of their employee group and can be valuable resources and networks.

iii. Sponsor AAPI cultural events for the agency

Educating managers and other employees on AAPI issues and concerns will help to change mindsets and attitudes. AAPI affinity groups can provide educational forums for employees and managers on constituent issues and share success stories of constituents.

iv. Partner with other affinity groups

By working with other groups and understanding their issues and concerns, AAPIs can find common ground and increase visibility of their issues as well. AAPI employee groups can also partner with other affinity groups by hosting joint career development and training opportunities. They should actively support other groups' heritage events to promote diversity. To maintain strong and productive relationships, groups should meet on a regular basis, such as for monthly luncheon seminars, social events, or team supports.

g. AAPI employees

In a Western society, AAPIs should understand the rewards system and re-examine their behaviors and cultural norms. AAPIs should prepare and position themselves to accept opportunities for advancement. Recommendations for employees include the following:

i. Building Knowledge, Skills and Abilities

AAPIs should work on the fundamental core competencies, or ECQs. While many AAPIs excel in their current jobs, many fail to realize that additional motivation and development of skills are necessary for further advancement. AAPIs must sharpen their skill sets and build reputations outside of stereotypes. AAPI employees should also proactively seek feedback and accept feedback – a skill that many people (not just AAPIs) need to work on.

ii. Build Visibility

In building exposure and visibility, AAPIs must proactively seek opportunities to advance. Employees should take advantage to serve as members of Special Project Teams or Working Groups – from time to time, projects are launched to meet a special need, or address a challenging problem. They should initiate project proposals or ask to participate in short term research projects/studies; seek presentation or briefing opportunities, especially before members of the senior leadership team; and request a special assignment of a short duration (e.g., 3-6 months) in a

targeted functional area or in certain departments to enhance skills. Employees must outwardly demonstrate their desire for advancement in an assertive, but non-confrontational, way.

iii. Have a plan

AAPIs should have a plan for what they desire to accomplish and how to get there. AAPIs must develop stretch goals – goals that reach beyond comfort zones. AAPIs will benefit from drafting Individual Development Plans with a managers, attending management development programs conducted at universities (e.g., Harvard University's Kennedy School of Government), government institutes (e.g., Federal Executive Institute and OPM Training Center), or agency sponsored training, and seeking opportunities for leadership that may exist in community volunteer work. Whenever possible, AAPIs must compete for the SES Candidate Development Program.

iv. Develop and nurture networks

Not all mentorship opportunities must be formal. AAPI employees will benefit from identify and engaging several mentors – not just AAPIs – as different mentors provide different perspectives. More importantly, each mentor provides a conduit into his or her own network. AAPI employees will also benefit from participation in a Mentorship Program, which ideally would include periodic meetings with a cross section of senior managers. AAPI employees must learn from veterans, pay attention to communication and information flow, understand what the organization and managers require for advancement, understand the office politics, and know when to conform and when to wisely deviate.

h. Summary

Addressing low participation rates for AAPIs in the federal sector will require a coordinated effort on the part of leadership and management, EEO/Diversity Offices, affinity/employee groups and employees themselves. All have a role to play, and everyone must be accountable and take responsibility for their part in ensuring a level playing field that provides for a diverse productive workforce, an equitable and inclusive work environment free from discrimination and harassment.

Appendix A

EXECUTIVE ORDER ASIAN AMERICAN AND PACIFIC ISLANDER (DRAFT)

ASIAN AMERICAN AND PACIFIC ISLANDER EMPLOYMENT IN THE FEDERAL GOVERNMENT

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the representation of Asian American and Pacific Islander in federal employment, within merit system principles and consistent with the application of appropriate veterans' preference criteria, to achieve a federal workforce drawn from all segments of society, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of the executive branch to recruit and retain qualified individuals from appropriate sources in an effort to achieve a workforce drawn from all segments of society. Pursuant to this policy, this Administration notes that while Asian Americans and Pacific Islanders data indicates that AAPIs are well represented in the Federal workforce, they remain underrepresented in the SES level at slightly over 2 percent. This Executive Order, therefore, affirms ongoing policies and recommends additional policies to eliminate the under-presentation of Asian American and Pacific Islander in the SES Federal workforce.

Sec. 2. *Responsibilities of Executive Departments and Agencies.* The head of each executive department and agency (agency) shall establish and maintain a program for the recruitment and career development of Asian American and Pacific Islanders in federal employment, particularly at the SES levels. In its program, each agency shall:

(a) provide a plan for recruiting Asian American and Pacific Islander candidates that creates a fully diverse workforce for the agency in the 21st century;

(b) assess and eliminate any systemic barriers to the effective recruitment and consideration of Asian Americans and Pacific Islanders, including but not limited to:

(1) broadening the area of consideration to include applicants from all appropriate sources;

(2) ensuring that selection factors are appropriate and achieve the broadest consideration of applicants and do not impose barriers to selection based on non-merit factors; and

(3) expanding partnership programs with Asian American and Pacific Islander Serving Institutions to develop federal internship programs for Asian American and Pacific Islander students;

(c) improve outreach efforts to include organizations outside the federal government in order to increase the number of Asian American and Pacific Islander candidates in the selection pool for the Senior Executive Service;

(d) provide a plan for mid-level development for Asian American and Pacific Islander employees to create a pool of fully diverse candidates for the agency leaders in the 21st century;

(e) assess and eliminate any systemic barriers such as the glass ceiling to increase consideration of Asian Americans and Pacific Islanders in the SES level, including but not limited to:

(1) broadening the area of professional development opportunities for Asian American and Pacific Islander to meet Knowledge Skills and Abilities required for accession to the SES ranks;

(2) ensuring that Asian American and Pacific Islander are included in succession plans, with equal consideration for promotion of qualified AAPIs to SES; and

(3) considering the appointment of Asian American and Pacific Islander federal executives to rating, selection, performance review, and executive resources panels and boards;

(f) promote participation of Asian American and Pacific Islander employees in management, leadership, and career development programs;

(g) develop a formal mentoring program of Asian American and Pacific Islanders employees to enhance development of knowledge and skills, and to promote meaningful partnership between new and senior employees.

(h) ensure that performance plans for senior executives, managers, and supervisors include specific language related to significant accomplishments on diversity recruitment and career development and that accountability is predicated on those plans;

(i) establish appropriate agency advisory councils such as the Special Emphasis Program Manager that include Asian American and Pacific Islander Employment Program Managers;

(j) ensure that managers and supervisors receive periodic training in diversity management in order to carry out their responsibilities to maintain a diverse workforce; and

(k) reflect a continuing priority for eliminating Asian American and Pacific Islander under-representation in the SES level Federal workforce and incorporate actions under this order as strategies for achieving workforce diversity goals in the agency's Government Performance and Results Act (GPRA) Annual Performance Plan.

Sec. 3. *Cooperation.* All efforts taken by heads of agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation among federal, public, and private sector employers, and appropriate Asian American and Pacific Islander organizations whenever such partnerships and cooperation are possible and would promote the federal employment of qualified individuals.

In developing the long-term comprehensive strategies required by section 2 of this Order, agencies shall, as appropriate, consult with and seek information and advice from experts in the areas of special targeted recruitment and diversity in employment.

Sec. 4. *Responsibilities of the Office of Personnel Management.* The Office of Personnel Management is required by law and regulations to undertake a Government-wide minority recruitment effort. Pursuant to that on-going effort and in implementation of this order, the Director of OPM shall:

(a) provide Federal human resources management policy guidance to address Asian American and Pacific Islander under-representation where it occurs;

(b) take the lead in promoting diversity to executive agencies for such actions as deemed appropriate to promote equal employment opportunity;

(c) within 180 days from the date of this Order, prescribe such regulations as may be necessary to carry out the purposes of this Order;

(d) within 60 days from the date of this Order, establish an Interagency Task Force, chaired by the Director and composed of agency officials at the Deputy Secretary level, or the equivalent. This Task Force shall meet semi-annually to:

(1) review best practices in strategic human resources management planning, including alignment with agency GPRA plans;
(2) assess overall executive branch progress in complying with the requirements of this Order;
(3) provide advice on ways to increase Asian American and Pacific Islander community involvement; and
(4) recommend any further actions, as appropriate, in eliminating the under-representation of Asian American and Pacific Islander in the SES level Federal workforce where it occurs; and

(e) issue an annual report with findings and recommendations to the President on the progress made by agencies on matters related to this order. The first annual report shall be issued no later than 1 year from the date of this order.

Sec. 5. *Judicial Review.* This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit, substantive or procedural, enforceable in law or equity except as may be identified in existing laws and regulations, by a party against the United States, its agencies, its officers or employees, or any other person.

Appendix B

Using MD-715 to Analyze AAPI Participation Rates

I. Introduction

As noted under the AAPI Work Group's recommendations, agencies need to identify triggers related to the AAPI workforce. Once an agency properly identifies a trigger, the EEO Office must, through its MD-715 report, analyze the data further to determine what if any barriers exist. The Work Group notes that this identification of triggers and barriers is critical to agencies. The Work Group found that many agencies are not aware that triggers exist. Even those agencies that identified a trigger were unable to conduct a proper barrier analysis. The first step to addressing issues within an agency is to first identify that a problem exists. To this ends, the Work Group has provided this section in the appendix of the report to assist agencies in their trigger and barrier analysis.

II. MD-715

Federal agencies should strive to attract and retain a top-quality workforce. To develop a competitive, highly qualified workforce, federal agencies must fully utilize the talents of all employees regardless of race, color, religion, national origin, sex, age, or disability. In order to assist federal agencies in attaining this goal, EEOC has for years reviewed the equal employment opportunity (EEO) programs in federal agencies as part of its mandate from Congress. This overview was done through the mechanism of Management Directives. On October 1, 2003, Management Directive 715 (MD-715) replaced the former EEOC Management Directives 712, 713, and 714. MD-715 sets forth policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity required under section 717 of Title VII of the Civil Rights Act of 1964 and effective affirmative action programs required under Section 501 of the Rehabilitation Act of 1973. Comprehensive information about MD-715 can be found at www.eeoc.gov/federal/md715/index.html.

MD-715 is distinct from prior EEOC affirmative employment directives. First, it is proactive, as it requires more than compiling reports. MD-715 requires engage in pro-active initiatives and measure their periodic progress. Second, it is comprehensive, as it covers areas never addressed in previous management directives. Third, MD-715 requires accountability with required key performance indicators. Finally, MD-715 is more holistic. It treats all national origin, race, and sex groups as protected classes. In prior Management Directives, Whites were not considered a protected group. Also, the phrase "women and minorities" is no longer in use, as it is misleading. The term "minority" aggregated particular national origin or race groups to the exclusion of others. Under MD-715, each race, sex, or national origin group is analyzed separately. Groups are reported as "participating" in the workforce and "participation rates" are given for each group, including White males. Similarly, the EEOC no longer refers to low-participating groups as "under represented." Groups are either participating at a higher than expected or lower than expected rate when making comparisons.

a. EEO model program

MD-715 sets forth six essential elements that make up a model EEO program. It is EEOC's goal to assist agencies in reaching model status by providing feedback and technical assistance to achieve these elements. The six elements are: (A) demonstrated commitment from agency leadership, (B) integration of EEO into agency's strategic mission, (C) management and program accountability, (D) proactive prevention of unlawful discrimination, (E) efficiency in the federal EEO process, and (F) responsiveness and legal compliance.

Element (A). Demonstrated commitment from agency leadership

MD-715 requires agency heads and other senior management officials to demonstrate a firm commitment to equal opportunity for all employees and applicants for employment. Agencies must promote and safeguard equal employment opportunity in everyday practice and make those principles a fundamental part of agency culture.

Element (B). Integration of EEO into agencies' strategic mission

In order to achieve its strategic mission, an agency must integrate equality of opportunity into attracting, hiring, developing, and retaining the most qualified work force. The success of an agency's EEO program ultimately depends upon decisions made by individual agency managers. MD-715 instructs agencies to ensure that: (1) the EEO director has access to the agency head; (2) the EEO office coordinates with Human Resources; (3) sufficient resources are allocated to the EEO program; (4) the EEO office retains a competent staff; (5) all managers receive management training; (6) all managers and employees are involved in implementing the EEO program; and (7) all employees are informed of the EEO program.

Element (C). Management and program accountability

A model EEO program will hold managers, supervisors, EEO officials, and personnel officers accountable for the effective implementation and management of the agency's EEO program. Pursuant to MD-715, agencies should ensure that: (1) regular internal audits are conducted of the EEO program; (2) EEO procedures are established; (3) all managers and supervisors are evaluated on EEO; (4) personnel policies are clear and consistently implemented; (5) a comprehensive anti-harassment policy has been issued; (6) an effective reasonable accommodation policy has been issued; and (7) findings of discrimination are reviewed.

Element (D). Proactive prevention of unlawful discrimination

EEOC's regulations provide that each agency shall establish a system for periodically evaluating the effectiveness of the agency's overall equal employment opportunity effort. In particular, each agency shall maintain an EEO program to promote equal opportunity and to identify and eliminate discriminatory practices and policies. This element requires agencies to periodically conduct a thorough barrier analysis.

Under this element, a model EEO program conducts regular self-assessments to monitor progress and identify barriers which exclude any EEO group. This report focuses on barrier identification and elimination for Asians and Native Hawaiians and Other Pacific Islanders.

Barriers are defined as policies, procedures, practices, or conditions that limit employment opportunities. Where an agency's self-assessment indicates that Asians and NHOPIs have been denied equal access to employment opportunities, the agency must take steps to identify and eliminate any potential barrier. Essentially, barrier analysis is an investigation of anomalies found in the source data with an eye toward identifying the root causes of those anomalies in agency policies, practices, and procedures. While some barriers are readily discernable, most are embedded in an agency's day-to-day activities: recruitment, hiring, career development, competitive and noncompetitive promotions, training, awards and incentive programs, disciplinary actions, and separations. The process of barrier analysis is discussed further below.

Element (E). Efficiency in the federal EEO process

EEOC's regulations provide that each agency shall assure that individual complaints are fairly and thoroughly investigated and that final action is taken in a timely manner. A model EEO program must have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO programs.

Element (F). Responsiveness and legal compliance

This element of a model EEO program includes timely filing of required reports with EEOC and timely compliance with EEOC's issued orders.

b. MD-715 reporting requirements

Under MD-715, agencies are required to file an annual report to EEOC detailing the status of their EEO programs and progress that has been made since the last report. The MD-715 Report contains ten sections (Parts A through J) as well as a host of data tables reflecting metrics of the agency's workforce. There are 14 different types of tables labeled A1 through A14. For example, on Workforce Data Table A1, agencies must provide the sex, race, and national origin composition of its total workforce, temporary workforce, and permanent workforce for the current and prior years. Other data tables provide snapshots of the agency's workforce by occupation, grade level, participation in career development programs, career ladder promotions, competitive promotions, awards and recognition, and separations. MD-715 requires similar metrics for persons with disabilities and these tables are labeled B1-B14.

MD-715's narrative sections are the Executive Summary and Parts H, I, and J. Part H focuses on reporting and eliminating program deficiencies. Part I focuses on barrier analysis—identifying barriers and reporting plans for their elimination. Part J reports specifically on affirmative action activities for persons with disabilities. Because many agencies are confused

about what constitutes a barrier or a program deficiency, we will briefly explain and define "program deficiency."

A program deficiency is any aspect of the agency's EEO program which does not meet the standards of the model program elements described above and which does not impact directly upon individuals. Examples of program deficiencies are: (1) new supervisors are not provided a copy of Equal Employment Opportunity policies when they begin their appointment, (2) lack of consistent coordination between Human Resources and EEO staff, and (3) lack of involvement of senior managers in barrier analysis. A comprehensive list of over 120 potential deficiencies is given in Part G of MD-715, available at http://www.eeoc.gov/federal/715instruct/part_g.html. Agencies are required to review the elements of a model EEO program and submit a Part H for any deficiency it finds with a plan to eliminate the deficiency.

III. Identifying anomalies in the data ─ triggers

In order to perform barrier analysis, one must first identify anomalies in the data. These anomalies are referred to as "triggers." A trigger is a condition or disparity warranting further inquiry. A trigger may be any piece of information that alerts an EEO professional that additional scrutiny of the area where the trigger occurred is necessary. Agencies must investigate triggers to determine whether actual barriers exist. Triggers may lead to the discovery of barriers. Sometimes there is a trigger, but after analysis it is found that no barrier actually exists.

An EEO professional must look at a variety of source data in order to recognize triggers which need investigation. Some of these sources include: (1) workforce statistics (such as those found in the MD-715 Data Tables or the FEORP report); (2) EEO complaints, such as common bases or issues found throughout an agency or subcomponent; (3) discussions with the EEO Office or Human Resources Office; (4) contact with Unions, Affinity Groups and Advocacy Groups; (5) results of climate surveys, focus groups, and exit interviews; and (6) studies done by outside organizations.

Some hypothetical examples of triggers that may be found in an agency's data are:

- The number of Asians and NHOPIs in the agency's total workforce declined by 2.5% as compared to an overall workforce decline of only 1.0%. This information would be available on Table A1 in the column which gives the net change percentages.

- High turnover rate of Asians and NHOPIs in the workforce, even if other Asians or NHOPIs replace those who leave. The information on the turnover rate would be available on Table A14. The number of new hires would be found on Table A8.

- Asians and NHOPIs are not receiving a proportionate share of awards and recognitions or training opportunities. Information on awards is found on Table A13 and career development is found on Table A12.

- Lack of promotion of Asians and NHOPIs to senior-level positions. Table A11 gives the internal selections for senior-level positions.

- Surge in EEO complaints by Asians or NHOPIs. EEOC Form 462 would have data on EEO Complaints.

- Exit interviews which reveal discriminatory bias in promotion or selection decisions.

- Reports from outside organizations that identify areas of concern at the agency.

As indicated above, triggers can be drawn from a variety of sources. These discoveries are only the beginning of the barrier analysis.

The AAPI Work Group analyzed the participation of Asians and NHOPIs using information from 51 agencies and sub-components' MD-715 Report Data Tables. These agencies are listed in Table 4 in Section I of this report. In addition to the 51 agencies listed in Table 4, the taskforce reviewed data from the Social Security Administration. Of course, the agencies themselves will have access to more data than that provided to EEOC and can thus make more exacting comparisons. There were numerous triggers that EEOC was able to recognize from the data tables submitted. These triggers were often not identified by the agencies in their Part I submissions.

Below are three examples that illustrate these shortcomings. First, EEOC found low participation of Asians and NHOPIs in the total workforce at some of the agencies. Second, EEOC found instances of low participation among Asian and NHOPIs as mid-level managers. Finally, agencies often exhibited a "glass ceiling" with Asians and NHOPIs not advancing to the Senior Executive Service.

a. Low overall participation

This task force was interested in the overall participation rate of Asians and NHOPIs in each agency. MD-715 Data Table A1 records the participation rate of each race and national origin group, as well as men and women, for the agency's overall and permanent workforces. The next step is to pick the comparison group or "proxy." The Civilian Labor Force (CLF) is the appropriate proxy for the agency's workforce because, absent extenuating circumstances, an agency's workforce would be expected to mirror the overall civilian workforce participation rates. Table A1 also includes the CLF data so that comparisons can readily be made to identify any triggers.

The CLF participation rate for Asians in FY 2006 is 3.80% and 0.20% for NHOPIs. Asians and NHOPIs have a combined CLF participation rate of 4.00%. The FY 2006 federal government-wide participation rate for Asians was above the CLF at 5.89%. For NHOPIs, the rate was slightly below the CLF at 0.17%. The combined federal participation rate for Asians and NHOPIs in FY 2006 was 6.06%.

The participation rates in some agencies in FY 2006, however, were significantly below the CLF. Specifically, the Department of Interior has an overall participation rate of Asians and NHOPIs of 2.11%. This is 1.89 percentage points below the CLF as well as almost 4 percentage points below the overall participation of Asians and NHOPIs in the federal workforce. At the Department of Agriculture, the overall participation rate of Asians and NHOPI is 2.41%. This is over 1.5 percentage points below the CLF and 3.65 percentage points below the overall federal workforce participation rate. A third agency with low participation rates for Asians and NHOPIs is the Office of Personnel Management, which has a combined overall participation rate of 2.50%, which is 1.5 percentage points below the CLF and more than 3.5 percentage points below the overall federal workforce. These triggers should alert an EEO professional at these agencies that an investigation needs to be conducted to determine the root causes of the trigger.

b. Low participation as mid-level officials and managers

This Work Group was also interested in the barriers that may exist in the mid-level ranks of officials and managers at the agencies we reviewed. MD-715 Data Table A3-1 provides the information needed to search for triggers in the participation rate of Asians and NHOPIs as mid-level officials and managers. Table A3-1 records the participation of each race and national origin group, as well as men and women, in different occupational categories. The occupational categories include Officials and Managers, Professionals, Technicians, Sales Workers, Administrative Support Workers, Craft Workers, Operatives, Laborers and Helpers, and Service Workers. Officials and Managers is broken down into four subgroups: Executive/Senior Level (Grades 15 and above); Mid-Level (Grades 13-14); First-Level (Grades 12 and below); and Other.

The Work Group compared the percentage of mid-level managers to the proxy—the percentage of Asians and NHOPIs in the permanent workforce. We used the permanent workforce percentages because absent other circumstances, managers should reflect the demographic make-up of an agency's permanent workforce. Generally, managers are chosen from the available *permanent* workforce or from outside of the agency. There is no measure to readily benchmark the number selected from outside the agency, so the available agency workforce is used as a general gauge. Some EEO professionals make the mistake of using the *total* workforce or the CLF as a proxy for purpose of analysis. For the reason stated above, this is not the proper proxy. Similarly, some agencies may have a participation rate of Asians and NHOPIs higher than the CLF in the mid-level. This does not indicate that that agency does not have a trigger at the mid-level. An agency with a high participation of Asians and NHOPIs in its permanent workforce (higher than the CLF) would be expected to exhibit a correspondingly high rate among mid-level officials and managers.

This task force found triggers for the participation of Asians and NHOPIs as mid-level managers. The Social Security Administration has a permanent workforce of 62,996, with Asians participating at a rate of 3.99% and NHOPIs at 0.12%, or 4.11% combined. Table A3-1 shows there are a total of 3,046 Mid-level Officials and Managers. Of these, only 2.07% are Asian and 0.13% are NHOPIs. This yields a combined total of 2.20%

Asian and NHOPI participation at the mid-level. The significant difference at the Social Security Administration between 4.11% participation in the permanent workforce and only 2.20% serving as mid-level managers is a trigger. This discovery should lead to a barrier analysis, as there is a 1.91 percentage point difference. This disparity is particularly significant for a large agency.

A second great disparity is found in a subcomponent of the Department of Health and Human Services (HHS), the Centers for Disease Control. Asians and NHOPIs make up 5.31% of the permanent workforce of 7,094. However, only 2.32% of 345 mid-level Officials and Managers are Asian or NHOPI. At another HHS subcomponent, the National Institutes of Health, Asians and NHOPIs make up 13.49% of a permanent workforce of 14,421. However, only 5.19% of 501 mid-level officials and managers are Asian or NHOPI. Again, these are triggers and should be addressed by the EEO professional in a focused barrier analysis.

There are several other examples of agencies with lower than expected participation of Asians and NHOPIs as mid-level managers. At the Department of Veterans Affairs, Asians and NHOPIs comprise 6.18% of the permanent workforce of 216,979. But, of the 4,408 employees at the mid-level, only 2.15% are Asian or NHOPI. The data reveals a similar disparity within the Veterans Health Administration, a subcomponent of the Department of Veterans Affairs. There, Asians and NHOPIs make up 6.48% of the permanent workforce of 198,208. However, only 2.62% of 2,720 mid-level Officials and Managers are Asian or NHOPI. Finally, a Department of Commerce subcomponent, the National Institute of Standards and Technology, has a permanent workforce of 2,702, of which 8.07% are Asian or NHOPI. Of 79 mid-level managers, 3.80% are Asian or NHOPI.

c. Glass ceiling

The AAPI Work Group found that there were indications of a glass ceiling at many of the agencies reviewed. The glass ceiling is a phenomenon where an agency has a significant number of Asians and NHOPIs in its permanent workforce and in the pipeline grades that lead to the senior ranks of an agency, but has few or no Asians or NHOPIs participating in its senior ranks. This phenomenon does not only exist for Asians and NHOPIs, though. When a glass ceiling is found, it is a trigger and should be analyzed by the EEO professional and senior management to determine what barriers are causing the disparity.

In order to analyze whether a glass ceiling exists, the EEO professional can perform two comparisons. The first is similar to the analysis performed for mid-level officials and managers. However, in this case, the data on Table A3-1 would be drawn from the Executive/Senior Level Officials and Managers section, as that category includes employees at GS-15 and above. The proxy would again be the agency's permanent workforce.

A second and perhaps more exacting measure of a glass ceiling is a review of the feeder pools into the SES. MD-715 Workforce Data Tables A4-1 and A4-2 provide information on the participation rate of employees of each race and national origin category as well as men and women in each GS grade from GS01 through SES. Candidates for SES positions are generally selected from the GS14 or GS15 levels or from outside the agency. When there is adequate diversity in the GS14 and GS15 grades but no similar diversity in the SES, a trigger exists. This suggests that there is a glass ceiling operating to exclude that particular group from participation in the senior grades.

From a review of the data gathered, a number of agencies exhibited evidence of a glass ceiling. The most glaring example was found at the Department of Veterans Affairs. This agency has a permanent workforce participation of Asians and NHOPIs of 6.18%. Asians and NHOPIs make up a remarkable 18.57% of the GS15 positions. However, Asians only hold 1.06% of 283 SES positions at this agency.

Another example of an apparent glass ceiling is at the Department of Health and Human Services. Some 7.32% of this agency's permanent workforce is comprised of Asians and NHOPIs. Moreover, 9.12% of its GS14 and 6.06% of its GS15 positions are filled by Asians and NHOPIs. However, only 2.19% of 411 SES positions are filled by Asians or NHOPIs.

A final example of a glass ceiling trigger is at the Patent and Trademark Office (PTO). This agency has a very high participation rate of Asians and NHOPIs in its workforce. However, this rate falls sharply at the SES level. PTO's permanent workforce is 25.61% Asian and NHOPI. 29.17% of the GS14 level and 20.41% of the GS15 level employees are Asian or NHOPIs. However, just 7.14% at the SES level are Asian or NHOPI. Some EEO professionals may note that an SES participation rate of 7.14% is far above the CLF for this group (4.00%) and conclude that there is no trigger. This is in fact a flawed analysis. The high-level ranks of an agency should resemble the permanent workforce for that agency and if the pipeline to the SES is very diverse, then the SES would be expected to reflect this diversity. As explained earlier, the participation rate of the CLF would not be relevant to this analysis.

Besides reviewing MD-715 data tables for the 52 agencies, EEOC also reviewed each agency's entire narrative report, including Part I, to determine whether they are reporting their triggers for Asians and NHOPIs. EEOC found that while the data tables revealed there to be at least one trigger for Asians and NHOPIs in every agency, relatively few agencies—27 of 51—reported triggers.

There are several examples of triggers that were reported in the FY 2006 MD-715 Reports for the agencies reviewed. The Broadcasting Board of Governors identified low participation rates of Asian females at GS15 and Asian males at the SES. The United States Postal Service identified as triggers the lower than expected selection rates of Asian American and Pacific Islander (AAPI) males and females for the advanced leadership program and higher than expected separation rates of AAPI males and females. The Centers for Disease Control (CDC) identified a variety of triggers, including the lack of

participation of Asians in the SES despite their 6.76% participation rate in the total workforce. As explained earlier, the appropriate proxy should have been the *permanent* rather than the total workforce which was 5.21% for Asians at CDC in FY 2006. Thus, the disparity was 1.55 percentage points less than that determined by the CDC but nevertheless still significant. Some agencies identified the low participation of Asians in their mission-critical occupations. For example, the CDC identified the low participation of Asian males and females in the position of General Health Scientist compared to the Occupational CLF availability. Finally, several agencies identified as a trigger the low participation of Asians in the total workforce when compared to the CLF. Some agencies did not identify triggers for specific groups such as Asians but instead stated there were triggers for "minorities and women." As mentioned earlier, the use of the terms "minority" or "minorities and women" is outdated and does not correspond to the MD-715 barrier analysis process.

EEOC also conducted a written survey which was sent to all federal agencies. Responses were received from 55 agencies. A review of the data collected from the survey revealed that only 15 of 55 identified a trigger, 2 provided narrative information about triggers, and 38 did not identify any triggers. This data reveals that agencies are failing to understand the trigger identification process and need further guidance and education.

IV. Lack of Barrier Analysis and Recommended Solutions

a. Process of barrier analysis

This section defines barriers and barrier analysis and explains how a proper barrier analysis should be conducted. Additionally, the section describes what a barrier analysis would look like for the three types of triggers that were identified in the previous section of this report.

A barrier is an agency employment policy, procedure, practice, or condition that limits employment opportunities for members of a particular race/ethnicity/gender or because of a disability. Barrier analysis is an investigation of anomalies (triggers) found in workplace policies, procedures, and practices with an eye toward identifying the root causes of those triggers, and if necessary, eliminating them. Some examples of barriers that could limit employment opportunities for a group are:

- Single-source or limited-source recruiting
- Hiring laterally at higher grades, as opposed to hiring through feeder pools from one's own agency
- Use of overly narrow selection criteria, e.g., unnecessarily specialized experience requirements that many potential applicants are not likely to have
- Biased or hostile attitude of management toward a particular ethnic group, gender, or persons with disabilities

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These barriers may be apparent after a proper barrier analysis has been conducted.

b. Six steps to barrier analysis

The barrier analysis process is broken down into six steps: (1) review policies, practices, and procedures; (2) analyze source material; (3) identify triggers; (4) determine root cause of triggers; (5) if root cause is a barrier, devise an action plan to eliminate the barrier; and (6) the EEO professional should follow up on the identified barrier at regular intervals to determine the success of the action plan. Both EEO and Non-EEO professionals should be involved in the process of barrier analysis, incorporating ideas to make the process more complete. Upper-level management must also be invested in the process in order for it to be successful.

1. Review policies, practices, and procedures

An EEO professional needs to be familiar with the agency's policies, practices, and procedures in order to identify barriers. The areas which should be the subject of review are those in the natural employment progression, i.e., recruitment, hiring, training and career development, performance incentives and awards, competitive and career-ladder promotions, supervisory and managerial selections, disciplinary actions, and separations. There may be other examples specific to a particular agency, such as the process for security clearances in Department of Defense agencies.

2. Source material

The source materials for identifying anomalies are varied. These materials were described in the previous section and include workforce statistics (such as those found in the MD-715 Report Data Tables), EEO complaints, EEO and Human Resources office interviews or data, union and advocacy group interviews or data, employee surveys, focus groups, exit interviews, and studies done by outside organizations. The EEO professional must study these sources to ensure that a thorough review is conducted.

3. Identify triggers

As described in the previous section on triggers, the EEO professional should look at the source data and determine if any triggers are evident. For example, there may be anomalies in the workforce data tables, or recurring EEO complaints on a particular issue, against a particular manager, or in a particular office or section of the facility. Another example would be exit interviews which identify bias in employment decisions that lead to the increased separation of a particular protected group.

4. Determine root causes of triggers

A barrier is the root cause of the trigger. The goal is to pinpoint the root causes. The process can be analogized to peeling an onion, stripping away layers until there is an answer to the question "Why?" a condition exists. A simple example may be that the agency learns from a review of data that it has a low participation rate of Asians in its total

workforce. A logical next step may be to examine the applicant flow data. The applicant flow data shows that the agency is not getting applications from Asians, but primarily from white and black applicants. Why is this? The next step would be to review the recruitment policies and process. It turns out that the agency is only recruiting from three colleges that do not matriculate many Asians. Why? Is it because the three schools are the *alma maters* of the top agency officials? The barrier in this case would be that little or no recruitment is done at universities with more diverse student populations.

5. Action plan for elimination of barrier

This step is straightforward, but not always easy: the agency must establish a plan of action to address the identified barrier, the root cause of the undesired condition. The specific barrier along with the action plan should be described in Part I of the agency's MD-715 Report and updated every year. In the example above, the action plan would be to begin to recruit at a more diverse set of colleges. This would not mean that the agency would need to stop recruiting at the three colleges but could simply expand recruitment to areas of the country that have larger concentrations of Asians and NHOPIs.

6. Follow-up

The final step, and one that is often overlooked, is to assess whether the devised action plan was successful at eliminating the identified barrier. Possible indicators of success are: the participation rate is up, the separation rate is down, there are reduced complaints, and favorable responses in surveys or exit interviews conducted after the action plan has been implemented. In the example above, the agency would look to see if the participation rate of Asians is beginning to rise and may specifically want to investigate whether more applications are being received from Asian candidates. If the plan did not result in a greater participation rate or an increase in applications, then the agency can conclude that either the wrong barrier was identified or the action plan gave rise to a new barrier. This follow-up process requires the EEO professional to conduct a continuous assessment and monitoring process from year to year.

c. Lack of barrier analysis

An analysis of the data that we reviewed showed that very few agencies identified barriers even when they identified a trigger. Most often, triggers were mistakenly identified as barriers and were not analyzed using the six-step process explained above. Of the 51 agencies and sub-components reviewed, only nine identified a potential barrier. Despite the lack of barrier identification, almost every agency had an action plan to eliminate barriers. An action plan is most useful when a barrier has in fact been identified because the plan can be specifically tailored to address that particular barrier. Some identified barriers in the reports are described below:

- One agency ascertained that the selection process for an advanced leadership program resulted in lower than expected selection rates of AAPI males and females during FY 2006. While it was good that this agency identified that the selection process appeared to

be flawed, it did not drill down far enough to determine what part of the selection process was preventing more AAPIs from being selected.

- Another agency identified that limited hiring resulted in lower than expected participation of Asians. This agency may have found a cause but it did not find the root cause because limited hiring in and of itself would affect all EEO groups equally. So, this agency would need to drill down further to determine the root cause.

- Another agency identified as a barrier the lack of focused, systematic recruitment for groups with low participation rates. This in fact may be the root cause of the low participation of Asians or NHOPIs, but this agency did not specify the type of recruitment that was occurring or the groups that were not participating at an expected rate. A little more investigation could reveal a great deal.

- One agency stated that the trigger it was investigating was the fact that few Asian females are selected for the position of Security Guard. This is a very specific trigger and is a good start to the barrier analysis. This agency identified a number of barriers: (1) little flexibility in hours, with weekend and night work, (2) limited commuting options for guards that work at night, (3) little flexibility for child care arrangements, and (4) a limited number of Asian female candidates in the relevant labor pool. However, some of these identified barriers would tend to affect all groups. For example, limiting commuting options would affect men and women alike. Nevertheless, these may be barriers that are impacting the employment of Asian women.

- One agency identified the lack of emphasis on EEO goals as a barrier. It also identified as a barrier the decision making by some agency officials based on their preconceived ideas of race. It is likely that this agency was describing a possible culture at the agency which is hostile to EEO diversity. Such a culture is a definite barrier to employment of many groups. An action plan should be crafted to help change the culture at the agency.

- Finally, one agency identified insufficient efforts to hire, train, and promote “minority and women” employees as a barrier. This could be the beginning of the process, but this barrier is far too broad to affect a specific action plan. Also, the use of the terms “minorities and women” is outdated and not specific to any one group.

In addition, a number of other agencies’ barrier analyses were flawed because they were not tailored to Asians and NHOPIs. Also, agencies often identified triggers and indicated that they were working on the barrier analysis, but no progress is reported from year to year.

d. Specific examples of barrier analyses

1. Low participation in total workforce

When an agency finds that it has low participation of Asians or NHOPIs in the total workforce—as have the Department of Interior, Department of Agriculture, and the Office of Personnel Management—it must investigate the root cause for the lack of Asians and

NHOPIs in its workforce. Here, the EEO professional will look not only at the data in Table A1, which contains the total workforce data, but also at Workforce Data Table A8, containing information on new hires by type of appointment. The three categories in table A8 are permanent employees, temporary employees, and non-appropriated fund employees for each race, national origin, and gender category. This data will allow the investigator to understand whether a proportionate number of new employees are Asian or NHOPI. If Asians and NHOPIs are being hired at a lower than expected rate, this will confirm that there is a possible barrier in hiring. At this point, a critical analysis of the hiring process should be conducted. The agency may find that Asians and NHOPIs are not being encouraged to apply for vacancies because, for example, managers have preconceived notions that Asians are not adept at customer service jobs. This barrier may need to be addressed via training of managers. On the other hand, the agency may discover that Asians are not being targeted for recruitment and a more diverse recruitment effort must be undertaken. After this analysis is conducted, an action plan should be devised and implemented.

If Asians and NHOPIs are being hired at a greater rate than their participation in the workforce, it may indicate that a lack of hiring is not the cause of the low participation rate at the agency. A higher than expected hiring rate of Asians and NHOPIs may also indicate that measures that have previously been taken to increase hiring are resulting in a positive trend for Asians and NHOPIs. The EEO professional can then monitor the trend from year to year to see if it continues.

A third table, Workforce Data Table A14, should also be analyzed when an agency has a low participation rate of a particular EEO group. Table A14 records separations by type, i.e., voluntary and involuntary. If the agency finds that Asians and NHOPIs are separating at a much higher rate than the overall workforce, then the policies on separations should be analyzed to determine if there are barriers to retention of Asians and NHOPIs. Exit interviews, if available, should be reviewed to determine if there is a common theme. Perhaps a survey should be conducted to gather information on what is causing the unusually high separations among Asians. If separation rates for Asians and NHOPIs are lower than the overall rate, this would indicate that high turnover is not the reason for low participation of Asians and NHOPIs in the agency.

2. Low participation of mid-level managers

When an agency finds that it has low participation of Asians as mid-level officials and managers—as have the Social Security Administration and the Centers for Disease Control—an EEO professional must investigate the root cause of the trigger. As described earlier, the agency would find this trigger from a review of data in Table A3. The agency should then ask itself “Why?” and may review the participation rate of Asians and NHOPIs in its career development program. Workforce Data Table A12 reports the participation of different race, ethnicity, and gender groups in the agency’s career development slots for a particular year. Table A12 contains three sections: career development programs for GS 5-12, career development for GS13 and GS14, and career development for GS15 and above. The Table details the number of slots available, the

percent of the relevant pool participating for each demographic group, and the number of those who applied. A review of this data will show whether Asians and NHOPIs are participating in career development opportunities that could lead to advancement into the mid-level ranks of officials and managers. If Asians and NHOPIs are not participating, the agency should investigate how this condition can be remedied.

If Asians and NHOPIs are participating at a proportionate level in career development opportunities at the agency, then the investigation would continue to determine the root cause of the low participation among mid-level officials and managers at the agency. This may result in a review of other policies related to advancement. Another data table that would be relevant is Workforce Data Table A9, which records competitive promotions for major occupations. After this analysis, the agency may find that Asians or NHOPIs are not being selected as mid-level managers because an insufficient number apply for management positions due to lack of soft skills. The agency may then offer training for its mid-level grades to improve soft skills and encourage participation by Asians and NHOPIs.

3. Glass ceiling/low participation in senior grades

When an agency finds that it has low participation of Asians or NHOPIs in its senior grades—as at the Veterans Administration, Department of Health and Human Services, and the Patent and Trademark Office—it must similarly drill down to discover the root cause of the trigger. Besides Tables A3-1 and A4-1, which would be reviewed to discover a trigger, the agency should also look at Tables A11 and A12.

Table A11 records data on the agency's internal selection for senior-level positions. The three sections are for the GS13/14, GS15, and SES levels. The table includes, for each vacancy category, the applications received, information on those qualified for the positions, those selected for the positions, and the size of the relevant pool for each demographic group. From this table the agency can analyze whether there is a sufficient pool of applicants for the senior grades in each demographic group and see the rate of selection during the year. If there are sufficient applications but not a proportionate number of hires at the SES, then the agency would ask "Why?" and review the SES selection criteria. If there are insufficient applications from Asians and NHOPIs, then policies relating to recruitment in the senior ranks would be analyzed for barriers.

Table A12 contains career development data (as described earlier). Here, the agency would look at the section relating to GS15 and above to determine the participation rates of Asians and NHOPIs at the senior grades in career development programs. After the barrier analysis, the agency may determine that the cause for the lack of SES candidates who are Asian or NHOPI is the result of a lack of these groups taking advantage of available senior-level assignments. An action plan would then need to be devised to attract more Asians into the senior-level rotational assignments at the agency.

As illustrated above, the process of barrier analysis is fluid and goes from one step to another and can repeat certain steps before an actual barrier is found. The key to

successful barrier analysis is the persistence to drill down deep and inquire about the key reasons for disparities: only then can action plans be devised to remedy the specific barrier.

Appendix C

FEDERAL ASIAN AMERICAN AND PACIFIC ISLANDER SPECIAL EMPHASIS PROGRAMS AND COMPLAINTS SUB-GROUP REPORT

BACKGROUND

The Equal Employment Opportunity Commission formed the Asian American Pacific Islander Work Group (AAPIWG) to examine the issues of the Asian community with respect to the federal workplace. The AAPI Work Group produced and administered a survey to be completed by each federacy agency to test perceptions and gather information regarding the realities AAPI's face in the federal workplace.

