

DEPARTMENT OF HOMELAND SECURITY
United States Secret Service
Washington, DC 20223

August 13, 2024

William Marshall
425 Third Street, SW, Suite 800
Washington, DC 20024
E-Mail: bmarshall@judicialwatch.org

Freedom of Information Act Request 20240714

Dear Requester,

This is the second interim response to the above referenced Freedom of Information Act (FOIA) request.

This office previously informed you that we would initiate a search for responsive document regarding the third part of the above request which asked for all USSS and DHS policy documents related to Diversity, Equity and Inclusion in the hiring, employment, training and discipline of Secret Service agents.

The Secret Service has now completed this search and responsive documents were located. Enclosed are the documents responsive to your request, as well as a document that explains the exemptions in more detail. Exemptions under the FOIA Statute, Title 5 U.S.C. § 552, and/or the PA Statute, Title 5 U.S.C. § 552a, have been applied where deemed appropriate after considering the foreseeable harm standard outlined in the 2016 amendment to 5 U.S.C. § 552 (a)(8)(A)(i) and DOJ guidance. Withheld information is pursuant to the exemption marked below.

Section 552 (FOIA)

(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	X (b) (6)
(b) (7) (A)	(b) (7) (B)	(b) (7) (C)	(b) (7) (D)	(b) (7) (E)	
(b) (7) (F)	(b) (8)				

On June 12, 2024, you filed a complaint in the United States District Court for the District of Columbia seeking to compel the Department of Homeland Security and the Secret Service to comply with the above reference FOIA request. Any questions regarding these documents should be addressed through that forum.

Sincerely,

Handwritten signature of Kevin L. Tyrrell in black ink.

Kevin L. Tyrrell
Freedom of Information Act Officer
Office of Intergovernmental and Legislative Affairs

Enclosure:
FOIA and Privacy Act Exemption List

**FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

Provisions of the Freedom of Information Act do not apply to matters that are:

- (b) (1) (A) specifically authorized under criteria established by an Executive Order to be kept Secret in the interest of national defense or foreign policy; and (B) are in fact properly classified pursuant to such Executive Order;
- (b) (2) related solely to the internal personnel rules and practices of any agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute: (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) is established after the date of enactment of the OPEN FOIA Act of 2009;
- (b) (4) trade secrets and commercial or financial information obtained from a person and/or is privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency; provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;
- (b) (6) personnel files, medical files and/or similar files with which their disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the information: (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, foreign agency or authority, or any private institution that furnished information on a confidential basis, and/or when records/information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for regulation or supervision of financial institutions; and
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

**PRIVACY ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

The provisions of the Privacy Act do not apply to:

- (d) (5) material compiled in reasonable anticipation of a civil action or proceeding;
- (j) (2) material reporting investigative efforts pertaining to enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) material that is currently and properly classified pursuant to an Executive Order in the interest of national defense or foreign policy;
- (k) (2) material compiled during investigations for law enforcement purposes;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of Title 18;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or for access to classified information, but only to the extent that the disclosure of such material would reveal the identity of the person who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the September 27, 1975, under an implied promise that the identity of the source would be held in confidence; and
- (k) (6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service-the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Manual : Human Resources and Training
RO : EEO

Section : HRT-03(01)
Date : 10/30/2013

From: MNO
Sent: Wednesday, October 30, 2013 11:14 AM
To: USA
Subject: DCP#: DD 2013-06, DCP#: HRT 2013-30, Realignment of the Diversity and Inclusion Program

//ROUTINE//

DCP#: DD 2013-06
HRT 2013-30

FROM: Headquarters (AD-Administration)
TO: All Supervisors and Holders of the District Directory
All Supervisors and Holders of the Human Resources and Training Manual
SUBJECT: Realignment of the Diversity and Inclusion Program

This directive should be reproduced locally and filed in front of the District Directory. This directive also should be filed in front of the Human Resources Training Manual section HRT-03(01), Diversity Management Program.

This directive is in effect until superseded.

Effective November 3, 2013, the Diversity and Inclusion Program will be realigned under the EEO and Special Emphasis Programs, Office of the Deputy Director.

Questions regarding this directive should be directed to the Management and Organization Division at 202-406-5776, or to the Equal Employment Opportunity and Special Emphasis Programs at 202-406-5540.

Headquarters (AD-Administration)

Bunting/Paramore

Manual : Human Resources and Training
RO : HRT

Section : HRT-03(01)
Date : 02/05/2013

From: DIR
Sent: Tuesday, February 05, 2013 10:03 AM
To: USA
Cc: DIR
Subject: DCP#: HRT 2013-10 Administrative, Professional and Technical (APT) Pilot Mentor Program

//Routine//

From: Headquarters (Deputy Director) DCP#: HRT 2013-10
To: All Supervisors and Holders of the Human Resources and Training Manual
Subj: Administrative, Professional and Technical (APT) Pilot Mentor Program

This directive should be reproduced locally and filed in front of the Human Resources and Training Manual, section HRT-03(01).

This directive is in effect until superseded.

Reference is made to DCP#: HRT 2012-46, dated November 13, 2012, Administrative, Professional and Technical (APT) Pilot Mentor Program.

In addition to the selected employees who are actively participating in this one-year pilot mentoring program, the Diversity and Inclusion (DAI) Program, Office of the Deputy Director, is seeking additional employees to participate in a one-year pilot mentoring program for employees within the Administrative, Professional and Technical (APT) occupational ranks.

The APT Pilot Mentor Program will formally assist new and current APT employees in establishing professional relationships. The purpose of the program is to provide Secret Service protégés with a mechanism to enhance their career goals by assisting them with designing a professional development plan. The APT Working Group will serve as a steering committee, providing advice and strategic input to the mentors.

Secret Service employees interested in becoming a mentor or protégé should complete and submit an SSF 4308A, Mentor Application or an SSF 4308B, Protégé Application available in the USSS Forms Library. Please submit the forms through your supervisor to mentoring@uss.s.dhs.gov.

These applications can also be accessed through these hyperlinks:

Mentors:
<https://intranet.ssnnet.uss.s.dhs.gov/Administration/MNO/forms/USSS%20Forms%20Library/ssf4308A.pdf>

Protégés:
<https://intranet.ssnnet.uss.s.dhs.gov/Administration/MNO/forms/USSS%20Forms%20Library/ssf4308B.pdf>

Manual : Human Resources and Training
RO : HRT

Section : HRT-03(01)
Date : 02/05/2013

The APT working group subcommittee will review mentor and protégé applications for participation in the program. Final selections will be reviewed and approved by members of the executive management staff.

Any questions regarding this information should be directed to Diversity Program Manager (b) (6) (b) (6) at (b) (6) or Instructional Systems Specialist (b) (6) at (b) (6) or email mentoring@usss.dhs.gov.

Headquarters (Deputy Director) Smith

Manual : Human Resources and Training
RO : DEP

Section : HRT-03(01)
Date : 11/13/2012

From: DIR
Sent: Tuesday, November 13, 2012 3:13 PM
To: USA
Cc: DIR
Subject: DCP#: HRT 2012-46 Administrative, Professional and Technical (APT) Pilot Mentor Program

//ROUTINE//

FROM: Headquarters (Deputy Director) DCP#: HRT 2012-46
TO: All Supervisors and Holders of the Human Resources and Training Manual
SUBJ: Administrative, Professional and Technical (APT) Pilot Mentor Program

This directive should be reproduced locally and filed in front of the Human Resources and Training Manual, section HRT-03(01).

This directive is in effect until superseded.

Reference is made to DCP#: HRT 2012-24, dated June 18, 2012 subject Administrative, Professional and Technical (APT) Pilot Mentor Program.

The Diversity and Inclusion (DAI) Program, Office of the Deputy Director, is seeking additional employees to participate in a one-year pilot mentoring program for employees within the Administrative, Professional and Technical (APT) occupational ranks. The APT Pilot Mentor Program was designed from information gathered through surveys and focus group interviews conducted with APTs, the majority of whom support a mentoring program. The overarching goal of this pilot is to serve as a precursor to an agency-wide mentoring program that will include special agents and Uniformed Division personnel in the future.

The APT Pilot Mentor Program will formally assist new and current APT employees in establishing professional relationships. The purpose of the program is to provide Secret Service protégés with a mechanism to enhance their career goals by assisting them with designing a professional development plan. The APT Working Group will serve as a steering committee, providing advice and strategic input to the mentors.

Secret Service employees interested in becoming a mentor or protégé should seek approval of their supervisor, complete and submit an SSF 4308A, Mentor Application or an SSF 4308B, Protégé Application available in the USSS Forms Library. Please submit the forms to mentoring@usss.dhs.gov no later than December 7, 2012. These applications can also be accessed through the hyperlink on the HRT/DMP/APT Working Group/Mentoring Program web page. Additional information describing program expectations, program orientation, and training can also be accessed on the web page.

Manual : Human Resources and Training
RO : DEP

Section : HRT-03(01)
Date : 11/13/2012

The APT working group subcommittee will review mentor and protégé applications for participation in the program. Final selections will be reviewed and approved by members of the executive management staff.

Any questions regarding this information should be directed to Diversity Program Manager (b) (6) (b) (6) at (b) (6) or Instructional Systems Specialist (b) (6) at (b) (6) or email mentoring@usss.dhs.gov.

Headquarters (Deputy Director) Smith

Obtained via FOIA by Judicial Watch, Inc.
United States Secret Service
Directives System

Manual : Human Resources and Training
RO : HRT

Section : HRT-03(01)
Date : 06/18/2012

From: DIR
Sent: Monday, June 18, 2012 2:15 PM
To: USA
Cc: DIR
Subject: DCP#: HRT 2012-24 Administrative, Professional and Technical (APT) Pilot Mentor Program

//Routine//

From: Headquarters (Deputy Director) DCP#: HRT 2012-24
To: All Supervisors and Holders of the Human Resources and Training Manual
Subj: Administrative, Professional and Technical (APT) Pilot Mentor Program

This directive should be reproduced locally and filed in front of Human Resources and Training Manual, section HRT-03(01).

This directive is in effect until superseded.

On June 15, 2012, the Diversity and Inclusion (DAI) Program, Office of the Deputy Director, will launch a one-year pilot mentoring program for employees within the Administrative, Professional and Technical (APT) occupational ranks. The APT Pilot Mentor Program was designed from information gathered through surveys and focus group interviews conducted with APTs, the majority of whom support a mentoring program. The overarching goal of this pilot is to serve as a precursor to an agency-wide mentoring program that will include special agents and Uniformed Division personnel in the future.

The APT Pilot Mentor Program will formally assist new and current APT employees in establishing professional relationships. The purpose of the program is to provide Secret Service protégés with a mechanism to enhance their career goals by assisting them with designing a professional development plan. The APT Working Group will serve as a steering committee, providing advice and strategic input to the mentors.

Secret Service employees interested in becoming a mentor or protégé should complete and submit an SSF 4308A, Mentor Application or an SSF 4308B, Protégé Application available in the USSS Forms Library or through the hyperlink on the HRT/APT Career Guidance web page and the DEP/Diversity and Inclusion web page. Additional information describing program expectations, program orientation and training can also be accessed on the web page.

The APT working group subcommittee will review mentor and protégé applications for participation in the program. Final selections will be reviewed and approved by members of the executive management staff.

Any questions regarding this information should be directed to Diversity Program Manager (b) (6) (b) (6) at (b) (6) or Program Analyst (b) (6) (b) (6) at (b) (6).

Headquarters (Deputy Director) Smith

DIVERSITY MANAGEMENT PROGRAM

The Diversity Management Program has been established in the Secret Service as a means of achieving an organizational culture which values diversity and utilizes employees to their fullest potential regardless of age, gender, race, or other factors.

This program is under the direction of the Office of Human Resources and Training, Deputy Assistant Director (Recruitment, Employment and Diversity Programs).

Structure of the Program

It is the policy of the Secret Service to promote and maximize the potential of a diverse workforce in a rapidly changing, increasingly competitive environment.

The Office of Human Resources and Training, Deputy Assistant Director (Recruitment, Employment and Diversity Program) serves as the principal advisor to the Director on issues of workforce planning and diversity management. This DAD is authorized to recommend and develop programs, policies, and strategies in support of diversity goals and objectives.

Duties, Functions, and Responsibilities

The Diversity Management Program exercises broad management authority to develop, implement, oversee, and evaluate policies and programs with respect to workforce planning and diversity.

In this capacity, the Program:

- Is responsible for participating fully in the formulation and execution of Bureau-wide programs, policies, and strategies.

- Promotes awareness of diversity within the workplace, enhances interpersonal relationships, and strives to create an organizational culture that is free from racism, sexism, or other biases.

- Actively supports the recruitment, development, advancement, and retention of a diverse workforce.

- Identifies inadequacies in policies and procedures, researches and analyzes the issues, advises management of areas requiring modification, and provides creative, viable solutions or alternatives.

Manual : Human Resources and Training
RO : HRT

Section : HRT-03(01)
Date : 02/01/2001

Administrative File Number 200.170 has been developed for use in identifying the Diversity Management Program.

Any questions regarding this program should be directed to the Deputy Assistant Director (Recruitment, Employment and Diversity Programs).

Directives System

Manual : Human Resources and Training
RO : EEO



Section : HRT-04(01)
Date : 12/19/2005

Subject: General Provisions

To: All Supervisors and All Manual Holders of the Human Resources and Training Manual

Filing Instructions:

- Remove and destroy section HRT-04(01) (dated 02/01/2001) in its entirety and replace with the attached revised section.
- This directive is in effect until superseded.

Impact Statement: This directive is being revised to reflect current policy, programs, and responsibilities of the Secret Service Equal Employment Opportunity office.

Mandatory Review: The Responsible Office will review all policy contained in this section in its entirety by or before December 2008.

Questions regarding this policy should be directed to the Office of the Director, Equal Employment Opportunity Program, at 202-406-5540.


Barbara Riggs
Deputy Director

DCP#: HRT 2005-24

GENERAL PROVISIONS

Equal Employment Opportunity Policy

It is the policy of the Secret Service to provide equal employment opportunity throughout the Service for all employees, former employees, and applicants for employment who are otherwise eligible and qualified, without regard to such non-merit factors as race, color, religion, sex, national origin, disability (physical or mental), parental status, protected genetic information, sexual orientation, age, or reprisal for objecting to discrimination or prior or current participation in the Equal Employment Opportunity (EEO) complaint process. This policy applies to appointments, details, career development, training, reassignments, promotions, and assignments of work, and to any other actions or situations affecting employment status where the possibility exists for consideration of non-merit factors. All selections, except for those positions for which the Secretary of Homeland Security has approved age limits, shall be free from any discrimination based on age.

EEO Program Activities in Brief

The Director of the Secret Service exercises personal leadership in establishing, maintaining, and carrying out affirmative programs designed to promote equal employment opportunity. The Service conducts a continuing campaign to eradicate any vestige of prejudice or discrimination based upon race, color, religion, sex, age, disability (physical or mental), parental status, protected genetic information, sexual orientation, national origin, or reprisal for objecting to discrimination or prior participation in the EEO complaint process from its personnel policies, practices, and working conditions. Employees who engage in discriminatory practices face disciplinary action in accordance with applicable laws and regulations.

The EEO Program office facilitates the delivery of EEO training and training on the Prevention of Sexual Harassment to Secret Service employees on an annual basis. Managers and supervisors are responsible for fostering an attitude of acceptance and understanding of the EEO program and establishing a favorable climate for EEO activity within their jurisdictions.

The resources and activities directed toward furtherance of EEO policies and objectives include, but are not limited to, the elements listed below.

EEO Action Plan

The Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715) provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity under Section 717 of Title VII, and effective affirmative action programs under Section 501 of the Rehabilitation Act. MD-715 is the first directive issued by EEOC that identifies

the "Essential Elements" for structuring model equal employment opportunity programs. A model EEO program provides an agency with the necessary foundation for achieving a discrimination-free work environment.

There are six "Essential Elements" for maintaining "Model Agency" programs. They are as follows:

- Demonstrated commitment from agency leadership;
- Integration of EEO into the agency's strategic mission;
- Management and program accountability;
- Proactive prevention of unlawful discrimination;
- Efficiency; and
- Responsiveness and legal compliance.

Federal agencies must:

- Ensure that they are in full compliance with the law, including EEOC regulations, orders and other written instructions. See 42 U.S.C. § 2000e-16(b);
- Report agency program efforts and accomplishments to EEOC and respond to EEOC directives and orders in accordance with EEOC instructions and time frames; and
- Ensure that management fully and timely complies with final EEOC orders for corrective action and relief in EEO matters.

As part of the affirmative employment plan, the agency should have an up-to-date timeline of activities to effectuate its program of equal employment opportunity. Therefore, on a fiscal year basis the Secret Service develops an MD-715 Program Plan. The plan reports on accomplishments of the past year, analyzes the current EEO situation in the Service, and establishes specific goals for the coming year. The Service's MD-715 Program Plan is a comprehensive document that assists the Director in carrying out the spirit and intent of the overall EEO program. Furthermore, it provides assistance and guidance in planning, developing, and implementing the EEO program throughout the Service. The plan should be responsive and tailored to address any barriers or problems detected.

Affirmative Employment

The affirmative employment planning process requires federal agencies to develop planned actions designed to address any present effects of past discrimination. These actions are tailored efforts to make certain that qualified minorities, women, disabled veterans, and individuals with disabilities are given a full and fair opportunity to be represented in and progress within the agency's workforce. The Secret Service's efforts are outlined in the following Affirmative Employment Plans:

1. **Minorities and Women**
2. **Persons with Disabilities**
3. **Disabled Veterans**
4. **Federal Equal Opportunity Recruitment Plan (FEORP)**

Special Emphasis Programs

Special Emphasis Programs (SEPs) are designed to assist the organization in meeting its affirmative action responsibilities. SEPs are affirmative action programs established to increase the representation,

retention and advancement of their constituent groups in underrepresented occupations and grades. SEPs are also charged with promoting cultural awareness, identifying policies, procedures, and practices affecting their groups and advising management on actions, which may increase participation of minorities, women, and persons with disabilities in all Secret Service programs and activities. The Secret Service delivers the following six programs:

1. **Federal Women**
2. **Hispanic Employment**
3. **African American**
4. **Asian/Pacific Islander**
5. **Persons with Disabilities/Disabled Veterans**
6. **American Indian/Alaskan Native**

EEO Discrimination Complaints System

The Secret Service's Equal Employment Opportunity Program assures that all employees and applicants for employment have a full and fair opportunity at employment, career advancement, and access to programs. Any employee, former employee, or applicant for employment who believes that he/she has been discriminated against because of race, color, religion, sex, age, national origin, disability (physical or mental), parental status, sexual orientation, protected genetic information, or in reprisal for opposition to activities protected by civil rights statutes, or participating in proceedings to enforce those statutes may utilize the agency's EEO Discrimination Complaints System.

Alternative Dispute Resolution (ADR) Program

ADR is a variety of procedures used to resolve disputes. EEO Counselors offer ADR as an option to traditional EEO Counseling procedures during the EEO Complaint Process to help settle differences between parties by maintaining and reopening communications.

Outreach Initiatives

Presidential Executive Orders require federal agencies to establish plans, which will increase the participation of Hispanics, African Americans, American Indian/Alaskan Natives, Persons with Disabilities, and Asian/Pacific Islanders in federal programs. The Secret Service supports these initiatives through various student internship opportunities, excess computer donations, and community awareness activities. The Secret Service each year has representatives speaking with high school groups, community groups, law enforcement groups, and college placement officers concerning job opportunities and recruitment needs.

Prevention of Sexual Harassment

Sexual harassment is conduct of a sexual nature that is offensive and/or unwelcome to others. It is a form of sex discrimination and may be the basis of a successful EEO complaint if it meets guidelines established by the EEOC. Even if conduct does not meet the EEOC guidelines for sexual harassment, the Secret Service may initiate disciplinary action for conduct that adversely affects the work environment.

When a supervisor makes sexual favors a condition of receiving employment benefits or rights, he or she is clearly engaging in sexual harassment. However, any employee who engages in conduct that is sexual in nature and creates a hostile work environment is also engaging in sexual harassment. For this reason, it is important that a victim of unwanted sexual conduct tell the harasser that the conduct is unwelcome and/or offensive.

Sexual harassment violations may be caused by either males or females and the harasser can be the victim's supervisor, an employee, a contractor, a co-worker, a subordinate, or a member of the general public.

A victim of sexual harassment is anyone affected by the offensive conduct. The victim can be male or female, and can be the same sex as the harasser. The Secret Service is committed to providing a work environment free of improper or offensive sexual conduct, including conduct that does not meet the legal definition of sexual harassment. The Secret Service recognizes the right of all employees to be free of unsolicited and unwelcome sexual advances and intimidation. Moreover, the Secret Service recognizes that all employees have a right to work in an environment which does not subject them to unwelcome conversations containing sexually suggestive comments, innuendos or jokes, or workplace posters, photographs, screen savers, or other materials of a sexually suggestive nature.

Secret Service supervisors and managers have a responsibility to provide a professional work environment that is free from sexual harassment and other offensive behavior.

If any employee believes that he or she has been a victim of sexual harassment, he or she may contact:

- A supervisor;
- An Ombudsman
(Names may be obtained from the Ombudsman Program Coordinator at 202-406-5555);
- An EEO Counselor
(Names of counselors may be obtained by calling the EEO Program office at 202-406-5540 or through email at equal.opportunity@usss.dhs.gov);
- The Office of Inspection
- Personnel Division, Employee Relations Branch, at 202-406-5670; or
- The Sexual Harassment Hotline

In the Washington, D.C. area: 202-406-9800

Outside the Washington, D.C. area: 1-800-420-5558

For the hearing impaired: Dial 202-406-9805 to reach a TDD.

Manual : Human Resources and Training
RO : PER

Section : HRT-04(01)
Date : 12/19/2005

Any employee who becomes aware of sexual harassment or other improper conduct has a responsibility to report such conduct to the appropriate supervisory official or one of the contacts from the above list.

Victims of sexual harassment may file a complaint under the Secret Service's EEO Discrimination Complaints System. Such complaints must be made within 45 days of the incident, or from the date of the last incident if the conduct is continuing in nature.

Victims who do not elect to file a discrimination complaint are encouraged to report incident(s) of sexual harassment or other improper conduct to the appropriate supervisor, the Office of Inspection, the EEO Program office, an Ombudsman, the Sexual Harassment Hotline, and/or the Personnel Division, Employee Relations Branch.

Recognition of EEO Accomplishments

Recognition for superior accomplishments in EEO may be provided through the Secret Service Awards Program (see PER-07(02)).

Reasonable Accommodation

The Rehabilitation Act of 1973, as amended, requires employers to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship. Title VII of the Civil Rights Act of 1964, as amended, requires employers to reasonably accommodate the religious practices of employees and prospective employees, unless the accommodation would result in undue hardship on the conduct of agency business. See HRT-04(05) for additional information.

Information to Employees

Information on the Secret Service's EEO program and program officials is available on the Secret Service intranet and public website. In addition, annually and at other appropriate intervals employees are informed of the Service's EEO program. EEO Counselors and Special Emphasis Program Managers are available to answer specific questions and to provide advice about matters brought to their attention.

EEO Program Evaluation

Under EEOC MD-715, the Secret Service is required to conduct a self-assessment of its workforce on an annual basis. For this assessment, the agency must collect and evaluate all the information and data necessary to make an informed assessment about the extent to which it is meeting its responsibility to provide employment opportunities for its employees (permanent and temporary), qualified applicants, and employees with disabilities. Further, it alerts the Service to potential barriers which may prevent individuals from any race, ethnicity, or sex group from realizing their full potential.

As part of the self-assessment, the agency looks at its workforce representation (permanent and temporary) in each grade level and in various occupational categories, the rates of selection for promotions, training opportunities and performance incentives, the rate of voluntary and involuntary separations, adverse actions, and the rates of new hires to the Service by race, ethnicity, sex, and disability status. Further, the Office of Inspection reviews and reports on EEO compliance posting operations as a part of regularly scheduled office inspections.

Program Evaluation and monitoring components also consists of systems for:

- EEO/Civil Rights Workload Analysis (CRWA) - defines/establishes minimum program levels for consistency in program delivery.
- Civil Rights Impact Analysis (CRIA) - Civil Rights impacts are alterations in people's civil rights status that occur in conjunction with a new policy, program, or project; are not attributable to any external factors; and are perceived by those affected as socially significant. CRIAs are composed of narrative and statistical information by race/sex/national origin/disability and are designed to (1) analyze impacts before an action begins; (2) provide alternatives (including no action) to recommend actions; (3) identify mitigation measures to negative impacts; and (4) monitor outcomes.
- Measuring EEO Performance - A process to measure and provide feedback on the EEO performance of management and supervisory-level employees to ensure accountability.

EEO Responsibilities

Below are summaries of EEO responsibilities in the Secret Service. The summaries do not include all EEO staff functions. Secret Service managers and supervisors, along with EEO officials, are expected to review appropriate EEO information to ensure that they have a thorough knowledge of their roles in the program.

Managers and Supervisors

Managers and supervisors at all levels throughout the Service are responsible for exercising personal leadership in establishing, maintaining, and carrying out a positive, continuing program designed to promote equal opportunity for all employees. Supervisory performance in furthering equal employment opportunity is a required annual performance rating consideration.

EEO Director

The EEO Director provides program leadership and oversight to the overall EEO Program for the Secret Service. As such, the EEO Director is responsible for development and evaluation of the EEO program and for providing technical advice and assistance in various aspects of the EEO program. The EEO Director also directs the Service-wide EEO staff in the performance of EEO functions.

Special Emphasis Program Managers

There are six (6) Special Emphasis Program Managers at the Secret Service:

1. **Federal Women's Program Manager**
2. **Hispanic Employment Program Manager**
3. **African American Program Manager**
4. **Asian/Pacific Islander Program Manager**
5. **Persons with Disabilities/Disabled Veterans Program Manager**
6. **American Indian/Alaskan Native Program Manager**

Each Special Emphasis Program Managers is responsible for fostering a positive and effective EEO program in the Service as it relates to their constituent group. This includes providing advice and guidance on matters affecting the employment, advancement, retention, and participation in external activities of their constituents in all Secret Service programs and activities.

EEO Counselors

EEO Counselors are responsible for establishing and maintaining an open channel through which employees may (confidentially if they so desire) express their views on EEO matters, raise questions, discuss claims, get answers, and on an informal basis, obtain resolution of problems connected with equal employment opportunity. (See HRT-04(03); HRT-04(04); HRT-04(06); HRT-04(07) and HRT-04(08) for information on how to file discrimination claims.)

MISCELLANEOUS STANDARDS (DEPARTMENT-WIDE)

The Department of Homeland Security (DHS) periodically may issue guidance pertaining to a specific Department- or Federal government-wide topic or issue which necessitates conveyance via a central, Component-level directive. Issuances of this type are included as appendices to this section.

The following appendices convey DHS policy and associated standards regarding the following:

- Appendix A Nondiscrimination in Law Enforcement and Screening Activities
- Appendix B Nondiscrimination for Individuals with Disabilities (Non-Employment)
- Appendix C Whistleblower Protection Awareness

Appendix A: Nondiscrimination in Law Enforcement and Screening Activities

DHS's mission is to ensure that the nation remains a safe, secure, resilient place where the American way of life can thrive. As former Secretary Tom Ridge explained, "[i]n all we do to secure America, our strategies and our actions must be consistent with the individual rights and civil liberties protected by the Constitution and the rule of law."

DHS policy prohibits all racial profiling at all times by any employee of DHS. It also makes clear that DHS personnel may only use race or ethnicity as a factor "when a compelling governmental interest is present, and only in a way narrowly tailored to meet that compelling interest." The following is the Department's official policy on this issue:

"Racial profiling" is the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation, or screening activities. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity. The Department of Homeland Security (DHS) has explicitly adopted the Department of Justice's "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies," issued in June 2003. It is the policy of DHS to prohibit the consideration of race or ethnicity in our daily law enforcement and screening activities in all but the most exceptional instances, as defined in the DOJ Guidance. DHS personnel may use race or ethnicity only when a compelling governmental interest is present, and only in a way narrowly tailored to meet that compelling interest. Of course, race- or ethnicity-based information that is specific to particular suspects or incidents, or ongoing criminal activities, schemes or enterprises, may be considered, as stated in the DOJ Guidance.

Except as noted below, it is DHS policy, although not required by the Constitution, that tools, policies, directives, and rules in law enforcement and security settings that consider, as an investigative or screening criterion, an individual's simple connection to a particular country, by birth or citizenship, should be reserved for situations in which such consideration is based on an assessment of intelligence and risk, and in which alternatives do not meet security needs, and such consideration should remain in place only as long as necessary. These self-imposed limits, however, do not apply to antiterrorism, immigration, or customs activities in which nationality is expressly relevant to the administration or enforcement of a statute, regulation, or executive order, or in individualized discretionary use of nationality as a screening, investigation, or enforcement factor.

Updated Department of Justice (DOJ) guidance issued in December 2014 has superseded the June 2003 guidance. The new guidance both expands the scope of the government activities covered and adds new covered characteristics to the existing prohibitions regarding race and ethnicity. Among other things, the revised policy: expands the characteristics it protects to include prohibitions on profiling on the basis of gender, national origin, religion, sexual orientation and gender identity, in addition to race and ethnicity; applies not only to Federal law enforcement officers but also State and local law enforcement officers participating in Federal law enforcement task forces; and now applies to national security, homeland security, and intelligence activities.

Note: While the United States Secret Service's (Secret Service) general law enforcement activities are expressly covered by the 2014 DOJ Guidance, footnote 2 states: "this Guidance does not apply to [...] protective, inspection, or screening activities." Notwithstanding this exemption, and as further outlined in the footnote, it is the policy of the Secret Service that all of its activities "must be conducted consistent with the Constitution and applicable Federal law and policy, in a manner that respects privacy, civil rights and civil liberties, and subject to appropriate oversight." Moreover, even for the exempted activities of

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protection, inspection, and screening, the DOJ Guidance should be considered as a guiding principle when assessing current, revised, or proposed operational policies and practices.

The December 2014 DOJ Guidance is included as an Appendix on the pages which follow.

DOJ “Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity”

U.S. Department of Justice

GUIDANCE FOR FEDERAL LAW ENFORCEMENT AGENCIES REGARDING THE USE OF RACE, ETHNICITY, GENDER, NATIONAL ORIGIN, RELIGION, SEXUAL ORIENTATION, OR GENDER IDENTITY



December 2014

DOJ “Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity” (continued)

INTRODUCTION AND EXECUTIVE SUMMARY

This Guidance supersedes the Department of Justice’s 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies. It builds upon and expands the framework of the 2003 Guidance, and it reaffirms the Federal government’s deep commitment to ensuring that its law enforcement agencies conduct their activities in an unbiased manner. Biased practices, as the Federal government has long recognized, are unfair, promote mistrust of law enforcement, and perpetuate negative and harmful stereotypes. Moreover—and vitally important—biased practices are ineffective. As Attorney General Eric Holder has stated, such practices are “simply not good law enforcement.”

Law enforcement practices free from inappropriate considerations, by contrast, strengthen trust in law enforcement agencies and foster collaborative efforts between law enforcement and communities to fight crime and keep the Nation safe. In other words, fair law enforcement practices are smart and effective law enforcement practices.

Even-handed law enforcement is therefore central to the integrity, legitimacy, and efficacy of all Federal law enforcement activities. The highest standards can—and should—be met across all such activities. Doing so will not hinder—and, indeed, will bolster—the performance of Federal law enforcement agencies’ core responsibilities.

This new Guidance applies to Federal law enforcement officers performing Federal law enforcement activities, including those related to national security and intelligence, and defines not only the circumstances in which Federal law enforcement officers may take into account a person’s race and ethnicity—as the 2003 Guidance did—but also when gender, national origin, religion, sexual orientation, or gender identity may be taken into account. This new Guidance also applies to state and local law enforcement officers while participating in Federal law enforcement task forces. Finally, this Guidance promotes training and accountability, to ensure that its contents are understood and implemented appropriately.

Biased law enforcement practices, as the 2003 Guidance recognized with regard to racial profiling, have a terrible cost, not only for individuals but also for the Nation as a whole. This new Guidance reflects the Federal government’s ongoing commitment to keeping the Nation safe while upholding our dedication to the ideal of equal justice under the law.

Two standards in combination should guide use by Federal law enforcement officers of race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity in law enforcement or intelligence activities:

- In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity to any degree, except that officers may rely on the listed characteristics in a specific suspect description. This prohibition applies even where the use of a listed characteristic might otherwise be lawful.

DOJ “Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity” (continued)

- In conducting all activities other than routine or spontaneous law enforcement activities, Federal law enforcement officers may consider race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons possessing a particular listed characteristic to an identified criminal incident, scheme, or organization, a threat to national or homeland security, a violation of Federal immigration law, or an authorized intelligence activity. In order to rely on a listed characteristic, law enforcement officers must also reasonably believe that the law enforcement, security, or intelligence activity to be undertaken is merited under the totality of the circumstances, such as any temporal exigency and the nature of any potential harm to be averted. This standard applies even where the use of a listed characteristic might otherwise be lawful.

DISCUSSION

The Constitution protects individuals against the invidious use of irrelevant individual characteristics. *See Whren v. United States*, 517 U.S. 806, 813 (1996). Such characteristics should never be the sole basis for a law enforcement action. This Guidance sets out requirements beyond the Constitutional minimum that shall apply to the use of race, ethnicity, gender, national origin,¹ religion, sexual orientation, and gender identity by Federal law enforcement officers.² This Guidance applies to such officers at all times, including when they are operating in partnership with non-Federal law enforcement agencies.

I. GUIDANCE FOR FEDERAL LAW ENFORCEMENT OFFICERS

A. Routine or Spontaneous Activities in Domestic Law Enforcement

In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity to any degree, except that officers may rely on the listed characteristics in a specific suspect description. This prohibition applies even where the use of a listed characteristic might otherwise be lawful.

¹ As used in this Guidance, “national origin” refers to an individual’s, or his or her ancestor’s, country of birth or origin, or an individual’s possession of the physical, cultural or linguistic characteristics commonly associated with a particular country. It does not refer to an individual’s “nationality” (*i.e.*, country of citizenship or country of which the person is deemed a national), which may be relevant to the administration and enforcement of certain statutes, regulations, and executive orders.

² This Guidance is intended only to improve the internal management of the executive branch. It is not intended to, and does not, create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in an administrative, judicial, or any other proceeding. This Guidance does not apply to Federal non-law enforcement personnel, including U.S. military, intelligence, or diplomatic personnel, and their activities. In addition, this Guidance does not apply to interdiction activities in the vicinity of the border, or to protective, inspection, or screening activities. All such activities must be conducted consistent with the Constitution and applicable Federal law and policy, in a manner that respects privacy, civil rights and civil liberties, and subject to appropriate oversight.

DOJ “Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity” (continued)

Law enforcement agencies and officers sometimes engage in law enforcement activities, such as traffic and foot patrols, that generally do not involve either the ongoing investigation of specific criminal activities or the prevention of catastrophic events or harm to national or homeland security. Rather, their activities are typified by spontaneous action in response to the activities of individuals whom they happen to encounter in the course of their patrols and about whom they have no information other than their observations. These general enforcement responsibilities should be carried out without *any* consideration of race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity.

- **Example:** While parked by the side of the George Washington Parkway, a Park Police Officer notices that nearly all vehicles on the road are exceeding the posted speed limit. Although each such vehicle is committing an infraction that would legally justify a stop, the officer may not use a listed characteristic as a factor in deciding which motorists to pull over. Likewise, the officer may not use a listed characteristic in deciding which detained motorists to ask to consent to a search of their vehicles.

Some have argued that overall discrepancies in certain crime rates among certain groups could justify using a listed characteristic as a factor in general traffic enforcement activities and would produce a greater number of arrests for non-traffic offenses (*e.g.*, narcotics trafficking). We emphatically reject this view. Profiling by law enforcement based on a listed characteristic is morally wrong and inconsistent with our core values and principles of fairness and justice. Even if there were overall statistical evidence of differential rates of commission of certain offenses among individuals possessing particular characteristics, the affirmative use of such generalized notions by law enforcement officers in routine, spontaneous law enforcement activities is tantamount to stereotyping. It casts a pall of suspicion over every member of certain groups without regard to the specific circumstances of a particular law enforcement activity, and it offends the dignity of the individual improperly targeted. Whatever the motivation, it is patently unacceptable and thus prohibited under this Guidance for law enforcement officers to act on the belief that possession of a listed characteristic signals a higher risk of criminality. This is the core of invidious profiling, and it must not occur.

The situation is different when an officer has specific information, based on trustworthy sources, to “be on the lookout” for specific individuals identified at least in part by a specific listed characteristic. In such circumstances, the officer is not acting based on a generalized assumption about individuals possessing certain characteristics; rather, the officer is helping locate specific individuals previously identified as involved in crime.

- **Example:** While parked by the side of the George Washington Parkway, a Park Police Officer receives an “All Points Bulletin” to be on the look-out for a fleeing bank robbery suspect, a man of a particular race and particular hair color in his 30s driving a blue automobile. The officer may use this description, including the race and gender of the particular suspect, in deciding which speeding motorists to pull over.

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B. All Activities Other Than Routine or Spontaneous Law Enforcement Activities

In conducting all activities other than routine or spontaneous law enforcement activities, Federal law enforcement officers may consider race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons possessing a particular listed characteristic to an identified criminal incident, scheme, or organization, a threat to national or homeland security, a violation of Federal immigration law, or an authorized intelligence activity. In order to rely on a listed characteristic, law enforcement officers must also reasonably believe that the law enforcement, security, or intelligence activity to be undertaken is merited under the totality of the circumstances, such as any temporal exigency and the nature of any potential harm to be averted. This standard applies even where the use of a listed characteristic might otherwise be lawful.³

As noted above, there are circumstances in which law enforcement officers engaged in activities relating to particular identified criminal incidents, schemes, organizations, threats to national or homeland security, violations of Federal immigration law, or authorized intelligence activities may consider personal identifying characteristics of potential suspects, including race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity. Common sense dictates that when a victim describes the assailant as possessing a certain characteristic, law enforcement officers may properly limit their search for suspects to persons possessing that characteristic. Similarly, in conducting activities directed at a specific criminal organization or terrorist group whose membership has been identified as overwhelmingly possessing a listed characteristic, law enforcement should not be expected to disregard such facts in taking investigative or preventive steps aimed at the organization’s activities.

Reliance upon generalized stereotypes involving the listed characteristics is absolutely forbidden. In order for law enforcement officers to rely on information about a listed characteristic, the following must be true:

- The information must be relevant to the locality or time frame of the criminal activity, threat to national or homeland security, violation of Federal immigration law, or authorized intelligence activity;
- The information must be trustworthy; and
- The information concerning identifying listed characteristics must be tied to a particular criminal incident, a particular criminal scheme, a particular criminal organization, a threat to national or homeland security, a violation of Federal immigration law, or an authorized intelligence activity.

³ This Guidance does not prohibit the accommodation of religious beliefs and practices consistent with the U.S. Constitution and federal law. The Guidance also does not prohibit officials from considering gender when “the gender classification is not invidious, but rather realistically reflects the fact that the sexes are not similarly situated.” *Rostker v. Goldberg*, 453 U.S. 57, 79 (1981).

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Because law enforcement and intelligence actions are necessarily context-specific, in applying each of these factors, law enforcement officers may properly account for relevant facts and circumstances, such as any temporal exigency and the nature of any potential harm to be averted. However, in all cases, law enforcement officers must reasonably believe that the law enforcement or intelligence activity to be undertaken is merited under the totality of the circumstances.

The following policy statements more fully explain these principles.

1. *Law Enforcement Officers May Never Rely on Generalized Stereotypes, But May Rely Only on Specific Characteristic-Based Information*

This standard categorically bars the use of generalized assumptions based on listed characteristics.

- **Example:** In the course of investigating an auto theft ring in a Federal park, law enforcement officers could not properly choose to target individuals of a particular national origin as suspects, based on a generalized assumption that those individuals are more likely to commit crimes.

This bar extends to the use of pretexts as an excuse to target minorities. Officers may not use such pretexts. This prohibition extends to the use of other, facially neutral factors as a proxy for overtly targeting persons because of a listed characteristic. This concern arises most frequently when aggressive law enforcement efforts are focused on “high crime areas.” The issue is ultimately one of motivation and evidence; certain seemingly characteristic-based efforts, if properly supported by reliable, empirical data, are in fact neutral.

- **Example:** In connection with a new initiative to increase drug arrests, law enforcement officers begin aggressively enforcing speeding, traffic, and other public area laws in a neighborhood predominantly occupied by people of a single race. The choice of neighborhood was not based on the number of 911 calls, number of arrests, or other pertinent reporting data specific to that area, but only on the general assumption that more drug-related crime occurs in that neighborhood because of its racial composition. This effort would be improper because it is based on generalized stereotypes.
- **Example:** Law enforcement officers seeking to increase drug arrests use tracking software to plot out where, if anywhere, drug arrests are concentrated in a particular city, and discover that the clear majority of drug arrests occur in particular precincts that happen to be neighborhoods predominantly occupied by people of a single race. So long as they are not motivated by racial animus, officers can properly decide to enforce all laws aggressively in that area, including less serious quality of life ordinances, as a means of increasing drug-related arrests. *See, e.g., United States v Montero-Camargo*, 208 F.3d 1122, 1138 (9th Cir. 2000) (“We must be particularly careful to ensure that a ‘high crime’ area factor is not used with respect to entire neighborhoods or communities in which members of minority groups regularly go

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about their daily business, but is limited to specific, circumscribed locations where particular crimes occur with unusual regularity.”).

By contrast, where law enforcement officers are investigating a crime and have received *specific information* that the suspect possesses a certain listed characteristic (e.g., direct observations by the victim or other witnesses), the officers may reasonably use that information, even if it is the only descriptive information available. In such an instance, it is the victim or other witness making the classification, and officers may use reliable incident-specific identifying information to apprehend criminal suspects. Officers, however, must use caution in the rare instance in which a suspect’s possession of a listed characteristic is the only available information. Although the use of that information may not be unconstitutional, broad targeting of discrete groups always raises serious fairness concerns.

- **Example:** The victim of an assault describes her assailant as an older male of a particular race with a birthmark on his face. The investigation focuses on whether any men in the surrounding area fit the victim’s description. Here investigators are properly relying on a description given by the victim, which included the assailant’s race and gender, along with his age and identifying personal characteristic. Although the ensuing investigation affects individuals of a particular race and gender, that investigation is not undertaken with a discriminatory purpose. Thus use of race and gender as factors in the investigation, in this instance, is permissible.

2. *The Information Must be Relevant to the Locality or Time Frame*

Any information that law enforcement officers rely upon concerning a listed characteristic possessed by persons who may be linked to specific criminal activities, a threat to national or homeland security, a violation of Federal immigration law, or an authorized intelligence activity must be locally or temporally relevant.

- **Example:** Five years ago, DEA issued an intelligence report that indicated that a drug ring whose members are known to be predominantly of a particular ethnicity is trafficking drugs in Charleston, SC. An agent operating in Los Angeles reads this intelligence report. In the absence of information establishing that this intelligence is also applicable in Southern California or at the present time, the agent may not use ethnicity as a factor in making local law enforcement decisions about individuals who are of the particular ethnicity that was predominant in the Charleston drug ring.

3. *The Information Must be Trustworthy*

Where the information relied upon by law enforcement officers linking a person possessing a listed characteristic to potential criminal activity, a threat to national or homeland security, a violation of Federal immigration law, or an authorized intelligence activity is unreliable or is too generalized and unspecific, reliance on that characteristic is prohibited.

- **Example:** ATF special agents receive an uncorroborated anonymous tip that a male of a particular ethnicity will purchase an illegal firearm at a Greyhound bus terminal

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in an ethnically diverse North Philadelphia neighborhood. Although agents surveilling the location are free to monitor the movements of whomever they choose, the agents are prohibited from using the tip information, without more, to target any males of that ethnicity in the bus terminal. *Cf. Morgan v. Woessner*, 997 F.2d 1244, 1254 (9th Cir. 1993) (finding no reasonable basis for suspicion where tip “made all black men suspect”). The information is neither sufficiently reliable nor sufficiently specific.

In determining whether information is trustworthy, an officer should consider the totality of the circumstances, such as the reliability of the source, the specificity of the information, and the context in which it is being used.

- *Example:* ICE receives an uncorroborated anonymous tip indicating that females from a specific Eastern European country have been smuggled into Colorado and are working at bars in a certain town. Agents identify a group of women wearing t-shirts with the logo of a local bar who seem to be speaking an Eastern European language. The agents approach the group to ask them questions about their immigration status. Because the women match the specific information provided by the tipster, the information is sufficient under the circumstances to justify the agents’ actions.

4. *Characteristic-Based Information Must Always be Specific to Particular Suspects or Incidents; Ongoing Criminal Activities, Schemes, or Enterprises; a Threat to National or Homeland Security; a Violation of Federal Immigration Law, or an Authorized Intelligence Activity*

These standards contemplate the appropriate use of both “suspect-specific” and “incident-specific” information. As noted above, where a crime has occurred and law enforcement officers have eyewitness accounts including the race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity of the perpetrator, that information may be used. Law enforcement officers may also use reliable, locally or temporally relevant information linking persons possessing a listed characteristic to a particular incident, unlawful scheme, or ongoing criminal enterprise, a threat to national or homeland security, a violation of Federal immigration law, or an authorized intelligence activity—even absent a description of any particular individual suspect. In certain cases, the circumstances surrounding an incident, ongoing criminal activity, threat to national or homeland security, or a violation of Federal immigration law, will point strongly to a perpetrator possessing a specific listed characteristic, even though law enforcement officers lack an eyewitness account.

- *Example:* The FBI is investigating the murder of a known gang member and has information that the shooter is a member of a rival gang. The FBI knows that the members of the rival gang are exclusively members of a certain ethnicity. This information, however, is not suspect-specific because there is no description of the particular assailant. But because law enforcement officers have reliable, locally or temporally relevant information linking a rival group with a distinctive ethnic character to the murder, the FBI could properly consider ethnicity in conjunction with other appropriate factors in the course of conducting their investigation. Agents

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could properly decide to focus on persons dressed in a manner consistent with gang activity, but ignore persons dressed in that manner who do not appear to be members of that particular ethnicity.

- **Example:** Local law enforcement arrests an individual, and in the course of custodial interrogation the individual states that he was born in a foreign country and provides other information that reasonably leads local law enforcement to question his immigration status. Criminal background checks performed by the local law enforcement agency reveal that the individual was recently released from state prison after completing a lengthy sentence for aggravated sexual assault. Local law enforcement contacts ICE to inquire as to the individual’s immigration status. When ICE’s database check on the immigration status of the arrestee does not locate a record of the individual’s lawful immigration status, ICE sends an officer to the jail to question the individual about his immigration status, whereupon the individual states that he entered the United States without authorization and has never regularized his status. ICE assumes custody of the individual and processes him for removal from the United States. ICE properly relied on the facts presented to it, including that the arrestee was born in a foreign country, in searching its immigration database and conducting its subsequent investigation.

In addition, law enforcement officers may use a listed characteristic in connection with source recruitment, where such characteristic bears on the potential source’s placement and access to information relevant to an identified criminal incident, scheme, or organization, a threat to national or homeland security, a violation of Federal immigration law, or an authorized intelligence activity.

- **Example:** A terrorist organization that is made up of members of a particular ethnicity sets off a bomb in a foreign country. There is no specific information that the organization is currently a threat to the United States. To gain intelligence on the evolving threat posed by the organization, and to gain insight into its intentions regarding the U.S. homeland and U.S. interests, the FBI may properly consider ethnicity when developing sources with information that could assist the FBI in mitigating any potential threat from the organization.

5. *Reasonably Merited Under the Totality of the Circumstances*

Finally, when a law enforcement officer relies on a listed characteristic in undertaking an action, that officer must have a reasonable belief that the action is merited under the totality of the circumstances. This standard ensures that, under the circumstances, the officer is acting in good faith when he or she relies in part on a listed characteristic to take action.

- **Example:** A law enforcement officer who is working as part of a federal task force has received a reliable tip that an individual intends to detonate a homemade bomb in a train station during rush hour, but the tip does not provide any more information. The officer harbors stereotypical views about religion and therefore decides that investigators should focus on individuals of a particular faith. Doing so would be

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impermissible because a law enforcement officer’s stereotypical beliefs never provide a reasonable basis to undertake a law enforcement or intelligence action.

Note that these standards allow the use of reliable identifying information about planned future crimes, attacks, or other violations of Federal law. Where officers receive a credible tip from a reliable informant regarding a planned crime or attack that has not yet occurred, the officers may use this information under the same restrictions applying to information obtained regarding a past incident. A prohibition on the use of reliable prospective information would severely hamper law enforcement efforts by essentially compelling law enforcement officers to wait for incidents to occur, instead of taking pro-active measures to prevent them from happening.

- **Example:** While investigating a specific drug trafficking operation, DEA special agents learn that a particular methamphetamine distribution ring is manufacturing the drug in California, and plans to have couriers pick up shipments at the Sacramento, California airport and drive the drugs back to Oklahoma for distribution. The agents also receive trustworthy information that the distribution ring has specifically chosen to hire older women of a particular race to act as the couriers. DEA agents may properly target older women of that particular race driving vehicles with indicia such as Oklahoma plates near the Sacramento airport.

6. *National and Homeland Security and Intelligence Activities*

Since the terrorist attacks on September 11, 2001, Federal law enforcement agencies have used every legitimate tool to prevent future attacks and deter those who would cause devastating harm to our Nation and its people through the use of biological or chemical weapons, other weapons of mass destruction, suicide hijackings, or any other means. “It is ‘obvious and unarguable’ that no governmental interest is more compelling than the security of the Nation.” *Haig v. Agee*, 453 U.S. 280, 307 (1981) (quoting *Aptheker v. Secretary of State*, 378 U.S. 500, 509 (1964)).

The years since September 11 have also demonstrated that Federal law enforcement officers can achieve this critical goal without compromising our cherished value of equal justice under the law. Every day, Federal law enforcement officers work to keep our Nation safe, and they do so without invidious profiling. The standard embodied in this Guidance thus applies to Federal law enforcement agencies’ national and homeland security operations, which will continue to focus on protecting the public while upholding our values.

National security, homeland security, and intelligence activities often are national in scope and focused on prevention of attacks by both known and unknown actors, not just prosecution. For example, terrorist organizations might aim to engage in acts of catastrophic violence in any part of the country (indeed, in multiple places simultaneously, if possible). These facts do not change the applicability of the Guidance, however. In order to undertake an action based on a listed characteristic, a law enforcement officer must have trustworthy information, relevant to the locality or time frame, linking persons possessing that characteristic

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to a threat to national security, homeland security, or intelligence activity, and the actions to be taken must be reasonable under the totality of the circumstances.

- **Example:** The FBI receives reliable information that persons affiliated with a foreign ethnic insurgent group intend to use suicide bombers to assassinate that country’s president and his entire entourage during an official visit to the United States. Agents may appropriately focus investigative attention on identifying members of that ethnic insurgent group who may be present and active in the United States and who, based on other available information, might be involved in planning some such attack during the state visit.
- **Example:** A citizen of Country A, who was born in Country B, lawfully entered the United States on an F-1 student visa. The school that the individual was supposed to attend notifies ICE that he failed to register or attend the school once in the United States, in violation of the terms of his visa. ICE has intelligence that links individuals with ties to Country B who have registered at that school to a designated terrorist organization that has made statements about launching an attack against the United States. ICE selects the individual for investigation, identification, location, and arrest. Once taken into custody, the individual is questioned and a decision is made to place him into removal proceedings and to detain him during those proceedings. ICE’s decision to prioritize this immigration status violator for investigation and arrest was proper because it was based upon a combination of the factors known about the individual, including his national origin, school affiliation, and behavior upon arrival in the United States.

Good law enforcement work also requires that officers take steps to know their surroundings even before there is a specific threat to national security. Getting to know a community and its features can be critical to building partnerships and facilitating dialogues, which can be good for communities and law enforcement alike. Law enforcement officers may not, however, target only those persons or communities possessing a specific listed characteristic without satisfying the requirements of this Guidance.

- **Example:** An FBI field office attempts to map out the features of the city within its area of responsibility in order to gain a better understanding of potential liaison contacts and outreach opportunities. In doing so, the office acquires information from public sources regarding population demographics, including concentrations of ethnic groups. This activity is permissible if it is undertaken pursuant to an authorized intelligence or investigative purpose. The activity would not be permitted without such an authorized purpose or in circumstances that do not otherwise meet the requirements of this Guidance.

ADDITIONAL REQUIREMENTS

In order to ensure its implementation, this Guidance finally requires that Federal law enforcement agencies take the following steps on training, data collection, and accountability.

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Training

Training provides agents and officers with an opportunity to dedicate their attention to a task, to learn about the factual application of theoretical concepts, and to learn from their colleagues. Training also provides an opportunity to ensure that consistent practices are applied across the agency.

Law enforcement agencies therefore must administer training on this Guidance to all agents on a regular basis, including at the beginning of each agent’s tenure. Training should address both the legal authorities that govern this area and the application of this Guidance. Training will be reviewed and cleared by agency leadership to ensure consistency through the agency.

Data Collection

Data collection can be a tremendously powerful tool to help managers assess the relative success or failure of policies and practices. At the same time, data collection is only useful to the extent that the collected data can be analyzed effectively and that conclusions can be drawn with confidence.

Each law enforcement agency therefore (i) will begin tracking complaints made based on the Guidance, and (ii) will study the implementation of this Guidance through targeted, data-driven research projects.

Accountability

Accountability is essential to the integrity of Federal law enforcement agencies and their relationship with the citizens and communities they are sworn to protect. Therefore, all allegations of violations of this Guidance will be treated just like other allegations of misconduct and referred to the appropriate Department office that handles such allegations. Moreover, all violations will be brought to the attention of the head of the Department of which the law enforcement agency is a component.

Appendix B: Nondiscrimination for Individuals with Disabilities (Non-Employment)

DHS is committed to strengthening and supporting full inclusion and equal opportunity for persons with disabilities in its programs and activities, through enforcement and compliance with requirements of the Rehabilitation Act of 1973, as amended, including Section 504 of the Act which states:

"No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency..." (29 U.S.C. § 794)

DHS Management Directive 065-01, "Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment)" establishes the DHS policy and implementation mechanisms for ensuring nondiscrimination for individuals with disabilities served by DHS-conducted programs and activities under Section 504 of the Rehabilitation Act of 1973, as amended (Section 504). Note that DHS Directive 065-01 is not focused on the accommodation needs of Federal employees with disabilities (which is already addressed under various other regulations and directives), but instead addresses the need for equal access and accommodations for individuals with disabilities encountered or served by DHS programs and activities.

As established under DHS Directive 065-01, the following is the Department's official policy on this issue:

1. *It is the policy of DHS to ensure nondiscrimination based on disability in DHS-conducted programs and activities, and for DHS Components to provide equal opportunity for qualified individuals with disabilities served or encountered in DHS-conducted programs and activities, through:*
 - a. *Program accessibility, including by providing equal opportunity to access programs, services, and activities and delivering these in the most integrated setting appropriate to the individual's needs;*
 - b. *Physical access, including by providing accessible new construction and alterations in accordance with the Architectural Barriers Act of 1968 (as amended) and the Department's Section 504 regulation; and*
 - c. *Effective communication, including by providing auxiliary aids and services for persons who are deaf or hard of hearing or are blind or have low vision, and by modifying practices and materials to ensure effective communication with persons with intellectual or developmental disabilities.*
2. *It is the policy of DHS to provide any necessary modifications to afford a qualified individual with a disability full enjoyment of the program or activity, unless modifications of policies, practices, and procedures would fundamentally alter the nature of the program, service or activity, or result in undue financial and administrative burdens to DHS. It is the policy of DHS to engage in an interactive and individualized process to identify reasonable accommodations and modifications. In ensuring effective communication with individuals with disabilities, it is the policy of DHS to give primary consideration to the auxiliary aid requested by the individual with the disability.*

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All Secret Service employees and personnel interacting with or providing information to the public are encouraged to utilize the resources located on the DHS Disability Access Webpage at www.dhs.gov/disability-access-department-homeland-security. These resources include a copy of DHS Management Directive 065-01, a brief Commemorative Video on the nondiscrimination principles of Section 504, and a publication entitled "A Guide for Interacting with People Who Have Disabilities."

Appendix C: Whistleblower Protection Awareness

The Secret Service, along with the Department of Homeland Security (DHS), is committed to protecting the rights of employees who report what they reasonably believe are violations of law, rule, or regulation, gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety. By unifying efforts with employees and citizens, the Department, the DHS Office of Inspector General, and the U.S. Office of Special Counsel aim to protect the integrity, effectiveness, and efficiency of all DHS programs.

The following posters must be printed and displayed in all office areas where employee notices are posted. For any poster that is currently displayed in the office, check the revision date in the lower right corner to ensure the most recent poster is displayed. (To download/print a copy of each of the posters listed below, copy the Internet address into your browser).

- DHS OIG Hotline Poster
https://www.oig.dhs.gov/assets/Hotline/DHS_OIG_Hotline-optimized.jpg
- Prohibited Personnel Practices Poster
<https://osc.gov/Documents/Outreach%20and%20Training/Posters/Prohibited%20Personnel%20Practices%20Poster.pdf>
- Whistleblower Retaliation Poster
<https://osc.gov/Documents/Outreach%20and%20Training/Posters/Reprisal%20for%20Whistleblowing%20Poster.pdf>
- Hatch Act – Further Restricted Employees Poster
<https://osc.gov/Documents/Outreach%20and%20Training/Posters/The%20Hatch%20Act%20and%20Further%20Restricted%20Employees%20Poster.pdf>

Other helpful resources can be found on the DHS Whistleblower Protection Web site which may be accessed at <http://dhsconnect.dhs.gov/org/comp/mgmt/dhshr/emp/Pages/Whistleblower-Protection.aspx>.

This site provides information to help employees easily determine what they should report, how to report suspected issues, what training DHS offers, what legal protections are available, in addition to a number of other helpful tools and guidance.

MISCELLANEOUS STANDARDS (U.S. SECRET SERVICE)

Coverage

This section includes standards of conduct which are not lengthy enough to require separate sections, but which are nonetheless important and applicable to all concerned (i.e., miscellaneous standards). Most of these standards are not otherwise specifically described under the Standards of Ethical Conduct for Employees of the Executive Branch (see 5 CFR Part 2635), Department-Wide Employee Rules of Conduct, or in other United States Secret Service (Secret Service) manual sections and directives.

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Membership or Participation in Bias-Motivated Groups or Activities

Employees may not use or engage in, on or off duty, abusive, derisive, profane, or demeaning statements, conduct, or gestures evidencing hatred or invidious prejudice to or about another person or group on account of any protected class including race, color, religion, national origin, sex (including pregnancy, sexual orientation, gender expression, or gender identity), age, disability, or protected genetic information. Employees who engage in such conduct will be subject to disciplinary action in accordance with applicable laws and regulations when the conduct adversely affects the efficiency of the service (i.e., either the employee's ability to accomplish their duties satisfactorily or some other legitimate Government interest).

Further, employees may not, in person, electronically, or online, knowingly become or remain members of, or participate in, or advocate for, a hate group or otherwise knowingly associate themselves with the hate-motivated activities of others. An employee's membership, participation, or association could reasonably be taken as tacit approval of the prejudice-related aspects of those groups or activities and will subject employees to disciplinary action in accordance with applicable laws and regulations when it adversely affects the efficiency of the service. As used here "hate group" or "hate-motivated activities" are defined as an organization, association, event, or activity, the sole or a primary purpose of which is to advocate or promote hate, violence or invidious prejudice against individuals or groups on account of any protected class including race, color, religion, national origin, sex (including pregnancy, sexual orientation, gender expression, or gender identity), age, disability, or protected genetic information.

Sexual-Related Misconduct

Sexual harassment is strictly prohibited. See Professional Responsibility Manual section RES-04, Prevention of Harassment in the Workplace, and Office of the Director Manual section HRT-04(03), EEO Discrimination Complaints System, for more information.

In addition, employees may not solicit prostitutes or exchange money or items of value for sexual services regardless of whether the payment is made or negotiated prior to the act. This prohibition continues to apply even if prostitution is legal in a particular location or if an employee did not intend to pay for sexual services at the time they were rendered. Further, employees may not engage in indecent or lascivious acts, on or off duty. This includes inappropriately acting in a manner to appeal to or gratify the sexual

desires of the employee, victim, or both as well as intentionally exposing an intimate body part to public view. Finally, employees also may not engage in sexual, intimate, or romantic activities in an inappropriate location (such as Government property or Government owned, leased, or rented vehicles (GOVs)), or while on duty.

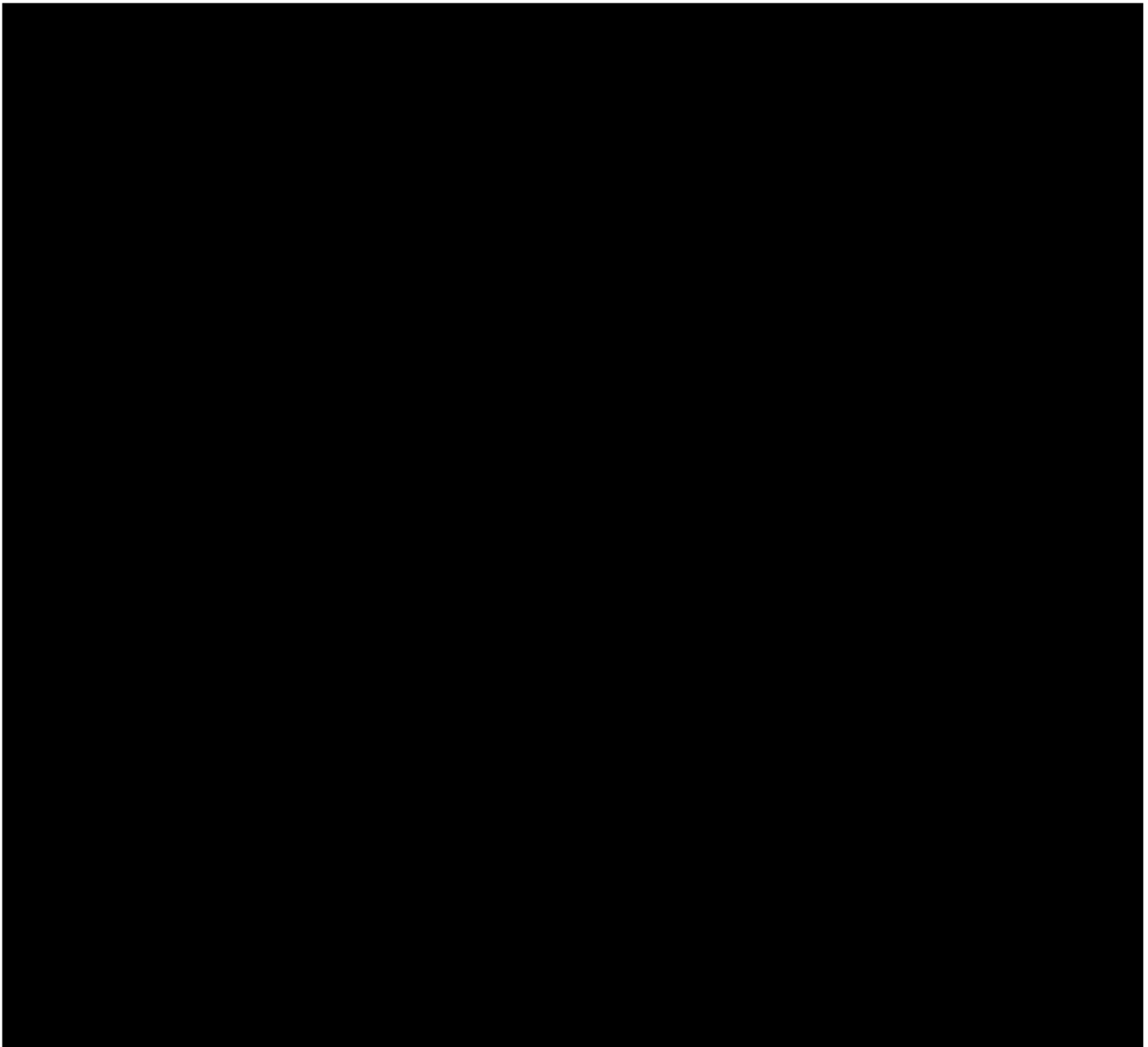
Employees who engage in this type of misconduct will be subject to disciplinary action in accordance with applicable laws and regulations when the conduct adversely affects the efficiency of the service.

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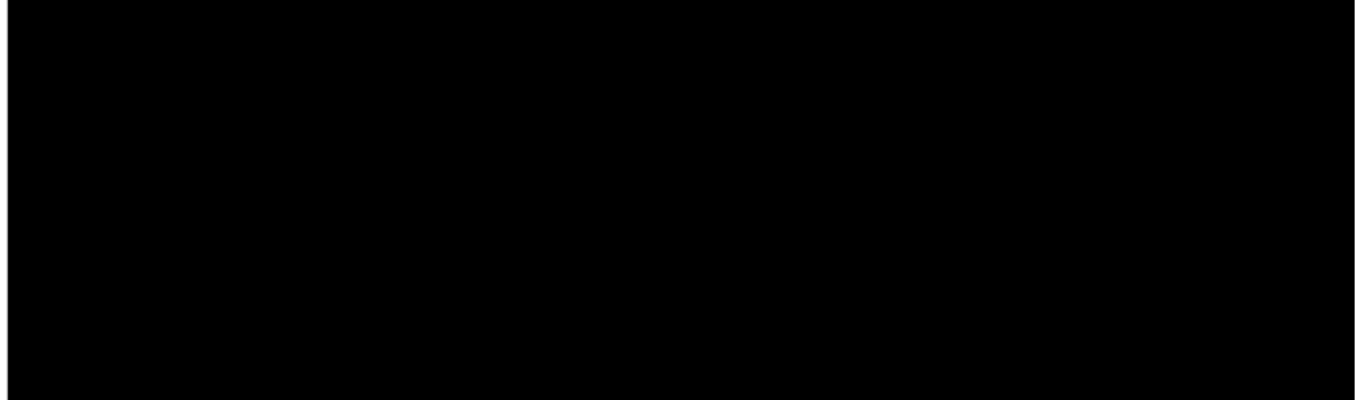


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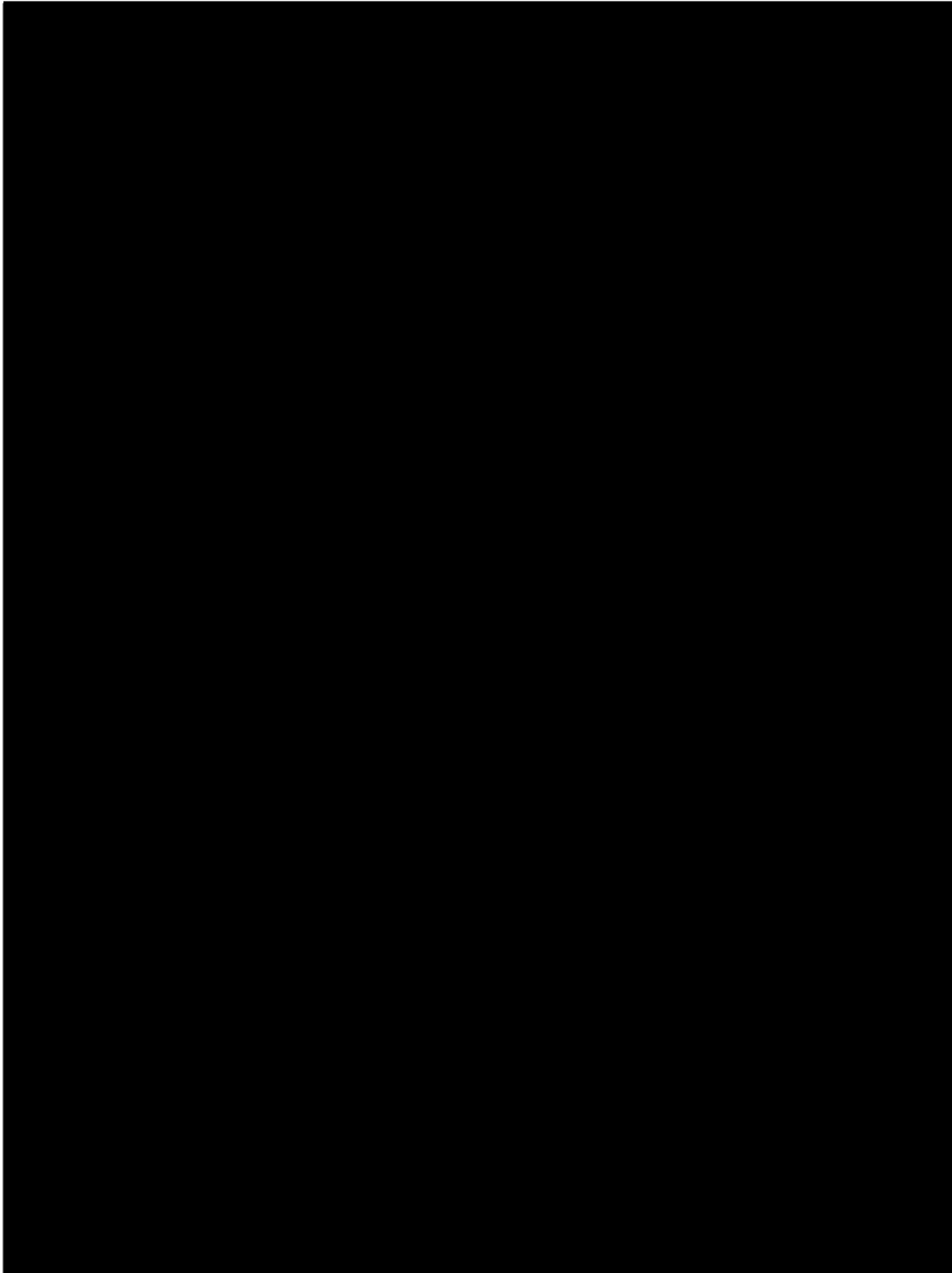


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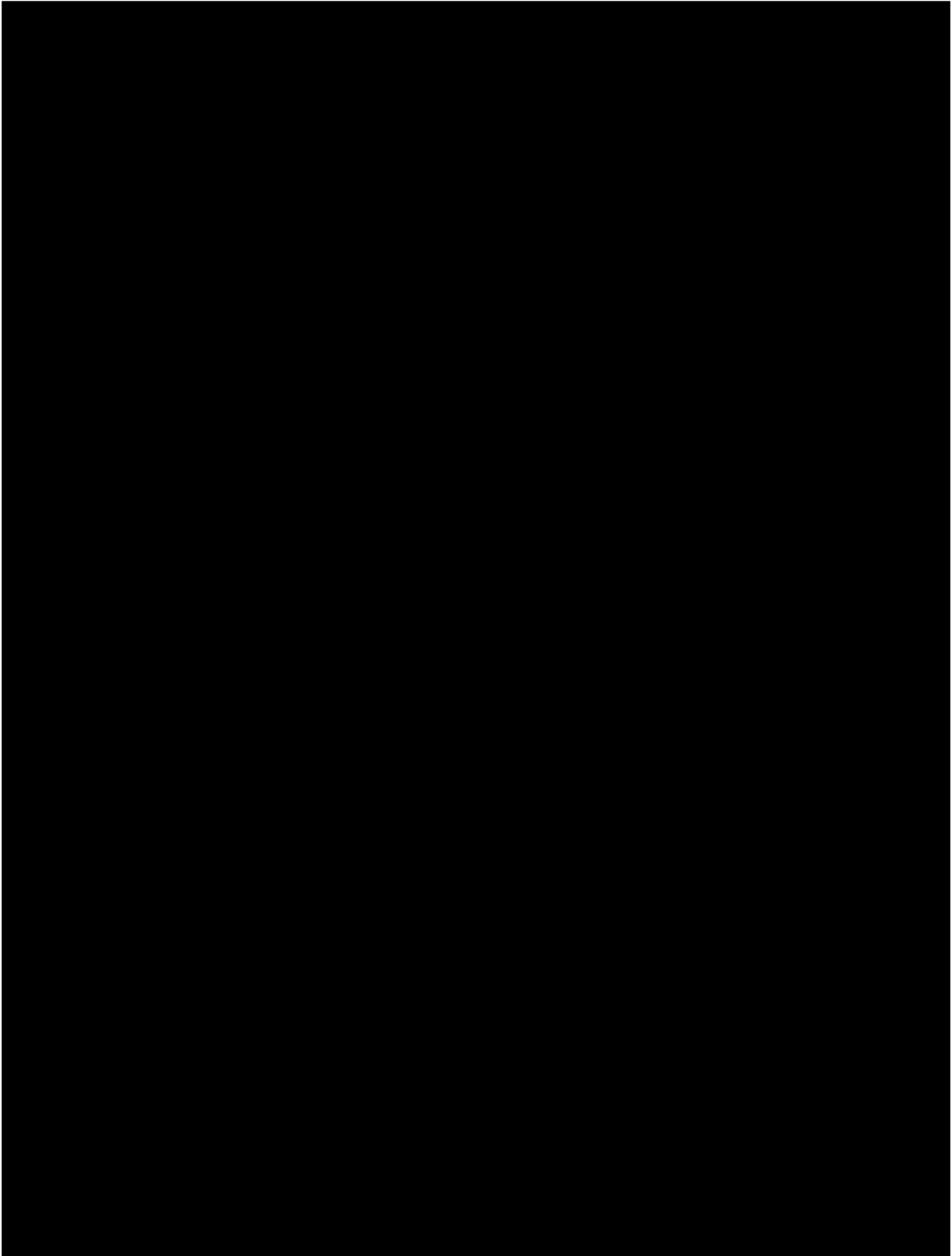
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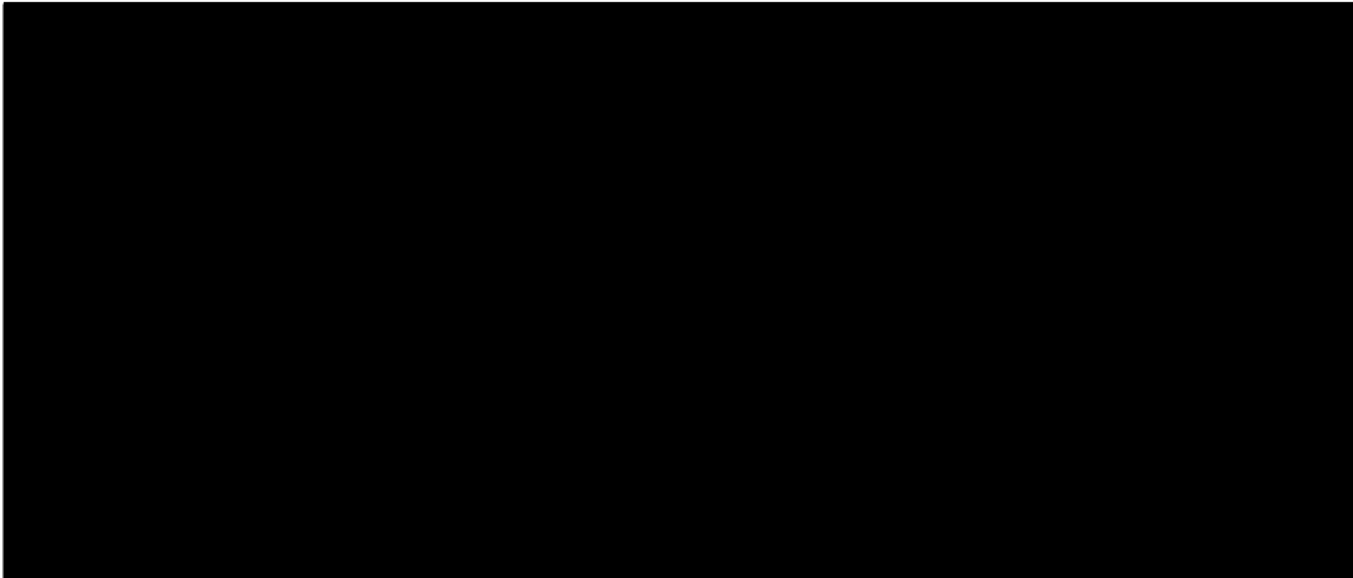
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Date : 09/01/2023



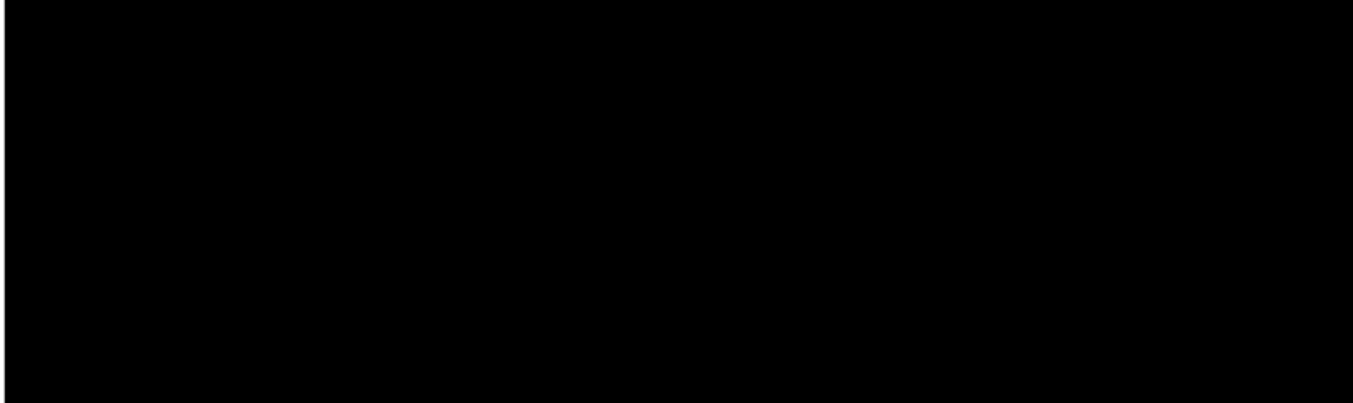
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Section : ITG-03(05)
Date : 09/01/2023

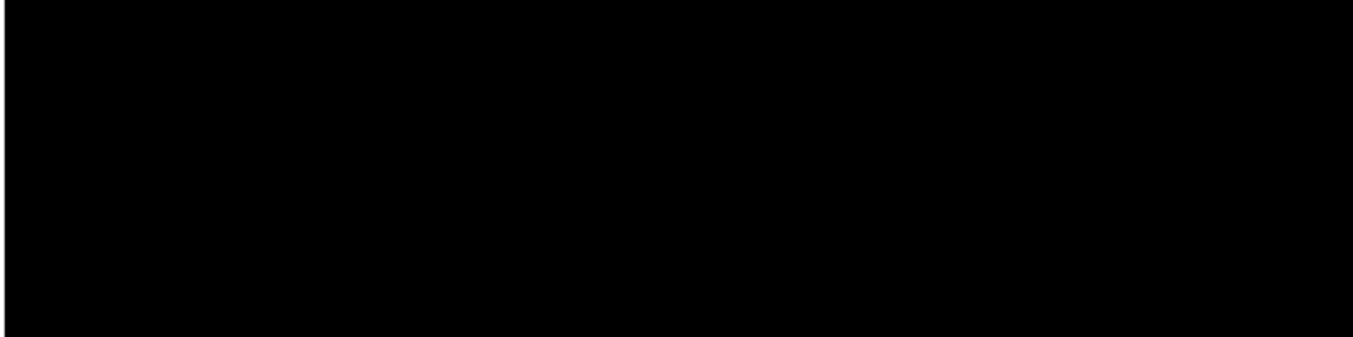




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PREVENTION OF HARASSMENT IN THE WORKPLACE

Purpose

This policy provides the United States Secret Service (Secret Service) anti-harassment policy and the procedures for promptly reporting and addressing allegations of discriminatory harassment that occur in the workplace. The Secret Service will take all reasonable steps to prevent harassment in the workplace, and to correct any harassing conduct that does occur before it becomes severe or pervasive. The Secret Service will not tolerate retaliation against those who complain of harassment, assist in the investigation of a report of harassment under this policy, or participate in the complaint process. This policy does not cover complaints of harassment made pursuant to the Equal Employment Opportunity (EEO) complaints process. See Office of the Director Manual section HRT-04(03), EEO Discrimination Complaints System.

Policy

The Secret Service is committed to providing a work environment free of discrimination or harassment. Employment decisions such as hiring, promotion, training, and issuing awards, must be made exclusively on the basis of job-related criteria, e.g., employees' knowledge, skills, abilities, and performance. Disciplinary/adverse actions must be taken solely based on employees' conduct and/or performance.

This policy prohibits discriminatory harassment having a direct nexus to the individual's position or responsibilities, which occurs on-duty, off-duty, face-to-face, via electronic/digital means (e.g., telephone, email, social media, websites, chat applications, etc.), through a third party, or through other means. Such conduct is prohibited regardless of whether it occurs during working hours or on Secret Service property.

Prohibited harassment includes, but is not limited to, any unwelcome conduct, whether verbal, nonverbal, or physical, that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile work environment. The harassment must be based on a protected basis, such as an individual's race, color, national origin, age (40 or older), religion, sex (including pregnancy, sexual orientation, gender expression, or gender identity), disability (physical, mental, or an individual's need for a reasonable accommodation), marital status, parental status, protected genetic information, political affiliation, prior protected activity, or any other basis as provided under anti-discrimination statutes, regulations, or Executive Orders.

When the term "harassment" is used in this policy, it refers only to harassment based on a protected basis.

The Secret Service prohibits harassment even if it does not rise to the level of legally actionable harassment. Although a single utterance, joke, or act may not rise to a level that may constitute legally actionable harassment, it still has no place at the Secret Service, and may result in a disciplinary or other adverse action being taken against the offending employee.

While it is not possible to list all circumstances that may be prohibited harassment, some examples of conduct that may violate Secret Service policies include, but are not limited to:

- Inappropriate or derogatory comments, slurs, name calling, jokes, remarks, gestures, insults, rumors, mockery, or epithets based on or related to a protected basis;
- Acts of violence, actual or implied threats of violence, veiled threats of violence, intimidation, or ridicule based on or related to a protected basis;
- Displaying objects, cartoons, pictures, signs, memes, or posters of a derogatory or discriminatory nature as related to a protected basis;
- The display, presentation, creation, or depiction – irrespective of size, type, or manner of display – of symbols, photographs, images, other printed or electronic material, or physical medium that would reasonably be construed to encourage oppression or hatred (e.g., a noose, swastika, or any other symbol widely identified with oppression or hatred) toward an individual or group based on that individual or group's protected basis;
- Unwanted physical contact of any type related to a protected basis;
- Electronically writing, transmitting, or forwarding material of a discriminatory and/or offensive nature as related to a protected basis;
- Circulating or posting written or graphic materials that show hostility toward individuals or groups because of a protected basis, including on social media;
- Engaging in reprisals or threats against anyone who opposes discriminatory, harassing, or offensive behavior that is related to a protected basis; and
- Any intentional acts of intolerance committed against a person, a group of individuals, or involving the defacement/vandalism of property, that is motivated, in whole or in part, by an individual's bias against characteristics that are considered a protected basis, and that are intended to, or are more likely than not to, have the effect of intimidating others or inciting others to similar conduct.

Harassment or other discriminatory conduct in the workplace by or against supervisors, managers, non-supervisory employees, contractors, applicants, or visitors to the Secret Service is prohibited and subject to appropriate disciplinary action.

Employees, contractors, and applicants are responsible for timely reporting allegations of workplace harassment to management of the Secret Service. Once an allegation of workplace harassment is reported, management is responsible for taking prompt action to refer the allegation for investigation, and, if necessary, to take corrective action to address the situation in consultation with the Office of the Chief Counsel (LEG). See Professional Responsibility Manual section ISP-02, Intake Procedures, for further information regarding management reporting and referral requirements.

The Secret Service will promptly and thoroughly investigate allegations of workplace harassment. The Secret Service will take immediate and appropriate corrective action when it determines that harassment based on a protected basis has occurred.

Information regarding claims of harassment will be kept confidential to the extent possible.

Coverage

This policy prohibits workplace harassment based on a protected basis by or against employees of the Secret Service, contractors, vendors, applicants for employment, or other individuals with whom Secret Service employees come into contact by virtue of their work for the Secret Service.

Anti-Harassment Program

The Secret Service's Anti-Harassment Program (AHP or Program) is located within the Office of Professional Responsibility (RES). The Program is responsible for conducting inquiries into allegations of harassment based on a protected basis and engaging in prompt, thorough, and impartial fact-finding. The Program also facilitates the delivery of anti-harassment training and provides advice and guidance on matters associated with anti-harassment issues.

The Program is overseen by the AHP Manager (AHPM). The AHPM is responsible for the efficient operations of the AHP with principal oversight of the ongoing development, administration, and evaluation of the Program. The AHPM serves as the point of contact and facilitator for all inquiries of workplace harassment referred to the AHP for investigation and monitors those investigations for timely completion. The AHPM provides guidance, support, and subject matter expertise to employees, investigators, supervisors, and any others involved in the process. Duties also include attending the Intake Groups when harassment allegations are being considered.

Authorities and References

1. Title 5, United States Code (U.S.C.) Section 2302, "Prohibited Personnel Practices."
2. Title 5, U.S.C., Chapter 75, "Adverse Actions."
3. Title VII of the Civil Rights Act of 1964, as amended, Title 42, U.S.C., Section 2000e et seq.
4. Age Discrimination in Employment Act of 1967, as amended, Title 29, U.S.C., Section 621 et seq.
5. The Rehabilitation Act of 1973, as amended, Title 29, U.S.C., Section 791 et seq.
6. The Genetic Information Nondiscrimination Act of 2008, as amended, Title 42, U.S.C., Section 2000ff et seq.
7. The Civil Service Reform Act of 1978, Title 5, U.S.C. Section 2302.
8. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, EEOC Notice No. 915.002, June 18, 1999.
9. EEOC September 2005 report 'Model EEO Programs Must Have an Effective Anti-Harassment Program'.
10. EEOC Management Directive 715, "Federal responsibilities under Section 717 of Title VII and Section 501 of the Rehabilitation Act" (October 1, 2003).
11. Department of Homeland Security (DHS) Policy Statement 256-06, "Anti-Harassment Policy Statement."
12. DHS Directive 256-01, "Anti-Harassment Program."
13. DHS Instruction 256-01-001, "Anti-Harassment Program."
14. Presidential Executive Orders, Department of Homeland Security (DHS) policies, and Secret Service policies which prohibit discrimination and harassment on the basis of sexual orientation and status as a parent.

Definitions

Decision-Maker

A supervisor or other management official senior to the individual(s) accused of harassment, designated by senior management to address a particular allegation of harassment, who: (1) implements appropriate interim measures if warranted, and (2) after reading the fact-finding report, may take corrective action, as appropriate. Decision-makers include the Office of Integrity (ITG).

Fact-Finder

A neutral third party responsible for investigating and recording testimonial and documentary evidence concerning an allegation of discriminatory harassment. Under this policy, fact-finders are special agents assigned to RES, Inspection Division (ISP). Except as otherwise noted, fact-finders will receive training in interviewing and other investigative techniques, report writing, and conducting inquiries into harassment allegations, including instruction on what constitutes prohibited harassment.

Fact-Finding

An inquiry into the testimonial and documentary evidence concerning an allegation of discriminatory harassment conducted by fact-finders working with the AHP.

Fact-Finding Report

A narrative detailing the testimonial and documentary evidence concerning an allegation of harassment, along with copies of any documentary evidence collected during the Fact-Finding.

Protected Activity

An action taken by an employee to address discrimination or harassment based upon a reasonable belief that a circumstance or circumstances in the workplace may violate EEO laws. Protected activities include, but are not limited to, threatening to file or filing an EEO complaint; participating in the investigation of an EEO complaint; or requesting accommodation of a disability or for a religious practice.

A complaint of workplace harassment based on a protected basis investigated by the AHP pursuant to this policy is protected activity.

Protected Basis

The classes that are protected from employment discrimination by law. Protected bases include race, color, national origin, age (40 or older), religion, sex (including pregnancy, sexual orientation, gender expression, and gender identity), disability (physical, mental, or an individual's need for a reasonable accommodation), marital status, parental status, protected genetic information, political affiliation, prior protected activity, or any other basis as provided under anti-discrimination statutes, regulations, or Executive Orders.

Retaliation

Taking an adverse action or actions against any individual for reporting discrimination or discriminatory harassment, assisting another individual in reporting discrimination or discriminatory harassment, providing information related to a report of discrimination or discriminatory harassment, participating in the EEO complaint process or AHP investigatory process, or opposing conduct that the individual reasonably believes constitutes unlawful discrimination or harassment.

Sexual Harassment

A form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. In 1980, the EEOC issued guidelines defining sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any of three criteria are met:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of the conduct is used as a basis for employment decisions; or
3. The conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may be verbal or physical, exhibited by a man to a woman, by a woman to a man, or between individuals of the same gender. Examples of behaviors that could constitute sexual harassment include offensive sexually oriented verbal kidding, teasing, or joking; repeated unwanted sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic or degrading comments about an individual's appearance or sexual activity; offensive visual conduct, including leering, making sexual gestures, and the display of offensive sexually suggestive objects, pictures, cartoons, or posters; unwelcome pressure for sexual activity; offensively suggestive or obscene text or chat messages, notes or emails; offensive physical contact such as patting, grabbing, pinching, or brushing against another's body; or disseminating internet links with sexually-themed content.

Unlawful Harassment

Harassing conduct that violates federal law. Under federal law, harassing conduct becomes unlawful when it is "so objectively offensive as to alter the conditions of the victim's employment," or culminates in a tangible employment action. The law concerning unlawful harassment is not a general civility code, and does not prohibit simple teasing or offhand comments; however, the Secret Service prohibits harassment, even if it does not rise to the level of actionable harassment under the law.

Reporting Harassment

Any person who believes that they have been subjected to or witnessed discriminatory harassment in violation of this policy is encouraged to report the harassment in order to take advantage of the preventive and corrective opportunities provided by the Secret Service.

Any person may report conduct believed to violate this Anti-Harassment Policy to a supervisor, to any other management official, to ISP, or to the AHP. Contact information is listed below:

AHP

Office202-406-5443
Secure AHP Online ReportingAHP Intranet Page

ISP

Office202-406-6300
Secure ISP HotlineISP Intranet Page

A person may also report workplace harassment to the Secret Service's, Equity, Diversity, and Inclusion Program (EDI) by contacting the office directly or by using EDI's Prevention of Harassment Hotline. Reports of harassment received on the EDI Hotline will be referred to the AHP for appropriate action. Contact information for EDI is listed below:

EDI

Office202-406-5540
EDI Prevention of Harassment Hotline
Washington, DC area.....202-406-9800
Outside the Washington, DC area.....1-800-420-5558
TDD deaf and hard of hearing.....202-406-9805

Note: EDI's Prevention of Harassment Hotline is a tool for employees to report incidents of misconduct, discrimination, or harassment against themselves or others.

Responsibilities

The below listed entities are responsible for the following:

Anti-Harassment Program

- Ensuring compliance with all Departmental and Secret Service Anti-Harassment Policies;
- Developing and managing policies, guidance, and programs regarding the prevention of harassment in the workplace;
- Providing direction and authority on the growth and management of the Secret Service AHP;
- Representing the AHP on the Intake Groups when harassment allegations are presented;

- When the basis of a harassment complaint is not apparent in the initial examination of a complaint, conducting inquiries sufficient to determine if the harassment is said to be based on a protected basis, and terminating inquiries within the AHP if a determination is made that the harassment is not claimed to have been based on a protected basis;
- When it is determined that an allegation of harassment is based on a protected basis, conducting inquiries into harassment allegations; engaging in prompt, thorough, and impartial fact-findings; and producing fact-finding reports containing the information developed during these inquiries;
- Notifying the individual(s) alleging discriminatory workplace harassment when the allegation has been referred to the AHP;
- Informing management officials and other appropriate offices of allegations of discriminatory workplace harassment being investigated by the AHP so managers and officials can take interim remedial measures (if needed) pending the conclusion of the AHP's fact-finding inquiry;
- Ensuring that the DHS Anti-Harassment Policy Statement, the Secret Service Anti-Harassment policy, and the Secret Service Reporting Procedures are posted/appear in conspicuous locations on the Secret Service's intranet or, for employees who do not have access to the intranet, in a physical location accessible by those employees;
- Providing copies of the Secret Service harassment Reporting Procedures to Secret Service offices and divisions. Offices and divisions are required to post these procedures in a physical location accessible to employees.
- Providing a copy of the DHS Anti-Harassment Policy Statement, the Secret Service Anti-Harassment policy, and Secret Service Reporting Procedures to new employees as part of orientation;
- Distributing an Official Message to all Secret Service employees the DHS Anti-Harassment Policy Statement and Secret Service Reporting Procedures at least once per year;
- Coordinating with the Equal Employment Opportunity Director to confirm that each employee takes mandatory anti-harassment training annually and that employee compliance is tracked and reported;
- Ensuring, in coordination with LEG and EDI, that supervisors and managers undergo additional training on their responsibilities in responding to allegations of harassment;
- Ensuring that Fact-Finders conducting inquiries under the AHP undergo additional training, in compliance with DHS Office for Civil Rights and Civil Liberties (CRCL) requirements, on how to address their responsibilities;
- Providing technical assistance, guidance, and advice to Fact-Finders conducting AHP inquiries and providing feedback on the fact-finding report;
- Advising the Director of the Secret Service, or other persons who need to know, of allegations of discriminatory harassment referred to the AHP and the resolution of those allegations under this policy;
- Tracking and developing annual statistical reports of harassment claims under this policy; and
- Annually, or upon request, providing a report of the nature of all allegations of harassment to DHS CRCL, including the number of complaints, separately the number of sexual harassment complaints, and the completion rate of mandatory anti-harassment training.

Inspection Division

- Conducting prompt and impartial investigations into all allegations of harassment based on a protected basis referred to the AHP;
- Coordinating with the AHP on matters involving harassment allegations or complaints;
- Completing DHS CRCL approved training, as well as additional training developed by the AHP, regarding their roles and responsibilities as Fact-Finders; and
- Preparing the fact-finding report.

Equal Employment Opportunity Director

- Posting and disseminating the Prevention of Discrimination and Harassment within the Secret Service policy statement on the Secret Service intranet page;
- Ensuring that each employee takes mandatory anti-harassment training annually and that management tracks and reports compliance of all employees in the Secret Service;
- Ensuring, in coordination with the AHP, that employees receive training about the Secret Service Anti-Harassment policy and the procedures to follow in connection with filing complaints of harassment with EDI;
- Referring reports of harassment received through the EDI Prevention of Harassment Hotline to the AHP for investigation;
- Processing EEO complaints of discrimination alleging harassment that concern a protected basis, to include sexual harassment; and
- Informing the AHP of all EEO counseling activity alleging harassment.

Office of Integrity

- Taking appropriate disciplinary actions;
- Notifying the AHP of actions taken regarding anti-harassment fact-finding reports referred to ITG; and
- As requested, providing a statistical report to the AHP of all allegations of harassment referred to ITG, which includes dates and actions taken on each claim.

Secret Service Supervisors and Managers

Secret Service supervisors and managers are responsible for maintaining a work environment in which harassment is not tolerated and taking proactive measures to prevent harassment. Allegations of discriminatory harassment are taken seriously and management will not condone offensive behavior.

Reporting Harassment Allegations

When supervisors or managers become aware of an allegation of hostile work environment or harassment, they must refer the allegation up through their chain of command to the Assistant Director (AD)/Executive Chief (EC)/Uniformed Division (UD) Chief. This referral should be made immediately once the allegation is brought to the attention of the supervisor or manager, and no later than two calendar days after the supervisor or manager becomes aware of the allegation. Where sexual harassment is alleged, RES/ISP must be notified concurrently with the referral to the AD/EC/UD Chief.

All such allegations must be reported up the chain of command, even when the allegation is not made in writing, does not conform to a particular format, or there is a question as to whether the employee is making a claim based on a protected basis or wants the allegation to be reported up the chain of command. Failure to report an allegation of a hostile work environment or harassment in accordance with required timeframes to the AD/EC/UD Chief, and for sexual harassment allegations, to RES/ISP, could result in disciplinary action against the supervisor, manager, or executive to whom it was reported.

If an allegation is made against an AD or EC, the allegation should be reported to the AD RES for transmittal to the Deputy Director and Chief Operating Officer and a Senior Executive Service (SES) Intake. Any allegation made against the AD RES should be reported to the Chief Counsel. Information on avoiding conflicts of interest is provided below.

Collecting Preliminary Information

Supervisors and managers may be called upon to gather preliminary information about a harassment allegation in order to facilitate the referral of the allegation to Intake. Such preliminary inquiry is limited in scope, with the purpose of obtaining only basic information. This preliminary inquiry is not and should not constitute a Fact-Finding. Gathering preliminary information does not delay or suspend the required timeframes for reporting the allegation up the chain of command, to RES/ISP, or ultimately referring the allegation to the appropriate Intake Group.

Communications with Affected Parties

Supervisors are also responsible for promptly notifying the employee making the harassment allegation that the potential misconduct is being referred to the Intake Group (unless the matter involves a DHS Office of Inspector General or ongoing investigation, in which case the supervisor should contact ISP prior to notifying the employee to ensure notification is appropriate at that time), and the status of the complaint following Intake Group consideration (unless the matter has been referred to the AHP, in which case the AHP will provide this notification).

Supervisors are also responsible for notifying the employee who is the subject of the harassment allegation that the potential misconduct has been referred to the Intake Group. See Office of the Director Manual section ITG-06(01), Disciplinary and Adverse Actions - General.

Supervisors and managers can be held accountable for not only their behavior, but also that of their employees. Managers and supervisors should understand that when an allegation of workplace harassment is reported by employees, former employees, contractors, applicants, visitors, or others, the Secret Service may be held legally liable for such conduct unless it takes immediate and appropriate action to investigate and respond to the allegation.

Supervisors and managers must further ensure that employees are not retaliated against for reporting harassment, opposing harassment, or participating in a harassment inquiry or fact finding investigation. Management officials may not seek to discipline an employee for bypassing the chain of command to report a complaint of harassment.

Offices must also ensure that the Secret Service's harassment reporting procedures are posted in a physical location accessible by employees.

Assistant Directors, Executive Chiefs, and the UD Chief

An AD/EC/UD Chief who receives an allegation of harassment is responsible for promptly reporting the allegation to RES-ISP for presentation to the appropriate Intake Group as potential misconduct. See ITG-06(01). Such allegations must be referred for presentation to Intake no later than seven business days of being notified of the complaint. Failure to report an allegation of hostile work environment, harassment, or sexual harassment to the Intake Group could result in disciplinary action against the Executive to whom it was reported.

If an allegation of harassment is made against an SES level employee, the allegation will be forwarded by the AD/EC to AD RES for transmittal to the Deputy Director and Chief Operating Officer and a SES Intake.

Failure to refer an allegation of harassment to Intake or to an SES Intake could result in disciplinary action.

Assistant Director, Office of Professional Responsibility

When an allegation of harassment is reported against an AD/EC, AD RES is responsible for bringing this matter to the attention of the Deputy Director and Chief Operating Officer and for referral of the matter to a SES Intake.

When an allegation of harassment is reported against the AD RES, the Chief Counsel is responsible for bringing this matter to the attention of the Deputy Director and Chief Operating Officer and for referral of the matter to a SES Intake.

Intake Group

The Intake Group will review the matter and where appropriate, refer the matter to the AHP for a fact-finding investigation if such allegations could constitute prohibited harassment under this policy (*i.e.*, actions taken wholly or in part based on an individual's protected basis). The AHPM serves as a member of the Intake Group or SES Intake Group when an allegation of harassment is being reviewed.

Secret Service Employees

Secret Service employees are responsible for acting professionally and refraining from harassing conduct. Employees must avoid behavior that has the effect of creating an intimidating, hostile, offensive, or abusive work environment for other employees, contractors, or the public. Employees who engage in such prohibited behavior may be subject to corrective, disciplinary, or adverse action. Secret Service employees are to become familiar with the provisions of this policy, comply with all requirements of the policy, and cooperate fully with any inquiry under this policy.

Employees, including supervisors and managers, are also required to complete the workplace harassment prevention computer-based training module, available in the Performance and Learning Management System (PALMS) annually. New employees should acknowledge that they have been provided the Secret Service Anti-Harassment policy, which incorporates the DHS Anti-Harassment Policy Statement and the Secret Service's reporting procedures, on the Secret Service Form (SSF) 3218, Employee Certification. If an employee is unwilling or unable to sign the acknowledgement, the supervisor should note provision of the Secret Service Anti-Harassment policy on the SSF 3218. New employees are also to acknowledge that they have been provided a briefing on the AHP during orientation on the SSF 4399, New Employee Orientation Certification.

The Secret Service cannot correct harassing conduct if the conduct is not reported. Secret Service employees are responsible for reporting allegations of inappropriate conduct, to include harassment, to their supervisor or manager, other senior management officials, the AHP, an EEO Counselor, or to the Inspection Division (ISP) before it becomes a pattern of misconduct so severe or pervasive and offensive as to constitute a hostile work environment.

Investigation into Allegations of Harassment

Upon receipt of an allegation of harassing conduct, a supervisor must promptly report the incident through their chain of command to the AD/EC's office for referral of the matter to the Intake Group, or the SES Intake Group. The supervisor may be asked to gather preliminary information associated with the allegation for presentation to the Intake Group.

If a report of harassment is received through the EDI Prevention of Harassment Hotline, ISP, the AHP, or another source, the AD/EC of the affected office(s) will be advised so that they may refer the matter to the Intake Group. After receipt of the allegation, the Intake Group will review the information and, insofar as the allegation of harassment appears to be or may be based on a protected basis, the Intake Group will refer the matter to the AHP for investigation.

In some instances, it may be difficult to know whether harassing conduct is occurring due to a protected basis. When receiving reports of harassment, the Intake Group and the AHPM will construe allegations broadly, and conduct appropriate inquiries to develop facts relevant to whether the conduct at issue is related to a protected basis.

Inquiries will be conducted as expeditiously as possible, such that a determination as to whether any corrective action is needed can be made and such action effectuated as quickly as possible. The fact-finding inquiry will begin no later than ten (10) calendar days after the AHP receives the complaint for investigation.

During the investigation, the fact-finder will develop a thorough, impartial record, containing sufficient information upon which decision-makers can reasonably determine whether corrective action is appropriate. At a minimum, the fact-finder should interview the individual who is alleged to have been harassed, the individual who is alleged to have engaged in the harassing conduct, and any witnesses with relevant information about the allegation. In addition, the fact-finder should collect any relevant

documentary evidence. In some instances, where the harassing conduct alleged is not severe or pervasive, and the number of witnesses involved is low, the AHPM may refer the matter for a simplified inquiry. Prior to conducting a simplified inquiry, the AHPM should consult with LEG to determine if such an inquiry is appropriate under the circumstances.

After gathering relevant evidence, the fact-finder develops a fact-finding report. The fact-finding report contains sufficient information upon which a decision-maker can reasonably determine whether harassment occurred. If a report requires more than thirty pages, the report shall contain a summary from the fact-finder describing all of the evidence contained in the report, including any witness statements and other documentary evidence, along with copies of the statements and other evidence. Reports (including the identity of the person making the report) and any summary of the investigation or other documentation prepared under this procedure are kept confidential to the extent possible, consistent with a thorough and impartial fact-finding.

Copies of the fact-finding report containing the details of the investigation are submitted to the AD/EC where the allegation originated, ITG, and LEG. LEG will provide reports to the EEO Director when relevant. The decision-maker(s) will decide whether corrective action is necessary (see below) and will report what, if any, action was taken to the AHP.

Interim Remedial Measures

Once a report of possible harassment is referred to the AHP for investigation, the AHPM will inform management officials senior to the individual(s) accused of harassment, the AD/EC of the directorate where the individual is assigned, and LEG so that, where appropriate, the directorate may swiftly take interim remedial measures to ensure that potentially harassing or retaliatory conduct does not occur while the inquiry into the allegations is conducted. Before taking interim remedial measures, or making a decision not to take interim remedial measures, the manager shall consult with LEG.

Action to Be Taken upon Completion of the Fact-Finding Investigation

Upon completion of the investigation, management shall promptly evaluate the evidence and, after consultation with LEG and the AHPM, determine the appropriate action to take.

If the investigation finds evidence sufficient to determine that an employee did engage in harassment prohibited under this policy, he or she may be subject to appropriate corrective action including:

- Disciplinary action, up to and including removal. See ITG-04, United States Secret Service Table of Penalties.
- Additional training, reassignment of the individual found to have engaged in harassing conduct, or other action proportionate to the severity of the harassment that occurred and designed to ensure that the harassment does not re-occur.
- Placement on administrative leave.

Action that is adverse or burdensome to a victim of harassment is not appropriate corrective action.

Decision-makers will inform the AHPM, in writing, of the corrective actions taken, and provide the AHPM

with a brief explanation of any decision not to take corrective action. In cases where ITG is a decision-maker, ITG will provide this notification to the AHP and the directorate of the individual who was alleged to have been harassed.

Within ten business days of making or being advised of determinations regarding appropriate corrective action, the appropriate directorate will advise the individual who was alleged to have been harassed whether corrective action was, will be, or will not be taken. However, such notification will not include the specific nature of any employment action taken. The directorate should consult with LEG and the AHPM before making this notification.

In cases where corrective action was determined to be necessary, the AHPM will follow up with the employee who was harassed within ninety business days of that decision. At a minimum, the follow-up consists of actions sufficient to ensure that harassing conduct has not recurred. If the individual raises new allegations of harassment or retaliation, the new allegations will be processed as set forth in the provisions above.

Fact-finding reports may reveal misconduct such as rude or disruptive behavior that does not constitute harassment in violation of this policy. In such instances, ITG will review the report to determine whether disciplinary action is appropriate.

Avoiding Conflicts of Interest

Because the AHPM and the officials responsible for supporting and supervising the functioning of the AHP are responsible for the management functions of publishing Anti-Harassment Procedures and conducting fact-findings regarding harassment allegations, they may not also be responsible for managing, advising, or overseeing the EEO pre-complaint or complaint process.

The AHP must avoid conflicts of interest in arranging for and/or conducting inquiries into reports of harassment. A conflict of interest exists where the individual alleged to have engaged in the harassing conduct oversees the AHP or is a senior management official with indirect oversight of the AHP. A conflict of interest may also exist where the AHP could not reasonably be expected to conduct an impartial inquiry.

If a conflict of interest is determined to exist, the AHP shall refer such allegations to CRCL for assignment to another Component AHP for purposes of conducting the fact-finding inquiry. After the inquiry is conducted, the fact-finding report is returned to the Secret Service for action pursuant to the provisions outlined above. If the individual alleged to have engaged in the harassing conduct is the AHPM, CRCL will consult with the DHS Office of the General Counsel to identify an appropriate decision-maker.

Relationship with Other Procedures

The AHP does not affect an employee's right to file an EEO complaint of harassment or discrimination. Reporting an allegation of harassment to the AHP does not take the place of filing an EEO complaint with the EDI office. Likewise, reporting an allegation of harassment to the AHP does not toll, or affect in any way, the deadlines or time limits associated with the EEO complaint process (e.g., the requirement to initiate the EEO complaint process within 45 calendar days of the most recent incident of alleged discrimination or harassment).