The results of this survey authenticate the concerns of the AAPI community in the federal workplace. The survey highlights the level of activity, participation and support provided to the AAPI activities in comparison to other affinity groups within the organization. Based on the attendance of the seven (7) federally recognized observances, the Asian Pacific American Heritage Month observance participation comes in 6th place.

This is of concern, because the AAPI community is comprised of different religious and cultural groups, some of which have norms that are vastly different from those of traditional Euro-American perspectives. Consequently, agencies must raise the level of awareness among its employees so that they may be cognizant of the differences among the various groups, and thereby better understand and coalesce with these different groups. It is through special emphasis activities that employees get the opportunity to better understand and appreciate their colleagues. Indeed, the hope is that organizations will creatively convert cultural differences into transformative change, leading to functional advantage, rather than sources of differentiation, isolation and conflict. By understanding differences, employees from differing cultures can discover human commonalities as well, but to see those mutual traits through the prism of the different cultural perspectives. Again, this heightened understanding allows employees to function more efficaciously as organizational teams.

Special emphasis programs, particularly those having to do with the AAPI community ought not be viewed as mundane, ineffective and burdensome obligatory events. Rather, when used creatively and effectively, these programs are a benefit to governmental organizations. It is, therefore, incumbent upon senior managers and supervisors to support and attend such events as an indication of their commitment to supporting the Asian American Pacific Islander community. In so doing, managers can demonstrate to their organizations that their AAPI employees are valued and appreciated not only for the work that they do, but for what they bring to the organization as a whole. As a result, the AAPI employees can better incorporate and adapt to their respective work teams, and thus become more effective and productive team players. Moreover, when senior management supports such programs, AAPI employees are apt to engage

in complaint processes should the need arise. Engaging in complaint processes such as the EEO complaint process allows managers and supervisors to become aware of activities that are of concern and in need of correction. When employees feel that they are valued, when their concerns are addressed, when they are able to understand their colleagues and are themselves being understood, the work environment can become cohesive, productive and successful.

AAPI SPECIAL EMPHASIS AND COMPLAINTS SUB-GROUP

The AAPI Special Emphasis and Complaints Sub-group was created to identify additional challenges faced by federal sector Asian American Pacific Islander employees and to propose recommendations to overcome these challenges. In response to this charge, the Sub-group offers the following:

THE CHALLENGE

Special Emphasis Programs: Lack of participation among the workforce-at-large pertaining to the participation in Asian & Pacific American Special Emphasis Events and lack of support from the agency to allow Asian & Pacific Americans to participate in outreach activities and conferences.

Complaints Process: Little to no formal EEO complaint activities identified among the Asian & Pacific American employees; however, discriminatory concerns have been voiced among the Asian/Pacific community.

PROJECT OBJECTIVES

The primary objective of the AAPI Special Emphasis and Complaints Sub-group was to:

- Raise awareness of existing concerns and problems of the Asian/Pacific community;
- Identify and recommend proactive measures to all stakeholders; and to
- Examine the community's concerns about federal-sector Special Emphasis Programs and the EEO complaint process.

STRATEGIC PLAN

The AAPI Special Emphasis and Complaints Sub-group developed a strategy to assist the AAPI community in addressing the issues covering federal sector Special Emphasis Programs and the EEO Complaint Process. The strategy included meeting with the Executives of FAPAC and the Asian Congressional Caucus and developing the following plan:

STEP ONE - Defining the Problem and Establishing the Goals

STEP TWO - Listing Alternative Tools to assist in the Resolution of the Problems

STEP THREE - Reviewing the Alternatives

1. Why were the alternatives selected?
2. How did you evaluate the alternative solution(s)?
3. What values did you consider most important?
4. What are the advantages and disadvantages of each alternative?

STEP FOUR - Choosing the Best Alternatives (or Combination of Alternatives)

1. Selection process
2. Analysis of alternatives

STEP FIVE – Implementing the Solution

1. Who should do it?
2. How might support for proposal be achieved?
3. What is action group's relation to power figures?
4. What strategy(ies) would you recommend? Why?
5. What specific tactics or methods might be used?

STEP SIX – Reviewing the Progress - At the agreed upon times, review how well the solution was implemented and what additional problem-solving efforts should be made.

RECOMMENDED SOLUTIONS

During the next phase, the AAPI Sub-group established the following recommendations:

Special Emphasis Programs: Agency senior management should support and encourage participation in Asian American and Pacific Islander sponsored activities/training sessions. They should also require that managers and supervisors actively support Asian American/Pacific Islander activities (i.e – conferences, training sessions, meetings addressing AAPI issues, etc.). In addition, the AAPI Sub-group offers the following recommendations:

- **Enhance Efforts of Asian Groups** – Asian Groups must be more proactive in supporting the AAPI community on issues relating to the injustices endured by AAPIs. AAPI employees should be more assertive, more proactive and take the initiative to question negative decisions that are made by management regarding training, leave requests, travel requests and meeting participation.

- **Increase FAPAC's Visibility within Federal Agencies** –During interviews with AAPI federal employees, many admitted that they are not aware of the services provided by FAPAC.

Therefore, FAPAC must be more proactive in educating federal employees on the mission and the services offered by their organization.

- **Review Demographics of AAPIs and Evaluate Agency Human Resource and Training Services Outreach Processes -** Federal agencies should review the demographics of the AAPI employees and assess the data collected by the EEOC to determine if there is a disparity of the support provided to the AAPI employees versus non-AAPI employees within their agencies.

- **Solicit Support of Internal/External/Congressional Resources**
  Highlight Advocacy Groups – The AAPI community should solicit the support of internal/external and congressional resources to assist them in overcoming the challenges that they face in their communities and the federal government. AAPIs should take advantage of the strategies that other minority groups have successfully used when obtaining the services of such service oriented groups.

- **Conduct Brown Bag Diversity Training Sessions and Sponsor Networking Events for the Various Special Emphasis Groups –** Agencies should conduct Brown Bag Diversity Training sessions and host networking events for the various Special Emphasis Groups to highlight the diverseness of the different affinity groups including AAPIs.

- **Establish a Joint Federal Agency Asian/Pacific Council –** AAPI employees should establish Joint AAPI Councils to address the challenges that AAPIs face in the federal workplace. It is known that there is strength in numbers; therefore, it is imperative that the AAPI employees join forces to address challenges and injustices that they may encountered in the federal government.

- **Encourage Agencies to Fund Office of Personnel Management (OPM) Sanctioned Conferences –** Agencies should support the participation of one person or more (if funding available) from every affinity group to participate in OPM sanctioned conferences.

- **Agency Diversity Forums –** Agencies can establish a forum that has at least one representative from each affinity group (IMAGE/BIG/ FEW/ FAPAC/ etc…) affiliated with that particular government agency. This group could meet on a regular basis to discuss concerns that directly impact their group and seek out a resolution by way of consensus among the Diversity Forum. By discussing problems in this type of setting allows each participant to become exposed to other perspectives/styles/approaches on how to resolve issues facing the group. Each group will benefit from the other. And the creation of a dialogue among the groups will eventually build a very influential coalition.

Complaint Process: Agencies should take extra measures to provide training and statistical information regarding the complaint process to the Asian American and Pacific Islander employees; and identify the benefits of the complaint process by highlighting historical cases that pertain to the Asian/Pacific community. We also recommend that the EEO Directors and EEO Offices take extra measures to support AAPI activities such as reviewing AAPI EEO case data;

reviewing AAPI demographics and assisting AAPI employees in overcoming their fear of the EEO Process and retaliation by breaking the myths of the EEO Complaint process.

Dr. Sharon Goto noted at the Commission Meeting on July 22, 2008, that Asians are more likely to claim that discrimination occurred when discussing a matter with another Asian. Based on this anecdotal evidence, this appears to be a barrier for AAPIs to the EEO complaint process. Therefore, it is highly recommended that EEO practitioners and FAPAC provide assistance in overcoming this and other barriers for those persons who may experience difficulties or discomfort in bringing forth their EEO claims. In addition, this relationship between the EEO Office and the AAPI affinity group can help to surmount the persistent fear of reprisal, and can encourage victims of discrimination to enforce their legal rights as federal employees.
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In order to help AAPI employees in overcoming their fears of the EEO process, EEO Directors and FAPAC can assist by highlighting prominent EEO winning cases. A list of important EEOC decisions regarding AAPIs is found at Appendix D.

OTHER RECOMMENDATIONS

The Sub-group met with the President of the Federal Asian Pacific American Council (FAPAC) and provided the following recommendations to assist FAPAC in accomplishing its mission of representing Asian Pacific American (APA) employees in the Federal and District of Columbia Government. The following items were recommended to achieve the goal of involving more participation in FAPAC:

- FAPAC should be more proactive in the AAPI community and the federal government and issue FAPAC conference information earlier to federal agencies to provide adequate marketing of the conference;

- FAPAC should also increase EEO workshops at FAPAC conferences; and

- FAPAC should revise the existing FAPAC website to include: contact information for an interpreter to assist the AAPI community and employees with language barriers; a link that has the flow chart of the EEO process to assist AAPI federal employees in understanding the steps within the EEO process; EEO Office contact information to assist AAPI employees in making contact with federal EEO Offices; on-line EEO training courses to further educate the AAPI community and employees on the EEO process; list upcoming FAPAC training announcements; a catalog of private and federal sector job vacancy announcements; and a resume bank to assist AAPI employees in the preparation of

their resumes and the required Knowledge, Skills and Abilities requirements for federal employment.

These suggestions and efforts are useful ways to engage more individuals in the overall prospect of meaningful dialog and interaction with FAPAC.

BEST PRACTICES

The sub-group interviewed managers from several agencies to obtain the best practices used to achieve successful Special Emphasis Programs through executive support and increased audience participation and to determine the best methods used to assist and educate AAPIs in the EEO complaint process. The results are as follows:

SPECIAL EMPHASIS PROGRAMS

U.S. Department of Health and Human Services – The agency invites internal Executives to participate and serve on Special Emphasis Programs as guest speakers, panel members, and moderators to demonstrate a commitment from the agency's top executives.

Broadcasting Board of Governors - The agency host joint Special Emphasis Programs co-sponsored with other agencies to ensure high attendance levels, which reduces cost and reaches a larger population of Executives, Managers and employees.

The Office of Peace Corp American Diversity Programs - The Special Emphasis Programs and Conferences are marketed through agency-wide e-mail announcements, posters, and other disseminations as deemed appropriate. The Agency head as well as the senior managers encourage participation at the programs/conferences. Support for the programs/conferences is obtained through the agency's senior management.

The Holocaust Museum Diversity Programs – The agency sends an invitation to all employees and invites local schools to attend the Special Emphasis Programs which encourages employee participation and provides and educational forums for local youth.

The Office of Personnel Management American Diversity Programs – The agency rotates the financial responsibility for each Special Emphasis Observance to individual OPM Program Offices each year. This eliminates the burden of one office being responsible for the cost to host such Programs and it creates a position of buy-in from the host Program Office. In addition, the OPM Director sends out an electronic message to announce the Special Emphasis Programs which shows a sense of commitment from the highest level of the agency. Also a voicemail message is sent from the EEO Office and posters and other disseminations are distributed the morning of the event. As another measure to support the OPM AAPI employees, the OPM Special Emphasis Manager attends regularly scheduled FAPAC Meetings.

U.S. Department of Agriculture – A memorandum is sent from the Assistant Secretary for Civil Rights (ASCR) to the agencies Under Secretaries, Agency Heads, Agency Civil Rights and Human Resources Directors to announce all Special Emphasis Programs and to solicit support for

the programs. In addition, an electronic mail blast, flyers, posters; TV- LAN messages as well as word of mouth marketing are used as advertisement on the day of the program

U.S. Department of Housing and Urban Development - The agency's Affirmative Employment Division (AED) is ultimately responsible for hosting all of the Special Emphasis Programs for the U.S. Department of Housing and Urban Development. A full-time journeyman's-level Equal Opportunity Specialist is assigned to manage and facilitate all HUD Special Emphasis Programs. To ensure inclusiveness and to develop events that capture various cultural perspectives, AED encourages and facilitates the participation of HUD-wide affinity groups in the planning and implementation stages of the development of the Special Emphasis Programs.

The AED invites the Secretary of HUD and principal staff members to participate in each of the Special Emphasis Programs. The presence and involvement of senior staff members tend to draw the support and attendance of the HUD workforce.

COMPLAINT PROCESS

The Office of Peace Corp American Diversity Programs – The agency ensures that all new employees receive an orientation upon their first day at work, which includes a discussion of employees' rights to file discrimination complaints, as well as a discussion of the EEO complaint process. Thereafter, all employees attend an annual EEO, Diversity, and Sexual Harassment training session, which also includes segments focused on the employees' rights to file discrimination complaints and the EEO complaint process.

U.S. Department of Housing and Urban Development – The agency ensures that the employees' rights and responsibilities and the EEO process are posted conspicuously in common areas at HUD Headquarters and in all Regional Offices. New employees are briefed on their rights and the EEO process during mandatory new employee's orientation monthly and the new Supervisor's training. Employee rights and the EEO process are provided and discussed during all facilitations, and conflict resolution training provided to Program Office.

CONCLUSION/BENEFITS

The 2000 Census revealed that 44% of Asian American Pacific Islanders over the age of 25 had 4 or more years of college compared with 28% of Whites, 16% African Americans and 11% of Latinos. The education advantage obtained by AAPIs is even more apparent in the 25 to 29 young adult group. The high levels of education are reflected in the occupations of Asians and Pacific Islanders. More than 7% of the nation's high tech workers are AAPIs and this figure represents a significant proportion of the nation's best-educated scientists and technicians.[3] Nonetheless, the protection of their civil rights provides unique challenges in the federal sector. As noted throughout this report, two particular challenges are evident:

[3] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
DHHS - Indian Health Service (IHS)	0.96%	2.04%	4.53%	6.58%	0.00%
DHHS - National Institutes of Health (NIH)	13.49%	10.16%	12.89%	8.20%	3.28%
DHHS - Office of the Secretary & Admin on Aging (OS&AA)	5.24%	5.29%	5.33%	4.19%	1.76%
Department of Veterans Affairs – Main	6.18%	4.65%	3.38%	18.57%	1.06%
Department of Veterans Affairs – Nat'l Cemetery Admin. (NCA)	3.77%	3.12%	10.00%	0.00%	0.00%
Department of Veterans Affairs - Veterans Benefits Admin. (VBA)	2.96%	2.51%	2.06%	2.66%	0.00%
Department of Veterans Affairs - Veterans Health Admin. (VHA)	6.48%	4.87%	3.54%	19.12%	1.24%

***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

iii. Recruitment and outreach

Traditional hiring and recruitment sources should be expanded to include those markets where qualified AAPI applicants are more abundant. While HBCUs, HACUs, OMUs and TCUs have been productive sources for African American, Hispanic and American Indian college recruits, no similar confederation for AAPIs exists. Nevertheless, there are universities that have significant concentrations of AAPI students not only in obvious geographic locations such as San Francisco, Los Angeles, and Hawaii, but also among some of our more prestigious colleges. These institutions should be identified and included in all college recruitment efforts.

iv. Re-examine entry level criteria for disparate impact

Without compromising necessary eligibility criteria, all screening criteria should be evaluated for disparate impact on AAPIs. The successful integration of women in the military demonstrated that historically discriminatory entrance criteria can be changed without compromising individual or organizational effectiveness. This is not crucial for agencies with low overall participation rates for AAPIs. In addition, agencies should examine the criteria at every point in which there is a ceiling for AAPIs.

iv. Be involved with the discussions regarding succession planning

EEO/Diversity offices should collaborate with line organizations and Offices of Human Capital Management on succession planning. Succession planning requires attention to the detail of how organizations manage their workforce and plans for its continued success and the future workforce. EEO/Diversity Offices should be part of the dialogue to ensure a diverse workforce in which opportunity is provided equitable.

e. Agency partnership with AAIP community

i. External collaborations

There are a number of AAPI organizations at the national and local levels that can assist federal agencies in promoting the advantages of public service (e.g. JACL, OCA, FAAPIC, AAGEN, CAAPISA, etc.). Agency Diversity Officers should reach out to AAPI organizations to help publicize their recruitment initiatives and also seek their advice on shaping marketing messages to prospective applicants.

ii. Internal collaborations

Agencies should cultivate and support employee affinity groups through official sponsorship of their events, funding their administrative costs, and providing regular access to agency senior leadership. Where AAPI employee affinity associations exist within a given agency, diversity offices should collaborate with them on creating and delivering career development activities as well as specific heritage awareness and recognition events. Where there is no existing AAPI affinity group within an agency, diversity officers should reach out to

established AAPI affinity groups at other agencies for advice and assistance in beginning AAPI initiatives.

iii. Present proposals, practices, and programs that have proven to promote diversity

Utilizing lessons learned and best practices across government, diversity officers should develop their own initiatives tailored to the specific needs, culture, and priorities of their own organization. Coordinated diversity activities across outreach, recruitment, career development, and succession planning can have synergistic benefits for an agency's internal and external image and significantly enhance its progress towards a workforce that represents all of America.

A dramatic jumpstart could be launched through a national conference sponsored by EEOC and OPM that would showcase the successful experiences of various diversity offices not only in federal agencies but also from state and local governments as well as from private industry. Proceedings from such a conference should be posted on the Internet for complete and continuous access for the benefit of all organizations interested in accelerating their diversity progress.

f. AAPI affinity/employee groups

There are limitations to what agencies can provide. AAPI affinity groups can serve as the eyes and ears for the EEO/Diversity offices as well as advocates for their constituency. Affinity groups can play a role as the focal point for the concerns of constituents, provide educational forums for employees and managers, develop liaisons in line organizations, assist in recruitment efforts, work proactively to help resolve problems affecting constituents, and contribute to the development of action plans designed to address barriers to recruitment, hiring, advancement, or retention of constituents.

i. Engage the EEO/Diversity Office and Office of Human Capital Management

AAPI affinity groups can identify and share the needs of the AAPI constituency and demonstrate the benefits of a partnership with the agency. These groups can provide guidance and recommendations to management on concerns of the community as well as collaborate on career development opportunities and mentoring programs.

One example of an affinity group that has developed career programs is the Patent and Trademark Office's Asian Pacific American Network (APANet). The mission of the APANet is to support diversity, educate employees in the area of cultural heritage, assist members with professional development, and foster a prejudice-free work environment. This organization has received much attention particularly due to its commitment to professional development through career development seminars. One such seminar is legal writing for the PTO's engineer work-force.

ii. Engage senior AAPIs in the agency

Even though there are small percentages of senior AAPIs in agencies, AAPI affinity groups should reach out to these leaders to tap their knowledge and experience. Many senior AAPIs are not part of their employee group and can be valuable resources and networks.

iii. Sponsor AAPI cultural events for the agency

Educating managers and other employees on AAPI issues and concerns will help to change mindsets and attitudes. AAPI affinity groups can provide educational forums for employees and managers on constituent issues and share success stories of constituents.

iv. Partner with other affinity groups

By working with other groups and understanding their issues and concerns, AAPIs can find common ground and increase visibility of their issues as well. AAPI employee groups can also partner with other affinity groups by hosting joint career development and training opportunities. They should actively support other groups' heritage events to promote diversity. To maintain strong and productive relationships, groups should meet on a regular basis, such as for monthly luncheon seminars, social events, or team supports.

g. AAPI employees

In a Western society, AAPIs should understand the rewards system and re-examine their behaviors and cultural norms. AAPIs should prepare and position themselves to accept opportunities for advancement. Recommendations for employees include the following:

i. Building Knowledge, Skills and Abilities

AAPIs should work on the fundamental core competencies, or ECQs. While many AAPIs excel in their current jobs, many fail to realize that additional motivation and development of skills are necessary for further advancement. AAPIs must sharpen their skill sets and build reputations outside of stereotypes. AAPI employees should also proactively seek feedback and accept feedback – a skill that many people (not just AAPIs) need to work on.

ii. Build Visibility

In building exposure and visibility, AAPIs must proactively seek opportunities to advance. Employees should take advantage to serve as members of Special Project Teams or Working Groups – from time to time, projects are launched to meet a special need, or address a challenging problem. They should initiate project proposals or ask to participate in short term research projects/studies; seek presentation or briefing opportunities, especially before members of the senior leadership team; and request a special assignment of a short duration (e.g., 3-6 months) in a

targeted functional area or in certain departments to enhance skills. Employees must outwardly demonstrate their desire for advancement in an assertive, but non-confrontational, way.

iii. Have a plan

AAPIs should have a plan for what they desire to accomplish and how to get there. AAPIs must develop stretch goals – goals that reach beyond comfort zones. AAPIs will benefit from drafting Individual Development Plans with a managers, attending management development programs conducted at universities (e.g., Harvard University's Kennedy School of Government), government institutes (e.g., Federal Executive Institute and OPM Training Center), or agency sponsored training, and seeking opportunities for leadership that may exist in community volunteer work. Whenever possible, AAPIs must compete for the SES Candidate Development Program.

iv. Develop and nurture networks

Not all mentorship opportunities must be formal. AAPI employees will benefit from identify and engaging several mentors – not just AAPIs – as different mentors provide different perspectives. More importantly, each mentor provides a conduit into his or her own network. AAPI employees will also benefit from participation in a Mentorship Program, which ideally would include periodic meetings with a cross section of senior managers. AAPI employees must learn from veterans, pay attention to communication and information flow, understand what the organization and managers require for advancement, understand the office politics, and know when to conform and when to wisely deviate.

h. Summary

Addressing low participation rates for AAPIs in the federal sector will require a coordinated effort on the part of leadership and management, EEO/Diversity Offices, affinity/employee groups and employees themselves. All have a role to play, and everyone must be accountable and take responsibility for their part in ensuring a level playing field that provides for a diverse productive workforce, an equitable and inclusive work environment free from discrimination and harassment.

Appendix A

EXECUTIVE ORDER ASIAN AMERICAN AND PACIFIC ISLANDER (DRAFT)

ASIAN AMERICAN AND PACIFIC ISLANDER EMPLOYMENT IN THE FEDERAL GOVERNMENT

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the representation of Asian American and Pacific Islander in federal employment, within merit system principles and consistent with the application of appropriate veterans' preference criteria, to achieve a federal workforce drawn from all segments of society, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of the executive branch to recruit and retain qualified individuals from appropriate sources in an effort to achieve a workforce drawn from all segments of society. Pursuant to this policy, this Administration notes that while Asian Americans and Pacific Islanders data indicates that AAPIs are well represented in the Federal workforce, they remain underrepresented in the SES level at slightly over 2 percent. This Executive Order, therefore, affirms ongoing policies and recommends additional policies to eliminate the under-presentation of Asian American and Pacific Islander in the SES Federal workforce.

Sec. 2. *Responsibilities of Executive Departments and Agencies.* The head of each executive department and agency (agency) shall establish and maintain a program for the recruitment and career development of Asian American and Pacific Islanders in federal employment, particularly at the SES levels. In its program, each agency shall:

(a) provide a plan for recruiting Asian American and Pacific Islander candidates that creates a fully diverse workforce for the agency in the 21st century;

(b) assess and eliminate any systemic barriers to the effective recruitment and consideration of Asian Americans and Pacific Islanders, including but not limited to:

(1) broadening the area of consideration to include applicants from all appropriate sources;

(2) ensuring that selection factors are appropriate and achieve the broadest consideration of applicants and do not impose barriers to selection based on non-merit factors; and

(3) expanding partnership programs with Asian American and Pacific Islander Serving Institutions to develop federal internship programs for Asian American and Pacific Islander students;

(c) improve outreach efforts to include organizations outside the federal government in order to increase the number of Asian American and Pacific Islander candidates in the selection pool for the Senior Executive Service;

(d) provide a plan for mid-level development for Asian American and Pacific Islander employees to create a pool of fully diverse candidates for the agency leaders in the 21st century;

(e) assess and eliminate any systemic barriers such as the glass ceiling to increase consideration of Asian Americans and Pacific Islanders in the SES level, including but not limited to:

(1) broadening the area of professional development opportunities for Asian American and Pacific Islander to meet Knowledge Skills and Abilities required for accession to the SES ranks;

(2) ensuring that Asian American and Pacific Islander are included in succession plans, with equal consideration for promotion of qualified AAPIs to SES; and

(3) considering the appointment of Asian American and Pacific Islander federal executives to rating, selection, performance review, and executive resources panels and boards;

(f) promote participation of Asian American and Pacific Islander employees in management, leadership, and career development programs;

(g) develop a formal mentoring program of Asian American and Pacific Islanders employees to enhance development of knowledge and skills, and to promote meaningful partnership between new and senior employees.

(h) ensure that performance plans for senior executives, managers, and supervisors include specific language related to significant accomplishments on diversity recruitment and career development and that accountability is predicated on those plans;

(i) establish appropriate agency advisory councils such as the Special Emphasis Program Manager that include Asian American and Pacific Islander Employment Program Managers;

(j) ensure that managers and supervisors receive periodic training in diversity management in order to carry out their responsibilities to maintain a diverse workforce; and

(k) reflect a continuing priority for eliminating Asian American and Pacific Islander under-representation in the SES level Federal workforce and incorporate actions under this order as strategies for achieving workforce diversity goals in the agency's Government Performance and Results Act (GPRA) Annual Performance Plan.

Sec. 3. *Cooperation.* All efforts taken by heads of agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation among federal, public, and private sector employers, and appropriate Asian American and Pacific Islander organizations whenever such partnerships and cooperation are possible and would promote the federal employment of qualified individuals.

In developing the long-term comprehensive strategies required by section 2 of this Order, agencies shall, as appropriate, consult with and seek information and advice from experts in the areas of special targeted recruitment and diversity in employment.

Sec. 4. *Responsibilities of the Office of Personnel Management.* The Office of Personnel Management is required by law and regulations to undertake a Government-wide minority recruitment effort. Pursuant to that on-going effort and in implementation of this order, the Director of OPM shall:

(a) provide Federal human resources management policy guidance to address Asian American and Pacific Islander under-representation where it occurs;

(b) take the lead in promoting diversity to executive agencies for such actions as deemed appropriate to promote equal employment opportunity;

(c) within 180 days from the date of this Order, prescribe such regulations as may be necessary to carry out the purposes of this Order;

(d) within 60 days from the date of this Order, establish an Interagency Task Force, chaired by the Director and composed of agency officials at the Deputy Secretary level, or the equivalent. This Task Force shall meet semi-annually to:

(1) review best practices in strategic human resources management planning, including alignment with agency GPRA plans;
(2) assess overall executive branch progress in complying with the requirements of this Order;
(3) provide advice on ways to increase Asian American and Pacific Islander community involvement; and
(4) recommend any further actions, as appropriate, in eliminating the under-representation of Asian American and Pacific Islander in the SES level Federal workforce where it occurs; and

(e) issue an annual report with findings and recommendations to the President on the progress made by agencies on matters related to this order. The first annual report shall be issued no later than 1 year from the date of this order.

Sec. 5. *Judicial Review.* This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit, substantive or procedural, enforceable in law or equity except as may be identified in existing laws and regulations, by a party against the United States, its agencies, its officers or employees, or any other person.

Appendix B

Using MD-715 to Analyze AAPI Participation Rates

I. Introduction

As noted under the AAPI Work Group's recommendations, agencies need to identify triggers related to the AAPI workforce. Once an agency properly identifies a trigger, the EEO Office must, through its MD-715 report, analyze the data further to determine what if any barriers exist. The Work Group notes that this identification of triggers and barriers is critical to agencies. The Work Group found that many agencies are not aware that triggers exist. Even those agencies that identified a trigger were unable to conduct a proper barrier analysis. The first step to addressing issues within an agency is to first identify that a problem exists. To this ends, the Work Group has provided this section in the appendix of the report to assist agencies in their trigger and barrier analysis.

II. MD-715

Federal agencies should strive to attract and retain a top-quality workforce. To develop a competitive, highly qualified workforce, federal agencies must fully utilize the talents of all employees regardless of race, color, religion, national origin, sex, age, or disability. In order to assist federal agencies in attaining this goal, EEOC has for years reviewed the equal employment opportunity (EEO) programs in federal agencies as part of its mandate from Congress. This overview was done through the mechanism of Management Directives. On October 1, 2003, Management Directive 715 (MD-715) replaced the former EEOC Management Directives 712, 713, and 714. MD-715 sets forth policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity required under section 717 of Title VII of the Civil Rights Act of 1964 and effective affirmative action programs required under Section 501 of the Rehabilitation Act of 1973. Comprehensive information about MD-715 can be found at www.eeoc.gov/federal/md715/index.html.

MD-715 is distinct from prior EEOC affirmative employment directives. First, it is proactive, as it requires more than compiling reports. MD-715 requires engage in pro-active initiatives and measure their periodic progress. Second, it is comprehensive, as it covers areas never addressed in previous management directives. Third, MD-715 requires accountability with required key performance indicators. Finally, MD-715 is more holistic. It treats all national origin, race, and sex groups as protected classes. In prior Management Directives, Whites were not considered a protected group. Also, the phrase "women and minorities" is no longer in use, as it is misleading. The term "minority" aggregated particular national origin or race groups to the exclusion of others. Under MD-715, each race, sex, or national origin group is analyzed separately. Groups are reported as "participating" in the workforce and "participation rates" are given for each group, including White males. Similarly, the EEOC no longer refers to low-participating groups as "under represented." Groups are either participating at a higher than expected or lower than expected rate when making comparisons.

a. EEO model program

MD-715 sets forth six essential elements that make up a model EEO program. It is EEOC's goal to assist agencies in reaching model status by providing feedback and technical assistance to achieve these elements. The six elements are: (A) demonstrated commitment from agency leadership, (B) integration of EEO into agency's strategic mission, (C) management and program accountability, (D) proactive prevention of unlawful discrimination, (E) efficiency in the federal EEO process, and (F) responsiveness and legal compliance.

Element (A). Demonstrated commitment from agency leadership

MD-715 requires agency heads and other senior management officials to demonstrate a firm commitment to equal opportunity for all employees and applicants for employment. Agencies must promote and safeguard equal employment opportunity in everyday practice and make those principles a fundamental part of agency culture.

Element (B). Integration of EEO into agencies' strategic mission

In order to achieve its strategic mission, an agency must integrate equality of opportunity into attracting, hiring, developing, and retaining the most qualified work force. The success of an agency's EEO program ultimately depends upon decisions made by individual agency managers. MD-715 instructs agencies to ensure that: (1) the EEO director has access to the agency head; (2) the EEO office coordinates with Human Resources; (3) sufficient resources are allocated to the EEO program; (4) the EEO office retains a competent staff; (5) all managers receive management training; (6) all managers and employees are involved in implementing the EEO program; and (7) all employees are informed of the EEO program.

Element (C). Management and program accountability

A model EEO program will hold managers, supervisors, EEO officials, and personnel officers accountable for the effective implementation and management of the agency's EEO program. Pursuant to MD-715, agencies should ensure that: (1) regular internal audits are conducted of the EEO program; (2) EEO procedures are established; (3) all managers and supervisors are evaluated on EEO; (4) personnel policies are clear and consistently implemented; (5) a comprehensive anti-harassment policy has been issued; (6) an effective reasonable accommodation policy has been issued; and (7) findings of discrimination are reviewed.

Element (D). Proactive prevention of unlawful discrimination

EEOC's regulations provide that each agency shall establish a system for periodically evaluating the effectiveness of the agency's overall equal employment opportunity effort. In particular, each agency shall maintain an EEO program to promote equal opportunity and to identify and eliminate discriminatory practices and policies. This element requires agencies to periodically conduct a thorough barrier analysis.

Under this element, a model EEO program conducts regular self-assessments to monitor progress and identify barriers which exclude any EEO group. This report focuses on barrier identification and elimination for Asians and Native Hawaiians and Other Pacific Islanders.

Barriers are defined as policies, procedures, practices, or conditions that limit employment opportunities. Where an agency's self-assessment indicates that Asians and NHOPIs have been denied equal access to employment opportunities, the agency must take steps to identify and eliminate any potential barrier. Essentially, barrier analysis is an investigation of anomalies found in the source data with an eye toward identifying the root causes of those anomalies in agency policies, practices, and procedures. While some barriers are readily discernable, most are embedded in an agency's day-to-day activities: recruitment, hiring, career development, competitive and noncompetitive promotions, training, awards and incentive programs, disciplinary actions, and separations. The process of barrier analysis is discussed further below.

Element (E). Efficiency in the federal EEO process

EEOC's regulations provide that each agency shall assure that individual complaints are fairly and thoroughly investigated and that final action is taken in a timely manner. A model EEO program must have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO programs.

Element (F). Responsiveness and legal compliance

This element of a model EEO program includes timely filing of required reports with EEOC and timely compliance with EEOC's issued orders.

b. MD-715 reporting requirements

Under MD-715, agencies are required to file an annual report to EEOC detailing the status of their EEO programs and progress that has been made since the last report. The MD-715 Report contains ten sections (Parts A through J) as well as a host of data tables reflecting metrics of the agency's workforce. There are 14 different types of tables labeled A1 through A14. For example, on Workforce Data Table A1, agencies must provide the sex, race, and national origin composition of its total workforce, temporary workforce, and permanent workforce for the current and prior years. Other data tables provide snapshots of the agency's workforce by occupation, grade level, participation in career development programs, career ladder promotions, competitive promotions, awards and recognition, and separations. MD-715 requires similar metrics for persons with disabilities and these tables are labeled B1-B14.

MD-715's narrative sections are the Executive Summary and Parts H, I, and J. Part H focuses on reporting and eliminating program deficiencies. Part I focuses on barrier analysis—identifying barriers and reporting plans for their elimination. Part J reports specifically on affirmative action activities for persons with disabilities. Because many agencies are confused

about what constitutes a barrier or a program deficiency, we will briefly explain and define "program deficiency."

A program deficiency is any aspect of the agency's EEO program which does not meet the standards of the model program elements described above and which does not impact directly upon individuals. Examples of program deficiencies are: (1) new supervisors are not provided a copy of Equal Employment Opportunity policies when they begin their appointment, (2) lack of consistent coordination between Human Resources and EEO staff, and (3) lack of involvement of senior managers in barrier analysis. A comprehensive list of over 120 potential deficiencies is given in Part G of MD-715, available at http://www.eeoc.gov/federal/715instruct/part_g.html. Agencies are required to review the elements of a model EEO program and submit a Part H for any deficiency it finds with a plan to eliminate the deficiency.

III. Identifying anomalies in the data ─ triggers

In order to perform barrier analysis, one must first identify anomalies in the data. These anomalies are referred to as "triggers." A trigger is a condition or disparity warranting further inquiry. A trigger may be any piece of information that alerts an EEO professional that additional scrutiny of the area where the trigger occurred is necessary. Agencies must investigate triggers to determine whether actual barriers exist. Triggers may lead to the discovery of barriers. Sometimes there is a trigger, but after analysis it is found that no barrier actually exists.

An EEO professional must look at a variety of source data in order to recognize triggers which need investigation. Some of these sources include: (1) workforce statistics (such as those found in the MD-715 Data Tables or the FEORP report); (2) EEO complaints, such as common bases or issues found throughout an agency or subcomponent; (3) discussions with the EEO Office or Human Resources Office; (4) contact with Unions, Affinity Groups and Advocacy Groups; (5) results of climate surveys, focus groups, and exit interviews; and (6) studies done by outside organizations.

Some hypothetical examples of triggers that may be found in an agency's data are:

- The number of Asians and NHOPIs in the agency's total workforce declined by 2.5% as compared to an overall workforce decline of only 1.0%. This information would be available on Table A1 in the column which gives the net change percentages.

- High turnover rate of Asians and NHOPIs in the workforce, even if other Asians or NHOPIs replace those who leave. The information on the turnover rate would be available on Table A14. The number of new hires would be found on Table A8.

- Asians and NHOPIs are not receiving a proportionate share of awards and recognitions or training opportunities. Information on awards is found on Table A13 and career development is found on Table A12.

- Lack of promotion of Asians and NHOPIs to senior-level positions. Table A11 gives the internal selections for senior-level positions.

- Surge in EEO complaints by Asians or NHOPIs. EEOC Form 462 would have data on EEO Complaints.

- Exit interviews which reveal discriminatory bias in promotion or selection decisions.

- Reports from outside organizations that identify areas of concern at the agency.

As indicated above, triggers can be drawn from a variety of sources. These discoveries are only the beginning of the barrier analysis.

The AAPI Work Group analyzed the participation of Asians and NHOPIs using information from 51 agencies and sub-components' MD-715 Report Data Tables. These agencies are listed in Table 4 in Section I of this report. In addition to the 51 agencies listed in Table 4, the taskforce reviewed data from the Social Security Administration. Of course, the agencies themselves will have access to more data than that provided to EEOC and can thus make more exacting comparisons. There were numerous triggers that EEOC was able to recognize from the data tables submitted. These triggers were often not identified by the agencies in their Part I submissions.

Below are three examples that illustrate these shortcomings. First, EEOC found low participation of Asians and NHOPIs in the total workforce at some of the agencies. Second, EEOC found instances of low participation among Asian and NHOPIs as mid-level managers. Finally, agencies often exhibited a "glass ceiling" with Asians and NHOPIs not advancing to the Senior Executive Service.

a. Low overall participation

This task force was interested in the overall participation rate of Asians and NHOPIs in each agency. MD-715 Data Table A1 records the participation rate of each race and national origin group, as well as men and women, for the agency's overall and permanent workforces. The next step is to pick the comparison group or "proxy." The Civilian Labor Force (CLF) is the appropriate proxy for the agency's workforce because, absent extenuating circumstances, an agency's workforce would be expected to mirror the overall civilian workforce participation rates. Table A1 also includes the CLF data so that comparisons can readily be made to identify any triggers.

The CLF participation rate for Asians in FY 2006 is 3.80% and 0.20% for NHOPIs. Asians and NHOPIs have a combined CLF participation rate of 4.00%. The FY 2006 federal government-wide participation rate for Asians was above the CLF at 5.89%. For NHOPIs, the rate was slightly below the CLF at 0.17%. The combined federal participation rate for Asians and NHOPIs in FY 2006 was 6.06%.

The participation rates in some agencies in FY 2006, however, were significantly below the CLF. Specifically, the Department of Interior has an overall participation rate of Asians and NHOPIs of 2.11%. This is 1.89 percentage points below the CLF as well as almost 4 percentage points below the overall participation of Asians and NHOPIs in the federal workforce. At the Department of Agriculture, the overall participation rate of Asians and NHOPI is 2.41%. This is over 1.5 percentage points below the CLF and 3.65 percentage points below the overall federal workforce participation rate. A third agency with low participation rates for Asians and NHOPIs is the Office of Personnel Management, which has a combined overall participation rate of 2.50%, which is 1.5 percentage points below the CLF and more than 3.5 percentage points below the overall federal workforce. These triggers should alert an EEO professional at these agencies that an investigation needs to be conducted to determine the root causes of the trigger.

b. Low participation as mid-level officials and managers

This Work Group was also interested in the barriers that may exist in the mid-level ranks of officials and managers at the agencies we reviewed. MD-715 Data Table A3-1 provides the information needed to search for triggers in the participation rate of Asians and NHOPIs as mid-level officials and managers. Table A3-1 records the participation of each race and national origin group, as well as men and women, in different occupational categories. The occupational categories include Officials and Managers, Professionals, Technicians, Sales Workers, Administrative Support Workers, Craft Workers, Operatives, Laborers and Helpers, and Service Workers. Officials and Managers is broken down into four subgroups: Executive/Senior Level (Grades 15 and above); Mid-Level (Grades 13-14); First-Level (Grades 12 and below); and Other.

The Work Group compared the percentage of mid-level managers to the proxy—the percentage of Asians and NHOPIs in the permanent workforce. We used the permanent workforce percentages because absent other circumstances, managers should reflect the demographic make-up of an agency's permanent workforce. Generally, managers are chosen from the available *permanent* workforce or from outside of the agency. There is no measure to readily benchmark the number selected from outside the agency, so the available agency workforce is used as a general gauge. Some EEO professionals make the mistake of using the *total* workforce or the CLF as a proxy for purpose of analysis. For the reason stated above, this is not the proper proxy. Similarly, some agencies may have a participation rate of Asians and NHOPIs higher than the CLF in the mid-level. This does not indicate that that agency does not have a trigger at the mid-level. An agency with a high participation of Asians and NHOPIs in its permanent workforce (higher than the CLF) would be expected to exhibit a correspondingly high rate among mid-level officials and managers.

This task force found triggers for the participation of Asians and NHOPIs as mid-level managers. The Social Security Administration has a permanent workforce of 62,996, with Asians participating at a rate of 3.99% and NHOPIs at 0.12%, or 4.11% combined. Table A3-1 shows there are a total of 3,046 Mid-level Officials and Managers. Of these, only 2.07% are Asian and 0.13% are NHOPIs. This yields a combined total of 2.20%

Asian and NHOPI participation at the mid-level. The significant difference at the Social Security Administration between 4.11% participation in the permanent workforce and only 2.20% serving as mid-level managers is a trigger. This discovery should lead to a barrier analysis, as there is a 1.91 percentage point difference. This disparity is particularly significant for a large agency.

A second great disparity is found in a subcomponent of the Department of Health and Human Services (HHS), the Centers for Disease Control. Asians and NHOPIs make up 5.31% of the permanent workforce of 7,094. However, only 2.32% of 345 mid-level Officials and Managers are Asian or NHOPI. At another HHS subcomponent, the National Institutes of Health, Asians and NHOPIs make up 13.49% of a permanent workforce of 14,421. However, only 5.19% of 501 mid-level officials and managers are Asian or NHOPI. Again, these are triggers and should be addressed by the EEO professional in a focused barrier analysis.

There are several other examples of agencies with lower than expected participation of Asians and NHOPIs as mid-level managers. At the Department of Veterans Affairs, Asians and NHOPIs comprise 6.18% of the permanent workforce of 216,979. But, of the 4,408 employees at the mid-level, only 2.15% are Asian or NHOPI. The data reveals a similar disparity within the Veterans Health Administration, a subcomponent of the Department of Veterans Affairs. There, Asians and NHOPIs make up 6.48% of the permanent workforce of 198,208. However, only 2.62% of 2,720 mid-level Officials and Managers are Asian or NHOPI. Finally, a Department of Commerce subcomponent, the National Institute of Standards and Technology, has a permanent workforce of 2,702, of which 8.07% are Asian or NHOPI. Of 79 mid-level managers, 3.80% are Asian or NHOPI.

c. Glass ceiling

The AAPI Work Group found that there were indications of a glass ceiling at many of the agencies reviewed. The glass ceiling is a phenomenon where an agency has a significant number of Asians and NHOPIs in its permanent workforce and in the pipeline grades that lead to the senior ranks of an agency, but has few or no Asians or NHOPIs participating in its senior ranks. This phenomenon does not only exist for Asians and NHOPIs, though. When a glass ceiling is found, it is a trigger and should be analyzed by the EEO professional and senior management to determine what barriers are causing the disparity.

In order to analyze whether a glass ceiling exists, the EEO professional can perform two comparisons. The first is similar to the analysis performed for mid-level officials and managers. However, in this case, the data on Table A3-1 would be drawn from the Executive/Senior Level Officials and Managers section, as that category includes employees at GS-15 and above. The proxy would again be the agency's permanent workforce.

A second and perhaps more exacting measure of a glass ceiling is a review of the feeder pools into the SES. MD-715 Workforce Data Tables A4-1 and A4-2 provide information on the participation rate of employees of each race and national origin category as well as men and women in each GS grade from GS01 through SES. Candidates for SES positions are generally selected from the GS14 or GS15 levels or from outside the agency. When there is adequate diversity in the GS14 and GS15 grades but no similar diversity in the SES, a trigger exists. This suggests that there is a glass ceiling operating to exclude that particular group from participation in the senior grades.

From a review of the data gathered, a number of agencies exhibited evidence of a glass ceiling. The most glaring example was found at the Department of Veterans Affairs. This agency has a permanent workforce participation of Asians and NHOPIs of 6.18%. Asians and NHOPIs make up a remarkable 18.57% of the GS15 positions. However, Asians only hold 1.06% of 283 SES positions at this agency.

Another example of an apparent glass ceiling is at the Department of Health and Human Services. Some 7.32% of this agency's permanent workforce is comprised of Asians and NHOPIs. Moreover, 9.12% of its GS14 and 6.06% of its GS15 positions are filled by Asians and NHOPIs. However, only 2.19% of 411 SES positions are filled by Asians or NHOPIs.

A final example of a glass ceiling trigger is at the Patent and Trademark Office (PTO). This agency has a very high participation rate of Asians and NHOPIs in its workforce. However, this rate falls sharply at the SES level. PTO's permanent workforce is 25.61% Asian and NHOPI. 29.17% of the GS14 level and 20.41% of the GS15 level employees are Asian or NHOPIs. However, just 7.14% at the SES level are Asian or NHOPI. Some EEO professionals may note that an SES participation rate of 7.14% is far above the CLF for this group (4.00%) and conclude that there is no trigger. This is in fact a flawed analysis. The high-level ranks of an agency should resemble the permanent workforce for that agency and if the pipeline to the SES is very diverse, then the SES would be expected to reflect this diversity. As explained earlier, the participation rate of the CLF would not be relevant to this analysis.

Besides reviewing MD-715 data tables for the 52 agencies, EEOC also reviewed each agency's entire narrative report, including Part I, to determine whether they are reporting their triggers for Asians and NHOPIs. EEOC found that while the data tables revealed there to be at least one trigger for Asians and NHOPIs in every agency, relatively few agencies—27 of 51—reported triggers.

There are several examples of triggers that were reported in the FY 2006 MD-715 Reports for the agencies reviewed. The Broadcasting Board of Governors identified low participation rates of Asian females at GS15 and Asian males at the SES. The United States Postal Service identified as triggers the lower than expected selection rates of Asian American and Pacific Islander (AAPI) males and females for the advanced leadership program and higher than expected separation rates of AAPI males and females. The Centers for Disease Control (CDC) identified a variety of triggers, including the lack of

participation of Asians in the SES despite their 6.76% participation rate in the total workforce. As explained earlier, the appropriate proxy should have been the *permanent* rather than the total workforce which was 5.21% for Asians at CDC in FY 2006. Thus, the disparity was 1.55 percentage points less than that determined by the CDC but nevertheless still significant. Some agencies identified the low participation of Asians in their mission-critical occupations. For example, the CDC identified the low participation of Asian males and females in the position of General Health Scientist compared to the Occupational CLF availability. Finally, several agencies identified as a trigger the low participation of Asians in the total workforce when compared to the CLF. Some agencies did not identify triggers for specific groups such as Asians but instead stated there were triggers for "minorities and women." As mentioned earlier, the use of the terms "minority" or "minorities and women" is outdated and does not correspond to the MD-715 barrier analysis process.

EEOC also conducted a written survey which was sent to all federal agencies. Responses were received from 55 agencies. A review of the data collected from the survey revealed that only 15 of 55 identified a trigger, 2 provided narrative information about triggers, and 38 did not identify any triggers. This data reveals that agencies are failing to understand the trigger identification process and need further guidance and education.

IV. Lack of Barrier Analysis and Recommended Solutions

a. Process of barrier analysis

This section defines barriers and barrier analysis and explains how a proper barrier analysis should be conducted. Additionally, the section describes what a barrier analysis would look like for the three types of triggers that were identified in the previous section of this report.

A barrier is an agency employment policy, procedure, practice, or condition that limits employment opportunities for members of a particular race/ethnicity/gender or because of a disability. Barrier analysis is an investigation of anomalies (triggers) found in workplace policies, procedures, and practices with an eye toward identifying the root causes of those triggers, and if necessary, eliminating them. Some examples of barriers that could limit employment opportunities for a group are:

- Single-source or limited-source recruiting
- Hiring laterally at higher grades, as opposed to hiring through feeder pools from one's own agency
- Use of overly narrow selection criteria, e.g., unnecessarily specialized experience requirements that many potential applicants are not likely to have
- Biased or hostile attitude of management toward a particular ethnic group, gender, or persons with disabilities

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participation of Asians in the SES despite their 6.76% participation rate in the total workforce. As explained earlier, the appropriate proxy should have been the *permanent* rather than the total workforce which was 5.21% for Asians at CDC in FY 2006. Thus, the disparity was 1.55 percentage points less than that determined by the CDC but nevertheless still significant. Some agencies identified the low participation of Asians in their mission-critical occupations. For example, the CDC identified the low participation of Asian males and females in the position of General Health Scientist compared to the Occupational CLF availability. Finally, several agencies identified as a trigger the low participation of Asians in the total workforce when compared to the CLF. Some agencies did not identify triggers for specific groups such as Asians but instead stated there were triggers for "minorities and women." As mentioned earlier, the use of the terms "minority" or "minorities and women" is outdated and does not correspond to the MD-715 barrier analysis process.

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a. Process of barrier analysis

This section defines barriers and barrier analysis and explains how a proper barrier analysis should be conducted. Additionally, the section describes what a barrier analysis would look like for the three types of triggers that were identified in the previous section of this report.

A barrier is an agency employment policy, procedure, practice, or condition that limits employment opportunities for members of a particular race/ethnicity/gender or because of a disability. Barrier analysis is an investigation of anomalies (triggers) found in workplace policies, procedures, and practices with an eye toward identifying the root causes of those triggers, and if necessary, eliminating them. Some examples of barriers that could limit employment opportunities for a group are:

- Single-source or limited-source recruiting
- Hiring laterally at higher grades, as opposed to hiring through feeder pools from one's own agency
- Use of overly narrow selection criteria, e.g., unnecessarily specialized experience requirements that many potential applicants are not likely to have
- Biased or hostile attitude of management toward a particular ethnic group, gender, or persons with disabilities

These barriers may be apparent after a proper barrier analysis has been conducted.

b. Six steps to barrier analysis

The barrier analysis process is broken down into six steps: (1) review policies, practices, and procedures; (2) analyze source material; (3) identify triggers; (4) determine root cause of triggers; (5) if root cause is a barrier, devise an action plan to eliminate the barrier; and (6) the EEO professional should follow up on the identified barrier at regular intervals to determine the success of the action plan. Both EEO and Non-EEO professionals should be involved in the process of barrier analysis, incorporating ideas to make the process more complete. Upper-level management must also be invested in the process in order for it to be successful.

1. Review policies, practices, and procedures

An EEO professional needs to be familiar with the agency's policies, practices, and procedures in order to identify barriers. The areas which should be the subject of review are those in the natural employment progression, i.e., recruitment, hiring, training and career development, performance incentives and awards, competitive and career-ladder promotions, supervisory and managerial selections, disciplinary actions, and separations. There may be other examples specific to a particular agency, such as the process for security clearances in Department of Defense agencies.

2. Source material

The source materials for identifying anomalies are varied. These materials were described in the previous section and include workforce statistics (such as those found in the MD-715 Report Data Tables), EEO complaints, EEO and Human Resources office interviews or data, union and advocacy group interviews or data, employee surveys, focus groups, exit interviews, and studies done by outside organizations. The EEO professional must study these sources to ensure that a thorough review is conducted.

3. Identify triggers

As described in the previous section on triggers, the EEO professional should look at the source data and determine if any triggers are evident. For example, there may be anomalies in the workforce data tables, or recurring EEO complaints on a particular issue, against a particular manager, or in a particular office or section of the facility. Another example would be exit interviews which identify bias in employment decisions that lead to the increased separation of a particular protected group.

4. Determine root causes of triggers

A barrier is the root cause of the trigger. The goal is to pinpoint the root causes. The process can be analogized to peeling an onion, stripping away layers until there is an answer to the question "Why?" a condition exists. A simple example may be that the agency learns from a review of data that it has a low participation rate of Asians in its total

workforce. A logical next step may be to examine the applicant flow data. The applicant flow data shows that the agency is not getting applications from Asians, but primarily from white and black applicants. Why is this? The next step would be to review the recruitment policies and process. It turns out that the agency is only recruiting from three colleges that do not matriculate many Asians. Why? Is it because the three schools are the *alma maters* of the top agency officials? The barrier in this case would be that little or no recruitment is done at universities with more diverse student populations.

5. Action plan for elimination of barrier

This step is straightforward, but not always easy: the agency must establish a plan of action to address the identified barrier, the root cause of the undesired condition. The specific barrier along with the action plan should be described in Part I of the agency's MD-715 Report and updated every year. In the example above, the action plan would be to begin to recruit at a more diverse set of colleges. This would not mean that the agency would need to stop recruiting at the three colleges but could simply expand recruitment to areas of the country that have larger concentrations of Asians and NHOPIs.

6. Follow-up

The final step, and one that is often overlooked, is to assess whether the devised action plan was successful at eliminating the identified barrier. Possible indicators of success are: the participation rate is up, the separation rate is down, there are reduced complaints, and favorable responses in surveys or exit interviews conducted after the action plan has been implemented. In the example above, the agency would look to see if the participation rate of Asians is beginning to rise and may specifically want to investigate whether more applications are being received from Asian candidates. If the plan did not result in a greater participation rate or an increase in applications, then the agency can conclude that either the wrong barrier was identified or the action plan gave rise to a new barrier. This follow-up process requires the EEO professional to conduct a continuous assessment and monitoring process from year to year.

c. Lack of barrier analysis

An analysis of the data that we reviewed showed that very few agencies identified barriers even when they identified a trigger. Most often, triggers were mistakenly identified as barriers and were not analyzed using the six-step process explained above. Of the 51 agencies and sub-components reviewed, only nine identified a potential barrier. Despite the lack of barrier identification, almost every agency had an action plan to eliminate barriers. An action plan is most useful when a barrier has in fact been identified because the plan can be specifically tailored to address that particular barrier. Some identified barriers in the reports are described below:

- One agency ascertained that the selection process for an advanced leadership program resulted in lower than expected selection rates of AAPI males and females during FY 2006. While it was good that this agency identified that the selection process appeared to

be flawed, it did not drill down far enough to determine what part of the selection process was preventing more AAPIs from being selected.

- Another agency identified that limited hiring resulted in lower than expected participation of Asians. This agency may have found a cause but it did not find the root cause because limited hiring in and of itself would affect all EEO groups equally. So, this agency would need to drill down further to determine the root cause.

- Another agency identified as a barrier the lack of focused, systematic recruitment for groups with low participation rates. This in fact may be the root cause of the low participation of Asians or NHOPIs, but this agency did not specify the type of recruitment that was occurring or the groups that were not participating at an expected rate. A little more investigation could reveal a great deal.

- One agency stated that the trigger it was investigating was the fact that few Asian females are selected for the position of Security Guard. This is a very specific trigger and is a good start to the barrier analysis. This agency identified a number of barriers: (1) little flexibility in hours, with weekend and night work, (2) limited commuting options for guards that work at night, (3) little flexibility for child care arrangements, and (4) a limited number of Asian female candidates in the relevant labor pool. However, some of these identified barriers would tend to affect all groups. For example, limiting commuting options would affect men and women alike. Nevertheless, these may be barriers that are impacting the employment of Asian women.

- One agency identified the lack of emphasis on EEO goals as a barrier. It also identified as a barrier the decision making by some agency officials based on their preconceived ideas of race. It is likely that this agency was describing a possible culture at the agency which is hostile to EEO diversity. Such a culture is a definite barrier to employment of many groups. An action plan should be crafted to help change the culture at the agency.

- Finally, one agency identified insufficient efforts to hire, train, and promote “minority and women” employees as a barrier. This could be the beginning of the process, but this barrier is far too broad to affect a specific action plan. Also, the use of the terms “minorities and women” is outdated and not specific to any one group.

In addition, a number of other agencies’ barrier analyses were flawed because they were not tailored to Asians and NHOPIs. Also, agencies often identified triggers and indicated that they were working on the barrier analysis, but no progress is reported from year to year.

d. Specific examples of barrier analyses

1. Low participation in total workforce

When an agency finds that it has low participation of Asians or NHOPIs in the total workforce—as have the Department of Interior, Department of Agriculture, and the Office of Personnel Management—it must investigate the root cause for the lack of Asians and

NHOPIs in its workforce. Here, the EEO professional will look not only at the data in Table A1, which contains the total workforce data, but also at Workforce Data Table A8, containing information on new hires by type of appointment. The three categories in table A8 are permanent employees, temporary employees, and non-appropriated fund employees for each race, national origin, and gender category. This data will allow the investigator to understand whether a proportionate number of new employees are Asian or NHOPI. If Asians and NHOPIs are being hired at a lower than expected rate, this will confirm that there is a possible barrier in hiring. At this point, a critical analysis of the hiring process should be conducted. The agency may find that Asians and NHOPIs are not being encouraged to apply for vacancies because, for example, managers have preconceived notions that Asians are not adept at customer service jobs. This barrier may need to be addressed via training of managers. On the other hand, the agency may discover that Asians are not being targeted for recruitment and a more diverse recruitment effort must be undertaken. After this analysis is conducted, an action plan should be devised and implemented.

If Asians and NHOPIs are being hired at a greater rate than their participation in the workforce, it may indicate that a lack of hiring is not the cause of the low participation rate at the agency. A higher than expected hiring rate of Asians and NHOPIs may also indicate that measures that have previously been taken to increase hiring are resulting in a positive trend for Asians and NHOPIs. The EEO professional can then monitor the trend from year to year to see if it continues.

A third table, Workforce Data Table A14, should also be analyzed when an agency has a low participation rate of a particular EEO group. Table A14 records separations by type, i.e., voluntary and involuntary. If the agency finds that Asians and NHOPIs are separating at a much higher rate than the overall workforce, then the policies on separations should be analyzed to determine if there are barriers to retention of Asians and NHOPIs. Exit interviews, if available, should be reviewed to determine if there is a common theme. Perhaps a survey should be conducted to gather information on what is causing the unusually high separations among Asians. If separation rates for Asians and NHOPIs are lower than the overall rate, this would indicate that high turnover is not the reason for low participation of Asians and NHOPIs in the agency.

2. Low participation of mid-level managers

When an agency finds that it has low participation of Asians as mid-level officials and managers—as have the Social Security Administration and the Centers for Disease Control—an EEO professional must investigate the root cause of the trigger. As described earlier, the agency would find this trigger from a review of data in Table A3. The agency should then ask itself “Why?” and may review the participation rate of Asians and NHOPIs in its career development program. Workforce Data Table A12 reports the participation of different race, ethnicity, and gender groups in the agency’s career development slots for a particular year. Table A12 contains three sections: career development programs for GS 5-12, career development for GS13 and GS14, and career development for GS15 and above. The Table details the number of slots available, the

percent of the relevant pool participating for each demographic group, and the number of those who applied. A review of this data will show whether Asians and NHOPIs are participating in career development opportunities that could lead to advancement into the mid-level ranks of officials and managers. If Asians and NHOPIs are not participating, the agency should investigate how this condition can be remedied.

If Asians and NHOPIs are participating at a proportionate level in career development opportunities at the agency, then the investigation would continue to determine the root cause of the low participation among mid-level officials and managers at the agency. This may result in a review of other policies related to advancement. Another data table that would be relevant is Workforce Data Table A9, which records competitive promotions for major occupations. After this analysis, the agency may find that Asians or NHOPIs are not being selected as mid-level managers because an insufficient number apply for management positions due to lack of soft skills. The agency may then offer training for its mid-level grades to improve soft skills and encourage participation by Asians and NHOPIs.

3. Glass ceiling/low participation in senior grades

When an agency finds that it has low participation of Asians or NHOPIs in its senior grades—as at the Veterans Administration, Department of Health and Human Services, and the Patent and Trademark Office—it must similarly drill down to discover the root cause of the trigger. Besides Tables A3-1 and A4-1, which would be reviewed to discover a trigger, the agency should also look at Tables A11 and A12.

Table A11 records data on the agency's internal selection for senior-level positions. The three sections are for the GS13/14, GS15, and SES levels. The table includes, for each vacancy category, the applications received, information on those qualified for the positions, those selected for the positions, and the size of the relevant pool for each demographic group. From this table the agency can analyze whether there is a sufficient pool of applicants for the senior grades in each demographic group and see the rate of selection during the year. If there are sufficient applications but not a proportionate number of hires at the SES, then the agency would ask "Why?" and review the SES selection criteria. If there are insufficient applications from Asians and NHOPIs, then policies relating to recruitment in the senior ranks would be analyzed for barriers.

Table A12 contains career development data (as described earlier). Here, the agency would look at the section relating to GS15 and above to determine the participation rates of Asians and NHOPIs at the senior grades in career development programs. After the barrier analysis, the agency may determine that the cause for the lack of SES candidates who are Asian or NHOPI is the result of a lack of these groups taking advantage of available senior-level assignments. An action plan would then need to be devised to attract more Asians into the senior-level rotational assignments at the agency.

As illustrated above, the process of barrier analysis is fluid and goes from one step to another and can repeat certain steps before an actual barrier is found. The key to

successful barrier analysis is the persistence to drill down deep and inquire about the key reasons for disparities: only then can action plans be devised to remedy the specific barrier.

Appendix C

FEDERAL ASIAN AMERICAN AND PACIFIC ISLANDER SPECIAL EMPHASIS PROGRAMS AND COMPLAINTS SUB-GROUP REPORT

BACKGROUND

The Equal Employment Opportunity Commission formed the Asian American Pacific Islander Work Group (AAPIWG) to examine the issues of the Asian community with respect to the federal workplace. The AAPI Work Group produced and administered a survey to be completed by each federacy agency to test perceptions and gather information regarding the realities AAPI's face in the federal workplace.

The results of this survey authenticate the concerns of the AAPI community in the federal workplace. The survey highlights the level of activity, participation and support provided to the AAPI activities in comparison to other affinity groups within the organization. Based on the attendance of the seven (7) federally recognized observances, the Asian Pacific American Heritage Month observance participation comes in 6th place.

This is of concern, because the AAPI community is comprised of different religious and cultural groups, some of which have norms that are vastly different from those of traditional Euro-American perspectives. Consequently, agencies must raise the level of awareness among its employees so that they may be cognizant of the differences among the various groups, and thereby better understand and coalesce with these different groups. It is through special emphasis activities that employees get the opportunity to better understand and appreciate their colleagues. Indeed, the hope is that organizations will creatively convert cultural differences into transformative change, leading to functional advantage, rather than sources of differentiation, isolation and conflict. By understanding differences, employees from differing cultures can discover human commonalities as well, but to see those mutual traits through the prism of the different cultural perspectives. Again, this heightened understanding allows employees to function more efficaciously as organizational teams.

Special emphasis programs, particularly those having to do with the AAPI community ought not be viewed as mundane, ineffective and burdensome obligatory events. Rather, when used creatively and effectively, these programs are a benefit to governmental organizations. It is, therefore, incumbent upon senior managers and supervisors to support and attend such events as an indication of their commitment to supporting the Asian American Pacific Islander community. In so doing, managers can demonstrate to their organizations that their AAPI employees are valued and appreciated not only for the work that they do, but for what they bring to the organization as a whole. As a result, the AAPI employees can better incorporate and adapt to their respective work teams, and thus become more effective and productive team players. Moreover, when senior management supports such programs, AAPI employees are apt to engage

in complaint processes should the need arise. Engaging in complaint processes such as the EEO complaint process allows managers and supervisors to become aware of activities that are of concern and in need of correction. When employees feel that they are valued, when their concerns are addressed, when they are able to understand their colleagues and are themselves being understood, the work environment can become cohesive, productive and successful.

AAPI SPECIAL EMPHASIS AND COMPLAINTS SUB-GROUP

The AAPI Special Emphasis and Complaints Sub-group was created to identify additional challenges faced by federal sector Asian American Pacific Islander employees and to propose recommendations to overcome these challenges. In response to this charge, the Sub-group offers the following:

THE CHALLENGE

Special Emphasis Programs: Lack of participation among the workforce-at-large pertaining to the participation in Asian & Pacific American Special Emphasis Events and lack of support from the agency to allow Asian & Pacific Americans to participate in outreach activities and conferences.

Complaints Process: Little to no formal EEO complaint activities identified among the Asian & Pacific American employees; however, discriminatory concerns have been voiced among the Asian/Pacific community.

PROJECT OBJECTIVES

The primary objective of the AAPI Special Emphasis and Complaints Sub-group was to:

- Raise awareness of existing concerns and problems of the Asian/Pacific community;
- Identify and recommend proactive measures to all stakeholders; and to
- Examine the community's concerns about federal-sector Special Emphasis Programs and the EEO complaint process.

STRATEGIC PLAN

The AAPI Special Emphasis and Complaints Sub-group developed a strategy to assist the AAPI community in addressing the issues covering federal sector Special Emphasis Programs and the EEO Complaint Process. The strategy included meeting with the Executives of FAPAC and the Asian Congressional Caucus and developing the following plan:

STEP ONE - Defining the Problem and Establishing the Goals

STEP TWO - Listing Alternative Tools to assist in the Resolution of the Problems

STEP THREE - Reviewing the Alternatives

1. Why were the alternatives selected?
2. How did you evaluate the alternative solution(s)?
3. What values did you consider most important?
4. What are the advantages and disadvantages of each alternative?

STEP FOUR - Choosing the Best Alternatives (or Combination of Alternatives)

1. Selection process
2. Analysis of alternatives

STEP FIVE – Implementing the Solution

1. Who should do it?
2. How might support for proposal be achieved?
3. What is action group's relation to power figures?
4. What strategy(ies) would you recommend? Why?
5. What specific tactics or methods might be used?

STEP SIX – Reviewing the Progress - At the agreed upon times, review how well the solution was implemented and what additional problem-solving efforts should be made.

RECOMMENDED SOLUTIONS

During the next phase, the AAPI Sub-group established the following recommendations:

Special Emphasis Programs: Agency senior management should support and encourage participation in Asian American and Pacific Islander sponsored activities/training sessions. They should also require that managers and supervisors actively support Asian American/Pacific Islander activities (i.e – conferences, training sessions, meetings addressing AAPI issues, etc.). In addition, the AAPI Sub-group offers the following recommendations:

- **Enhance Efforts of Asian Groups** – Asian Groups must be more proactive in supporting the AAPI community on issues relating to the injustices endured by AAPIs. AAPI employees should be more assertive, more proactive and take the initiative to question negative decisions that are made by management regarding training, leave requests, travel requests and meeting participation.

- **Increase FAPAC's Visibility within Federal Agencies** –During interviews with AAPI federal employees, many admitted that they are not aware of the services provided by FAPAC.

Therefore, FAPAC must be more proactive in educating federal employees on the mission and the services offered by their organization.

- **Review Demographics of AAPIs and Evaluate Agency Human Resource and Training Services Outreach Processes -** Federal agencies should review the demographics of the AAPI employees and assess the data collected by the EEOC to determine if there is a disparity of the support provided to the AAPI employees versus non-AAPI employees within their agencies.

- **Solicit Support of Internal/External/Congressional Resources**
  Highlight Advocacy Groups – The AAPI community should solicit the support of internal/external and congressional resources to assist them in overcoming the challenges that they face in their communities and the federal government. AAPIs should take advantage of the strategies that other minority groups have successfully used when obtaining the services of such service oriented groups.

- **Conduct Brown Bag Diversity Training Sessions and Sponsor Networking Events for the Various Special Emphasis Groups –** Agencies should conduct Brown Bag Diversity Training sessions and host networking events for the various Special Emphasis Groups to highlight the diverseness of the different affinity groups including AAPIs.

- **Establish a Joint Federal Agency Asian/Pacific Council –** AAPI employees should establish Joint AAPI Councils to address the challenges that AAPIs face in the federal workplace. It is known that there is strength in numbers; therefore, it is imperative that the AAPI employees join forces to address challenges and injustices that they may encountered in the federal government.

- **Encourage Agencies to Fund Office of Personnel Management (OPM) Sanctioned Conferences –** Agencies should support the participation of one person or more (if funding available) from every affinity group to participate in OPM sanctioned conferences.

- **Agency Diversity Forums –** Agencies can establish a forum that has at least one representative from each affinity group (IMAGE/BIG/ FEW/ FAPAC/ etc…) affiliated with that particular government agency. This group could meet on a regular basis to discuss concerns that directly impact their group and seek out a resolution by way of consensus among the Diversity Forum. By discussing problems in this type of setting allows each participant to become exposed to other perspectives/styles/approaches on how to resolve issues facing the group. Each group will benefit from the other. And the creation of a dialogue among the groups will eventually build a very influential coalition.

Complaint Process: Agencies should take extra measures to provide training and statistical information regarding the complaint process to the Asian American and Pacific Islander employees; and identify the benefits of the complaint process by highlighting historical cases that pertain to the Asian/Pacific community. We also recommend that the EEO Directors and EEO Offices take extra measures to support AAPI activities such as reviewing AAPI EEO case data;

reviewing AAPI demographics and assisting AAPI employees in overcoming their fear of the EEO Process and retaliation by breaking the myths of the EEO Complaint process.

Dr. Sharon Goto noted at the Commission Meeting on July 22, 2008, that Asians are more likely to claim that discrimination occurred when discussing a matter with another Asian. Based on this anecdotal evidence, this appears to be a barrier for AAPIs to the EEO complaint process. Therefore, it is highly recommended that EEO practitioners and FAPAC provide assistance in overcoming this and other barriers for those persons who may experience difficulties or discomfort in bringing forth their EEO claims. In addition, this relationship between the EEO Office and the AAPI affinity group can help to surmount the persistent fear of reprisal, and can encourage victims of discrimination to enforce their legal rights as federal employees.
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In order to help AAPI employees in overcoming their fears of the EEO process, EEO Directors and FAPAC can assist by highlighting prominent EEO winning cases. A list of important EEOC decisions regarding AAPIs is found at Appendix D.

OTHER RECOMMENDATIONS

The Sub-group met with the President of the Federal Asian Pacific American Council (FAPAC) and provided the following recommendations to assist FAPAC in accomplishing its mission of representing Asian Pacific American (APA) employees in the Federal and District of Columbia Government. The following items were recommended to achieve the goal of involving more participation in FAPAC:

- FAPAC should be more proactive in the AAPI community and the federal government and issue FAPAC conference information earlier to federal agencies to provide adequate marketing of the conference;

- FAPAC should also increase EEO workshops at FAPAC conferences; and

- FAPAC should revise the existing FAPAC website to include: contact information for an interpreter to assist the AAPI community and employees with language barriers; a link that has the flow chart of the EEO process to assist AAPI federal employees in understanding the steps within the EEO process; EEO Office contact information to assist AAPI employees in making contact with federal EEO Offices; on-line EEO training courses to further educate the AAPI community and employees on the EEO process; list upcoming FAPAC training announcements; a catalog of private and federal sector job vacancy announcements; and a resume bank to assist AAPI employees in the preparation of

their resumes and the required Knowledge, Skills and Abilities requirements for federal employment.

These suggestions and efforts are useful ways to engage more individuals in the overall prospect of meaningful dialog and interaction with FAPAC.

BEST PRACTICES

The sub-group interviewed managers from several agencies to obtain the best practices used to achieve successful Special Emphasis Programs through executive support and increased audience participation and to determine the best methods used to assist and educate AAPIs in the EEO complaint process. The results are as follows:

SPECIAL EMPHASIS PROGRAMS

U.S. Department of Health and Human Services – The agency invites internal Executives to participate and serve on Special Emphasis Programs as guest speakers, panel members, and moderators to demonstrate a commitment from the agency's top executives.

Broadcasting Board of Governors - The agency host joint Special Emphasis Programs co-sponsored with other agencies to ensure high attendance levels, which reduces cost and reaches a larger population of Executives, Managers and employees.

The Office of Peace Corp American Diversity Programs - The Special Emphasis Programs and Conferences are marketed through agency-wide e-mail announcements, posters, and other disseminations as deemed appropriate. The Agency head as well as the senior managers encourage participation at the programs/conferences. Support for the programs/conferences is obtained through the agency's senior management.

The Holocaust Museum Diversity Programs – The agency sends an invitation to all employees and invites local schools to attend the Special Emphasis Programs which encourages employee participation and provides and educational forums for local youth.

The Office of Personnel Management American Diversity Programs – The agency rotates the financial responsibility for each Special Emphasis Observance to individual OPM Program Offices each year. This eliminates the burden of one office being responsible for the cost to host such Programs and it creates a position of buy-in from the host Program Office. In addition, the OPM Director sends out an electronic message to announce the Special Emphasis Programs which shows a sense of commitment from the highest level of the agency. Also a voicemail message is sent from the EEO Office and posters and other disseminations are distributed the morning of the event. As another measure to support the OPM AAPI employees, the OPM Special Emphasis Manager attends regularly scheduled FAPAC Meetings.

U.S. Department of Agriculture – A memorandum is sent from the Assistant Secretary for Civil Rights (ASCR) to the agencies Under Secretaries, Agency Heads, Agency Civil Rights and Human Resources Directors to announce all Special Emphasis Programs and to solicit support for

the programs. In addition, an electronic mail blast, flyers, posters; TV- LAN messages as well as word of mouth marketing are used as advertisement on the day of the program

U.S. Department of Housing and Urban Development - The agency's Affirmative Employment Division (AED) is ultimately responsible for hosting all of the Special Emphasis Programs for the U.S. Department of Housing and Urban Development. A full-time journeyman's-level Equal Opportunity Specialist is assigned to manage and facilitate all HUD Special Emphasis Programs. To ensure inclusiveness and to develop events that capture various cultural perspectives, AED encourages and facilitates the participation of HUD-wide affinity groups in the planning and implementation stages of the development of the Special Emphasis Programs.

The AED invites the Secretary of HUD and principal staff members to participate in each of the Special Emphasis Programs. The presence and involvement of senior staff members tend to draw the support and attendance of the HUD workforce.

COMPLAINT PROCESS

The Office of Peace Corp American Diversity Programs – The agency ensures that all new employees receive an orientation upon their first day at work, which includes a discussion of employees' rights to file discrimination complaints, as well as a discussion of the EEO complaint process. Thereafter, all employees attend an annual EEO, Diversity, and Sexual Harassment training session, which also includes segments focused on the employees' rights to file discrimination complaints and the EEO complaint process.

U.S. Department of Housing and Urban Development – The agency ensures that the employees' rights and responsibilities and the EEO process are posted conspicuously in common areas at HUD Headquarters and in all Regional Offices. New employees are briefed on their rights and the EEO process during mandatory new employee's orientation monthly and the new Supervisor's training. Employee rights and the EEO process are provided and discussed during all facilitations, and conflict resolution training provided to Program Office.

CONCLUSION/BENEFITS

The 2000 Census revealed that 44% of Asian American Pacific Islanders over the age of 25 had 4 or more years of college compared with 28% of Whites, 16% African Americans and 11% of Latinos. The education advantage obtained by AAPIs is even more apparent in the 25 to 29 young adult group. The high levels of education are reflected in the occupations of Asians and Pacific Islanders. More than 7% of the nation's high tech workers are AAPIs and this figure represents a significant proportion of the nation's best-educated scientists and technicians.[3] Nonetheless, the protection of their civil rights provides unique challenges in the federal sector. As noted throughout this report, two particular challenges are evident:

[3] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
DHHS - Indian Health Service (IHS)	0.96%	2.04%	4.53%	6.58%	0.00%
DHHS - National Institutes of Health (NIH)	13.49%	10.16%	12.89%	8.20%	3.28%
DHHS - Office of the Secretary & Admin on Aging (OS&AA)	5.24%	5.29%	5.33%	4.19%	1.76%
Department of Veterans Affairs – Main	6.18%	4.65%	3.38%	18.57%	1.06%
Department of Veterans Affairs – Nat'l Cemetery Admin. (NCA)	3.77%	3.12%	10.00%	0.00%	0.00%
Department of Veterans Affairs - Veterans Benefits Admin. (VBA)	2.96%	2.51%	2.06%	2.66%	0.00%
Department of Veterans Affairs - Veterans Health Admin. (VHA)	6.48%	4.87%	3.54%	19.12%	1.24%

***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

a. EEO model program

MD-715 sets forth six essential elements that make up a model EEO program. It is EEOC's goal to assist agencies in reaching model status by providing feedback and technical assistance to achieve these elements. The six elements are: (A) demonstrated commitment from agency leadership, (B) integration of EEO into agency's strategic mission, (C) management and program accountability, (D) proactive prevention of unlawful discrimination, (E) efficiency in the federal EEO process, and (F) responsiveness and legal compliance.

Element (A). Demonstrated commitment from agency leadership

MD-715 requires agency heads and other senior management officials to demonstrate a firm commitment to equal opportunity for all employees and applicants for employment. Agencies must promote and safeguard equal employment opportunity in everyday practice and make those principles a fundamental part of agency culture.

Element (B). Integration of EEO into agencies' strategic mission

In order to achieve its strategic mission, an agency must integrate equality of opportunity into attracting, hiring, developing, and retaining the most qualified work force. The success of an agency's EEO program ultimately depends upon decisions made by individual agency managers. MD-715 instructs agencies to ensure that: (1) the EEO director has access to the agency head; (2) the EEO office coordinates with Human Resources; (3) sufficient resources are allocated to the EEO program; (4) the EEO office retains a competent staff; (5) all managers receive management training; (6) all managers and employees are involved in implementing the EEO program; and (7) all employees are informed of the EEO program.

Element (C). Management and program accountability

A model EEO program will hold managers, supervisors, EEO officials, and personnel officers accountable for the effective implementation and management of the agency's EEO program. Pursuant to MD-715, agencies should ensure that: (1) regular internal audits are conducted of the EEO program; (2) EEO procedures are established; (3) all managers and supervisors are evaluated on EEO; (4) personnel policies are clear and consistently implemented; (5) a comprehensive anti-harassment policy has been issued; (6) an effective reasonable accommodation policy has been issued; and (7) findings of discrimination are reviewed.

Element (D). Proactive prevention of unlawful discrimination

EEOC's regulations provide that each agency shall establish a system for periodically evaluating the effectiveness of the agency's overall equal employment opportunity effort. In particular, each agency shall maintain an EEO program to promote equal opportunity and to identify and eliminate discriminatory practices and policies. This element requires agencies to periodically conduct a thorough barrier analysis.

Under this element, a model EEO program conducts regular self-assessments to monitor progress and identify barriers which exclude any EEO group. This report focuses on barrier identification and elimination for Asians and Native Hawaiians and Other Pacific Islanders.

Barriers are defined as policies, procedures, practices, or conditions that limit employment opportunities. Where an agency's self-assessment indicates that Asians and NHOPIs have been denied equal access to employment opportunities, the agency must take steps to identify and eliminate any potential barrier. Essentially, barrier analysis is an investigation of anomalies found in the source data with an eye toward identifying the root causes of those anomalies in agency policies, practices, and procedures. While some barriers are readily discernable, most are embedded in an agency's day-to-day activities: recruitment, hiring, career development, competitive and noncompetitive promotions, training, awards and incentive programs, disciplinary actions, and separations. The process of barrier analysis is discussed further below.

Element (E). Efficiency in the federal EEO process

EEOC's regulations provide that each agency shall assure that individual complaints are fairly and thoroughly investigated and that final action is taken in a timely manner. A model EEO program must have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO programs.

Element (F). Responsiveness and legal compliance

This element of a model EEO program includes timely filing of required reports with EEOC and timely compliance with EEOC's issued orders.

b. MD-715 reporting requirements

Under MD-715, agencies are required to file an annual report to EEOC detailing the status of their EEO programs and progress that has been made since the last report. The MD-715 Report contains ten sections (Parts A through J) as well as a host of data tables reflecting metrics of the agency's workforce. There are 14 different types of tables labeled A1 through A14. For example, on Workforce Data Table A1, agencies must provide the sex, race, and national origin composition of its total workforce, temporary workforce, and permanent workforce for the current and prior years. Other data tables provide snapshots of the agency's workforce by occupation, grade level, participation in career development programs, career ladder promotions, competitive promotions, awards and recognition, and separations. MD-715 requires similar metrics for persons with disabilities and these tables are labeled B1-B14.

MD-715's narrative sections are the Executive Summary and Parts H, I, and J. Part H focuses on reporting and eliminating program deficiencies. Part I focuses on barrier analysis—identifying barriers and reporting plans for their elimination. Part J reports specifically on affirmative action activities for persons with disabilities. Because many agencies are confused

about what constitutes a barrier or a program deficiency, we will briefly explain and define "program deficiency."

A program deficiency is any aspect of the agency's EEO program which does not meet the standards of the model program elements described above and which does not impact directly upon individuals. Examples of program deficiencies are: (1) new supervisors are not provided a copy of Equal Employment Opportunity policies when they begin their appointment, (2) lack of consistent coordination between Human Resources and EEO staff, and (3) lack of involvement of senior managers in barrier analysis. A comprehensive list of over 120 potential deficiencies is given in Part G of MD-715, available at http://www.eeoc.gov/federal/715instruct/part_g.html. Agencies are required to review the elements of a model EEO program and submit a Part H for any deficiency it finds with a plan to eliminate the deficiency.

III. Identifying anomalies in the data ─ triggers

In order to perform barrier analysis, one must first identify anomalies in the data. These anomalies are referred to as "triggers." A trigger is a condition or disparity warranting further inquiry. A trigger may be any piece of information that alerts an EEO professional that additional scrutiny of the area where the trigger occurred is necessary. Agencies must investigate triggers to determine whether actual barriers exist. Triggers may lead to the discovery of barriers. Sometimes there is a trigger, but after analysis it is found that no barrier actually exists.

An EEO professional must look at a variety of source data in order to recognize triggers which need investigation. Some of these sources include: (1) workforce statistics (such as those found in the MD-715 Data Tables or the FEORP report); (2) EEO complaints, such as common bases or issues found throughout an agency or subcomponent; (3) discussions with the EEO Office or Human Resources Office; (4) contact with Unions, Affinity Groups and Advocacy Groups; (5) results of climate surveys, focus groups, and exit interviews; and (6) studies done by outside organizations.

Some hypothetical examples of triggers that may be found in an agency's data are:

- The number of Asians and NHOPIs in the agency's total workforce declined by 2.5% as compared to an overall workforce decline of only 1.0%. This information would be available on Table A1 in the column which gives the net change percentages.

- High turnover rate of Asians and NHOPIs in the workforce, even if other Asians or NHOPIs replace those who leave. The information on the turnover rate would be available on Table A14. The number of new hires would be found on Table A8.

- Asians and NHOPIs are not receiving a proportionate share of awards and recognitions or training opportunities. Information on awards is found on Table A13 and career development is found on Table A12.

- Lack of promotion of Asians and NHOPIs to senior-level positions. Table A11 gives the internal selections for senior-level positions.

- Surge in EEO complaints by Asians or NHOPIs. EEOC Form 462 would have data on EEO Complaints.

- Exit interviews which reveal discriminatory bias in promotion or selection decisions.