Employees may also file complaints directly with the Office of Special Counsel (OSC) (www.osc.gov), alleging harassment or discrimination. OSC investigates and prosecutes allegations of prohibited personnel actions. Filing a complaint under the AHP does not affect an employee's right to file a complaint

with the OSC. Similarly, filing a complaint with OSC does not prevent an employee from also filing a separate complaint with the EEO Office.

Records Management

The maintenance of records and any disclosures of information from these records shall be in compliance with the Privacy Act of 1974, as amended, 5 U.S.C. § 552a. To request Agency records associated with the AHP inquiries and fact-findings, individuals must contact the Freedom of Information Act/Privacy Act Program.

Questions

If you have any questions regarding this policy, please contact the Anti-Harassment Program at 202-406-5443 or Anti-HarassmentProgram@USSS.DHS.GOV.



Workplace harassment: it's a problem that's gotten a lot of attention lately.

Overview/Description

The Preventing and Addressing Workplace Harassment training uses scenarios and case studies to present critical concepts from DHS's Anti-Harassment qualified, learn how allegations can be reported, and use this knowledge to assess behaviors in practical scenarios.

Target Audience

All DHS employees

Expected Duration

50 minutes

Prerequisites

None

Expertise Level

Everyone

Objectives

Anti-Harassment

- Distinguish welcome and unwelcome verbal or physical conduct.
- Identify the federally protected categories and conduct prohibited by DHS.
- Recognize examples of hostile working conditions.
- Determine if a situation violates DHS's Anti-Harassment Policy.
- Identify the potential consequences for an employee guilty of harassment.
- Given a scenario, assess if a team's behavior violates DHS's Anti-Harassment Policy.
- Determine the best approach to respond to a hostile working condition.
- Recognize examples of tangible employment actions.
- Identify options for reporting harassment.
- Determine if a response to a harassment claim is prompt and effective, given an example.

Overview, Description and Objectives.

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- Target Audience: All Department of Homeland Security (DHS) employees
- Expected Duration: About 50 minutes.
- Prerequisites: None
- Experience Level: Everyone

Objectives:

- Anti-Harassment
 - Distinguish welcome and unwelcome verbal or physical conduct.
 - Identify the federally protected categories and conduct prohibited by DHS.
 - Recognize examples of hostile working conditions.
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[Topic Title: The Anti-Harassment Landscape] Workplace harassment: it's a problem that's gotten a lot of attention lately. Turn on the news, and there is a good chance you'll see a story on an individual, or a group, or many, protesting mistreatment or harassment. Today, issues of harassment arise in our public spaces, in our workplaces, and through social media. Against these, people are voicing dissatisfaction with the systems and institutions that enable harassment in our society.

These concerns are not new. Protests in the 1960s led the United States to begin to enact the equality of all people into law.

[A timeline of U.S. Laws Prohibiting Harassment displays.]

For example, the Equal Pay Act of 1963 ended wage disparity on the basis of sex. A year later, Title VII of the Civil Rights Act of 1964 was signed, prohibiting employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. This was followed by the Age Discrimination in Employment Act of 1967, which added similar protection from age discrimination for employees over 40 years of age. The Rehabilitation Act of 1973 protects individuals with disabilities from discrimination on the basis of disability in Federal programs, Federal financial assistance, and Federal employment. More recently, in 2008 the Genetic Information Nondiscrimination Act was signed to protect individuals from discrimination in employment opportunities and insurance purchases on the basis of genetic information.

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[Anti-Harassment at DHS (Department of Homeland Security).]

DHS takes its responsibility to ensure a workplace free from harassment seriously. DHS has an important mission -- With honor and integrity, we will safeguard the American people, our homeland, and our values -- and in serving its mission, it is not acceptable for employees to be or to feel harassed.

This is so critical that, beyond the legal application of the Acts you've just reviewed, DHS extends protection against even single instances of harassment. Pursuant to DHS's Anti-Harassment Policy, "Although a single instance or act may not rise to the level of harassment that may be actionable under the law, it still has no place at DHS."

[This Course]

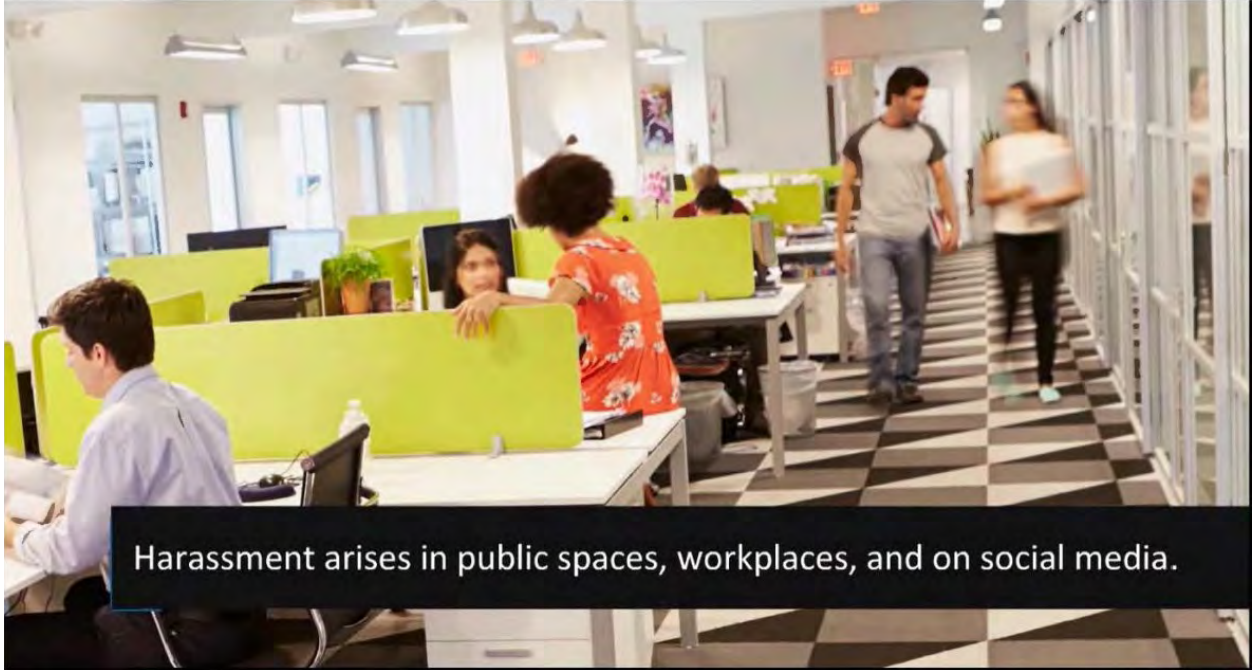
This course will define harassment, as prohibited by DHS policy, and explain how DHS's definition of harassment is broader than the legal definition of harassment. You will also discover how and where to report harassment. Throughout the training, you will listen to, and participate in, scenarios where people experience and deal with harassment in the workplace, and sometimes you'll evaluate their actions. You will also complete a short assessment at the end of this training. You will need to achieve 80% on the assessment to pass the course.

Course Overview. (cont.)

[Anti-Harassment at Department of Homeland Security (DHS).] DHS takes its responsibility to ensure a workplace free from harassment seriously. DHS has an important mission – with honor and integrity, we will safeguard the American people, our homeland, and our values – and in serving DHS mission, it is not acceptable for employees to be or to feel harassed.

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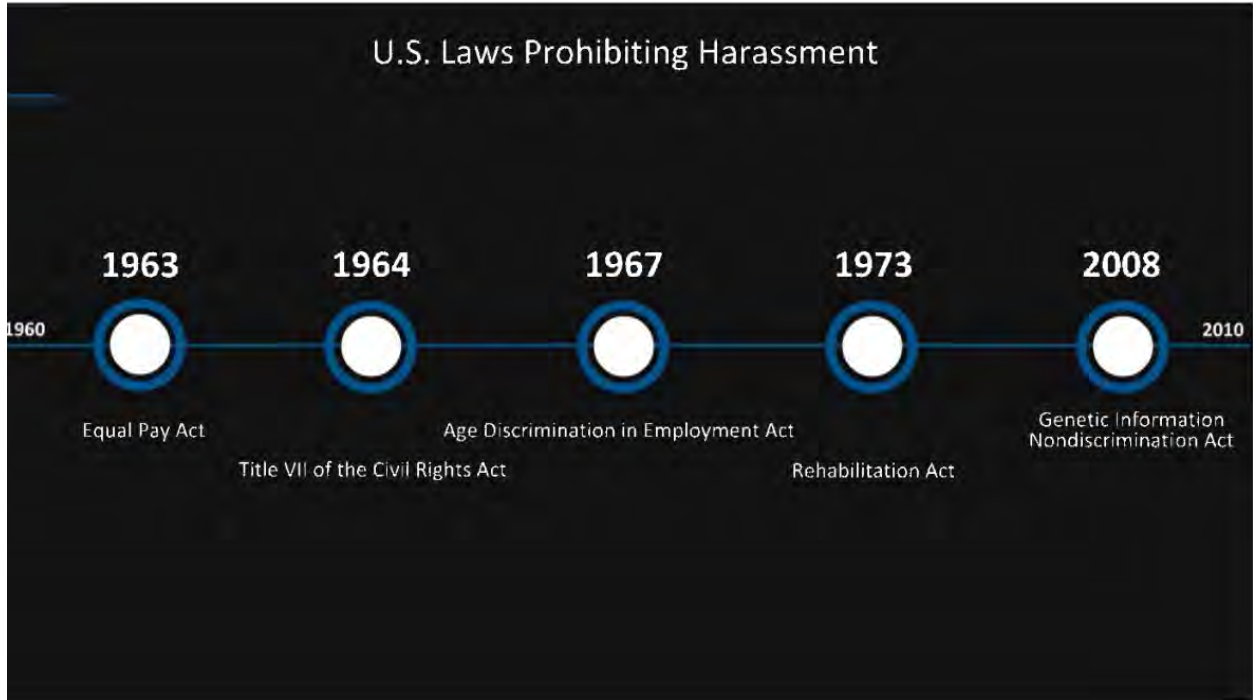
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U.S. Laws Prohibiting Harassment



US Laws Prohibiting Harassment.



US Laws Prohibiting Harassment.

1963 Equal Pay Act

1964 Title VII of the Civil Rights Act

1967 Age Discrimination in Employment Act

1973 Rehabilitation Act

2008 Generic Information Nondiscrimination Act



What you will learn.

This course will:

- Define harassment.
- Differentiate between DHS's definition of harassment and the legal definition.
- Discover how and where to report harassment.

What is Harassment?

Learning Objectives

After completing this topic, you should be able to

- Distinguish welcome and unwelcome verbal or physical conduct.*
- Identify the federally protected categories and conduct prohibited by DHS.*
- Recognize examples of hostile working conditions.*
- Determine if a situation violates DHS's Anti-Harassment Policy.*
- Identify the potential consequences for an employee guilty of harassment.*
- Given a scenario, assess if a team's behavior violates DHS's Anti-Harassment Policy.*
- Determine the best approach to respond to a hostile working condition.*

What is harassment?

Learning Objectives:

After completing this topic, you should be able to:

- Distinguish welcome and unwelcome verbal or physical conduct.
- Identify the federally protected categories and conduct prohibited by DHS.
- Recognize examples of hostile working conditions.
- Determine if a situation violates the DHS Anti-Harassment Policy.
- Identify the potential consequences for an employee guilty of harassment.
- Given a scenario, assess if a team's behavior violates DHS's Anti-Harassment Policy.
- Determine the best approach to response to a hostile working condition.



Harassing Behavior.

[Topic Title: What is Harassment?] It's the middle of baseball season, and Alicia's hometown team is underperforming. Whenever she is in the breakroom with Teddy, he's got to bring it up. Teddy supports a division rival. Alicia and Teddy have carried forward a friendly banter that started in the pre-season when both teams still had a chance. They would make comments about each team's players, and joke about close calls that didn't go their way. But now, it's clear that her team's season is all but over.

With Teddy's team playoff bound and Alicia not pinning her hopes on the next season. Teddy won't stop gloating. And Alicia feels more like Teddy's criticisms are targeting her, not her team. He says things like, "You gotta be kidding with these guys; even a moron would have moved on by now," or "Choose a real team, loser." Every break, In fact, every time they're around each other, he has something critical to say. Is Alicia being harassed?

What do you think? In Alicia's mind, at least, Teddy is picking on her. He's being mean-spirited. But they're just comments, and it's about baseball, right?

[Harassment Defined]

The answer lies, in part, on the definition of harassment.

You may have heard the terms "hostile work environment" or "tangible employment action" harassment. These are two different types of harassment, which we will cover in this training.

We'll first turn to hostile work environment harassment. From a legal perspective, this type of harassment is defined as any unwelcome verbal, nonverbal, or physical conduct that is based on an individual's membership in a protected class, which is so severe or frequent as to alter the conditions of an individual's employment.

The terms "severe" and "frequent" mean that not all unwelcome conduct based on a protected characteristic will be considered harassment from a legal perspective. In general, unless the conduct is very severe, a single instance will not be considered harassment from a legal perspective.

However, according to DHS Directive 256-01, even a single instance of unwelcome conduct based on a protected characteristic, whether it is severe or not, may be considered harassment. As DHS employees, we are held to the stricter standard set forth in our policy.

Harassing Behavior. (cont.)

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[Protected Bases]

A protected class is a characteristic or trait shared by a group of people that is protected by law, executive order, or policy. Legally, an employee cannot be discriminated against based on race, color, religion, sex, pregnancy, national origin, age, disability, protected genetic information, sexual orientation or gender identity.

DHS policy also prohibits harassment based on marital status, parental status, and political affiliation.

[Harassing Behavior]

Types of harassing behavior related to any of the protected bases include, but are not limited to:

Sexual, racial, or ethnic jokes, epithets, stereotyping, or slurs

Subtle or blatant pressure for dates

Unwelcomed physical contact

Suggestive or lewd remarks

Remember, per the definition, harassment can be verbal, non-verbal, or physical. It can occur in person, over the phone, through email, online, or through social media.

Harassing Behavior. (cont.)

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Remember, per the definition, harassment can be verbal, non-verbal, or physical. It can occur to any person, over the phone, through email, online or through social media.



Harassing Behavior. (cont.)

[Harassment Examples.] To return briefly to Alicia and Teddy: One day, while they were standing at their post, a customer approached wearing a hat with Teddy's team logo. The team had just taken a loss, so Alicia made a wry comment to the customer about it. The customer laughed with Alicia, but Teddy took offense. In response, he looked Alicia up and down and said, "Woman, you couldn't pick a team, even if you wanted to."

Teddy's comment appeared to be referencing Alicia's gender and the stereotype that women don't understand baseball. Where gender is a protected characteristic, Teddy's comment could be considered harassing behavior.

What else can harassing behaviors look like? Here are some examples:

- Mark silently pretends to be blind when he and Vanessa are in the same room, imitating Vanessa's actions.
- When Maria responded negatively to Leanne's fourth email request for a date, Leanne replied. "You mean *not yet*."
- Even though Nathan is in his office with a friend who finds his sexually themed jokes acceptable, several of his employees, who find tile jokes offensive, can hear them through the thin office wall's.
- Elio used email to share a comic with his co-workers about an old woman trying to use a television remote as a phone.
- Any time Miguel asks Darren a question, Darren always replies with an imitation of Miguel's accent.

Each of these examples represents a violation of DHS's Anti-Harassment Policy – even if the conduct occurred just one time – because the conduct at issue was unwelcome, and it was based on one of the protected characteristics.

[Harassment?]

Seeing that he was getting under Alicia's skin, Teddy started sending her emails containing pictures showing barely clothed women with baseball paraphernalia, and short videos showing women striking out or making errors during baseball games. He kept his behavior up for a couple weeks, sending one or two emails a day.

At first, she replied to the emails with snide comments deriding the women depicted; then she tried to ignore the emails. Later, she started telling him to stop being a jerk. Then she started telling him to stop outright. After about 30 messages, she decided to report Teddy to her Supervisor.

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[Unwelcome]

To return to the definition, harassing conduct has to be unwelcome. Unwelcome conduct is where the individual did not solicit or invite the conduct and regarded the conduct as undesirable. Note that submitting to such conduct does not necessarily signal that it is welcomed. However, active participation in harassing behavior can indicate that the conduct at issue was not unwelcome.

In the example of Teddy and Alicia, Teddy's behavior constitutes harassment in violation of DHS policy. Yes, Alicia participated in their friendly banter initially, but when Teddy's comments became more mean-spirited, she told Teddy to stop. Teddy's comments might not have been harassing at first, but when Teddy referenced her gender—in a negative way—and began sending the offensive emails, the conduct became harassment.

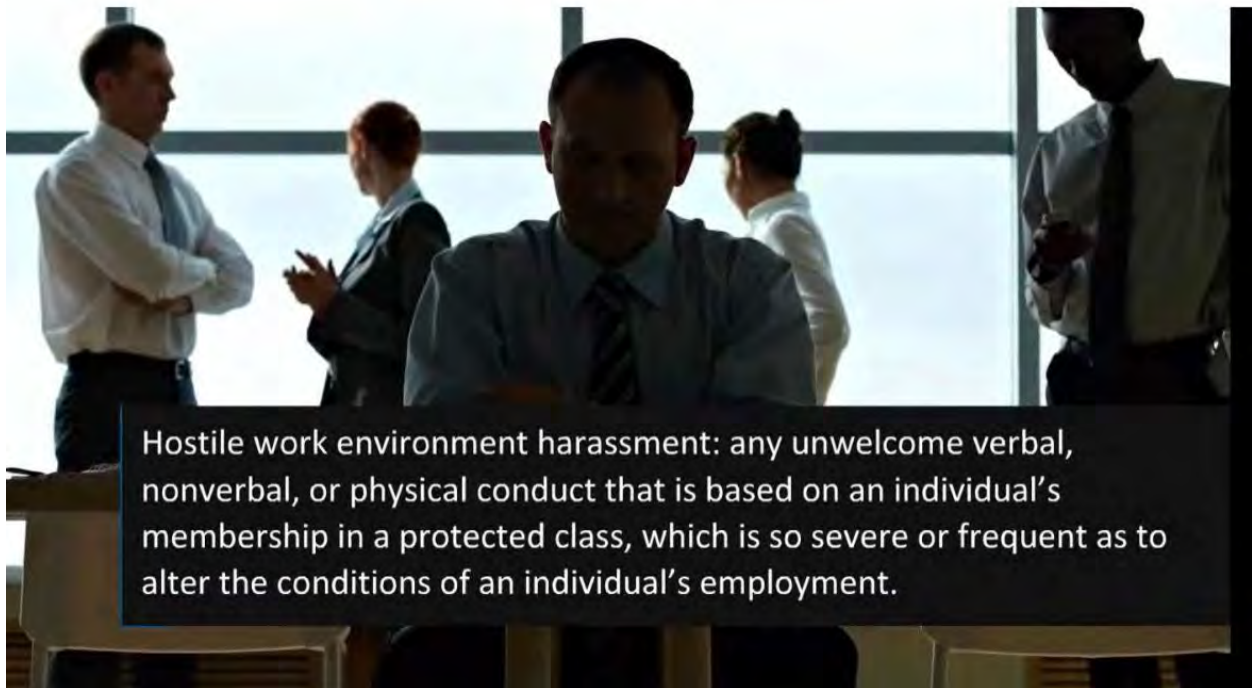
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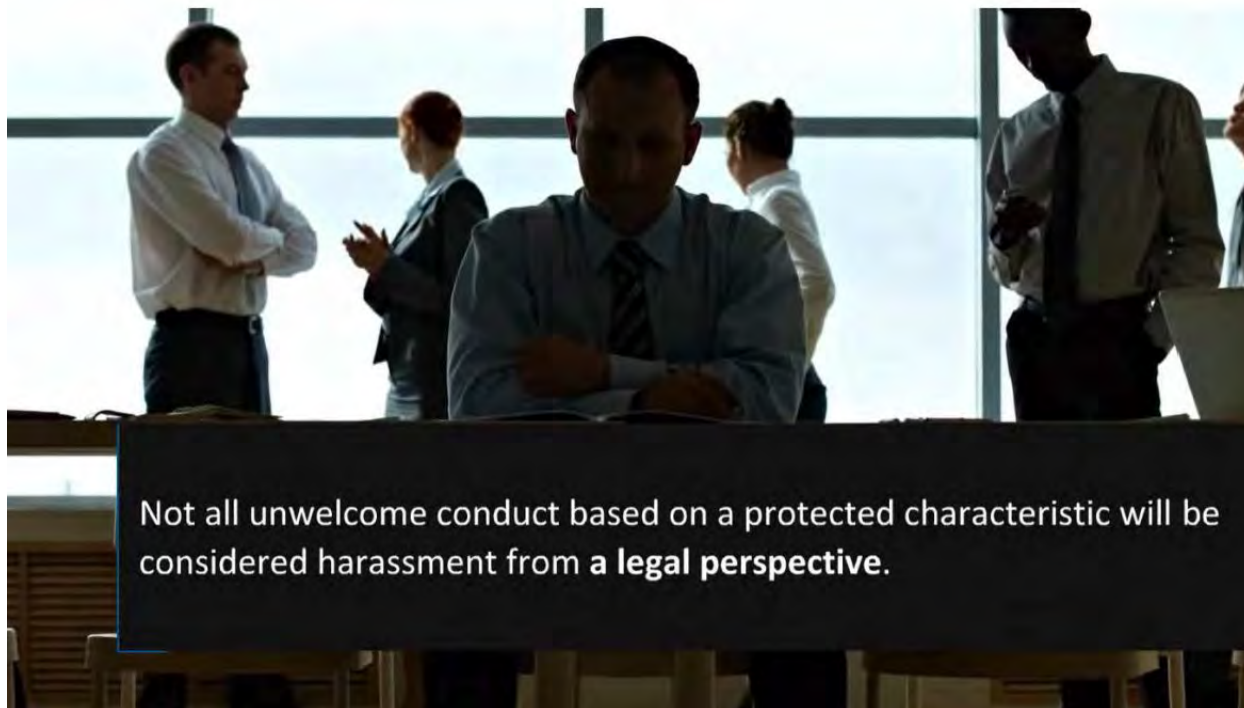
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Hostile work environment harassment.

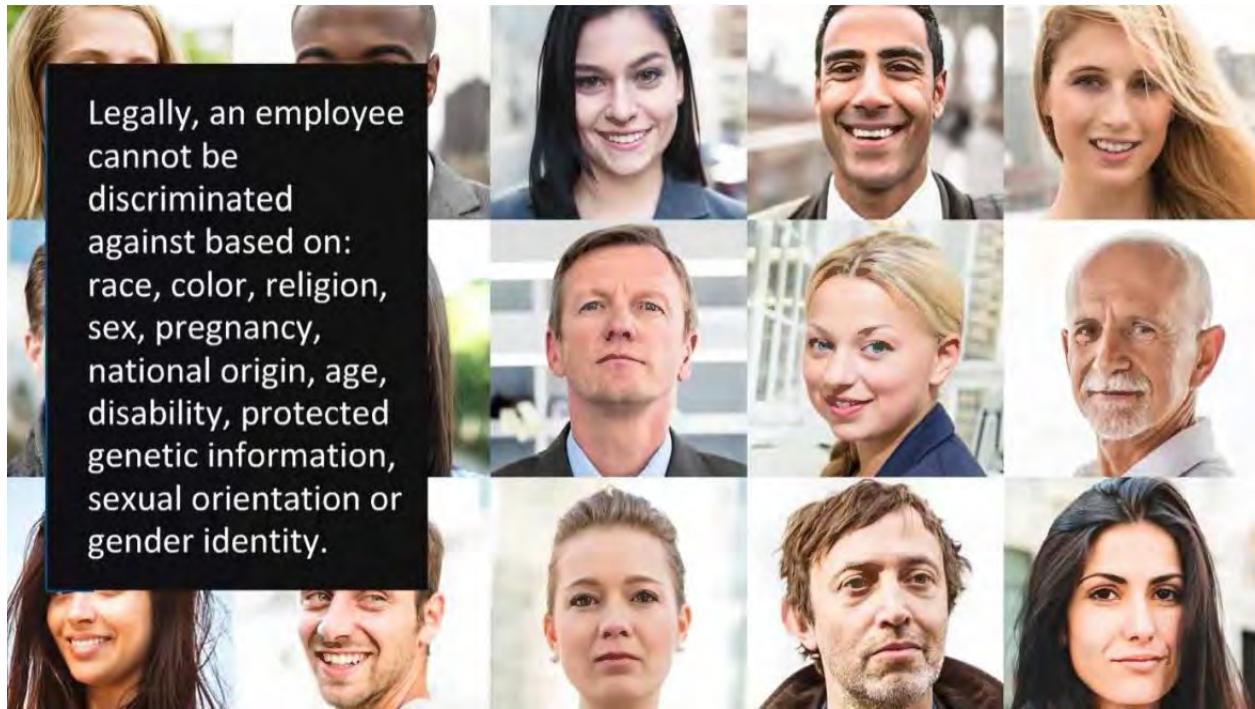
Hostile work environment harassment: any unwelcomed verbal, nonverbal, or physical conduct that is based on an individual's member in a protected class, which is so sever or frequent as to alter the conditions of an individual's employment.



Not all unwelcome conduct based on a protected characteristic will be considered harassment from a **legal perspective**.

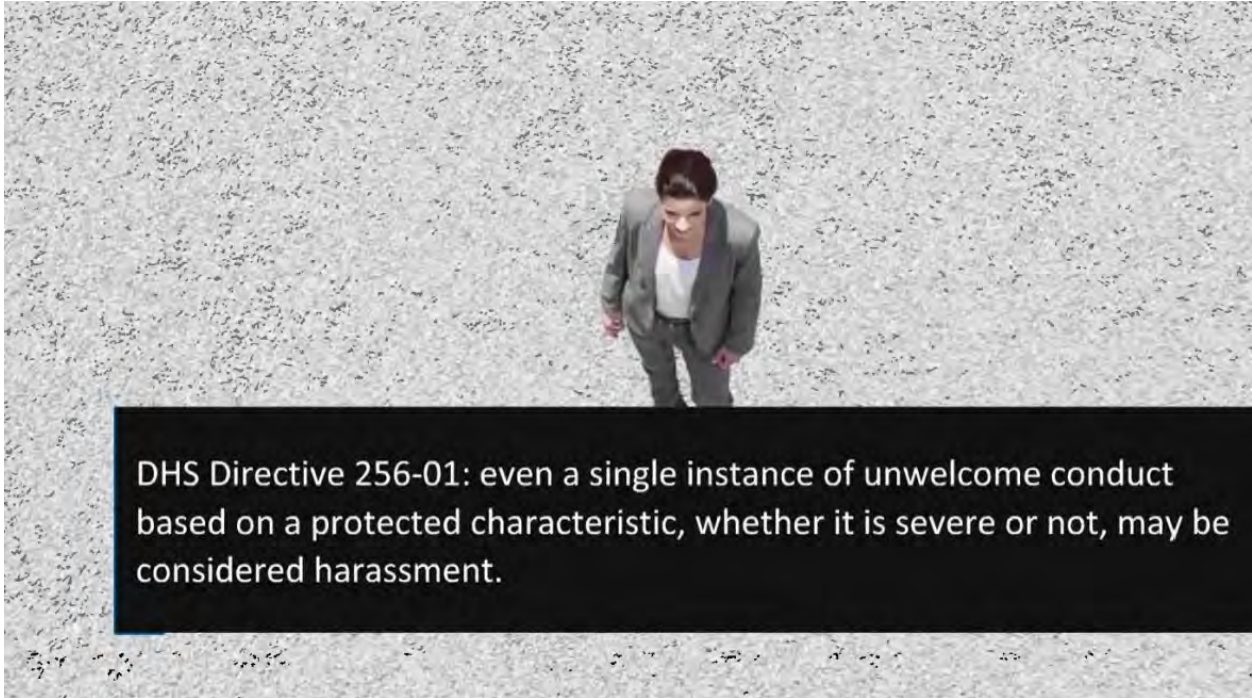
Hostile work environment harassment. (cont.)

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Hostile work environment harassment. (cont.)

Legally, an employee cannot be discriminated against based on race, color, religion, sex, pregnancy, national origin, age, disability, protected genetic information, sexual orientation, or gender identity.



DHS Directive 256-01.

DHS Directive 256-01: even a single instance of unwanted conduct based on a protected characteristic, whether it is severe or not, may be considered harassment.



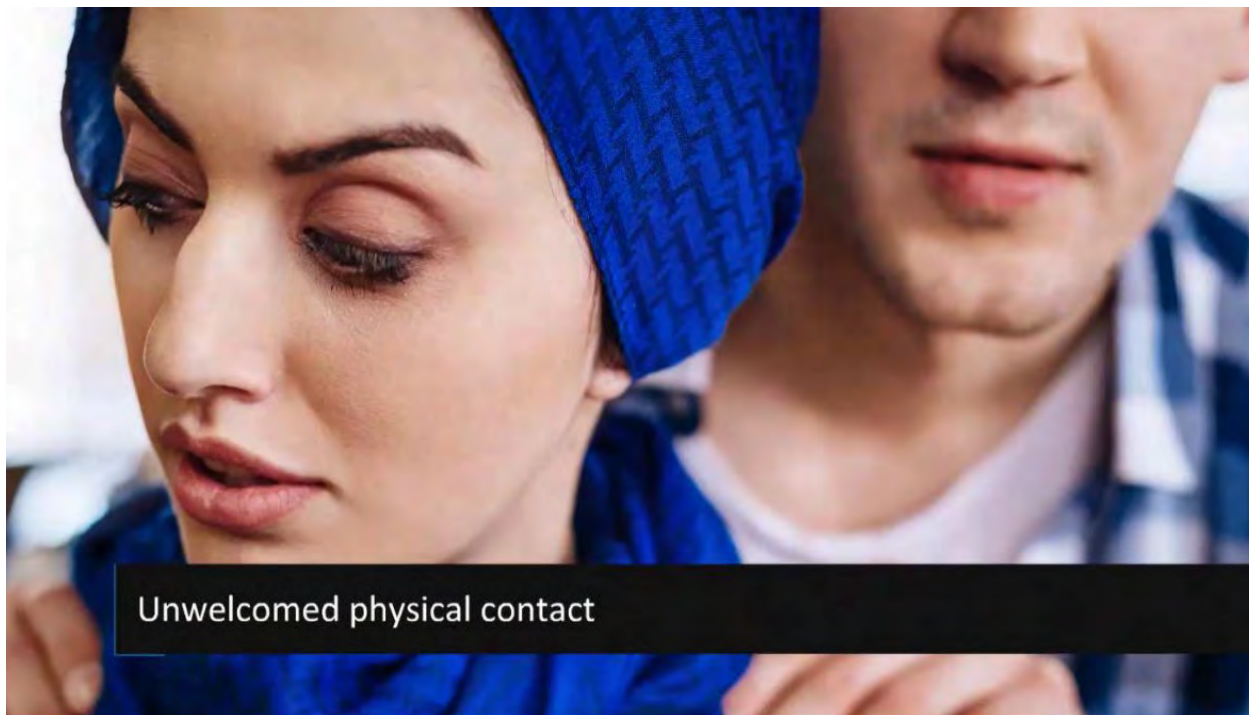
Hostile work harassment examples.

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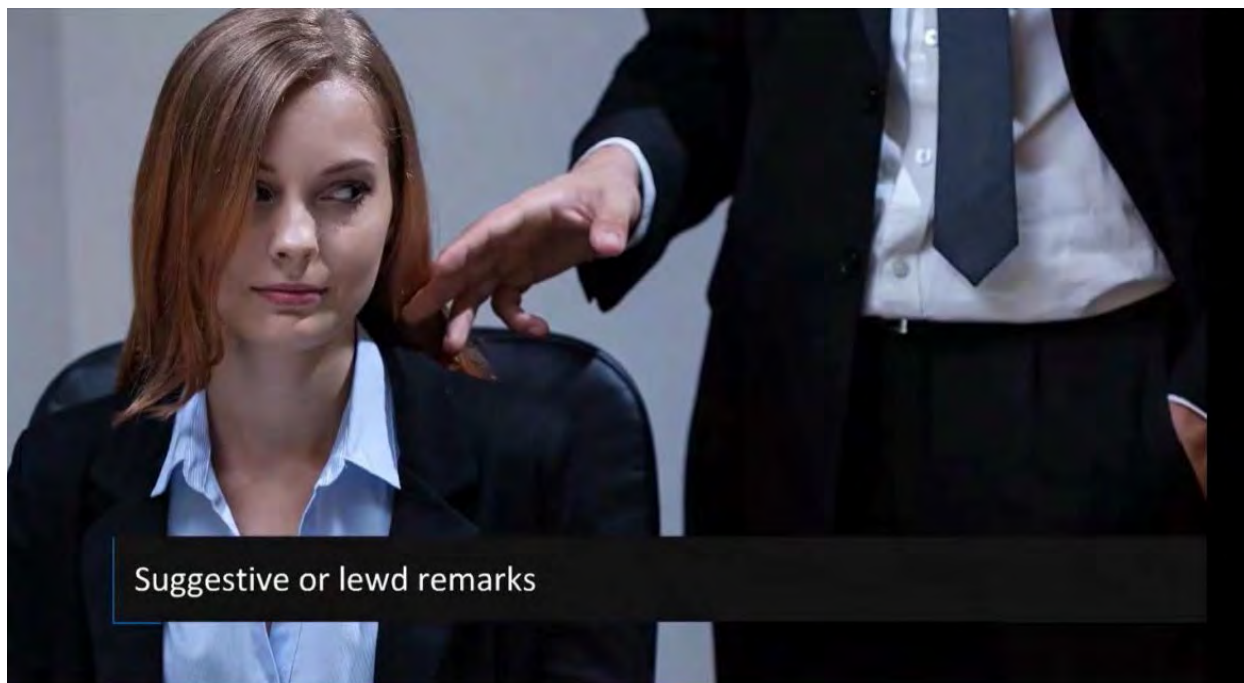
Hostile work harassment examples. (cont.)

Subtle or blatant pressure for dates.



Hostile work harassment examples. (cont.)

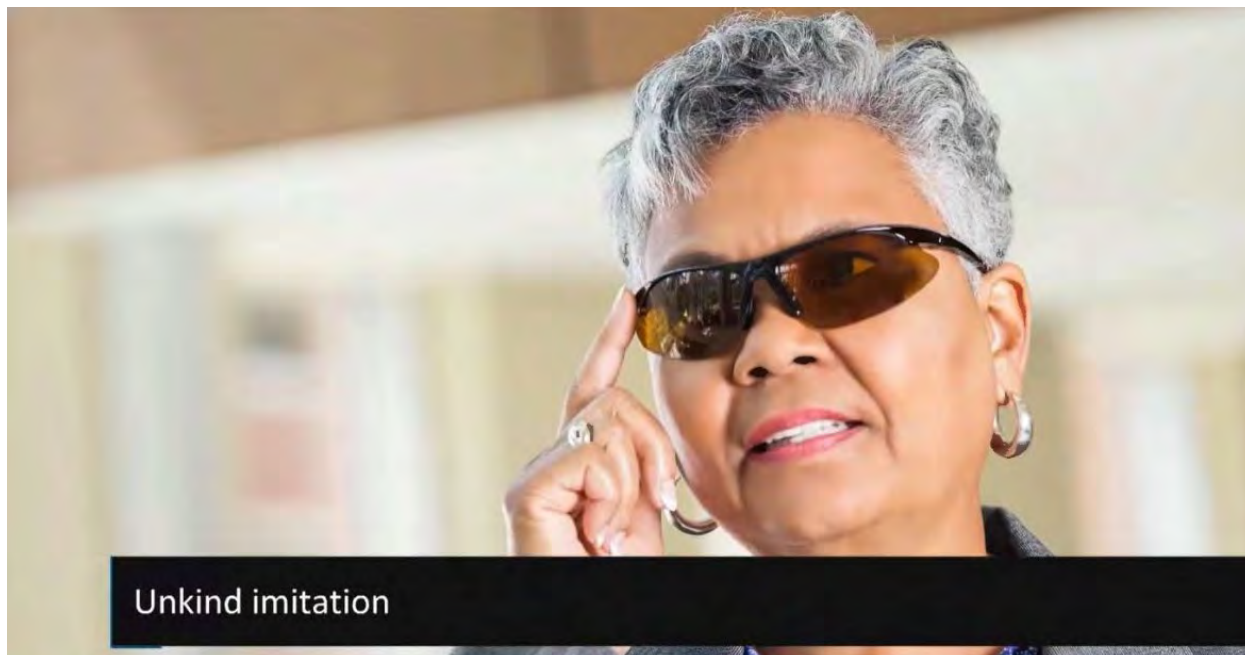
Unwelcomed physical contact.



Suggestive or lewd remarks

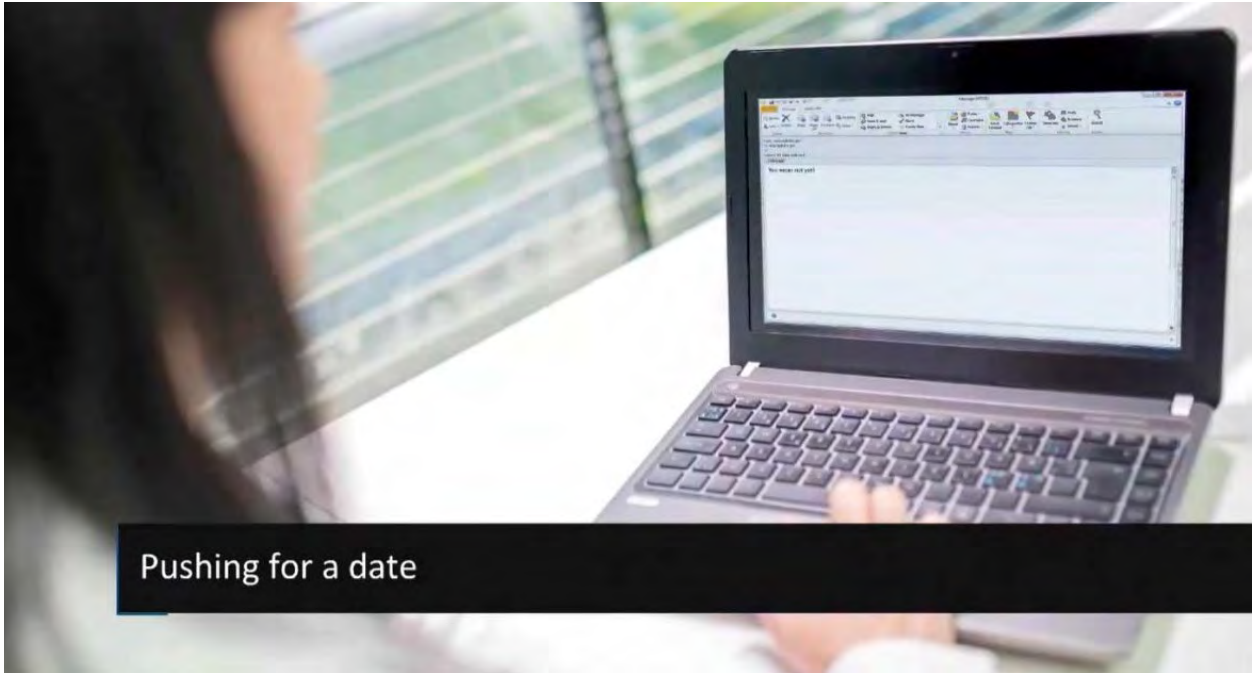
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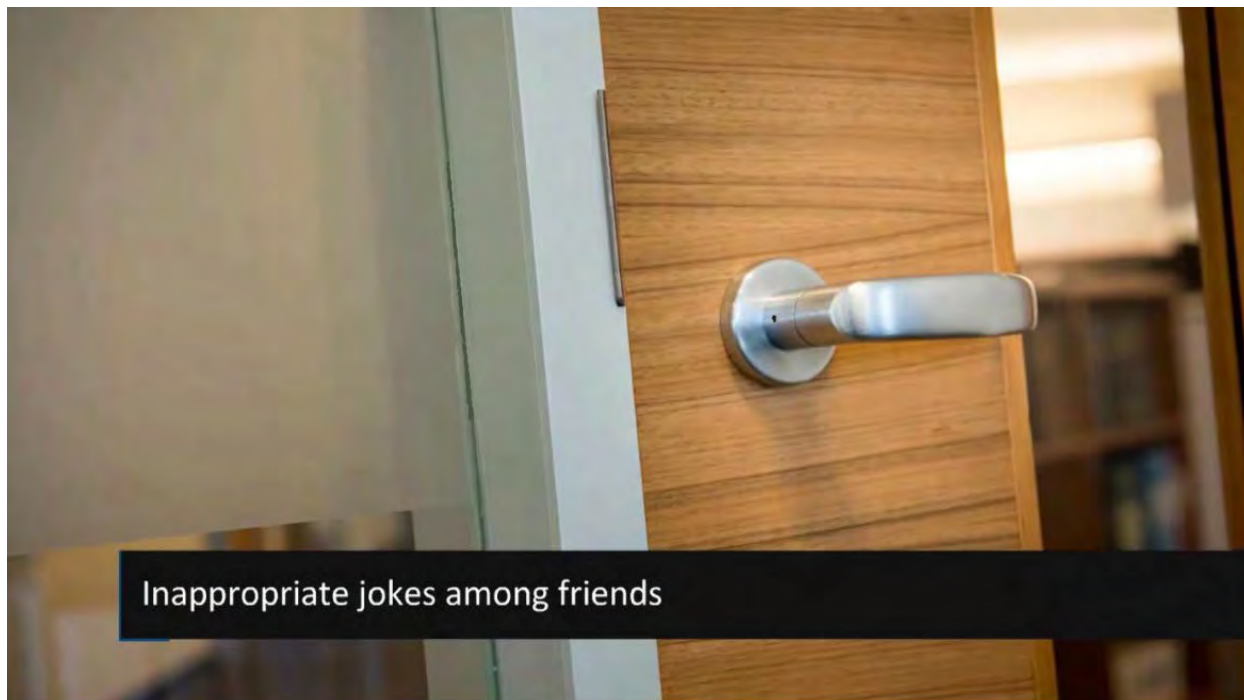
Hostile work harassment examples. (cont.)

Unkind imitation.



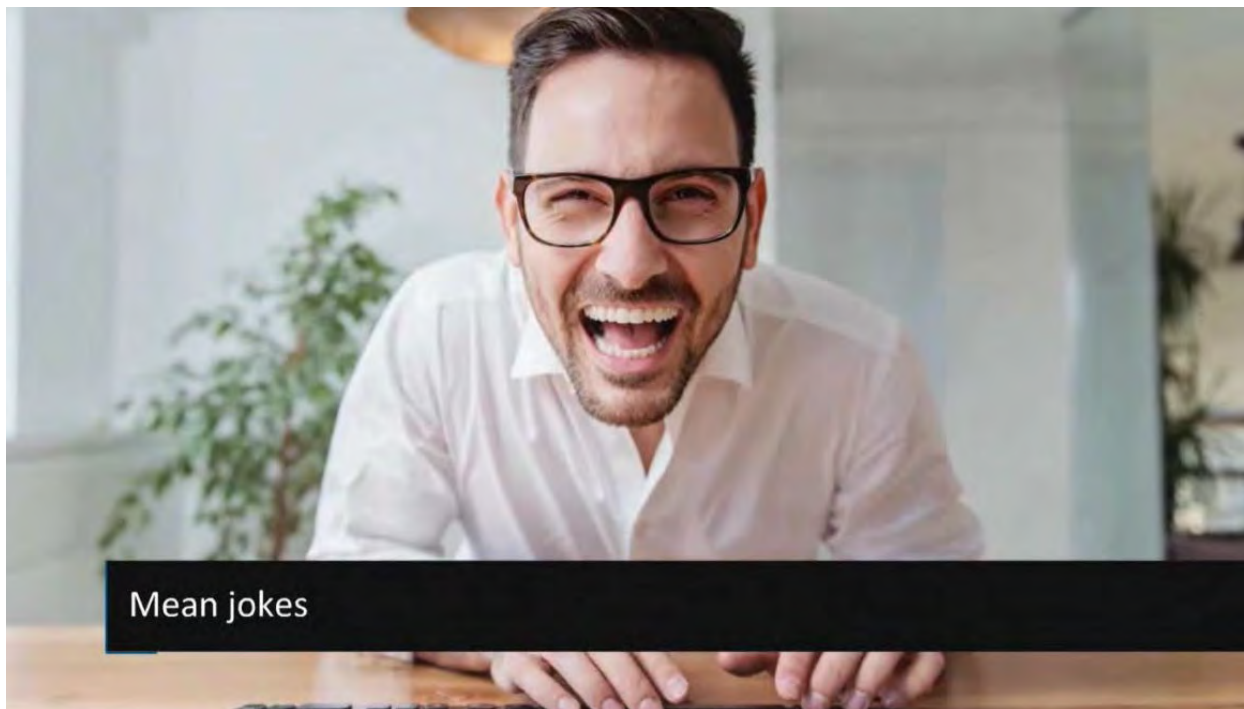
Hostile work harassment examples. (cont.)

Pushing for a date.



Hostile work harassment examples. (cont.)

Inappropriate joked among friends.



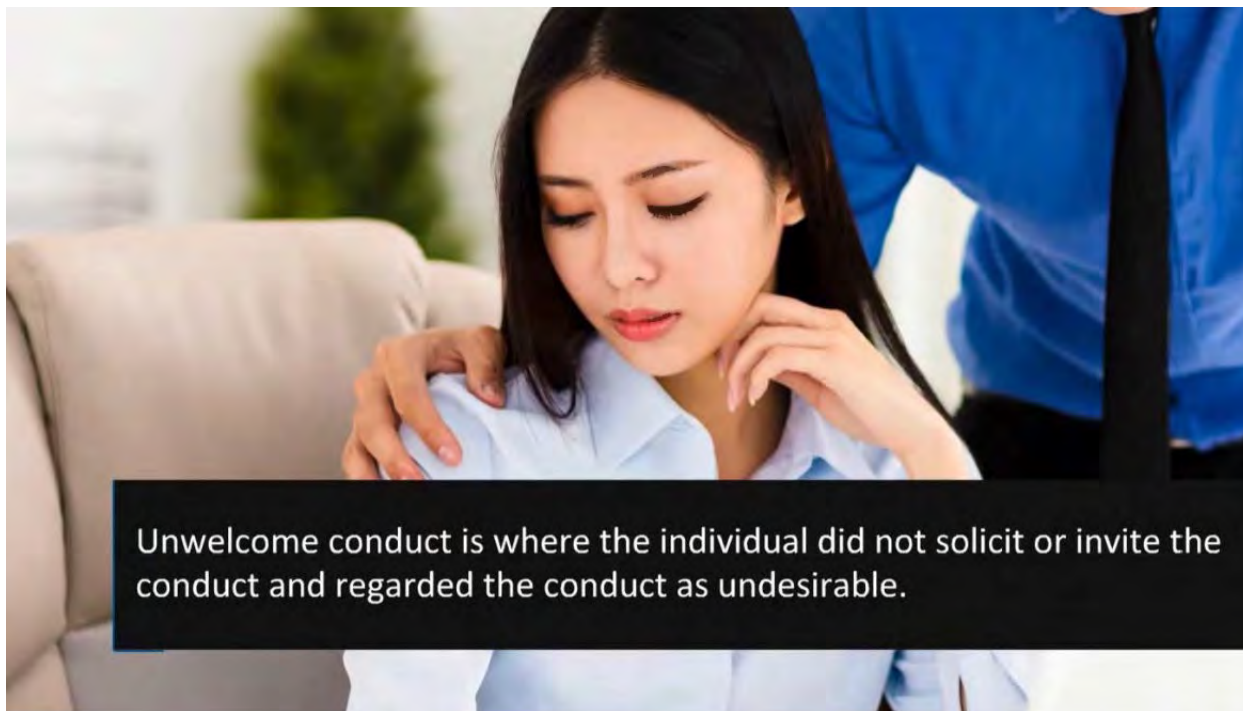
Hostile work harassment examples. (cont.)

Mean jokes.



Hostile work harassment examples. (cont.)

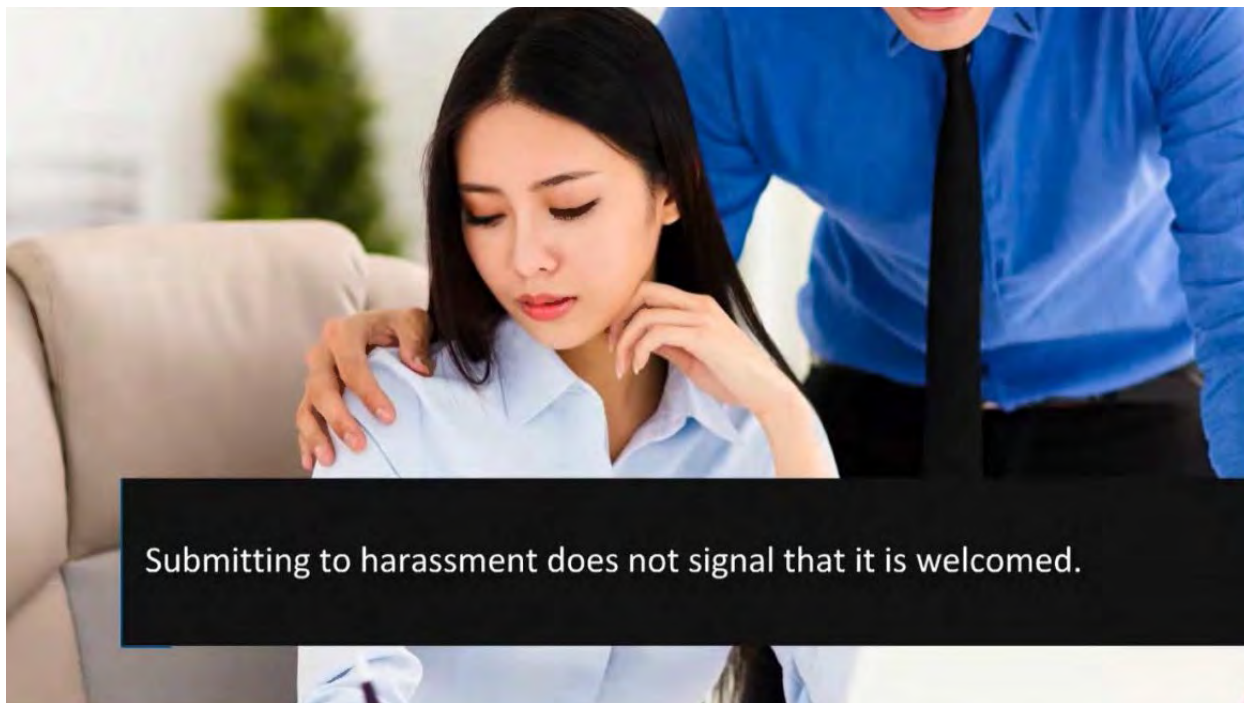
Accent imitation.



Unwelcome conduct is where the individual did not solicit or invite the conduct and regarded the conduct as undesirable.

Unwelcome conduct.

Unwelcome conduct is where the individual did not solicit or invite the conduct and regard the conduct as undesirable.



Submitting to harassment does not signal that it is welcomed.

Unwelcome conduct. (cont.)

Submitting to harassment does not signal that it is welcomed.

Case Study

Now that you have a basis of all the criteria that go into determining harassment, consider this scenario.

Almost every day for the past three months, when Freda, an Administrative Assistant, walks by her colleague Maria's cubicle. Maria makes a comment about her appearance. Maria says things like "Looking good," "Those jeans fit you just right in all the right places," or "Wow, I wish I had the curves you have."

Freda has told Maria several times that she is not comfortable receiving comments on her appearance, but Maria doesn't understand why Freda can't just take a compliment.

Maria has continued with the comments, and, to try to get a rise out of Freda, she has even begun referring to Freda as "supermodel."

Freda's Supervisor, Leonie, is within earshot, and giggles every time she hears Maria's comments to Freda. After the last comment, Freda asks Leonie to ask Maria to stop. Leonie tells Freda the comments are harmless, but that she will talk to Maria.

Select each button to answer all five questions.

[Question 1](#) [Question 2](#) [Question 3](#) [Question 4](#) [Question 5](#)



Case Study.

Now that you have a basis of all the criteria that go into determining harassment, consider this scenario:

Almost every day for the past three months, when Freda, an Administrative Assistant, walks by her colleague Maria's cubicle. Maria makes a comment about her appearance. Maria says things like "Looking good," "Those jeans fit you just right in all the right places," or "Wow, I wish I had the curves you have."

Freda has told Maria several times that she is not comfortable receiving comments on her appearance, but Maria doesn't understand why Freda can't just take a compliment.

Maria has continued with the comments. And to try to get a rise out of Freda, she has even begun referring to Freda as "supermodel."

Freda's Supervisor, Leonie is within earshot, and giggles every time she hears Maria's comments to Freda. After the last comment, Freda asks Leonie to ask Maria to stop. Leonie tells Freda the comments are harmless, but that she will talk to Maria.

Question

Has Freda made her feelings about Maria's comments known?

Select all that apply.

- No, she has not made it clear that Maria's comments are unwelcome.
- Yes, she has made it clear to her Supervisor that Maria's comments are unwelcome.
- No, she needs to tell Maria directly that her comments are unwelcome.
- Yes, she has made it clear to Maria that her comments are unwelcome.

Choose more than one option and then select Done. To deselect an option, choose it a second time.

[Review Case Study](#) [Done](#)

Question 01.

Has Freda made her feelings about Maria's comments known?

Select all that apply.

- No, she has not made it clear that Maria's comments are unwelcome.
- Yes, she has made it clear to her supervisor that Maria's comments are unwelcome.
- No, she needs to tell Maria directly that her comments are unwelcome.
- Yes, she has made it clear that Maria's comments are unwelcome.