- Reports from outside organizations that identify areas of concern at the agency.

As indicated above, triggers can be drawn from a variety of sources. These discoveries are only the beginning of the barrier analysis.

The AAPI Work Group analyzed the participation of Asians and NHOPIs using information from 51 agencies and sub-components' MD-715 Report Data Tables. These agencies are listed in Table 4 in Section I of this report. In addition to the 51 agencies listed in Table 4, the taskforce reviewed data from the Social Security Administration. Of course, the agencies themselves will have access to more data than that provided to EEOC and can thus make more exacting comparisons. There were numerous triggers that EEOC was able to recognize from the data tables submitted. These triggers were often not identified by the agencies in their Part I submissions.

Below are three examples that illustrate these shortcomings. First, EEOC found low participation of Asians and NHOPIs in the total workforce at some of the agencies. Second, EEOC found instances of low participation among Asian and NHOPIs as mid-level managers. Finally, agencies often exhibited a "glass ceiling" with Asians and NHOPIs not advancing to the Senior Executive Service.

a. Low overall participation

This task force was interested in the overall participation rate of Asians and NHOPIs in each agency. MD-715 Data Table A1 records the participation rate of each race and national origin group, as well as men and women, for the agency's overall and permanent workforces. The next step is to pick the comparison group or "proxy." The Civilian Labor Force (CLF) is the appropriate proxy for the agency's workforce because, absent extenuating circumstances, an agency's workforce would be expected to mirror the overall civilian workforce participation rates. Table A1 also includes the CLF data so that comparisons can readily be made to identify any triggers.

The CLF participation rate for Asians in FY 2006 is 3.80% and 0.20% for NHOPIs. Asians and NHOPIs have a combined CLF participation rate of 4.00%. The FY 2006 federal government-wide participation rate for Asians was above the CLF at 5.89%. For NHOPIs, the rate was slightly below the CLF at 0.17%. The combined federal participation rate for Asians and NHOPIs in FY 2006 was 6.06%.

The participation rates in some agencies in FY 2006, however, were significantly below the CLF. Specifically, the Department of Interior has an overall participation rate of Asians and NHOPIs of 2.11%. This is 1.89 percentage points below the CLF as well as almost 4 percentage points below the overall participation of Asians and NHOPIs in the federal workforce. At the Department of Agriculture, the overall participation rate of Asians and NHOPI is 2.41%. This is over 1.5 percentage points below the CLF and 3.65 percentage points below the overall federal workforce participation rate. A third agency with low participation rates for Asians and NHOPIs is the Office of Personnel Management, which has a combined overall participation rate of 2.50%, which is 1.5 percentage points below the CLF and more than 3.5 percentage points below the overall federal workforce. These triggers should alert an EEO professional at these agencies that an investigation needs to be conducted to determine the root causes of the trigger.

b. Low participation as mid-level officials and managers

This Work Group was also interested in the barriers that may exist in the mid-level ranks of officials and managers at the agencies we reviewed. MD-715 Data Table A3-1 provides the information needed to search for triggers in the participation rate of Asians and NHOPIs as mid-level officials and managers. Table A3-1 records the participation of each race and national origin group, as well as men and women, in different occupational categories. The occupational categories include Officials and Managers, Professionals, Technicians, Sales Workers, Administrative Support Workers, Craft Workers, Operatives, Laborers and Helpers, and Service Workers. Officials and Managers is broken down into four subgroups: Executive/Senior Level (Grades 15 and above); Mid-Level (Grades 13-14); First-Level (Grades 12 and below); and Other.

The Work Group compared the percentage of mid-level managers to the proxy—the percentage of Asians and NHOPIs in the permanent workforce. We used the permanent workforce percentages because absent other circumstances, managers should reflect the demographic make-up of an agency's permanent workforce. Generally, managers are chosen from the available *permanent* workforce or from outside of the agency. There is no measure to readily benchmark the number selected from outside the agency, so the available agency workforce is used as a general gauge. Some EEO professionals make the mistake of using the *total* workforce or the CLF as a proxy for purpose of analysis. For the reason stated above, this is not the proper proxy. Similarly, some agencies may have a participation rate of Asians and NHOPIs higher than the CLF in the mid-level. This does not indicate that that agency does not have a trigger at the mid-level. An agency with a high participation of Asians and NHOPIs in its permanent workforce (higher than the CLF) would be expected to exhibit a correspondingly high rate among mid-level officials and managers.

This task force found triggers for the participation of Asians and NHOPIs as mid-level managers. The Social Security Administration has a permanent workforce of 62,996, with Asians participating at a rate of 3.99% and NHOPIs at 0.12%, or 4.11% combined. Table A3-1 shows there are a total of 3,046 Mid-level Officials and Managers. Of these, only 2.07% are Asian and 0.13% are NHOPIs. This yields a combined total of 2.20%

Asian and NHOPI participation at the mid-level. The significant difference at the Social Security Administration between 4.11% participation in the permanent workforce and only 2.20% serving as mid-level managers is a trigger. This discovery should lead to a barrier analysis, as there is a 1.91 percentage point difference. This disparity is particularly significant for a large agency.

A second great disparity is found in a subcomponent of the Department of Health and Human Services (HHS), the Centers for Disease Control. Asians and NHOPIs make up 5.31% of the permanent workforce of 7,094. However, only 2.32% of 345 mid-level Officials and Managers are Asian or NHOPI. At another HHS subcomponent, the National Institutes of Health, Asians and NHOPIs make up 13.49% of a permanent workforce of 14,421. However, only 5.19% of 501 mid-level officials and managers are Asian or NHOPI. Again, these are triggers and should be addressed by the EEO professional in a focused barrier analysis.

There are several other examples of agencies with lower than expected participation of Asians and NHOPIs as mid-level managers. At the Department of Veterans Affairs, Asians and NHOPIs comprise 6.18% of the permanent workforce of 216,979. But, of the 4,408 employees at the mid-level, only 2.15% are Asian or NHOPI. The data reveals a similar disparity within the Veterans Health Administration, a subcomponent of the Department of Veterans Affairs. There, Asians and NHOPIs make up 6.48% of the permanent workforce of 198,208. However, only 2.62% of 2,720 mid-level Officials and Managers are Asian or NHOPI. Finally, a Department of Commerce subcomponent, the National Institute of Standards and Technology, has a permanent workforce of 2,702, of which 8.07% are Asian or NHOPI. Of 79 mid-level managers, 3.80% are Asian or NHOPI.

c. Glass ceiling

The AAPI Work Group found that there were indications of a glass ceiling at many of the agencies reviewed. The glass ceiling is a phenomenon where an agency has a significant number of Asians and NHOPIs in its permanent workforce and in the pipeline grades that lead to the senior ranks of an agency, but has few or no Asians or NHOPIs participating in its senior ranks. This phenomenon does not only exist for Asians and NHOPIs, though. When a glass ceiling is found, it is a trigger and should be analyzed by the EEO professional and senior management to determine what barriers are causing the disparity.

In order to analyze whether a glass ceiling exists, the EEO professional can perform two comparisons. The first is similar to the analysis performed for mid-level officials and managers. However, in this case, the data on Table A3-1 would be drawn from the Executive/Senior Level Officials and Managers section, as that category includes employees at GS-15 and above. The proxy would again be the agency's permanent workforce.

A second and perhaps more exacting measure of a glass ceiling is a review of the feeder pools into the SES. MD-715 Workforce Data Tables A4-1 and A4-2 provide information on the participation rate of employees of each race and national origin category as well as men and women in each GS grade from GS01 through SES. Candidates for SES positions are generally selected from the GS14 or GS15 levels or from outside the agency. When there is adequate diversity in the GS14 and GS15 grades but no similar diversity in the SES, a trigger exists. This suggests that there is a glass ceiling operating to exclude that particular group from participation in the senior grades.

From a review of the data gathered, a number of agencies exhibited evidence of a glass ceiling. The most glaring example was found at the Department of Veterans Affairs. This agency has a permanent workforce participation of Asians and NHOPIs of 6.18%. Asians and NHOPIs make up a remarkable 18.57% of the GS15 positions. However, Asians only hold 1.06% of 283 SES positions at this agency.

Another example of an apparent glass ceiling is at the Department of Health and Human Services. Some 7.32% of this agency's permanent workforce is comprised of Asians and NHOPIs. Moreover, 9.12% of its GS14 and 6.06% of its GS15 positions are filled by Asians and NHOPIs. However, only 2.19% of 411 SES positions are filled by Asians or NHOPIs.

A final example of a glass ceiling trigger is at the Patent and Trademark Office (PTO). This agency has a very high participation rate of Asians and NHOPIs in its workforce. However, this rate falls sharply at the SES level. PTO's permanent workforce is 25.61% Asian and NHOPI. 29.17% of the GS14 level and 20.41% of the GS15 level employees are Asian or NHOPIs. However, just 7.14% at the SES level are Asian or NHOPI. Some EEO professionals may note that an SES participation rate of 7.14% is far above the CLF for this group (4.00%) and conclude that there is no trigger. This is in fact a flawed analysis. The high-level ranks of an agency should resemble the permanent workforce for that agency and if the pipeline to the SES is very diverse, then the SES would be expected to reflect this diversity. As explained earlier, the participation rate of the CLF would not be relevant to this analysis.

Besides reviewing MD-715 data tables for the 52 agencies, EEOC also reviewed each agency's entire narrative report, including Part I, to determine whether they are reporting their triggers for Asians and NHOPIs. EEOC found that while the data tables revealed there to be at least one trigger for Asians and NHOPIs in every agency, relatively few agencies—27 of 51—reported triggers.

There are several examples of triggers that were reported in the FY 2006 MD-715 Reports for the agencies reviewed. The Broadcasting Board of Governors identified low participation rates of Asian females at GS15 and Asian males at the SES. The United States Postal Service identified as triggers the lower than expected selection rates of Asian American and Pacific Islander (AAPI) males and females for the advanced leadership program and higher than expected separation rates of AAPI males and females. The Centers for Disease Control (CDC) identified a variety of triggers, including the lack of

participation of Asians in the SES despite their 6.76% participation rate in the total workforce. As explained earlier, the appropriate proxy should have been the *permanent* rather than the total workforce which was 5.21% for Asians at CDC in FY 2006. Thus, the disparity was 1.55 percentage points less than that determined by the CDC but nevertheless still significant. Some agencies identified the low participation of Asians in their mission-critical occupations. For example, the CDC identified the low participation of Asian males and females in the position of General Health Scientist compared to the Occupational CLF availability. Finally, several agencies identified as a trigger the low participation of Asians in the total workforce when compared to the CLF. Some agencies did not identify triggers for specific groups such as Asians but instead stated there were triggers for "minorities and women." As mentioned earlier, the use of the terms "minority" or "minorities and women" is outdated and does not correspond to the MD-715 barrier analysis process.

EEOC also conducted a written survey which was sent to all federal agencies. Responses were received from 55 agencies. A review of the data collected from the survey revealed that only 15 of 55 identified a trigger, 2 provided narrative information about triggers, and 38 did not identify any triggers. This data reveals that agencies are failing to understand the trigger identification process and need further guidance and education.

IV. Lack of Barrier Analysis and Recommended Solutions

a. Process of barrier analysis

This section defines barriers and barrier analysis and explains how a proper barrier analysis should be conducted. Additionally, the section describes what a barrier analysis would look like for the three types of triggers that were identified in the previous section of this report.

A barrier is an agency employment policy, procedure, practice, or condition that limits employment opportunities for members of a particular race/ethnicity/gender or because of a disability. Barrier analysis is an investigation of anomalies (triggers) found in workplace policies, procedures, and practices with an eye toward identifying the root causes of those triggers, and if necessary, eliminating them. Some examples of barriers that could limit employment opportunities for a group are:

- Single-source or limited-source recruiting
- Hiring laterally at higher grades, as opposed to hiring through feeder pools from one's own agency
- Use of overly narrow selection criteria, e.g., unnecessarily specialized experience requirements that many potential applicants are not likely to have
- Biased or hostile attitude of management toward a particular ethnic group, gender, or persons with disabilities

A second and perhaps more exacting measure of a glass ceiling is a review of the feeder pools into the SES. MD-715 Workforce Data Tables A4-1 and A4-2 provide information on the participation rate of employees of each race and national origin category as well as men and women in each GS grade from GS01 through SES. Candidates for SES positions are generally selected from the GS14 or GS15 levels or from outside the agency. When there is adequate diversity in the GS14 and GS15 grades but no similar diversity in the SES, a trigger exists. This suggests that there is a glass ceiling operating to exclude that particular group from participation in the senior grades.

From a review of the data gathered, a number of agencies exhibited evidence of a glass ceiling. The most glaring example was found at the Department of Veterans Affairs. This agency has a permanent workforce participation of Asians and NHOPIs of 6.18%. Asians and NHOPIs make up a remarkable 18.57% of the GS15 positions. However, Asians only hold 1.06% of 283 SES positions at this agency.

Another example of an apparent glass ceiling is at the Department of Health and Human Services. Some 7.32% of this agency's permanent workforce is comprised of Asians and NHOPIs. Moreover, 9.12% of its GS14 and 6.06% of its GS15 positions are filled by Asians and NHOPIs. However, only 2.19% of 411 SES positions are filled by Asians or NHOPIs.

A final example of a glass ceiling trigger is at the Patent and Trademark Office (PTO). This agency has a very high participation rate of Asians and NHOPIs in its workforce. However, this rate falls sharply at the SES level. PTO's permanent workforce is 25.61% Asian and NHOPI. 29.17% of the GS14 level and 20.41% of the GS15 level employees are Asian or NHOPIs. However, just 7.14% at the SES level are Asian or NHOPI. Some EEO professionals may note that an SES participation rate of 7.14% is far above the CLF for this group (4.00%) and conclude that there is no trigger. This is in fact a flawed analysis. The high-level ranks of an agency should resemble the permanent workforce for that agency and if the pipeline to the SES is very diverse, then the SES would be expected to reflect this diversity. As explained earlier, the participation rate of the CLF would not be relevant to this analysis.

Besides reviewing MD-715 data tables for the 52 agencies, EEOC also reviewed each agency's entire narrative report, including Part I, to determine whether they are reporting their triggers for Asians and NHOPIs. EEOC found that while the data tables revealed there to be at least one trigger for Asians and NHOPIs in every agency, relatively few agencies—27 of 51—reported triggers.

There are several examples of triggers that were reported in the FY 2006 MD-715 Reports for the agencies reviewed. The Broadcasting Board of Governors identified low participation rates of Asian females at GS15 and Asian males at the SES. The United States Postal Service identified as triggers the lower than expected selection rates of Asian American and Pacific Islander (AAPI) males and females for the advanced leadership program and higher than expected separation rates of AAPI males and females. The Centers for Disease Control (CDC) identified a variety of triggers, including the lack of

participation of Asians in the SES despite their 6.76% participation rate in the total workforce. As explained earlier, the appropriate proxy should have been the *permanent* rather than the total workforce which was 5.21% for Asians at CDC in FY 2006. Thus, the disparity was 1.55 percentage points less than that determined by the CDC but nevertheless still significant. Some agencies identified the low participation of Asians in their mission-critical occupations. For example, the CDC identified the low participation of Asian males and females in the position of General Health Scientist compared to the Occupational CLF availability. Finally, several agencies identified as a trigger the low participation of Asians in the total workforce when compared to the CLF. Some agencies did not identify triggers for specific groups such as Asians but instead stated there were triggers for "minorities and women." As mentioned earlier, the use of the terms "minority" or "minorities and women" is outdated and does not correspond to the MD-715 barrier analysis process.

EEOC also conducted a written survey which was sent to all federal agencies. Responses were received from 55 agencies. A review of the data collected from the survey revealed that only 15 of 55 identified a trigger, 2 provided narrative information about triggers, and 38 did not identify any triggers. This data reveals that agencies are failing to understand the trigger identification process and need further guidance and education.

IV. Lack of Barrier Analysis and Recommended Solutions

a. Process of barrier analysis

This section defines barriers and barrier analysis and explains how a proper barrier analysis should be conducted. Additionally, the section describes what a barrier analysis would look like for the three types of triggers that were identified in the previous section of this report.

A barrier is an agency employment policy, procedure, practice, or condition that limits employment opportunities for members of a particular race/ethnicity/gender or because of a disability. Barrier analysis is an investigation of anomalies (triggers) found in workplace policies, procedures, and practices with an eye toward identifying the root causes of those triggers, and if necessary, eliminating them. Some examples of barriers that could limit employment opportunities for a group are:

- Single-source or limited-source recruiting
- Hiring laterally at higher grades, as opposed to hiring through feeder pools from one's own agency
- Use of overly narrow selection criteria, e.g., unnecessarily specialized experience requirements that many potential applicants are not likely to have
- Biased or hostile attitude of management toward a particular ethnic group, gender, or persons with disabilities

These barriers may be apparent after a proper barrier analysis has been conducted.

b. Six steps to barrier analysis

The barrier analysis process is broken down into six steps: (1) review policies, practices, and procedures; (2) analyze source material; (3) identify triggers; (4) determine root cause of triggers; (5) if root cause is a barrier, devise an action plan to eliminate the barrier; and (6) the EEO professional should follow up on the identified barrier at regular intervals to determine the success of the action plan. Both EEO and Non-EEO professionals should be involved in the process of barrier analysis, incorporating ideas to make the process more complete. Upper-level management must also be invested in the process in order for it to be successful.

1. Review policies, practices, and procedures

An EEO professional needs to be familiar with the agency's policies, practices, and procedures in order to identify barriers. The areas which should be the subject of review are those in the natural employment progression, i.e., recruitment, hiring, training and career development, performance incentives and awards, competitive and career-ladder promotions, supervisory and managerial selections, disciplinary actions, and separations. There may be other examples specific to a particular agency, such as the process for security clearances in Department of Defense agencies.

2. Source material

The source materials for identifying anomalies are varied. These materials were described in the previous section and include workforce statistics (such as those found in the MD-715 Report Data Tables), EEO complaints, EEO and Human Resources office interviews or data, union and advocacy group interviews or data, employee surveys, focus groups, exit interviews, and studies done by outside organizations. The EEO professional must study these sources to ensure that a thorough review is conducted.

3. Identify triggers

As described in the previous section on triggers, the EEO professional should look at the source data and determine if any triggers are evident. For example, there may be anomalies in the workforce data tables, or recurring EEO complaints on a particular issue, against a particular manager, or in a particular office or section of the facility. Another example would be exit interviews which identify bias in employment decisions that lead to the increased separation of a particular protected group.

4. Determine root causes of triggers

A barrier is the root cause of the trigger. The goal is to pinpoint the root causes. The process can be analogized to peeling an onion, stripping away layers until there is an answer to the question "Why?" a condition exists. A simple example may be that the agency learns from a review of data that it has a low participation rate of Asians in its total

workforce. A logical next step may be to examine the applicant flow data. The applicant flow data shows that the agency is not getting applications from Asians, but primarily from white and black applicants. Why is this? The next step would be to review the recruitment policies and process. It turns out that the agency is only recruiting from three colleges that do not matriculate many Asians. Why? Is it because the three schools are the *alma maters* of the top agency officials? The barrier in this case would be that little or no recruitment is done at universities with more diverse student populations.

5. Action plan for elimination of barrier

This step is straightforward, but not always easy: the agency must establish a plan of action to address the identified barrier, the root cause of the undesired condition. The specific barrier along with the action plan should be described in Part I of the agency's MD-715 Report and updated every year. In the example above, the action plan would be to begin to recruit at a more diverse set of colleges. This would not mean that the agency would need to stop recruiting at the three colleges but could simply expand recruitment to areas of the country that have larger concentrations of Asians and NHOPIs.

6. Follow-up

The final step, and one that is often overlooked, is to assess whether the devised action plan was successful at eliminating the identified barrier. Possible indicators of success are: the participation rate is up, the separation rate is down, there are reduced complaints, and favorable responses in surveys or exit interviews conducted after the action plan has been implemented. In the example above, the agency would look to see if the participation rate of Asians is beginning to rise and may specifically want to investigate whether more applications are being received from Asian candidates. If the plan did not result in a greater participation rate or an increase in applications, then the agency can conclude that either the wrong barrier was identified or the action plan gave rise to a new barrier. This follow-up process requires the EEO professional to conduct a continuous assessment and monitoring process from year to year.

c. Lack of barrier analysis

An analysis of the data that we reviewed showed that very few agencies identified barriers even when they identified a trigger. Most often, triggers were mistakenly identified as barriers and were not analyzed using the six-step process explained above. Of the 51 agencies and sub-components reviewed, only nine identified a potential barrier. Despite the lack of barrier identification, almost every agency had an action plan to eliminate barriers. An action plan is most useful when a barrier has in fact been identified because the plan can be specifically tailored to address that particular barrier. Some identified barriers in the reports are described below:

- One agency ascertained that the selection process for an advanced leadership program resulted in lower than expected selection rates of AAPI males and females during FY 2006. While it was good that this agency identified that the selection process appeared to

be flawed, it did not drill down far enough to determine what part of the selection process was preventing more AAPIs from being selected.

- Another agency identified that limited hiring resulted in lower than expected participation of Asians. This agency may have found a cause but it did not find the root cause because limited hiring in and of itself would affect all EEO groups equally. So, this agency would need to drill down further to determine the root cause.

- Another agency identified as a barrier the lack of focused, systematic recruitment for groups with low participation rates. This in fact may be the root cause of the low participation of Asians or NHOPIs, but this agency did not specify the type of recruitment that was occurring or the groups that were not participating at an expected rate. A little more investigation could reveal a great deal.

- One agency stated that the trigger it was investigating was the fact that few Asian females are selected for the position of Security Guard. This is a very specific trigger and is a good start to the barrier analysis. This agency identified a number of barriers: (1) little flexibility in hours, with weekend and night work, (2) limited commuting options for guards that work at night, (3) little flexibility for child care arrangements, and (4) a limited number of Asian female candidates in the relevant labor pool. However, some of these identified barriers would tend to affect all groups. For example, limiting commuting options would affect men and women alike. Nevertheless, these may be barriers that are impacting the employment of Asian women.

- One agency identified the lack of emphasis on EEO goals as a barrier. It also identified as a barrier the decision making by some agency officials based on their preconceived ideas of race. It is likely that this agency was describing a possible culture at the agency which is hostile to EEO diversity. Such a culture is a definite barrier to employment of many groups. An action plan should be crafted to help change the culture at the agency.

- Finally, one agency identified insufficient efforts to hire, train, and promote “minority and women” employees as a barrier. This could be the beginning of the process, but this barrier is far too broad to affect a specific action plan. Also, the use of the terms “minorities and women” is outdated and not specific to any one group.

In addition, a number of other agencies’ barrier analyses were flawed because they were not tailored to Asians and NHOPIs. Also, agencies often identified triggers and indicated that they were working on the barrier analysis, but no progress is reported from year to year.

d. Specific examples of barrier analyses

1. Low participation in total workforce

When an agency finds that it has low participation of Asians or NHOPIs in the total workforce—as have the Department of Interior, Department of Agriculture, and the Office of Personnel Management—it must investigate the root cause for the lack of Asians and

NHOPIs in its workforce. Here, the EEO professional will look not only at the data in Table A1, which contains the total workforce data, but also at Workforce Data Table A8, containing information on new hires by type of appointment. The three categories in table A8 are permanent employees, temporary employees, and non-appropriated fund employees for each race, national origin, and gender category. This data will allow the investigator to understand whether a proportionate number of new employees are Asian or NHOPI. If Asians and NHOPIs are being hired at a lower than expected rate, this will confirm that there is a possible barrier in hiring. At this point, a critical analysis of the hiring process should be conducted. The agency may find that Asians and NHOPIs are not being encouraged to apply for vacancies because, for example, managers have preconceived notions that Asians are not adept at customer service jobs. This barrier may need to be addressed via training of managers. On the other hand, the agency may discover that Asians are not being targeted for recruitment and a more diverse recruitment effort must be undertaken. After this analysis is conducted, an action plan should be devised and implemented.

If Asians and NHOPIs are being hired at a greater rate than their participation in the workforce, it may indicate that a lack of hiring is not the cause of the low participation rate at the agency. A higher than expected hiring rate of Asians and NHOPIs may also indicate that measures that have previously been taken to increase hiring are resulting in a positive trend for Asians and NHOPIs. The EEO professional can then monitor the trend from year to year to see if it continues.

A third table, Workforce Data Table A14, should also be analyzed when an agency has a low participation rate of a particular EEO group. Table A14 records separations by type, i.e., voluntary and involuntary. If the agency finds that Asians and NHOPIs are separating at a much higher rate than the overall workforce, then the policies on separations should be analyzed to determine if there are barriers to retention of Asians and NHOPIs. Exit interviews, if available, should be reviewed to determine if there is a common theme. Perhaps a survey should be conducted to gather information on what is causing the unusually high separations among Asians. If separation rates for Asians and NHOPIs are lower than the overall rate, this would indicate that high turnover is not the reason for low participation of Asians and NHOPIs in the agency.

2. Low participation of mid-level managers

When an agency finds that it has low participation of Asians as mid-level officials and managers—as have the Social Security Administration and the Centers for Disease Control—an EEO professional must investigate the root cause of the trigger. As described earlier, the agency would find this trigger from a review of data in Table A3. The agency should then ask itself “Why?” and may review the participation rate of Asians and NHOPIs in its career development program. Workforce Data Table A12 reports the participation of different race, ethnicity, and gender groups in the agency’s career development slots for a particular year. Table A12 contains three sections: career development programs for GS 5-12, career development for GS13 and GS14, and career development for GS15 and above. The Table details the number of slots available, the

percent of the relevant pool participating for each demographic group, and the number of those who applied. A review of this data will show whether Asians and NHOPIs are participating in career development opportunities that could lead to advancement into the mid-level ranks of officials and managers. If Asians and NHOPIs are not participating, the agency should investigate how this condition can be remedied.

If Asians and NHOPIs are participating at a proportionate level in career development opportunities at the agency, then the investigation would continue to determine the root cause of the low participation among mid-level officials and managers at the agency. This may result in a review of other policies related to advancement. Another data table that would be relevant is Workforce Data Table A9, which records competitive promotions for major occupations. After this analysis, the agency may find that Asians or NHOPIs are not being selected as mid-level managers because an insufficient number apply for management positions due to lack of soft skills. The agency may then offer training for its mid-level grades to improve soft skills and encourage participation by Asians and NHOPIs.

3. Glass ceiling/low participation in senior grades

When an agency finds that it has low participation of Asians or NHOPIs in its senior grades—as at the Veterans Administration, Department of Health and Human Services, and the Patent and Trademark Office—it must similarly drill down to discover the root cause of the trigger. Besides Tables A3-1 and A4-1, which would be reviewed to discover a trigger, the agency should also look at Tables A11 and A12.

Table A11 records data on the agency's internal selection for senior-level positions. The three sections are for the GS13/14, GS15, and SES levels. The table includes, for each vacancy category, the applications received, information on those qualified for the positions, those selected for the positions, and the size of the relevant pool for each demographic group. From this table the agency can analyze whether there is a sufficient pool of applicants for the senior grades in each demographic group and see the rate of selection during the year. If there are sufficient applications but not a proportionate number of hires at the SES, then the agency would ask "Why?" and review the SES selection criteria. If there are insufficient applications from Asians and NHOPIs, then policies relating to recruitment in the senior ranks would be analyzed for barriers.

Table A12 contains career development data (as described earlier). Here, the agency would look at the section relating to GS15 and above to determine the participation rates of Asians and NHOPIs at the senior grades in career development programs. After the barrier analysis, the agency may determine that the cause for the lack of SES candidates who are Asian or NHOPI is the result of a lack of these groups taking advantage of available senior-level assignments. An action plan would then need to be devised to attract more Asians into the senior-level rotational assignments at the agency.

As illustrated above, the process of barrier analysis is fluid and goes from one step to another and can repeat certain steps before an actual barrier is found. The key to

successful barrier analysis is the persistence to drill down deep and inquire about the key reasons for disparities: only then can action plans be devised to remedy the specific barrier.

Appendix C

FEDERAL ASIAN AMERICAN AND PACIFIC ISLANDER SPECIAL EMPHASIS PROGRAMS AND COMPLAINTS SUB-GROUP REPORT

BACKGROUND

The Equal Employment Opportunity Commission formed the Asian American Pacific Islander Work Group (AAPIWG) to examine the issues of the Asian community with respect to the federal workplace. The AAPI Work Group produced and administered a survey to be completed by each federacy agency to test perceptions and gather information regarding the realities AAPI's face in the federal workplace.

The results of this survey authenticate the concerns of the AAPI community in the federal workplace. The survey highlights the level of activity, participation and support provided to the AAPI activities in comparison to other affinity groups within the organization. Based on the attendance of the seven (7) federally recognized observances, the Asian Pacific American Heritage Month observance participation comes in 6th place.

This is of concern, because the AAPI community is comprised of different religious and cultural groups, some of which have norms that are vastly different from those of traditional Euro-American perspectives. Consequently, agencies must raise the level of awareness among its employees so that they may be cognizant of the differences among the various groups, and thereby better understand and coalesce with these different groups. It is through special emphasis activities that employees get the opportunity to better understand and appreciate their colleagues. Indeed, the hope is that organizations will creatively convert cultural differences into transformative change, leading to functional advantage, rather than sources of differentiation, isolation and conflict. By understanding differences, employees from differing cultures can discover human commonalities as well, but to see those mutual traits through the prism of the different cultural perspectives. Again, this heightened understanding allows employees to function more efficaciously as organizational teams.

Special emphasis programs, particularly those having to do with the AAPI community ought not be viewed as mundane, ineffective and burdensome obligatory events. Rather, when used creatively and effectively, these programs are a benefit to governmental organizations. It is, therefore, incumbent upon senior managers and supervisors to support and attend such events as an indication of their commitment to supporting the Asian American Pacific Islander community. In so doing, managers can demonstrate to their organizations that their AAPI employees are valued and appreciated not only for the work that they do, but for what they bring to the organization as a whole. As a result, the AAPI employees can better incorporate and adapt to their respective work teams, and thus become more effective and productive team players. Moreover, when senior management supports such programs, AAPI employees are apt to engage

in complaint processes should the need arise. Engaging in complaint processes such as the EEO complaint process allows managers and supervisors to become aware of activities that are of concern and in need of correction. When employees feel that they are valued, when their concerns are addressed, when they are able to understand their colleagues and are themselves being understood, the work environment can become cohesive, productive and successful.

AAPI SPECIAL EMPHASIS AND COMPLAINTS SUB-GROUP

The AAPI Special Emphasis and Complaints Sub-group was created to identify additional challenges faced by federal sector Asian American Pacific Islander employees and to propose recommendations to overcome these challenges. In response to this charge, the Sub-group offers the following:

THE CHALLENGE

Special Emphasis Programs: Lack of participation among the workforce-at-large pertaining to the participation in Asian & Pacific American Special Emphasis Events and lack of support from the agency to allow Asian & Pacific Americans to participate in outreach activities and conferences.

Complaints Process: Little to no formal EEO complaint activities identified among the Asian & Pacific American employees; however, discriminatory concerns have been voiced among the Asian/Pacific community.

PROJECT OBJECTIVES

The primary objective of the AAPI Special Emphasis and Complaints Sub-group was to:

- Raise awareness of existing concerns and problems of the Asian/Pacific community;
- Identify and recommend proactive measures to all stakeholders; and to
- Examine the community's concerns about federal-sector Special Emphasis Programs and the EEO complaint process.

STRATEGIC PLAN

The AAPI Special Emphasis and Complaints Sub-group developed a strategy to assist the AAPI community in addressing the issues covering federal sector Special Emphasis Programs and the EEO Complaint Process. The strategy included meeting with the Executives of FAPAC and the Asian Congressional Caucus and developing the following plan:

STEP ONE - Defining the Problem and Establishing the Goals

STEP TWO - Listing Alternative Tools to assist in the Resolution of the Problems

STEP THREE - Reviewing the Alternatives

1. Why were the alternatives selected?
2. How did you evaluate the alternative solution(s)?
3. What values did you consider most important?
4. What are the advantages and disadvantages of each alternative?

STEP FOUR - Choosing the Best Alternatives (or Combination of Alternatives)

1. Selection process
2. Analysis of alternatives

STEP FIVE – Implementing the Solution

1. Who should do it?
2. How might support for proposal be achieved?
3. What is action group's relation to power figures?
4. What strategy(ies) would you recommend? Why?
5. What specific tactics or methods might be used?

STEP SIX – Reviewing the Progress - At the agreed upon times, review how well the solution was implemented and what additional problem-solving efforts should be made.

RECOMMENDED SOLUTIONS

During the next phase, the AAPI Sub-group established the following recommendations:

Special Emphasis Programs: Agency senior management should support and encourage participation in Asian American and Pacific Islander sponsored activities/training sessions. They should also require that managers and supervisors actively support Asian American/Pacific Islander activities (i.e – conferences, training sessions, meetings addressing AAPI issues, etc.). In addition, the AAPI Sub-group offers the following recommendations:

- **Enhance Efforts of Asian Groups** – Asian Groups must be more proactive in supporting the AAPI community on issues relating to the injustices endured by AAPIs. AAPI employees should be more assertive, more proactive and take the initiative to question negative decisions that are made by management regarding training, leave requests, travel requests and meeting participation.

- **Increase FAPAC's Visibility within Federal Agencies** –During interviews with AAPI federal employees, many admitted that they are not aware of the services provided by FAPAC.

Therefore, FAPAC must be more proactive in educating federal employees on the mission and the services offered by their organization.

- **Review Demographics of AAPIs and Evaluate Agency Human Resource and Training Services Outreach Processes -** Federal agencies should review the demographics of the AAPI employees and assess the data collected by the EEOC to determine if there is a disparity of the support provided to the AAPI employees versus non-AAPI employees within their agencies.

- **Solicit Support of Internal/External/Congressional Resources**
  Highlight Advocacy Groups – The AAPI community should solicit the support of internal/external and congressional resources to assist them in overcoming the challenges that they face in their communities and the federal government. AAPIs should take advantage of the strategies that other minority groups have successfully used when obtaining the services of such service oriented groups.

- **Conduct Brown Bag Diversity Training Sessions and Sponsor Networking Events for the Various Special Emphasis Groups –** Agencies should conduct Brown Bag Diversity Training sessions and host networking events for the various Special Emphasis Groups to highlight the diverseness of the different affinity groups including AAPIs.

- **Establish a Joint Federal Agency Asian/Pacific Council –** AAPI employees should establish Joint AAPI Councils to address the challenges that AAPIs face in the federal workplace. It is known that there is strength in numbers; therefore, it is imperative that the AAPI employees join forces to address challenges and injustices that they may encountered in the federal government.

- **Encourage Agencies to Fund Office of Personnel Management (OPM) Sanctioned Conferences –** Agencies should support the participation of one person or more (if funding available) from every affinity group to participate in OPM sanctioned conferences.

- **Agency Diversity Forums –** Agencies can establish a forum that has at least one representative from each affinity group (IMAGE/BIG/ FEW/ FAPAC/ etc…) affiliated with that particular government agency. This group could meet on a regular basis to discuss concerns that directly impact their group and seek out a resolution by way of consensus among the Diversity Forum. By discussing problems in this type of setting allows each participant to become exposed to other perspectives/styles/approaches on how to resolve issues facing the group. Each group will benefit from the other. And the creation of a dialogue among the groups will eventually build a very influential coalition.

Complaint Process: Agencies should take extra measures to provide training and statistical information regarding the complaint process to the Asian American and Pacific Islander employees; and identify the benefits of the complaint process by highlighting historical cases that pertain to the Asian/Pacific community. We also recommend that the EEO Directors and EEO Offices take extra measures to support AAPI activities such as reviewing AAPI EEO case data;

reviewing AAPI demographics and assisting AAPI employees in overcoming their fear of the EEO Process and retaliation by breaking the myths of the EEO Complaint process.

Dr. Sharon Goto noted at the Commission Meeting on July 22, 2008, that Asians are more likely to claim that discrimination occurred when discussing a matter with another Asian. Based on this anecdotal evidence, this appears to be a barrier for AAPIs to the EEO complaint process. Therefore, it is highly recommended that EEO practitioners and FAPAC provide assistance in overcoming this and other barriers for those persons who may experience difficulties or discomfort in bringing forth their EEO claims. In addition, this relationship between the EEO Office and the AAPI affinity group can help to surmount the persistent fear of reprisal, and can encourage victims of discrimination to enforce their legal rights as federal employees.
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In order to help AAPI employees in overcoming their fears of the EEO process, EEO Directors and FAPAC can assist by highlighting prominent EEO winning cases. A list of important EEOC decisions regarding AAPIs is found at Appendix D.

OTHER RECOMMENDATIONS

The Sub-group met with the President of the Federal Asian Pacific American Council (FAPAC) and provided the following recommendations to assist FAPAC in accomplishing its mission of representing Asian Pacific American (APA) employees in the Federal and District of Columbia Government. The following items were recommended to achieve the goal of involving more participation in FAPAC:

- FAPAC should be more proactive in the AAPI community and the federal government and issue FAPAC conference information earlier to federal agencies to provide adequate marketing of the conference;

- FAPAC should also increase EEO workshops at FAPAC conferences; and

- FAPAC should revise the existing FAPAC website to include: contact information for an interpreter to assist the AAPI community and employees with language barriers; a link that has the flow chart of the EEO process to assist AAPI federal employees in understanding the steps within the EEO process; EEO Office contact information to assist AAPI employees in making contact with federal EEO Offices; on-line EEO training courses to further educate the AAPI community and employees on the EEO process; list upcoming FAPAC training announcements; a catalog of private and federal sector job vacancy announcements; and a resume bank to assist AAPI employees in the preparation of

their resumes and the required Knowledge, Skills and Abilities requirements for federal employment.

These suggestions and efforts are useful ways to engage more individuals in the overall prospect of meaningful dialog and interaction with FAPAC.

BEST PRACTICES

The sub-group interviewed managers from several agencies to obtain the best practices used to achieve successful Special Emphasis Programs through executive support and increased audience participation and to determine the best methods used to assist and educate AAPIs in the EEO complaint process. The results are as follows:

SPECIAL EMPHASIS PROGRAMS

U.S. Department of Health and Human Services – The agency invites internal Executives to participate and serve on Special Emphasis Programs as guest speakers, panel members, and moderators to demonstrate a commitment from the agency's top executives.

Broadcasting Board of Governors - The agency host joint Special Emphasis Programs co-sponsored with other agencies to ensure high attendance levels, which reduces cost and reaches a larger population of Executives, Managers and employees.

The Office of Peace Corp American Diversity Programs - The Special Emphasis Programs and Conferences are marketed through agency-wide e-mail announcements, posters, and other disseminations as deemed appropriate. The Agency head as well as the senior managers encourage participation at the programs/conferences. Support for the programs/conferences is obtained through the agency's senior management.

The Holocaust Museum Diversity Programs – The agency sends an invitation to all employees and invites local schools to attend the Special Emphasis Programs which encourages employee participation and provides and educational forums for local youth.

The Office of Personnel Management American Diversity Programs – The agency rotates the financial responsibility for each Special Emphasis Observance to individual OPM Program Offices each year. This eliminates the burden of one office being responsible for the cost to host such Programs and it creates a position of buy-in from the host Program Office. In addition, the OPM Director sends out an electronic message to announce the Special Emphasis Programs which shows a sense of commitment from the highest level of the agency. Also a voicemail message is sent from the EEO Office and posters and other disseminations are distributed the morning of the event. As another measure to support the OPM AAPI employees, the OPM Special Emphasis Manager attends regularly scheduled FAPAC Meetings.

U.S. Department of Agriculture – A memorandum is sent from the Assistant Secretary for Civil Rights (ASCR) to the agencies Under Secretaries, Agency Heads, Agency Civil Rights and Human Resources Directors to announce all Special Emphasis Programs and to solicit support for

the programs. In addition, an electronic mail blast, flyers, posters; TV- LAN messages as well as word of mouth marketing are used as advertisement on the day of the program

U.S. Department of Housing and Urban Development - The agency's Affirmative Employment Division (AED) is ultimately responsible for hosting all of the Special Emphasis Programs for the U.S. Department of Housing and Urban Development. A full-time journeyman's-level Equal Opportunity Specialist is assigned to manage and facilitate all HUD Special Emphasis Programs. To ensure inclusiveness and to develop events that capture various cultural perspectives, AED encourages and facilitates the participation of HUD-wide affinity groups in the planning and implementation stages of the development of the Special Emphasis Programs.

The AED invites the Secretary of HUD and principal staff members to participate in each of the Special Emphasis Programs. The presence and involvement of senior staff members tend to draw the support and attendance of the HUD workforce.

COMPLAINT PROCESS

The Office of Peace Corp American Diversity Programs – The agency ensures that all new employees receive an orientation upon their first day at work, which includes a discussion of employees' rights to file discrimination complaints, as well as a discussion of the EEO complaint process. Thereafter, all employees attend an annual EEO, Diversity, and Sexual Harassment training session, which also includes segments focused on the employees' rights to file discrimination complaints and the EEO complaint process.

U.S. Department of Housing and Urban Development – The agency ensures that the employees' rights and responsibilities and the EEO process are posted conspicuously in common areas at HUD Headquarters and in all Regional Offices. New employees are briefed on their rights and the EEO process during mandatory new employee's orientation monthly and the new Supervisor's training. Employee rights and the EEO process are provided and discussed during all facilitations, and conflict resolution training provided to Program Office.

CONCLUSION/BENEFITS

The 2000 Census revealed that 44% of Asian American Pacific Islanders over the age of 25 had 4 or more years of college compared with 28% of Whites, 16% African Americans and 11% of Latinos. The education advantage obtained by AAPIs is even more apparent in the 25 to 29 young adult group. The high levels of education are reflected in the occupations of Asians and Pacific Islanders. More than 7% of the nation's high tech workers are AAPIs and this figure represents a significant proportion of the nation's best-educated scientists and technicians.[3] Nonetheless, the protection of their civil rights provides unique challenges in the federal sector. As noted throughout this report, two particular challenges are evident:

[3] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
DHHS - Indian Health Service (IHS)	0.96%	2.04%	4.53%	6.58%	0.00%
DHHS - National Institutes of Health (NIH)	13.49%	10.16%	12.89%	8.20%	3.28%
DHHS - Office of the Secretary & Admin on Aging (OS&AA)	5.24%	5.29%	5.33%	4.19%	1.76%
Department of Veterans Affairs – Main	6.18%	4.65%	3.38%	18.57%	1.06%
Department of Veterans Affairs – Nat'l Cemetery Admin. (NCA)	3.77%	3.12%	10.00%	0.00%	0.00%
Department of Veterans Affairs - Veterans Benefits Admin. (VBA)	2.96%	2.51%	2.06%	2.66%	0.00%
Department of Veterans Affairs - Veterans Health Admin. (VHA)	6.48%	4.87%	3.54%	19.12%	1.24%

***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

- Lack of promotion of Asians and NHOPIs to senior-level positions. Table A11 gives the internal selections for senior-level positions.

- Surge in EEO complaints by Asians or NHOPIs. EEOC Form 462 would have data on EEO Complaints.

- Exit interviews which reveal discriminatory bias in promotion or selection decisions.

- Reports from outside organizations that identify areas of concern at the agency.

As indicated above, triggers can be drawn from a variety of sources. These discoveries are only the beginning of the barrier analysis.

The AAPI Work Group analyzed the participation of Asians and NHOPIs using information from 51 agencies and sub-components' MD-715 Report Data Tables. These agencies are listed in Table 4 in Section I of this report. In addition to the 51 agencies listed in Table 4, the taskforce reviewed data from the Social Security Administration. Of course, the agencies themselves will have access to more data than that provided to EEOC and can thus make more exacting comparisons. There were numerous triggers that EEOC was able to recognize from the data tables submitted. These triggers were often not identified by the agencies in their Part I submissions.

Below are three examples that illustrate these shortcomings. First, EEOC found low participation of Asians and NHOPIs in the total workforce at some of the agencies. Second, EEOC found instances of low participation among Asian and NHOPIs as mid-level managers. Finally, agencies often exhibited a "glass ceiling" with Asians and NHOPIs not advancing to the Senior Executive Service.

a. Low overall participation

This task force was interested in the overall participation rate of Asians and NHOPIs in each agency. MD-715 Data Table A1 records the participation rate of each race and national origin group, as well as men and women, for the agency's overall and permanent workforces. The next step is to pick the comparison group or "proxy." The Civilian Labor Force (CLF) is the appropriate proxy for the agency's workforce because, absent extenuating circumstances, an agency's workforce would be expected to mirror the overall civilian workforce participation rates. Table A1 also includes the CLF data so that comparisons can readily be made to identify any triggers.

The CLF participation rate for Asians in FY 2006 is 3.80% and 0.20% for NHOPIs. Asians and NHOPIs have a combined CLF participation rate of 4.00%. The FY 2006 federal government-wide participation rate for Asians was above the CLF at 5.89%. For NHOPIs, the rate was slightly below the CLF at 0.17%. The combined federal participation rate for Asians and NHOPIs in FY 2006 was 6.06%.

The participation rates in some agencies in FY 2006, however, were significantly below the CLF. Specifically, the Department of Interior has an overall participation rate of Asians and NHOPIs of 2.11%. This is 1.89 percentage points below the CLF as well as almost 4 percentage points below the overall participation of Asians and NHOPIs in the federal workforce. At the Department of Agriculture, the overall participation rate of Asians and NHOPI is 2.41%. This is over 1.5 percentage points below the CLF and 3.65 percentage points below the overall federal workforce participation rate. A third agency with low participation rates for Asians and NHOPIs is the Office of Personnel Management, which has a combined overall participation rate of 2.50%, which is 1.5 percentage points below the CLF and more than 3.5 percentage points below the overall federal workforce. These triggers should alert an EEO professional at these agencies that an investigation needs to be conducted to determine the root causes of the trigger.

b. Low participation as mid-level officials and managers

This Work Group was also interested in the barriers that may exist in the mid-level ranks of officials and managers at the agencies we reviewed. MD-715 Data Table A3-1 provides the information needed to search for triggers in the participation rate of Asians and NHOPIs as mid-level officials and managers. Table A3-1 records the participation of each race and national origin group, as well as men and women, in different occupational categories. The occupational categories include Officials and Managers, Professionals, Technicians, Sales Workers, Administrative Support Workers, Craft Workers, Operatives, Laborers and Helpers, and Service Workers. Officials and Managers is broken down into four subgroups: Executive/Senior Level (Grades 15 and above); Mid-Level (Grades 13-14); First-Level (Grades 12 and below); and Other.

The Work Group compared the percentage of mid-level managers to the proxy—the percentage of Asians and NHOPIs in the permanent workforce. We used the permanent workforce percentages because absent other circumstances, managers should reflect the demographic make-up of an agency's permanent workforce. Generally, managers are chosen from the available *permanent* workforce or from outside of the agency. There is no measure to readily benchmark the number selected from outside the agency, so the available agency workforce is used as a general gauge. Some EEO professionals make the mistake of using the *total* workforce or the CLF as a proxy for purpose of analysis. For the reason stated above, this is not the proper proxy. Similarly, some agencies may have a participation rate of Asians and NHOPIs higher than the CLF in the mid-level. This does not indicate that that agency does not have a trigger at the mid-level. An agency with a high participation of Asians and NHOPIs in its permanent workforce (higher than the CLF) would be expected to exhibit a correspondingly high rate among mid-level officials and managers.

This task force found triggers for the participation of Asians and NHOPIs as mid-level managers. The Social Security Administration has a permanent workforce of 62,996, with Asians participating at a rate of 3.99% and NHOPIs at 0.12%, or 4.11% combined. Table A3-1 shows there are a total of 3,046 Mid-level Officials and Managers. Of these, only 2.07% are Asian and 0.13% are NHOPIs. This yields a combined total of 2.20%

Asian and NHOPI participation at the mid-level. The significant difference at the Social Security Administration between 4.11% participation in the permanent workforce and only 2.20% serving as mid-level managers is a trigger. This discovery should lead to a barrier analysis, as there is a 1.91 percentage point difference. This disparity is particularly significant for a large agency.

A second great disparity is found in a subcomponent of the Department of Health and Human Services (HHS), the Centers for Disease Control. Asians and NHOPIs make up 5.31% of the permanent workforce of 7,094. However, only 2.32% of 345 mid-level Officials and Managers are Asian or NHOPI. At another HHS subcomponent, the National Institutes of Health, Asians and NHOPIs make up 13.49% of a permanent workforce of 14,421. However, only 5.19% of 501 mid-level officials and managers are Asian or NHOPI. Again, these are triggers and should be addressed by the EEO professional in a focused barrier analysis.

There are several other examples of agencies with lower than expected participation of Asians and NHOPIs as mid-level managers. At the Department of Veterans Affairs, Asians and NHOPIs comprise 6.18% of the permanent workforce of 216,979. But, of the 4,408 employees at the mid-level, only 2.15% are Asian or NHOPI. The data reveals a similar disparity within the Veterans Health Administration, a subcomponent of the Department of Veterans Affairs. There, Asians and NHOPIs make up 6.48% of the permanent workforce of 198,208. However, only 2.62% of 2,720 mid-level Officials and Managers are Asian or NHOPI. Finally, a Department of Commerce subcomponent, the National Institute of Standards and Technology, has a permanent workforce of 2,702, of which 8.07% are Asian or NHOPI. Of 79 mid-level managers, 3.80% are Asian or NHOPI.

c. Glass ceiling

The AAPI Work Group found that there were indications of a glass ceiling at many of the agencies reviewed. The glass ceiling is a phenomenon where an agency has a significant number of Asians and NHOPIs in its permanent workforce and in the pipeline grades that lead to the senior ranks of an agency, but has few or no Asians or NHOPIs participating in its senior ranks. This phenomenon does not only exist for Asians and NHOPIs, though. When a glass ceiling is found, it is a trigger and should be analyzed by the EEO professional and senior management to determine what barriers are causing the disparity.

In order to analyze whether a glass ceiling exists, the EEO professional can perform two comparisons. The first is similar to the analysis performed for mid-level officials and managers. However, in this case, the data on Table A3-1 would be drawn from the Executive/Senior Level Officials and Managers section, as that category includes employees at GS-15 and above. The proxy would again be the agency's permanent workforce.

A second and perhaps more exacting measure of a glass ceiling is a review of the feeder pools into the SES. MD-715 Workforce Data Tables A4-1 and A4-2 provide information on the participation rate of employees of each race and national origin category as well as men and women in each GS grade from GS01 through SES. Candidates for SES positions are generally selected from the GS14 or GS15 levels or from outside the agency. When there is adequate diversity in the GS14 and GS15 grades but no similar diversity in the SES, a trigger exists. This suggests that there is a glass ceiling operating to exclude that particular group from participation in the senior grades.

From a review of the data gathered, a number of agencies exhibited evidence of a glass ceiling. The most glaring example was found at the Department of Veterans Affairs. This agency has a permanent workforce participation of Asians and NHOPIs of 6.18%. Asians and NHOPIs make up a remarkable 18.57% of the GS15 positions. However, Asians only hold 1.06% of 283 SES positions at this agency.

Another example of an apparent glass ceiling is at the Department of Health and Human Services. Some 7.32% of this agency's permanent workforce is comprised of Asians and NHOPIs. Moreover, 9.12% of its GS14 and 6.06% of its GS15 positions are filled by Asians and NHOPIs. However, only 2.19% of 411 SES positions are filled by Asians or NHOPIs.

A final example of a glass ceiling trigger is at the Patent and Trademark Office (PTO). This agency has a very high participation rate of Asians and NHOPIs in its workforce. However, this rate falls sharply at the SES level. PTO's permanent workforce is 25.61% Asian and NHOPI. 29.17% of the GS14 level and 20.41% of the GS15 level employees are Asian or NHOPIs. However, just 7.14% at the SES level are Asian or NHOPI. Some EEO professionals may note that an SES participation rate of 7.14% is far above the CLF for this group (4.00%) and conclude that there is no trigger. This is in fact a flawed analysis. The high-level ranks of an agency should resemble the permanent workforce for that agency and if the pipeline to the SES is very diverse, then the SES would be expected to reflect this diversity. As explained earlier, the participation rate of the CLF would not be relevant to this analysis.

Besides reviewing MD-715 data tables for the 52 agencies, EEOC also reviewed each agency's entire narrative report, including Part I, to determine whether they are reporting their triggers for Asians and NHOPIs. EEOC found that while the data tables revealed there to be at least one trigger for Asians and NHOPIs in every agency, relatively few agencies—27 of 51—reported triggers.

There are several examples of triggers that were reported in the FY 2006 MD-715 Reports for the agencies reviewed. The Broadcasting Board of Governors identified low participation rates of Asian females at GS15 and Asian males at the SES. The United States Postal Service identified as triggers the lower than expected selection rates of Asian American and Pacific Islander (AAPI) males and females for the advanced leadership program and higher than expected separation rates of AAPI males and females. The Centers for Disease Control (CDC) identified a variety of triggers, including the lack of

participation of Asians in the SES despite their 6.76% participation rate in the total workforce. As explained earlier, the appropriate proxy should have been the *permanent* rather than the total workforce which was 5.21% for Asians at CDC in FY 2006. Thus, the disparity was 1.55 percentage points less than that determined by the CDC but nevertheless still significant. Some agencies identified the low participation of Asians in their mission-critical occupations. For example, the CDC identified the low participation of Asian males and females in the position of General Health Scientist compared to the Occupational CLF availability. Finally, several agencies identified as a trigger the low participation of Asians in the total workforce when compared to the CLF. Some agencies did not identify triggers for specific groups such as Asians but instead stated there were triggers for "minorities and women." As mentioned earlier, the use of the terms "minority" or "minorities and women" is outdated and does not correspond to the MD-715 barrier analysis process.

EEOC also conducted a written survey which was sent to all federal agencies. Responses were received from 55 agencies. A review of the data collected from the survey revealed that only 15 of 55 identified a trigger, 2 provided narrative information about triggers, and 38 did not identify any triggers. This data reveals that agencies are failing to understand the trigger identification process and need further guidance and education.

IV. Lack of Barrier Analysis and Recommended Solutions

a. Process of barrier analysis

This section defines barriers and barrier analysis and explains how a proper barrier analysis should be conducted. Additionally, the section describes what a barrier analysis would look like for the three types of triggers that were identified in the previous section of this report.

A barrier is an agency employment policy, procedure, practice, or condition that limits employment opportunities for members of a particular race/ethnicity/gender or because of a disability. Barrier analysis is an investigation of anomalies (triggers) found in workplace policies, procedures, and practices with an eye toward identifying the root causes of those triggers, and if necessary, eliminating them. Some examples of barriers that could limit employment opportunities for a group are:

- Single-source or limited-source recruiting
- Hiring laterally at higher grades, as opposed to hiring through feeder pools from one's own agency
- Use of overly narrow selection criteria, e.g., unnecessarily specialized experience requirements that many potential applicants are not likely to have
- Biased or hostile attitude of management toward a particular ethnic group, gender, or persons with disabilities

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A final example of a glass ceiling trigger is at the Patent and Trademark Office (PTO). This agency has a very high participation rate of Asians and NHOPIs in its workforce. However, this rate falls sharply at the SES level. PTO's permanent workforce is 25.61% Asian and NHOPI. 29.17% of the GS14 level and 20.41% of the GS15 level employees are Asian or NHOPIs. However, just 7.14% at the SES level are Asian or NHOPI. Some EEO professionals may note that an SES participation rate of 7.14% is far above the CLF for this group (4.00%) and conclude that there is no trigger. This is in fact a flawed analysis. The high-level ranks of an agency should resemble the permanent workforce for that agency and if the pipeline to the SES is very diverse, then the SES would be expected to reflect this diversity. As explained earlier, the participation rate of the CLF would not be relevant to this analysis.

Besides reviewing MD-715 data tables for the 52 agencies, EEOC also reviewed each agency's entire narrative report, including Part I, to determine whether they are reporting their triggers for Asians and NHOPIs. EEOC found that while the data tables revealed there to be at least one trigger for Asians and NHOPIs in every agency, relatively few agencies—27 of 51—reported triggers.

There are several examples of triggers that were reported in the FY 2006 MD-715 Reports for the agencies reviewed. The Broadcasting Board of Governors identified low participation rates of Asian females at GS15 and Asian males at the SES. The United States Postal Service identified as triggers the lower than expected selection rates of Asian American and Pacific Islander (AAPI) males and females for the advanced leadership program and higher than expected separation rates of AAPI males and females. The Centers for Disease Control (CDC) identified a variety of triggers, including the lack of

participation of Asians in the SES despite their 6.76% participation rate in the total workforce. As explained earlier, the appropriate proxy should have been the *permanent* rather than the total workforce which was 5.21% for Asians at CDC in FY 2006. Thus, the disparity was 1.55 percentage points less than that determined by the CDC but nevertheless still significant. Some agencies identified the low participation of Asians in their mission-critical occupations. For example, the CDC identified the low participation of Asian males and females in the position of General Health Scientist compared to the Occupational CLF availability. Finally, several agencies identified as a trigger the low participation of Asians in the total workforce when compared to the CLF. Some agencies did not identify triggers for specific groups such as Asians but instead stated there were triggers for "minorities and women." As mentioned earlier, the use of the terms "minority" or "minorities and women" is outdated and does not correspond to the MD-715 barrier analysis process.

EEOC also conducted a written survey which was sent to all federal agencies. Responses were received from 55 agencies. A review of the data collected from the survey revealed that only 15 of 55 identified a trigger, 2 provided narrative information about triggers, and 38 did not identify any triggers. This data reveals that agencies are failing to understand the trigger identification process and need further guidance and education.

IV. Lack of Barrier Analysis and Recommended Solutions

a. Process of barrier analysis

This section defines barriers and barrier analysis and explains how a proper barrier analysis should be conducted. Additionally, the section describes what a barrier analysis would look like for the three types of triggers that were identified in the previous section of this report.

A barrier is an agency employment policy, procedure, practice, or condition that limits employment opportunities for members of a particular race/ethnicity/gender or because of a disability. Barrier analysis is an investigation of anomalies (triggers) found in workplace policies, procedures, and practices with an eye toward identifying the root causes of those triggers, and if necessary, eliminating them. Some examples of barriers that could limit employment opportunities for a group are:

- Single-source or limited-source recruiting
- Hiring laterally at higher grades, as opposed to hiring through feeder pools from one's own agency
- Use of overly narrow selection criteria, e.g., unnecessarily specialized experience requirements that many potential applicants are not likely to have
- Biased or hostile attitude of management toward a particular ethnic group, gender, or persons with disabilities

These barriers may be apparent after a proper barrier analysis has been conducted.

b. Six steps to barrier analysis

The barrier analysis process is broken down into six steps: (1) review policies, practices, and procedures; (2) analyze source material; (3) identify triggers; (4) determine root cause of triggers; (5) if root cause is a barrier, devise an action plan to eliminate the barrier; and (6) the EEO professional should follow up on the identified barrier at regular intervals to determine the success of the action plan. Both EEO and Non-EEO professionals should be involved in the process of barrier analysis, incorporating ideas to make the process more complete. Upper-level management must also be invested in the process in order for it to be successful.

1. Review policies, practices, and procedures

An EEO professional needs to be familiar with the agency's policies, practices, and procedures in order to identify barriers. The areas which should be the subject of review are those in the natural employment progression, i.e., recruitment, hiring, training and career development, performance incentives and awards, competitive and career-ladder promotions, supervisory and managerial selections, disciplinary actions, and separations. There may be other examples specific to a particular agency, such as the process for security clearances in Department of Defense agencies.

2. Source material

The source materials for identifying anomalies are varied. These materials were described in the previous section and include workforce statistics (such as those found in the MD-715 Report Data Tables), EEO complaints, EEO and Human Resources office interviews or data, union and advocacy group interviews or data, employee surveys, focus groups, exit interviews, and studies done by outside organizations. The EEO professional must study these sources to ensure that a thorough review is conducted.

3. Identify triggers

As described in the previous section on triggers, the EEO professional should look at the source data and determine if any triggers are evident. For example, there may be anomalies in the workforce data tables, or recurring EEO complaints on a particular issue, against a particular manager, or in a particular office or section of the facility. Another example would be exit interviews which identify bias in employment decisions that lead to the increased separation of a particular protected group.

4. Determine root causes of triggers

A barrier is the root cause of the trigger. The goal is to pinpoint the root causes. The process can be analogized to peeling an onion, stripping away layers until there is an answer to the question "Why?" a condition exists. A simple example may be that the agency learns from a review of data that it has a low participation rate of Asians in its total

workforce. A logical next step may be to examine the applicant flow data. The applicant flow data shows that the agency is not getting applications from Asians, but primarily from white and black applicants. Why is this? The next step would be to review the recruitment policies and process. It turns out that the agency is only recruiting from three colleges that do not matriculate many Asians. Why? Is it because the three schools are the *alma maters* of the top agency officials? The barrier in this case would be that little or no recruitment is done at universities with more diverse student populations.

5. Action plan for elimination of barrier

This step is straightforward, but not always easy: the agency must establish a plan of action to address the identified barrier, the root cause of the undesired condition. The specific barrier along with the action plan should be described in Part I of the agency's MD-715 Report and updated every year. In the example above, the action plan would be to begin to recruit at a more diverse set of colleges. This would not mean that the agency would need to stop recruiting at the three colleges but could simply expand recruitment to areas of the country that have larger concentrations of Asians and NHOPIs.

6. Follow-up

The final step, and one that is often overlooked, is to assess whether the devised action plan was successful at eliminating the identified barrier. Possible indicators of success are: the participation rate is up, the separation rate is down, there are reduced complaints, and favorable responses in surveys or exit interviews conducted after the action plan has been implemented. In the example above, the agency would look to see if the participation rate of Asians is beginning to rise and may specifically want to investigate whether more applications are being received from Asian candidates. If the plan did not result in a greater participation rate or an increase in applications, then the agency can conclude that either the wrong barrier was identified or the action plan gave rise to a new barrier. This follow-up process requires the EEO professional to conduct a continuous assessment and monitoring process from year to year.

c. Lack of barrier analysis

An analysis of the data that we reviewed showed that very few agencies identified barriers even when they identified a trigger. Most often, triggers were mistakenly identified as barriers and were not analyzed using the six-step process explained above. Of the 51 agencies and sub-components reviewed, only nine identified a potential barrier. Despite the lack of barrier identification, almost every agency had an action plan to eliminate barriers. An action plan is most useful when a barrier has in fact been identified because the plan can be specifically tailored to address that particular barrier. Some identified barriers in the reports are described below:

- One agency ascertained that the selection process for an advanced leadership program resulted in lower than expected selection rates of AAPI males and females during FY 2006. While it was good that this agency identified that the selection process appeared to

be flawed, it did not drill down far enough to determine what part of the selection process was preventing more AAPIs from being selected.

- Another agency identified that limited hiring resulted in lower than expected participation of Asians. This agency may have found a cause but it did not find the root cause because limited hiring in and of itself would affect all EEO groups equally. So, this agency would need to drill down further to determine the root cause.

- Another agency identified as a barrier the lack of focused, systematic recruitment for groups with low participation rates. This in fact may be the root cause of the low participation of Asians or NHOPIs, but this agency did not specify the type of recruitment that was occurring or the groups that were not participating at an expected rate. A little more investigation could reveal a great deal.

- One agency stated that the trigger it was investigating was the fact that few Asian females are selected for the position of Security Guard. This is a very specific trigger and is a good start to the barrier analysis. This agency identified a number of barriers: (1) little flexibility in hours, with weekend and night work, (2) limited commuting options for guards that work at night, (3) little flexibility for child care arrangements, and (4) a limited number of Asian female candidates in the relevant labor pool. However, some of these identified barriers would tend to affect all groups. For example, limiting commuting options would affect men and women alike. Nevertheless, these may be barriers that are impacting the employment of Asian women.

- One agency identified the lack of emphasis on EEO goals as a barrier. It also identified as a barrier the decision making by some agency officials based on their preconceived ideas of race. It is likely that this agency was describing a possible culture at the agency which is hostile to EEO diversity. Such a culture is a definite barrier to employment of many groups. An action plan should be crafted to help change the culture at the agency.

- Finally, one agency identified insufficient efforts to hire, train, and promote “minority and women” employees as a barrier. This could be the beginning of the process, but this barrier is far too broad to affect a specific action plan. Also, the use of the terms “minorities and women” is outdated and not specific to any one group.

In addition, a number of other agencies’ barrier analyses were flawed because they were not tailored to Asians and NHOPIs. Also, agencies often identified triggers and indicated that they were working on the barrier analysis, but no progress is reported from year to year.

d. Specific examples of barrier analyses

1. Low participation in total workforce

When an agency finds that it has low participation of Asians or NHOPIs in the total workforce—as have the Department of Interior, Department of Agriculture, and the Office of Personnel Management—it must investigate the root cause for the lack of Asians and

NHOPIs in its workforce. Here, the EEO professional will look not only at the data in Table A1, which contains the total workforce data, but also at Workforce Data Table A8, containing information on new hires by type of appointment. The three categories in table A8 are permanent employees, temporary employees, and non-appropriated fund employees for each race, national origin, and gender category. This data will allow the investigator to understand whether a proportionate number of new employees are Asian or NHOPI. If Asians and NHOPIs are being hired at a lower than expected rate, this will confirm that there is a possible barrier in hiring. At this point, a critical analysis of the hiring process should be conducted. The agency may find that Asians and NHOPIs are not being encouraged to apply for vacancies because, for example, managers have preconceived notions that Asians are not adept at customer service jobs. This barrier may need to be addressed via training of managers. On the other hand, the agency may discover that Asians are not being targeted for recruitment and a more diverse recruitment effort must be undertaken. After this analysis is conducted, an action plan should be devised and implemented.

If Asians and NHOPIs are being hired at a greater rate than their participation in the workforce, it may indicate that a lack of hiring is not the cause of the low participation rate at the agency. A higher than expected hiring rate of Asians and NHOPIs may also indicate that measures that have previously been taken to increase hiring are resulting in a positive trend for Asians and NHOPIs. The EEO professional can then monitor the trend from year to year to see if it continues.

A third table, Workforce Data Table A14, should also be analyzed when an agency has a low participation rate of a particular EEO group. Table A14 records separations by type, i.e., voluntary and involuntary. If the agency finds that Asians and NHOPIs are separating at a much higher rate than the overall workforce, then the policies on separations should be analyzed to determine if there are barriers to retention of Asians and NHOPIs. Exit interviews, if available, should be reviewed to determine if there is a common theme. Perhaps a survey should be conducted to gather information on what is causing the unusually high separations among Asians. If separation rates for Asians and NHOPIs are lower than the overall rate, this would indicate that high turnover is not the reason for low participation of Asians and NHOPIs in the agency.

2. Low participation of mid-level managers

When an agency finds that it has low participation of Asians as mid-level officials and managers—as have the Social Security Administration and the Centers for Disease Control—an EEO professional must investigate the root cause of the trigger. As described earlier, the agency would find this trigger from a review of data in Table A3. The agency should then ask itself “Why?” and may review the participation rate of Asians and NHOPIs in its career development program. Workforce Data Table A12 reports the participation of different race, ethnicity, and gender groups in the agency’s career development slots for a particular year. Table A12 contains three sections: career development programs for GS 5-12, career development for GS13 and GS14, and career development for GS15 and above. The Table details the number of slots available, the

percent of the relevant pool participating for each demographic group, and the number of those who applied. A review of this data will show whether Asians and NHOPIs are participating in career development opportunities that could lead to advancement into the mid-level ranks of officials and managers. If Asians and NHOPIs are not participating, the agency should investigate how this condition can be remedied.

If Asians and NHOPIs are participating at a proportionate level in career development opportunities at the agency, then the investigation would continue to determine the root cause of the low participation among mid-level officials and managers at the agency. This may result in a review of other policies related to advancement. Another data table that would be relevant is Workforce Data Table A9, which records competitive promotions for major occupations. After this analysis, the agency may find that Asians or NHOPIs are not being selected as mid-level managers because an insufficient number apply for management positions due to lack of soft skills. The agency may then offer training for its mid-level grades to improve soft skills and encourage participation by Asians and NHOPIs.

3. Glass ceiling/low participation in senior grades

When an agency finds that it has low participation of Asians or NHOPIs in its senior grades—as at the Veterans Administration, Department of Health and Human Services, and the Patent and Trademark Office—it must similarly drill down to discover the root cause of the trigger. Besides Tables A3-1 and A4-1, which would be reviewed to discover a trigger, the agency should also look at Tables A11 and A12.

Table A11 records data on the agency's internal selection for senior-level positions. The three sections are for the GS13/14, GS15, and SES levels. The table includes, for each vacancy category, the applications received, information on those qualified for the positions, those selected for the positions, and the size of the relevant pool for each demographic group. From this table the agency can analyze whether there is a sufficient pool of applicants for the senior grades in each demographic group and see the rate of selection during the year. If there are sufficient applications but not a proportionate number of hires at the SES, then the agency would ask "Why?" and review the SES selection criteria. If there are insufficient applications from Asians and NHOPIs, then policies relating to recruitment in the senior ranks would be analyzed for barriers.

Table A12 contains career development data (as described earlier). Here, the agency would look at the section relating to GS15 and above to determine the participation rates of Asians and NHOPIs at the senior grades in career development programs. After the barrier analysis, the agency may determine that the cause for the lack of SES candidates who are Asian or NHOPI is the result of a lack of these groups taking advantage of available senior-level assignments. An action plan would then need to be devised to attract more Asians into the senior-level rotational assignments at the agency.

As illustrated above, the process of barrier analysis is fluid and goes from one step to another and can repeat certain steps before an actual barrier is found. The key to

successful barrier analysis is the persistence to drill down deep and inquire about the key reasons for disparities: only then can action plans be devised to remedy the specific barrier.

Appendix C

FEDERAL ASIAN AMERICAN AND PACIFIC ISLANDER SPECIAL EMPHASIS PROGRAMS AND COMPLAINTS SUB-GROUP REPORT

BACKGROUND

The Equal Employment Opportunity Commission formed the Asian American Pacific Islander Work Group (AAPIWG) to examine the issues of the Asian community with respect to the federal workplace. The AAPI Work Group produced and administered a survey to be completed by each federacy agency to test perceptions and gather information regarding the realities AAPI's face in the federal workplace.

The results of this survey authenticate the concerns of the AAPI community in the federal workplace. The survey highlights the level of activity, participation and support provided to the AAPI activities in comparison to other affinity groups within the organization. Based on the attendance of the seven (7) federally recognized observances, the Asian Pacific American Heritage Month observance participation comes in 6th place.

This is of concern, because the AAPI community is comprised of different religious and cultural groups, some of which have norms that are vastly different from those of traditional Euro-American perspectives. Consequently, agencies must raise the level of awareness among its employees so that they may be cognizant of the differences among the various groups, and thereby better understand and coalesce with these different groups. It is through special emphasis activities that employees get the opportunity to better understand and appreciate their colleagues. Indeed, the hope is that organizations will creatively convert cultural differences into transformative change, leading to functional advantage, rather than sources of differentiation, isolation and conflict. By understanding differences, employees from differing cultures can discover human commonalities as well, but to see those mutual traits through the prism of the different cultural perspectives. Again, this heightened understanding allows employees to function more efficaciously as organizational teams.

Special emphasis programs, particularly those having to do with the AAPI community ought not be viewed as mundane, ineffective and burdensome obligatory events. Rather, when used creatively and effectively, these programs are a benefit to governmental organizations. It is, therefore, incumbent upon senior managers and supervisors to support and attend such events as an indication of their commitment to supporting the Asian American Pacific Islander community. In so doing, managers can demonstrate to their organizations that their AAPI employees are valued and appreciated not only for the work that they do, but for what they bring to the organization as a whole. As a result, the AAPI employees can better incorporate and adapt to their respective work teams, and thus become more effective and productive team players. Moreover, when senior management supports such programs, AAPI employees are apt to engage

in complaint processes should the need arise. Engaging in complaint processes such as the EEO complaint process allows managers and supervisors to become aware of activities that are of concern and in need of correction. When employees feel that they are valued, when their concerns are addressed, when they are able to understand their colleagues and are themselves being understood, the work environment can become cohesive, productive and successful.

AAPI SPECIAL EMPHASIS AND COMPLAINTS SUB-GROUP

The AAPI Special Emphasis and Complaints Sub-group was created to identify additional challenges faced by federal sector Asian American Pacific Islander employees and to propose recommendations to overcome these challenges. In response to this charge, the Sub-group offers the following:

THE CHALLENGE

Special Emphasis Programs: Lack of participation among the workforce-at-large pertaining to the participation in Asian & Pacific American Special Emphasis Events and lack of support from the agency to allow Asian & Pacific Americans to participate in outreach activities and conferences.

Complaints Process: Little to no formal EEO complaint activities identified among the Asian & Pacific American employees; however, discriminatory concerns have been voiced among the Asian/Pacific community.

PROJECT OBJECTIVES

The primary objective of the AAPI Special Emphasis and Complaints Sub-group was to:

- Raise awareness of existing concerns and problems of the Asian/Pacific community;
- Identify and recommend proactive measures to all stakeholders; and to
- Examine the community's concerns about federal-sector Special Emphasis Programs and the EEO complaint process.

STRATEGIC PLAN

The AAPI Special Emphasis and Complaints Sub-group developed a strategy to assist the AAPI community in addressing the issues covering federal sector Special Emphasis Programs and the EEO Complaint Process. The strategy included meeting with the Executives of FAPAC and the Asian Congressional Caucus and developing the following plan:

STEP ONE - Defining the Problem and Establishing the Goals

STEP TWO - Listing Alternative Tools to assist in the Resolution of the Problems

STEP THREE - Reviewing the Alternatives

1. Why were the alternatives selected?
2. How did you evaluate the alternative solution(s)?
3. What values did you consider most important?
4. What are the advantages and disadvantages of each alternative?

STEP FOUR - Choosing the Best Alternatives (or Combination of Alternatives)

1. Selection process
2. Analysis of alternatives

STEP FIVE – Implementing the Solution

1. Who should do it?
2. How might support for proposal be achieved?
3. What is action group's relation to power figures?
4. What strategy(ies) would you recommend? Why?
5. What specific tactics or methods might be used?

STEP SIX – Reviewing the Progress - At the agreed upon times, review how well the solution was implemented and what additional problem-solving efforts should be made.

RECOMMENDED SOLUTIONS

During the next phase, the AAPI Sub-group established the following recommendations:

Special Emphasis Programs: Agency senior management should support and encourage participation in Asian American and Pacific Islander sponsored activities/training sessions. They should also require that managers and supervisors actively support Asian American/Pacific Islander activities (i.e – conferences, training sessions, meetings addressing AAPI issues, etc.). In addition, the AAPI Sub-group offers the following recommendations:

- **Enhance Efforts of Asian Groups** – Asian Groups must be more proactive in supporting the AAPI community on issues relating to the injustices endured by AAPIs. AAPI employees should be more assertive, more proactive and take the initiative to question negative decisions that are made by management regarding training, leave requests, travel requests and meeting participation.

- **Increase FAPAC's Visibility within Federal Agencies** –During interviews with AAPI federal employees, many admitted that they are not aware of the services provided by FAPAC.

Therefore, FAPAC must be more proactive in educating federal employees on the mission and the services offered by their organization.

- **Review Demographics of AAPIs and Evaluate Agency Human Resource and Training Services Outreach Processes -** Federal agencies should review the demographics of the AAPI employees and assess the data collected by the EEOC to determine if there is a disparity of the support provided to the AAPI employees versus non-AAPI employees within their agencies.

- **Solicit Support of Internal/External/Congressional Resources**
  Highlight Advocacy Groups – The AAPI community should solicit the support of internal/external and congressional resources to assist them in overcoming the challenges that they face in their communities and the federal government. AAPIs should take advantage of the strategies that other minority groups have successfully used when obtaining the services of such service oriented groups.

- **Conduct Brown Bag Diversity Training Sessions and Sponsor Networking Events for the Various Special Emphasis Groups –** Agencies should conduct Brown Bag Diversity Training sessions and host networking events for the various Special Emphasis Groups to highlight the diverseness of the different affinity groups including AAPIs.

- **Establish a Joint Federal Agency Asian/Pacific Council –** AAPI employees should establish Joint AAPI Councils to address the challenges that AAPIs face in the federal workplace. It is known that there is strength in numbers; therefore, it is imperative that the AAPI employees join forces to address challenges and injustices that they may encountered in the federal government.

- **Encourage Agencies to Fund Office of Personnel Management (OPM) Sanctioned Conferences –** Agencies should support the participation of one person or more (if funding available) from every affinity group to participate in OPM sanctioned conferences.

- **Agency Diversity Forums –** Agencies can establish a forum that has at least one representative from each affinity group (IMAGE/BIG/ FEW/ FAPAC/ etc…) affiliated with that particular government agency. This group could meet on a regular basis to discuss concerns that directly impact their group and seek out a resolution by way of consensus among the Diversity Forum. By discussing problems in this type of setting allows each participant to become exposed to other perspectives/styles/approaches on how to resolve issues facing the group. Each group will benefit from the other. And the creation of a dialogue among the groups will eventually build a very influential coalition.

Complaint Process: Agencies should take extra measures to provide training and statistical information regarding the complaint process to the Asian American and Pacific Islander employees; and identify the benefits of the complaint process by highlighting historical cases that pertain to the Asian/Pacific community. We also recommend that the EEO Directors and EEO Offices take extra measures to support AAPI activities such as reviewing AAPI EEO case data;

reviewing AAPI demographics and assisting AAPI employees in overcoming their fear of the EEO Process and retaliation by breaking the myths of the EEO Complaint process.

Dr. Sharon Goto noted at the Commission Meeting on July 22, 2008, that Asians are more likely to claim that discrimination occurred when discussing a matter with another Asian. Based on this anecdotal evidence, this appears to be a barrier for AAPIs to the EEO complaint process. Therefore, it is highly recommended that EEO practitioners and FAPAC provide assistance in overcoming this and other barriers for those persons who may experience difficulties or discomfort in bringing forth their EEO claims. In addition, this relationship between the EEO Office and the AAPI affinity group can help to surmount the persistent fear of reprisal, and can encourage victims of discrimination to enforce their legal rights as federal employees.
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In order to help AAPI employees in overcoming their fears of the EEO process, EEO Directors and FAPAC can assist by highlighting prominent EEO winning cases. A list of important EEOC decisions regarding AAPIs is found at Appendix D.

OTHER RECOMMENDATIONS

The Sub-group met with the President of the Federal Asian Pacific American Council (FAPAC) and provided the following recommendations to assist FAPAC in accomplishing its mission of representing Asian Pacific American (APA) employees in the Federal and District of Columbia Government. The following items were recommended to achieve the goal of involving more participation in FAPAC:

- FAPAC should be more proactive in the AAPI community and the federal government and issue FAPAC conference information earlier to federal agencies to provide adequate marketing of the conference;

- FAPAC should also increase EEO workshops at FAPAC conferences; and

- FAPAC should revise the existing FAPAC website to include: contact information for an interpreter to assist the AAPI community and employees with language barriers; a link that has the flow chart of the EEO process to assist AAPI federal employees in understanding the steps within the EEO process; EEO Office contact information to assist AAPI employees in making contact with federal EEO Offices; on-line EEO training courses to further educate the AAPI community and employees on the EEO process; list upcoming FAPAC training announcements; a catalog of private and federal sector job vacancy announcements; and a resume bank to assist AAPI employees in the preparation of

their resumes and the required Knowledge, Skills and Abilities requirements for federal employment.

These suggestions and efforts are useful ways to engage more individuals in the overall prospect of meaningful dialog and interaction with FAPAC.

BEST PRACTICES

The sub-group interviewed managers from several agencies to obtain the best practices used to achieve successful Special Emphasis Programs through executive support and increased audience participation and to determine the best methods used to assist and educate AAPIs in the EEO complaint process. The results are as follows:

SPECIAL EMPHASIS PROGRAMS

U.S. Department of Health and Human Services – The agency invites internal Executives to participate and serve on Special Emphasis Programs as guest speakers, panel members, and moderators to demonstrate a commitment from the agency's top executives.

Broadcasting Board of Governors - The agency host joint Special Emphasis Programs co-sponsored with other agencies to ensure high attendance levels, which reduces cost and reaches a larger population of Executives, Managers and employees.

The Office of Peace Corp American Diversity Programs - The Special Emphasis Programs and Conferences are marketed through agency-wide e-mail announcements, posters, and other disseminations as deemed appropriate. The Agency head as well as the senior managers encourage participation at the programs/conferences. Support for the programs/conferences is obtained through the agency's senior management.

The Holocaust Museum Diversity Programs – The agency sends an invitation to all employees and invites local schools to attend the Special Emphasis Programs which encourages employee participation and provides and educational forums for local youth.

The Office of Personnel Management American Diversity Programs – The agency rotates the financial responsibility for each Special Emphasis Observance to individual OPM Program Offices each year. This eliminates the burden of one office being responsible for the cost to host such Programs and it creates a position of buy-in from the host Program Office. In addition, the OPM Director sends out an electronic message to announce the Special Emphasis Programs which shows a sense of commitment from the highest level of the agency. Also a voicemail message is sent from the EEO Office and posters and other disseminations are distributed the morning of the event. As another measure to support the OPM AAPI employees, the OPM Special Emphasis Manager attends regularly scheduled FAPAC Meetings.

U.S. Department of Agriculture – A memorandum is sent from the Assistant Secretary for Civil Rights (ASCR) to the agencies Under Secretaries, Agency Heads, Agency Civil Rights and Human Resources Directors to announce all Special Emphasis Programs and to solicit support for

the programs. In addition, an electronic mail blast, flyers, posters; TV- LAN messages as well as word of mouth marketing are used as advertisement on the day of the program

U.S. Department of Housing and Urban Development - The agency's Affirmative Employment Division (AED) is ultimately responsible for hosting all of the Special Emphasis Programs for the U.S. Department of Housing and Urban Development. A full-time journeyman's-level Equal Opportunity Specialist is assigned to manage and facilitate all HUD Special Emphasis Programs. To ensure inclusiveness and to develop events that capture various cultural perspectives, AED encourages and facilitates the participation of HUD-wide affinity groups in the planning and implementation stages of the development of the Special Emphasis Programs.

The AED invites the Secretary of HUD and principal staff members to participate in each of the Special Emphasis Programs. The presence and involvement of senior staff members tend to draw the support and attendance of the HUD workforce.