Question

Do you believe that Maria's comments toward Freda are based on a protected characteristic?

Select the correct answer.

- Yes, based on race.
- No, there is no connection to a protected basis.
- Yes, based on sex.

Choose the correct option and then select Done.

Review Case Study

Done

Question 02.

Do you believe that Maria comments toward Freda are based on a protective characteristic?

Select the correct answer.

- Yes, based on race.
- No, there is connection to protected basis.
- Yes, based on sex.

Question

Do Maria's comments constitute harassment according to the legal definition of hostile work environment harassment?

Select the correct answer.

Yes. Maria's continued unwelcome comments are frequent.

No. Freda's comments are not severe enough.

Yes, all comments about a person's appearance are harassment.

No. Freda's comments are not frequent enough.

Choose the correct option and then select Done.

[Review Case Study](#) [Done](#)

Question 03.

Do Maria's comments constitute harassment according to legal definition of hostile work environment harassment?

Select the correct answer.

- Yes, Maria's continued unwelcomed comments are frequent.
- No, Freda's comments are not severe enough.
- Yes, all comments about a person's appearance are harassment.
- No, Freda's comments are not frequent enough.

Question

Per DHS's Anti-Harassment Policy, do you think Maria is being harassed?

Yes

Select the correct answer.

No

Choose the correct option and then select Done.

[Review Case Study](#)

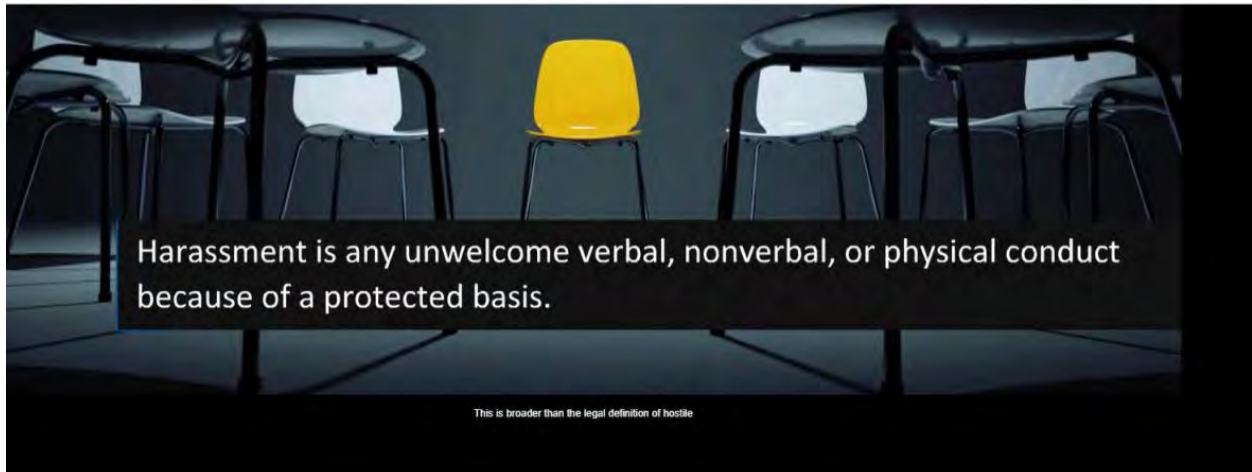
[Done](#)

Question 04.

Per DHS's Anti-Harassment Policy, do you think Maria is being harassed?

Select the correct answer.

- Yes
- No



Harassment Explained.

Harassment is any unwanted verbal, nonverbal, or physical conduct because of a protective basis.



The legal definition of harassment also extends to conduct known as tangible employment action harassment. Tangible employment action harassment occurs when a supervisor or manager conditions an employment action -- such as granting desirable assignments, promotion, demotion, and hiring/termination -- on submission to unwelcome conduct based on a protected characteristic. This type of harassment is prohibited by law and by DHS policy.

Legal Definition of Harassment on Tangible Employment Action.

The legal definition of harassment also extended to conduct known as tangible employment action harassment. Tangible employment action harassment occurs when a supervisor or manager conditions and employment action – such as granting desirable assignments, promotion, demotion, hiring, and termination, on submission to unwelcomed conduct based on a protected characteristic. This type of harassment is prohibited by law and DHS policy.

Tangible Employment Action

Learning Objective

After completing this topic, you should be able to

- Recognize examples of tangible employment actions

1. Introduction

[Topic Title: Tangible Employment Action] Teia has worked as a Program Manager for several years. She is an experienced, talented professional who is looking to expand her area of expertise. Lee recently became Teia's Supervisor. When they met, he expressed how impressed he was with her performance record, and suggested that, in the near future, he would try to arrange a developmental detail for her, exactly in keeping with her goals.

Not long after, Lee asked Teia into his office. He explained that a developmental detail came up in Human Resources that would be a good bridge for Teia into a Supervisory role. He let Teia know that she could have it, if she was willing to go on a date with him.

Teia was shocked that her boss was trading a date for a detail opportunity. Teia politely turned down Lee's offer for a date and asked when the detail started. Lee responded "I'll let you know"

Tangible Employment Action.

Learning Objective.

After completing this topic, you will be able to:

- Recognize examples of e Tangible Employment Actions.

Introduction

[Topic Title: Tangible Employment Action] Teia has worked as a Program Manager for several years. She is an experienced, talented professional who is looking to expand her area of expertise. Lee recently became Teia's supervisor. When they met, he expressed how impressed he was with her performance record and suggested that soon, he would try to arrange a developmental detail for her, exactly in keeping with her goals.

Not long after, Lee asked Teia into his office. He explained that the developmental details came up in Human Resources that would be a good bridge for Teia into a Supervisory role. He let Teia know that she could have it if she was willing to go on a date with him.

Teia was shocked that her boss was trading a date for a detail opportunity. Teia politely turned down Lee's offer for a date and asked when the detail started. Less responded "I'll let you know."

[Harassment?]

After Teia did not hear back from Lee after a couple of days, she decided to ask Lee when her detail would start. Lee informed her that he could not let her go on the detail after all because of the increased workload in their division.

[The Problem]

Teia knows there has been no increase in the workload for her division and decides to contact her Component Anti-Harassment Program.

[Tangible Employment Action]

The legal definition of harassment also extends to conduct known as tangible employment action harassment. Tangible employment action harassment occurs when a supervisor or manager conditions an employment action – such as granting desirable assignments, promotion, demotion, and hiring/termination – on submission to unwelcome conduct based on a protected characteristic. This type of harassment is prohibited by law and by DHS policy.

Tangible Employment Action. (cont.)

[Harassment?] After Teia did not hear back from Lee after a couple of days, she decided to ask Lee when her detail would start. Lee informed her that he could not let her go on the detail after all because of the increased workload in their division.

[The Problem] Teia knows there has been no increase in the workload for her division and decides to contact her Component Anti-Harassment Program.

[Tangible Employment Action] The legal definition of harassment also extends to conduct known as tangible employment action harassment. Tangible employment action harassment occurs when a supervisor or manager conditions an employment action – such as granting desirable assignments, promotion, demotion, hiring, and termination, on submission to unwelcomed conduct based on a protected characteristic. This type of harassment is prohibited by law and DHS policy.

Question

Which of the following are examples of tangible employment action harassment?

Select all that apply.

- Amit sees that Jeremy should be promoted to a site Supervisor, but Jeremy can't access all sites in his wheelchair, so Amit doesn't give him the chance.
- Despite being in his department the longest, Jamal hasn't been able to promote Arlene because her work effort just doesn't warrant it.
- Sonya made the difficult decision to fire Janice due to consistent underperformance and routine delays in executing tasks.
- Rita tells Samira she can either put up with the jokes regarding various ethnic groups she uses as ice breakers to open staff meetings, or she would be happy to transfer her to another division. Samira pretends to find the jokes funny so as not to be transferred.
- Jeff promises Grayson a raise if Grayson will give him a massage.

Choose more than one option and then select Done. To deselect an option, choose it a second time.

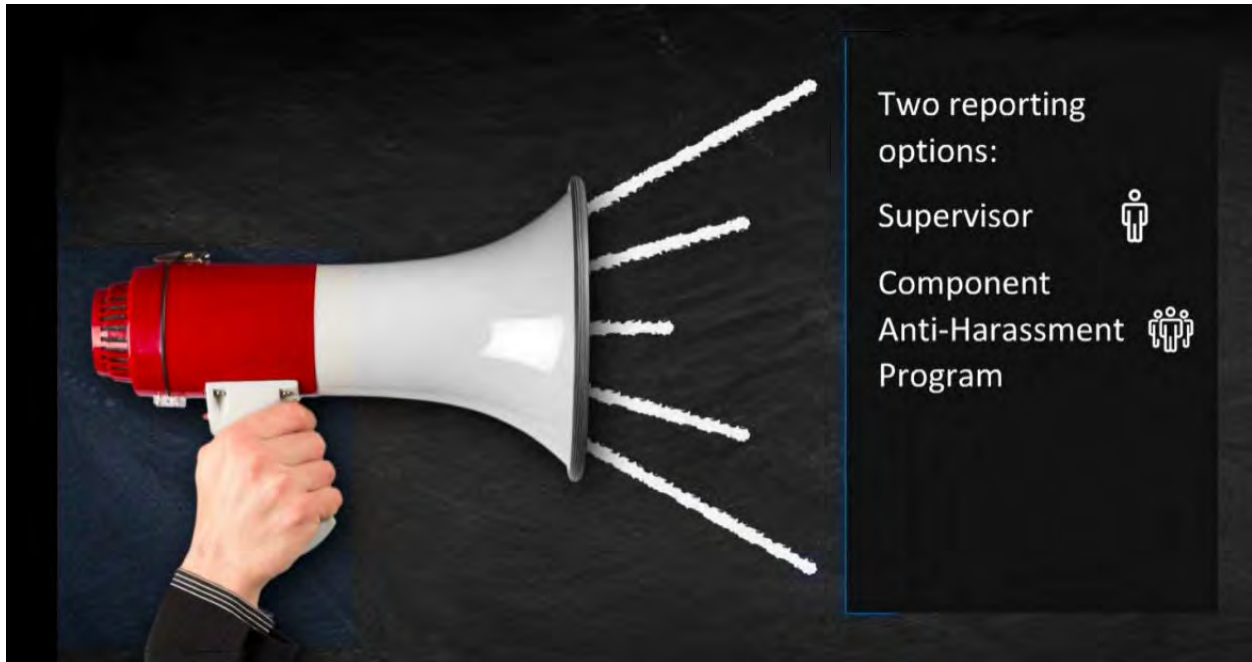
Done

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Which of the following are examples of tangible employment action harassment?

Select all that apply.

- Amit sees that Jeremy should be promoted to a site supervisor, but Jeremy cannot access all sites in his wheelchair, so Amit doesn't give him a chance.
- Despite being his department the longer, Jamal hasn't been able to promote Arlene because her work effort just doesn't warrant it.
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- Jeff promises Grayson a raise if Grayson will give him a massage.



Reporting Options.

Two reporting options are:

- Supervisor
- Component Anti-Harassment Program

Reporting Allegations of Harassment

Learning Objectives

After completing this topic, you should be able to

- Identify options for reporting harassment.
- Determine if a response to a harassment claim is prompt and effective given an example.

Reporting Allegations of Harassment.

Learning Objectives.

After completion of this topic will be able to:

- Identify options for reporting harassment.
- Determine if a response to a harassment claim is prompt and effective given an example.

Introduction

[Topic Title: Reporting Allegations of Harassment] Courtney works in the Agency's IT Computer Lab as an IT Specialist. Cassandra, also an IT Specialist, constantly asks Courtney why she wears her religious attire every day. Courtney explained to Cassandra on more than one occasion that it is an expression of her faith. One morning, Cassandra hissed at Courtney that she didn't, 'even belong here.' When Cassandra pulled on Courtney's clothing, Courtney smacked her hand. Courtney notified their Supervisor, Reece, about the incident, but asked Reece not to do anything because she knew that Cassandra was transferring to another department.

[Reporting Options]

You saw that Courtney chose to report the incident with Cassandra to Reece, her Supervisor.

DHS employees have at least two options available to report incidents of alleged harassment. They can report to a Supervisor (or higher-level manager), or to their Component Anti-Harassment Program. Separately, employees may also file an EEO complaint alleging harassment because of a protected basis. Employees must file with their Component's civil rights or EEO office within 45 calendar days of the most recent alleged incident. Individual Components may also have additional reporting procedures. Check with your Component's civil rights or EEO office for reporting procedures specific to your Component.

Introduction into Reporting Allegations of Harassment.

[Topic Title: Reporting Allegations of Harassment] Courtney works in the agency's IT Computer Lab as an IT Specialist. Cassandra, also and IT Specialist constantly ask Courtney why she wears religious attire every day. Courtney explained to Cassandra on more than one occasion that it is an expression of her faith. One morning, Cassandra hissed at Courtney that she didn't 'even belong here.' When Cassandra pulled on Courtney's clothing, Courtney smacked her hand. Courtney notified their supervisor, Reece, about the incident, but asked Reece not to do anything because she knew Cassandra was transferring to another department.

[Reporting Options] You saw that Courtney chose to report the incident with Cassandra to Reece, her supervisor.

DHS employees have at least two options available to report incident of alleged harassment. They can report to a supervisor (or higher-level manager), or to their Component Anti-Harassment Program. Separately, employees may also file an EEO complaint alleging harassment because of a protective basis. Employee must file their Components civil rights or EEO office within 45 calendar day of the most recent alleged incident. Individual Components may also have additional reporting procedures. Check with your Components civil rights or EEO office for reporting procedures specific to your Component.

[Reporting to a Supervisor] If harassment is reported to a supervisor or other management official, that official must ensure that a prompt inquiry into the matter is conducted. If it is determined that harassment occurred, the agency must also take prompt, effective corrective action to address the harassment and to prevent it from recurring. If circumstances warrant, the agency should implement interim measures to ensure that the harassing conduct stops while the inquiry is ongoing. When making any of these determinations, supervisors or management officials should seek guidance from higher-level management officials, their servicing Employee Relations (or equivalent) office, and/or their servicing legal office.

[Reporting to Your AHU]

If harassment is reported to an anti-harassment program, the program will conduct a fact-finding into the allegations. This fact-finding is an inquiry into the allegations and is conducted by a neutral fact-finder. The fact-finding report will be provided to a decision-maker (a management official or other appropriate official), who will determine what, if any, corrective action is warranted.

Reporting Allegations of Harassment.

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[What about the EEO Complaint Process?]

Employees may also initiate the EEO complaint process with respect to an allegation of workplace harassment. Employees must initiate the complaint process within 45 calendar days of the most recent alleged harassing incident.

EEO complaints can be filed by current employees, former employees, applicants, and, in some instances, contractors. Your Component's servicing EEO or civil rights office can provide you with additional information on the process.

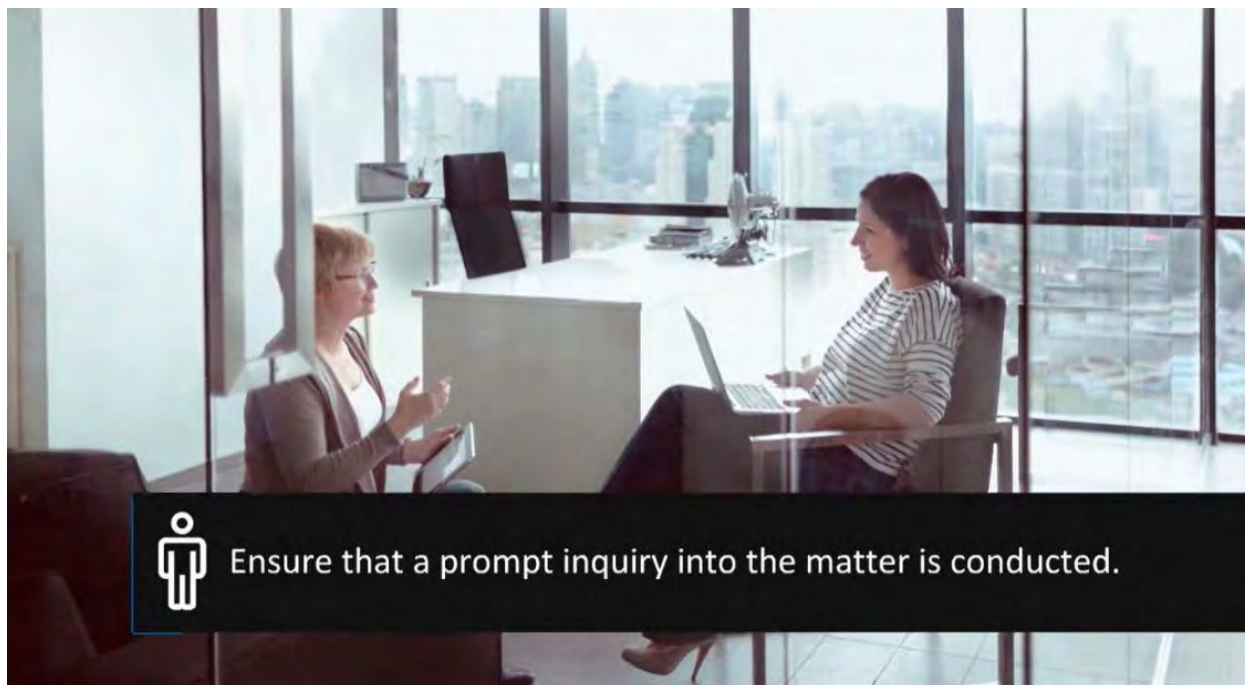
Keep in mind that the EEO complaint process is entirely separate from an inquiry that would be conducted by management or the anti-harassment program. Employees may initiate the EEO complaint process and concurrently have their management or their anti-harassment program look into the matter.

Reporting Allegations of Harassment. (cont.)

[What about the EEO Complaint Process?] Employees may also initiate the EEO complaint process with respect to an allegation of workplace harassment. Employees must initiate the complaint process within 45 calendar days of the most recent alleged harassing incident.

EEO complaints can be filed by current employees, former employees, applicants, and, in some instances, contractors. Your Component's servicing EEO or civil rights office can provide you with additional information on the process.

Keep in mind that the EEO complaint process is entirely separate from an inquiry that would be conducted by management or the anti-harassment program. Employees may initiate the EEO complaint process and concurrently have their management or their anti-harassment program investigate the matter.



Ensure prompt inquiry.

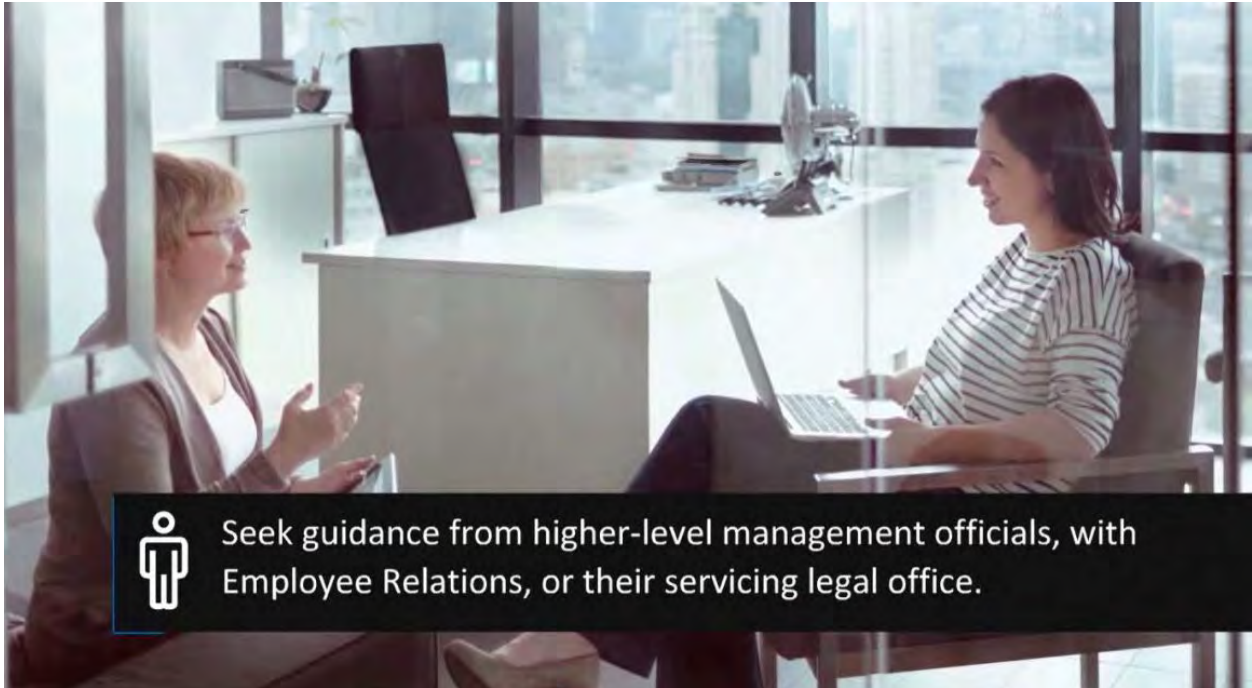
Ensure that a prompt inquiry into the matter is conducted.



Implement interim measures to ensure harassing conduct stops while the inquiry is ongoing.

Interim Measures.

Implement interim matters to ensure harassing conduct stops while the inquiry is ongoing.



Seek guidance from higher-level management officials, with Employee Relations, or their servicing legal office.

Seek Guidance.

Seek guidance from higher-level management officials, with Employee Relations, or their servicing legal office.



Fact-Finding.

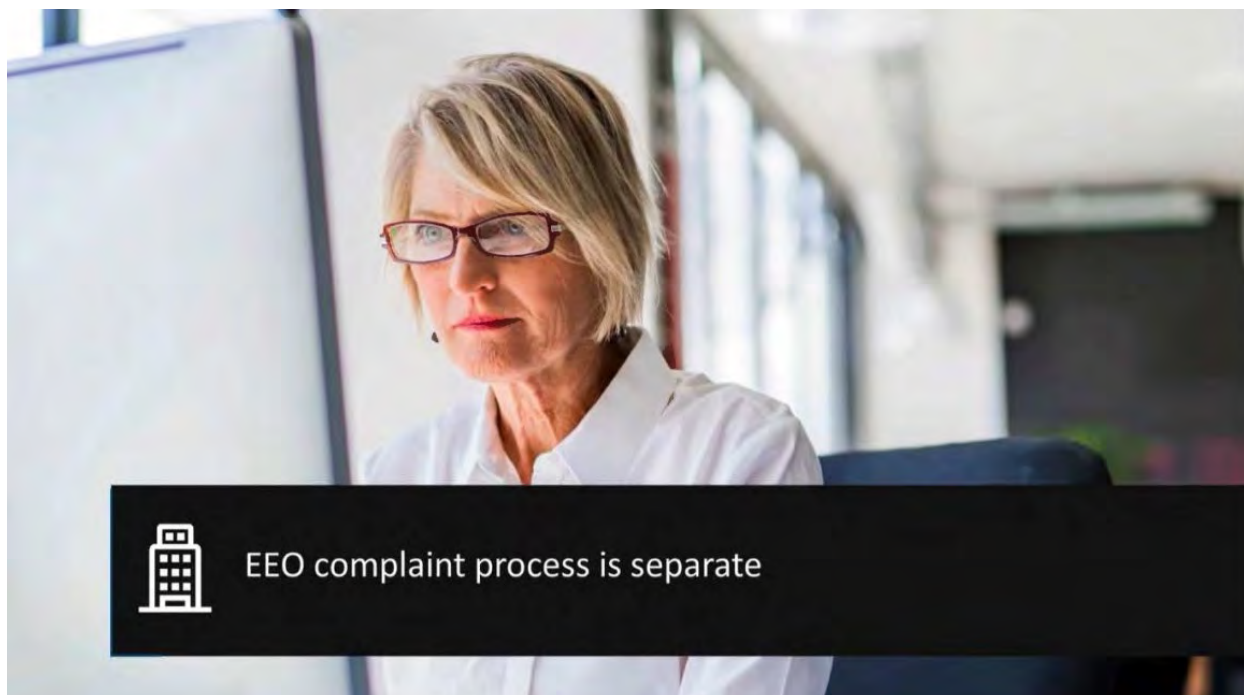
Conduct a fact-finding investigation.



A fact-finding report will be provided to a decision-maker to determine what, if any, corrective action is warranted.

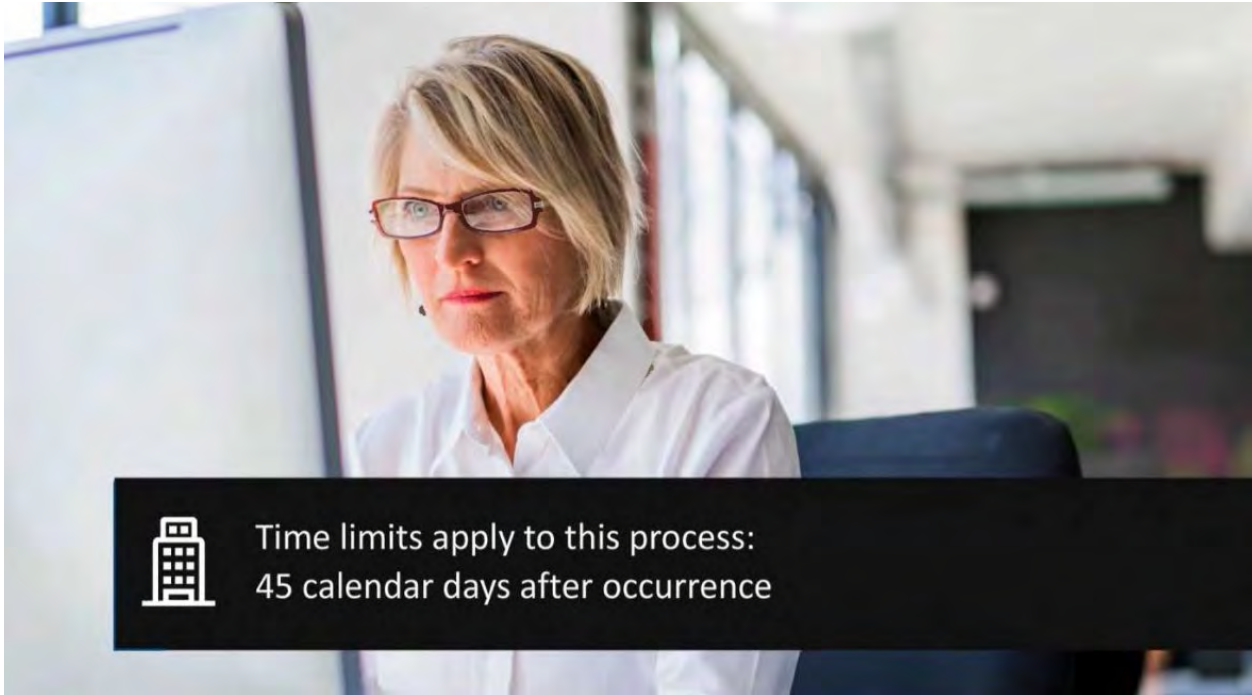
Fact-Finding Report.

A fact-finding report will be provided to a decision-maker to determine what, if any, corrective action is warranted.



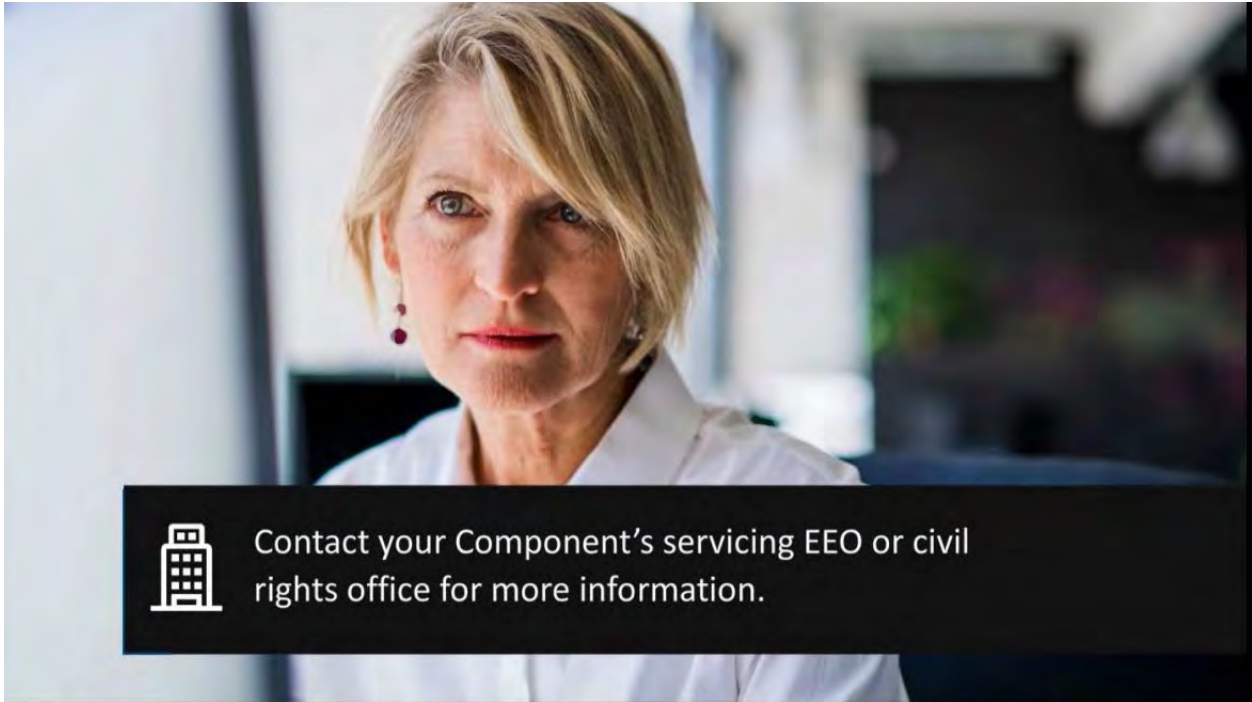
EEO Complaints.

EEO complaint process is separate.



Time Limits.

Time limits apply to this process: 45 calendar days after occurrence.



Component's Servicing Office.

Contact your Component's servicing EEO or civil rights office for more information.

Question

If you felt you were being harassed, what could you do?

Select all that apply.

Options:

1. Nothing. Just endure the harassment.
2. File a complaint with the EEO Office.
3. Notify my Supervisor.
4. Contact the Equal Employment Opportunity Commission.
5. Contact my Component's Anti-Harassment Program.

Question 01.

If you felt like you were being harassed, what could you do?

Select all that apply.

- Nothing, just endure the harassment.
- File a complaint with the EEO office.
- Notify my supervisor.
- Contact the Equal Employment Opportunity Commission.
- Contact my Component's Anti-Harassment Program.

Answer

Option 1: No. If you believe you are being subjected to harassment you should report it.

Option 2: You must contact your Component's EEO or civil rights office within 45 calendar days of the alleged conduct.

Option 3: Your Supervisor must take prompt, effective corrective action.

Option 4: No. EEO complaints must be filed with your servicing EEO or civil rights office, not the EEOC.

Option 5: Correct.

Correct answer(s):

2. File a complaint with the EEO Office.
3. Notify my Supervisor.
5. Contact my Component's Anti-Harassment Program.

Correct Answers and Explanations.

- Option 1: No, if you believe you are subject to harassment you should report it.
- Option 2: You must contact your Component's EEO or civil rights office within 45 calendar days of the alleged conduct.
- Option 3: Your Supervisor must take prompt, effective corrective action.
- Option 4: No, EEO complaints must be filed with your servicing EEO or civil rights office, not the EEOC.
- Option 5: Contact my Component's Anti-Harassment Program for alleged conduct.

Answers:

- File a complaint with the EEO office.
- Notify my supervisor.
- Contact my Component's Anti-Harassment Program.

Scenario

For your convenience, the case study is repeated with each question.

Tre recently transferred into a new department. The transfer went well, and he found his new co-workers welcoming. Furthermore, they understand Tre is hearing impaired, and make a point of looking directly at him while speaking, because they know he reads lips well. They generally accommodate alternate, visual means of communication for Tre. His co-workers involve him in group events outside of work, like their Friday lunch outings.

However, one co-worker hasn't been welcoming: Jamie could even be referred to as hostile. He talks to Tre behind his back and then makes a big deal out of having to get his attention first. Jamie frequently covers his mouth when speaking at meetings he and Tre attend together, and deliberately looks away when talking to Tre directly. Tre also gets the feeling that Jamie makes jokes with a few others about his hearing impairment, but Tre can't prove it, so he just tries to ignore it when it happens. Tre is, for better or worse, accustomed to Jamie's behavior. He's experienced this sort of thing in other stages of his life. While he dismisses Jamie's daily obnoxious behavior, one day he is tagged in a Facebook photo showing his face photoshopped onto a person standing in the middle of a busy highway, about to get struck by a car.

Image of Jamie speaking while covering his mouth

Select each button to answer all three questions.

Scenario on Harassing Behavior.

Tre recently transferred into a new department. The transfer went well, and he found his new co-workers welcoming. Furthermore, they understand Tre is hearing impaired, and make a point of looking directly at him while speaking, because they know he reads lips well. They generally accommodate alternative visual means of communication for Tre. His co-workers involve him in group events outside of work, like their Friday lunch outings.

However, one co-worker hasn't been welcoming: Jamie could even be referred to as hostile. He talks to Tre behind his back and then makes a big deal out of having to get his attention first. Jamie frequently covers his mouth when speaking at meetings he and Tre attend together, and deliberately looks away when talking to Tre directly. Tre also gets the feeling that Jamie makes jokes with a few others about his hearing impairment, but Tre can prove it, so he just tries to ignore it when it happens. Tre is, for better or worse, accustomed to Jamie's behavior. He's experienced this sort of thing in other stages of his life. While he dismisses Jamie's daily obnoxious behavior, one day he is tagged in a Facebook photo showing his face photoshopped onto a person standing in the middle of a busy highway about to get struck by a car.

Question

What other actions could Janine take to better handle Tre's harassment claim?

Select all that apply.

Options:

1. Transfer Tre to his former department so that Jamie cannot harass him.
2. Talk to Jamie about his inappropriate behavior and advise him to stop.
3. Suggest that Jamie apologize to Tre.
4. Impose disciplinary action on Jamie.
5. Consult with her servicing employee relations office for guidance as to what disciplinary action she should take with respect to Jamie.

Question 02.

What other actions could Janine take to better handle Tre's harassment claim?

Select all that apply.

Options:

- Transfer Tre to his former department so that Jamie cannot harass him.
- Talk to Jamie about his inappropriate behavior and advise him to stop.
- Suggest that Jamie apologize to Tre.
- Impose disciplinary action on Jamie.
- Consult with her servicing employee relations office or guidance as to what disciplinary action she should take with respect to Jamie.

Option 1: Remember, effective corrective action should never disadvantage the harassed employee. Tre told Janine that he loved his work in the new department, so moving him back to his old department would be a penalty, and would not constitute effective corrective action.

Option 2: It is important that Janine actually address the scope of harassing behavior and Jamie's apparent bias. Jamie has to understand that his behavior needs to change.

Option 3: Having Jamie apologize to Tre would be an important step in Jamie's acknowledgement of his behavior.

Option 4: Disciplinary action may be necessary, especially if Jamie denies the allegations or defends his behavior as appropriate.

Option 5: Janine has a number of consultants available, including higher-level management officials, Employee Relations, or her servicing legal office.

Correct answer(s):

2. Talk to Jamie about his inappropriate behavior and advise him to stop.
3. Suggest that Jamie apologize to Tre.
4. Impose disciplinary action on Jamie.
5. Consult with her servicing employee relations office for guidance as to what disciplinary action she should take with respect to Jamie.

Correct Answers and Explanation.

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- Option 5: Janine has several consultants available, including higher-level management officials Employee Relations, or her servicing legal office.

Answers:

- Talk to Jamie about his inappropriate behavior and advise him to stop.
- Suggest that Jamie apologize to Tre.
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Tre recently transferred into a new department. The transfer went well, and he found his new co-workers welcoming. Furthermore, they understand Tre is hearing impaired, and make a point of looking directly at him while speaking, because they know he reads lips well. They generally accommodate alternate, visual means of communication for Tre. His co-workers involve him in group events outside of work, like their Friday lunch outings.

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Question

Suppose Janine had dismissed Tre's allegation, or tried to make a joke out of it.

What are the possible consequences of ignoring harassing behavior?

Select all that apply.

Options:

1. The morale and productivity of the team could be affected.
2. It could lead to more inappropriate conduct in the workplace.
3. The Agency could be held liable for Tre's harassment claims.
4. It is likely that Jamie would feel free to continue to harass Tre, as well as other employees.

Question 03.

Suppose Janine had dismissed Tre's allegation or tried to make a joke out of it.

What are the possible consequences of ignoring harassing behavior?

Select all that apply.

- The morale and productivity of the team could be affected.
- It could lead to more inappropriate conduct in the workplace.
- The Agency could be held liable for Tre's harassment claims.
- It is likely that Jamie would feel free to continue to harass Tre as well as other employees.

Answer

The correct options are shown. Ignoring harassment claims allows harassing behavior to persist, grow, and negatively impact the team. It could also leave the Agency liable.

Correct answer(s):

1. The morale and productivity of the team could be affected.
2. It could lead to more inappropriate conduct in the workplace.
3. The Agency could be held liable for Tre's harassment claims.
4. It is likely that Jamie would feel free to continue to harass Tre, as well as other employees.

Correct Answer and Explanation.

The correct options are shown (all that were listed above). Ignoring harassment claims allows harassing behavior to persist, grow, and negatively impact the team. It could also leave the agency liable.

Answers

- The morale and productivity of the team could be affected.
- It could lead to more inappropriate conduct in the workplace.
- The Agency could be held liable for Tre's harassment claims.
- It is likely that Jamie would feel free to continue to harass Tre as well as other employees.

5. Summary

[Topic Title: Case Study] No one wants harassment at DHS, and DHS won't tolerate it. If harassment does happen, employees have two primary options for reporting it: they can report to a Supervisor or their Component Anti-Harassment Program. In addition, employees can file a complaint with the EEO Office. When employees report harassment to management or to their Component Anti-Harassment Program, employees should expect prompt and effective corrective actions that have the objective of stopping the harassing behavior.

[Retaliation]

Retaliation is when a Supervisor or Manager takes adverse action against an individual for either filing a complaint, helping someone file a complaint, for being a witness in an investigation, or for otherwise expressing reasonable opposition to prohibited workplace harassment.

Retaliation is prohibited by law and by DHS Anti-Harassment Policy. The consequences of retaliation are the same as committing harassment itself: disciplinary action up to and including termination.

Summary of Course.

[Topic Title: Case Study] No one wants harassment at DHS, and DHS won't tolerate it. If harassment does happen, employees have two primary options for reporting it: they can report to a supervisor or their Component Anti-Harassment Program. In addition, employees can file a complaint with the EEO Office. When employees report harassment to management or to their Component Anti-Harassment Program, employees should expect prompt and effective corrective actions that have the objective of stopping the harassing behavior.

[Retaliation] Retaliation is when a supervisor or Manager takes adverse action against an individual for either filing a complaint, helping someone file a complaint, for being a witness in an investigation, or for otherwise expressing reasonable opposition for to prohibited workplace harassment.

Retaliation is prohibited by law and by DHS Anti-Harassment Policy. The consequences of retaliation are the same as committing harassment itself: disciplinary action up to and including termination.



Department of Homeland Security

No FEAR Act Refresher

Print Transcript



Screen 0 of 52: Welcome to the DHS No FEAR Act Refresher

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Click NEXT to continue.

Course Introduction

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

Page 1 of 52

Course Objectives

At the end of this course, you will be able to:

- Identify your rights, and the remedies available to you, under anti-discrimination and whistleblower protection laws.
- Recognize the protected bases under anti-discrimination laws.
- Describe the prohibited behaviors and harassing conduct that must be reported upon witnessing.
- Identify possible courses of action if you feel you have been subjected to unlawful discrimination, harassing conduct, or retaliation.
- Recognize the protections under the Whistleblower Protection Act of 1989 and Whistleblower Enhancement Protection Act of 2012.
- Describe the protected disclosures, and when they are protected.
- Identify remedies for whistleblower retaliation.
- Recognize potential behaviors related to domestic violent extremism.
- Identify reporting requirements for alleged domestic violent extremism.

This course should take approximately one hour to complete, and there will be an assessment available immediately after the course is complete.

Click NEXT to continue.

BACK [audio icon] [play icon] [progress bar] [refresh icon] [document icon] NEXT

Screen 1 of 52: Course Objectives

TRANSCRIPT & AUDIO DESCRIPTION (AD)

The Department of Homeland Security (DHS) is committed to a workplace free from harassment, unlawful discrimination, and reprisal. All employees must refrain from engaging in discriminatory or retaliatory conduct, and supervisors are obligated to prevent and promptly correct such situations in the workplace.

The **Notification and Federal Anti-Discrimination and Retaliation**—or “No FEAR”—Act of 2002 requires all federal employees to receive this training on anti-discrimination and whistleblower protections within 90 days of employment and then every two years. Contract employees are strongly encouraged to take the training but are not required to do so.

At the end of this course, you will be able to:

- Identify your rights, and the remedies available to you, under anti-discrimination and whistleblower protection laws.
- Recognize the protected bases under anti-discrimination laws.
- Describe the prohibited behaviors and harassing conduct that must be reported upon witnessing.
- Identify possible courses of action if you feel you have been subjected to unlawful discrimination, harassing conduct, or retaliation.

Course Introduction

- Recognize the protections under the Whistleblower Protection Act of 1989 and Whistleblower Enhancement Protection Act of 2012.
- Describe the protected disclosures, and when they are protected
- Identify remedies for whistleblower retaliation.
- Recognize potential behaviors related to domestic violent extremism.
- Identify reporting requirements for alleged domestic violent extremism.

This course should take approximately one hour to complete, and there will be an assessment available immediately after the course is complete.

Click Next to continue.

Course Introduction



Screen 2 of 52: Introduction to Navigation Help

TRANSCRIPT & AUDIO DESCRIPTION (AD)

There are several features to help guide you through this course. You may access Navigation Help at any time throughout the course by selecting the Help button at the top of the screen.

Optional: Click each information icon to for more details for the course navigational features.

Popups

Menu

Click the Menu button to show a drop-down list of all topics covered in this course. You can use the mouse or arrow keys on your keyboard to navigate through the menu.

Please note: You will only be allowed to return to screens that you have previously visited.

Resources

The Resources drop-down contains useful links and documents that complement this course.

Help

Click the Help button at any time throughout the course for a brief description of the course’s navigational features.

Course Introduction

Exit

Click the Exit button to exit the course.

Screen Number

This feature indicates what screen you are on relative to the total number of screens in the course.

Back

Click the Back button to navigate to the previous screen.

Audio

The Audio button toggles course audio on and off.

Closed Captions

Click the Closed Captions button to show or hide closed captioning in the course.

Play/Pause

Click the Play/Pause button to stop or resume the current screen audio and animation.

Seek Bar

The Seek bar displays the duration of each screen's progress bar. You can drag the cursor to move back and forth along the progress bar.

Replay

Click the Replay button to replay the current screen from the beginning.

Transcript

Click the Transcript button to show or hide the audio transcript for the current screen.

Next

Click the Next button to proceed to the next screen.

Course Introduction

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

Page 3 of 52

Course Introduction

Hi, my name is Ryan, and I am here to assist you in understanding the rights and remedies available to you under anti-discrimination and whistleblower protection laws and in learning about what you, as a DHS employee, can do to prevent and report harassment, discrimination, and reprisal in the workplace.

Let's start by learning more about the No FEAR Act.

Click NEXT to continue.

BACK [Volume] [Play/Pause] [Progress Bar] [Refresh] [NEXT]

Screen 3 of 52: Course Introduction

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Hi, my name is Ryan, and I am here to assist you in understanding the rights and remedies available to you under anti-discrimination and whistleblower protection laws – and in learning about what you, as a DHS employee, can do to prevent and report harassment, discrimination, and reprisal in the workplace.

Let's start by learning more about the No FEAR Act.

Click Next to continue.

The screenshot shows a presentation slide with a blue header. On the left is the U.S. Department of Homeland Security logo. The header text reads 'DHS NO FEAR ACT' and 'OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES'. Navigation buttons for 'MENU', 'RESOURCES', 'HELP', and 'EXIT' are on the right. The slide title is 'The No FEAR Act' with 'Page 4 of 52' in the top right. The main content area features the text 'Notification and Federal Employee Anti-Discrimination and Retaliation or No FEAR Act' and two illustrations: a blue book labeled 'No FEAR Act' and a stack of papers labeled 'Training'. A footer note says 'Click NEXT to continue.' and a control bar at the bottom includes 'BACK', a play button, a progress bar, a refresh button, and 'NEXT'.

Screen 4 of 52: The No FEAR Act

TRANSCRIPT & AUDIO DESCRIPTION (AD)

The **Notification and Federal Employee Antidiscrimination and Retaliation**, or “No FEAR,” Act of 2002 is a federal law that seeks to promote federal agencies’ compliance with antidiscrimination and whistleblower protection laws.

As provided in the No FEAR Act, federal agencies are required to provide training for all employees about their protections, rights, and remedies under applicable law.

Click Next to continue.

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

Page 5 of 52

The Protected Bases

**Employment
Anti-Discrimination
Statutes**

color, religion, sex (which includes pregnancy, sexual orientation, gender expression and gender identity), national origin, age, disability, genetic information, and reprisal.

Executive Order

...marital status, parental status, political affiliation...

**DHS
Anti-Harassment
Policy**

Click NEXT to continue.

BACK [Speaker] [Play] [Progress Bar] [Refresh] [List] NEXT

Screen 5 of 52: The Protected Bases

TRANSCRIPT & AUDIO DESCRIPTION (AD)

These federal anti-discrimination laws prohibit discrimination on the following protected bases: race, color, religion, sex (which includes pregnancy, sexual orientation, gender expression and gender identity), national origin, age, disability, genetic information, and reprisal.

Executive orders and other regulations prohibit federal agencies from discrimination based on an individual's marital status, parental status, or political affiliation.

The DHS Anti-Harassment Policy also prohibits harassment based on these protected bases. Although the policy prohibits harassment only involving a protected basis, because unwelcome conduct on those bases is especially serious, no DHS employee, contractor or vendor should be harassed, or should engage in harassing conduct for any reason, and employees may be disciplined for such behavior.

Click Next to continue.

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Who Can File and When

Who can file a complaint of discrimination?

- Any applicant for DHS employment.
- A current DHS employee.
- A former DHS employee.
- Contractors

Click NEXT to continue.

Screen 6 of 52: Who Can File and When

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Who can file a complaint of discrimination?

Any applicant, or current or former DHS employee who believes that they have been discriminated against.

These individuals have **45 calendar days** to contact an Equal Employment Opportunity, EEO, Counselor. This time limit starts on the date that the alleged discriminatory event occurred, the date the aggrieved party became aware of the alleged discriminatory event, or the effective date of an official personnel action.

Contractors can also request counseling for an EEO complaint. They can also file formal EEO complaints where it is determined that DHS is an 'employer' for purposes of 29 CFR Part 1614, regardless of contractor status.

As your guide, I will walk you through several scenarios that show instances of possible discrimination, harassment, and whistleblower retaliation and the avenues available to report your concerns.

Click Next to continue.

Course Introduction

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

Page 7 of 52

Reporting Harassment

DHS Anti-Harassment Policy prohibits harassment by any:

- DHS employee
- Contractor
- Vendor
- Applicant
- Individual contacted through work

HARASSMENT

Click NEXT to continue.

BACK [audio icon] [play icon] [progress bar] [refresh icon] [document icon] NEXT

Screen 7 of 52: Reporting Harassment**TRANSCRIPT & AUDIO DESCRIPTION (AD)**

Harassment on the protected bases identified earlier is prohibited by federal Anti-Discrimination laws.

The DHS Anti-Harassment Policy prohibits harassment by any DHS employee, or harassment of any DHS employee by any employee, contractor, vendor, applicant or other individual with whom DHS employees come into contact by virtue of their work for DHS.

While employees are encouraged to report harassment to their supervisor or management, alternative avenues for reporting are available in each component. Supervisors and managers who receive reports of harassment are required to take prompt, appropriate action to address allegations of harassment and to take appropriate steps to prevent harassment in the workplace. Managers and supervisors are also required to forward any complaints of harassment received from employees or witnessed to their servicing Anti-Harassment Unit, or AHU, or equivalent.

Click Next to continue.

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Retaliation Page 8 of 52

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Protected Activity
Anti-discrimination laws prohibit managers from firing, demoting, harassing, or otherwise retaliating against an individual because they:

- Report harassment.
- File a complaint of discrimination.
- Assist another individual in reporting harassment.
- Provide information in a harassment investigation.
- Participate in the EEO complaint process.
- Participate in an anti-discrimination proceeding.
- Request a reasonable accommodation.
- Otherwise oppose discrimination.

Click NEXT to continue.

BACK **NEXT**

Screen 8 of 52: Retaliation**TRANSCRIPT & AUDIO DESCRIPTION (AD)**

Retaliation, or reprisal, is any adverse action taken against an individual because they participated in prior EEO activity or opposed discriminatory conduct, also referred to as protected activity. Also, an employer is not allowed to do anything in response to EEO activity that would discourage someone from resisting or complaining about future discrimination.

Anti-discrimination laws prohibit managers from firing, demoting, harassing, or otherwise retaliating against an individual because they:

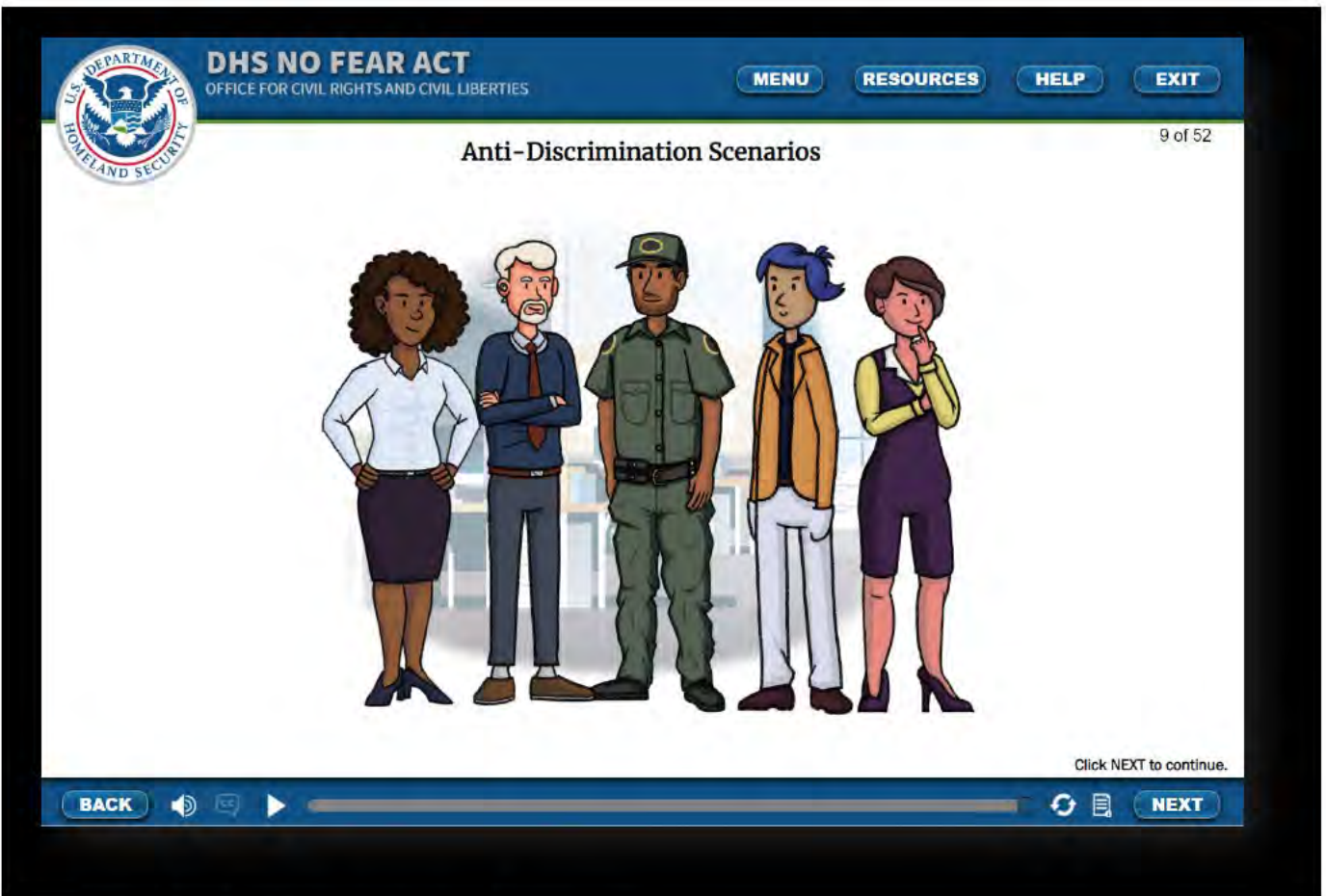
- Report harassment
- File a complaint of discrimination
- Assist another individual in reporting harassment
- Provide information in a harassment investigation
- Participate in the EEO complaint process
- Participate in an anti-discrimination proceeding
- Request a reasonable accommodation
- Otherwise oppose discrimination

DHS does not tolerate retaliation under any circumstances. Any employee, contractor, or vendor who believes that they have been subject to retaliation should report the conduct using the

Course Introduction

same channels and procedures for reporting harassment. The EEO complaint process is also available for employees who believe they have been subjected to retaliation.

Click Next to continue.



The screenshot displays a video player interface for a course titled "DHS NO FEAR ACT" by the "OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES". The slide content is titled "Anti-Discrimination Scenarios" and is labeled as "9 of 52". The slide features a cartoon illustration of five diverse individuals standing in a row: a Black woman in a white shirt and dark skirt, a white man in a blue suit, a Black man in a green military uniform, a woman with blue hair in a yellow jacket and white pants, and a woman in a purple dress. The video player controls at the bottom include a "BACK" button, a play/pause button, a progress bar, a refresh button, and a "NEXT" button. A small text prompt "Click NEXT to continue." is visible in the bottom right corner of the slide area.

Screen 9 of 52: Anti-Discrimination Scenarios

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Now, let's look at some scenarios involving anti-discrimination laws covered under the No FEAR Act. Each scenario deals with conduct involving one of the protected bases discussed earlier. Within the scenarios you will explore how to identify and respond to discrimination and harassment. Sometimes more than one action can be taken in an incident of discrimination. For example, an employee may tell their supervisor and file a complaint, or file both a complaint with the Anti-Harassment Unit, or AHU, and file an EEO complaint.

Click Next to continue.

Scenario 1: Anti-Harassment

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Anti-Harassment Policy 10 of 52

In accordance with the DHS Anti-Harassment Policy, any and all instances of harassment because of protected bases, or otherwise, are prohibited. Protected bases include:

- Sex (including pregnancy, sexual orientation and sexual identity)
- Age
- Color
- Religion
- Protected genetic information
- Disability

Examples of harassment include:

- Slurs
- Stereotyping
- Intimidating acts
- Bullying
- Ridicule
- Putdowns
- Acts of violence
- Actual or implied threats of violence
- The circulation or posting of written or graphic materials that show hostility

DHS Anti-Harassment Policy prohibits workplace harassment for any reason:

- Report the conduct to a supervisor or manager.
- Report the conduct to Anti-Harassment Unit (AHU) (or your specific agency's equivalent program).
- File a complaint with the EEO or Civil Rights Office.

Click NEXT to continue.

Screen 10 of 52: Anti-Harassment Policy

TRANSCRIPT & AUDIO DESCRIPTION (AD)

In accordance with the DHS Anti-Harassment Policy, any and all instances of harassment because of a protected base, or otherwise, are prohibited.

Protected bases include:

- Race
- Sex (including pregnancy, sexual orientation and sexual identity)
- Age
- Color
- Religion
- National origin
- Protected genetic information
- Disability

Scenario 1: Anti-Harassment

Examples of harassment include:

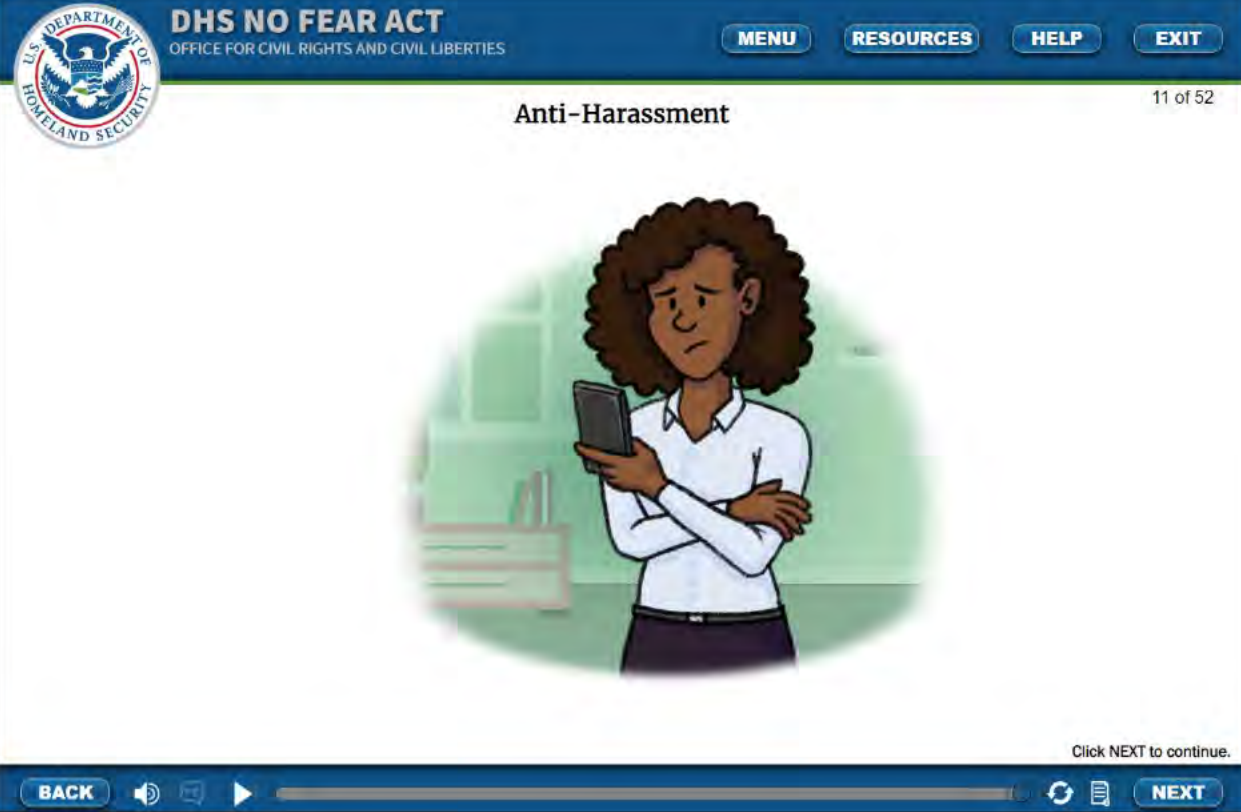
- Slurs
- Stereotyping
- Intimidating acts
- Bullying
- Ridicule
- Putdowns
- Acts of violence
- Actual or implied threats of violence
- The circulation or posting of written or graphic materials that show hostility

Harassment should be promptly reported to a supervisor, manager and/or your component's anti-harassment program. In addition, the DHS Anti-Harassment Policy prohibits workplace harassment for any reason; this includes harassment that may not be covered under the protected bases.

All DHS employees are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. No employee, regardless of title or position, is exempt from the requirements of this policy. Pursuant to DHS policy, employees who are subjected to or witness harassing conduct should report the conduct to a manager or supervisor, report the conduct to the Anti-Harassment Unit (or your agency's equivalent), or file a complaint with the EEO or Civil Rights Office. In the following screens, you will see a component employee respond to harassment.

Click Next to continue.

Scenario 1: Anti-Harassment



The screenshot shows a video player interface for a training module. At the top left is the DHS logo with the text "U.S. DEPARTMENT OF HOMELAND SECURITY". To its right is the title "DHS NO FEAR ACT" and "OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES". Further right are buttons for "MENU", "RESOURCES", "HELP", and "EXIT". The main content area displays the title "Anti-Harassment" and the page number "11 of 52". The video content shows a woman with curly hair, wearing a white shirt and dark pants, looking at a smartphone with a concerned expression. At the bottom right of the video area, it says "Click NEXT to continue.". The video player controls at the bottom include a "BACK" button, a play/pause button, a progress bar, a refresh button, and a "NEXT" button.

Screen 11 of 52: Anti-Harassment

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Narrator: Jana and Trent are DHS employees for the same component. They have been working together for 10 years. Jana stopped by to talk with Trent at his desk about a project they are working on. Rita, another coworker who has been at the component for about a year, was also at his desk.

Trent: You all got that email right? We have to complete the racial awareness training by Friday. I better write that down, so I don't forget.

Jana: Yeah, I think it says it will take about 2 hours. I started it this morning.

Rita: Yeah, I saw that email. It seems unnecessary to me. I guess it is mandatory, so I have to do it though.

Narrator: Jana feels uncomfortable with Rita's statement. It sounded like she was brushing off the racial awareness training. She doesn't know Rita well; in fact, she hasn't ever talked to her before. She doesn't feel comfortable saying something to her about her comment and decides to go back to her desk.

Jana: I better get going, I have a lot to get done before my meeting.

Scenario 1: Anti-Harassment

Rita (lowering her voice): We shouldn't be required to take that training. It is just because of cancel culture, and the need to be so sensitive and politically correct these days. I mean, I don't even see color; I see people.

Narrator: Later, Jana is scrolling through social media and sees a post from Rita with a fact about crime in the city that says "What about black on black crime? No one cares about that; instead they make us take racial awareness training. Let's focus on the problems with solutions."

Jana (to herself): Wow, does she really feel that way? She has made other comments that I thought were just insensitive, but now I'm not so sure.

Click Next to continue.

Scenario 1: Anti-Harassment

Screen 12 of 52: Signs of Harassment

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Jana isn't sure if she should do anything about Rita's comments. She really would prefer it all blow over and just avoid Rita, but she isn't sure the issue will go away if she doesn't do something.

Which THREE of the following are signs of racial discrimination that occurred in Jana's scenario that could create a hostile or intimidating workplace?

- a. The insensitive comments
- b. The required racial awareness training
- c. Rita's complaints about taking the training on racial awareness
- d. Rita's social media post

Select the correct answers, then click Submit.

Correct Answer: a, c, d

Feedback: Correct! Rita's post on social media was derogatory and included stereotypes that link race and crime. Rita's comments complaining about racial awareness training and her other insensitive comments are possible signs of discrimination.

Scenario 1: Anti-Harassment

The screenshot shows a web-based decision interface. At the top left is the DHS logo and the text "DHS NO FEAR ACT OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES". At the top right are buttons for "MENU", "RESOURCES", "HELP", and "EXIT". The main title is "Anti-Harassment: Decision" with the instruction "Click each button to learn more." and a page indicator "13 of 52". A cartoon woman with curly hair, wearing a white shirt and a dark skirt, stands on the left with her hand to her chin, appearing thoughtful. To her right are four buttons: "Talk to Rita" (teal), "Report the Incident to Her Supervisor" (green), "File an AHU Complaint" (blue), and "File an EEO Complaint" (purple). At the bottom is a navigation bar with a "BACK" button, a play button, a progress slider, and a refresh button.

Screen 13 of 52: Scenario 1 Decision

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Think through Jana's options with her. Should she talk to Rita and tell her what she said made her uncomfortable? Should she report the incident to her supervisor? Or should she file a complaint with AHU or EEO?

Click each button to learn more, then Click Next to continue.

Popups

Talk to Rita

Jana doesn't feel comfortable with Rita and is nervous about how she will react. She is thinking that this isn't the best option for her. If she does choose this option, she is going to ask Trent to be there too since he knows Rita.

Report the Incident to Her Supervisor

Jana thinks that reporting to her supervisor could be a good option. Jana knows her supervisor has a responsibility to respond. At this point, Jana doesn't feel like it is affecting her work environment.

Scenario 1: Anti-Harassment

File an AHU Complaint

If Jana files an AHU complaint, they will conduct an inquiry into Rita's comments. Jana considers this as an option. Since there is no set timeframe on filing an AHU complaint, she considers going to her supervisor first.

File an EEO Complaint

Jana remembers that she has 45 calendar days from the date of the discriminatory action to file an EEO complaint. Jana decides to contact the EEO office to learn more about the time limit and her rights in general.

Scenario 1: Anti-Harassment

The screenshot shows a training module interface. At the top left is the U.S. Department of Homeland Security logo. The main header reads 'DHS NO FEAR ACT' and 'OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES'. Navigation buttons for 'MENU', 'RESOURCES', 'HELP', and 'EXIT' are in the top right. The title of the current screen is 'Jana's Decision to Report the Incident to a Supervisor and AHU', with '14 of 52' in the top right corner. The central illustration depicts two women in an office setting; one woman on the left has her arms crossed and a somber expression, while the woman on the right is gesturing and speaking. A blue callout box on the right contains the text 'File an AHU Complaint'. At the bottom right of the illustration area, it says 'Click NEXT to continue.'. The bottom navigation bar includes 'BACK', a play button, a progress bar, a refresh icon, and 'NEXT'.

Screen 14 of 52: Jana's Decision to Report the Incident to a Supervisor and AHU

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Narrator: Jana decided to report it to her supervisor, Ronald, and file an AHU complaint.

Ronald met with Rita to discuss her comments about the training and explained how they could be offensive. Later, Rita approaches Jana walking into work.

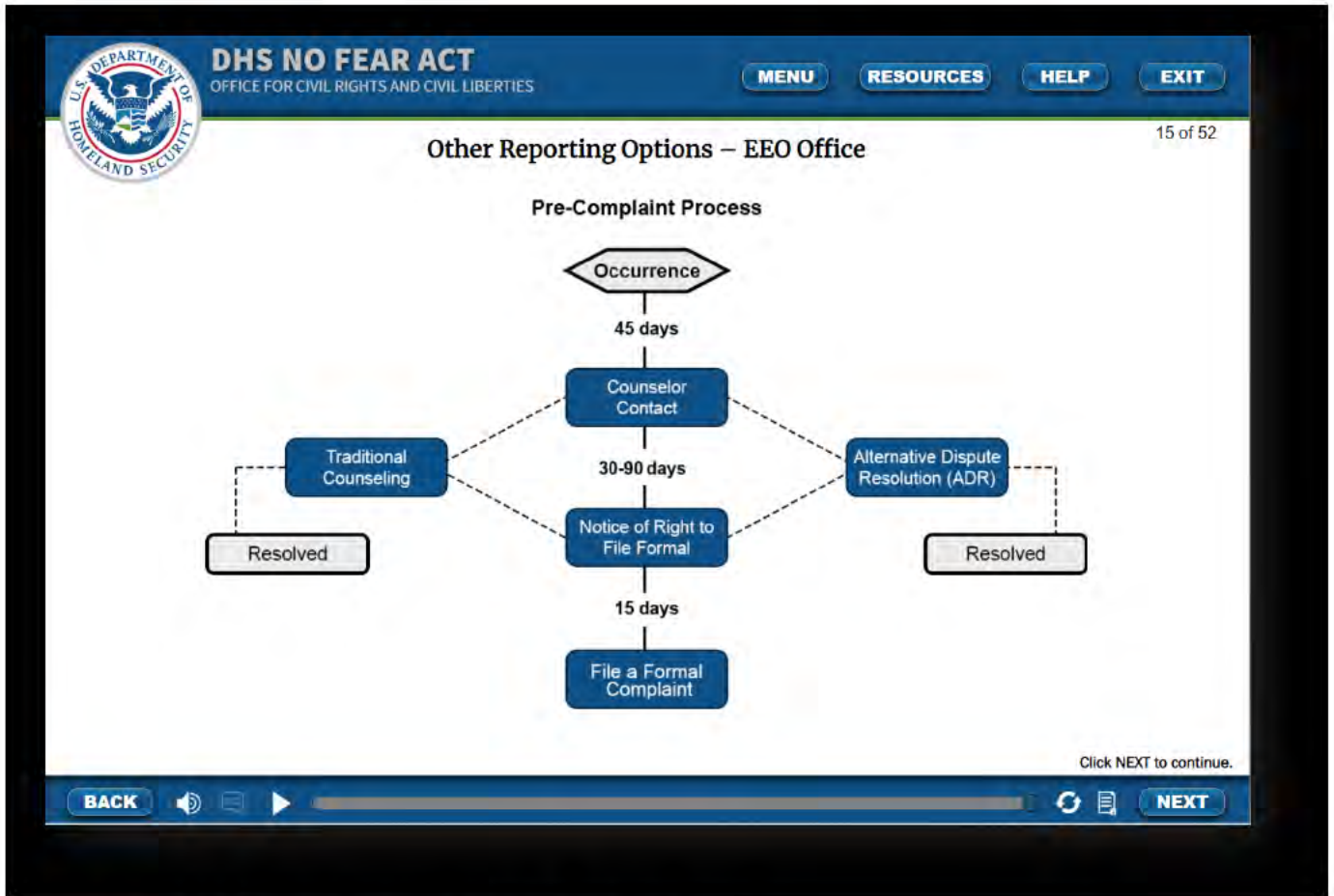
Rita: Hey Jana. Ronald spoke with me. I think maybe you are just a little sensitive.

Jana: Rita, you made me feel uncomfortable. I don't know you that well, so I didn't want to speak with you about it. I don't agree with what you said about the training, and I overheard what you were saying to Trent, then I saw your post online.

Rita: I will make sure to not talk about anything when you're around, since you're going to run straight to Ronald. I'll also block you, so you won't see my posts online anymore. We just disagree, and you are being a baby about it.

Click Next to continue.

Scenario 1: Anti-Harassment



Screen 15 of 52: Other Reporting Options – EEO Office

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Jana decided to contact her EEO Counselor about filing a complaint. Rita’s actions did not stop after she reported it to her supervisor. Jana reviews the EEO process to prepare.

For the EEO complaint, Jana must initiate the complaint process within 45 calendar days of the last alleged incident. Initially, she will be given a choice between traditional counseling or participating in Alternative Dispute Resolution, or ADR, (for example, mediation).

If Jana is unable to find a resolution through traditional counseling, or ADR, Jana will be issued a Notice of Right to File a Formal Complaint. Jana will then have 15 calendar days to file a formal complaint.

Click Next to continue.

Graphics

Graphic 1

The pre-complaint process includes a 30-90 day maximum for counseling or ADR.

Scenario 1: Anti-Harassment

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Anti-Harassment
Select the correct answer, then click Submit.

Knowledge Check 1

Let's review. Jana decides to file an EEO complaint. How many calendar days does she have from the time of the occurrence of discrimination to initiate the EEO process?

- A. 45
- B. 30
- C. 10
- D. There is no time limit

Submit

16 of 52

BACK [Volume] [Play/Pause] [Progress] [Refresh] [Document]

Screen 16 of 52: Anti-Harassment Knowledge Check 1

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Let's review.

Jana decides to file an EEO complaint. How many calendar days does she have from the time of the occurrence of discrimination to initiate the EEO process?

- a. 45
- b. 30
- c. 10
- d. There is no time limit

Select the correct answer, then click Submit.

Correct Answer: a

Feedback: Correct! The employee has 45 calendar days from the occurrence of discrimination to initiate the EEO process. Remember that there is no time limit for initiating an AHU complaint.

Scenario 2: Disability Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Disability Discrimination 17 of 52

The DHS Anti-Harassment Policy also prohibits:

- Bullying
- Ridicule
- Mockery
- Putdowns
- Other harassment relating to disability

Click NEXT to continue.

BACK **NEXT**

Screen 17 of 52: Disability Discrimination

TRANSCRIPT & AUDIO DESCRIPTION (AD)

The Rehabilitation Act prohibits discrimination against individuals who have a known physical or mental disability, have a record of having a disability, or are regarded as having a disability.

The law requires federal agencies to provide reasonable accommodation to employees with a known disability, who need an accommodation to do their jobs, and to applicants for employment who need an accommodation to participate in the hiring process, unless doing so would pose an undue hardship to the agency.

The DHS Anti-Harassment Policy also prohibits bullying, ridicule, mockery, putdowns, or other harassment relating to disability.

Click Next to continue.

Scenario 2: Disability Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

18 of 52

Reasonable Accommodation

Employees and supervisors that need assistance with reasonable accommodation should reach out to their component's Disability Program Manager, or DPM.

Only qualified individuals who have a physical or mental impairment that substantially limits a major life activity, such as:

- Walking
- Seeing
- Learning
- Operation of a major bodily function

Individuals who are requesting a reasonable accommodation should work with their component's DPM to determine if their disability meets the definition of disability under the Rehabilitation Act.

Click NEXT to continue.

BACK [Volume] [Play] [Next]

Screen 18 of 52: Reasonable Accommodation

TRANSCRIPT & AUDIO DESCRIPTION (AD)

A reasonable accommodation is any change in the work environment (or in the way things are customarily done) to help a person with a disability apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of employment.

Reasonable accommodation might include making changes to an individual's workstation, providing a reader or interpreter, other special equipment and devices, or the use of leave or telework.

Employees and supervisors that need assistance with reasonable accommodation should reach out to their component's Disability Program Manager, or DPM.

Not everyone with a medical condition is entitled to reasonable accommodation. Only qualified individuals who have a physical or mental impairment that substantially limits a major life activity (such as walking, seeing, learning, or operation of a major bodily function) are entitled to reasonable accommodation. In addition, the person must be able to perform the essential functions of the job with or without reasonable accommodation.

Individuals who are requesting a reasonable accommodation should work with their component's DPM, to determine if their disability meets the definition of disability under the

Scenario 2: Disability Discrimination

Rehabilitation Act. This determination might include providing medical information and working with the DPM and the supervisor to determine an effective accommodation.

Click Next to continue.

Scenario 2: Disability Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Disability Discrimination

19 of 52

Click NEXT to continue.

BACK [play/pause] [refresh] NEXT

Screen 19 of 52: Disability Discrimination

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Narrator: Keeton is a data scientist at his component who is deaf. At the last few meetings, a sign language interpreter was not provided for him. He just received a calendar invitation to attend a meeting in person tomorrow and is feeling worried that a sign language interpreter will not be provided again.

A year ago, the same thing happened, where Keeton was not provided with an interpreter. He contacted his Disability Program Manager who then informed his supervisor, Ivan, to provide the interpreter.

He decides to email Ivan to remind him to provide an interpreter and is assured that one will be provided.

When Keeton attended the meeting there was no interpreter. This is the third time this has happened. Without this accommodation, he is unable to fully participate in the meetings.

Keeton approached Ivan after the meeting to ask about the absence of an interpreter. Ivan said it was too short notice to get an interpreter on time. He said he can have someone take notes for future meetings and send them to Keeton instead.

Scenario 2: Disability Discrimination

Keeton (to himself): I don't think that is an adequate solution. How am I supposed to share my thoughts and be part of decision-making if I am unable to be part of the conversation effectively in the moment?

Click Next to continue.

Scenario 2: Disability Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

Signs of Disability Discrimination
Select the best answer, then click submit.

20 of 52

Select the statement that is most accurate considering Keeton's situation.

- A. "Your supervisor provided an accommodation. They don't need to provide you the accommodation you want. Yeah, you might not be able to participate, but you still get the information. I don't think this is discrimination."
- B. "I think you might be right. Someone taking notes for you doesn't provide you with the opportunity to participate in the meetings, and this isn't the first time they haven't provided you an interpreter. This might be a failure to accommodate."
- C. "He didn't have enough time to provide you accommodation, so I think that it is okay he didn't, maybe next time."

Submit

BACK [Speaker] [Close] [Play] [Progress Bar] [Refresh] [Print]

Screen 20 of 52: Signs of Disability Discrimination

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Keeton asked a few friends about what to do. Each friend gave him different advice. Select the statement that is most accurate considering Keeton's situation.

- a. "Your supervisor provided an accommodation. They don't need to provide you the accommodation you want. Yeah, you might not be able to participate, but you still get the information. I don't think this is discrimination."
- b. "I think you might be right. Someone taking notes for you doesn't provide you with the opportunity to participate in the meetings, and this isn't the first time they haven't provided you an interpreter. This might be a failure to accommodate."
- c. "He didn't have enough time to provide you accommodation, so I think that it is okay he didn't, maybe next time."

Select the best answer, then Click Submit.

Correct Answer: b

Feedback: Correct! Ivan needs to provide Keeton with an accommodation that allows him to perform the essential functions of his job unless doing so would cause an undue hardship to the agency. Although we have limited information, it does not look like Keeton's supervisor has done enough to ensure that Keeton can participate meaningfully in important meetings.

Scenario 2: Disability Discrimination

The screenshot shows a training interface for the DHS No Fear Act. At the top left is the DHS logo and the text 'DHS NO FEAR ACT OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES'. On the top right are buttons for 'MENU', 'RESOURCES', 'HELP', and 'EXIT'. The main title is 'Disability Discrimination: Decision' with a subtitle 'Click each button to learn more.' and a page number '21 of 52'. A cartoon character, Keeton, stands on the left with his arms crossed. Three callout boxes are on the right: 'Talk to Ivan' (green), 'Report the Incident to the Disability Program Manager' (green), and 'File an AHU Complaint and/or an EEO Complaint' (blue). At the bottom is a navigation bar with a 'BACK' button, a play button, a progress bar, and refresh and list icons.

Screen 21 of 52: Disability Discrimination: Decision

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Keeton has to think through how he is going to proceed.
Click each button to learn more, then click Next to continue.

Popups

Talk to Ivan

Keeton has already talked to his supervisor and reported this to his Disability Program Manager in the past. Ivan seemed dismissive of his request for a sign language interpreter and gave him an alternative which does not allow him to fully participate in the meetings and/or give his input in real-time which could hinder his job performance.

Report the Incident to the Disability Program Manager

Keeton thinks he will report this to his Disability Program Manager, but he feels like this isn't enough. This has been done before; it did get better for a while but ultimately started happening again.

Scenario 2: Disability Discrimination

File an AHU Complaint and/or an EEO Complaint

Keeton didn't have a full resolution with the Disability Program Manager in the past because the failure to provide an interpreter occurred again. Filing a complaint may help to resolve the issue more effectively. He could file both an EEO and an AHU complaint, or file just one if he wishes.

Scenario 2: Disability Discrimination

The screenshot shows a training module interface. At the top left is the U.S. Department of Homeland Security logo. The header reads "DHS NO FEAR ACT" and "OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES". Navigation buttons for "MENU", "RESOURCES", "HELP", and "EXIT" are on the right. The title "Keeton's Decision to File an EEO Complaint" is centered, with "22 of 52" on the right. A blue button labeled "File an EEO Complaint" is in the top right. The main area features an illustration of five people (three men and two women) sitting around a table in a meeting. At the bottom right, it says "Click NEXT to continue." A control bar at the very bottom includes "BACK", a play button, a progress slider, a refresh icon, and "NEXT".

Screen 22 of 52: Keeton's Decision to File an EEO Complaint

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Keeton filed an EEO complaint and had the choice of traditional counseling or ADR or mediation. Keeton decided to go to mediation with Ivan to try to come to a resolution.

During mediation, Ivan apologized to Keeton and agreed to ensure that a sign language interpreter would be at every meeting and that he would reach out to the Disability Program Manager for resources and information about providing accommodations in the future.

Click Next to continue.

Scenario 2: Disability Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Disability Discrimination
Select the correct answers, then click Submit.

23 of 52

Knowledge Check 1

Keeton contacted an EEO Counselor to file a complaint. Which TWO of the following options will the EEO Counselor provide him with?

- A. Traditional counseling
- B. Provide his own translator
- C. ADR (for example, mediation)
- D. Transferring to a different component

Submit

Select the correct answers, then click Submit.

BACK [Speaker] [CC] [Play/Pause] [Progress Bar] [Refresh] [List Icon]

Screen 23 of 52: Disability Discrimination Knowledge Check 1

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Keeton contacted an EEO Counselor to file a complaint. Which TWO of the following options will the EEO Counselor provide him with?

- a. Traditional counseling
- b. Provide his own translator
- c. ADR (for example, mediation)
- d. Transferring to a different component

Select the correct answers, then click Submit.

Correct Answer: a, c

Feedback: Correct! After a person contacts their EEO Counselor, they will have a choice of resolving the issue through traditional counseling or they may choose ADR as an available option where an agency agrees to offer ADR in a particular case.

Scenario 2: Disability Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

24 of 52

Disability Discrimination

Select the correct answers, then click Submit.

Knowledge Check 2

If you were in Ivan's situation and weren't sure of how to provide accommodation for Keeton, what TWO options would be the best to use as resources?

- A. There are no resources for this
- B. A different component supervisor
- C. The Disability Program Manager
- D. Employee Relations

Submit

Select the best answers, then click submit.

BACK [audio icon] [cc icon] [play icon] [progress bar] [refresh icon] [list icon]

Screen 24 of 52: Disability Discrimination Knowledge Check 2

TRANSCRIPT & AUDIO DESCRIPTION (AD)

If you were in Ivan's situation and weren't sure of how to provide accommodation for Keeton, what TWO options would be the best to use as resources?

- a. There are no resources for this
- b. A different component supervisor
- c. The Disability Program Manager
- d. Employee Relations

Select the best answers, then click Submit.

Correct Answer: c, d

Feedback: Correct! Supervisors, and employees alike, should reach out to their component Disability Program Manager for assistance regarding reasonable accommodations. Employee Relations is also a great resource.

Scenario 2: Disability Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Disability Discrimination
Select the correct answer, then click Submit

25 of 52

Knowledge Check 3

Does the requirement for reasonable accommodation also apply to job applicants going through the interview process when applying for a job with the agency?

A. Yes
 B. No

Submit

Select the correct answer, then click Submit

BACK [Volume] [Speech] [Play] [Progress] [Refresh] [Document]

Screen 25 of 52: Disability Discrimination Knowledge Check 3

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Keeton was an employee of a DHS component. We have learned that government agencies are required to provide a reasonable accommodation that allows the person to perform their job responsibilities.

Does the requirement for reasonable accommodation also apply to job applicants going through the interview process when applying for a job with the agency?

- a. Yes
- b. No

Select the correct answer, then click Submit.

Correct Answer: a

Feedback: Correct! The requirement for reasonable accommodation applies to employees as well as job applicants who are participating in the hiring process.

Scenario 3: Sex and Gender-Based Discrimination

The screenshot shows a training slide from the DHS NO FEAR Act. The header includes the DHS logo, the text 'DHS NO FEAR ACT OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES', and navigation buttons for 'MENU', 'RESOURCES', 'HELP', and 'EXIT'. The slide title is 'Sex and Gender-Based Discrimination' with a page indicator '26 of 52'. A cartoon character of a man in a light blue shirt and tie stands on the left. A text box on the right lists categories of sex-based discrimination: Sex, Pregnancy, Sexual Orientation, Gender Expression, and Gender Identity. A 'Click NEXT to continue.' prompt is at the bottom right, and a navigation bar at the bottom contains 'BACK', a play button, a progress bar, a refresh button, and 'NEXT'.

Screen 26 of 52: Sex and Gender-Based Discrimination

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Sex-based discrimination is treating an applicant or employee unfavorably because of their sex, including pregnancy, sexual orientation, gender expression, and gender identity.

Click Next to continue.

Scenario 3: Sex and Gender-Based Discrimination

U.S. DEPARTMENT OF HOMELAND SECURITY

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

Sex and Gender-based Discrimination 27 of 52

Click NEXT to continue.

BACK [Progress Bar] NEXT

Screen 27 of 52: Sex and Gender-based Discrimination

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Narrator: Agent Bryan and his boss, Agent Lelani, have worked together for 10 years. They know each other very well and even go to lunch together every Tuesday.

Bryan: Hey Lelani! I've been meaning to ask you about the supervisor position. I never got a call about setting up an interview.

Lelani: Yeah, we're filling it soon. Hopefully, we can finish the process and get someone in soon, we need the help right away. We still have a few interviews, but it shouldn't be long after that.

Bryan: What do you mean? I thought you hadn't started interviewing yet. I applied and haven't been contacted yet to set up an interview. I know you said I was qualified and should consider it.

Lelani: That was before you told me you were expecting a baby. You're going to be busy and are leaving soon for paternity leave.

Bryan: Yeah, but I am still going to work. I don't understand why that would disqualify me. I am not quitting. I will only be gone for 8 weeks, then I will be back here working as usual.

Scenario 3: Sex and Gender-Based Discrimination

Lelani: You know I think you would be great for the role! We just really need someone dedicated to the position. It will be long hours, and you don't know how busy you will be with a new baby.

Bryan: Wow... I really didn't think having a baby or taking paternity leave would affect me getting the supervisor position. We've talked about me applying, and that she thought I would be a good candidate.

Is Lelani thinking I can't do my job because I am taking leave and will have a kid to take care of?

Click Next to continue.

Scenario 3: Sex and Gender-Based Discrimination

Screen 28 of 52: Signs of Sex and Gender-based Discrimination

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Thinking about this interaction, which TWO of the following would be a possible sign of sex or gender discrimination?

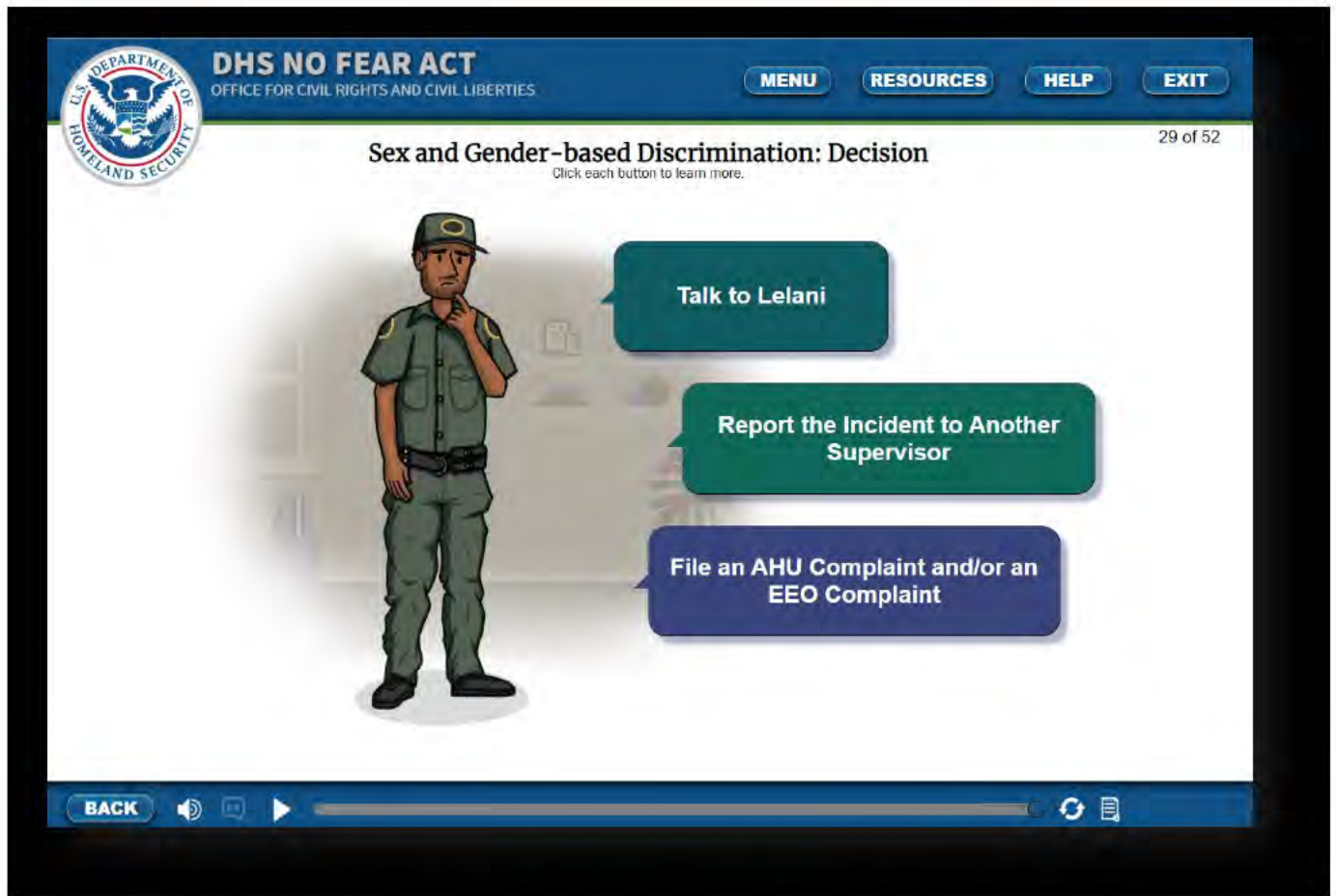
- a. They need someone for the position quickly.
- b. Lelani stating that Bryan was not being considered for the position because he is having a child and taking paternity leave.
- c. Lelani and Bryan have worked together for 10 years.
- d. Lelani saying that Bryan would not be dedicated to the position because of his parental status.

Select the correct answers, then click Submit.

Correct Answer: b, d

Feedback: Correct! Lelani did not consider Bryan for the position and admits that Bryan is qualified. Denying an employee an opportunity because of the birth of a child or one’s parental status, or circumstances surrounding the birth of a child or parental status, such as taking paternity leave, is considered discrimination. A supervisor or hiring official should not assume a person will not be dedicated to a position because of the birth of a child or parental status.

Scenario 3: Sex and Gender-Based Discrimination



Screen 29 of 52: Sex and Gender-based Discrimination: Decision

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Bryan isn't sure what to do.

Click each button to learn more, then Click Next to continue.

Popups

Talk to Lelani

Bryan has known Lelani for a long time. If Bryan talks to Lelani, it is possible that he could still be considered for the position because it is still available. Bryan can try and explain to Lelani that having a child would not prevent him from performing his job and should not be a factor in whether or not he should be selected for the position.

Report the Incident to Another Supervisor

Bryan could report the discrimination and possible loss of opportunity to another supervisor or manager in the component, and they would have a responsibility to address the incident.

File an AHU Complaint and/or an EEO Complaint

Bryan can file a complaint with his components EEO or Civil Rights Office, his components AHU, or equivalent, office, or file a complaint with both offices concurrently. Filing with either, or

Scenario 3: Sex and Gender-Based Discrimination

both, offices, will initiate an inquiry into Bryan's allegation that he was not considered for the position because of his parental status.

Scenario 3: Sex and Gender-Based Discrimination

The screenshot shows an interactive training module interface. At the top left is the U.S. Department of Homeland Security logo. The main header reads "DHS NO FEAR ACT" and "OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES". Navigation buttons for "MENU", "RESOURCES", "HELP", and "EXIT" are in the top right. The page title is "Bryan's Decision to Talk to Lelani" with a page indicator "30 of 52". The central content area features a cartoon illustration of a man in a green uniform and cap, looking thoughtful with his hand to his chin. A dark blue button labeled "Talk to Lelani" is positioned to the right of the illustration. At the bottom right of the content area, it says "Click NEXT to continue.". The bottom navigation bar includes "BACK", a volume icon, a play/pause icon, a progress bar, a refresh icon, a document icon, and "NEXT".

Screen 30 of 52: Bryan's Decision to Talk to Lelani

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Bryan talked with Lelani. They were able to schedule an interview after Lelani reviewed Bryan's application with the hiring committee. Although he chose not to report the incident right away, he still has 45 calendar days from the date of the discriminatory action to file an EEO complaint, and there is no time limit to report the incident to AHU.

Click Next to continue..

Scenario 4: National Origin Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

National Origin Discrimination 31 of 52

National origin discrimination involves treating people (applicants or employees) unfavorably because they are from a particular country or part of the world, because of their ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

Harassment can include offensive or derogatory remarks about a person's

- National origin
- Accent
- Ethnicity

Click NEXT to continue.

BACK [Volume] [Play/Pause] [Next]

Screen 31 of 52: National Origin Discrimination

TRANSCRIPT & AUDIO DESCRIPTION (AD)

National origin discrimination involves treating people (applicants or employees) unfavorably because they are from a particular country or part of the world, because of their ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not.)

National origin discrimination can also involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin.

It is unlawful to harass a person because of their national origin. Harassment can include offensive or derogatory remarks about a person's national origin, accent, or ethnicity.

Click Next to continue.

Scenario 4: National Origin Discrimination

The screenshot shows a digital training interface. At the top left is the U.S. Department of Homeland Security logo. To its right is the text 'DHS NO FEAR ACT OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES'. Further right are four buttons: 'MENU', 'RESOURCES', 'HELP', and 'EXIT'. The main title 'National Origin Discrimination' is centered at the top of the content area, with '32 of 52' in the top right corner. The central illustration depicts a woman in a green top and dark skirt standing on the left, looking towards a man in a yellow shirt and tie who is gesturing. To his right stands a man in a brown jacket and white pants, looking downcast. On the far right, a man with glasses and a purple shirt is seated at a desk, looking towards the others. Large red 'HA HA HA' text is overlaid on the scene, indicating laughter or mockery. At the bottom right of the illustration area, it says 'Click NEXT to continue.'. Below the illustration is a navigation bar with 'BACK', a play button, a progress slider, a refresh icon, and 'NEXT'.

Screen 32 of 52: National Origin Discrimination

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Ebony, a component supervisor, opens her laptop and sees an email notification from her employee Joel. The email describes a problem that Joel is experiencing with his coworkers.

Numerous people on Joel's project team refuse to work with him. They repeatedly say they cannot understand him. Instead of asking him to repeat himself, they ignore him in meetings, passing over what he says, or avoid working with him altogether. They stopped inviting him to working lunches and some meetings.

On top of that, they have also been mocking his accent to each other. He has asked them to stop, but they say it's just a joke.

Joel doesn't feel like he can support his team in a significant way if they refuse to invite him to calls and meetings where they discuss important matters, or when he does attend they ignore what he says.

Click Next to continue.

Scenario 4: National Origin Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Signs of National Origin Discrimination
Select the correct answers, then click Submit.

33 of 52

Which THREE of the following are possible signs of discrimination and/or harassment that Joel communicates in his email?

- A. He has meetings with his team.
- B. People on his team refuse to work with him, and he thinks it is because of his accent.
- C. His coworkers imitate his accent.
- D. His coworkers ignore his ideas, and he isn't able to contribute.

Submit

BACK

Screen 33 of 52: Signs of National Origin Discrimination

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Which THREE of the following are possible signs of discrimination and/or harassment that Joel communicates in his email?

- a. He has meetings with his team.
- b. People on his team refuse to work with him, and he thinks it is because of his accent.
- c. His coworkers imitate his accent.
- d. His coworkers ignore his ideas, and he isn't able to contribute.

Select the correct answers, then click Submit.

Correct Answer: b, c, d

Feedback: Correct! Joel's coworkers are harassing him by continually making jokes about his accent, even after he talked to them and asked them to stop. Not allowing Joel to participate in his job by excluding him from meetings creates a negative work environment for Joel and does not allow him to contribute or perform the functions of his job. Ebony needs to find a solution that will respond to the discriminatory harassment in its totality.

Scenario 4: National Origin Discrimination

The screenshot shows a training interface for the DHS No Fear Act. At the top left is the DHS logo and the text 'DHS NO FEAR ACT OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES'. To the right are buttons for 'MENU', 'RESOURCES', 'HELP', and 'EXIT'. The main title is 'National Origin Discrimination: Decision' with '34 of 52' in the top right corner. On the left, an illustration shows a woman with a concerned expression sitting at a desk with a laptop. A red envelope icon with a right-pointing arrow is positioned above the laptop. On the right, a box titled 'Possible actions:' contains a bulleted list: 'Report to AHU.', 'Make clear the responsibility to refrain from harassing conduct.', 'Ensure collaboration with Joel.', and 'Separate one or more employees from Joel.'. At the bottom right, it says 'Click NEXT to continue.'. The bottom navigation bar includes 'BACK', a play button, a progress bar, a refresh button, and 'NEXT'.

Screen 34 of 52: National Origin Discrimination: Decision

TRANSCRIPT & AUDIO DESCRIPTION (AD)

As a supervisor, Ebony has a responsibility to report Joel's allegations. Reporting this to the AHU is one option. They will conduct an inquiry into Joel's allegations. In the meantime, she needs to make clear the employees' responsibility to refrain from harassing conduct, and ensure they are collaborating with Joel as a colleague.

To address Joel's teammates, Ebony's responsibility is to communicate to them the gravity of their actions, and/or take corrective actions by separating one or more employees from Joel.

Another option is to contact the Office of the Chief Human Capital Officer, Employee Relations, or OCHCO/ER, or the Office of General Counsel, or OGC, for assistance.

Click NEXT to continue.

Scenario 4: National Origin Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

National Origin Discrimination
Select the correct answers, then click Submit.

35 of 52

Knowledge Check 1

Which THREE of the following are the supervisor's responsibilities when there is an allegation of discrimination or harassment?

- A. To report the incident to AHU to initiate an inquiry
- B. To educate the employees of their responsibilities to refrain from harassing conduct
- C. To discipline the employees upon receiving an allegation
- D. To stop the discriminatory or harassing behavior

Submit

Select the correct answers, then click Submit.

BACK [Speaker] [Speech Bubble] [Play] [Progress Bar] [Refresh] [Document]

Screen 35 of 52: National Origin Discrimination Knowledge Check 1

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Which THREE of the following are the supervisor's responsibilities when there is an allegation of discrimination or harassment?

- a. To report the incident to AHU to initiate an inquiry
- b. To educate the employees of their responsibilities to refrain from harassing conduct
- c. To discipline the employees upon receiving an allegation
- d. To stop the discriminatory or harassing behavior

Select the correct answers, then click Submit.

Correct Answer: a, b, d

Feedback: Correct! To initiate an inquiry, the supervisor should report the incident to AHU. The supervisor also has a responsibility to stop workplace discrimination or harassment, including but not limited to educating and instructing the employees to refrain from harassing conduct.

Scenario 4: National Origin Discrimination

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Remedies 36 of 52

if there is a finding that you were subjected to unlawful discrimination, either through the administrative EEO complaint process or in federal District Court, there are a number of remedies available to you.

The goal of anti-discrimination law is to put the victim of discrimination in the same position (or nearly the same) that he or she would have been if the discrimination had never occurred. Accordingly, the nature of the remedies will depend on the type of discrimination at issue.

- Placement in the position at issue (in a nonselection case), along with associated back pay.
- Granting of a reasonable accommodation.
- Expungement of disciplinary action.
- An order to cease the discriminatory conduct.
- Compensatory damages for physical or mental harm suffered as a result of the discrimination (not available in age discrimination cases).
- Attorney's fees (not available through the administrative process in age discrimination cases).

Click NEXT to continue.

BACK [Volume] [Play] [Progress Bar] [Refresh] [Document] NEXT

Screen 36 of 52: Remedies

TRANSCRIPT & AUDIO DESCRIPTION (AD)

If there is a finding that you were subjected to unlawful discrimination, either through the administrative EEO complaint process or in federal District Court, there are a number of remedies available to you.

The goal of anti-discrimination law is to put the victim of discrimination in the same position (or nearly the same) that he or she would have been if the discrimination had never occurred. Accordingly, the nature of the remedies will depend on the type of discrimination at issue.

Below is a list of potential remedies:

- Placement in the position at issue (in a non-selection case), along with associated back pay.
- Granting of a reasonable accommodation.
- Expungement of disciplinary action.
- An order to cease the discriminatory conduct.
- Compensatory damages for physical or mental harm suffered as a result of the discrimination (not available in age discrimination cases).
- Attorney's fees (not available through the administrative process in age discrimination cases).

Scenario 4: National Origin Discrimination

Click Next to continue.

Scenario 4: National Origin Discrimination

The screenshot shows a presentation slide for the DHS No FEAR Act. At the top left is the DHS logo and the text 'DHS NO FEAR ACT OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES'. At the top right are buttons for 'MENU', 'RESOURCES', 'HELP', and 'EXIT'. The main title is 'No FEAR Act Summary' with a page number '37 of 52'. A cartoon man in a light blue shirt and tan pants is pointing towards two calendar graphics. The top calendar is labeled '45 Days' and has a red 'X' on the 15th. The bottom calendar has a red '45' on the 15th. To the right of the calendars are two award certificates with red ribbons. The first certificate is labeled 'Whistleblower Protection Act of 1989' and the second is 'Whistleblower Enhancement Protection Act of 2012'. At the bottom right, it says 'Click NEXT to continue.'. At the bottom left are buttons for 'BACK', a volume icon, a play/pause icon, and a progress bar. At the bottom right are a refresh icon, a list icon, and a 'NEXT' button.

Screen 37 of 52: No FEAR Act Summary

TRANSCRIPT & AUDIO DESCRIPTION (AD)

The No FEAR Act ensures that federal agencies are held accountable for violations of anti-discrimination and whistleblower protection laws. At DHS, there are a number of ways to resolve concerns about discrimination or harassment, including the EEO complaint process and the Anti-Harassment Program.

If you're considering initiating the EEO complaint process, you have 45 calendar days to contact the EEO Counselor – the timeframe starts on either the date of the alleged discriminatory event occurred or when you become aware of the alleged discriminatory action.

Now, we are going to examine the Whistleblower Protection Act of 1989 and Whistleblower Enhancement Protection Act of 2012 which were strengthened by the No FEAR Act.

Click Next to continue.

Scenario 5: Whistleblower Protections

The screenshot shows a presentation slide titled "Whistleblower Protections" under the "DHS NO FEAR ACT" banner. The banner also includes the text "OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES" and navigation buttons for "MENU", "RESOURCES", "HELP", and "EXIT". On the left, a cartoon character of a man in a light blue shirt and tan pants is gesturing. On the right, there are four large, rounded rectangular buttons: "Retaliation Claim", "Protected Disclosures", "Disclosures NOT Covered", and "Protected Activities". Below the slide is a blue control bar with a "BACK" button, a play button, a progress slider, and a refresh button. The slide number "38 of 52" is in the top right corner.

Screen 38 of 52: Whistleblower Protections

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Under the Whistleblower Protection Act of 1989 and the Whistleblower Enhancement Protection Act of 2012, you are protected against retaliatory personnel actions if you disclose information you reasonably believe shows evidence of:

- A violation of law, rule, or regulation
- Gross mismanagement
- Gross waste of funds
- Abuse of authority
- A substantial and specific danger to public health or safety

If you make such a disclosure to the Special Counsel, or Inspector General, or a comparable component official, retaliatory personnel actions are always forbidden.

Now, let's take a look at some of the claim elements, protected and non-protected items, and protected activities.

Click each section to learn more.

Scenario 5: Whistleblower Protections

Popups

Retaliation Claim

There are several elements to consider for whistleblower retaliation claims.

The first is reasonable belief. Reasonable belief means that one must have reasonable grounds to suspect government wrongdoing or illegal activities and report in good faith their suspicion to responsible persons or authorities. Reasonable belief is needed for making a protected disclosure or engaging in protected activity.

Next, personnel action. Was an adverse action taken or threatened? This may include suspension, demotion, termination, harassment, or a hostile working environment.

Then, what was the actual or constructive knowledge of the retaliator of a protected disclosure or protected activity?

Finally, contributing factors. What protected disclosure or protected activities were contributing factors in the personnel action?

Protected Disclosures

Protected disclosures are generally protected when made to any person. They do not need to be accurate to be protected. The employee must only reasonably believe that it is true.

Protected disclosures do not lose protection because of a whistleblower's personal motivation, and do not need to go through chain of command. If an employer mistakenly believes he or she is a whistleblower, the employee is still protected.

Disclosures NOT Covered

A disclosure not protected is any disclosure which would normally be protected under the statute is not protected (unless made to the Office of Special Counsel [OSC] or Inspector General [IG]), where the disclosure is prohibited by law or required by Executive Order to be kept secret for national security or foreign affairs.

Protected Activity

Activities that are protected include: exercise of appeal, complaint, grievance rights, or any testimony or other assistance to the person exercising such rights. In addition, cooperation with or disclosures to Office of Special Counsel (OSC), Inspector General (IG), or component responsible for internal investigation or review, or a refusal to obey an order that would require violation of law, rule, or regulation, are also protected.

Scenario 5: Whistleblower Protections

The screenshot shows a presentation slide for the DHS NO FEAR ACT. The header includes the DHS logo and the text 'DHS NO FEAR ACT OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES'. Navigation buttons for 'MENU', 'RESOURCES', 'HELP', and 'EXIT' are in the top right. The main title is 'Prohibited Personnel Practices (PPP)' with a sub-instruction 'Click each section of the law to learn more.' and a page number '39 of 52'. A cartoon character of a man in a light blue shirt and tie stands on the left. Four large buttons are arranged in a 2x2 grid: 'Discrimination', 'Hiring Practices', 'Retaliation', and 'Catch-all and Non-Disclosure Agreements (NDA)'. The bottom of the slide features a 'BACK' button, a volume icon, a play button, a progress bar, a refresh icon, and a document icon.

Screen 39 of 52: Prohibited Personnel Practices (PPP)

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Prohibited personnel practices, or PPPs, are employment-related activities that are banned in the federal workforce because they violate the merit system through some form of employment discrimination, improper hiring practices, retaliation, or failure to adhere to laws, rules, or regulations that directly concern the merit system principles.

Click each section of the law to learn more, and then click Next to continue.

Popups

Discrimination

Discrimination is banned in the workplace according to §§ 2302(b) (1), (3), and (10). These subsections bar discrimination based on:

- Protected classes, including marital status and political affiliation.
- Coercing political activity.
- Conduct that does not adversely affect performance.

Scenario 5: Whistleblower Protections

Hiring Practices

Provisions in §§ 2302(b) (2), (4), (5), (6), (7), and (11) bar certain hiring practices. These include:

- Considering improper (political) job references
- Obstructing the right to compete
- Influencing withdrawal from competition
- Unauthorized preferences and advantages
- Nepotism
- Knowingly violating veterans' preference

Retaliation

Provisions in §§ 2302(b) (8), and (9) prohibit taking, failing to take, or threatening to take or fail to take any personnel action for:

- Protected whistleblower disclosures
- Protected activity

Catch-all and Non-Disclosure Agreements (NDA)

This category includes the failure to adhere to laws, rules, or regulations that directly concern the merit system principles. §§ 2302(b) (12), (13), and (14) prohibit the following:

- Violating rules that implement a Merit System Principle.
- Imposing a Nondisclosure Agreement that doesn't allow whistleblowing.
- Accessing medical records in furtherance of another PPP.

Scenario 5: Whistleblower Protections

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Notable New Statutory Requirements 40 of 52

The Whistleblower Protection Act of 2017 & the National Defense Authorization Act (NDAA) for FY 2018 covers:

- Improper access of medical records in furtherance of any PPP (§ 2302(b)(14)).
- Accessing the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in the other 13 prohibited personnel practices.
- Required disciplinary penalties for violations of §§ 2302(b)(8), (b)(9), & (b)(14).
 - *First violation results in proposed 3-day suspension.*
 - *Second violation results in proposed removal from federal service.*
- Education and training requirements
- Inclusion of whistleblower criteria in supervisors' performance appraisals.

Click NEXT to continue.