COMPLAINT PROCESS

The Office of Peace Corp American Diversity Programs – The agency ensures that all new employees receive an orientation upon their first day at work, which includes a discussion of employees' rights to file discrimination complaints, as well as a discussion of the EEO complaint process. Thereafter, all employees attend an annual EEO, Diversity, and Sexual Harassment training session, which also includes segments focused on the employees' rights to file discrimination complaints and the EEO complaint process.

U.S. Department of Housing and Urban Development – The agency ensures that the employees' rights and responsibilities and the EEO process are posted conspicuously in common areas at HUD Headquarters and in all Regional Offices. New employees are briefed on their rights and the EEO process during mandatory new employee's orientation monthly and the new Supervisor's training. Employee rights and the EEO process are provided and discussed during all facilitations, and conflict resolution training provided to Program Office.

CONCLUSION/BENEFITS

The 2000 Census revealed that 44% of Asian American Pacific Islanders over the age of 25 had 4 or more years of college compared with 28% of Whites, 16% African Americans and 11% of Latinos. The education advantage obtained by AAPIs is even more apparent in the 25 to 29 young adult group. The high levels of education are reflected in the occupations of Asians and Pacific Islanders. More than 7% of the nation's high tech workers are AAPIs and this figure represents a significant proportion of the nation's best-educated scientists and technicians.[3] Nonetheless, the protection of their civil rights provides unique challenges in the federal sector. As noted throughout this report, two particular challenges are evident:

[3] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
DHHS - Indian Health Service (IHS)	0.96%	2.04%	4.53%	6.58%	0.00%
DHHS - National Institutes of Health (NIH)	13.49%	10.16%	12.89%	8.20%	3.28%
DHHS - Office of the Secretary & Admin on Aging (OS&AA)	5.24%	5.29%	5.33%	4.19%	1.76%
Department of Veterans Affairs – Main	6.18%	4.65%	3.38%	18.57%	1.06%
Department of Veterans Affairs – Nat'l Cemetery Admin. (NCA)	3.77%	3.12%	10.00%	0.00%	0.00%
Department of Veterans Affairs - Veterans Benefits Admin. (VBA)	2.96%	2.51%	2.06%	2.66%	0.00%
Department of Veterans Affairs - Veterans Health Admin. (VHA)	6.48%	4.87%	3.54%	19.12%	1.24%

***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

participation of Asians in the SES despite their 6.76% participation rate in the total workforce. As explained earlier, the appropriate proxy should have been the *permanent* rather than the total workforce which was 5.21% for Asians at CDC in FY 2006. Thus, the disparity was 1.55 percentage points less than that determined by the CDC but nevertheless still significant. Some agencies identified the low participation of Asians in their mission-critical occupations. For example, the CDC identified the low participation of Asian males and females in the position of General Health Scientist compared to the Occupational CLF availability. Finally, several agencies identified as a trigger the low participation of Asians in the total workforce when compared to the CLF. Some agencies did not identify triggers for specific groups such as Asians but instead stated there were triggers for "minorities and women." As mentioned earlier, the use of the terms "minority" or "minorities and women" is outdated and does not correspond to the MD-715 barrier analysis process.

EEOC also conducted a written survey which was sent to all federal agencies. Responses were received from 55 agencies. A review of the data collected from the survey revealed that only 15 of 55 identified a trigger, 2 provided narrative information about triggers, and 38 did not identify any triggers. This data reveals that agencies are failing to understand the trigger identification process and need further guidance and education.

IV. Lack of Barrier Analysis and Recommended Solutions

a. Process of barrier analysis

This section defines barriers and barrier analysis and explains how a proper barrier analysis should be conducted. Additionally, the section describes what a barrier analysis would look like for the three types of triggers that were identified in the previous section of this report.

A barrier is an agency employment policy, procedure, practice, or condition that limits employment opportunities for members of a particular race/ethnicity/gender or because of a disability. Barrier analysis is an investigation of anomalies (triggers) found in workplace policies, procedures, and practices with an eye toward identifying the root causes of those triggers, and if necessary, eliminating them. Some examples of barriers that could limit employment opportunities for a group are:

- Single-source or limited-source recruiting
- Hiring laterally at higher grades, as opposed to hiring through feeder pools from one's own agency
- Use of overly narrow selection criteria, e.g., unnecessarily specialized experience requirements that many potential applicants are not likely to have
- Biased or hostile attitude of management toward a particular ethnic group, gender, or persons with disabilities

A second and perhaps more exacting measure of a glass ceiling is a review of the feeder pools into the SES. MD-715 Workforce Data Tables A4-1 and A4-2 provide information on the participation rate of employees of each race and national origin category as well as men and women in each GS grade from GS01 through SES. Candidates for SES positions are generally selected from the GS14 or GS15 levels or from outside the agency. When there is adequate diversity in the GS14 and GS15 grades but no similar diversity in the SES, a trigger exists. This suggests that there is a glass ceiling operating to exclude that particular group from participation in the senior grades.

From a review of the data gathered, a number of agencies exhibited evidence of a glass ceiling. The most glaring example was found at the Department of Veterans Affairs. This agency has a permanent workforce participation of Asians and NHOPIs of 6.18%. Asians and NHOPIs make up a remarkable 18.57% of the GS15 positions. However, Asians only hold 1.06% of 283 SES positions at this agency.

Another example of an apparent glass ceiling is at the Department of Health and Human Services. Some 7.32% of this agency's permanent workforce is comprised of Asians and NHOPIs. Moreover, 9.12% of its GS14 and 6.06% of its GS15 positions are filled by Asians and NHOPIs. However, only 2.19% of 411 SES positions are filled by Asians or NHOPIs.

A final example of a glass ceiling trigger is at the Patent and Trademark Office (PTO). This agency has a very high participation rate of Asians and NHOPIs in its workforce. However, this rate falls sharply at the SES level. PTO's permanent workforce is 25.61% Asian and NHOPI. 29.17% of the GS14 level and 20.41% of the GS15 level employees are Asian or NHOPIs. However, just 7.14% at the SES level are Asian or NHOPI. Some EEO professionals may note that an SES participation rate of 7.14% is far above the CLF for this group (4.00%) and conclude that there is no trigger. This is in fact a flawed analysis. The high-level ranks of an agency should resemble the permanent workforce for that agency and if the pipeline to the SES is very diverse, then the SES would be expected to reflect this diversity. As explained earlier, the participation rate of the CLF would not be relevant to this analysis.

Besides reviewing MD-715 data tables for the 52 agencies, EEOC also reviewed each agency's entire narrative report, including Part I, to determine whether they are reporting their triggers for Asians and NHOPIs. EEOC found that while the data tables revealed there to be at least one trigger for Asians and NHOPIs in every agency, relatively few agencies—27 of 51—reported triggers.

There are several examples of triggers that were reported in the FY 2006 MD-715 Reports for the agencies reviewed. The Broadcasting Board of Governors identified low participation rates of Asian females at GS15 and Asian males at the SES. The United States Postal Service identified as triggers the lower than expected selection rates of Asian American and Pacific Islander (AAPI) males and females for the advanced leadership program and higher than expected separation rates of AAPI males and females. The Centers for Disease Control (CDC) identified a variety of triggers, including the lack of

participation of Asians in the SES despite their 6.76% participation rate in the total workforce. As explained earlier, the appropriate proxy should have been the *permanent* rather than the total workforce which was 5.21% for Asians at CDC in FY 2006. Thus, the disparity was 1.55 percentage points less than that determined by the CDC but nevertheless still significant. Some agencies identified the low participation of Asians in their mission-critical occupations. For example, the CDC identified the low participation of Asian males and females in the position of General Health Scientist compared to the Occupational CLF availability. Finally, several agencies identified as a trigger the low participation of Asians in the total workforce when compared to the CLF. Some agencies did not identify triggers for specific groups such as Asians but instead stated there were triggers for "minorities and women." As mentioned earlier, the use of the terms "minority" or "minorities and women" is outdated and does not correspond to the MD-715 barrier analysis process.

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- Use of overly narrow selection criteria, e.g., unnecessarily specialized experience requirements that many potential applicants are not likely to have
- Biased or hostile attitude of management toward a particular ethnic group, gender, or persons with disabilities

These barriers may be apparent after a proper barrier analysis has been conducted.

b. Six steps to barrier analysis

The barrier analysis process is broken down into six steps: (1) review policies, practices, and procedures; (2) analyze source material; (3) identify triggers; (4) determine root cause of triggers; (5) if root cause is a barrier, devise an action plan to eliminate the barrier; and (6) the EEO professional should follow up on the identified barrier at regular intervals to determine the success of the action plan. Both EEO and Non-EEO professionals should be involved in the process of barrier analysis, incorporating ideas to make the process more complete. Upper-level management must also be invested in the process in order for it to be successful.

1. Review policies, practices, and procedures

An EEO professional needs to be familiar with the agency's policies, practices, and procedures in order to identify barriers. The areas which should be the subject of review are those in the natural employment progression, i.e., recruitment, hiring, training and career development, performance incentives and awards, competitive and career-ladder promotions, supervisory and managerial selections, disciplinary actions, and separations. There may be other examples specific to a particular agency, such as the process for security clearances in Department of Defense agencies.

2. Source material

The source materials for identifying anomalies are varied. These materials were described in the previous section and include workforce statistics (such as those found in the MD-715 Report Data Tables), EEO complaints, EEO and Human Resources office interviews or data, union and advocacy group interviews or data, employee surveys, focus groups, exit interviews, and studies done by outside organizations. The EEO professional must study these sources to ensure that a thorough review is conducted.

3. Identify triggers

As described in the previous section on triggers, the EEO professional should look at the source data and determine if any triggers are evident. For example, there may be anomalies in the workforce data tables, or recurring EEO complaints on a particular issue, against a particular manager, or in a particular office or section of the facility. Another example would be exit interviews which identify bias in employment decisions that lead to the increased separation of a particular protected group.

4. Determine root causes of triggers

A barrier is the root cause of the trigger. The goal is to pinpoint the root causes. The process can be analogized to peeling an onion, stripping away layers until there is an answer to the question "Why?" a condition exists. A simple example may be that the agency learns from a review of data that it has a low participation rate of Asians in its total

workforce. A logical next step may be to examine the applicant flow data. The applicant flow data shows that the agency is not getting applications from Asians, but primarily from white and black applicants. Why is this? The next step would be to review the recruitment policies and process. It turns out that the agency is only recruiting from three colleges that do not matriculate many Asians. Why? Is it because the three schools are the *alma maters* of the top agency officials? The barrier in this case would be that little or no recruitment is done at universities with more diverse student populations.

5. Action plan for elimination of barrier

This step is straightforward, but not always easy: the agency must establish a plan of action to address the identified barrier, the root cause of the undesired condition. The specific barrier along with the action plan should be described in Part I of the agency's MD-715 Report and updated every year. In the example above, the action plan would be to begin to recruit at a more diverse set of colleges. This would not mean that the agency would need to stop recruiting at the three colleges but could simply expand recruitment to areas of the country that have larger concentrations of Asians and NHOPIs.

6. Follow-up

The final step, and one that is often overlooked, is to assess whether the devised action plan was successful at eliminating the identified barrier. Possible indicators of success are: the participation rate is up, the separation rate is down, there are reduced complaints, and favorable responses in surveys or exit interviews conducted after the action plan has been implemented. In the example above, the agency would look to see if the participation rate of Asians is beginning to rise and may specifically want to investigate whether more applications are being received from Asian candidates. If the plan did not result in a greater participation rate or an increase in applications, then the agency can conclude that either the wrong barrier was identified or the action plan gave rise to a new barrier. This follow-up process requires the EEO professional to conduct a continuous assessment and monitoring process from year to year.

c. Lack of barrier analysis

An analysis of the data that we reviewed showed that very few agencies identified barriers even when they identified a trigger. Most often, triggers were mistakenly identified as barriers and were not analyzed using the six-step process explained above. Of the 51 agencies and sub-components reviewed, only nine identified a potential barrier. Despite the lack of barrier identification, almost every agency had an action plan to eliminate barriers. An action plan is most useful when a barrier has in fact been identified because the plan can be specifically tailored to address that particular barrier. Some identified barriers in the reports are described below:

- One agency ascertained that the selection process for an advanced leadership program resulted in lower than expected selection rates of AAPI males and females during FY 2006. While it was good that this agency identified that the selection process appeared to

be flawed, it did not drill down far enough to determine what part of the selection process was preventing more AAPIs from being selected.

- Another agency identified that limited hiring resulted in lower than expected participation of Asians. This agency may have found a cause but it did not find the root cause because limited hiring in and of itself would affect all EEO groups equally. So, this agency would need to drill down further to determine the root cause.

- Another agency identified as a barrier the lack of focused, systematic recruitment for groups with low participation rates. This in fact may be the root cause of the low participation of Asians or NHOPIs, but this agency did not specify the type of recruitment that was occurring or the groups that were not participating at an expected rate. A little more investigation could reveal a great deal.

- One agency stated that the trigger it was investigating was the fact that few Asian females are selected for the position of Security Guard. This is a very specific trigger and is a good start to the barrier analysis. This agency identified a number of barriers: (1) little flexibility in hours, with weekend and night work, (2) limited commuting options for guards that work at night, (3) little flexibility for child care arrangements, and (4) a limited number of Asian female candidates in the relevant labor pool. However, some of these identified barriers would tend to affect all groups. For example, limiting commuting options would affect men and women alike. Nevertheless, these may be barriers that are impacting the employment of Asian women.

- One agency identified the lack of emphasis on EEO goals as a barrier. It also identified as a barrier the decision making by some agency officials based on their preconceived ideas of race. It is likely that this agency was describing a possible culture at the agency which is hostile to EEO diversity. Such a culture is a definite barrier to employment of many groups. An action plan should be crafted to help change the culture at the agency.

- Finally, one agency identified insufficient efforts to hire, train, and promote “minority and women” employees as a barrier. This could be the beginning of the process, but this barrier is far too broad to affect a specific action plan. Also, the use of the terms “minorities and women” is outdated and not specific to any one group.

In addition, a number of other agencies’ barrier analyses were flawed because they were not tailored to Asians and NHOPIs. Also, agencies often identified triggers and indicated that they were working on the barrier analysis, but no progress is reported from year to year.

d. Specific examples of barrier analyses

1. Low participation in total workforce

When an agency finds that it has low participation of Asians or NHOPIs in the total workforce—as have the Department of Interior, Department of Agriculture, and the Office of Personnel Management—it must investigate the root cause for the lack of Asians and

NHOPIs in its workforce. Here, the EEO professional will look not only at the data in Table A1, which contains the total workforce data, but also at Workforce Data Table A8, containing information on new hires by type of appointment. The three categories in table A8 are permanent employees, temporary employees, and non-appropriated fund employees for each race, national origin, and gender category. This data will allow the investigator to understand whether a proportionate number of new employees are Asian or NHOPI. If Asians and NHOPIs are being hired at a lower than expected rate, this will confirm that there is a possible barrier in hiring. At this point, a critical analysis of the hiring process should be conducted. The agency may find that Asians and NHOPIs are not being encouraged to apply for vacancies because, for example, managers have preconceived notions that Asians are not adept at customer service jobs. This barrier may need to be addressed via training of managers. On the other hand, the agency may discover that Asians are not being targeted for recruitment and a more diverse recruitment effort must be undertaken. After this analysis is conducted, an action plan should be devised and implemented.

If Asians and NHOPIs are being hired at a greater rate than their participation in the workforce, it may indicate that a lack of hiring is not the cause of the low participation rate at the agency. A higher than expected hiring rate of Asians and NHOPIs may also indicate that measures that have previously been taken to increase hiring are resulting in a positive trend for Asians and NHOPIs. The EEO professional can then monitor the trend from year to year to see if it continues.

A third table, Workforce Data Table A14, should also be analyzed when an agency has a low participation rate of a particular EEO group. Table A14 records separations by type, i.e., voluntary and involuntary. If the agency finds that Asians and NHOPIs are separating at a much higher rate than the overall workforce, then the policies on separations should be analyzed to determine if there are barriers to retention of Asians and NHOPIs. Exit interviews, if available, should be reviewed to determine if there is a common theme. Perhaps a survey should be conducted to gather information on what is causing the unusually high separations among Asians. If separation rates for Asians and NHOPIs are lower than the overall rate, this would indicate that high turnover is not the reason for low participation of Asians and NHOPIs in the agency.

2. Low participation of mid-level managers

When an agency finds that it has low participation of Asians as mid-level officials and managers—as have the Social Security Administration and the Centers for Disease Control—an EEO professional must investigate the root cause of the trigger. As described earlier, the agency would find this trigger from a review of data in Table A3. The agency should then ask itself “Why?” and may review the participation rate of Asians and NHOPIs in its career development program. Workforce Data Table A12 reports the participation of different race, ethnicity, and gender groups in the agency’s career development slots for a particular year. Table A12 contains three sections: career development programs for GS 5-12, career development for GS13 and GS14, and career development for GS15 and above. The Table details the number of slots available, the

percent of the relevant pool participating for each demographic group, and the number of those who applied. A review of this data will show whether Asians and NHOPIs are participating in career development opportunities that could lead to advancement into the mid-level ranks of officials and managers. If Asians and NHOPIs are not participating, the agency should investigate how this condition can be remedied.

If Asians and NHOPIs are participating at a proportionate level in career development opportunities at the agency, then the investigation would continue to determine the root cause of the low participation among mid-level officials and managers at the agency. This may result in a review of other policies related to advancement. Another data table that would be relevant is Workforce Data Table A9, which records competitive promotions for major occupations. After this analysis, the agency may find that Asians or NHOPIs are not being selected as mid-level managers because an insufficient number apply for management positions due to lack of soft skills. The agency may then offer training for its mid-level grades to improve soft skills and encourage participation by Asians and NHOPIs.

3. Glass ceiling/low participation in senior grades

When an agency finds that it has low participation of Asians or NHOPIs in its senior grades—as at the Veterans Administration, Department of Health and Human Services, and the Patent and Trademark Office—it must similarly drill down to discover the root cause of the trigger. Besides Tables A3-1 and A4-1, which would be reviewed to discover a trigger, the agency should also look at Tables A11 and A12.

Table A11 records data on the agency's internal selection for senior-level positions. The three sections are for the GS13/14, GS15, and SES levels. The table includes, for each vacancy category, the applications received, information on those qualified for the positions, those selected for the positions, and the size of the relevant pool for each demographic group. From this table the agency can analyze whether there is a sufficient pool of applicants for the senior grades in each demographic group and see the rate of selection during the year. If there are sufficient applications but not a proportionate number of hires at the SES, then the agency would ask "Why?" and review the SES selection criteria. If there are insufficient applications from Asians and NHOPIs, then policies relating to recruitment in the senior ranks would be analyzed for barriers.

Table A12 contains career development data (as described earlier). Here, the agency would look at the section relating to GS15 and above to determine the participation rates of Asians and NHOPIs at the senior grades in career development programs. After the barrier analysis, the agency may determine that the cause for the lack of SES candidates who are Asian or NHOPI is the result of a lack of these groups taking advantage of available senior-level assignments. An action plan would then need to be devised to attract more Asians into the senior-level rotational assignments at the agency.

As illustrated above, the process of barrier analysis is fluid and goes from one step to another and can repeat certain steps before an actual barrier is found. The key to

successful barrier analysis is the persistence to drill down deep and inquire about the key reasons for disparities: only then can action plans be devised to remedy the specific barrier.

Appendix C

FEDERAL ASIAN AMERICAN AND PACIFIC ISLANDER SPECIAL EMPHASIS PROGRAMS AND COMPLAINTS SUB-GROUP REPORT

BACKGROUND

The Equal Employment Opportunity Commission formed the Asian American Pacific Islander Work Group (AAPIWG) to examine the issues of the Asian community with respect to the federal workplace. The AAPI Work Group produced and administered a survey to be completed by each federacy agency to test perceptions and gather information regarding the realities AAPI's face in the federal workplace.

The results of this survey authenticate the concerns of the AAPI community in the federal workplace. The survey highlights the level of activity, participation and support provided to the AAPI activities in comparison to other affinity groups within the organization. Based on the attendance of the seven (7) federally recognized observances, the Asian Pacific American Heritage Month observance participation comes in 6th place.

This is of concern, because the AAPI community is comprised of different religious and cultural groups, some of which have norms that are vastly different from those of traditional Euro-American perspectives. Consequently, agencies must raise the level of awareness among its employees so that they may be cognizant of the differences among the various groups, and thereby better understand and coalesce with these different groups. It is through special emphasis activities that employees get the opportunity to better understand and appreciate their colleagues. Indeed, the hope is that organizations will creatively convert cultural differences into transformative change, leading to functional advantage, rather than sources of differentiation, isolation and conflict. By understanding differences, employees from differing cultures can discover human commonalities as well, but to see those mutual traits through the prism of the different cultural perspectives. Again, this heightened understanding allows employees to function more efficaciously as organizational teams.

Special emphasis programs, particularly those having to do with the AAPI community ought not be viewed as mundane, ineffective and burdensome obligatory events. Rather, when used creatively and effectively, these programs are a benefit to governmental organizations. It is, therefore, incumbent upon senior managers and supervisors to support and attend such events as an indication of their commitment to supporting the Asian American Pacific Islander community. In so doing, managers can demonstrate to their organizations that their AAPI employees are valued and appreciated not only for the work that they do, but for what they bring to the organization as a whole. As a result, the AAPI employees can better incorporate and adapt to their respective work teams, and thus become more effective and productive team players. Moreover, when senior management supports such programs, AAPI employees are apt to engage

in complaint processes should the need arise. Engaging in complaint processes such as the EEO complaint process allows managers and supervisors to become aware of activities that are of concern and in need of correction. When employees feel that they are valued, when their concerns are addressed, when they are able to understand their colleagues and are themselves being understood, the work environment can become cohesive, productive and successful.

AAPI SPECIAL EMPHASIS AND COMPLAINTS SUB-GROUP

The AAPI Special Emphasis and Complaints Sub-group was created to identify additional challenges faced by federal sector Asian American Pacific Islander employees and to propose recommendations to overcome these challenges. In response to this charge, the Sub-group offers the following:

THE CHALLENGE

Special Emphasis Programs: Lack of participation among the workforce-at-large pertaining to the participation in Asian & Pacific American Special Emphasis Events and lack of support from the agency to allow Asian & Pacific Americans to participate in outreach activities and conferences.

Complaints Process: Little to no formal EEO complaint activities identified among the Asian & Pacific American employees; however, discriminatory concerns have been voiced among the Asian/Pacific community.

PROJECT OBJECTIVES

The primary objective of the AAPI Special Emphasis and Complaints Sub-group was to:

- Raise awareness of existing concerns and problems of the Asian/Pacific community;
- Identify and recommend proactive measures to all stakeholders; and to
- Examine the community's concerns about federal-sector Special Emphasis Programs and the EEO complaint process.

STRATEGIC PLAN

The AAPI Special Emphasis and Complaints Sub-group developed a strategy to assist the AAPI community in addressing the issues covering federal sector Special Emphasis Programs and the EEO Complaint Process. The strategy included meeting with the Executives of FAPAC and the Asian Congressional Caucus and developing the following plan:

STEP ONE - Defining the Problem and Establishing the Goals

STEP TWO - Listing Alternative Tools to assist in the Resolution of the Problems

STEP THREE - Reviewing the Alternatives

1. Why were the alternatives selected?
2. How did you evaluate the alternative solution(s)?
3. What values did you consider most important?
4. What are the advantages and disadvantages of each alternative?

STEP FOUR - Choosing the Best Alternatives (or Combination of Alternatives)

1. Selection process
2. Analysis of alternatives

STEP FIVE – Implementing the Solution

1. Who should do it?
2. How might support for proposal be achieved?
3. What is action group's relation to power figures?
4. What strategy(ies) would you recommend? Why?
5. What specific tactics or methods might be used?

STEP SIX – Reviewing the Progress - At the agreed upon times, review how well the solution was implemented and what additional problem-solving efforts should be made.

RECOMMENDED SOLUTIONS

During the next phase, the AAPI Sub-group established the following recommendations:

Special Emphasis Programs: Agency senior management should support and encourage participation in Asian American and Pacific Islander sponsored activities/training sessions. They should also require that managers and supervisors actively support Asian American/Pacific Islander activities (i.e – conferences, training sessions, meetings addressing AAPI issues, etc.). In addition, the AAPI Sub-group offers the following recommendations:

- **Enhance Efforts of Asian Groups** – Asian Groups must be more proactive in supporting the AAPI community on issues relating to the injustices endured by AAPIs. AAPI employees should be more assertive, more proactive and take the initiative to question negative decisions that are made by management regarding training, leave requests, travel requests and meeting participation.

- **Increase FAPAC's Visibility within Federal Agencies** –During interviews with AAPI federal employees, many admitted that they are not aware of the services provided by FAPAC.

Therefore, FAPAC must be more proactive in educating federal employees on the mission and the services offered by their organization.

- **Review Demographics of AAPIs and Evaluate Agency Human Resource and Training Services Outreach Processes -** Federal agencies should review the demographics of the AAPI employees and assess the data collected by the EEOC to determine if there is a disparity of the support provided to the AAPI employees versus non-AAPI employees within their agencies.

- **Solicit Support of Internal/External/Congressional Resources**
  Highlight Advocacy Groups – The AAPI community should solicit the support of internal/external and congressional resources to assist them in overcoming the challenges that they face in their communities and the federal government. AAPIs should take advantage of the strategies that other minority groups have successfully used when obtaining the services of such service oriented groups.

- **Conduct Brown Bag Diversity Training Sessions and Sponsor Networking Events for the Various Special Emphasis Groups –** Agencies should conduct Brown Bag Diversity Training sessions and host networking events for the various Special Emphasis Groups to highlight the diverseness of the different affinity groups including AAPIs.

- **Establish a Joint Federal Agency Asian/Pacific Council –** AAPI employees should establish Joint AAPI Councils to address the challenges that AAPIs face in the federal workplace. It is known that there is strength in numbers; therefore, it is imperative that the AAPI employees join forces to address challenges and injustices that they may encountered in the federal government.

- **Encourage Agencies to Fund Office of Personnel Management (OPM) Sanctioned Conferences –** Agencies should support the participation of one person or more (if funding available) from every affinity group to participate in OPM sanctioned conferences.

- **Agency Diversity Forums –** Agencies can establish a forum that has at least one representative from each affinity group (IMAGE/BIG/ FEW/ FAPAC/ etc…) affiliated with that particular government agency. This group could meet on a regular basis to discuss concerns that directly impact their group and seek out a resolution by way of consensus among the Diversity Forum. By discussing problems in this type of setting allows each participant to become exposed to other perspectives/styles/approaches on how to resolve issues facing the group. Each group will benefit from the other. And the creation of a dialogue among the groups will eventually build a very influential coalition.

Complaint Process: Agencies should take extra measures to provide training and statistical information regarding the complaint process to the Asian American and Pacific Islander employees; and identify the benefits of the complaint process by highlighting historical cases that pertain to the Asian/Pacific community. We also recommend that the EEO Directors and EEO Offices take extra measures to support AAPI activities such as reviewing AAPI EEO case data;

reviewing AAPI demographics and assisting AAPI employees in overcoming their fear of the EEO Process and retaliation by breaking the myths of the EEO Complaint process.

Dr. Sharon Goto noted at the Commission Meeting on July 22, 2008, that Asians are more likely to claim that discrimination occurred when discussing a matter with another Asian. Based on this anecdotal evidence, this appears to be a barrier for AAPIs to the EEO complaint process. Therefore, it is highly recommended that EEO practitioners and FAPAC provide assistance in overcoming this and other barriers for those persons who may experience difficulties or discomfort in bringing forth their EEO claims. In addition, this relationship between the EEO Office and the AAPI affinity group can help to surmount the persistent fear of reprisal, and can encourage victims of discrimination to enforce their legal rights as federal employees.
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In order to help AAPI employees in overcoming their fears of the EEO process, EEO Directors and FAPAC can assist by highlighting prominent EEO winning cases. A list of important EEOC decisions regarding AAPIs is found at Appendix D.

OTHER RECOMMENDATIONS

The Sub-group met with the President of the Federal Asian Pacific American Council (FAPAC) and provided the following recommendations to assist FAPAC in accomplishing its mission of representing Asian Pacific American (APA) employees in the Federal and District of Columbia Government. The following items were recommended to achieve the goal of involving more participation in FAPAC:

- FAPAC should be more proactive in the AAPI community and the federal government and issue FAPAC conference information earlier to federal agencies to provide adequate marketing of the conference;

- FAPAC should also increase EEO workshops at FAPAC conferences; and

- FAPAC should revise the existing FAPAC website to include: contact information for an interpreter to assist the AAPI community and employees with language barriers; a link that has the flow chart of the EEO process to assist AAPI federal employees in understanding the steps within the EEO process; EEO Office contact information to assist AAPI employees in making contact with federal EEO Offices; on-line EEO training courses to further educate the AAPI community and employees on the EEO process; list upcoming FAPAC training announcements; a catalog of private and federal sector job vacancy announcements; and a resume bank to assist AAPI employees in the preparation of

their resumes and the required Knowledge, Skills and Abilities requirements for federal employment.

These suggestions and efforts are useful ways to engage more individuals in the overall prospect of meaningful dialog and interaction with FAPAC.

BEST PRACTICES

The sub-group interviewed managers from several agencies to obtain the best practices used to achieve successful Special Emphasis Programs through executive support and increased audience participation and to determine the best methods used to assist and educate AAPIs in the EEO complaint process. The results are as follows:

SPECIAL EMPHASIS PROGRAMS

U.S. Department of Health and Human Services – The agency invites internal Executives to participate and serve on Special Emphasis Programs as guest speakers, panel members, and moderators to demonstrate a commitment from the agency's top executives.

Broadcasting Board of Governors - The agency host joint Special Emphasis Programs co-sponsored with other agencies to ensure high attendance levels, which reduces cost and reaches a larger population of Executives, Managers and employees.

The Office of Peace Corp American Diversity Programs - The Special Emphasis Programs and Conferences are marketed through agency-wide e-mail announcements, posters, and other disseminations as deemed appropriate. The Agency head as well as the senior managers encourage participation at the programs/conferences. Support for the programs/conferences is obtained through the agency's senior management.

The Holocaust Museum Diversity Programs – The agency sends an invitation to all employees and invites local schools to attend the Special Emphasis Programs which encourages employee participation and provides and educational forums for local youth.

The Office of Personnel Management American Diversity Programs – The agency rotates the financial responsibility for each Special Emphasis Observance to individual OPM Program Offices each year. This eliminates the burden of one office being responsible for the cost to host such Programs and it creates a position of buy-in from the host Program Office. In addition, the OPM Director sends out an electronic message to announce the Special Emphasis Programs which shows a sense of commitment from the highest level of the agency. Also a voicemail message is sent from the EEO Office and posters and other disseminations are distributed the morning of the event. As another measure to support the OPM AAPI employees, the OPM Special Emphasis Manager attends regularly scheduled FAPAC Meetings.

U.S. Department of Agriculture – A memorandum is sent from the Assistant Secretary for Civil Rights (ASCR) to the agencies Under Secretaries, Agency Heads, Agency Civil Rights and Human Resources Directors to announce all Special Emphasis Programs and to solicit support for

the programs. In addition, an electronic mail blast, flyers, posters; TV- LAN messages as well as word of mouth marketing are used as advertisement on the day of the program

U.S. Department of Housing and Urban Development - The agency's Affirmative Employment Division (AED) is ultimately responsible for hosting all of the Special Emphasis Programs for the U.S. Department of Housing and Urban Development. A full-time journeyman's-level Equal Opportunity Specialist is assigned to manage and facilitate all HUD Special Emphasis Programs. To ensure inclusiveness and to develop events that capture various cultural perspectives, AED encourages and facilitates the participation of HUD-wide affinity groups in the planning and implementation stages of the development of the Special Emphasis Programs.

The AED invites the Secretary of HUD and principal staff members to participate in each of the Special Emphasis Programs. The presence and involvement of senior staff members tend to draw the support and attendance of the HUD workforce.

COMPLAINT PROCESS

The Office of Peace Corp American Diversity Programs – The agency ensures that all new employees receive an orientation upon their first day at work, which includes a discussion of employees' rights to file discrimination complaints, as well as a discussion of the EEO complaint process. Thereafter, all employees attend an annual EEO, Diversity, and Sexual Harassment training session, which also includes segments focused on the employees' rights to file discrimination complaints and the EEO complaint process.

U.S. Department of Housing and Urban Development – The agency ensures that the employees' rights and responsibilities and the EEO process are posted conspicuously in common areas at HUD Headquarters and in all Regional Offices. New employees are briefed on their rights and the EEO process during mandatory new employee's orientation monthly and the new Supervisor's training. Employee rights and the EEO process are provided and discussed during all facilitations, and conflict resolution training provided to Program Office.

CONCLUSION/BENEFITS

The 2000 Census revealed that 44% of Asian American Pacific Islanders over the age of 25 had 4 or more years of college compared with 28% of Whites, 16% African Americans and 11% of Latinos. The education advantage obtained by AAPIs is even more apparent in the 25 to 29 young adult group. The high levels of education are reflected in the occupations of Asians and Pacific Islanders. More than 7% of the nation's high tech workers are AAPIs and this figure represents a significant proportion of the nation's best-educated scientists and technicians.[3] Nonetheless, the protection of their civil rights provides unique challenges in the federal sector. As noted throughout this report, two particular challenges are evident:

[3] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
DHHS - Indian Health Service (IHS)	0.96%	2.04%	4.53%	6.58%	0.00%
DHHS - National Institutes of Health (NIH)	13.49%	10.16%	12.89%	8.20%	3.28%
DHHS - Office of the Secretary & Admin on Aging (OS&AA)	5.24%	5.29%	5.33%	4.19%	1.76%
Department of Veterans Affairs – Main	6.18%	4.65%	3.38%	18.57%	1.06%
Department of Veterans Affairs – Nat'l Cemetery Admin. (NCA)	3.77%	3.12%	10.00%	0.00%	0.00%
Department of Veterans Affairs - Veterans Benefits Admin. (VBA)	2.96%	2.51%	2.06%	2.66%	0.00%
Department of Veterans Affairs - Veterans Health Admin. (VHA)	6.48%	4.87%	3.54%	19.12%	1.24%

***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

These barriers may be apparent after a proper barrier analysis has been conducted.

b. Six steps to barrier analysis

The barrier analysis process is broken down into six steps: (1) review policies, practices, and procedures; (2) analyze source material; (3) identify triggers; (4) determine root cause of triggers; (5) if root cause is a barrier, devise an action plan to eliminate the barrier; and (6) the EEO professional should follow up on the identified barrier at regular intervals to determine the success of the action plan. Both EEO and Non-EEO professionals should be involved in the process of barrier analysis, incorporating ideas to make the process more complete. Upper-level management must also be invested in the process in order for it to be successful.

1. Review policies, practices, and procedures

An EEO professional needs to be familiar with the agency's policies, practices, and procedures in order to identify barriers. The areas which should be the subject of review are those in the natural employment progression, i.e., recruitment, hiring, training and career development, performance incentives and awards, competitive and career-ladder promotions, supervisory and managerial selections, disciplinary actions, and separations. There may be other examples specific to a particular agency, such as the process for security clearances in Department of Defense agencies.

2. Source material

The source materials for identifying anomalies are varied. These materials were described in the previous section and include workforce statistics (such as those found in the MD-715 Report Data Tables), EEO complaints, EEO and Human Resources office interviews or data, union and advocacy group interviews or data, employee surveys, focus groups, exit interviews, and studies done by outside organizations. The EEO professional must study these sources to ensure that a thorough review is conducted.

3. Identify triggers

As described in the previous section on triggers, the EEO professional should look at the source data and determine if any triggers are evident. For example, there may be anomalies in the workforce data tables, or recurring EEO complaints on a particular issue, against a particular manager, or in a particular office or section of the facility. Another example would be exit interviews which identify bias in employment decisions that lead to the increased separation of a particular protected group.

4. Determine root causes of triggers

A barrier is the root cause of the trigger. The goal is to pinpoint the root causes. The process can be analogized to peeling an onion, stripping away layers until there is an answer to the question "Why?" a condition exists. A simple example may be that the agency learns from a review of data that it has a low participation rate of Asians in its total

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workforce. A logical next step may be to examine the applicant flow data. The applicant flow data shows that the agency is not getting applications from Asians, but primarily from white and black applicants. Why is this? The next step would be to review the recruitment policies and process. It turns out that the agency is only recruiting from three colleges that do not matriculate many Asians. Why? Is it because the three schools are the *alma maters* of the top agency officials? The barrier in this case would be that little or no recruitment is done at universities with more diverse student populations.

5. Action plan for elimination of barrier

This step is straightforward, but not always easy: the agency must establish a plan of action to address the identified barrier, the root cause of the undesired condition. The specific barrier along with the action plan should be described in Part I of the agency's MD-715 Report and updated every year. In the example above, the action plan would be to begin to recruit at a more diverse set of colleges. This would not mean that the agency would need to stop recruiting at the three colleges but could simply expand recruitment to areas of the country that have larger concentrations of Asians and NHOPIs.

6. Follow-up

The final step, and one that is often overlooked, is to assess whether the devised action plan was successful at eliminating the identified barrier. Possible indicators of success are: the participation rate is up, the separation rate is down, there are reduced complaints, and favorable responses in surveys or exit interviews conducted after the action plan has been implemented. In the example above, the agency would look to see if the participation rate of Asians is beginning to rise and may specifically want to investigate whether more applications are being received from Asian candidates. If the plan did not result in a greater participation rate or an increase in applications, then the agency can conclude that either the wrong barrier was identified or the action plan gave rise to a new barrier. This follow-up process requires the EEO professional to conduct a continuous assessment and monitoring process from year to year.

c. Lack of barrier analysis

An analysis of the data that we reviewed showed that very few agencies identified barriers even when they identified a trigger. Most often, triggers were mistakenly identified as barriers and were not analyzed using the six-step process explained above. Of the 51 agencies and sub-components reviewed, only nine identified a potential barrier. Despite the lack of barrier identification, almost every agency had an action plan to eliminate barriers. An action plan is most useful when a barrier has in fact been identified because the plan can be specifically tailored to address that particular barrier. Some identified barriers in the reports are described below:

- One agency ascertained that the selection process for an advanced leadership program resulted in lower than expected selection rates of AAPI males and females during FY 2006. While it was good that this agency identified that the selection process appeared to

be flawed, it did not drill down far enough to determine what part of the selection process was preventing more AAPIs from being selected.

- Another agency identified that limited hiring resulted in lower than expected participation of Asians. This agency may have found a cause but it did not find the root cause because limited hiring in and of itself would affect all EEO groups equally. So, this agency would need to drill down further to determine the root cause.

- Another agency identified as a barrier the lack of focused, systematic recruitment for groups with low participation rates. This in fact may be the root cause of the low participation of Asians or NHOPIs, but this agency did not specify the type of recruitment that was occurring or the groups that were not participating at an expected rate. A little more investigation could reveal a great deal.

- One agency stated that the trigger it was investigating was the fact that few Asian females are selected for the position of Security Guard. This is a very specific trigger and is a good start to the barrier analysis. This agency identified a number of barriers: (1) little flexibility in hours, with weekend and night work, (2) limited commuting options for guards that work at night, (3) little flexibility for child care arrangements, and (4) a limited number of Asian female candidates in the relevant labor pool. However, some of these identified barriers would tend to affect all groups. For example, limiting commuting options would affect men and women alike. Nevertheless, these may be barriers that are impacting the employment of Asian women.

- One agency identified the lack of emphasis on EEO goals as a barrier. It also identified as a barrier the decision making by some agency officials based on their preconceived ideas of race. It is likely that this agency was describing a possible culture at the agency which is hostile to EEO diversity. Such a culture is a definite barrier to employment of many groups. An action plan should be crafted to help change the culture at the agency.

- Finally, one agency identified insufficient efforts to hire, train, and promote “minority and women” employees as a barrier. This could be the beginning of the process, but this barrier is far too broad to affect a specific action plan. Also, the use of the terms “minorities and women” is outdated and not specific to any one group.

In addition, a number of other agencies’ barrier analyses were flawed because they were not tailored to Asians and NHOPIs. Also, agencies often identified triggers and indicated that they were working on the barrier analysis, but no progress is reported from year to year.

d. Specific examples of barrier analyses

1. Low participation in total workforce

When an agency finds that it has low participation of Asians or NHOPIs in the total workforce—as have the Department of Interior, Department of Agriculture, and the Office of Personnel Management—it must investigate the root cause for the lack of Asians and

NHOPIs in its workforce. Here, the EEO professional will look not only at the data in Table A1, which contains the total workforce data, but also at Workforce Data Table A8, containing information on new hires by type of appointment. The three categories in table A8 are permanent employees, temporary employees, and non-appropriated fund employees for each race, national origin, and gender category. This data will allow the investigator to understand whether a proportionate number of new employees are Asian or NHOPI. If Asians and NHOPIs are being hired at a lower than expected rate, this will confirm that there is a possible barrier in hiring. At this point, a critical analysis of the hiring process should be conducted. The agency may find that Asians and NHOPIs are not being encouraged to apply for vacancies because, for example, managers have preconceived notions that Asians are not adept at customer service jobs. This barrier may need to be addressed via training of managers. On the other hand, the agency may discover that Asians are not being targeted for recruitment and a more diverse recruitment effort must be undertaken. After this analysis is conducted, an action plan should be devised and implemented.