Screen 40 of 52: Notable New Statutory Requirements

TRANSCRIPT & AUDIO DESCRIPTION (AD)

The Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 & the National Defense Authorization Act (NDAA) for FY 2018 covers:

- Improper access of medical records in furtherance of any PPP (§ 2302(b)(14)).
- Accessing the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in the other 13 prohibited personnel practices.
- Required disciplinary penalties for violations of §§ 2302(b)(8), (b)(9), & (b)(14)
 - *First violation results in proposed 3-day suspension.*
 - *Second violation results in proposed removal from federal service.*
- Education and training requirements.
- Inclusion of whistleblower criteria in supervisors' performance appraisals.

Click Next to continue.

Scenario 5: Whistleblower Protections

The screenshot shows a training interface for the DHS NO FEAR ACT. At the top left is the U.S. Department of Homeland Security logo. The title 'DHS NO FEAR ACT' is prominently displayed, with 'OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES' underneath. Navigation buttons for 'MENU', 'RESOURCES', 'HELP', and 'EXIT' are in the top right. The current slide is titled 'Remedies for Whistleblower Retaliation' and is slide 41 of 52. A cartoon character of a man in a light blue shirt and tie stands on the left, gesturing towards a text box on the right. The text box contains the following information:

If there has been a finding of Whistleblower Retaliation, then the following remedies may be employed:

- Restoring or placing the employee as near as possible in the situation he or she would have occupied if retaliation had not occurred.
- Compensatory Damages for post-Whistleblower Protection Enhancement Act (WPEA) claims arising after 12/27/2012, except for some hostile work environment claims.
- Includes any other reasonable and foreseeable consequential damages (attorneys' fees, interest, reasonable expert witness fees, and costs).

At the bottom right of the slide area, it says 'Click NEXT to continue.' The bottom navigation bar includes 'BACK', a volume icon, a play/pause icon, a progress bar, a refresh icon, a list icon, and 'NEXT'.

Screen 41 of 52: Remedies for Whistleblower Retaliation

TRANSCRIPT & AUDIO DESCRIPTION (AD)

If there has been a case of Whistleblower Retaliation, then the following remedies may be employed:

- Restoring or placing the employee as near as possible in the situation he or she would have occupied if retaliation had not occurred.
- Compensatory Damages for post-Whistleblower Protection Enhancement Act (WPEA) claims arising after December 27, 2012, except for some hostile work environment claims.
- Includes any other reasonable and foreseeable consequential damages (for example, attorneys' fees, interest, reasonable expert witness fees, and costs).

Click Next to continue.

Scenario 5: Whistleblower Protections

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Whistleblower Summary 42 of 52

DHS does not tolerate retaliation under any circumstances. Retaliation is prohibited against individuals who:

- Place a whistleblower report.
- Participate in a whistleblower report.

Employees have the right to engage in whistleblowing (e.g., through periodic emails or at staff meetings) without the fear of retaliation. Protected disclosures of government wrongdoing (those not prohibited by law or classified) may be made to anyone, including outside of the component, and employees are not required to follow a chain of command, including the OSC and IG. Whistleblowing may lead to innovation or modification of practices.

Any employee, contractor, or vendor who believes that they have subjected to retaliatory conduct for whistleblowing should report the conduct to the Agency OIG office or the OSC.

Click NEXT to continue.

BACK **PLAY** **REPEAT** **LIST** **NEXT**

Screen 42 of 52: Whistleblower Summary

TRANSCRIPT & AUDIO DESCRIPTION (AD)

DHS does not tolerate retaliation under any circumstances. Retaliation is prohibited against individuals who:

- Place a whistleblower report.
- Participate in a whistleblower report.

Employees have the right to engage in whistleblowing (e.g., through periodic emails or at staff meetings) without the fear of retaliation. Protected disclosures of government wrongdoing (those not prohibited by law or classified) may be made to anyone, including outside the component, and employees are not required to follow a chain of command, including the OSC and IG. Whistleblowing may lead to innovation or modification of practices.

Any employee, contractor, or vendor who believes that they have been subjected to retaliatory conduct for whistleblowing should report the conduct to the Agency OIG office or the OSC.

Click Next to continue.

Scenario 5: Whistleblower Protections

The screenshot shows a video player interface for the DHS NO FEAR Act training. The title is "Retaliation" and it is slide 43 of 52. The video content shows three people in an office setting. A man in a purple vest and yellow shirt is talking to a man in a yellow suit and tie. A woman in a purple dress is standing nearby, looking thoughtful. A sign on the wall reads "Transfer: Bismarck, ND" with a map of North Dakota and a signature "Simon Sender". The video player interface includes a "DHS NO FEAR ACT" logo, navigation buttons (MENU, RESOURCES, HELP, EXIT), and playback controls (BACK, NEXT, volume, play/pause, progress bar).

Screen 43 of 52: Retaliation**TRANSCRIPT & AUDIO DESCRIPTION (AD)**

Sally, a GS-14, is an experienced and well-respected economist at a large government component in Chicago, Illinois. While working late one night, she overheard Russell, her office director, on the phone discussing a large purchase of laptop computers.

Sally overheard Russell say that he mistakenly ordered 1,000 laptop computers instead of the 100 the office really needed. She also heard Russell say he didn't want to get in trouble with the component head if he confessed to his mistake, so he decided he would give the 900 extra computers to the local community center when they arrived.

What Sally did not know at the time was that Russell never ordered the computers; rather, at the time she overheard Russell's conversation, he was in the middle of a telephone audition for an upcoming role as a corrupt federal bureaucrat for a new Broadway play.

Sally did no further investigation; instead, she went straight to Simon, the component's General Counsel, to report the conversation. Simon told Sally he would take care of it. However, the next day, Simon's softball team qualified for the playoffs and in his excitement, he forgot about Sally's report. After weeks went by with no action, Sally reported the conversation she overheard to the media. Her report received wide publicity.

Scenario 5: Whistleblower Protections

Angry and embarrassed, Simon and Russell responded to the media report by immediately demoting Sally to a GS-13 and transferring her to the component's office in Bismarck, North Dakota.

Click Next to continue.

Scenario 5: Whistleblower Protections

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

44 of 52

Retaliation: Decision

Select the best option, then click submit.

What is the best action for Sally to take in response to Simon's retaliatory actions?

- A. File an administrative grievance through her own chain of authority or another chain of authority in her component.
- B. File a complaint with the Office of Special Counsel (OSC) and the component's Inspector General.
- C. File an appeal of her reassignment with the Merit Systems Protection Board.
- D. Any of these.

Submit

BACK [audio icon] [play icon] [progress bar] [refresh icon] [document icon]

Screen 44 of 52: Retaliation: Decision

TRANSCRIPT & AUDIO DESCRIPTION (AD)

What is the best action for Sally to take in response to Simon's retaliatory actions?

- a. File an administrative grievance through her own chain of authority or another chain of authority in her component
- b. File a complaint with the Office of Special Counsel (OSC) and the component's Inspector General
- c. File an appeal of her reassignment with the Merit Systems Protection Board
- d. Any of these

Select the best option, then click Submit.

Correct Answer: d

Feedback: Correct! Sally could take any of the actions listed — however, let's see what happens if she files the complaint with the OSC.

Scenario 5: Whistleblower Protections

Screen 45 of 52: Retaliation Knowledge Check 1

TRANSCRIPT & AUDIO DESCRIPTION (AD)

If Sally reasonably believes that Russell gave away the laptops without approval and that Simon and Russell demoted and transferred her due to her media report, what are the THREE reasons she would file a complaint to the OSC?

- a. A violation of law, rule or regulation
- b. A gross mismanagement or waste of funds
- c. A danger to public health or safety
- d. Retaliation

Select the correct answers, then click Submit.

Correct Answer: a, b, d

Feedback: Correct! The allegation that Russell ordered 900 more laptops than needed and giving away the excess to the public constitutes a gross mismanagement or waste of funds. Sally may also file a retaliation complaint with OSC if her disclosure was a contributing factor in her demotion and transfer.

Scenario 5: Whistleblower Protections

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Retaliation
Select the best response, and then click submit.

Knowledge Check 2

Sally's report was later found to be untrue. She did no independent research before making her report to Simon or the media. Is her report protected as a whistleblower?

- A. Yes, if she reasonably believed that Russell's conduct constituted a gross mismanagement or waste of funds.
- B. Yes, because the purchase of laptops is a major concern of the federal government.
- C. No, because the whistleblower protection does not extend to untrue allegations.
- D. No, because she did not independently verify her allegation.

Submit

BACK

Screen 46 of 52: Retaliation Knowledge Check 2

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Sally's report was later found to be untrue. She did no independent research before making her report to Simon or the media. Is her report protected as a whistleblower?

- a. Yes, if she reasonably believed that Russell's conduct constituted a gross mismanagement or waste of funds.
- b. Yes, because the purchase of laptops is a major concern of the federal government.
- c. No, because the whistleblower protection does not extend to untrue allegations.
- d. No, because she did not independently verify her allegation.

Select the correct answer, then click Submit.

Correct Answer: a

Feedback: Correct! If Sally reasonably believes her claim of mismanagement, she is entitled to whistleblower protections even if the claim is found to be untrue. It is not the responsibility of the Whistleblower to investigate.

Scenario 5: Whistleblower Protections

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

MENU RESOURCES HELP EXIT

47 of 52

Retaliation

Select the best answers, then click submit.

Knowledge Check 3

What can Sally expect if OSC accepts and successfully prosecutes her complaint? (Select the TWO best responses.)

- A. Corrective action for the retaliatory reassignment to Bismarck
- B. A laptop
- C. Disciplinary action against Russell and Simon
- D. Front row seats to Russell's Broadway play and box seats to Simon's playoff game

Submit

BACK [Volume] [Play/Pause] [Progress Bar] [Refresh] [List]

Screen 47 of 52: Retaliation Knowledge Check 3

TRANSCRIPT & AUDIO DESCRIPTION (AD)

What can Sally expect if OSC accepts and successfully prosecutes her complaint? (Select the TWO best responses.)

- a. Corrective action for the retaliatory reassignment to Bismarck
- b. A laptop
- c. Disciplinary action against Russell and Simon
- d. Front row seats to Russell's Broadway play and box seats to Simon's playoff game

Select the best answers, then click Submit.

Correct Answer: a, c

Feedback: Correct! The OSC is an office that has the authority to investigate claims and seek corrective action in cases of whistleblowing retaliation

Scenario 6: Domestic Violent Extremism

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Domestic Violent Extremism
Click the button to learn more.

48 of 52

The Secretary wants all DHS employees at all levels to understand the threat of violence and be trained and educated to take appropriate actions when they see activities or behaviors that may be indicators of **domestic violent extremism**.

DHS personnel are prohibited from facilitating or engaging in violent extremist activities where the individual's engagement in those activities disrupts the efficiency of DHS or U.S. Government operations (or is reasonably likely to cause such disruption).

Examples of Prohibited Activities

BACK [Speaker icon] [Play icon] [Progress bar] [Refresh icon] [List icon]

Screen 48 of 52: Domestic Violent Extremism

TRANSCRIPT & AUDIO DESCRIPTION (AD)

The Secretary wants all DHS employees at all levels to understand the threat of violence and be trained and educated to take appropriate actions when they see activities or behaviors that may be indicators of domestic violent extremism.

DHS personnel are prohibited from facilitating or engaging in violent extremist activities where the individual's engagement in those activities disrupts the efficiency of DHS or U.S. Government operations (or is reasonably likely to cause such disruption).

Click the button below for examples of these prohibited activities. Then, click NEXT to continue.

Popups

Examples of Prohibited Activities

Examples of these activities include, but are not limited to:

- Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force.
- Acts of violence, including actual or implied threats of violence, in furtherance of violent extremist ideologies or activities.

Scenario 6: Domestic Violent Extremism

- Active participation in an organization that endorses and encourages unlawful violence for ideological purposes.
- Criminal, dishonest, or other misconduct, including harassment and discrimination, in support of violent extremist ideologies.
- Promoting written or graphic materials that show hostility toward individuals because of a protected basis or encourage violent activities for ideological purposes.
- Displaying, presenting, creating, or depicting – irrespective of size, type or manner of display – symbols, photographs, images, or other printed or electronic material in a manner that is intended to encourage, and would reasonably be construed to encourage, oppression or hatred towards individuals because of a protected basis.
- Committing intentional acts of intolerance against a person, group of individuals, or property motivated, in whole or in part, by an individual's bias against characteristics that are considered a protected basis, and which are intended to, or are more likely than not to, have the effect of intimidating others or inciting others to similar conduct.
- Providing material support or resources, financial or otherwise, to people or groups espousing violent extremism where the purpose of sending or receiving the resources is to further violent extremism.

Scenario 6: Domestic Violent Extremism

The screenshot shows a training module interface. At the top left is the DHS logo with the text 'U.S. DEPARTMENT OF HOMELAND SECURITY'. To its right is the title 'DHS NO FEAR ACT' and 'OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES'. Further right are buttons for 'MENU', 'RESOURCES', 'HELP', and 'EXIT'. The main title is 'DHS Employee's Responsibility to Report' with a subtitle 'Click the button to learn more.' and a page indicator '49 of 52'. On the left is a cartoon illustration of a man in a light blue shirt and tan pants. On the right, a text box contains the following text: 'Any DHS employee who witnesses any instances of DVE conduct has a responsibility to report them immediately to the Component Security Office or threat management office.' followed by a bulleted list: '• DHS HQ employees should report these observations to the DHS Insider Threat Operations Center (ITOC) at DHS.Insider.Threat.Program@hq.dhs.gov or 202-447-4200.' and '• Component employees should report these observations to their Component Insider Threat office.' Below this text box is a button labeled 'Failure to Report'. At the bottom of the screen is a navigation bar with a 'BACK' button, a volume icon, a play/pause icon, a progress bar, and icons for refresh and print.

Screen 49 of 52: DHS Employee's Responsibility to Report

TRANSCRIPT & AUDIO DESCRIPTION (AD)

Any DHS employee who witnesses any instances of DVE conduct has a responsibility to report them immediately to the Component security office or threat management office.

DHS Headquarter employees will report these observations to the DHS Insider Threat Operations Center, or ITOC, and Component employees will report these observations to their Component Insider Threat office.

Some conduct that constitutes workplace harassment may also constitute domestic violent extremism. While not all prohibited activity related to violent extremism constitutes workplace harassment, and only a subset of workplace harassment constitutes prohibited activity related to violent extremism, violence and harassment are equally prohibited at DHS.

Click the button to learn more. Then, click NEXT to continue.

Scenario 6: Domestic Violent Extremism

POPUPS

Failure to Report

Failure to report has a negative impact on the organization. Workplace climate suffers, groups become polarized, corrosive behaviors undermine confidence in the organization, and readiness is degraded.

Further, DHS employees with a security clearance or in sensitive positions are under an affirmative obligation to self-report. Under certain circumstances, employees can be sanctioned for failure to self-report prohibited behaviors or activities.

Scenario 6: Domestic Violent Extremism

DHS NO FEAR ACT
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

Domestic Violent Extremism
Select the correct answer, then click Submit.

50 of 52

Knowledge Check 1

What are THREE consequences in failing to report violent extremist actions?

- A. The workplace climate suffers
- B. Groups can become polarized
- C. Readiness is elevated
- D. The corrosive behaviors can undermine confidence in the organization

Submit

BACK

Screen 50 of 52: Domestic Violent Extremism Knowledge Check 1

TRANSCRIPT & AUDIO DESCRIPTION (AD)

What are THREE consequences in failing to report violent extremist actions?

- a. The workplace climate suffers
- b. Groups can become polarized
- c. Readiness is elevated
- d. The corrosive behaviors can undermine confidence in the organization

Select the best option, then click Submit.

Correct Answer: a, b, d

Feedback: Correct! That is correct. The three consequences listed for failing to report violent extremist actions are: the workplace climate can suffer, groups can become polarized, and corrosive behaviors can undermine confidence in the organization. Option 'C' is not correct because readiness is degraded when failing to report these actions, not elevated.

Scenario 6: Domestic Violent Extremism

Screen 51 of 52: Domestic Violent Extremism Knowledge Check 2

TRANSCRIPT & AUDIO DESCRIPTION (AD)

John saw his coworker, Tom, on a news clip as a participant in a hate rally towards a specific group of people. And while he has not noticed any radical behavior from Tom at work, he isn't sure if he should report Tom.

What is the best course of action for John to take?

- a. John isn't responsible for reporting Tom's behavior outside of work.
- b. John does not need to report Tom because Tom's behavior did not indicate the preparation or motivation stage.
- c. It is John's responsibility to report any radical or biased behavior to the DHS Insider Threat Operations Center, or ITOC.
- d. This is an example of bias that is not extreme, so John does not need to report Tom.

Select the best option, then click Submit.

Correct Answer: c.

Feedback: That is correct. It is John's responsibility to report any radical or biased behavior to the DHS Insider Threat Operations Center (ITOC). Tom's participation in the hate rally toward a specific group of people is an example of violence and bias. The examples include:

Scenario 6: Domestic Violent Extremism

- Committing intentional acts of intolerance against a person, a group of individuals, or property motivated, in whole or in part, by an individual's bias against characteristics that are considered a protected basis, and which are intended to, or are more likely than not to, have the effect of intimidating others or inciting others to similar conduct.
- Creating or joining a group that promotes violence to address perceived social, political or ideological grievances.

Scenario 6: Domestic Violent Extremism

The screenshot shows the conclusion of a course titled "DHS NO FEAR ACT" by the "OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES". The page number is "52 of 52". A cartoon character of a man in a light blue shirt and tan pants stands on the left, pointing upwards. On the right, a text box contains the following text:

Congratulations! You have now completed the DHS No FEAR Act course.

You should now be able to:

- Identify your rights, and the remedies available to you, under anti-discrimination and whistleblower protection laws.
- Recognize the protected bases under anti-discrimination laws.
- Describe the prohibited behaviors and harassing conduct that must be reported upon witnessing.
- Identify possible courses of action if you feel you have been subjected to unlawful discrimination, harassing conduct, or retaliation.
- Recognize the protections under the Whistleblower Protection Act of 1989 and Whistleblower Enhancement Protection Act of 2012.
- Describe the protected disclosures, and when they are protected.
- Identify remedies for whistleblower retaliation.
- Recognize potential behaviors related to domestic violent extremism.
- Identify reporting requirements for alleged domestic violent extremism.

At the bottom of the screen, there is a navigation bar with buttons for "BACK", "EXIT", and a progress indicator. A note at the bottom right says "Click Exit to exit the course and begin the assessment."

Screen 52 of 52: Conclusion

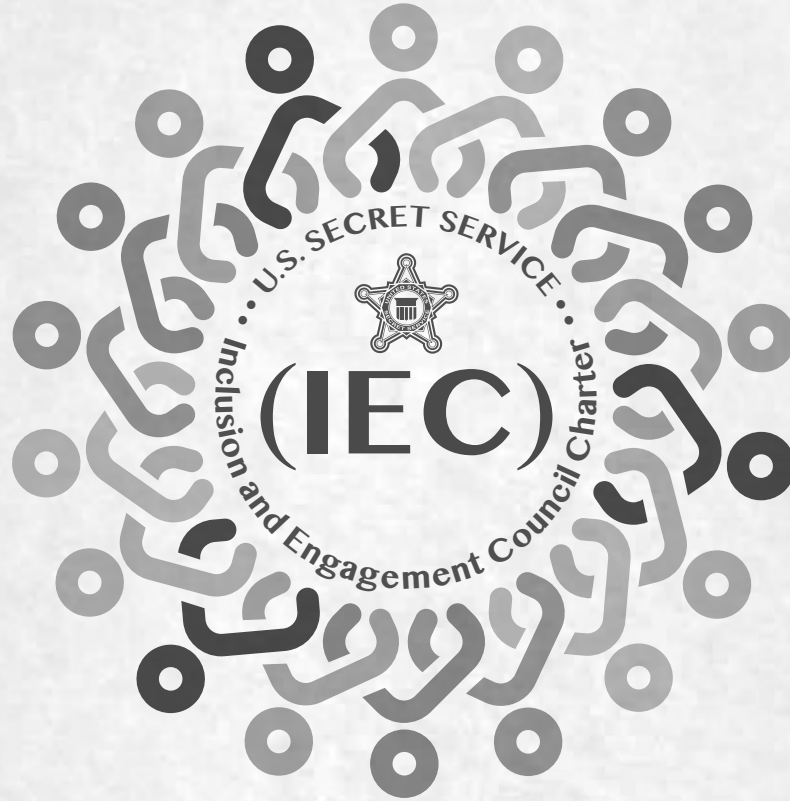
TRANSCRIPT & AUDIO DESCRIPTION (AD)

Congratulations! You have now completed the DHS No FEAR Act course.

You should now be able to:

- Identify your rights, and the remedies available to you, under anti-discrimination and whistleblower protection laws.
- Recognize the protected bases under anti-discrimination laws.
- Describe the prohibited behaviors and harassing conduct that are encouraged to be reported upon witnessing.
- Identify possible courses of action if you feel you have been subjected to unlawful discrimination, harassing conduct, or retaliation.
- Recognize the protections under the Whistleblower Protection Act of 1989 and Whistleblower Enhancement Protection Act of 2012.
- Describe the protected disclosures, and when they are not protected
- Identify remedies for whistleblower retaliation.
- Recognize potential behaviors related to domestic violent extremism.
- Identify reporting requirements for alleged domestic violent extremism.

Click Exit to exit the course and begin the assessment.



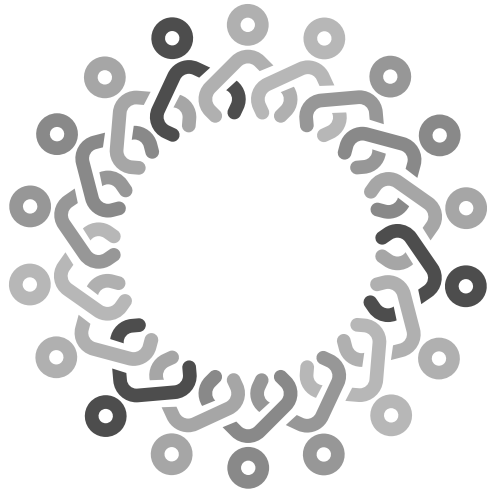
**U.S. Secret Service
Inclusion and Engagement
Council Charter (IEC)**

Changing the Game of Diversity and Inclusion



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Executive Summary

On August 18, 2011, the President issued Executive Order (E.O.) 13583 – Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce. This E.O. directed executive departments and agencies to develop and implement a more comprehensive, integrated, and strategic focus on diversity and inclusion as a key component of their human resources strategies. Since that time, the Office of Personnel Management (OPM), the Department of Homeland Security (DHS), and U.S. Secret Service (Secret Service/USSS) have all issued Inclusive Diversity Strategic Plans in support of E.O. 13583.

The Secret Service draws its strength from the unique diversities of the workforce and from its firm commitment to the principles of fairness and equality for everyone. To that end, we realize that we are better when we unite together -- garnering and utilizing the talents and abilities of our diverse workforce. Our aim is to create an inclusive culture where everyone feels valued and respected. Diversity encompasses more than the attributes of gender, race, age, education, disability, religion, sexual orientation, etc.; therefore, we are motivated to change the way we define, talk, and think about diversity and inclusion. If we are to be successful in this endeavor, our challenge will be to enhance our understanding of the competencies that govern how we care for a diverse workforce.

To further its goal of promoting a diverse and inclusive workplace, the Secret Service has implemented a number of equal opportunity and diversity initiatives as illustrated in its policy on Equal Employment Opportunity (EEO) and Prevention of Discrimination and Harassment; and its policy on Increasing Employment of Individuals with Disabilities and Targeted Disabilities; its Affirmative Employment/Management Directive 715 initiatives; and the realignment of the former Office of Equal Employment Opportunity and Diversity (EEOD). In 2016, the agency's leadership changed the trajectory of EEOD by broadening its scope and establishing the Office of Equity and Employee Support Service (EES) whose senior executive manages EES's Equity, Diversity and Inclusion Program (EDI).

The Secret Service's commitment to inclusive diversity is further captured in its Inclusive Diversity Strategic Plan for FY 2017 - 2021. The Plan established three broad strategic goals that directly align with the objectives of E.O. 13583, with the OPM's Government-Wide Inclusive Diversity Strategic Plan, and with the Department of Homeland Security's (DHS) Inclusive Diversity Strategic Plan.

Secret Service Inclusive Diversity Goals

GOAL 1: Diversify the USSS Workforce through Active Leadership

Engagement: The Secret Service will strive to foster a diverse, high-performing workforce drawn from all segments of the American Society.

GOAL 2: Include and Engage Everyone in the Workplace:

The Secret Service will strive to cultivate a culture that encourages employees to feel uniquely valued and experience a sense of belonging.

GOAL 3: Optimize Inclusive Diversity Efforts Using Data-Driven

Approaches: The Secret Service will continue to improve our inclusive diversity communication efforts and timely comply with Federal Equal Opportunity Recruitment Plan (FEORP) requirements.

GOAL 2 of the OPM's Government-Wide Inclusive Diversity Strategic Plan requires the Secret Service to intensify its efforts to foster a culture that encourages employees to feel valued for their unique qualities, experience a sense of belonging, engagement and connection to the mission. As a result, the Secret Service has hereby established the Inclusion and Engagement Council (IEC) – with representation of employees at all levels of the organization.

Inclusion and Engagement Council - (IEC)

The IEC will become the agency's "Game Changers" who will focus their efforts on creating and fostering a more "Inclusive and Engaged Workplace." The IEC's objective is to help create and sustain a culture that encourages collaboration, flexibility, and fairness to enable every individual to participate in creating an inclusive work environment that encourages engagement. The IEC also strives to create an environment where every person feels valued and believes that he or she has the freedom to reach their fullest potential.

The IEC will consist of a robust team of leaders and employees representative of special agents (SA), Uniformed Division (UD) officers, and administrative, professional and technical (APT) employees led by an SES level Executive Champion for Inclusion and Engagement (ECIE) who understands the value that every person brings to our workplace. The IEC's collective duty is to help the Secret Service build, foster, create, and inspire a workforce where diversity and inclusion is not just "talked about" -- but demonstrated by all employees through **"Every Action, Every Day."**

The IEC's efforts will not rely solely on the legal requirements underscoring the principles of EEO and the voluntary initiatives in Diversity programs; rather, the IEC will seek innovative solutions outside the agency's mandated requirements to create a culture where differences are valued and appreciated, and employee engagement is encouraged.

- The IEC will strive to help every individual understand and accept their responsibility to help foster a culture of inclusion.
- The IEC will seek to be inclusive of the unique diversities representative of the Secret Service and will rely on all employees to advocate for a culturally diverse and inclusive workplace.
- The IEC, especially those in leadership positions, must be representative of men and women of all races, ethnicities, and gender groups. This will allow the IEC to draw from the diverse experiences of the workforce.
- The IEC will seek energetic employees and leaders to serve as active role models and/or "Game Changers" who will lead the charge of "Inclusiveness and Engagement" throughout the workplace.

The IEC will include representation from the following Directorates and Offices:

- Office of the Director/Deputy Director/Chief Operating Officer
- Office of Protective Operations
- Office of Investigations
- Office of Intergovernmental and Legislative Affairs
- Office of Human Resources
- Office of Professional Responsibility
- Office of Strategic Intelligence and Information
- Office of Training
- Office of the Chief, Uniformed Division
- Office of the Chief Counsel

- Office of Technical Development and Mission Support
- Office of the Chief Financial Officer
- Office of Strategic Planning and Policy
- Office of the Chief Information Officer
- Office of Communication and Media Relations
- Office of Equity and Employee Support Services

Additional Representatives:

- Talent and Employee Acquisition Management Division (TAD)
- Workforce Planning Division (WPL)
- Management and Organization Division (MNO)

Mission Case for Inclusive Diversity

On a daily basis, the U.S. Secret Service engages with people of diverse backgrounds from across the nation and around the world. Our mission and responsibilities to the President of the United States, to the Department of Homeland Security, and to the public, demand that we anticipate emerging threats and develop and implement countermeasures to proactively address these threats. The mission case for inclusive diversity is founded on performance-based initiatives from Executive Order 13583 and the Department of Homeland Security's Inclusive Diversity Strategic Plan.

Inclusive Diversity Vision Statement

"To be the employer of choice and 'gold standard' for leveraging inclusive diversity by modeling the qualities of mutual respect, admiration, and appreciation for cultural differences and varying perspectives."

Inclusive Diversity Mission Statement

"To recruit, retain, and develop a high-performing workforce from all segments of society that embraces diversity, inclusion, and values a fair and equitable workplace."

Inclusion & Engagement Council Strategy

The Office of Equity and Employee Support Services (EES) – Equity, Diversity and Inclusion Program (EDI) will exercise oversight of the Secret Service’s IEC. The efforts of the IEC will support the specific goals, strategies, and action items outlined in the Secret Service’s Inclusive Diversity Strategic Plan with a particular emphasis on creating and fostering an inclusive workplace.

A. Purpose

The Office of EES/EDI Program will exercise oversight of the Secret Service’s IEC. The efforts of the IEC will support the specific goals, strategies, and action items outlined in the Secret Service’s Inclusive Diversity Strategic Plan with a particular emphasis on creating and fostering an inclusive workplace.

The IEC will work to instill these values throughout the Secret Service so that all employees—whether they are SA, UD, or APT—will purposefully strive to create the following experiences for their colleagues:

- Employees feel a genuine sense of belonging;
- Employees understand their connection and importance to the mission;
- Employees are valued, respected, and appreciated;
- Employees are actively engaged in the life of the Secret Service;
- Employees are encouraged to share their different perspectives; and
- Employees use their career experiences to mentor fellow employees

B. Membership

Membership in IEC is open to all Secret Service employees, supervisors, managers, and leaders with a desire to become an “advocate for inclusion and engagement” in the workplace.

C. Roles and Responsibilities

**Executive Champion for Inclusion and Engagement (ECIE):
A senior leader from the SES cadre appointed by the
Director/Deputy Director.**

Duties:

- Manages the organizational “think-tank” for inclusion and engagement initiatives;
- Links the IEC’s mission to organizational goals for diversity, inclusion, and engagement;

- Presents inclusion and engagement initiatives to the Executive Resources Board (ERB) and reports on the IEC's progress and accomplishments;
- Represents the agency at various law enforcement conferences to include Women in Federal Law Enforcement (WIFLE); Hispanic American Police Command Officers Association (HAPCOA); National Native American Law Enforcement Association (NNALEA); National Organization of Black Law Enforcement Executives (NOBLE); and the National Asian Peace Officers Association (NAPOA), communicating the agency's consistent and global message of inclusion and engagement; and
- Presides over IEC meetings.

Term of Service:

- 24-month term by fiscal year. The ECIE's term will expire on September 30th of the second year term of service.

Succession:

- A new ECIE will be appointed at the end of the 24-month term and start on October 1st -- the beginning of the fiscal year.

IEC Chairperson Status: A senior leader at the level of GS-15 through SES.

Duties:

- Chairs each meeting;
- Establishes subcommittees/working groups to implement proposed actions;
- Represents the Council in the absence of the ECIE.

Term of Service:

- 24-month term by fiscal year. The Chairperson's term will expire on September 30th of the second year term of service.

Succession:

- A new Chairperson will be elected at the end of the fiscal year by a simple majority vote of the IEC Council for a 24-month term. The new Chairperson will take office at the close of the 24-month term and start on October 1st -- the beginning of the fiscal year.

EES Executive/EEO Director

- IEC Principal Advisor/Coordinator
- Principal Advisor to the Executive Champion, IEC Chairperson, and IEC Council.

Duties:

- Schedules meetings and prepare the agenda for approval by the Chairperson;
- Maintains records of all meetings; and
- Ensures that IEC complies with OPM and DHS guidelines governing diversity and inclusion councils.

D. Managing the Committee

- The IEC will adhere to the charter's by-laws. (See Appendix A)
- The IEC—in collaboration with the Chairperson—will determine the time and place of all meetings.
- Meetings may also be conducted via conference call, webinar, or video-conference.

E. Meeting and Reporting Frequency

- Meetings will be held on a bi-monthly basis.
- Special meetings may be called at the discretion of the ECIE or the Chairperson.
- Meeting duration will be one hour.
- The IEC Coordinator will maintain all records of the IEC and issue a quarterly progress report.

F. Council Responsibilities

Goal: Create more opportunities for inclusion and engagement throughout the agency.

Scope: Generate and gather ideas and information from employees at headquarters, field offices, divisional offices, and from external stakeholders headquarters, field, and divisional offices regarding the subject matter of inclusion and engagement of the workforce.

Inclusion and Engagement Council Hierarchy



Conclusion

The Inclusion and Engagement Council (IEC) represents the entire population of Secret Service employees within the special agent, Uniformed Division, and administrative, professional and technical ranks. The IEC will remain engaged with our talented employee base in order to identify forward-thinking inclusion and engagement initiatives that impact our agency's mission through the:

- Successful integration of inclusion and engagement principles throughout the Secret Service's organizational culture;
- Successful implementation of policies and measures that leverage the full range of diversities currently present in the Secret Service's workforce; and the
- Successful identification of the positive organizational impact of inclusion and engagement-related strategies.

As we strive to become the gold standard for inclusion and engagement throughout the federal government, the Secret Service's Inclusive Diversity Strategic Plan will remain a living document designed to maximize internal solutions to the agency's mission-related goals and objectives.

Appendix A

Inclusion and Engagement Council By-Laws

PURPOSE:

The purpose of the Secret Service's Inclusion and Engagement Council (IEC) is to develop and implement strategies to create and sustain an inclusive and engaged workforce where individuals are empowered to reach their fullest potential.

FUNCTION:

The IEC will strive to ensure the principles of inclusion and engagement are integrated into day-to-day operations of the Secret Service. The IEC will provide a quarterly report of actions implemented.

OFFICERS:

The officers of the Council will consist of an Executive Champion for Inclusion and Engagement (ECIE), IEC Chairperson, Principal Advisor/Coordinator.

A. Executive Champion for Inclusion and Engagement - ECIE

A Senior Leadership official who is the leading advocate for transformational "inclusiveness and engagement-inspired" change. The ECIE has the authority to preside over meetings and may appoint subcommittees/working groups for specific tasks.

B. Chairperson

A management official will chair the IEC. The Chairperson (in the absence of the ECIE) will preside over meetings and may appoint subcommittees/working groups for specific tasks.

C. Principal Advisor and Coordinator

The EES Executive/EEO Director will serve as the principal advisor/coordinator to the ECIE, the Chairperson, and the IEC.

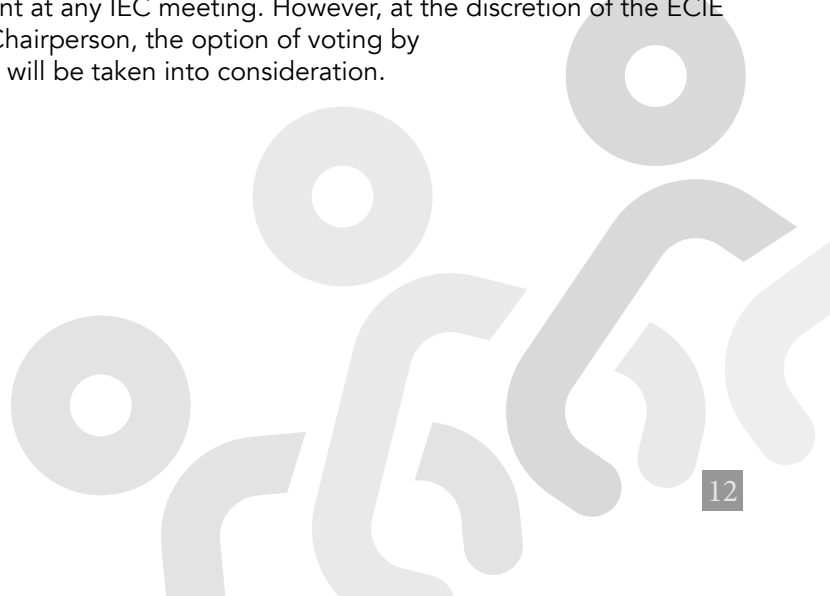
MEMBERSHIP:

Standing Members: The IEC is comprised of the following standing members:

1. Senior leaders;
2. Employee representatives from one or more of the major USSS offices and divisions (e.g., Office of Human Resources, Office of Training, Talent and Employee Acquisition Management Division, Workforce Planning Division, Management and Organization Division, Recruitment Division, and etc.);
3. EEO Director; Deputy EEO Director

VOTING:

- I. Each member shall have one vote.
- II. All members of the IEC have privileges of voice and vote and are expected to fully participate in the work of the IEC to advance the USSS's goals of inclusion and engagement.
- III. IEC resolutions or other matters requiring a vote will be made when a quorum of half of the membership is present at regular or special meetings. If the IEC vote splits evenly, the matter will be referred to the Executive Champion for a tiebreaker vote.
- IV. Resolutions are adopted through majority vote of the members present at any IEC meeting. However, at the discretion of the ECIE and Chairperson, the option of voting by proxy will be taken into consideration.



MEETINGS:

1. Frequency: The Council will meet at least quarterly, unless otherwise indicated.
2. Attendance: Council members or their designees are required to attend all meetings.

REPORTING:

The Council Chairperson will report quarterly, or as scheduled, at the meeting of the full Council.

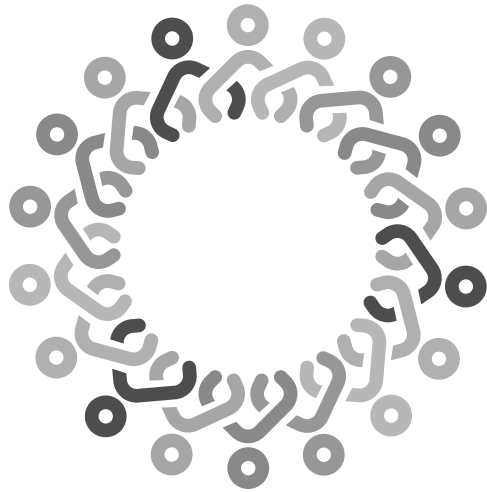
RECORD OF COUNCIL MEETING:

Minutes of each meeting will be recorded by designated member of the Office of Equity and Employee Support Services (EES) – Equity, Diversity and Inclusion Program (EDI).

EFFECTIVE DATE:

The effective date is December 2016. These by-laws may be altered or amended by the Council pursuant to the voting protocol outlined above and with the endorsement of the Chairperson.





“Build it *and*
They Will Come...
Sustain it *and*
They Will Stay.”



UNITY

"Every Action, Every Day."



Affirmative Action Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 CFR §1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with disabilities and persons with targeted disabilities in the federal government

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

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

For the Administrative, Professional and Technical (APT) category of employees (i.e. occupations that are not governed by medical qualification standards): a. The Cluster GS-1 to GS-10 (PWD) is at 16.33% which is above the 12% benchmark, therefore there is not a trigger with this cluster of GS employees. b. The Cluster GS-11 to SES (PWD) is at 21.86% which is above the 12% benchmark, therefore there is not a trigger with this cluster of GS and SES employees.

*For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d)(7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

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

For the Administrative, Professional and Technical (APT) category of employees (i.e. occupations that are not governed by medical qualification standards): a. The Cluster GS-1 to GS-10 (PWTD) is at 2.62% which is above the 2% benchmark, therefore there is not a trigger with this cluster of GS employees. b. The Cluster GS-11 to SES (PWTD) is at 2.59% which is below the 2% benchmark, therefore there is not a trigger with this cluster of GS and SES employees.

Grade Level Cluster(GS or Alternate Pay Planb)	Total	Reportable Disability		Targeted Disability	
	#	#	%	#	%
Numarical Goal	--	12%		2%	
Grades GS-11 to SES	4562	450	9.86	48	1.05
Grades GS-1 to GS-10	240	51	21.25	9	3.75

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

On June 8, 2023, the Secret Service Director released an Annual Policy Statement on "Increasing Employment of Persons with Disabilities and Persons with Targeted Disabilities within the Secret Service", to the entire workforce. The policy statement

communicates the numerical goals for the agency. The Disability Program Manager (DPM), Selective Placement Program Coordinator (SPPC), and Disability Working Group (DWG) (with the recruitment team) quarterly to discuss practices to improve hiring and recruitment. DPM and DWG routinely disseminated information to hiring managers, including all first-line supervisor trainings, and all New Employee Orientations (NEO).

Section II: Model Disability Program

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM

1. Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If “no”, describe the agency’s plan to improve the staffing for the upcoming year.

Answer Yes

The Secret Service continues to employ full-time and collateral duty employees within the following divisions/offices to fulfill the requirements of the Disability Program, the Reasonable Accommodation Program, and the Special Emphasis Program: Equity, Diversity, and Inclusion Program (EDI), the Office of Human Resources (HUM), the Enterprise Readiness Office (ERO), and the Office of the Chief Information Officer (CIO). In addition, the DPM leads the Persons with Disabilities/Disabled Veterans Special Emphasis Program (DPM/DV SEP) which has over 20 active members.

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

Disability Program Task	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Processing applications from PWD and PWTD	1	0	0	nataasha.potter@usss.dhs.go
Answering questions from the public about hiring authorities that take disability into account	1	0	0	quincy.benjamin@usss.dh
Processing reasonable accommodation requests from applicants and employees	1	0	0	christopher.fultz@usss.dhs.
Section 508 Compliance	1	0	0	leonard.dorrian@usss.dhs.g
Architectural Barriers Act Compliance	1	0	0	joseph.blevins@usss.dhs.gc
Special Emphasis Program for PWD and PWTD	1	0	0	christopher.fultz@usss.dhs.

- 3.

Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Answer Yes

The DPM completed the following training: Barrier Analysis, Emergency Preparedness Planning, SEPM, DHS Accessibility Day, NELI PWFA Webinar, DHS EEOD Training Conference, FEMA Disability Mentoring Day. JAN Training: What You Should Know About the Impact of Long COVID in the Workplace, Accommodation Solutions for Neurodivergent Workers, Accommodation Solutions for Fine Motor Limitations, The Way I See It: Accommodation Process Perspectives from Different Points of View. The 508 Coordinator has completed the requisite training for their role, and the SPPC has received training materials from DHS and OPM requisite for their role.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If “no”, describe the agency’s plan to ensure all aspects of the disability program have sufficient funding and other resources.

Answer Yes

The Secret Service continues to ensure sufficient fiscal resources to address program management and administration of the Disability Program, to include: 1. A full-time employee as the Disability Program Manager. 2. One full-time employee assigned specifically to address recruitment and persons with disabilities, and funding for recruiting events, advertising, travel/per diem, and materials in alternative formats. 3. An annual budget of nearly \$200,000 to support the communication access needs for Deaf and Hard of Hearing employees and applicants. 4. Training opportunities for the DPM and PWD/PWTD/DV SEPM. The Secret Service also self-funds for purchases to order products/services as approved reasonable accommodations, when funding was available. Expenditures for the Agency for FY2023 was approximately \$8,575.

Section III: Program Deficiencies In The Disability Program

Section IV: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency’s recruitment program plan for PWD and PWTD

A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

In accordance with the Equal Employment Opportunity Commission (EEOC), 29 C.F.R. § 1614.203, Rehabilitation Act, the Secret Service is committed to increasing the representation of persons with disabilities (PWD), including persons with targeted disabilities (PWTD), in the workforce. The Secret Service adopted the goal of having 12% of its workforce comprised of PWD employees, and 2% PWTD employees. To meet these goals, the Secret Service implemented recruitment initiatives to educate professionals with disabilities about the agency’s mission and career opportunities. LED established partnerships with organizations that assist professional with disabilities find meaningful employment. The Secret Service implemented strategies to connect with professional with disabilities and educated them about the Secret Service mission and career opportunities. During FY2023, LED attended 8 events towards the recruitment of professionals with disabilities. This included in-person and virtual events, such as career fairs and information sessions. Most candidates at these events were interested in non-law enforcement careers and/or full-time teleworking positions. Recruiters also spoke to candidates interested in applying to our agency’s law enforcement careers, but not all met the positions’ medical, physical or age standards. In addition, recruiters interacted with students with disabilities at colleges and universities virtual events the agency attended. For instance, recruiters spoke to students and alumni with disabilities at multiple universities and career events. At all events, recruiters provided guidance to prospects about the agency’s career opportunities, the

application process, the Schedule A special hiring authority, and the agency's Schedule A resume repository. LED utilized the Workforce Recruitment Program (WRP) to identify prospects and promote Secret Service career opportunities to students and recent graduates. The WRP is a recruitment and referral program that connects federal and private sector employers nationwide with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs. This database is managed by the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) and the U.S. Department of Defense's Diversity Management Operations Center (DMOC). USSS also utilized Handshake Premium to send emails to students with disabilities about Secret Service internships and encourage them to apply to our current vacancies. Highlights: • LED conducted an information session with the Department of Aging and Rehabilitative Services and the Department for the Blind and Vision impaired. This was their job club, which provides individuals with PWDs education and training for job searching. The session hosted about 17 candidates with various disabilities. A relationship was also built with the Business Relations Specialist. • LED attended the Careers & the Disabled virtual career fair hosted by career eco. There was a total of 11 chats during the event. The candidate were quality candidates most of which were schedule A. Four resumes and Schedule A letters were captured for future agency Schedule A hiring initiatives. • LED presented to approximately 50 Navy/Coast Guard/Marine Corps Wounded Warriors. A discussion was held with a group of 10 disabled veterans interested in careers at USSS in IT/Cyber/HR/Physical Security Fields. Approximately 10 other individuals talk to DPM about careers at Secret Service and/or DHS. DPM had discussion with approximately 15 disabled veterans on how to write resumes to Secret Service JOA to improve recruitment opportunities. • LED participated in the Wounded Warrior Battalion (West) Transition Fair and Back to School Fair, on Camp Pendleton, California. Secret Service employees discussed career opportunities, operation warfighter and the DOD Skillbridge with the transitioning service members. This event was in conjunction with the National Asian Peace Officers Association Leadership Training and Symposium in San Diego, CA. • LED attended the United States Marine Corps Wounded Warrior Regiment Transition Program 2023 Warrior Fair. The first portion of the event was open to Wounded Warrior in transition. The second portion was open to all veterans, active duty, spouses, and civilians that had access to the installation. Many of the attendees inquired about the agency's Skillbridge program. The Information Technology JOA was presented to approximately 8 candidate seeking positions within the DMV area. The PIRS position was provided to three candidates seeking intel positions. • LED recruiters developed efforts to reach disabled veterans and service members across the world. Beyond cursory engagement, LED personnel assisted disabled veterans in the recruitment process, provided federal resume guidance and answered questions regarding veterans' preference, non-competitive hiring, and the application process. Further, LED recruiters responded to veteran inquiries related to agency information as well as recorded service members resumes and their supporting documents into the Secret Service veteran's repository for hiring managers to utilize under Special Hiring Authorities for present as well as future consideration. • LED utilized the Workforce Recruitment Program (WRP) to identify prospects and promote USSS career opportunities to students and recent graduates. The WRP is a recruitment and referral program that connects federal and private sector employers nationwide with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs. This database is managed by the § U.S. Department of Labor's Office of Disability Employment Policy (ODEP) and the U.S. Department of Defense's Diversity Management Operations Center (DMOC). • LED also utilized Handshake Premium to send email blasts to students with disabilities about Secret Service vacancies and encourage them to apply. Handshake is a virtual platform to find students and alumni talent from Institutions of Higher Institutions. There are more than 9 § million active students and alumni profiles, more than 1,200 college partners to drive deeper engagement on campus and virtually, and more than 417 minority serving institutions. During FY23 the agency used the following special hiring authorities to recruit professionals with disabilities and targeted disabilities: • Schedule A • Veterans' Recruitment Appointment • 30% or more disabled veterans

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

When application materials are received from potential candidates (via outreach events, Vocational Rehabilitation Specialist contacts, the Workforce Recruitment Program, or other sources), all information is coordinated through the Selective Placement Program Coordinator (SPPC). The SPPC worked closely with other REC personnel and Agency hiring managers to facilitate the hiring process, including the use of special hiring authorities. The agency used the following special hiring authorities to recruit professionals with disabilities and targeted disabilities: • Schedule A • Veterans' Recruitment Appointment • 30% or more disabled veterans

3. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for appointment under such authority; and, (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

Applicants who meet eligibility are then assessed to ensure they meet the qualifications of the position (i.e., selection placement factor, OPMs Individual Occupational Requirement, specialized experience, etc.). HR Professionals then compile a certificate listing of applicants who met both eligibility and qualifications and forward it to the selecting official for consideration. During the consultation phase selecting officials are briefed on law that governs the use of the Schedule A Disability Hiring Authority. The SPPC maintains an internal Schedule A database for applicants who have met requisite skills sets for certain positions, and routinely makes this database available to hiring officials of the Agency. The DPM as a member of the DHS Disability Employment Advisory Council (DEAC) proposed the creation of a Schedule A application depository to ensure qualified applicants have more eyes on them by multiple Department hiring officials throughout DHS components. This will be completed by FY2024.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If “yes”, describe the type(s) of training and frequency. If “no”, describe the agency’s plan to provide this training.

Answer Yes

Training on special hiring authorities was included in the Secret Service’s First-Line Supervisor’s courses, which is provided to all newly promoted supervisors as well as the L90/M90x course, which is a refresher for leaders and managers 90 days after a promotion. In addition, HR Specialists within REC, including the SPPC, individually educated hiring managers on the benefits of utilizing special hiring authorities. Other formal training on the law that governs the use of the Schedule A Disability Hiring Authority is required to be completed annually through the Secret Service Learning Management System (ITAS), entitled “Veterans Employment Training for Hiring Managers.”

B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

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

During FY 2023, the Secret Service maintained and further developed partnerships with the following organizations dedicated to assist professionals with disabilities find meaningful employment. The agency participated in recruitment related activities of these organizations and interacted with their customers by providing information about the agency, current vacancies, the application process and the agency’s Schedule A and Military resume repositories. The agency also shared vacancy announcements with staff from these institutions/organizations who shared the information with prospects. All these efforts contributed to target professionals with disabilities and targeted disabilities, and ensure the agency had an applicant pool of Schedule A applicants for hiring managers consideration when filling their vacancies. Secret Service partnered with all Department of Defense (DOD) military components to recruit qualified disabled veterans. Outreach efforts focused on military installation Transition Assistance Programs, Wounded Warrior, Marine for Life, Soldier for Life, Army’s Private Public Partnership (P3) community and Operation Warfighter programs. Specific emphasis was placed on targeting 30% or more disabled Veterans. Name of Institution or Organization: Career Eco City Career Fairs Department of Veterans Affairs EOP Career Expo Little People of America Greater Northern Virginia Business Development Virginia Department for Aging and Rehabilitative Services DC Department on Disability Services Rehabilitation Services Administration Maryland State Department of Education Division of Rehabilitation Services Mississippi Department of Rehabilitation Services Gallaudet University Career Center Navy Wounded Warriors Viscardi Center Workforce Recruitment Program Department of Defense Transition Assistance Programs Department of Defense Wounded Warrior Marine for Life Soldier for Life Army’s Private Public Partnership (P3) community Operation Warfighter Programs Fort Belvoir Soldier Recovery Unit (SRU)

C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If “yes”, please describe the triggers below.

- a. New Hires for Permanent Workforce (PWD) Answer No
- b. New Hires for Permanent Workforce (PWTD) Answer No

For the Administrative, Professional and Technical (APT) category of employees (i.e. occupations that are not governed by medical qualification standards): a. Per Table B1 New Hires for Permanent Workforce (PWD) is at 30.81% which is above the 12% benchmark, therefore there is not a trigger with New Hires in the Permanent Workforce. b. Per Table B1 New Hires for Permanent Workforce (PWTD) is at 2.91% which is above the 2% benchmark, therefore there is not a trigger with New Hires in the Permanent Workforce.

New Hires	Total (#)	Reportable Disability		Targeted Disability	
		Permanent Workforce (%)	Temporary Workforce (%)	Permanent Workforce (%)	Temporary Workforce (%)
% of Total Applicants	1109	0.00	34.36	0.00	20.47
% of Qualified Applicants	388	0.00	60.31	0.00	34.54
% of New Hires	756	0.00	4.89	0.00	0.00

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission- critical occupations (MCO)? If “yes”, please describe the triggers below. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. New Hires for MCO (PWD) Answer N/A
- b. New Hires for MCO (PWTD) Answer N/A

Mission Critical Occupations for the Secret Service are Law Enforcement Special Agent series 1811, Uniformed Division Officers series 0083, and Technical Law Enforcement positions with series 0080, 1801 and 1802. As stated on page 62 of this report, During FY2023 weapon carriers made up 71.78% of the total workforce while non-weapon carriers made up 28.22% of the total workforce. In these occupations, the Office of Personnel Management (OPM) allows for special medical requirements for the law enforcement occupations (Medical and physical standards: 5 C.F.R. Part 339) that are covered by Secret Service Directive SAF-03(03). These occupations are exacting and involve ensuring the safety of others under trying conditions. Conditions that may hinder full, efficient performance of the duties of these positions or that would cause individuals to be a hazard to themselves or to others, are disqualifying. The Secret Service will continue to recruit and consider all qualified applicants, to include persons with disabilities, for both the law enforcement and non-law enforcement occupations. Therefore, no triggers are identified in these mission critical occupations.

New Hires to Mission-Critical Occupations	Total (#)	Reportable Disability	Targetable Disability
		New Hires (%)	New Hires (%)
Numerical Goal	--	12%	2%
0080 PHYSICAL SECURITY SPECIALISTS	0	0.00	0.00
0083 UNIFORMED OFFICERS	0	0.00	0.00
1802 SPECIAL OFFICERS AND PROTECTIVE SUPPORT TECHNICIANS	0	0.00	0.00
1811 CRIMINAL INVESTIGATORS	0	0.00	0.00

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified internal applicants for any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Qualified Applicants for MCO (PWD) Answer N/A
- b. Qualified Applicants for MCO (PWTD) Answer N/A

Mission Critical Occupations for the Secret Service are Law Enforcement Special Agent series 1811, Uniformed Division Officers series 0083, and Technical Law Enforcement positions with series 0080, 180, and 1802. As stated on page 62 of this report, During FY2023 weapon carriers made up 71.78% of the total workforce while non-weapon carriers made up 28.22% of the total workforce. In these occupations, the Office of Personnel Management (OPM) allows for special medical requirements for the law enforcement occupations (Medical and physical standards: 5 C.F.R. Part 339) that are covered by Secret Service Directive SAF-03(03). These occupations are exacting and involve ensuring the safety of others under trying conditions. Conditions that may hinder full, efficient performance of the duties of these positions or that would cause individuals to be a hazard to themselves or to others, are disqualifying. The Secret Service will continue to recruit and consider all qualified applicants, to include persons with disabilities, for both the law enforcement and non-law enforcement occupations. Therefore, no triggers are identified in these mission critical occupations.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission- critical occupations (MCO)? If “yes”, please describe the triggers below. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- a. Promotions for MCO (PWD) Answer N/A
- b. Promotions for MCO (PWTD) Answer N/A

Mission Critical Occupations for the Secret Service are Law Enforcement Special Agent series 1811, Uniformed Division Officers series 0083, and Technical Law Enforcement positions with series 0080, 1801 and 1802. As stated on page 62 of this report, During FY2023 weapon carriers made up 71.78% of the total workforce while non-weapon carriers made up 28.22% of the total workforce. In these occupations, the Office of Personnel Management (OPM) allows for special medical requirements for the law enforcement occupations (Medical and physical standards: 5 C.F.R. Part 339) that are covered by Secret Service Directive SAF-03(03). These occupations are exacting and involve ensuring the safety of others under trying conditions. Conditions that may hinder full, efficient performance of the duties of these positions or that would cause individuals to be a hazard to themselves or to others, are disqualifying. The Secret Service will continue to recruit and consider all qualified applicants, to include persons with disabilities, for both the law enforcement and non-law enforcement occupations. Therefore, no triggers are identified in these mission critical occupations.

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

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

A. ADVANCEMENT PROGRAM PLAN

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

In FY2023, the Secret Service implemented a number of initiatives to support the career development as well as the recruitment and hiring opportunities of persons with disabilities, to include the following: In collaboration with the Office of the Chief Financial Officer (CFO) Office of Human Resources and Gallaudet University, EES developed the Mobility, Outreach, Equity, and Inclusion Program (MOEIP). This program designed to seek eligible applicants to fill critical positions in the CFO through the Schedule A excepted hiring process. EES lead the charge to ensure the process was in place in FY2022 to make key hires in FY2023. In FY2023 CFO interviewed six employees, hired one, and two other applicants received offers, but they failed out of the security background process. The MOEIP will continue in FY2024 to seek continued hiring opportunities for underserved communities. In addition, a revised training schedule, focused on individual training session for offices within the Secret Service. This approach to EEO education was deployed in FY2023. This will incorporate EEO, DEIA, reasonable and religious accommodations, and disability etiquette. This will be delivered by the EES Executive and the DPM. Overall five offices received these training sessions, with two additional agency-wide trainings being conducted. Combined the Career Development Disability Working Group (CD-DWG) and the Recruitment and Hiring Disability Working Group (RH-DWG) to one group. This group now meet quarter. This group include stakeholders from the Special Agent, Uniformed Division, Recruitment Division, Human Resources, Workforce

Planning, Training, Safety & Health, and Development, Enterprise Readiness, Chief Information and, finally, Chief Counsel offices. The continued focus is to improve opportunities for employment and upward professional mobility for the PWD/PWTD/DV communities. An action developed from PWD/DV Disability Working Group was a new working group called the Faces of Ability. This group consists of self-disclosed members of the PWD/PWTD/DV communities. The members worked in the second quarter of FY2023 to present training to the workforce to address the stigma surrounding having a disability within the Secret Service. In addition, they increased training by including PTSD training, Veterans VA-awareness training, disability etiquette, nursing mothers room announcements. Worked with Human Resources and Recruitment Division to work out efficiencies in the applicant reasonable accommodation process. This process was streamlined further in FY2023 by adding more pre-approved accommodations to the list. This resulted in all accommodations for applicants being handled in 1 day. Continued publicity of career development opportunities on the Secret Service’s blog for employment and PWD/PWTD/DV communities. Posted 12 communications gleaned from JAN, EARN, EEOC, DOL and other websites to help improve awareness of the barriers which exist for PWD/PWTD/DV communities. Hosted fourteen virtual Disability Table Topic Series for the Secret Service workforce. These included: 1) an overview of the reasonable accommodation process (7 times), 2) 2022 National Disability Employee Awareness Month, 3) disability etiquette training (5 times), 4) PTSD Awareness Day.

B. CAREER DEVELOPMENT OPPORTUNITIES

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

The Secret Service participates in several competitive Career Developmental Training Programs to include: o DHS and Secret Service SES Candidate Development Programs o Naval Postgraduate School (NPS) Center for Homeland Defense and Security (CHDS) Programs: § NPS Master’s Degree Program and § NPS Emergence Program § NPS Executive Leader’s Program § Department of Defense Senior Service School National Defense University § Army War College – Distance Education Program o National Intelligence University § Masters Degree Program § Bachelors Degree Program o DHS Joint Mission Fellows Program The Secret Service provides career development opportunities that it regularly advertises to the workforce via Official Message. All Secret Service employees, including PWD/PWTD, are encouraged to participate.

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

Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (%)	Selectees (%)	Applicants (%)	Selectees (%)
Internship Programs	0	0	0	0	0	0
Fellowship Programs	0	0	0	0	0	0
Mentoring Programs	158	157	17.72	17.83	1.99	1.91
Coaching Programs	37	35	13.51	14.29	0	0
Training Programs	0	0	0	0	0	0
Detail Programs	67	19	13.43	5.26	0	0
Other Career Development Programs	0	0	0	0	0	0

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

- a. Applicants (PWD) Answer Yes
- b. Selections (PWD) Answer Yes

a. Per table above, Secret Service SES Candidate Development Program - Career Development Program Applicants of (PWD) is at 4.17% which is below the 21.86% applicant pool benchmark, therefore there is a trigger with PWD in the SES CDP - Career

Development Program for Applicants. b. Per table above, Secret Service SES Candidate Development Program - Career Development Program Selectees of (PWD) is at 0.00% which is below the 21.86% qualified applicant pool, therefore, there is a trigger with PWD in the Selections for SES CDP - Career Development Program Selectees.

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

- | | | |
|----------------------|--------|-----|
| a. Applicants (PWTD) | Answer | Yes |
| b. Selections (PWTD) | Answer | Yes |

a. Per table above Secret Service SES Candidate Development Program - Career Development Program Applicants of (PWTD) is at 2.08% which is below the 2.59% applicant pool benchmark, therefore there is a trigger with PWTD in the SES CDP - Career Development Program for Applicants. b. Per table above Secret Service SES Candidate Development Program – Career Development Program Selectees of (PWTD) is at 0.71% which is below the 2.59% qualified applicant pool, therefore, there is a trigger with PTWD in the Selections for SES CDP - Career Development Program Selectees.

C. AWARDS

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

- | | | |
|---|--------|-----|
| a. Awards, Bonuses, & Incentives (PWD) | Answer | Yes |
| b. Awards, Bonuses, & Incentives (PWTD) | Answer | Yes |

Table B9 – 2 (Inclusion Rate) Time Award 1- 10 Hours a. Per Table B9-2 Time Award of 1 – 10 Hours for (PWD) is at 13.00% which is above the 6.84% benchmark, therefore there is not a trigger with Time Awards of 1 – 10 Hours for PWD. b. Per Table B9-2 Time Award of 1 – 10 Hours for (PWTD) is at 2.53% which is below the 12.07% benchmark, therefore there is a trigger with Time Awards of 1 – 10 Hours for PWTD. Time Award 11 – 20 Hours c. Per Table B9-2 Time Award of 11 – 20 Hours for (PWD) is at 9.04% which is above the 5.70% benchmark, therefore there is not a trigger with Time Awards of 11 – 20 Hours for PWD. d. Per Table B9-2 Time Award of 11 – 20 Hours for (PWTD) is at 2.11% which is below the 10.34% benchmark, therefore there is a trigger with Time Awards of 11 – 20 Hours for PWTD. Time Award 21 – 30 Hours e. Per Table B9-2 Time Award of 21 – 30 Hours for (PWD) is at 16.16% which is above the 3.04% benchmark, therefore there is not a trigger with Time Awards of 21 – 30 Hours for PWD. f. Per Table B9-2 Time Award of 21 – 30 Hours for (PWTD) is at 1.01% which is below the 1.72% benchmark, therefore there is a trigger with Time Awards of 21 – 30 Hours for PWTD. Time Award 31 – 40 Hours g. Per Table B9-2 Time Award of 31 – 40 Hours for (PWD) is at 11.29% which is above the 2.66% benchmark, therefore there is not a trigger with Time Awards of 31 – 40 Hours for PWD. h. Per Table B9-2 Time Award of 31 – 40 Hours for (PWTD) is at 2.42% which is below the 5.17% benchmark, therefore there is a trigger with Time Awards of 31 – 40 Hours for PWTD. Time Award 41 or more Hours i. Per Table B9-2 Time Award of 41 or more Hours for (PWD) is at 8.33% which is above the 0.19% benchmark, therefore there is not a trigger with Time Awards of 41 or more Hours for PWD. j. Per Table B9-2 Time Award of 41 or more Hours for (PWTD) is at 0.00% which is at the 0.00% benchmark, therefore there is not a trigger with Time Awards of 41 or more Hours for PWTD. Cash Award \$500 and under k. Per Table B9-2 Cash Award of \$500 and under (PWD) is at 9.94% which is below the 11.98% benchmark, therefore there is a trigger with Cash Awards of \$500 and under for PWD. l. Per Table B9-2 Cash Award of \$500 and under (PWTD) is at 0.32% which is below the 3.45% benchmark, therefore there is a trigger with Cash Awards of \$500 and under for PWTD. Cash Award \$501-\$999 m. Per Table B9-2 Cash Awards of \$501-\$999 (PWD) is at 12.83% which is above the 12.17% benchmark, therefore there is not a trigger with Cash Awards of \$501-\$999 for PWD. n. Per Table B9-2 Cash Awards of \$501-\$999 (PWTD) is at 1.20% which is below the 10.34% benchmark, therefore there is a trigger with Cash Awards of \$501-\$999 for PWTD. Cash Awards \$1000-\$1999 o. Per Table B9-2 Cash Awards of \$1000-\$1999 (PWD) is at 9.59% which is below the 39.73% benchmark, therefore there is a trigger with Cash Awards of \$1000-\$1999 for PWD. p. Per Table B9-2 Cash Awards of \$1000-\$1999 (PWTD) is at 1.06% which is below the 39.66% benchmark, therefore there is a trigger with Cash Awards of \$1000-\$1999 for PWTD. Cash Awards \$2000-\$2999 q. Per Table B9-2 Cash Awards of \$2000-\$2999 (PWD) is at 8.23% which is below the 27.95% benchmark, therefore there is a trigger with Cash Awards of \$2000-\$2999 for PWD. r. Per Table B9-2 Cash Awards of \$2000-\$2999 (PWTD) is at 0.95% which is below the 29.31% benchmark, therefore there is a trigger with Cash Awards of \$2000-

\$2999 for PWT. Cash Awards \$3000-\$3999 s. Per Table B9-2 Cash Awards of \$3000-\$3999 (PWT) is at 6.50% which is below the 9.72% benchmark, therefore there is a trigger with Cash Awards of \$3000-\$3999 for PWT. t. Per Table B9-2 Cash Awards of \$3000-\$3999 (PWT) is at 0.49% which is below the 10.08% benchmark, therefore there is a trigger with Cash Awards of \$3000-\$3999 for PWT. Cash Awards \$4000-\$4999 u. Per Table B9-2 Cash Awards of \$4000-\$4999 (PWT) is at 3.76% which is below the 4.17% benchmark, therefore there is a trigger with Cash Awards of \$4000-\$4999 for PWT. v. Per Table B9-2 Cash Awards of \$4000-\$4999 (PWT) is at 0.00% which is below the 3.23% benchmark, therefore there is a trigger with Cash Awards of \$4000-\$4999 for PWT. Cash Awards \$5000 or more w. Per Table B9-2 Cash Awards of \$5000 or more (PWT) is at 4.42% which is above the 1.39% benchmark, therefore there is not a trigger with Cash Awards of \$5000 or more for PWT. x. Per Table B9-2 Cash Awards of \$5000 or more (PWT) is at 0.47% which is below the 3.61% benchmark, therefore there is a trigger with Cash Awards of \$5000 or more for PWT.

Time-Off Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Time-Off Awards 1 - 10 hours: Awards Given	277	6.84	4.41	12.07	6.20
Time-Off Awards 1 - 10 Hours: Total Hours	2118	53.23	33.59	96.55	47.86
Time-Off Awards 1 - 10 Hours: Average Hours	7.65	1.48	0.14	13.79	-0.05
Time-Off Awards 11 - 20 hours: Awards Given	332	5.70	5.62	12.07	4.91
Time-Off Awards 11 - 20 Hours: Total Hours	5300	91.25	89.74	193.10	78.63
Time-Off Awards 11 - 20 Hours: Average Hours	15.96	3.04	0.30	27.59	0.00
Time-Off Awards 21 - 30 hours: Awards Given	99	3.04	1.55	1.72	3.21
Time-Off Awards 21 - 30 Hours: Total Hours	2382	73.00	37.26	41.38	76.92
Time-Off Awards 21 - 30 Hours: Average Hours	24.06	4.56	0.45	41.38	0.00
Time-Off Awards 31 - 40 hours: Awards Given	124	2.66	2.03	5.17	2.35
Time-Off Awards 31 - 40 Hours: Total Hours	4784	103.42	78.15	206.90	90.60
Time-Off Awards 31 - 40 Hours: Average Hours	38.58	7.39	0.73	68.97	-0.24
Time-Off Awards 41 or more Hours: Awards Given	12	0.19	0.21	0.00	0.21
Time-Off Awards 41 or more Hours: Total Hours	768	15.21	13.03	0.00	17.09
Time-Off Awards 41 or more Hours: Average Hours	64	15.21	1.18	0.00	17.09

Cash Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Cash Awards: \$501 - \$999: Awards Given	499	12.17	8.10	10.34	12.39
Cash Awards: \$501 - \$999: Total Amount	367602	8864.64	5980.95	7937.93	8979.49
Cash Awards: \$501 - \$999: Average Amount	736.68	138.51	13.97	1322.98	-8.28
Cash Awards: \$1000 - \$1999: Awards Given	2180	39.73	36.77	39.66	39.74
Cash Awards: \$1000 - \$1999: Total Amount	3032163	55956.65	51066.19	61206.90	55305.98

Cash Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Cash Awards: \$1000 - \$1999: Average Amount	1390.9	267.74	26.30	2661.17	-28.89
Cash Awards: \$2000 - \$2999: Awards Given	1786	27.95	30.75	29.31	27.78
Cash Awards: \$2000 - \$2999: Total Amount	4174741	65484.98	71869.37	69224.14	65021.58
Cash Awards: \$2000 - \$2999: Average Amount	2337.48	445.48	44.25	4072.00	-3.97
Cash Awards: \$3000 - \$3999: Awards Given	816	10.08	14.31	6.90	10.47
Cash Awards: \$3000 - \$3999: Total Amount	2703817	33665.59	47403.18	22494.83	35050.00
Cash Awards: \$3000 - \$3999: Average Amount	3313.5	635.20	62.70	5623.71	16.97
Cash Awards: \$4000 - \$4999: Awards Given	452	3.23	8.18	0.00	3.63
Cash Awards: \$4000 - \$4999: Total Amount	1940745	13776.62	35138.39	0.00	15483.97
Cash Awards: \$4000 - \$4999: Average Amount	4293.68	810.39	81.34	0.00	910.82
Cash Awards: \$5000 or more: Awards Given	430	3.61	7.76	3.45	3.63
Cash Awards: \$5000 or more: Total Amount	3376679	36746.96	60034.06	59170.69	33967.95
Cash Awards: \$5000 or more: Average Amount	7852.74	1934.05	146.42	29585.34	-1492.82

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If “yes”, please describe the trigger(s) in the text box.

- a. Pay Increases (PWD) Answer No
- b. Pay Increases (PWTD) Answer No

Pay Increase a. Per Table B9-2 Pay Increase for (PWD) is at 14.58% which is above the 1.33% benchmark, therefore there is not a trigger with Pay Increase for PWD. b. Per Table B9-2 Pay Increase for (PWTD) is at 0.00% which is at the 0.00% benchmark, therefore there is not a trigger with Pay Increase for PWTD.

Other Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Total Performance Based Pay Increases Awarded	48	1.33	0.78	0.00	1.50

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

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

Table B9 – 2 (Inclusion Rate) N/A

D. PROMOTIONS

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

a. SES

- i. Qualified Internal Applicants (PWD) Answer Yes
- ii. Internal Selections (PWD) Answer Yes

b. Grade GS-15

- i. Qualified Internal Applicants (PWD) Answer Yes
- ii. Internal Selections (PWD) Answer Yes

c. Grade GS-14

- i. Qualified Internal Applicants (PWD) Answer No
- ii. Internal Selections (PWD) Answer No

d. Grade GS-13

- i. Qualified Internal Applicants (PWD) Answer Yes
- ii. Internal Selections (PWD) Answer No

Table B8 a. SES i. Per Table B7 Qualified Internal Applicants for SES positions (PWD) is at 0.00% which is below the 5.57% benchmark, therefore, there is a trigger with the Qualified Internal Applicants for SES positions. ii. Per Table B7 Internal Selections for SES positions (PWD) is at 0.00% which is the below the 5.57% benchmark, therefore, there is a trigger with Internal Selections for SES positions. b. Grade 15 i. Per Table B7 Qualified Internal Applicants for GS-15 positions (PWD) is at 0.00% which is below the 4.80% benchmark, therefore there is a trigger with Qualified Internal Applicants for GS-15 positions. ii. Per Table B7 Internal Selections for GS-15 positions (PWD) is at 1.37% which is below the 4.80% benchmark, therefore there is a trigger with Internal Selections for GS-15 positions. c. Grade 14 i. Per Table B7 Qualified Internal Applicants for GS-14 positions (PWD) is at 100% which is above the 5.71% benchmark, therefore there is not a trigger with Qualified Internal Applicants for GS-14 positions. ii. Per Table B7 Internal Selections for GS-14 positions (PWD) is at 6.94% which is above the 5.71% benchmark, therefore there is not a trigger with Internal Selections for GS-14 positions. d. Grade 13 i. Per Table B7 Qualified Internal Applicants for GS-13 positions (PWD) is at 0.00% which is below the 16.79% benchmark, therefore there is a trigger with Qualified Internal Applicants for GS-13 positions. ii. Per Table B7 Internal Selections for GS-13 positions (PWD) is at 36.36% which is above the 16.79% benchmark, therefore there is not a trigger with Internal Selections for GS-13 positions.

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

a. SES

- i. Qualified Internal Applicants (PWTDD) Answer Yes
- ii. Internal Selections (PWTDD) Answer Yes

b. Grade GS-15

- i. Qualified Internal Applicants (PWTDD) Answer Yes
- ii. Internal Selections (PWTDD) Answer Yes

- c. Grade GS-14
 - i. Qualified Internal Applicants (PWTD) Answer Yes
 - ii. Internal Selections (PWTD) Answer No
- d. Grade GS-13
 - i. Qualified Internal Applicants (PWTD) Answer Yes
 - ii. Internal Selections (PWTD) Answer Yes

Table B7 a. SES i. Per Table B7 Qualified Internal Applicants for SES positions (PWTD) is at 0.00% which is below the 0.62% benchmark, therefore there is a trigger with Qualified Internal Applicants for SES positions. ii. Per Table B7 Internal Selections for SES positions (PWTD) is at 0.00% which is below the 0.62% benchmark, therefore there is a trigger with Internal Selections for SES positions. b. Grade 15 i. Per Table B7 Qualified Internal Applicants for GS-15 positions (PWTD) is at 0.00% which is below the 0.64% benchmark, therefore there is a trigger with Qualified Internal Applicants for GS-15 positions. ii. Per Table B7 Internal Selections for GS-15 positions (PWTD) is at 0.00% which is below the 0.64% benchmark, therefore there is a trigger with Internal Selections for GS-15 positions. c. Grade 14 i. Per Table B7 Qualified Internal Applicants for GS-14 positions (PWTD) is at 0.00% which is below the 0.89% benchmark, therefore there is a trigger with Qualified Internal Applicants for GS-14 positions. ii. Per Table B7 Internal Selections for GS-14 positions (PWTD) is at 1.16% which is above the 0.89% benchmark, therefore there is not a trigger with Internal Selections for GS-14 positions. d. Grade 13 i. Per Table B7 Qualified Internal Applicants for GS-13 positions (PWTD) is at 0.00% which is below the 1.78% benchmark, therefore there is a trigger with Qualified Internal Applicants for GS-13 positions. ii. Per Table B7 Internal Selections for GS-13 positions (PWTD) is at 0.00% which is below the 1.78% benchmark, therefore there is a trigger with Internal Selections for GS-13 positions. Applicant Flow data for GS-13 Internal Promotions for (PTWD) is unavailable through Monster Analytics.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.
- a. New Hires to SES (PWD) Answer No
 - b. New Hires to GS-15 (PWD) Answer No
 - c. New Hires to GS-14 (PWD) Answer No
 - d. New Hires to GS-13 (PWD) Answer No

Table B7 a. SES Per Table B7 New Hires for SES positions (PWD) is at 0.00% which is at the 0.00% benchmark, therefore there is not a trigger with New Hires Applicants for SES positions. b. Grade 15 Per Table B7 New Hires for GS-15 positions (PWD) is at 100% which is above the 0.00% benchmark, therefore there is not a trigger with New Hires for GS-15 positions. c. Grade 14 Per Table B7 New Hires for GS-14 positions (PWD) is at 87.50% which is above the 26.09% benchmark, therefore there is not a trigger with New Hires for GS-14 positions. d. Grade 13 Per Table B7 New Hires for GS-13 positions (PWD) is at 82.93% which is above the 30.19% benchmark, therefore there is not a trigger with New Hires for GS-13 positions.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.
- a. New Hires to SES (PWTD) Answer No
 - b. New Hires to GS-15 (PWTD) Answer No
 - c. New Hires to GS-14 (PWTD) Answer No

d. New Hires to GS-13 (PWTD) Answer No

Table B7 a. SES Per Table B7 New Hires for SES positions (PWTD) is at 0.00% which is at the 0.00% benchmark, therefore there is not a trigger with New Hires Applicants for SES positions. b. Grade 15 Per Table B7 New Hires for GS-15 positions (PWTD) is at 25.00% which is above the 0.00% benchmark, therefore there is not a trigger with New Hires for GS-15 positions. c. Grade 14 Per Table B7 New Hires for GS-14 positions (PWTD) is at 68.75% which is above the 0.00% benchmark, therefore there is not a trigger with New Hires for GS-14 positions. d. Grade 13 Per Table B7 New Hires for GS-13 positions (PWTD) is at 29.27% which is above the 1.89% benchmark, therefore there is not a trigger with New Hires for GS-13 positions.

5. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives

i. Qualified Internal Applicants (PWD) Answer No

ii. Internal Selections (PWD) Answer Yes

b. Managers

i. Qualified Internal Applicants (PWD) Answer No

ii. Internal Selections (PWD) Answer Yes

c. Supervisors

i. Qualified Internal Applicants (PWD) Answer Yes

ii. Internal Selections (PWD) Answer Yes

Table B8 a. Executives i. Per Table B8 Qualified Internal Applicants for “Executive” positions (PWD) is at 8.70% which is above the 5.57% benchmark, therefore, there is not a trigger with the Qualified Internal Applicants for “Executive” positions. ii. Per Table B8 Internal Selections for “Executive” positions (PWD) is at 0.00% which is the below the 5.57% benchmark, therefore, there is a trigger with Internal Selections for “Executive” positions. b. Managers i. Per Table B8 Qualified Internal Applicants for “Managers” positions (PWD) is at 6.67% which is above the 5.57% benchmark, therefore there is not a trigger with Qualified Internal Applicants for “Managers” positions. ii. Per Table B8 Internal Selections for “Managers” positions (PWD) is at 5.41% which is below the 5.71% benchmark, therefore there is a trigger with Internal Selections for “Managers” positions. c. Supervisors i. Per Table B8 Qualified Internal Applicants for “Supervisor” positions (PWD) is at 0.00% which is below the 16.79% benchmark, therefore there is a trigger with Qualified Internal Applicants for “Supervisor” positions. ii. Per Table B8 Internal Selections for “Supervisor” positions (PWD) is at 3.13% which is below the 16.79% benchmark, therefore there is a trigger with Internal Selections for “Supervisor” positions.

6. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Executives

i. Qualified Internal Applicants (PWTD) Answer Yes

ii. Internal Selections (PWTD) Answer Yes

b. Managers

i. Qualified Internal Applicants (PWTD) Answer Yes

- ii. Internal Selections (PWTD) Answer Yes
- c. Supervisors
 - i. Qualified Internal Applicants (PWTD) Answer Yes
 - ii. Internal Selections (PWTD) Answer Yes

Table B8 a. Executives i. Per Table B8 Qualified Internal Applicants for “Executive” positions (PWTD) is at 0.00% which is below the 0.64% benchmark, therefore, there is a trigger with the Qualified Internal Applicants for SES positions. ii. Per Table B8 Internal Selections for “Executive” positions (PWTD) is at 0.00% which is the below the 0.64% benchmark, therefore, there is a trigger with Internal Selections for “Executive positions. b. Managers i. Per Table B8 Qualified Internal Applicants for “Manager” positions (PWTD) is at 0.00% which is below the 0.89% benchmark, therefore there is a trigger with Qualified Internal Applicants for “Manager” positions. ii. Per Table B8 Internal Selections for “Manager” positions (PWTD) is at 0.00% which is below the 0.89% benchmark, therefore there is a trigger with Internal Selections for “Manager” positions. c. Supervisors i. Per Table B8 Qualified Internal Applicants for “Supervisor” positions (PWTD) is at 0.00% which is below the 1.78% benchmark, therefore there is a trigger with Qualified Internal Applicants for “Supervisor” positions. ii. Per Table B8 Internal Selections for “Supervisor” positions (PWTD) is at 0.00% which is below the 1.78% benchmark, therefore there is a trigger with Internal Selections for “Supervisor” positions.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.
- a. New Hires for Executives (PWD) Answer No
 - b. New Hires for Managers (PWD) Answer No
 - c. New Hires for Supervisors (PWD) Answer Yes

Table B8 a. Executives Per Table B8 New Hires for “Executive” positions (PWD) is at 60.00% which is above the 0.00% benchmark, therefore there is not a trigger with New Hires Applicants for “Executive” positions. b. Managers Per Table B7 New Hires for “Manager” positions (PWD) is at 75.00% which is above the 28.57% benchmark, therefore there is not a trigger with New Hires for “Manager” positions. c. Supervisors Per Table B7 New Hires for “Supervisor” positions (PWD) is at 0.00% which is below the 62.50% benchmark, therefore there is a trigger with New Hires for “Supervisor” positions.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.
- a. New Hires for Executives (PWTD) Answer No
 - b. New Hires for Managers (PWTD) Answer No
 - c. New Hires for Supervisors (PWTD) Answer Yes

Table B8 a. Executives Per Table B8 New Hires for “Executive” positions (PWTD) is at 0.00% which is at the 0.00% benchmark, therefore there is not a trigger with New Hires Applicants for “Executive” positions. b. Managers Per Table B7 New Hires for “Manager” positions (PWTD) is at 25.00% which is above the 0.00% benchmark, therefore there is not a trigger with New Hires for “Manager” positions. c. Supervisors Per Table B7 New Hires for “Supervisor” positions (PWTD) is at 0.00% which is below the 62.50% benchmark, therefore there is a trigger with New Hires for “Supervisor” positions.

Section VI: Plan to Improve Retention of Persons with Disabilities

To be model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with

disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace assistance services.

A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If “no”, please explain why the agency did not convert all eligible Schedule A employees.

Answer N/A

By the close of FY2023, the Secret Service has converted all eligible Schedule A employees.

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

a. Voluntary Separations (PWD) Answer Yes

b. Involuntary Separations (PWD) Answer Yes

Table B1-2 (Inclusion Rate) a. Voluntary Separations of (PWD) is at 1.91% which is below the 2.18% inclusion rate benchmark, therefore there is a trigger with Voluntary Separations for PWD. b. Involuntary Separations of (PWD) is at 0.29% which is below to the 0.32% inclusion rate benchmark, therefore there is a trigger with Involuntary Separations for PWD.

Seperations	Total #	Reportable Disabilities %	Without Reportable Disabilities %
Permanent Workforce: Reduction in Force	0	0.00	0.00
Permanent Workforce: Removal	1	0.00	0.01
Permanent Workforce: Resignation	56	1.18	0.68
Permanent Workforce: Retirement	276	1.18	3.77
Permanent Workforce: Other Separations	167	3.09	2.06
Permanent Workforce: Total Separations	500	5.45	6.52

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

a. Voluntary Separations (PWTD) Answer No

b. Involuntary Separations (PWTD) Answer Yes

c. Voluntary Separations of (PTWD) is at 2.86% which is above the 2.18% inclusion rate benchmark, therefore there is not a trigger with Voluntary Separations for PTWD. d. Involuntary Separations of (PTWD) is at 0.00% which is below the 0.32% inclusion rate benchmark, therefore there is a trigger with Involuntary Separations for PTWD.

Seperations	Total #	Targeted Disabilities %	Without Targeted Disabilities %
Permanent Workforce: Reduction in Force	0	0.00	0.00
Permanent Workforce: Removal	1	0.00	0.01
Permanent Workforce: Resignation	56	0.00	0.73
Permanent Workforce: Retirement	276	1.43	3.57
Permanent Workforce: Other Separations	167	1.43	2.15
Permanent Workforce: Total Separations	500	2.86	6.46

4. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

In FY2023, many of those employees that separated from the Secret Service and did complete a separation survey did not indicate that their reason for separating was associated with disability related issues. The primary reasons for non-retirement separations were: Work/Life Balance for Mission Critical employees and Advancement/Promotion opportunities for administrative employees.

B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 CFR §1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

<https://www.secretservice.gov/section508/> Section 508 Complaint Processing Procedures If you are a member of the public or an employee or applicant for employment with the Department of Homeland Security (DHS) or the United States Secret Service who has a disability and wish to file a complaint of noncompliance with Section 508 of the Rehabilitation Act of 1973, as amended, you may send a signed, written complaint within 180 days of the incident that gave rise to the complaint to the following address: United States Secret Service Communications Center (EEO) ATTN: Section 508 Complaints 245 Murray Drive S.W., Bldg 410 Washington, D.C. 20223 Your complaint should include sufficient details of the alleged failure to procure accessible technology in compliance with Section 508 that will enable the Office of Equal Opportunity to understand what occurred, where and when it occurred and the responsible Secret Service organization, if known. The Office of Equal Opportunity will investigate your complaint against the Secret Service pursuant to the compliance procedures set forth in 29 U.S.C. 794 d(f)(2). These are the same procedures that DHS uses to process Section 504 complaints. The Secret Service will investigate your complaints and attempt resolution. If no resolution is achieved, a letter of findings will be issued, notifying you of the results of the investigation. If you disagree with the letter of findings, you will be provided with administrative appeal procedures. If you appeal the letter of findings, DHS will issue a final decision based on the entire record. This decision will set forth the findings, remedial action required, if any, and reasons for the decision. Alternative Means of Filing a Complaint: The Secret Service will provide appropriate assistance to complainants who may need help in filing their complaint and will consider complaints filed in alternate forms. For example, a complainant with a disability may file a complaint electronically, by audiotape, in Braille, or in some other format. Electronic complaints should be sent to Equal.Opportunity@uss.s.dhs.gov. Additionally, oral complaints will be considered if the complainant is unable to write and cannot have someone write out the complaint for him or her. To file a complaint telephonically, complainants should call (202)406-5540 or TTY (202)406-9805.

2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the Architectural Barriers Act, including a description of how to file a complaint.

<https://www.secretservice.gov/diversity/disabilities> Architectural Barrier Act Complaint Processing The Architectural Barriers Act requires buildings or facilities to be accessible if they are designed, built or altered with federal dollars or leased by federal agencies after August 12, 1968. Complaints about inaccessibility of United States Secret Service buildings or facilities should be made directly to the U.S. Access Board. Please visit the following site for more information: <https://www.access-board.gov/aba-enforcement/file-a-complaint>.

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

The Administrative Operations Division Washington Facilities Branch meets with GSA on a regular basis (usually bi-weekly). They discuss any issues that arise. Facility modifications, as part of the Reasonable Accommodation Program, include any alternations necessary for employees and applicants to access U.S. Secret Service controlled buildings and spaces. The Secret Service continues to introduce new technologies (hardware and software) as reasonable accommodations to its Approved Products List (APL), as well as implemented upgrades to its VideoPhone lines and devices for improved quality and efficiencies. It was identified there were "dead zones" within HQ which was impacting secondary assistive technology (e.g., tablets), which was problematic for the Deaf and hard of hearing community. DPM worked with CIO to have Wi-Fi extenders installed within the building to remedy this issue.

The DPM also worked with CIO to upgrade iPhones for persons with visual-based disabilities on three occasions to larger “Pro”-style versions, and worked with CIO management to ensure this is the default with the respective community in FY2023 and going forward. The Section 508 coordinator made available four (4) trainings to the Agency’s Learning Management System (ITAS) on Section 508: “Getting Started with Section 508”, “Section 508: What is It and Why is It Important to You?”, “Micro-purchases and Section 508 Requirements”, “Accessibility of Information and Communication Technology (ICT): An Overview for Government Executives”.

C. REASONABLE ACCOMMODATION PROGRAM

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

Per the Secret Service Reasonable Accommodation Policy, the Agency must make a decision on an accommodation request as soon as possible, but not more than 20 business days from the date of the applicant or employee’s request (absent extenuating circumstances). In FY2023, the average processing time for employee requests was 9 business days and for applicants was 1 business days.

2. Describe the effectiveness of the policies, procedures, or practices to implement the agency’s reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

Continued adding new information to the “Inclusion365” webpage in FY2023, to include a new intranet resource page as a one-stop shop for all disability employment information. We have provided better internal linkage to USSS stakeholder Veteran and DV groups, PWD/PWTD/DV recruitment and retention programs, educational presentation videos, and Veterans educational information available for download. These updates include training and education blog, links and reminders, with 14 new training seminars this fiscal year. The DPM or an alternate continued to conduct new hire trainings for Special Agent and Uniformed Division Officers (13 trainings), four (4) trainings for first-line supervisors, two (2) new leaders/managers training seminars, fourteen (14) Disability Table Topic Series. In total this training reached over 1,000 employees. Continued “Disability Table Topics Series”, lunch-and-learn sessions on various aspects of the Disability Program (recruitment, hiring, retention, and include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends. advancement), to include recognizing requests for reasonable accommodation. Hosted fourteen virtual Disability Table Topic Series for the Secret Service workforce. These included: 1) an overview of the reasonable accommodation process (7 times), 2) 2022 National Disability Employee Awareness Month, 3) disability etiquette training (5 times), 4) PTSD Awareness Day. During the Secret Service annual Unity Day, the DPM coordinated with the Virginia Veterans Service Department to host an informational center and educational panel. The intent was to allow Secret Service veterans, family members, or interested parties to become more familiar with the Department of Veterans Services process and to become better self-advocates. Between the information center, comprised of three tables, and the educational panel we had well over 200 participants.

D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE

Pursuant to 29 CFR §1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

The Secret Service received one request for a supporting role for an existing PAS in FY2022 and concluded in FY2023. PAS procedures are posted on the Secret Service public-facing website at: <https://www.secretservice.gov/diversity/disabilities>

Section VII: EEO Complaint and Findings Data

A. EEO COMPLAINT DATA INVOLVING HARASSMENT

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the governmentwide average?

Answer N/A

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Answer N/A

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

N/A

B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Answer N/A

2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?

Answer N/A

3. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

N/A

Section VIII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer No

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

Answer Yes

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments

Source of the Trigger:	Workforce Data (if so identify the table)					
Specific Workforce Data Table:	Workforce Data Table - B7					
STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?	Part I, Trigger 8: Individuals with Disabilities were not selected among those that choose to participate in the Secret Service SES Candidate Development Program.					
STATEMENT OF BARRIER GROUPS:	<i>Barrier Group</i> People with Disabilities					
Barrier Analysis Process Completed?:	Y					
Barrier(s) Identified?:	N					
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	Barrier Name		Description of Policy, Procedure, or Practice			
	To be determined		Promote CDP Opportunities more broadly and directly throughout the Secret Service, investigate potential barriers to CDP for PWD/PWTD.			
Objective(s) and Dates for EEO Plan						
Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description	
Responsible Official(s)						
Title		Name		Standards Address The Plan?		
Disability Program Manager/ Special Emphasis Program Manager (SEPM) for PWD		Christopher Fultz		Yes		
Special Agent in Charge		Robert Sciarrone		Yes		
Division Chief		Jasmine Snyder		Yes		
Executive Development Specialist		Annette Clare		Yes		
Supervisory Instruction Specialist		Terry Lighty		Yes		
Information Technology Specialist		Abigail Hagar		Yes		
Planned Activities Toward Completion of Objective						
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date	Completion Date
10/01/2023	Continue Disability Working Group specifically for CDP with the cooperation of TNG and HRR.			Yes		04/15/2023

Planned Activities Toward Completion of Objective				
Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
03/01/2023	Create an ERG for PWD to discuss CDP opportunities and receive feedback	Yes		03/01/2023
03/01/2023	Establish new PWD/PWTD/DV committee to identify barriers which exist for self-identification for gun carrier population (Special Agents, Uniformed Division Officers, Technical Law Enforcement Series) which make up majority of workforce at SES level.	Yes		03/01/2023
Report of Accomplishments				
Fiscal Year	Accomplishment			
2023	DPM worked with various Secret Service stakeholders to increase awareness by ramping up reasonable accommodation training, disability etiquette training, and equal employment awareness.			
2023	Working to establish group in FY2023 to investigate stigma surrounding self- identification for “gun carrier” job families, which make up majority of senior- level positions, of self-disclosure of medical conditions (i.e., disabilities).			

Source of the Trigger:	Other				
Specific Workforce Data Table:	Workforce Data Table - B7				
STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?	Section IV, D, #1 through #7, PWD/PWTD were below the relevant pool in qualified applicants for GS-13, 14, 15 and SES internal promotions, applicant flow data was not available for new hires, and applicant flow data was not available for the “Manager” and “Supervisor” positions as defined in the MD- 715 Instructions.				
STATEMENT OF BARRIER GROUPS:	<i>Barrier Group</i> People with Disabilities People with Targeted Disabilities				
Barrier Analysis Process Completed?:	Y				
Barrier(s) Identified?:	N				
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	Barrier Name		Description of Policy, Procedure, or Practice		
	To be determined		Investigate internal promotion opportunities and announcements at the Agency to identify potential barriers and identify options to obtain applicant flow data for new hires, managers, and supervisors.		
Objective(s) and Dates for EEO Plan					
Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
Responsible Official(s)					
Title		Name		Standards Address The Plan?	
Disability Program Manager/ Special Emphasis Program Manager (SEPM) for PWD		Christopher Fultz		Yes	
Division Chief		Jasmine Snyder		Yes	
Special Agent in Charge		Robert Sciarron		Yes	
Executive Development Specialist		Annette Clare		Yes	
Supervisory Instruction Specialist		Terry Lighty		Yes	
Information Technology Specialist (APPSW)		Abigail Hagar		Yes	

Planned Activities Toward Completion of Objective				
Target Date	Planned Activities	Sufficient Staffing & Funding?	Modified Date	Completion Date
09/30/2023	Collaborate with HUM to explore practices in internal announcement opportunities, and selections, and encourage PWD/PWTD to apply.	Yes		01/01/2024
09/30/2023	Collaborate with HUM to explore options for applicant flow data generation for new hires and for Managers/ Supervisors	Yes		03/04/2024
Report of Accomplishments				
Fiscal Year	Accomplishment			
2023	DPM worked with various Secret Service stakeholders to increase awareness by ramping up reasonable accommodation training, disability etiquette training, and equal employment awareness.			

Source of the Trigger:		Other				
Specific Workforce Data Table:		Workforce Data Table - B1				
STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?		Section V, A, #1 and #2, PWD/PWTD voluntarily separated at higher than the inclusion rate				
STATEMENT OF BARRIER GROUPS:		<i>Barrier Group</i> People with Disabilities People with Targeted Disabilities				
Barrier Analysis Process Completed?:		Y				
Barrier(s) Identified?:		N				
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.		Barrier Name		Description of Policy, Procedure, or Practice		
		To be determined		Continue exploring PWD employee dissatisfaction with the Agency		
Objective(s) and Dates for EEO Plan						
Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description	
Responsible Official(s)						
Title		Name		Standards Address The Plan?		
Disability Program Manager; Special Emphasis Program Manager (SEPM) for PWD		Christopher Fultz		Yes		
Division Chief		David Ashley		Yes		
Information Technology Specialist (APPSW)		Abigail Hagar		Yes		
Planned Activities Toward Completion of Objective						
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date	Completion Date
01/01/2024	Create an ERG for PWD to discuss employee satisfaction and receive feedback			Yes		08/04/2023

Report of Accomplishments	
Fiscal Year	Accomplishment
2023	DPM worked with ERO to include information tracking for PWD on exit survey in 2022 and worked in 2023 to modify the questions to better allow employee lifecycle tracking.

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

N/A

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

N/A

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

N/A



SAITC-UDITC Zero Tolerance Briefing



Obtained via FOIA by Judicial Watch, Inc.

Secret Service Leadership



Kimberly A. Cheatle
Director



Ronald Rowe
Deputy Director



Cynthia Sjoberg Radway
Chief Operating Officer



Michael Buck
Chief – Uniformed Division



Richard Macauley
Assistant Chief – Uniformed Division
U//FOUO//LES

EES: Meet the Team



Jonathan Wynn
Acting EEO Director
Office of Equity and Employee Support Services



Shanita "Shani" Wilkins
Deputy
Chief, DEIA, Affirmative Employment, and Analytics

(b) (6) (b) (6)

(b) (6)
Ombudsman Officer

(b) (6)
Management and Program
Analyst

(b) (6)
Disability Program
Manager

(b) (6)
Acting Informal Complaint
Program Manager

(b) (6)
Equal Employment Specialist

(b) (6)
Equal Employment Specialist

(b) (6)
Administrative Manager

EES Leadership and Programmatic Overview

Obtained via FOIA by Judicial Watch, Inc.

EQUITY, DIVERSITY & INCLUSION

The EDI program provides USSS employees with structured guidance and leadership to ensure organizational accountability for diversity, inclusion, fairness and equality for all.

OMBUDSMAN PROGRAM

The Ombudsman provides a confidential, independent, impartial, and informal process which facilitates fair and equitable resolutions to concerns that arise within the USSS.

[Right Click to Access EES Home Page](#)

EEO Office: HQ/SUITE 1200

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What's Your Perception?

Crime via FORA by Judicial Watch, Inc.



EES Programs And Services

Obtained via FOIA by Judicial Watch, Inc.



Objectives

- ❑ Diversity, Equity, Inclusion, and Accessibility
 - ❑ Affirmative Employment Program
 - ❑ Special Emphasis Programs
- ❑ Regulatory Basis and Principles of EEO Employment Discrimination
 - ❑ EEO Complaints Program
 - ❑ Leadership and the EEO Environment
 - ❑ Reasonable Accommodation Program
 - ❑ Religious Accommodation Program
 - ❑ Anti-Harassment Program

What is DEIA?

Obtained via FOIA by Judicial Watch, Inc.

Diversity, equity, inclusion and accessibility initiatives enable people with diverse viewpoints to solve complex issues, provide a better understanding of the communities we serve, and build a strong foundation of trust and respect across the Department.

Building a workforce of diverse talent and experience – reflective of the public we serve.

DIVERSITY

D

Ensuring consistent and systemic fair, just and impartial treatment of all individuals.

EQUITY

E

Creating a culture where each person feels like they belong and that they matter.

INCLUSION

I

Ensuring information, systems, tools, resources and programs are accessible to all.

ACCESSIBILITY

A



Affirmative Employment

The Affirmative Employment Program was created to achieve the goals of a workforce that represents our diverse population and to recruit, place, and retain women, minorities, and persons with disabilities.

- Provides a roadmap for creating effective equal employment opportunity programs for all federal employees as required by Title VII and the [Rehabilitation Act](#)
- Requires agencies to conduct periodic self-assessments of their EEO policies and practices by using the **Management Directive- 715 (MD-715)**
- Track “Triggers”** that could lead to “Barriers” by reviewing data. **“Barriers”** impede free and open competition in the workplace
- Tracks EEO complaint activity to **identify trends and upticks in employee activities.**
- Tracks workforce representation by reviewing the 5 Elements of an Employee’s Lifecycle:
 - Recruitment
 - Hiring
 - Training and Development
 - Promotions
 - Separations

Special Emphasis Programs

Special Emphasis Programs are employment related programs which focus special attention on groups that are not represented or have less than expected participation rates in specific occupational categories or grade levels within the agency's workforce. Special Emphasis Programs are an integral part of the Equal Employment Opportunity and Civil Rights Program.

The Secret Service has seven collateral Special Emphasis Groups:

- ❑ African American Program
- ❑ American Indian/Alaskan Native Program
- ❑ Asian American /Pacific Islander Program
 - ❑ Disability Program
 - ❑ Federal Women's Program
 - ❑ Hispanic Program
 - ❑ LGBT Program

Regulatory Basis and Principles

- ❑ To ensure EEO is integrated into the everyday business practices of the Secret Service ensuring:

- ❑ All persons have a right to work in an environment that is free from discrimination based on an individual's **race, color, religion, sex** (including **pregnancy, gender identity, and sexual orientation**), **national origin, age, disability (physical or mental), protected genetic information, marital status, parental status, political affiliation, veteran status, retaliation or any other basis protected by law.**

- ❑ All persons have the right to work and advance on the basis of their own merit, ability, and potential - free from social, personal, or institutional barriers.

[Right click here for EEO Policies](#)

So, what is discrimination...

Any action or inaction that adversely affects privileges, benefits, and/or working conditions of an employee, former employee, applicant for employment and contract employee **based on an individual's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability (physical or mental), protected genetic information, and/or retaliation or any other basis protected by Title VII.**

Intentional or Unintentional Intent vs. Impact

EEO Pre-Complaint Process

Who can file an EEO Complaint?

- Any employee, former employee or applicant for employment who believes he/she has been discriminated against may file an individual or class complaint of discrimination
- Protected Basis and Issue
- Within **45 calendar days** from the date of the incident
- Contact EDI Program:
 - equal.opportunity@usss.dhs.gov
 - 202-406-5502
- Right to **representation**
- Right to **anonymity** during informal stage

Ombudsman Program Information

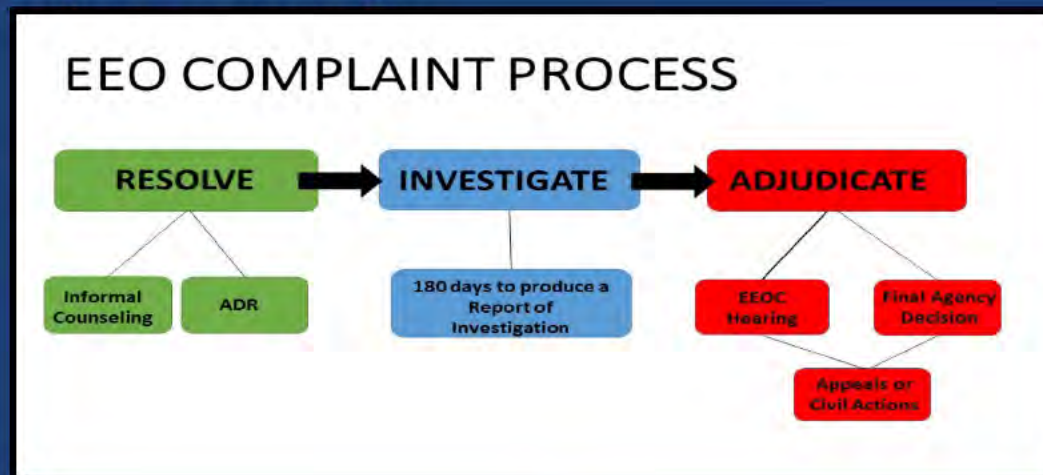
Ombudsman Staff Poster

- EEO Counselor will be assigned
 - 30 Calendar Days** to attempt resolution
- Alternative Dispute Resolution (ADR) - **Mediation**
 - Available during Pre-Complaint Processes

Obtained via FOIA by Judicial Watch, Inc.

EEO Formal Complaint Process

If the issues in the Pre-Complaint Process are unresolved...
Formal Complaint Process Begins



Basis/Issue

Filed within **45 Calendar Days**

Review for legal sufficiency

Accept or Dismiss (closed)

Accept - Investigation

180 calendar days to complete

Reminder:

EDI facilitates the EEO process and attempts to resolve at the lowest level.

We are impartial!

[Complaints Processing Information](#)

Reasonable Accommodation

A change to the work environment or how the work is customarily performed that enables an individual with a disability to perform the essential functions of a position, or to enjoy equal benefits and privileges of employment.

- ❑ Seek guidance from EDI and LEG, RArequest@usss.dhs.gov
- ❑ Familiarize yourself with the Reasonable Accommodation Policy: [EES-06\(05\)](#)
- ❑ FAQs for Managers
- ❑ Familiarize yourself with the “Interactive Process Workflow”
- ❑ Worksheets to analyze Essential Functions, Telework, and Undue Hardship

[Right click here for more information on Inclusion365](#)



Common Standards of Behavior

The following standards are built on a foundation of *respect for all employees*:

- Everyone deserves respect, courtesy...and should be valued.
- It's never ok to do or say anything that would demean or humiliate an employee/co-worker.
 - Behaviors like these fuel a toxic and unhealthy culture.
- Angry outburst, sarcasm and condescension have no place on the job.
 - Instead, courteous, and respectful interaction should be the goal.
- Embrace and appreciate differing thoughts, beliefs and opinions
 - *Agreeing to disagree “respectfully”* may be uncomfortable but it allows for growth and reflection

Commit to making the USSS better than we found it!

Friendly Reminders

- ALL employees should be treated with dignity and respect
- Remember our Zero Tolerance Policy
- Effectively communicate
- Embrace and appreciate differing thoughts, beliefs and opinions
 - Agreeing to disagree “respectfully” may be uncomfortable but it allows for growth and reflection

- Employees have the right to file EEO complaints should they believe discrimination has occurred
 - Complaint must be filed within 45 calendar days of the event/issue or notification of the event/issue
 - Right to remain anonymous in the Pre-complaint Process
 - Right to representation

- Address and resolve conflict expeditiously utilizing resources such as the Ombudsman Program
 - Doing so may prevent complaints of discrimination, harassment and retaliation

- Report ALL allegations of Harassment/Hostile Work Environment through your chain of command to AHP and EEO respectively

The work environment should be a safe-space for all employees





New Employee Orientation



Programmatic Overview

EQUITY, DIVERSITY & INCLUSION

The EDI program provides USSS employees with structured guidance and leadership to ensure organizational accountability for diversity, inclusion, fairness and equality for all.

OMBUDSMAN PROGRAM

The Ombudsman provides a confidential, independent, impartial, and informal process which facilitates fair and equitable resolutions to concerns that arise within the USSS.

[Right Click to Access EES Home Page](#)

EEO Office: HQ/SUITE 1200

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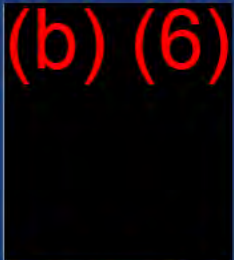
EES: Meet the Team



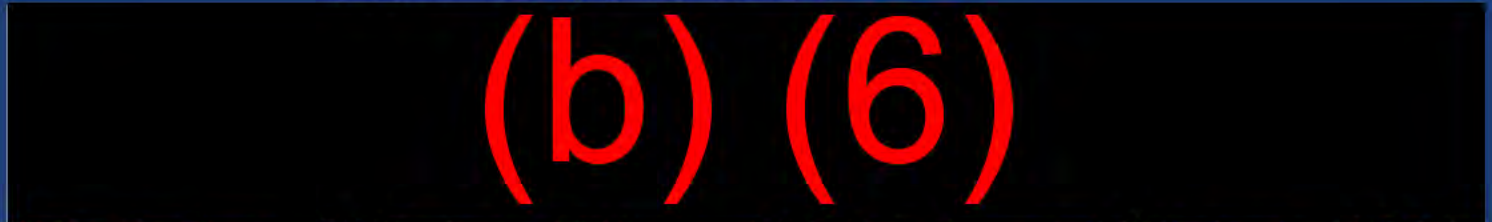
Jonathan Wynn
Acting EEO Director
Office of Equity and Employee Support Services



Shanita "Shani" Wilkins
Chief
DEIA, Affirmative Employment, and Analytics



(b) (6)
Ombudsman Officer



(b) (6)
Management and Program
Analyst

(b) (6)
Disability Program
Manager

(b) (6)
Acting Informal Complaint
Program Manager

(b) (6)
Equal Employment Specialist

(b) (6)
Equal Employment Specialist

(b) (6)
Administrative Manager

What's Your Perception?

Crime via FORA by Judicial Watch, Inc.