If Asians and NHOPIs are being hired at a greater rate than their participation in the workforce, it may indicate that a lack of hiring is not the cause of the low participation rate at the agency. A higher than expected hiring rate of Asians and NHOPIs may also indicate that measures that have previously been taken to increase hiring are resulting in a positive trend for Asians and NHOPIs. The EEO professional can then monitor the trend from year to year to see if it continues.

A third table, Workforce Data Table A14, should also be analyzed when an agency has a low participation rate of a particular EEO group. Table A14 records separations by type, i.e., voluntary and involuntary. If the agency finds that Asians and NHOPIs are separating at a much higher rate than the overall workforce, then the policies on separations should be analyzed to determine if there are barriers to retention of Asians and NHOPIs. Exit interviews, if available, should be reviewed to determine if there is a common theme. Perhaps a survey should be conducted to gather information on what is causing the unusually high separations among Asians. If separation rates for Asians and NHOPIs are lower than the overall rate, this would indicate that high turnover is not the reason for low participation of Asians and NHOPIs in the agency.

2. Low participation of mid-level managers

When an agency finds that it has low participation of Asians as mid-level officials and managers—as have the Social Security Administration and the Centers for Disease Control—an EEO professional must investigate the root cause of the trigger. As described earlier, the agency would find this trigger from a review of data in Table A3. The agency should then ask itself “Why?” and may review the participation rate of Asians and NHOPIs in its career development program. Workforce Data Table A12 reports the participation of different race, ethnicity, and gender groups in the agency’s career development slots for a particular year. Table A12 contains three sections: career development programs for GS 5-12, career development for GS13 and GS14, and career development for GS15 and above. The Table details the number of slots available, the

percent of the relevant pool participating for each demographic group, and the number of those who applied. A review of this data will show whether Asians and NHOPIs are participating in career development opportunities that could lead to advancement into the mid-level ranks of officials and managers. If Asians and NHOPIs are not participating, the agency should investigate how this condition can be remedied.

If Asians and NHOPIs are participating at a proportionate level in career development opportunities at the agency, then the investigation would continue to determine the root cause of the low participation among mid-level officials and managers at the agency. This may result in a review of other policies related to advancement. Another data table that would be relevant is Workforce Data Table A9, which records competitive promotions for major occupations. After this analysis, the agency may find that Asians or NHOPIs are not being selected as mid-level managers because an insufficient number apply for management positions due to lack of soft skills. The agency may then offer training for its mid-level grades to improve soft skills and encourage participation by Asians and NHOPIs.

3. Glass ceiling/low participation in senior grades

When an agency finds that it has low participation of Asians or NHOPIs in its senior grades—as at the Veterans Administration, Department of Health and Human Services, and the Patent and Trademark Office—it must similarly drill down to discover the root cause of the trigger. Besides Tables A3-1 and A4-1, which would be reviewed to discover a trigger, the agency should also look at Tables A11 and A12.

Table A11 records data on the agency's internal selection for senior-level positions. The three sections are for the GS13/14, GS15, and SES levels. The table includes, for each vacancy category, the applications received, information on those qualified for the positions, those selected for the positions, and the size of the relevant pool for each demographic group. From this table the agency can analyze whether there is a sufficient pool of applicants for the senior grades in each demographic group and see the rate of selection during the year. If there are sufficient applications but not a proportionate number of hires at the SES, then the agency would ask "Why?" and review the SES selection criteria. If there are insufficient applications from Asians and NHOPIs, then policies relating to recruitment in the senior ranks would be analyzed for barriers.

Table A12 contains career development data (as described earlier). Here, the agency would look at the section relating to GS15 and above to determine the participation rates of Asians and NHOPIs at the senior grades in career development programs. After the barrier analysis, the agency may determine that the cause for the lack of SES candidates who are Asian or NHOPI is the result of a lack of these groups taking advantage of available senior-level assignments. An action plan would then need to be devised to attract more Asians into the senior-level rotational assignments at the agency.

As illustrated above, the process of barrier analysis is fluid and goes from one step to another and can repeat certain steps before an actual barrier is found. The key to

successful barrier analysis is the persistence to drill down deep and inquire about the key reasons for disparities: only then can action plans be devised to remedy the specific barrier.

Appendix C

FEDERAL ASIAN AMERICAN AND PACIFIC ISLANDER SPECIAL EMPHASIS PROGRAMS AND COMPLAINTS SUB-GROUP REPORT

BACKGROUND

The Equal Employment Opportunity Commission formed the Asian American Pacific Islander Work Group (AAPIWG) to examine the issues of the Asian community with respect to the federal workplace. The AAPI Work Group produced and administered a survey to be completed by each federacy agency to test perceptions and gather information regarding the realities AAPI's face in the federal workplace.

The results of this survey authenticate the concerns of the AAPI community in the federal workplace. The survey highlights the level of activity, participation and support provided to the AAPI activities in comparison to other affinity groups within the organization. Based on the attendance of the seven (7) federally recognized observances, the Asian Pacific American Heritage Month observance participation comes in 6th place.

This is of concern, because the AAPI community is comprised of different religious and cultural groups, some of which have norms that are vastly different from those of traditional Euro-American perspectives. Consequently, agencies must raise the level of awareness among its employees so that they may be cognizant of the differences among the various groups, and thereby better understand and coalesce with these different groups. It is through special emphasis activities that employees get the opportunity to better understand and appreciate their colleagues. Indeed, the hope is that organizations will creatively convert cultural differences into transformative change, leading to functional advantage, rather than sources of differentiation, isolation and conflict. By understanding differences, employees from differing cultures can discover human commonalities as well, but to see those mutual traits through the prism of the different cultural perspectives. Again, this heightened understanding allows employees to function more efficaciously as organizational teams.

Special emphasis programs, particularly those having to do with the AAPI community ought not be viewed as mundane, ineffective and burdensome obligatory events. Rather, when used creatively and effectively, these programs are a benefit to governmental organizations. It is, therefore, incumbent upon senior managers and supervisors to support and attend such events as an indication of their commitment to supporting the Asian American Pacific Islander community. In so doing, managers can demonstrate to their organizations that their AAPI employees are valued and appreciated not only for the work that they do, but for what they bring to the organization as a whole. As a result, the AAPI employees can better incorporate and adapt to their respective work teams, and thus become more effective and productive team players. Moreover, when senior management supports such programs, AAPI employees are apt to engage

in complaint processes should the need arise. Engaging in complaint processes such as the EEO complaint process allows managers and supervisors to become aware of activities that are of concern and in need of correction. When employees feel that they are valued, when their concerns are addressed, when they are able to understand their colleagues and are themselves being understood, the work environment can become cohesive, productive and successful.

AAPI SPECIAL EMPHASIS AND COMPLAINTS SUB-GROUP

The AAPI Special Emphasis and Complaints Sub-group was created to identify additional challenges faced by federal sector Asian American Pacific Islander employees and to propose recommendations to overcome these challenges. In response to this charge, the Sub-group offers the following:

THE CHALLENGE

Special Emphasis Programs: Lack of participation among the workforce-at-large pertaining to the participation in Asian & Pacific American Special Emphasis Events and lack of support from the agency to allow Asian & Pacific Americans to participate in outreach activities and conferences.

Complaints Process: Little to no formal EEO complaint activities identified among the Asian & Pacific American employees; however, discriminatory concerns have been voiced among the Asian/Pacific community.

PROJECT OBJECTIVES

The primary objective of the AAPI Special Emphasis and Complaints Sub-group was to:

- Raise awareness of existing concerns and problems of the Asian/Pacific community;
- Identify and recommend proactive measures to all stakeholders; and to
- Examine the community's concerns about federal-sector Special Emphasis Programs and the EEO complaint process.

STRATEGIC PLAN

The AAPI Special Emphasis and Complaints Sub-group developed a strategy to assist the AAPI community in addressing the issues covering federal sector Special Emphasis Programs and the EEO Complaint Process. The strategy included meeting with the Executives of FAPAC and the Asian Congressional Caucus and developing the following plan:

STEP ONE - Defining the Problem and Establishing the Goals

STEP TWO - Listing Alternative Tools to assist in the Resolution of the Problems

STEP THREE - Reviewing the Alternatives

1. Why were the alternatives selected?
2. How did you evaluate the alternative solution(s)?
3. What values did you consider most important?
4. What are the advantages and disadvantages of each alternative?

STEP FOUR - Choosing the Best Alternatives (or Combination of Alternatives)

1. Selection process
2. Analysis of alternatives

STEP FIVE – Implementing the Solution

1. Who should do it?
2. How might support for proposal be achieved?
3. What is action group's relation to power figures?
4. What strategy(ies) would you recommend? Why?
5. What specific tactics or methods might be used?

STEP SIX – Reviewing the Progress - At the agreed upon times, review how well the solution was implemented and what additional problem-solving efforts should be made.

RECOMMENDED SOLUTIONS

During the next phase, the AAPI Sub-group established the following recommendations:

Special Emphasis Programs: Agency senior management should support and encourage participation in Asian American and Pacific Islander sponsored activities/training sessions. They should also require that managers and supervisors actively support Asian American/Pacific Islander activities (i.e – conferences, training sessions, meetings addressing AAPI issues, etc.). In addition, the AAPI Sub-group offers the following recommendations:

- **Enhance Efforts of Asian Groups** – Asian Groups must be more proactive in supporting the AAPI community on issues relating to the injustices endured by AAPIs. AAPI employees should be more assertive, more proactive and take the initiative to question negative decisions that are made by management regarding training, leave requests, travel requests and meeting participation.

- **Increase FAPAC's Visibility within Federal Agencies** –During interviews with AAPI federal employees, many admitted that they are not aware of the services provided by FAPAC.

Therefore, FAPAC must be more proactive in educating federal employees on the mission and the services offered by their organization.

- **Review Demographics of AAPIs and Evaluate Agency Human Resource and Training Services Outreach Processes -** Federal agencies should review the demographics of the AAPI employees and assess the data collected by the EEOC to determine if there is a disparity of the support provided to the AAPI employees versus non-AAPI employees within their agencies.

- **Solicit Support of Internal/External/Congressional Resources**
  Highlight Advocacy Groups – The AAPI community should solicit the support of internal/external and congressional resources to assist them in overcoming the challenges that they face in their communities and the federal government. AAPIs should take advantage of the strategies that other minority groups have successfully used when obtaining the services of such service oriented groups.

- **Conduct Brown Bag Diversity Training Sessions and Sponsor Networking Events for the Various Special Emphasis Groups –** Agencies should conduct Brown Bag Diversity Training sessions and host networking events for the various Special Emphasis Groups to highlight the diverseness of the different affinity groups including AAPIs.

- **Establish a Joint Federal Agency Asian/Pacific Council –** AAPI employees should establish Joint AAPI Councils to address the challenges that AAPIs face in the federal workplace. It is known that there is strength in numbers; therefore, it is imperative that the AAPI employees join forces to address challenges and injustices that they may encountered in the federal government.

- **Encourage Agencies to Fund Office of Personnel Management (OPM) Sanctioned Conferences –** Agencies should support the participation of one person or more (if funding available) from every affinity group to participate in OPM sanctioned conferences.

- **Agency Diversity Forums –** Agencies can establish a forum that has at least one representative from each affinity group (IMAGE/BIG/ FEW/ FAPAC/ etc…) affiliated with that particular government agency. This group could meet on a regular basis to discuss concerns that directly impact their group and seek out a resolution by way of consensus among the Diversity Forum. By discussing problems in this type of setting allows each participant to become exposed to other perspectives/styles/approaches on how to resolve issues facing the group. Each group will benefit from the other. And the creation of a dialogue among the groups will eventually build a very influential coalition.

Complaint Process: Agencies should take extra measures to provide training and statistical information regarding the complaint process to the Asian American and Pacific Islander employees; and identify the benefits of the complaint process by highlighting historical cases that pertain to the Asian/Pacific community. We also recommend that the EEO Directors and EEO Offices take extra measures to support AAPI activities such as reviewing AAPI EEO case data;

reviewing AAPI demographics and assisting AAPI employees in overcoming their fear of the EEO Process and retaliation by breaking the myths of the EEO Complaint process.

Dr. Sharon Goto noted at the Commission Meeting on July 22, 2008, that Asians are more likely to claim that discrimination occurred when discussing a matter with another Asian. Based on this anecdotal evidence, this appears to be a barrier for AAPIs to the EEO complaint process. Therefore, it is highly recommended that EEO practitioners and FAPAC provide assistance in overcoming this and other barriers for those persons who may experience difficulties or discomfort in bringing forth their EEO claims. In addition, this relationship between the EEO Office and the AAPI affinity group can help to surmount the persistent fear of reprisal, and can encourage victims of discrimination to enforce their legal rights as federal employees.
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In order to help AAPI employees in overcoming their fears of the EEO process, EEO Directors and FAPAC can assist by highlighting prominent EEO winning cases. A list of important EEOC decisions regarding AAPIs is found at Appendix D.

OTHER RECOMMENDATIONS

The Sub-group met with the President of the Federal Asian Pacific American Council (FAPAC) and provided the following recommendations to assist FAPAC in accomplishing its mission of representing Asian Pacific American (APA) employees in the Federal and District of Columbia Government. The following items were recommended to achieve the goal of involving more participation in FAPAC:

- FAPAC should be more proactive in the AAPI community and the federal government and issue FAPAC conference information earlier to federal agencies to provide adequate marketing of the conference;

- FAPAC should also increase EEO workshops at FAPAC conferences; and

- FAPAC should revise the existing FAPAC website to include: contact information for an interpreter to assist the AAPI community and employees with language barriers; a link that has the flow chart of the EEO process to assist AAPI federal employees in understanding the steps within the EEO process; EEO Office contact information to assist AAPI employees in making contact with federal EEO Offices; on-line EEO training courses to further educate the AAPI community and employees on the EEO process; list upcoming FAPAC training announcements; a catalog of private and federal sector job vacancy announcements; and a resume bank to assist AAPI employees in the preparation of

their resumes and the required Knowledge, Skills and Abilities requirements for federal employment.

These suggestions and efforts are useful ways to engage more individuals in the overall prospect of meaningful dialog and interaction with FAPAC.

BEST PRACTICES

The sub-group interviewed managers from several agencies to obtain the best practices used to achieve successful Special Emphasis Programs through executive support and increased audience participation and to determine the best methods used to assist and educate AAPIs in the EEO complaint process. The results are as follows:

SPECIAL EMPHASIS PROGRAMS

U.S. Department of Health and Human Services – The agency invites internal Executives to participate and serve on Special Emphasis Programs as guest speakers, panel members, and moderators to demonstrate a commitment from the agency's top executives.

Broadcasting Board of Governors - The agency host joint Special Emphasis Programs co-sponsored with other agencies to ensure high attendance levels, which reduces cost and reaches a larger population of Executives, Managers and employees.

The Office of Peace Corp American Diversity Programs - The Special Emphasis Programs and Conferences are marketed through agency-wide e-mail announcements, posters, and other disseminations as deemed appropriate. The Agency head as well as the senior managers encourage participation at the programs/conferences. Support for the programs/conferences is obtained through the agency's senior management.

The Holocaust Museum Diversity Programs – The agency sends an invitation to all employees and invites local schools to attend the Special Emphasis Programs which encourages employee participation and provides and educational forums for local youth.

The Office of Personnel Management American Diversity Programs – The agency rotates the financial responsibility for each Special Emphasis Observance to individual OPM Program Offices each year. This eliminates the burden of one office being responsible for the cost to host such Programs and it creates a position of buy-in from the host Program Office. In addition, the OPM Director sends out an electronic message to announce the Special Emphasis Programs which shows a sense of commitment from the highest level of the agency. Also a voicemail message is sent from the EEO Office and posters and other disseminations are distributed the morning of the event. As another measure to support the OPM AAPI employees, the OPM Special Emphasis Manager attends regularly scheduled FAPAC Meetings.

U.S. Department of Agriculture – A memorandum is sent from the Assistant Secretary for Civil Rights (ASCR) to the agencies Under Secretaries, Agency Heads, Agency Civil Rights and Human Resources Directors to announce all Special Emphasis Programs and to solicit support for

the programs. In addition, an electronic mail blast, flyers, posters; TV- LAN messages as well as word of mouth marketing are used as advertisement on the day of the program

U.S. Department of Housing and Urban Development - The agency's Affirmative Employment Division (AED) is ultimately responsible for hosting all of the Special Emphasis Programs for the U.S. Department of Housing and Urban Development. A full-time journeyman's-level Equal Opportunity Specialist is assigned to manage and facilitate all HUD Special Emphasis Programs. To ensure inclusiveness and to develop events that capture various cultural perspectives, AED encourages and facilitates the participation of HUD-wide affinity groups in the planning and implementation stages of the development of the Special Emphasis Programs.

The AED invites the Secretary of HUD and principal staff members to participate in each of the Special Emphasis Programs. The presence and involvement of senior staff members tend to draw the support and attendance of the HUD workforce.

COMPLAINT PROCESS

The Office of Peace Corp American Diversity Programs – The agency ensures that all new employees receive an orientation upon their first day at work, which includes a discussion of employees' rights to file discrimination complaints, as well as a discussion of the EEO complaint process. Thereafter, all employees attend an annual EEO, Diversity, and Sexual Harassment training session, which also includes segments focused on the employees' rights to file discrimination complaints and the EEO complaint process.

U.S. Department of Housing and Urban Development – The agency ensures that the employees' rights and responsibilities and the EEO process are posted conspicuously in common areas at HUD Headquarters and in all Regional Offices. New employees are briefed on their rights and the EEO process during mandatory new employee's orientation monthly and the new Supervisor's training. Employee rights and the EEO process are provided and discussed during all facilitations, and conflict resolution training provided to Program Office.

CONCLUSION/BENEFITS

The 2000 Census revealed that 44% of Asian American Pacific Islanders over the age of 25 had 4 or more years of college compared with 28% of Whites, 16% African Americans and 11% of Latinos. The education advantage obtained by AAPIs is even more apparent in the 25 to 29 young adult group. The high levels of education are reflected in the occupations of Asians and Pacific Islanders. More than 7% of the nation's high tech workers are AAPIs and this figure represents a significant proportion of the nation's best-educated scientists and technicians.[3] Nonetheless, the protection of their civil rights provides unique challenges in the federal sector. As noted throughout this report, two particular challenges are evident:

[3] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
DHHS - Indian Health Service (IHS)	0.96%	2.04%	4.53%	6.58%	0.00%
DHHS - National Institutes of Health (NIH)	13.49%	10.16%	12.89%	8.20%	3.28%
DHHS - Office of the Secretary & Admin on Aging (OS&AA)	5.24%	5.29%	5.33%	4.19%	1.76%
Department of Veterans Affairs – Main	6.18%	4.65%	3.38%	18.57%	1.06%
Department of Veterans Affairs – Nat'l Cemetery Admin. (NCA)	3.77%	3.12%	10.00%	0.00%	0.00%
Department of Veterans Affairs - Veterans Benefits Admin. (VBA)	2.96%	2.51%	2.06%	2.66%	0.00%
Department of Veterans Affairs - Veterans Health Admin. (VHA)	6.48%	4.87%	3.54%	19.12%	1.24%

***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

workforce. A logical next step may be to examine the applicant flow data. The applicant flow data shows that the agency is not getting applications from Asians, but primarily from white and black applicants. Why is this? The next step would be to review the recruitment policies and process. It turns out that the agency is only recruiting from three colleges that do not matriculate many Asians. Why? Is it because the three schools are the *alma maters* of the top agency officials? The barrier in this case would be that little or no recruitment is done at universities with more diverse student populations.

5. Action plan for elimination of barrier

This step is straightforward, but not always easy: the agency must establish a plan of action to address the identified barrier, the root cause of the undesired condition. The specific barrier along with the action plan should be described in Part I of the agency's MD-715 Report and updated every year. In the example above, the action plan would be to begin to recruit at a more diverse set of colleges. This would not mean that the agency would need to stop recruiting at the three colleges but could simply expand recruitment to areas of the country that have larger concentrations of Asians and NHOPIs.

6. Follow-up

The final step, and one that is often overlooked, is to assess whether the devised action plan was successful at eliminating the identified barrier. Possible indicators of success are: the participation rate is up, the separation rate is down, there are reduced complaints, and favorable responses in surveys or exit interviews conducted after the action plan has been implemented. In the example above, the agency would look to see if the participation rate of Asians is beginning to rise and may specifically want to investigate whether more applications are being received from Asian candidates. If the plan did not result in a greater participation rate or an increase in applications, then the agency can conclude that either the wrong barrier was identified or the action plan gave rise to a new barrier. This follow-up process requires the EEO professional to conduct a continuous assessment and monitoring process from year to year.

c. Lack of barrier analysis

An analysis of the data that we reviewed showed that very few agencies identified barriers even when they identified a trigger. Most often, triggers were mistakenly identified as barriers and were not analyzed using the six-step process explained above. Of the 51 agencies and sub-components reviewed, only nine identified a potential barrier. Despite the lack of barrier identification, almost every agency had an action plan to eliminate barriers. An action plan is most useful when a barrier has in fact been identified because the plan can be specifically tailored to address that particular barrier. Some identified barriers in the reports are described below:

- One agency ascertained that the selection process for an advanced leadership program resulted in lower than expected selection rates of AAPI males and females during FY 2006. While it was good that this agency identified that the selection process appeared to

be flawed, it did not drill down far enough to determine what part of the selection process was preventing more AAPIs from being selected.

- Another agency identified that limited hiring resulted in lower than expected participation of Asians. This agency may have found a cause but it did not find the root cause because limited hiring in and of itself would affect all EEO groups equally. So, this agency would need to drill down further to determine the root cause.

- Another agency identified as a barrier the lack of focused, systematic recruitment for groups with low participation rates. This in fact may be the root cause of the low participation of Asians or NHOPIs, but this agency did not specify the type of recruitment that was occurring or the groups that were not participating at an expected rate. A little more investigation could reveal a great deal.

- One agency stated that the trigger it was investigating was the fact that few Asian females are selected for the position of Security Guard. This is a very specific trigger and is a good start to the barrier analysis. This agency identified a number of barriers: (1) little flexibility in hours, with weekend and night work, (2) limited commuting options for guards that work at night, (3) little flexibility for child care arrangements, and (4) a limited number of Asian female candidates in the relevant labor pool. However, some of these identified barriers would tend to affect all groups. For example, limiting commuting options would affect men and women alike. Nevertheless, these may be barriers that are impacting the employment of Asian women.

- One agency identified the lack of emphasis on EEO goals as a barrier. It also identified as a barrier the decision making by some agency officials based on their preconceived ideas of race. It is likely that this agency was describing a possible culture at the agency which is hostile to EEO diversity. Such a culture is a definite barrier to employment of many groups. An action plan should be crafted to help change the culture at the agency.

- Finally, one agency identified insufficient efforts to hire, train, and promote “minority and women” employees as a barrier. This could be the beginning of the process, but this barrier is far too broad to affect a specific action plan. Also, the use of the terms “minorities and women” is outdated and not specific to any one group.

In addition, a number of other agencies’ barrier analyses were flawed because they were not tailored to Asians and NHOPIs. Also, agencies often identified triggers and indicated that they were working on the barrier analysis, but no progress is reported from year to year.

d. Specific examples of barrier analyses

1. Low participation in total workforce

When an agency finds that it has low participation of Asians or NHOPIs in the total workforce—as have the Department of Interior, Department of Agriculture, and the Office of Personnel Management—it must investigate the root cause for the lack of Asians and

NHOPIs in its workforce. Here, the EEO professional will look not only at the data in Table A1, which contains the total workforce data, but also at Workforce Data Table A8, containing information on new hires by type of appointment. The three categories in table A8 are permanent employees, temporary employees, and non-appropriated fund employees for each race, national origin, and gender category. This data will allow the investigator to understand whether a proportionate number of new employees are Asian or NHOPI. If Asians and NHOPIs are being hired at a lower than expected rate, this will confirm that there is a possible barrier in hiring. At this point, a critical analysis of the hiring process should be conducted. The agency may find that Asians and NHOPIs are not being encouraged to apply for vacancies because, for example, managers have preconceived notions that Asians are not adept at customer service jobs. This barrier may need to be addressed via training of managers. On the other hand, the agency may discover that Asians are not being targeted for recruitment and a more diverse recruitment effort must be undertaken. After this analysis is conducted, an action plan should be devised and implemented.

If Asians and NHOPIs are being hired at a greater rate than their participation in the workforce, it may indicate that a lack of hiring is not the cause of the low participation rate at the agency. A higher than expected hiring rate of Asians and NHOPIs may also indicate that measures that have previously been taken to increase hiring are resulting in a positive trend for Asians and NHOPIs. The EEO professional can then monitor the trend from year to year to see if it continues.

A third table, Workforce Data Table A14, should also be analyzed when an agency has a low participation rate of a particular EEO group. Table A14 records separations by type, i.e., voluntary and involuntary. If the agency finds that Asians and NHOPIs are separating at a much higher rate than the overall workforce, then the policies on separations should be analyzed to determine if there are barriers to retention of Asians and NHOPIs. Exit interviews, if available, should be reviewed to determine if there is a common theme. Perhaps a survey should be conducted to gather information on what is causing the unusually high separations among Asians. If separation rates for Asians and NHOPIs are lower than the overall rate, this would indicate that high turnover is not the reason for low participation of Asians and NHOPIs in the agency.

2. Low participation of mid-level managers

When an agency finds that it has low participation of Asians as mid-level officials and managers—as have the Social Security Administration and the Centers for Disease Control—an EEO professional must investigate the root cause of the trigger. As described earlier, the agency would find this trigger from a review of data in Table A3. The agency should then ask itself “Why?” and may review the participation rate of Asians and NHOPIs in its career development program. Workforce Data Table A12 reports the participation of different race, ethnicity, and gender groups in the agency’s career development slots for a particular year. Table A12 contains three sections: career development programs for GS 5-12, career development for GS13 and GS14, and career development for GS15 and above. The Table details the number of slots available, the

percent of the relevant pool participating for each demographic group, and the number of those who applied. A review of this data will show whether Asians and NHOPIs are participating in career development opportunities that could lead to advancement into the mid-level ranks of officials and managers. If Asians and NHOPIs are not participating, the agency should investigate how this condition can be remedied.

If Asians and NHOPIs are participating at a proportionate level in career development opportunities at the agency, then the investigation would continue to determine the root cause of the low participation among mid-level officials and managers at the agency. This may result in a review of other policies related to advancement. Another data table that would be relevant is Workforce Data Table A9, which records competitive promotions for major occupations. After this analysis, the agency may find that Asians or NHOPIs are not being selected as mid-level managers because an insufficient number apply for management positions due to lack of soft skills. The agency may then offer training for its mid-level grades to improve soft skills and encourage participation by Asians and NHOPIs.

3. Glass ceiling/low participation in senior grades

When an agency finds that it has low participation of Asians or NHOPIs in its senior grades—as at the Veterans Administration, Department of Health and Human Services, and the Patent and Trademark Office—it must similarly drill down to discover the root cause of the trigger. Besides Tables A3-1 and A4-1, which would be reviewed to discover a trigger, the agency should also look at Tables A11 and A12.

Table A11 records data on the agency's internal selection for senior-level positions. The three sections are for the GS13/14, GS15, and SES levels. The table includes, for each vacancy category, the applications received, information on those qualified for the positions, those selected for the positions, and the size of the relevant pool for each demographic group. From this table the agency can analyze whether there is a sufficient pool of applicants for the senior grades in each demographic group and see the rate of selection during the year. If there are sufficient applications but not a proportionate number of hires at the SES, then the agency would ask "Why?" and review the SES selection criteria. If there are insufficient applications from Asians and NHOPIs, then policies relating to recruitment in the senior ranks would be analyzed for barriers.

Table A12 contains career development data (as described earlier). Here, the agency would look at the section relating to GS15 and above to determine the participation rates of Asians and NHOPIs at the senior grades in career development programs. After the barrier analysis, the agency may determine that the cause for the lack of SES candidates who are Asian or NHOPI is the result of a lack of these groups taking advantage of available senior-level assignments. An action plan would then need to be devised to attract more Asians into the senior-level rotational assignments at the agency.

As illustrated above, the process of barrier analysis is fluid and goes from one step to another and can repeat certain steps before an actual barrier is found. The key to

successful barrier analysis is the persistence to drill down deep and inquire about the key reasons for disparities: only then can action plans be devised to remedy the specific barrier.

Appendix C

FEDERAL ASIAN AMERICAN AND PACIFIC ISLANDER SPECIAL EMPHASIS PROGRAMS AND COMPLAINTS SUB-GROUP REPORT

BACKGROUND

The Equal Employment Opportunity Commission formed the Asian American Pacific Islander Work Group (AAPIWG) to examine the issues of the Asian community with respect to the federal workplace. The AAPI Work Group produced and administered a survey to be completed by each federacy agency to test perceptions and gather information regarding the realities AAPI's face in the federal workplace.

The results of this survey authenticate the concerns of the AAPI community in the federal workplace. The survey highlights the level of activity, participation and support provided to the AAPI activities in comparison to other affinity groups within the organization. Based on the attendance of the seven (7) federally recognized observances, the Asian Pacific American Heritage Month observance participation comes in 6th place.

This is of concern, because the AAPI community is comprised of different religious and cultural groups, some of which have norms that are vastly different from those of traditional Euro-American perspectives. Consequently, agencies must raise the level of awareness among its employees so that they may be cognizant of the differences among the various groups, and thereby better understand and coalesce with these different groups. It is through special emphasis activities that employees get the opportunity to better understand and appreciate their colleagues. Indeed, the hope is that organizations will creatively convert cultural differences into transformative change, leading to functional advantage, rather than sources of differentiation, isolation and conflict. By understanding differences, employees from differing cultures can discover human commonalities as well, but to see those mutual traits through the prism of the different cultural perspectives. Again, this heightened understanding allows employees to function more efficaciously as organizational teams.

Special emphasis programs, particularly those having to do with the AAPI community ought not be viewed as mundane, ineffective and burdensome obligatory events. Rather, when used creatively and effectively, these programs are a benefit to governmental organizations. It is, therefore, incumbent upon senior managers and supervisors to support and attend such events as an indication of their commitment to supporting the Asian American Pacific Islander community. In so doing, managers can demonstrate to their organizations that their AAPI employees are valued and appreciated not only for the work that they do, but for what they bring to the organization as a whole. As a result, the AAPI employees can better incorporate and adapt to their respective work teams, and thus become more effective and productive team players. Moreover, when senior management supports such programs, AAPI employees are apt to engage

in complaint processes should the need arise. Engaging in complaint processes such as the EEO complaint process allows managers and supervisors to become aware of activities that are of concern and in need of correction. When employees feel that they are valued, when their concerns are addressed, when they are able to understand their colleagues and are themselves being understood, the work environment can become cohesive, productive and successful.

AAPI SPECIAL EMPHASIS AND COMPLAINTS SUB-GROUP

The AAPI Special Emphasis and Complaints Sub-group was created to identify additional challenges faced by federal sector Asian American Pacific Islander employees and to propose recommendations to overcome these challenges. In response to this charge, the Sub-group offers the following:

THE CHALLENGE

Special Emphasis Programs: Lack of participation among the workforce-at-large pertaining to the participation in Asian & Pacific American Special Emphasis Events and lack of support from the agency to allow Asian & Pacific Americans to participate in outreach activities and conferences.

Complaints Process: Little to no formal EEO complaint activities identified among the Asian & Pacific American employees; however, discriminatory concerns have been voiced among the Asian/Pacific community.

PROJECT OBJECTIVES

The primary objective of the AAPI Special Emphasis and Complaints Sub-group was to:

- Raise awareness of existing concerns and problems of the Asian/Pacific community;
- Identify and recommend proactive measures to all stakeholders; and to
- Examine the community's concerns about federal-sector Special Emphasis Programs and the EEO complaint process.

STRATEGIC PLAN

The AAPI Special Emphasis and Complaints Sub-group developed a strategy to assist the AAPI community in addressing the issues covering federal sector Special Emphasis Programs and the EEO Complaint Process. The strategy included meeting with the Executives of FAPAC and the Asian Congressional Caucus and developing the following plan:

STEP ONE - Defining the Problem and Establishing the Goals

STEP TWO - Listing Alternative Tools to assist in the Resolution of the Problems

STEP THREE - Reviewing the Alternatives

1. Why were the alternatives selected?
2. How did you evaluate the alternative solution(s)?
3. What values did you consider most important?
4. What are the advantages and disadvantages of each alternative?

STEP FOUR - Choosing the Best Alternatives (or Combination of Alternatives)

1. Selection process
2. Analysis of alternatives

STEP FIVE – Implementing the Solution

1. Who should do it?
2. How might support for proposal be achieved?
3. What is action group's relation to power figures?
4. What strategy(ies) would you recommend? Why?
5. What specific tactics or methods might be used?

STEP SIX – Reviewing the Progress - At the agreed upon times, review how well the solution was implemented and what additional problem-solving efforts should be made.

RECOMMENDED SOLUTIONS

During the next phase, the AAPI Sub-group established the following recommendations:

Special Emphasis Programs: Agency senior management should support and encourage participation in Asian American and Pacific Islander sponsored activities/training sessions. They should also require that managers and supervisors actively support Asian American/Pacific Islander activities (i.e – conferences, training sessions, meetings addressing AAPI issues, etc.). In addition, the AAPI Sub-group offers the following recommendations:

- **Enhance Efforts of Asian Groups** – Asian Groups must be more proactive in supporting the AAPI community on issues relating to the injustices endured by AAPIs. AAPI employees should be more assertive, more proactive and take the initiative to question negative decisions that are made by management regarding training, leave requests, travel requests and meeting participation.

- **Increase FAPAC's Visibility within Federal Agencies** –During interviews with AAPI federal employees, many admitted that they are not aware of the services provided by FAPAC.

Therefore, FAPAC must be more proactive in educating federal employees on the mission and the services offered by their organization.

- **Review Demographics of AAPIs and Evaluate Agency Human Resource and Training Services Outreach Processes -** Federal agencies should review the demographics of the AAPI employees and assess the data collected by the EEOC to determine if there is a disparity of the support provided to the AAPI employees versus non-AAPI employees within their agencies.

- **Solicit Support of Internal/External/Congressional Resources**
  Highlight Advocacy Groups – The AAPI community should solicit the support of internal/external and congressional resources to assist them in overcoming the challenges that they face in their communities and the federal government. AAPIs should take advantage of the strategies that other minority groups have successfully used when obtaining the services of such service oriented groups.

- **Conduct Brown Bag Diversity Training Sessions and Sponsor Networking Events for the Various Special Emphasis Groups –** Agencies should conduct Brown Bag Diversity Training sessions and host networking events for the various Special Emphasis Groups to highlight the diverseness of the different affinity groups including AAPIs.

- **Establish a Joint Federal Agency Asian/Pacific Council –** AAPI employees should establish Joint AAPI Councils to address the challenges that AAPIs face in the federal workplace. It is known that there is strength in numbers; therefore, it is imperative that the AAPI employees join forces to address challenges and injustices that they may encountered in the federal government.

- **Encourage Agencies to Fund Office of Personnel Management (OPM) Sanctioned Conferences –** Agencies should support the participation of one person or more (if funding available) from every affinity group to participate in OPM sanctioned conferences.

- **Agency Diversity Forums –** Agencies can establish a forum that has at least one representative from each affinity group (IMAGE/BIG/ FEW/ FAPAC/ etc…) affiliated with that particular government agency. This group could meet on a regular basis to discuss concerns that directly impact their group and seek out a resolution by way of consensus among the Diversity Forum. By discussing problems in this type of setting allows each participant to become exposed to other perspectives/styles/approaches on how to resolve issues facing the group. Each group will benefit from the other. And the creation of a dialogue among the groups will eventually build a very influential coalition.

Complaint Process: Agencies should take extra measures to provide training and statistical information regarding the complaint process to the Asian American and Pacific Islander employees; and identify the benefits of the complaint process by highlighting historical cases that pertain to the Asian/Pacific community. We also recommend that the EEO Directors and EEO Offices take extra measures to support AAPI activities such as reviewing AAPI EEO case data;

reviewing AAPI demographics and assisting AAPI employees in overcoming their fear of the EEO Process and retaliation by breaking the myths of the EEO Complaint process.

Dr. Sharon Goto noted at the Commission Meeting on July 22, 2008, that Asians are more likely to claim that discrimination occurred when discussing a matter with another Asian. Based on this anecdotal evidence, this appears to be a barrier for AAPIs to the EEO complaint process. Therefore, it is highly recommended that EEO practitioners and FAPAC provide assistance in overcoming this and other barriers for those persons who may experience difficulties or discomfort in bringing forth their EEO claims. In addition, this relationship between the EEO Office and the AAPI affinity group can help to surmount the persistent fear of reprisal, and can encourage victims of discrimination to enforce their legal rights as federal employees.
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In order to help AAPI employees in overcoming their fears of the EEO process, EEO Directors and FAPAC can assist by highlighting prominent EEO winning cases. A list of important EEOC decisions regarding AAPIs is found at Appendix D.

OTHER RECOMMENDATIONS

The Sub-group met with the President of the Federal Asian Pacific American Council (FAPAC) and provided the following recommendations to assist FAPAC in accomplishing its mission of representing Asian Pacific American (APA) employees in the Federal and District of Columbia Government. The following items were recommended to achieve the goal of involving more participation in FAPAC:

- FAPAC should be more proactive in the AAPI community and the federal government and issue FAPAC conference information earlier to federal agencies to provide adequate marketing of the conference;

- FAPAC should also increase EEO workshops at FAPAC conferences; and

- FAPAC should revise the existing FAPAC website to include: contact information for an interpreter to assist the AAPI community and employees with language barriers; a link that has the flow chart of the EEO process to assist AAPI federal employees in understanding the steps within the EEO process; EEO Office contact information to assist AAPI employees in making contact with federal EEO Offices; on-line EEO training courses to further educate the AAPI community and employees on the EEO process; list upcoming FAPAC training announcements; a catalog of private and federal sector job vacancy announcements; and a resume bank to assist AAPI employees in the preparation of

their resumes and the required Knowledge, Skills and Abilities requirements for federal employment.

These suggestions and efforts are useful ways to engage more individuals in the overall prospect of meaningful dialog and interaction with FAPAC.

BEST PRACTICES

The sub-group interviewed managers from several agencies to obtain the best practices used to achieve successful Special Emphasis Programs through executive support and increased audience participation and to determine the best methods used to assist and educate AAPIs in the EEO complaint process. The results are as follows:

SPECIAL EMPHASIS PROGRAMS

U.S. Department of Health and Human Services – The agency invites internal Executives to participate and serve on Special Emphasis Programs as guest speakers, panel members, and moderators to demonstrate a commitment from the agency's top executives.

Broadcasting Board of Governors - The agency host joint Special Emphasis Programs co-sponsored with other agencies to ensure high attendance levels, which reduces cost and reaches a larger population of Executives, Managers and employees.

The Office of Peace Corp American Diversity Programs - The Special Emphasis Programs and Conferences are marketed through agency-wide e-mail announcements, posters, and other disseminations as deemed appropriate. The Agency head as well as the senior managers encourage participation at the programs/conferences. Support for the programs/conferences is obtained through the agency's senior management.

The Holocaust Museum Diversity Programs – The agency sends an invitation to all employees and invites local schools to attend the Special Emphasis Programs which encourages employee participation and provides and educational forums for local youth.

The Office of Personnel Management American Diversity Programs – The agency rotates the financial responsibility for each Special Emphasis Observance to individual OPM Program Offices each year. This eliminates the burden of one office being responsible for the cost to host such Programs and it creates a position of buy-in from the host Program Office. In addition, the OPM Director sends out an electronic message to announce the Special Emphasis Programs which shows a sense of commitment from the highest level of the agency. Also a voicemail message is sent from the EEO Office and posters and other disseminations are distributed the morning of the event. As another measure to support the OPM AAPI employees, the OPM Special Emphasis Manager attends regularly scheduled FAPAC Meetings.

U.S. Department of Agriculture – A memorandum is sent from the Assistant Secretary for Civil Rights (ASCR) to the agencies Under Secretaries, Agency Heads, Agency Civil Rights and Human Resources Directors to announce all Special Emphasis Programs and to solicit support for

the programs. In addition, an electronic mail blast, flyers, posters; TV- LAN messages as well as word of mouth marketing are used as advertisement on the day of the program

U.S. Department of Housing and Urban Development - The agency's Affirmative Employment Division (AED) is ultimately responsible for hosting all of the Special Emphasis Programs for the U.S. Department of Housing and Urban Development. A full-time journeyman's-level Equal Opportunity Specialist is assigned to manage and facilitate all HUD Special Emphasis Programs. To ensure inclusiveness and to develop events that capture various cultural perspectives, AED encourages and facilitates the participation of HUD-wide affinity groups in the planning and implementation stages of the development of the Special Emphasis Programs.

The AED invites the Secretary of HUD and principal staff members to participate in each of the Special Emphasis Programs. The presence and involvement of senior staff members tend to draw the support and attendance of the HUD workforce.

COMPLAINT PROCESS

The Office of Peace Corp American Diversity Programs – The agency ensures that all new employees receive an orientation upon their first day at work, which includes a discussion of employees' rights to file discrimination complaints, as well as a discussion of the EEO complaint process. Thereafter, all employees attend an annual EEO, Diversity, and Sexual Harassment training session, which also includes segments focused on the employees' rights to file discrimination complaints and the EEO complaint process.

U.S. Department of Housing and Urban Development – The agency ensures that the employees' rights and responsibilities and the EEO process are posted conspicuously in common areas at HUD Headquarters and in all Regional Offices. New employees are briefed on their rights and the EEO process during mandatory new employee's orientation monthly and the new Supervisor's training. Employee rights and the EEO process are provided and discussed during all facilitations, and conflict resolution training provided to Program Office.

CONCLUSION/BENEFITS

The 2000 Census revealed that 44% of Asian American Pacific Islanders over the age of 25 had 4 or more years of college compared with 28% of Whites, 16% African Americans and 11% of Latinos. The education advantage obtained by AAPIs is even more apparent in the 25 to 29 young adult group. The high levels of education are reflected in the occupations of Asians and Pacific Islanders. More than 7% of the nation's high tech workers are AAPIs and this figure represents a significant proportion of the nation's best-educated scientists and technicians.[3] Nonetheless, the protection of their civil rights provides unique challenges in the federal sector. As noted throughout this report, two particular challenges are evident:

[3] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
DHHS - Indian Health Service (IHS)	0.96%	2.04%	4.53%	6.58%	0.00%
DHHS - National Institutes of Health (NIH)	13.49%	10.16%	12.89%	8.20%	3.28%
DHHS - Office of the Secretary & Admin on Aging (OS&AA)	5.24%	5.29%	5.33%	4.19%	1.76%
Department of Veterans Affairs – Main	6.18%	4.65%	3.38%	18.57%	1.06%
Department of Veterans Affairs – Nat'l Cemetery Admin. (NCA)	3.77%	3.12%	10.00%	0.00%	0.00%
Department of Veterans Affairs - Veterans Benefits Admin. (VBA)	2.96%	2.51%	2.06%	2.66%	0.00%
Department of Veterans Affairs - Veterans Health Admin. (VHA)	6.48%	4.87%	3.54%	19.12%	1.24%

***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

percent of the relevant pool participating for each demographic group, and the number of those who applied. A review of this data will show whether Asians and NHOPIs are participating in career development opportunities that could lead to advancement into the mid-level ranks of officials and managers. If Asians and NHOPIs are not participating, the agency should investigate how this condition can be remedied.

If Asians and NHOPIs are participating at a proportionate level in career development opportunities at the agency, then the investigation would continue to determine the root cause of the low participation among mid-level officials and managers at the agency. This may result in a review of other policies related to advancement. Another data table that would be relevant is Workforce Data Table A9, which records competitive promotions for major occupations. After this analysis, the agency may find that Asians or NHOPIs are not being selected as mid-level managers because an insufficient number apply for management positions due to lack of soft skills. The agency may then offer training for its mid-level grades to improve soft skills and encourage participation by Asians and NHOPIs.

3. Glass ceiling/low participation in senior grades

When an agency finds that it has low participation of Asians or NHOPIs in its senior grades—as at the Veterans Administration, Department of Health and Human Services, and the Patent and Trademark Office—it must similarly drill down to discover the root cause of the trigger. Besides Tables A3-1 and A4-1, which would be reviewed to discover a trigger, the agency should also look at Tables A11 and A12.

Table A11 records data on the agency's internal selection for senior-level positions. The three sections are for the GS13/14, GS15, and SES levels. The table includes, for each vacancy category, the applications received, information on those qualified for the positions, those selected for the positions, and the size of the relevant pool for each demographic group. From this table the agency can analyze whether there is a sufficient pool of applicants for the senior grades in each demographic group and see the rate of selection during the year. If there are sufficient applications but not a proportionate number of hires at the SES, then the agency would ask "Why?" and review the SES selection criteria. If there are insufficient applications from Asians and NHOPIs, then policies relating to recruitment in the senior ranks would be analyzed for barriers.

Table A12 contains career development data (as described earlier). Here, the agency would look at the section relating to GS15 and above to determine the participation rates of Asians and NHOPIs at the senior grades in career development programs. After the barrier analysis, the agency may determine that the cause for the lack of SES candidates who are Asian or NHOPI is the result of a lack of these groups taking advantage of available senior-level assignments. An action plan would then need to be devised to attract more Asians into the senior-level rotational assignments at the agency.

As illustrated above, the process of barrier analysis is fluid and goes from one step to another and can repeat certain steps before an actual barrier is found. The key to

successful barrier analysis is the persistence to drill down deep and inquire about the key reasons for disparities: only then can action plans be devised to remedy the specific barrier.

Appendix C

FEDERAL ASIAN AMERICAN AND PACIFIC ISLANDER SPECIAL EMPHASIS PROGRAMS AND COMPLAINTS SUB-GROUP REPORT

BACKGROUND

The Equal Employment Opportunity Commission formed the Asian American Pacific Islander Work Group (AAPIWG) to examine the issues of the Asian community with respect to the federal workplace. The AAPI Work Group produced and administered a survey to be completed by each federacy agency to test perceptions and gather information regarding the realities AAPI's face in the federal workplace.

The results of this survey authenticate the concerns of the AAPI community in the federal workplace. The survey highlights the level of activity, participation and support provided to the AAPI activities in comparison to other affinity groups within the organization. Based on the attendance of the seven (7) federally recognized observances, the Asian Pacific American Heritage Month observance participation comes in 6th place.

This is of concern, because the AAPI community is comprised of different religious and cultural groups, some of which have norms that are vastly different from those of traditional Euro-American perspectives. Consequently, agencies must raise the level of awareness among its employees so that they may be cognizant of the differences among the various groups, and thereby better understand and coalesce with these different groups. It is through special emphasis activities that employees get the opportunity to better understand and appreciate their colleagues. Indeed, the hope is that organizations will creatively convert cultural differences into transformative change, leading to functional advantage, rather than sources of differentiation, isolation and conflict. By understanding differences, employees from differing cultures can discover human commonalities as well, but to see those mutual traits through the prism of the different cultural perspectives. Again, this heightened understanding allows employees to function more efficaciously as organizational teams.

Special emphasis programs, particularly those having to do with the AAPI community ought not be viewed as mundane, ineffective and burdensome obligatory events. Rather, when used creatively and effectively, these programs are a benefit to governmental organizations. It is, therefore, incumbent upon senior managers and supervisors to support and attend such events as an indication of their commitment to supporting the Asian American Pacific Islander community. In so doing, managers can demonstrate to their organizations that their AAPI employees are valued and appreciated not only for the work that they do, but for what they bring to the organization as a whole. As a result, the AAPI employees can better incorporate and adapt to their respective work teams, and thus become more effective and productive team players. Moreover, when senior management supports such programs, AAPI employees are apt to engage

in complaint processes should the need arise. Engaging in complaint processes such as the EEO complaint process allows managers and supervisors to become aware of activities that are of concern and in need of correction. When employees feel that they are valued, when their concerns are addressed, when they are able to understand their colleagues and are themselves being understood, the work environment can become cohesive, productive and successful.

AAPI SPECIAL EMPHASIS AND COMPLAINTS SUB-GROUP

The AAPI Special Emphasis and Complaints Sub-group was created to identify additional challenges faced by federal sector Asian American Pacific Islander employees and to propose recommendations to overcome these challenges. In response to this charge, the Sub-group offers the following:

THE CHALLENGE

Special Emphasis Programs: Lack of participation among the workforce-at-large pertaining to the participation in Asian & Pacific American Special Emphasis Events and lack of support from the agency to allow Asian & Pacific Americans to participate in outreach activities and conferences.

Complaints Process: Little to no formal EEO complaint activities identified among the Asian & Pacific American employees; however, discriminatory concerns have been voiced among the Asian/Pacific community.

PROJECT OBJECTIVES

The primary objective of the AAPI Special Emphasis and Complaints Sub-group was to:

- Raise awareness of existing concerns and problems of the Asian/Pacific community;
- Identify and recommend proactive measures to all stakeholders; and to
- Examine the community's concerns about federal-sector Special Emphasis Programs and the EEO complaint process.

STRATEGIC PLAN

The AAPI Special Emphasis and Complaints Sub-group developed a strategy to assist the AAPI community in addressing the issues covering federal sector Special Emphasis Programs and the EEO Complaint Process. The strategy included meeting with the Executives of FAPAC and the Asian Congressional Caucus and developing the following plan:

STEP ONE - Defining the Problem and Establishing the Goals

STEP TWO - Listing Alternative Tools to assist in the Resolution of the Problems

STEP THREE - Reviewing the Alternatives

1. Why were the alternatives selected?
2. How did you evaluate the alternative solution(s)?
3. What values did you consider most important?
4. What are the advantages and disadvantages of each alternative?

STEP FOUR - Choosing the Best Alternatives (or Combination of Alternatives)

1. Selection process
2. Analysis of alternatives

STEP FIVE – Implementing the Solution

1. Who should do it?
2. How might support for proposal be achieved?
3. What is action group's relation to power figures?
4. What strategy(ies) would you recommend? Why?
5. What specific tactics or methods might be used?

STEP SIX – Reviewing the Progress - At the agreed upon times, review how well the solution was implemented and what additional problem-solving efforts should be made.

RECOMMENDED SOLUTIONS

During the next phase, the AAPI Sub-group established the following recommendations:

Special Emphasis Programs: Agency senior management should support and encourage participation in Asian American and Pacific Islander sponsored activities/training sessions. They should also require that managers and supervisors actively support Asian American/Pacific Islander activities (i.e – conferences, training sessions, meetings addressing AAPI issues, etc.). In addition, the AAPI Sub-group offers the following recommendations:

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- **Increase FAPAC's Visibility within Federal Agencies** –During interviews with AAPI federal employees, many admitted that they are not aware of the services provided by FAPAC.

Therefore, FAPAC must be more proactive in educating federal employees on the mission and the services offered by their organization.

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  Highlight Advocacy Groups – The AAPI community should solicit the support of internal/external and congressional resources to assist them in overcoming the challenges that they face in their communities and the federal government. AAPIs should take advantage of the strategies that other minority groups have successfully used when obtaining the services of such service oriented groups.

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Dr. Sharon Goto noted at the Commission Meeting on July 22, 2008, that Asians are more likely to claim that discrimination occurred when discussing a matter with another Asian. Based on this anecdotal evidence, this appears to be a barrier for AAPIs to the EEO complaint process. Therefore, it is highly recommended that EEO practitioners and FAPAC provide assistance in overcoming this and other barriers for those persons who may experience difficulties or discomfort in bringing forth their EEO claims. In addition, this relationship between the EEO Office and the AAPI affinity group can help to surmount the persistent fear of reprisal, and can encourage victims of discrimination to enforce their legal rights as federal employees.
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OTHER RECOMMENDATIONS

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- FAPAC should be more proactive in the AAPI community and the federal government and issue FAPAC conference information earlier to federal agencies to provide adequate marketing of the conference;

- FAPAC should also increase EEO workshops at FAPAC conferences; and

- FAPAC should revise the existing FAPAC website to include: contact information for an interpreter to assist the AAPI community and employees with language barriers; a link that has the flow chart of the EEO process to assist AAPI federal employees in understanding the steps within the EEO process; EEO Office contact information to assist AAPI employees in making contact with federal EEO Offices; on-line EEO training courses to further educate the AAPI community and employees on the EEO process; list upcoming FAPAC training announcements; a catalog of private and federal sector job vacancy announcements; and a resume bank to assist AAPI employees in the preparation of

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These suggestions and efforts are useful ways to engage more individuals in the overall prospect of meaningful dialog and interaction with FAPAC.

BEST PRACTICES

The sub-group interviewed managers from several agencies to obtain the best practices used to achieve successful Special Emphasis Programs through executive support and increased audience participation and to determine the best methods used to assist and educate AAPIs in the EEO complaint process. The results are as follows:

SPECIAL EMPHASIS PROGRAMS

U.S. Department of Health and Human Services – The agency invites internal Executives to participate and serve on Special Emphasis Programs as guest speakers, panel members, and moderators to demonstrate a commitment from the agency's top executives.

Broadcasting Board of Governors - The agency host joint Special Emphasis Programs co-sponsored with other agencies to ensure high attendance levels, which reduces cost and reaches a larger population of Executives, Managers and employees.

The Office of Peace Corp American Diversity Programs - The Special Emphasis Programs and Conferences are marketed through agency-wide e-mail announcements, posters, and other disseminations as deemed appropriate. The Agency head as well as the senior managers encourage participation at the programs/conferences. Support for the programs/conferences is obtained through the agency's senior management.

The Holocaust Museum Diversity Programs – The agency sends an invitation to all employees and invites local schools to attend the Special Emphasis Programs which encourages employee participation and provides and educational forums for local youth.

The Office of Personnel Management American Diversity Programs – The agency rotates the financial responsibility for each Special Emphasis Observance to individual OPM Program Offices each year. This eliminates the burden of one office being responsible for the cost to host such Programs and it creates a position of buy-in from the host Program Office. In addition, the OPM Director sends out an electronic message to announce the Special Emphasis Programs which shows a sense of commitment from the highest level of the agency. Also a voicemail message is sent from the EEO Office and posters and other disseminations are distributed the morning of the event. As another measure to support the OPM AAPI employees, the OPM Special Emphasis Manager attends regularly scheduled FAPAC Meetings.

U.S. Department of Agriculture – A memorandum is sent from the Assistant Secretary for Civil Rights (ASCR) to the agencies Under Secretaries, Agency Heads, Agency Civil Rights and Human Resources Directors to announce all Special Emphasis Programs and to solicit support for

the programs. In addition, an electronic mail blast, flyers, posters; TV- LAN messages as well as word of mouth marketing are used as advertisement on the day of the program

U.S. Department of Housing and Urban Development - The agency's Affirmative Employment Division (AED) is ultimately responsible for hosting all of the Special Emphasis Programs for the U.S. Department of Housing and Urban Development. A full-time journeyman's-level Equal Opportunity Specialist is assigned to manage and facilitate all HUD Special Emphasis Programs. To ensure inclusiveness and to develop events that capture various cultural perspectives, AED encourages and facilitates the participation of HUD-wide affinity groups in the planning and implementation stages of the development of the Special Emphasis Programs.

The AED invites the Secretary of HUD and principal staff members to participate in each of the Special Emphasis Programs. The presence and involvement of senior staff members tend to draw the support and attendance of the HUD workforce.

COMPLAINT PROCESS

The Office of Peace Corp American Diversity Programs – The agency ensures that all new employees receive an orientation upon their first day at work, which includes a discussion of employees' rights to file discrimination complaints, as well as a discussion of the EEO complaint process. Thereafter, all employees attend an annual EEO, Diversity, and Sexual Harassment training session, which also includes segments focused on the employees' rights to file discrimination complaints and the EEO complaint process.

U.S. Department of Housing and Urban Development – The agency ensures that the employees' rights and responsibilities and the EEO process are posted conspicuously in common areas at HUD Headquarters and in all Regional Offices. New employees are briefed on their rights and the EEO process during mandatory new employee's orientation monthly and the new Supervisor's training. Employee rights and the EEO process are provided and discussed during all facilitations, and conflict resolution training provided to Program Office.

CONCLUSION/BENEFITS

The 2000 Census revealed that 44% of Asian American Pacific Islanders over the age of 25 had 4 or more years of college compared with 28% of Whites, 16% African Americans and 11% of Latinos. The education advantage obtained by AAPIs is even more apparent in the 25 to 29 young adult group. The high levels of education are reflected in the occupations of Asians and Pacific Islanders. More than 7% of the nation's high tech workers are AAPIs and this figure represents a significant proportion of the nation's best-educated scientists and technicians.[3] Nonetheless, the protection of their civil rights provides unique challenges in the federal sector. As noted throughout this report, two particular challenges are evident:

[3] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
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***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

STEP TWO - Listing Alternative Tools to assist in the Resolution of the Problems

STEP THREE - Reviewing the Alternatives

1. Why were the alternatives selected?
2. How did you evaluate the alternative solution(s)?
3. What values did you consider most important?
4. What are the advantages and disadvantages of each alternative?

STEP FOUR - Choosing the Best Alternatives (or Combination of Alternatives)

1. Selection process
2. Analysis of alternatives

STEP FIVE – Implementing the Solution

1. Who should do it?
2. How might support for proposal be achieved?
3. What is action group's relation to power figures?
4. What strategy(ies) would you recommend? Why?
5. What specific tactics or methods might be used?

STEP SIX – Reviewing the Progress - At the agreed upon times, review how well the solution was implemented and what additional problem-solving efforts should be made.

RECOMMENDED SOLUTIONS

During the next phase, the AAPI Sub-group established the following recommendations:

Special Emphasis Programs: Agency senior management should support and encourage participation in Asian American and Pacific Islander sponsored activities/training sessions. They should also require that managers and supervisors actively support Asian American/Pacific Islander activities (i.e – conferences, training sessions, meetings addressing AAPI issues, etc.). In addition, the AAPI Sub-group offers the following recommendations:

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BEST PRACTICES

The sub-group interviewed managers from several agencies to obtain the best practices used to achieve successful Special Emphasis Programs through executive support and increased audience participation and to determine the best methods used to assist and educate AAPIs in the EEO complaint process. The results are as follows:

SPECIAL EMPHASIS PROGRAMS

U.S. Department of Health and Human Services – The agency invites internal Executives to participate and serve on Special Emphasis Programs as guest speakers, panel members, and moderators to demonstrate a commitment from the agency's top executives.

Broadcasting Board of Governors - The agency host joint Special Emphasis Programs co-sponsored with other agencies to ensure high attendance levels, which reduces cost and reaches a larger population of Executives, Managers and employees.

The Office of Peace Corp American Diversity Programs - The Special Emphasis Programs and Conferences are marketed through agency-wide e-mail announcements, posters, and other disseminations as deemed appropriate. The Agency head as well as the senior managers encourage participation at the programs/conferences. Support for the programs/conferences is obtained through the agency's senior management.

The Holocaust Museum Diversity Programs – The agency sends an invitation to all employees and invites local schools to attend the Special Emphasis Programs which encourages employee participation and provides and educational forums for local youth.

The Office of Personnel Management American Diversity Programs – The agency rotates the financial responsibility for each Special Emphasis Observance to individual OPM Program Offices each year. This eliminates the burden of one office being responsible for the cost to host such Programs and it creates a position of buy-in from the host Program Office. In addition, the OPM Director sends out an electronic message to announce the Special Emphasis Programs which shows a sense of commitment from the highest level of the agency. Also a voicemail message is sent from the EEO Office and posters and other disseminations are distributed the morning of the event. As another measure to support the OPM AAPI employees, the OPM Special Emphasis Manager attends regularly scheduled FAPAC Meetings.

U.S. Department of Agriculture – A memorandum is sent from the Assistant Secretary for Civil Rights (ASCR) to the agencies Under Secretaries, Agency Heads, Agency Civil Rights and Human Resources Directors to announce all Special Emphasis Programs and to solicit support for

the programs. In addition, an electronic mail blast, flyers, posters; TV- LAN messages as well as word of mouth marketing are used as advertisement on the day of the program

U.S. Department of Housing and Urban Development - The agency's Affirmative Employment Division (AED) is ultimately responsible for hosting all of the Special Emphasis Programs for the U.S. Department of Housing and Urban Development. A full-time journeyman's-level Equal Opportunity Specialist is assigned to manage and facilitate all HUD Special Emphasis Programs. To ensure inclusiveness and to develop events that capture various cultural perspectives, AED encourages and facilitates the participation of HUD-wide affinity groups in the planning and implementation stages of the development of the Special Emphasis Programs.

The AED invites the Secretary of HUD and principal staff members to participate in each of the Special Emphasis Programs. The presence and involvement of senior staff members tend to draw the support and attendance of the HUD workforce.

COMPLAINT PROCESS

The Office of Peace Corp American Diversity Programs – The agency ensures that all new employees receive an orientation upon their first day at work, which includes a discussion of employees' rights to file discrimination complaints, as well as a discussion of the EEO complaint process. Thereafter, all employees attend an annual EEO, Diversity, and Sexual Harassment training session, which also includes segments focused on the employees' rights to file discrimination complaints and the EEO complaint process.

U.S. Department of Housing and Urban Development – The agency ensures that the employees' rights and responsibilities and the EEO process are posted conspicuously in common areas at HUD Headquarters and in all Regional Offices. New employees are briefed on their rights and the EEO process during mandatory new employee's orientation monthly and the new Supervisor's training. Employee rights and the EEO process are provided and discussed during all facilitations, and conflict resolution training provided to Program Office.

CONCLUSION/BENEFITS

The 2000 Census revealed that 44% of Asian American Pacific Islanders over the age of 25 had 4 or more years of college compared with 28% of Whites, 16% African Americans and 11% of Latinos. The education advantage obtained by AAPIs is even more apparent in the 25 to 29 young adult group. The high levels of education are reflected in the occupations of Asians and Pacific Islanders. More than 7% of the nation's high tech workers are AAPIs and this figure represents a significant proportion of the nation's best-educated scientists and technicians.[3] Nonetheless, the protection of their civil rights provides unique challenges in the federal sector. As noted throughout this report, two particular challenges are evident:

[3] Data reported from the U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File1 (STF) - 100 Percent Data. Washington 2000.

from a participation rate of 3.76% in FY 2002 to 5.15% in FY 2006. Finally, the Securities and Exchange Commission increased slightly each year beginning at 6.74% and ending at 8.25% participation.

Table 2: High Performers / Low Performers Over Time

Agencies with Highest & Lowest 5-Year AAPI Participation Rates *					
Highest 5-Year AAPI Participation Rates					
Year	Broadcasting Board of Governors	DoD-Defense Commissary Agency	Army & Air Force Exchange Service	Department of the Navy	Department of Commerce
FY 2002	20.26%	15.90%	13.81%	9.92%	7.19%
FY 2003	21.14%	15.99%	13.98%	10.13%	7.45%
FY 2004	21.91%	16.81%	13.78%	10.30%	7.71%
FY 2005	15.02%	16.37%	13.44%	10.53%	8.06%
FY 2006	14.94%	16.45%	13.12%	10.55%	8.87%
Lowest 5-Year AAPI Participation Rates					
Year	Tennessee Valley Authority	Court Services & Offender Supervision Agency	Railroad Retirement Board	Gov't Printing Office	DoD-Defense Security Service
FY 2002	0.92%	1.75%	1.55%	1.07%	1.91%
FY 2003	0.97%	1.52%	1.51%	1.33%	2.23%
FY 2004	1.01%	1.51%	1.75%	1.54%	2.17%
FY 2005	0.13%	1.66%	1.98%	1.87%	2.28%
FY 2006	0.30%	1.66%	1.81%	2.10%	2.21%
Highest 5-Year AAPI Participation Rate Increases					
Year	Health & Human Services	US Agency for International Development	Department of State	Securities & Exchange Commission	Federal Trade Commission
FY 2002	5.14%	3.98%	3.55%	6.74%	3.76%
FY 2003	5.42%	4.10%	4.47%	7.13%	3.51%
FY 2004	7.19%	5.04%	5.15%	7.66%	3.81%
FY 2005	7.33%	5.56%	5.31%	8.11%	4.03%
FY 2006	7.73%	6.05%	5.58%	8.25%	5.15%
***Source: EEOC's Annual Report on the Federal Work Force - Fiscal Year 2006, Appendix III, Table A-1a, Parts 1 and 2 (Agencies with 500+ employees).**					

c. Special snapshots of AAPI participation in the federal workforce.

In Table 3, the participation rate of AAPIs is shown for 51 agencies that had the highest AAPI participation and for those with the lowest AAPI participation and their subcomponents. As can be seen, some of the agency subcomponents have much higher or much lower participation than their parent agency. For example, HHS-Indian Health Service has only a 0.94% participation rate of AAPIs while HHS overall has a participation rate of 8.14%. Another example is Animal and Plant Health Inspection Service, a subcomponent of the USDA, which has a participation rate of 7.01% although the USDA has only 2.41% overall participation.

Table 3: Overall AAPI Participation Rates

*AAPI Total Workforce Participation Rates - FY2006**			
Agencies with Highest AAPI Participation Rates		**Agencies with Lowest AAPI Participation Rates**	
Civilian Labor Force - 2000 Census**	3.80%	[redacted]	
Federal Workforce - 2006**	6.06%		
Broadcasting Board of Governors	13.50%	Tennessee Valley Authority	0.30%
Department of the Navy	6.39%	Court Services and Offender Supervision Agency	1.73%
Department of Commerce (DOC) – Main	4.60%	Railroad Retirement Board	1.80%
DOC– Census Bureau	3.37%	National Gallery of Art	1.76%
DOC – International Trade Administration	5.21%	Department of the Interior (DOI)- Main	2.11%
DOC – Nat'l Institute of Standards & Technology	9.23%	DOI - Bureau of Indian Affairs	0.23%
DOC – Nat'l Oceanic & Atmospheric Admin.	4.31%	DOI - Bureau of Land Management	1.45%
DOC – Patent & Trademark Office	25.45%	DOI - Bureau of Reclamation	3.01%
Securities and Exchange Commission	8.22%	DOI - Fish & Wild Life Service	2.15%
Nuclear Regulatory Commission	8.10%	DOI – US Geological Survey	3.10%
United States Postal Service	7.58%	DOI - Minerals Management Service	3.68%
Dept. of Health and Human Services (HHS)– Main	8.14%	DOI - National Park Service	2.33%
HHS – Administration for Children & Families	3.78%	DOI – Office of Surface Mining Reclamation & Enforce.	1.88%
HHS – Centers for Disease Control	6.86%	Office of Personnel Management	2.50%
HHS – Center for Medicare & Medicaid Services	4.88%	National Archives and Records Administration	2.64%
HHS – Food & Drug Administration	12.68%	Department of Agriculture (USDA) – Main	2.41%
HHS – Health Resources & Services Administration	4.39%	USDA- Agricultural Marketing Service	2.30%
HHS – Indian Health Service	0.94%	USDA - Agricultural Research Service	6.19%
HHS – National Institutes of Health	14.44%	USDA - Food & Nutrition Service	4.02%
HHS – Office of the Secretary & Admin. on Aging	5.38%	USDA - Forest Service	1.66%
Department of Veterans Affairs (VA)– Main	6.83%	USDA – Animal & Plant Health Inspection Service	7.01%
VA – National Cemetery Administration	3.55%	USDA - Farm Service Agency	1.31%
VA – Veterans Benefits Administration	2.96%	USDA - Food Safety & Inspection Service	3.56%
VA – Veterans Health Administration	7.15%	USDA - National Agricultural Statistics Service	3.49%
		USDA - National Finance Center	1.70%
		USDA - Natural Resources Conservation Service	1.13%
		USDA - Rural Development	1.99%

***Source: Table A1, FY 2006 MD-715 Reports of the above-referenced agencies (Total Workforce).**
****Source: Annual Report on the Federal Workforce, FY 2006, App. III, Table A-1.**

Table 4 identifies the percent of mid-level and executive senior level officials and managers who are AAPIs in FY 2006 compared with the participation of AAPIs in the agency's

permanent workforce. A review of the table indicates that the participation of AAPIs drops off as they ascend the career ladder, even at agencies with the highest overall AAPI participation rates.

Table 4: AAPIs at Mid-Level and Senior-Level Management

*Participation of AAPIs in Management at Top-Ranked Agencies – FY2006**			
	Permanent Workforce	**Midlevel O&M****	**Executive / Sr. O&M****
Broadcasting Board of Governors	13.77%	No data	No Data
Department of the Navy	6.74%	No data	4.23%
Department of Commerce (DOC) – Main	4.40%	3.43%	2.90%
DOC-Census	3.38%	2.24%	3.40%
DOC – Int'l Trade Association	5.21%	4.29%	2.60%
DOC – Nat'l Institute of Standards & Tech.	8.07%	3.80%	0.00%
DOC – Nat'l Oceanic & Atmospheric Administration	4.30%	3.37%	1.00%
DOC – Patent & Trademark Office	25.61%	11.39%	21.60%
Securities and Exchange Commission***	8.26%	0.00%	5.50%
Nuclear Regulatory Commission†	8.20%	0.00%	6.30%
United States Postal Service††	7.93%	4.27%	4.75%
Department of Health and Human Services (HHS)– Main	7.32%	4.59%	4.39%
HHS – Administration for Children & Families	3.85%	0.00%	3.60%
HHS – Centers for Disease Control	5.31%	2.32%	2.91%
Department of Health and Human Services – CMMS	4.86%	2.73%	1.42%
Department of Health and Human Services – FDA	11.39%	7.98%	4.08%
Department of Health and Human Services – HRSA	4.40%	3.66%	1.37%
Department of Health and Human Services – HIS	0.96%	1.63%	3.65%
Department of Health and Human Services – NIH	13.49%	5.19%	7.08%
Department of Health and Human Services – OS&AA	5.24%	3.76%	2.70%
Department of Veterans Affairs – Main	6.18%	2.15%	1.68%
Department of Veterans Affairs – NCA	3.77%	1.01%	0.00%
Department of Veterans Affairs – VBA	2.96%	1.40%	2.06%
Department of Veterans Affairs – VHA	6.48%	2.36%	1.47%

***Source: Tables A1 and A3-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****Officials and Managers**
*****SEC only has 15 mid-level employees overall.**
†NRC only has 12 mid-level managers overall.
††In the USPS, mid-level management corresponds to grades EAS 15-21 while executive and senior management corresponds to EAS 22 and above and the Postal Career Executive Service (PCES). Source: MD-715 report for USPS, FY 2006, Workforce Data Table A4-1.

In some of these agencies, including the Department of Veterans Affairs (VA), the National Institute of Standards and Technology, and the National Institutes of Health, the differences between AAPI participation rates in the permanent workforce and in mid-level management are quite substantial. At VA, there are 6.18% AAPIs in the permanent workforce but AAPIs make up only 2.15% of the mid-level officials and managers. The National Institute of Standards and Technology, a subcomponent of the Department of Commerce, has a permanent workforce representation of 8.07% AAPIs and only 3.80% participation in the mid-level officials

and managers category. The National Institutes of Health, a subcomponent of HHS, has 13.49% AAPIs in its permanent workforce but only 5.19% in the mid-level officials and managers ranks.

The same pattern holds with respect to AAPI participation in senior grades. Table 5 compares the permanent workforce percentages with the percentages of AAPIs in each of the higher grades GS13-SES for agencies with the highest levels of participation of AAPIs. HHS has a permanent workforce of 7.32% AAPI. At GS14 it maintains a high 9.12% AAPI participation rate. At GS15 it is 6.06%, only slightly below the permanent workforce. However, at the SES, HHS only has 2.19% AAPIs. This data indicates that HHS may have a glass ceiling to the advancement of AAPIs to the SES. Another example can be seen at VA, where the permanent workforce stands at 6.18% AAPIs and at GS14 only 3.38%. However, at GS15 there are 18.57% AAPIs. This shows that VA can draw from a large pool of AAPIs but it only has 1.06% AAPIs at the SES level.

Table 5: AAPIs at Senior Grades

Participation of AAPIs in Senior Grades at Top-Ranked Agencies – FY2006*

	Permanent Workforce	**GS-13**	**GS-14**	**GS-15**	**SES**
Broadcasting Board of Governors	13.77%	12.83%	5.88%	2.82%	6.67%
Department of the Navy	6.74%	6.69%	2.73%	2.25%	1.75%
Dept of Commerce – Main	4.40%	5.54%	6.36%	4.51%	2.63%
Dept of Commerce – Census	3.38%	9.11%	4.25%	3.40%	2.56%
Dept of Commerce - International Trade Association (ITA)	5.21%	5.07%	3.63%	4.04%	0.00%
Dept of Commerce – Natl Inst. of Standards & Technology (NIST)	8.07%	0.00%	10.95%	8.05%	2.94%
Dept of Commerce – Natl Oceanic & Atmospheric Admin (NOAA)	4.30%	4.04%	4.80%	3.15%	1.62%
Dept of Commerce - Patent & Trademark Office (PTO)	25.61%	32.78%	29.17%	20.41%	7.14%
Securities and Exchange Commission (SEC)	8.26%	7.69%	6.17%	2.38%	1.14%
Nuclear Regulatory Commission	8.20%	6.30%	6.22%	11.27%	4.70%
United States Postal Service-National**	7.93%	4.36%	3.97%	4.93%	2.73%
Dept. of Health & Human Services (DHHS) – Main	7.32%	8.09%	9.12%	6.06%	2.19%
DHHS – Administration for Children and Families (ACF)	3.85%	3.92%	3.10%	1.00%	4.55%
DHHS - Centers for Disease Control & Prevention (CDC)	5.31%	6.02%	7.14%	2.60%	0.00%
DHHS - Centers for Medicare & Medicaid Services (CMMS)	4.86%	5.37%	2.81%	2.42%	3.38%
DHHS - Food & Drug Administration (FDA)	11.39%	13.59%	13.79%	8.67%	0.00%
DHHS - Health Resources & Services Administration (HRSA)	4.40%	4.69%	4.16%	2.67%	0.00%
DHHS - Indian Health Service (IHS)	0.96%	2.04%	4.53%	6.58%	0.00%
DHHS - National Institutes of Health (NIH)	13.49%	10.16%	12.89%	8.20%	3.28%
DHHS - Office of the Secretary & Admin on Aging (OS&AA)	5.24%	5.29%	5.33%	4.19%	1.76%
Department of Veterans Affairs – Main	6.18%	4.65%	3.38%	18.57%	1.06%
Department of Veterans Affairs – Nat'l Cemetery Admin. (NCA)	3.77%	3.12%	10.00%	0.00%	0.00%
Department of Veterans Affairs - Veterans Benefits Admin. (VBA)	2.96%	2.51%	2.06%	2.66%	0.00%
Department of Veterans Affairs - Veterans Health Admin. (VHA)	6.48%	4.87%	3.54%	19.12%	1.24%

***Source: Tables A1 and A4-1, FY 2006 MD-715 Reports of the above-referenced agencies.**
****USPS Equivalents: GS13 – EAS 15-18; GS14 – EAS 19-21; GS-15 – EAS 22+; SES – PCES. Source: MD-715 Report for USPS – FY 2006, Workforce Data Table A4-1.**

Special Emphasis Programs: Lack of participation among the workforce-at-large pertaining to the participation in Asian and Pacific American Special Emphasis Events and lack of support from the agency to allow Asian and Pacific Americans to participate in outreach activities and conferences. Therefore, efforts of the Asian groups and employees should be enhanced by being more assertive, more proactive and taking the initiative to question negative decisions made by management. In addition, FAPAC and federal agencies must take steps to ensure that the AAPI community can overcome the fight of the myth of the "model minority" by promoting social and economic justice for all AAPIs.

Complaints Process: Little to no formal EEO complaint activities identified among the Asian American and Pacific Islands employees; however, discriminatory concerns have been voiced among the Asian/Pacific community. AAPIs face significant barriers in the federal workplace. Language is perhaps the most prominent barrier to the EEO complaint process. Therefore, the AAPI community and federal agencies must improve educational opportunities to overcome language barriers by improving bilingual programs and promoting increased cultural diversity. In addition, additional effort must be taken to ensure that the AAPI community and federal employees have a clear understanding of the EEO process and that the myths of the process are dispelled.

AAPIs face significant barriers within their communities and the federal workplace; however, as a result of the establishment of the Equal Employment Opportunity Commission's AAPI Task Force and the efforts of the Federal Asian American and Pacific Islander Special Emphasis Programs and Complaints Sub-Group, significant changes can be made in the AAPI communities by implementing the recommendations made in this report. With larger institutional changes the AAPI groups can benefit and work together to enhance community awareness of AAPI issues by banding together to address the challenges that AAPIs face in the present and going into the 21st century. This report brings forth AAPI agency and community issues to the forefront and expands the AAPI circle of influence through effective communication and networking. As EEO practitioners stride to provide assistance to the AAPI community and federal AAPI employees, we must continue to enhance the AAPIs awareness of their rights and understanding of the EEO complaint process to overcome their struggle against injustice.

Appendix D

Decisions issued by the EEOC's Office of Federal Operations finding in favor of AAPIs in Federal Sector EEO complaints as referenced by the report from the Sub-Group on Special Emphasis and Complaints.

- **Fiscal Year 2002**

  Vij v. Department of the Army, EEOC Appeal No. 01996128 (February 8, 2002), determining that the agency discriminated against complainant based on race (Asian), national origin (Indian), and religion (Hindu).

  Slocum v. Social Security Admin., EEOC Appeal No. 0720040062 (September 15, 2002), finding discrimination based on race (Asian) and retaliation.

  Stone v. Department of the Treasury (Bureau of Public Debt), EEOC Appeal No. 01A02572 (July 6, 2001), *request to reconsider denied*, EEOC Request No. 05A11013 (January 10, 2002), concluding that the agency discriminated against complainant based national origin (Korean).

- **Fiscal Year 2004**

  Ko v. Department of Homeland Security, EEOC Appeal No. 07A20134 (December 1, 2003), upholding an EEOC Administrative Judge's decision finding discrimination based on race (Asian).

  Hamilton v. United States Postal Serv., EEOC Appeal No. 01A30899 (March 4, 2004), discrimination based on national origin (Indian) and age.

  Hashimoto v. Department of Housing and Urban Development, EEOC Appeal No. 01A24642 (May 11, 2004), holding that HUD discriminated based on race (Asian) and national origin (Japanese American).

  Mariano v. United States Postal Serv., EEOC Appeal Nos. 01A41796, 01A41979, 01A32697 (June 8, 2004), finding discrimination based on race/national origin (Asian Pacific Islander) and sex.

- **Fiscal Year 2005**

  Phillip v. Department of Veterans Affairs, EEOC Appeal No. 0720050024 (March 25, 2005), affirming the EEOC AJ's determination that discrimination occurred based on race (Asian), color (Brown), and national origin (Asian-American).

  Talukdar v. Department of Veterans Affairs, EEOC Appeal No. 01A40738 (March 30, 2005), finding discrimination based on national origin (Indian) and reprisal for prior EEO activity.

Vashi v. United States Postal Serv., EEOC Appeal No, 07A50056 (July 12, 2005), concluding that discrimination occurred based on race (Asian), national origin (East Indian), disability, sex and age

- **Fiscal Year 2006**

  Claflin v. Department of Defense, EEOC Appeal No. 07A50069 (May 26, 2006), determining that the EEOC AJ correctly found that discrimination occurred based on race (Asian) and national origin (Filipino).

  Debruin v. USPS, EEOC Appeal No. 0120052391 (June 12, 2006), finding discrimination based on race/national origin (Asian).

  Caguiat v. Department of Justice (FOP), EEOC Appeal No. 0120052651 (July 31, 2006), finding discrimination based on race (Asian American) and disability.

  Paras v. Social Security Agency, EEOC Appeal No. 0720060049 (November 6, 2006), concluding that discrimination occurred based on race (Asian/Pacific Islander).

- **Fiscal Year 2007**

  Dang v. United States Postal Service, EEOC Appeal No. 0120060488 (January 5, 2007), determining that discrimination occurred based on national origin (Vietnamese).

  Rana v. Department of Homeland Security, EEOC Appeal No. 0720060056 (January 5, 2007), upholding the EEOC AJ's finding that discrimination occurred based on national origin (Pakistan) and religion (Islam).

  Sugawara-Adams v. Environmental Protection Agency, EEOC Appeal No. 0720070050 (September 10, 2007), affirming the AJ's conclusions that discrimination occurred based on race (Asian American), national origin (Japanese), sex (female), and in retaliation for prior EEO activity

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  Stone v. Department of the Treasury (Bureau of Public Debt), EEOC Appeal No. 01A02572 (July 6, 2001), *request to reconsider denied*, EEOC Request No. 05A11013 (January 10, 2002), concluding that the agency discriminated against complainant based national origin (Korean).

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  Phillip v. Department of Veterans Affairs, EEOC Appeal No. 0720050024 (March 25, 2005), affirming the EEOC AJ's determination that discrimination occurred based on race (Asian), color (Brown), and national origin (Asian-American).

  Talukdar v. Department of Veterans Affairs, EEOC Appeal No. 01A40738 (March 30, 2005), finding discrimination based on national origin (Indian) and reprisal for prior EEO activity.

Vashi v. United States Postal Serv., EEOC Appeal No, 07A50056 (July 12, 2005), concluding that discrimination occurred based on race (Asian), national origin (East Indian), disability, sex and age

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  Claflin v. Department of Defense, EEOC Appeal No. 07A50069 (May 26, 2006), determining that the EEOC AJ correctly found that discrimination occurred based on race (Asian) and national origin (Filipino).

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  Paras v. Social Security Agency, EEOC Appeal No. 0720060049 (November 6, 2006), concluding that discrimination occurred based on race (Asian/Pacific Islander).

- **Fiscal Year 2007**

  Dang v. United States Postal Service, EEOC Appeal No. 0120060488 (January 5, 2007), determining that discrimination occurred based on national origin (Vietnamese).

  Rana v. Department of Homeland Security, EEOC Appeal No. 0720060056 (January 5, 2007), upholding the EEOC AJ's finding that discrimination occurred based on national origin (Pakistan) and religion (Islam).

  Sugawara-Adams v. Environmental Protection Agency, EEOC Appeal No. 0720070050 (September 10, 2007), affirming the AJ's conclusions that discrimination occurred based on race (Asian American), national origin (Japanese), sex (female), and in retaliation for prior EEO activity

Appendix E

Special thanks to all the members of the Work Group and supporting staffers:

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