Objectives

- ❑ Diversity, Equity, Inclusion, and Accessibility
 - ❑ Affirmative Employment Program
 - ❑ Special Emphasis Programs
- ❑ Regulatory Basis and Principles of EEO Employment Discrimination
 - ❑ EEO Complaints Program
 - ❑ Leadership and the EEO Environment
 - ❑ Reasonable Accommodation Program
 - ❑ Religious Accommodation Program
 - ❑ Anti-Harassment Program

Linkages To Mission

- Inclusion of all groups
- Broader than ethnicity, race, and gender
- To create a more diverse and inclusive work environment can yield greater productivity and help improve individual and organizational performance
- Business necessity given workforce

- Provides the potential to create a diverse workforce to realize a competitive advantage
- Assures the full participation of the target group in all facets of the Center's Model EEO Plan (MD-715)
- Recommends actions items to ODEO management to change practices that eliminate or reduce adverse results
- Legislated

All Directorates

- Change Agents of EEO strategic objective of equal employment opportunities through every action, every day initiatives and measures
- Provides foundational support for all of Directorate Management in the execution of the MD-715 Plan's strategies & actions
- Meets with the Agency MD-715 Champion (IEC Chair) to report progress status
- Provides an opportunity for more people to become involved, make a personal commitment, and contribute to the EEO program that contributes to keeping the USSS one of the *best places to work*



- EEO is about Equity, Equality, and inclusion (i.e. members of ALL groups have potential.)
- Eliminates discrimination in human resource policies and practices
- Provides equal access and opportunity – no one is excluded from participation
- Legislated (29 CFR 1614)

- Plans and implements the identification, analysis, and triggers that helps to prevent discrimination
- Fully utilizes ALL employee's talents without regard to race, color, religion, national origin, sex, disability, or retaliation through Proactive Prevention of discriminatory actions and activities

HUM & EES

- Serves as constituency liaisons to provide information about the concerns and needs of the group
- Assists in the planning of the annual SEP
- Participates in outreach, education, mentorship, etc. that advances the group

The seven SEP groups are African Americans, American Indian/Alaska Natives, Asian American/Pacific Islanders, Hispanics, IWTDs and Disabled Veterans, LGBTQ, and Federal Women.



EES Programs And Services

Obtained via FOIA by Judicial Watch, Inc.



What is DEIA?

Obtained via FOIA by Judicial Watch, Inc.

Diversity, equity, inclusion and accessibility initiatives enable people with diverse viewpoints to solve complex issues, provide a better understanding of the communities we serve, and build a strong foundation of trust and respect across the Department.

Building a workforce of diverse talent and experience – reflective of the public we serve.

DIVERSITY

D

Ensuring consistent and systemic fair, just and impartial treatment of all individuals.

EQUITY

E

Creating a culture where each person feels like they belong and that they matter.

INCLUSION

I

Ensuring information, systems, tools, resources and programs are accessible to all.

ACCESSIBILITY

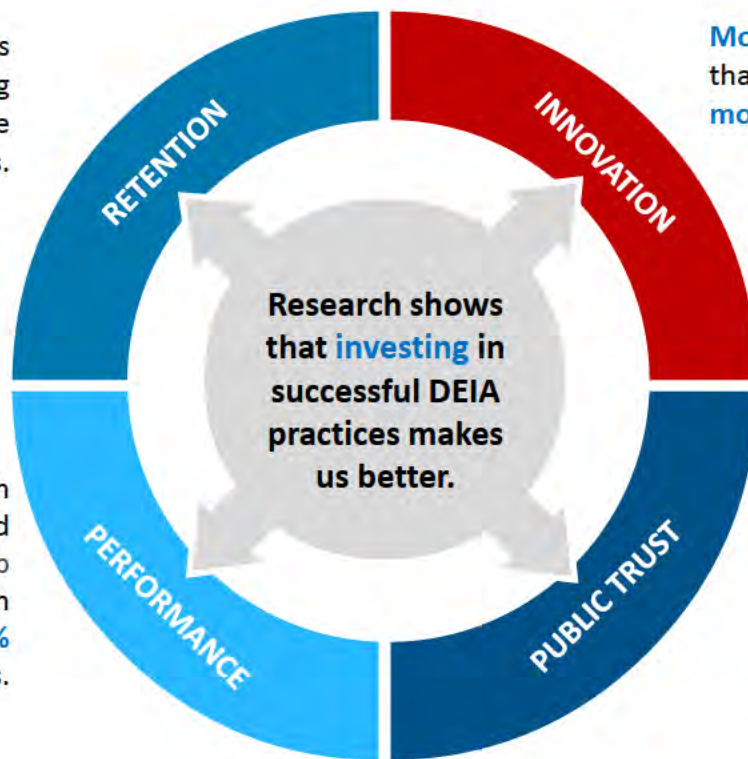
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Business Case for DEIA

Better Retention: Retention rates are **34% higher** among organizations that offer employee development opportunities.

More Innovation: Companies that welcome diversity are **1.7x more innovative**.



Increased Performance: High workplace belonging was linked to a **56% increase** in job performance, a **50% drop** in turnover risk, and a **75% reduction** in sick days.

Increased trust with communities: When members of the public believe their law enforcement organizations represent, understand, and respond to them, it **enhances trust in law enforcement, instills public confidence in government, and supports the integrity of democracy.**



Affirmative Employment

The Affirmative Employment Program was created to achieve the goals of a workforce that represents our diverse population and to recruit, place, and retain women, minorities, and persons with disabilities.

- Provides a roadmap for creating effective equal employment opportunity programs for all federal employees as required by Title VII and the [Rehabilitation Act](#)
- Requires agencies to conduct periodic self-assessments of their EEO policies and practices by using the **Management Directive- 715 (MD-715)**
- Track “Triggers”** that could lead to “Barriers” by reviewing data. **“Barriers”** impede free and open competition in the workplace
- Tracks EEO complaint activity to **identify trends and upticks in employee activities.**
- Tracks workforce representation by reviewing the 5 Elements of an Employee’s Lifecycle:
 - Recruitment
 - Hiring
 - Training and Development
 - Promotions
 - Separations

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UNITY DAY

(b) (6)

Background

- Unity Day is planned by the Unity Day Committee, comprised of cross-organizational employees with diverse occupational backgrounds and skills. Every Special Emphasis Program Manager is represented. Each member volunteers to meet on a weekly basis for 5 months to curate a unique experience for the Secret Service enterprise.
- The 2023 Annual Unity Day Event will be comprised of various observances and activities designed to enhance cross-cultural awareness and encourage and promote interaction, understanding, teamwork, harmony, pride and mutual respect among the Secret Service workforce.
- The Thirteenth Annual Unity Day will be held on Wednesday, July 19, 2023. Appropriately, this year's theme is "Honoring the Past, Treasuring the Present, and Shaping the Future."

Special Emphasis Programs

Special Emphasis Programs are employment related programs which focus special attention on groups that are not represented or have less than expected participation rates in specific occupational categories or grade levels within the agency's workforce. Special Emphasis Programs are an integral part of the Equal Employment Opportunity and Civil Rights Program.

The Secret Service has seven collateral Special Emphasis Groups:

- ❑ African American Program
- ❑ American Indian/Alaskan Native Program
- ❑ Asian American /Pacific Islander Program
 - ❑ Disability Program
 - ❑ Federal Women's Program
 - ❑ Hispanic Program
 - ❑ LGBT Program

Special Emphasis Programs

Obtained via FOIA by Judicial Watch, Inc.

The Goals of the Special Emphasis Programs are to:

- Improve employment and advancement opportunities for their respective constituents in the Federal service;
- Identify systemic causes of discrimination against minorities, women and people with disabilities;
- Seek ways to help minorities, women and people with disabilities to advance by using their skills more fully;
- Monitor agency progress in eliminating discrimination and adverse impact on minorities, women and people with disabilities in employment and agency programs; and
- Educate Federal employees and managers about the extent of various forms of discrimination within the Federal Service.
- Promote Inclusion as well



Regulatory Basis and Principles

- ❑ To ensure EEO is integrated into the everyday business practices of the Secret Service ensuring:

- ❑ All persons have a right to work in an environment that is free from discrimination based on an individual's **race, color, religion, sex** (including **pregnancy, gender identity, and sexual orientation**), **national origin, age, disability (physical or mental), protected genetic information, marital status, parental status, political affiliation, veteran status, retaliation or any other basis protected by law.**

- ❑ All persons have the right to work and advance on the basis of their own merit, ability, and potential - free from social, personal, or institutional barriers.

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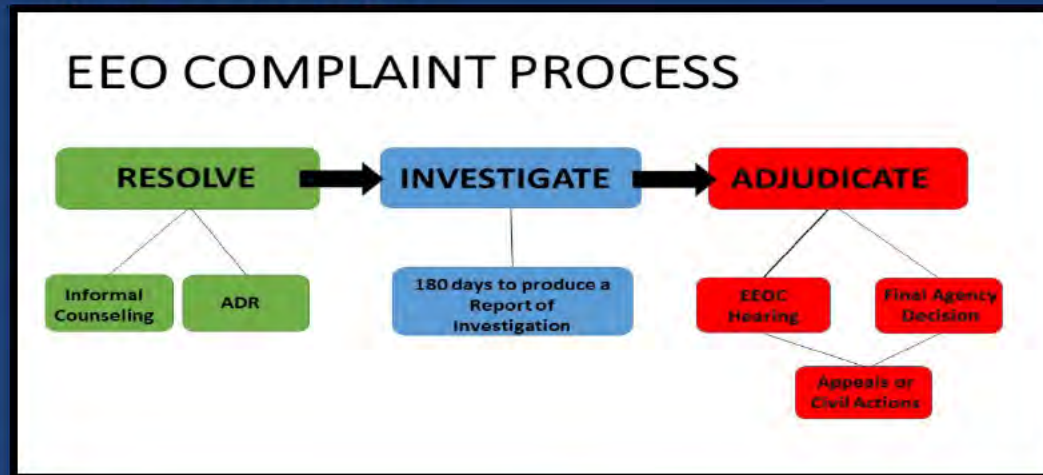
Ombudsman Staff Poster

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[Right click here for more information on Inclusion365](#)







U.S. Equal Employment Opportunity Commission

SECTION 717 OF TITLE VII

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY

MANAGEMENT DIRECTIVE 715

EEO MD 715

EFFECTIVE DATE: October 1, 2003

TO THE HEADS OF FEDERAL AGENCIES:

1. **SUBJECT.** Federal responsibilities under Section 717 of Title VII and Section 501 of the Rehabilitation Act.
2. **PURPOSE.** This Directive provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity under Section 717 of Title VII (PART A) and effective affirmative action programs under Section 501 of the Rehabilitation Act (PART B). The Directive also sets forth general reporting requirements (PART C). Additional guidance and instructions for implementing the policies set forth herein will be issued separately.
3. **ORIGINATOR.** Equal Employment Opportunity Commission, Office of Federal Operations.
4. **SUPERSESION.** This Directive SUPERSEDES EEO Management Directives 712 (dated March 29, 1983), and 713 and 714 (both dated October 6, 1987), and all related interpretative memoranda.

5. **AUTHORITY.** This Management Directive is prepared pursuant to EEOC's authority under Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e 16; Reorganization Plan No. 1 of 1978, issued pursuant to 5 U.S.C. § 901 et seq.; Executive Order 11748; and Section 501 of the Rehabilitation Act of 1973, as amended by Pub. L. 99-506, 100 Stat. 1807, October 21, 1986.

6. **APPLICABILITY AND SCOPE.** This Directive applies to all executive agencies and military departments (except uniformed members) as defined in Sections 102 and 105 of Title 5 U.S.C. (including those with employees and applicants for employment who are paid from nonappropriated funds), the United States Postal Service, the Postal Rate Commission, the Tennessee Valley Authority, the Smithsonian Institution, and those units of the judicial branch of the federal government having positions in the competitive service.

7. **POLICY INTENT.** The overriding objective of this Directive is to ensure that all employees and applicants for employment enjoy equality of opportunity in the federal workplace regardless of race, sex, national origin, color, religion, disability or reprisal for engaging in prior protected activity.

8. **RESPONSIBILITIES.**

a. Agency Heads are responsible for the following:

1. Ensuring compliance with this Directive and those implementing instructions issued by EEOC in accordance with existing law and authority.
2. Developing systems for the evaluation of program effectiveness and barrier identification and elimination; ensuring that the agency has adequate data systems for effective analyses of applicant flow, on-board workforce and personnel transactions data; providing current guidance for the development of program plans to all component and field installations; establishing agency-wide objectives and developing and submitting program plans; and preparing accomplishment reports and plan updates for timely submission to EEOC.
3. Ensuring the accuracy of all data submitted to the Office of Personnel Management's Central Personnel Data File (CPDF), as well as all data submitted to EEOC under this Directive.

4. Demonstrating commitment to equality of opportunity for all employees and applicants for employment that is communicated through the ranks from the top down.

b. EEOC is responsible for the following:

1. Reviewing and evaluating the operation of all agency equal employment opportunity programs.
2. Reviewing and approving agency EEO plans and reports and communicating the results of evaluations to each agency, and directing agencies, as appropriate, to develop additional program objectives.
3. Providing technical assistance and training to agencies.
4. Submitting an annual report on the federal workforce based upon agency reports submitted during the fiscal year, data from the Central Personnel Data File, onsite program reviews and other audits to the President, Congress and appropriate Congressional committees.

9. **DEFINITIONS.** Definitions that apply to this Directive are located in Appendix A.

10. **POLICIES AND PROCEDURES.** This Directive provides policy guidance and standards for establishing and maintaining effective affirmative programs of equal employment opportunity under Section 717 of Title VII (PART A) and effective affirmative action programs under Section 501 of the Rehabilitation Act (PART B). The Directive also sets forth general reporting requirements (PART C). EEOC will separately issue additional guidance and instructions for implementing the policies set forth herein. In addition, EEOC will provide technical assistance and training necessary to assist agencies in the accomplishment of these objectives.

11. **REPORTING REQUIREMENTS.** The reporting requirements under this Directive are set out in Part C.

12. **LIST OF APPENDICES.**

Appendix	Title
A	Definitions
B	Authorities Relevant to Federal EEO Responsibilities

13. INQUIRIES.

Further information concerning this Directive may be obtained by contacting:

Director, Federal Sector Programs Office of Federal Operations
◀ [REDACTED] ▶

Date: August 25, 2003 /s/ Cari M. Dominguez, Ct
◀ [REDACTED] ▶

Model Agency Title VII and Rehabilitation Act Programs

I. Introduction

The United States government employs over two million men and women across the country and around the world. The ability of our government to meet the complex needs of our nation and the American people rests squarely on these dedicated and hard-working individuals. Perhaps now more than ever before – with increasing public expectations of governmental institutions – federal agencies must position themselves to attract, develop and retain a top quality workforce that can deliver results and ensure our nation's continued growth and prosperity.

Equal opportunity in the federal workplace is key to accomplishing this goal. In order to develop a competitive, highly qualified workforce, federal agencies must fully utilize all workers' talents, without regard to race, color, religion, national origin, sex or disability. While the promise of workplace equality is a legal right afforded all of our nation's workers, equal opportunity is more than a matter of social justice. It is a national economic imperative. Federal agencies must make full use of our nation's human capital by promoting workplace practices that free up opportunities for the best and brightest talent available. All workers must compete on a fair and level playing field and have the opportunity to achieve their fullest potential.

Policies and practices that impede fair and open competition in the federal workplace cost the American economy millions of dollars each year. The most obvious costs are out of pocket costs borne by both agencies and federal workers in

connection with workplace disputes. Perhaps less obvious – but just as expensive – are costs associated with decreased morale and productivity and the ineffective and inefficient use of human capital resources. These costs can and should be avoided. Agencies must make a firm commitment to the principles of equal opportunity and make those principles a fundamental part of agency culture.

Title VII of the Civil Rights Act of 1964 (Title VII) and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act) mandate that all federal personnel decisions be made free of discrimination on the basis of race, color, religion, sex, national origin, reprisal or disability¹ and also require that agencies establish a program of equal employment opportunity for all federal employees and job applicants. 42 U.S.C. §2000e 16 and 29 U.S.C. §791. The Equal Employment Opportunity Commission (EEOC) has adjudicatory responsibilities in the federal EEO complaints process and oversight responsibility for federal programs required by Section 717 of Title VII and Section 501 of the Rehabilitation Act generally.

This Directive, which reflects recent and significant changes in the law, including recent Supreme Court decisions, supersedes earlier EEOC Management Directives and related interpretative memoranda on this subject and provides new guidance on the elements of legally compliant Title VII and Rehabilitation Act programs. This Directive requires agencies to take appropriate steps to ensure that all employment decisions are free from discrimination. It also sets forth the standards by which EEOC will review the sufficiency of agency Title VII and Rehabilitation Act programs, which include periodic agency self-assessments and the removal of barriers to free and open workplace competition.

Additional information concerning federal sector equal employment opportunity law and programs can be found at EEOC's website at www.eeoc.gov (<https://www.eeoc.gov/>). The EEOC will also supplement this Directive on an as-needed basis through the issuance of additional guidance and technical assistance. Questions concerning this Directive should be directed to EEOC's Office of Federal Operations.

II. Essential Elements of Model Agency Title VII and Rehabilitation Act Programs

The essential elements of model Title VII and Rehabilitation Act programs are:

- Demonstrated commitment from agency leadership;

- Integration of EEO into the agency's strategic mission;
- Management and program accountability;
- Proactive prevention of unlawful discrimination;
- Efficiency; and
- Responsiveness and legal compliance.

A. Demonstrated Commitment From Agency Leadership

- This Directive requires agency heads and other senior management officials to demonstrate a firm commitment to equality of opportunity for all employees and applicants for employment. Even the best workplace policies and procedures will fail if they are not trusted, respected and vigorously enforced. Agencies must translate equal opportunity into every day practice and make those principles a fundamental part of agency culture. This commitment to equal opportunity must be embraced by agency leadership and communicated through the ranks from the top down. It is the responsibility of each agency head to take such measures as may be necessary to incorporate the principles of equal employment opportunity into the agency's organizational structure.
- To this end, agency heads must issue a written policy statement expressing their commitment to equal employment opportunity (EEO) and a workplace free of discriminatory harassment. This statement should be issued at the beginning of their tenure and thereafter on an annual basis and disseminated to all employees. In addition, agency heads and other senior management officials may, at their discretion, issue similar statements when important issues relating to equal employment opportunity arise within their agency or when important developments in the law occur.

B. Integration of EEO Into The Agency's Strategic Mission

Equality of opportunity is essential to attracting, developing and retaining the most qualified workforce to support the agency's achievement of its strategic mission. To this end, and in addition to the regulatory requirements found at 29 C.F.R. § 1614.102(b)(4), as interpreted in Management Directive 110 at 1 1, agencies must:

- Maintain a reporting structure that provides the agency's EEO Director with regular access to the agency head and other senior management officials for reporting on the effectiveness, efficiency and legal compliance of the agency's Title VII and Rehabilitation Act programs. To emphasize the importance of the position, the agency head should be involved in the selection and performance review of the EEO Director.
- Ensure EEO professionals are involved with, and consulted on, the management and deployment of human resources. The EEO Director should be a regular participant in senior staff meetings and regularly consulted on human resources issues.
- Allocate sufficient resources to create and/or maintain Title VII and Rehabilitation Act programs that: 1) identify and eliminate barriers that impair the ability of individuals to compete in the workplace because of race, national origin, sex or disability; 2) establish and maintain training and education programs designed to provide maximum opportunity for all employees to advance; and 3) ensure that unlawful discrimination in the workplace is promptly corrected and addressed.
- Attract, develop and retain EEO staff with the strategic competencies necessary to accomplish the agency's EEO mission, and interface with agency officials, managers and employees.
- Recruit, hire, develop and retain supervisors and managers who have effective managerial, communications and interpersonal skills. Provide managers and supervisors with appropriate training and other resources to understand and successfully discharge their duties and responsibilities.
- Involve managers and employees in the implementation of the agency's Title VII and Rehabilitation Act programs.
- Use various media to distribute EEO information concerning federal EEO laws, regulations and requirements, rights, duties and responsibilities and to promote best workplace practices.

C. Management and Program Accountability

A model Title VII and Rehabilitation Act program will hold managers, supervisors, EEO officials and personnel officers accountable for the effective

implementation and management of the agency's program. In ensuring such accountability, the agency must:

- Conduct regular internal audits, on at least an annual basis, to assess the effectiveness and efficiency of the Title VII and Rehabilitation Act programs and to ascertain whether the agency has made a good faith effort to identify and remove barriers to equality of opportunity in the workplace.
- Establish procedures to prevent all forms of discrimination, including harassment, retaliation and failure to provide reasonable accommodation to qualified individuals with disabilities.
- Evaluate managers and supervisors on efforts to ensure equality of opportunity for all employees.
- Maintain clearly defined, well-communicated, consistently applied and fairly implemented personnel policies, selection and promotion procedures, evaluation procedures, rules of conduct and training systems.
- Implement effective reasonable accommodation procedures that comply with applicable executive orders, EEOC guidance, the Architectural and Transportation Barriers Compliance Board's Uniform Federal Accessibility Standards and Electronic and Information Technology Accessibility Standards. Ensure that EEOC has reviewed those procedures when initially developed and if procedures are later significantly modified.
- Be mindful of the agency's disability program obligations, including the provision of reasonable accommodations, when negotiating collective bargaining agreements with recognized labor organization(s) representing agency employees.
- Ensure effective coordination between the agency's EEO programs and related human resource programs, including the Federal Equal Opportunity Recruitment Program (FEORP), the Selective Placement Programs and the Disabled Veterans Affirmative Action Program (DVAAP).
- Review each finding of discrimination to determine the appropriateness of taking disciplinary action against agency officials involved in the

matter. Track these decisions and report trends, issues and problems to agency leadership for appropriate action.

- Ensure compliance with settlement agreements and orders issued by the agency, EEOC, and EEO related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority.

D. Proactive Prevention of Unlawful Discrimination

- Agencies have an ongoing obligation to prevent discrimination on the bases of race, color, national origin, religion, sex, age, reprisal and disability, and eliminate barriers that impede free and open competition in the workplace. As part of this on going obligation, agencies must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups and develop strategic plans to eliminate identified barriers. A more detailed explanation of this process follows at Part A (Title VII) and Part B (Rehabilitation Act) of this Directive.

E. Efficiency

- Agencies must have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO programs.
- Maintain an efficient, fair and impartial complaint resolution process. Agencies should benchmark against EEOC regulations at 29 C.F.R. Part 1614 and other federal agencies of similar size highly ranked in EEOC's Annual Report on the federal sector complaints process.
- Ensure that the investigation and adjudication function of the agency's complaint resolution process are kept separate from the legal defense arm of the agency or other agency offices with conflicting or competing interests.
- Establish and encourage the widespread use of a fair alternative dispute resolution (ADR) program that facilitates the early, effective and efficient informal resolution of disputes. Appoint a senior official as the dispute resolution specialist of the agency charged with implementing a program to provide significant opportunities for ADR for the full range of employment related disputes. Whenever ADR is offered in a particular

workplace matter, ensure that managers at all appropriate levels will participate in the ADR process.

- Use a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed at each stage of the agency's complaint resolution process, the issues and the bases of the complaints, the aggrieved individuals/complainants, the involved management officials and other information necessary to analyze complaint activity and identify trends.
- Identify, monitor and report significant trends reflected in complaint processing activity. Analysis of data relating to the nature and disposition of EEO complaints can provide useful insight into the extent to which an agency is meeting its obligations under Title VII and the Rehabilitation Act.
- Ensure timely and complete compliance with EEOC orders and the provisions of settlement/resolution agreements.
- Maintain a system that collects and maintains accurate information on the race, national origin, sex and disability status of agency employees. See 29 C.F.R. § 1614.601 for further guidance.
- Maintain a system that tracks applicant flow data, which identifies applicants by race, national origin, sex and disability status and the disposition of all applications. EEOC will issue more detailed guidance on collecting and maintaining applicant flow data.
- Maintain a tracking system of recruitment activities to permit analyses of these efforts in any examination of potential barriers to equality of opportunity.
- Identify and disseminate best workplace practices.

F. Responsiveness and Legal Compliance

Federal agencies must:

- Ensure that they are in full compliance with the law, including EEOC regulations, orders and other written instructions. See 42 U.S.C. § 2000e 16(b).

- Report agency program efforts and accomplishments to EEOC and respond to EEOC directives and orders in accordance with EEOC instructions and time frames.
- Ensure that management fully and timely complies with final EEOC orders for corrective action and relief in EEO matters.

PART A

Proactive Prevention of Unlawful Discrimination

I. Introduction

The United States government must ensure that all its personnel actions are "made free" of any discrimination based on race, color, religion, sex, national origin or reprisal and that each of its agencies has "an affirmative program of equal employment opportunity" for all employees and applicants for employment. Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e 16. The Equal Employment Opportunity Commission (EEOC) is responsible for the review and evaluation of all federal sector equal employment opportunity (EEO) efforts.

Thus, Section 717 of Title VII requires federal agencies to take proactive steps to ensure equal employment opportunity for all their employees and applicants for employment. This means that agencies must work to proactively prevent potential discrimination before it occurs and establish systems to monitor compliance with Title VII. Agencies must regularly evaluate their employment practices to identify barriers to equality of opportunity for all individuals. Where such barriers are identified, agencies must take measures to eliminate them. With these steps, agencies will ensure that all persons are provided opportunities to participate in the full range of employment opportunities and achieve to their fullest potential.

II. Agency Self-Assessment

Agencies have an ongoing obligation to eliminate barriers that impede free and open competition in the workplace and prevent individuals of any racial or national origin group or either sex from realizing their full potential. As part of this on-going obligation, agencies must conduct a self assessment on at least an annual basis to

monitor progress and identify areas where barriers may operate to exclude certain groups. A first step in conducting this self assessment involves looking at the racial, national origin and gender profile of relevant occupational categories in an agency's workforce. Guidance on how to group occupational categories will be provided separately. This "snapshot" can serve as a diagnostic tool to help agencies determine possible areas where barriers may exist and may require closer attention.

Agencies should be mindful, however, that statistics are only a starting point and alone rarely serve to provide a complete picture of the existence of workplace barriers. Agencies must look at statistics in the context of the totality of the circumstances. A statistical snapshot may be useful as an initial diagnostic tool, but conclusions concerning the existence of workplace barriers cannot be drawn from gross numerical assessments. Rather, the identification of workplace barriers will require a thorough examination of all of the circumstances.

The initial snapshot conducted by the agency must include, but not necessarily be limited to, an evaluation of the following data relating to the agency's status as of the end of each fiscal year:

- Total workforce distribution by race, national origin and sex for both the permanent and temporary² workforce;
- Permanent and temporary workforce participation rates for each grade level by race, national origin and sex;
- Permanent and temporary workforce participation rates for each of the agency's major occupational categories (divided by grade level) by race, national origin and sex;
- Participation rates in supervisory and management positions by race, national origin and sex;
- The race, national origin and sex of applicants for both permanent and temporary employment;
- The rates of selections for promotions, training opportunities and performance incentives by race, national origin and sex; and
- The rates of both voluntary and involuntary separations from employment by race, national origin and sex.

This type of information should help an agency identify any meaningful disparities and further focus its self assessment.

In conducting its self-assessment, agencies shall compare their internal participation rates with corresponding participation rates in the relevant civilian labor force (CLF). Geographic areas of recruitment and hiring are integral factors in determining "relevant" civilian labor force participation rates. EEOC will provide appropriate civilian labor force data for use by agencies. With respect to positions typically filled through the internal promotion process or through transfers from other federal agencies, a self-assessment will involve looking at the racial, national origin and gender profile of the occupational categories and/or grade levels from which such promotions or transfers are typically made. EEOC will, from time to time, provide additional guidance on conducting the analysis.

This Directive requires agencies to collect and maintain race, national origin and gender data on employees in their permanent and temporary workforce. Such data is also required to be collected and maintained for applicants for employment. Agencies should obtain identifying information from employees and applicants by requesting voluntary self identification. See 29 C.F.R. 1614.601. Separate guidance, including updated information on racial and national origin groupings, will be issued from EEOC concerning the collection of this data.

III. Barriers to Equal Employment Opportunity

Where an agency's self-assessment indicates that a racial, national origin or gender group may have been denied equal access to employment opportunities, the agency must take steps to identify the potential barrier. Workplace barriers can take various forms and sometimes involve a policy or practice that is neutral on its face. Identifying and evaluating potential barriers requires an agency to examine all relevant policies, practices, procedures and conditions in the workplace. The process further requires each agency to eliminate or modify, where appropriate, any policy, practice or procedure that creates a barrier to equality of opportunity.

For example, if a self-assessment revealed that Hispanics are virtually absent from the workforce in a facility, it would be logical for the agency to initially focus attention on its hiring and recruitment activities. The agency could rule out potential recruitment concerns if it determined that Hispanics were well represented among its applicants for employment. It would then be appropriate for

the agency to examine all other aspects of the hiring process to identify the factor(s) responsible for the statistical disparity.

It is crucial for agencies to ensure that their barrier analyses are focused, methodical and involve the participation of all relevant agency officials. Depending on the nature of the potential problem an agency might consider the following questions:

- Are recruitment efforts resulting in a cross-section of qualified applicants? Is there a significant disparity between the proportion of a racial, national origin or gender group in the agency's applicant pools and the proportion of that group in the relevant labor markets from which applicants are drawn?
- In a workforce where employees of a particular group are virtually absent, to what extent are employment opportunities unnecessarily restricted to internal applicants?
- Have supervisors, managers and executives been adequately trained on the agency's obligations under Title VII?
- Are there decision makers whose employment decisions have excluded individuals on the basis of race, national origin or sex?
- Are there any selection criteria that tend to screen out a particular racial, national origin or gender group?

IV. Barrier Evaluation and Elimination

Once an agency identifies a likely factor (or combination of factors) adversely affecting the employment opportunities of a racial, national origin or gender group, it must decide how to respond. For example, statistical disparities are identified in an agency's auditor occupational group and further examination of the situation reveals the following: In the past, the auditor occupational group was racially diverse, including at the higher grade levels. However, after the agency instituted a requirement that auditors must be certified public accountants (CPAs) in order to be promoted to the GS 14 level or higher, few internal candidates held CPAs and therefore did not qualify for promotional opportunities to the higher level grades. As a result, the agency recruited candidates for these positions from a local business school with a student population that primarily came from the same racial group. Over time, auditors at the grade 14 level and above did not reflect the racial

diversity of auditors at the lower grade levels. Assuming the requirement for a CPA is justified by business necessity, the agency has several options to consider in designing a response to this situation. Most obviously, the agency should increase its applicant pool for positions at the grade 14 and above by recruiting at other business schools with more diverse student populations. As an additional option, the agency might take steps to encourage its own auditors at the lower grade levels to pursue a CPA.

Each agency must assess the appropriateness of any policy, practice, procedure or condition determined to negatively correlate with race, national origin or sex. In making its assessment, the agency should consider, as appropriate, the following:

- whether the agency head can do more to demonstrate to the workforce, his or her commitment to equal employment opportunity;
- whether there are budgetary or other restrictions governing a decision to limit recruitment to internal applicants;
- whether certain qualification standards are truly necessary to the successful performance in a position; and
- whether selection criteria used to assess qualifications that have been found to exclude or adversely impact a particular racial, national origin or gender group truly measure the knowledge, skills and abilities that they purport to measure, and whether alternative criteria are available that do not disadvantage any particular group.

Where it is determined that an identified barrier serves no legitimate purpose with respect to the operation of an agency, this Directive requires that agencies take immediate steps to eliminate the barrier. Even where a policy or practice that poses a barrier can be justified on grounds of business necessity, agencies must investigate whether less exclusionary policies or practices can be used that serve the same business purpose. Identified barriers that are not within the control or authority of the agency to change should be brought to the attention of the responsible entity and EEOC.

In addition to identifying and eliminating barriers, agencies may consider measures to enhance and maximize opportunities for all employees, such as:

- Identifying career enhancing opportunities such as details, developmental assignments, mentoring programs, etc. Structuring details or developmental assignments to expose a broad range of employees to a variety of positions within the agency.
- Assessing internal availability of candidates by identifying job-related skills, education, knowledge and abilities that may be obtained at lower levels in the same or similar occupational series.
- Conducting a skills building inventory of agency employees, including but not limited to, current and potential gaps in skills and the distribution of skills. Developing an action plan to address these gaps.
- When appropriate, developing broad criteria for evaluating the knowledge, skills and abilities of applicants for particular positions that takes into account a range of experience and skills.

PART B

SECTION 501 OF THE REHABILITATION ACT

Proactive Prevention of Unlawful Discrimination

I. Introduction

Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791, requires federal agencies to take proactive steps to provide equal opportunity to qualified individuals with disabilities in all aspects of federal employment. Congress has directed the federal government serve as a model employer of people with disabilities. Toward that end, each agency must develop and maintain "an affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities" that, among other things, provides adequate employment opportunities and sets out the ways in which an agency will meet the needs of its employees with disabilities.

The mandate to serve as a model employer requires several things. First, agencies may not discriminate against qualified individuals with disabilities. But non discrimination alone is not enough. The Rehabilitation Act also requires agencies to take proactive steps to ensure equal employment opportunity for individuals with disabilities. This means agencies must attempt to prevent discrimination before it occurs and must establish systems to monitor their own compliance with the Act. Agencies must regularly evaluate their employment practices to identify barriers to equality of opportunity for individuals with disabilities. Where such barriers are identified, agencies must eliminate them. With these steps, agencies will ensure that individuals with disabilities are provided opportunities to fully participate in employment opportunities and achieve to their fullest potential.

II. Non-Discrimination

The Rehabilitation Act requires agencies to ensure that employment decisions are free of unlawful discrimination on the basis of disability. In 1992, Congress amended the Rehabilitation Act to incorporate the non discrimination standards of the Americans with Disabilities Act (ADA). Under the ADA, the term "discriminate"³ generally includes:

- making unlawful medical examinations or inquiries;
- not providing reasonable accommodations to an otherwise qualified individual with a disability unless the agency can demonstrate that the accommodation would impose an undue hardship on its operations;
- denying job opportunities to an otherwise qualified applicant or employee because of the need for a reasonable accommodation;
- using qualification standards, employment tests or other selection criteria that screen out, or tend to screen out, individuals with disabilities unless shown to be job-related for the position in question and consistent with business necessity;
- failing to select and administer employment tests in the most effective manner to ensure that when the test is administered, the test results accurately reflect the skills, aptitudes or other factors the test purports to measure, rather than reflecting the impaired sensory, manual or speaking skills of the employee or applicant⁴;

- using standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability or that perpetuate the discrimination of others who are subject to common administrative control;
- limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;
- participating in a contractual or other arrangement or relationship that has the effect of subjecting a qualified applicant or employee with a disability to prohibited discrimination; and
- excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.

The Rehabilitation Act also prohibits retaliation against an individual because such individual has opposed any act or practice made unlawful by the Act or because such individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under the Act.

III. Agency Self-Analysis

Each agency is required to conduct an internal review and analysis of the effects of all current and proposed policies, practices, procedures and conditions that, directly or indirectly, relate to the employment of individuals with disabilities. For purposes of this requirement, the term "employment" refers to the full range of employment decisions, including (but not limited to) hiring, advancement, retention, and other general terms, conditions and privileges of employment. The term "conditions" is intended to refer to the full range of environmental circumstances within an agency, including the physical layout and design of the structure in which the agency is located. In this regard, agencies should be mindful of their obligation to ensure that their physical structures and facilities comply with the requirements of the Architectural Barriers Act (42 U.S.C. § 4151 et seq) and relevant titles of the ADA.

The self assessment required by this Directive is an ongoing obligation that must be undertaken on at least an annual basis. Each agency must collect⁵ and evaluate information and data necessary to make an informed assessment about the extent

to which the agency is meeting its responsibility to provide employment opportunities for qualified applicants and employees with disabilities, especially those with targeted disabilities.

A snapshot of the numerical representation and distribution of applicants and employees with disabilities can alert an agency to possible barriers that may impede employment opportunities for this group. However, agencies must be mindful that, while such numerical analyses can be useful as initial diagnostic and measuring tools, not all issues relating to their obligations under the Rehabilitation Act will lend themselves to such an analysis. Moreover, an agency can be liable for discrimination under the Rehabilitation Act if its practices exclude even one individual on the basis of that individual's disability. It is the responsibility of each agency to be sensitive to any employment circumstance or condition that may be relevant to its ability to meet its fundamental obligation to effect appropriate hiring, advancement and retention of individuals with disabilities, especially those with targeted disabilities.

The self assessment must encompass the full spectrum of employment within the agency and must include, but not be limited to, an evaluation of the following with respect to the agency's status at the end of each fiscal year:

- Total workforce distribution of employees with disabilities⁶ for both the permanent and temporary workforce;
- Representation and distribution of employees with disabilities, by grade, in both the permanent and temporary workforce;
- Permanent and temporary workforce participation of employees with disabilities in major occupational groups by grades;
- The representation of individuals with disabilities among applicants for permanent and temporary employment;
- The representation of employees with disabilities among those who received promotions, training opportunities and performance incentives;
- The representation of employees with disabilities among those who were voluntarily and involuntarily separated;
- The effectiveness and efficiency with which the agency processes requests for reasonable accommodation under the Rehabilitation Act;

- The extent to which an agency is in compliance with Section 508 of the Rehabilitation Act's requirement to provide employees with disabilities access to information and data that is comparable to that provided to those without disabilities; and
- Information and trend data reflecting the nature, status and disposition of complaints in the administrative process (EEOC, MSPB and FLRA) and in court alleging violations of the Rehabilitation Act.

Although the census provides data reflecting the general and specific workforce participation rates of racial, national origin and gender groups, there is no comparable data currently available for individuals with disabilities. It is therefore difficult to perform a reliable statistical analysis, based on general workforce data, to determine the expected rate at which individuals with disabilities should be hired absent discrimination.

However, a review of agency annual submissions to the EEOC reveals that some agencies favorably distinguish themselves (compared to the federal government in general) through the number of employees with disabilities in their workforce. Until such time as reliable data is developed and disseminated concerning the general availability of individuals with disabilities in the workforce, this Directive recommends agencies evaluate themselves against the workforce profile of the federal government in general and that of agencies ranked highly, in this respect, in the most recent EEOC annual report on the federal workforce. All agencies, regardless of their relative standing, are strongly encouraged to effect steady and measurable progress with respect to the employment and advancement of individuals with disabilities.

In addition to the absence of reliable availability data for individuals with disabilities, any statistical analysis is complicated by the fact that disabilities are individual in nature, making gross statistical comparisons of limited value. Notwithstanding these limitations, an agency's analysis of the above information can help facilitate an assessment concerning the extent to which individuals with disabilities, especially those with targeted disabilities, are provided equal employment opportunities. Statistical information may be a useful starting point for a more thorough examination of the agency's physical facilities, electronic and information processes, personnel policies, selection and promotion procedures, evaluation procedures, rules of conduct and training systems to ensure full accessibility for individuals with disabilities.

Collecting and Maintaining Information About Disability

Meeting the standards of the self-analysis under the Rehabilitation Act necessarily requires an agency to obtain and maintain information regarding whether applicants and employees have disabilities. Such disability related information is considered to be "medical information," the collection and maintenance of which is restricted by law. Agencies must adopt procedures to ensure that all disability related "medical" information is collected and managed in accordance with the law's requirements.

Collecting Disability-Related Information

The Rehabilitation Act restricts how agencies may collect disability related "medical" information⁷. Individuals with disabilities may be identified in one of the following ways:

- Agencies may use information obtained from Standard Form 256, the "Self-Identification of Handicap" form (SF 256) issued by the Office of Personnel Management, or other information that individuals choose to disclose about the existence of disabilities. See 29 C.F.R. § 1614.601(f).
- Agencies tracking applications from individuals with disabilities, or considering the use of excepted appointing authorities or other special programs, may invite applicants to indicate if they have the types of disabilities that are covered by the program at issue.

Whenever an agency invites an applicant or employee to provide information about his/her disability, the agency must clearly notify such individual that: (a) response to the invitation is voluntary and refusal to provide the information will not subject the individual to any adverse treatment; (b) the information will be kept confidential and used only for affirmative action purposes; and (c) individuals may self identify at any time during their employment and failure to complete SF 256 or to respond to pre-offer invitations will not excuse the agency from Rehabilitation Act requirements.

Confidentiality of Disability-Related Information

All medical or disability-related information must be kept confidential in accordance with EEOC regulations. Under these regulations, such information must be collected

and maintained on separate forms, kept in separate files and treated as confidential medical records. 29 C.F.R. § 1630.14(b)(1).

For affirmative action purposes alone, medical and disability-related information may be disclosed to managers and others involved in a selection process, as well as to those responsible for affirmative action, where the information indicates that an applicant may be included under excepted appointing authorities or eligible to receive other affirmative action benefits. Moreover, disability related information may be used to manage, evaluate, and report on EEO and affirmative action programs; data from SF 256 may, for example, be provided to those who will generate the statistics necessary for the workforce analyses required by this Directive.

All persons to whom information is disclosed for Rehabilitation Act program purposes must be informed about the restrictions placed on use of the information and instructed not to disclose it further than necessary to satisfy those purposes.

IV. Barriers to Equal Employment Opportunity

Where an agency's self assessment indicates that qualified individuals with disabilities may have been, or may currently be, denied equal access to employment opportunities, the agency must take steps to identify the potential barrier. Workplace barriers can take various forms and sometimes involves a policy or practice that is neutral on its face. Identifying and evaluating potential barriers requires an agency to methodically examine the full range of policies, practices, procedures and conditions in the workplace. The process requires each agency to eliminate or modify, where appropriate, any factor that negatively correlates with disability.

Investigating potential barriers requires an agency to identify all policies, practices, procedures and conditions that may be relevant to the potential concern identified by the self assessment. It is crucial for agencies to ensure that their investigations are focused and methodical. Such investigations should involve the participation of all relevant agency officials. Depending on the nature of the potential problem identified, an agency might consider the following questions:

- Are the agency's recruitment efforts resulting in sufficient numbers of applicants with disabilities, especially targeted disabilities?

- Are there opportunities to re-survey the agency's workforce at least every other year to maintain accurate and updated statistics on employees with disabilities?
- Is the physical structure and layout of the agency facility in compliance with applicable accessibility standards?
- Even if the agency is in compliance with accessibility standards, are there other physical barriers that remain?
- Is there evidence in the workplace of actions or practices reflecting myths, fears and stereotyping regarding individuals with disabilities?
- In a workforce where employees with disabilities are virtually absent, to what extent are employment opportunities restricted to internal applicants? Could hiring be expanded to include external candidates?
- Has the agency adequately trained its supervisors, managers and executives on the requirements of the Rehabilitation Act, including the duty to provide reasonable accommodations to otherwise qualified individuals with disabilities?
- Does the agency have an adequately funded and effective procedure for providing reasonable accommodations to employees with disabilities?
- Are there particular decision makers or groups of decision makers whose employment decisions consistently exclude qualified individuals on the basis of disability?
- Do selection criteria tend to exclude individuals with disabilities, in general, or to exclude a person with particular types of disabilities? If so, are these standards necessary to the successful performance of a particular job? Does the selection criteria at issue truly measure the knowledge, skills and abilities it purports to measure and are there alternative criteria that would serve the same purpose?

V. Barrier Evaluation and Elimination

Once an agency identifies a barrier to equal opportunities for individuals with disabilities, it must decide how to respond. Each agency must assess the

appropriateness of any policy, practice, procedure or condition determined to negatively correlate with disability.

Where it is determined that a barrier to equal employment opportunity is not job-related and consistent with business necessity, this Directive requires that the agency immediately take steps to eliminate the barrier. Even where a policy or practice can be justified on grounds of business necessity, agencies must investigate whether less exclusionary policies or practices can be used that serve the same business purpose, including the provision of reasonable accommodation. Identified barriers that are not within the control or authority of the agency to change should be brought to the attention of the responsible entity and EEOC. Any barrier associated with myths, fears or stereotyping must be eliminated immediately.

Where, as a result of its self-assessment, an agency determines that merely eliminating a barrier would not adequately address the harm caused by the barrier, it must then consider other neutral alternatives to remedy the lingering effects of the problem.

In eliminating barriers, agencies should pay special attention to ensuring their reasonable accommodation procedures are effective and in compliance with applicable executive orders and EEOC guidance.

Establishing Written Procedures For Reasonable Accommodation Requests

Agencies are required to establish and publicize specific written procedures for the prompt and efficient resolution of requests for reasonable accommodation.⁸ Such procedures should address the scope of the agency's obligation to provide reasonable accommodation and the types of accommodations that must be considered. In addition, the procedures should address at least the following:

- the personnel whom employees, selectees or applicants should initially contact to request a reasonable accommodation;
- the personnel forms, if any, that an individual may be asked to complete in connection with a request for an accommodation;
- the circumstances in which supervisors or others should initiate inquiries about the need for accommodation;
- the personnel and/or offices that must approve an accommodation request;

- the amount of time decision makers have to answer requests for accommodation;
- an explanation of when decision makers may request documentation of the existence of a disability or the need for an accommodation;
- the resources, including technical assistance, available to decision makers to gain information about possible accommodations for particular disabilities;
- the ways in which accommodations can be funded or effected;
- the documentation, if any, that must be maintained concerning the consideration and disposition of requests for accommodation; and
- the process, if any, that individuals may follow to appeal denials of requests for accommodation or for specific accommodations.

In drafting procedures, agencies should ensure that requests for accommodations are handled expeditiously by knowledgeable personnel. Procedures should maximize the agency's ability to provide reasonable accommodation to all individuals who require accommodation. For example, agencies might consider establishing a central pool of staffing slots to provide readers, interpreters and personal assistants to individuals with disabilities throughout the agency or agency component.

VI. Setting Goals

The steps described above -- conducting work force analyses, reviewing agency policies, practices and facilities, and fulfilling obligations to people with disabilities under the Rehabilitation Act -- should enable an agency to make substantial progress in promoting the employment of qualified individuals with disabilities. However, such efforts may well be insufficient to provide the adequate employment opportunities that are required by the Rehabilitation Act for individuals with disabilities. Indeed, Congress anticipated that the federal government, as a model employer of individuals with disabilities, would take additional steps to include individuals with disabilities at all levels of the federal workforce.

This Directive requires agencies with 1,000 employees or more to maintain a special recruitment program for individuals with targeted disabilities and to establish specific goals for the employment and advancement of such individuals.⁹ For these

purposes, targeted disabilities may be considered as a group. Agency goals should be set and accomplished in such a manner as will effect measurable progress from the preceding fiscal year.

To accomplish established goals, agencies should, as appropriate: 1) engage in outreach and targeted recruitment; 2) take advantage of excepted appointing authorities;¹⁰ 3) create training and development plans for individuals with disabilities; and 4) take disability into account in selection decisions where an individual with a disability is otherwise qualified with or without a reasonable accommodation. To achieve maximum impact through their Rehabilitation Act program, agencies are required, under this Directive, to give special attention to those with targeted disabilities in each of the activities discussed herein.

PART C

FOR MANAGEMENT DIRECTIVE 715

(PARTS A & B)

I. REPORTING

This Directive requires each agency to report annually on the status of activities undertaken pursuant to its equal employment opportunity program under Title VII and activities undertaken pursuant to its affirmative action obligations under the Rehabilitation Act. Agency reports must also include a plan that sets forth steps it will take in the future to correct deficiencies or further improve efforts undertaken pursuant to this Directive. Additional instructions regarding the format and content requirements of reports will be issued separately and may be modified on a periodic basis as needed. Agency reports must be submitted to the EEOC annually and should include (but not necessarily be limited to) the following:

- The name and location of the agency or reporting component;
- The number of permanent and temporary employees employed;
- The name of the head of the agency or reporting component;

- The name, title, grade and qualifications of the principal EEO official(s) responsible for overseeing the program and preparing the report;
- Copies of relevant EEO policy statements issued or reinforced during the previous fiscal year;
- A narrative description of the agency's mission, mission related functions, and a copy of the agency's organizational chart;
- A description of how the agency's Title VII and Rehabilitation Act programs measure up against the essential elements of a model program described in this Directive;
- A description of activities undertaken during the preceding year in connection with the self assessment and barrier identification and elimination under Parts A and B of this Directive;
- A description of action items and plans to be implemented or accomplished by the agency during the upcoming year in connection with carrying out its responsibilities under this Directive;
- A description of action items and plans to provide maximum opportunity for employees to advance to their highest level of potential under Parts A and B of this Directive;
- Data required in connection with Form 462 reporting; and
- Other information, in such format as EEOC may prescribe, required in the instructions supplementing this Directive.

Reports filed by agencies pursuant this Directive will be evaluated for clarity and content by EEOC. EEOC will approve or disapprove specific plans as appropriate. In addition, EEOC will periodically conduct evaluations and program reviews to more closely assess whether the program elements of this Directive are being met and will be available on an ongoing basis as issues arise for agencies to consult with in facilitating program improvements.

There are many consequences associated with an agency's failure to fully implement effective EEO programs, including the out of pocket costs that will be borne by the agency in connection with workplace disputes, especially after the passage of the No Fear Act, and the very real costs associated with decreased morale and productivity resulting from the ineffective and inefficient use of human

capital resources. Moreover, where annual reports or information otherwise obtained by EEOC suggest that an agency is giving insufficient attention to its obligations under this Directive, EEOC will inform the President and appropriate Congressional committees.

II. TRAINING AND TECHNICAL ASSISTANCE

The EEOC is available to provide training and technical assistance to facilitate agency compliance with this Directive. Information may be obtained by contacting EEOC as follows:

- (800) 669 - EEOC (the telephone information hotline)
- (202) 663-4599 (the Office of Federal Operations)
- [www.eeoc.gov \(https://www.eeoc.gov/\)](https://www.eeoc.gov/) (EEOC's website)

Agencies may also contact the EEOC by regular mail addressed to:

Director, Federal Sector Programs

Office

III. PROGRAM EVALUATIONS BY EEOC

EEOC may conduct evaluations of federal agency EEO programs to ensure compliance with this Directive, other policy guidance issued by EEOC and the statutes and regulations that EEOC enforces.

APPENDIX A

DEFINITIONS

The following definitions apply to this Directive:

- **Applicant:** A person who applies for employment.
- **Applicant Flow Data:** Information reflecting characteristics of the pool of individuals applying for an employment opportunity.
- **Barrier:** An agency policy, principle, practice or condition that limits or tends to limit employment opportunities for members of a particular gender, race or

ethnic background or for an individual (or individuals) based on disability status.

- **Disability:** For the purpose of statistics, recruitment, and targeted goals, the number of employees in the workforce who have indicated having a disability on a Office of Personnel Management Standard Form (SF) 256. For all other purposes, the definition contained in 29 C.F.R. § 1630.2 applies.
- **Civilian Labor Force (CLF):** Persons 16 years of age and over, except those in the armed forces, who are employed or are unemployed and seeking work.
- **Employees:** Members of the agency's permanent or temporary work force, whether full or part time and whether in competitive or excepted service positions.
- **Employment Decision:** Any decision affecting the terms and conditions of an individual's employment, including but not limited to hiring, promotion, demotion, disciplinary action and termination.
- **Feeder Group or Pool:** Occupational group(s) from which selections to a particular job are typically made.
- **Fiscal Year:** The period from October 1 of one year to September 30 of the following year.
- **Goal:** Under the Rehabilitation Act, an identifiable objective set by an agency to address or eliminate barriers to equal employment opportunity or to address the lingering effects of past discrimination.
- **Major Occupations:** Agency occupations that are mission related and heavily populated, relative to other occupations within the agency.
- **Onsite Program Review:** Visit by EEOC representatives to an agency to evaluate the agency's compliance with the terms of this Directive and/or to provide technical assistance.
- **Reasonable Accommodation:** Generally, any modification or adjustment to the work environment, or to the manner or circumstances under which work is customarily performed, that enables an individual with a disability to perform the essential functions of a position or enjoy equal benefits and privileges of employment as are enjoyed by similarly situated individuals without a disability. For a more complete definition, see 29 C.F.R. § 1630.2(o). See also,

EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, No. 915.002 (October 17, 2002).

- **Relevant Labor Force:** The source from which an agency draws or recruits applicants for employment or an internal selection such as a promotion.
- **Section 501 Program:** The affirmative program plan that each agency is required to maintain under Section 501 of the Rehabilitation Act to provide individuals with disabilities adequate hiring, placement, and advancement opportunities.
- **Section 717 Program:** The affirmative program of equal employment opportunity that each agency is required to maintain for all employees and applicants for employment under Section 717 of Title VII.
- **Selection Procedure:** Any employment policy or practice that is used as a basis for an employment decision.
- **Special Recruitment Program:** A program designed to monitor recruitment of, and track applications from, persons with targeted disabilities.
- **Targeted Disabilities:** Disabilities that the federal government, as a matter of policy, has identified for special emphasis in affirmative action programs. They are: 1) deafness; 2) blindness; 3) missing extremities; 4) partial paralysis; 5) complete paralysis; 6) convulsive disorders; 7) mental retardation; 8) mental illness; and 9) distortion of limb and/or spine.
- **Technical Assistance:** Training, assistance or guidance provided by the EEOC in writing, over the telephone or in person.

APPENDIX B

AUTHORITIES RELEVANT TO FEDERAL EEO RESPONSIBILITIES

A. AUTHORITIES RELEVANT TO TITLE VII

STATUTES

Section 717 of Title VII of 1964, as amended, 42 U.S.C. § 2000e 16, requires that personnel actions be free from discrimination on the basis of race, sex, color, national origin and religion and that agencies establish affirmative programs of equal employment opportunity.

Section 715 of Title VII establishes the EEOC as the lead agency for "developing and implementing agreements, policies and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among ...various departments, agencies and branches of the Federal Government responsible for the implementation and enforcement of equal employment opportunity legislation, orders, and policies...."

Section 703(k) of Title VII sets forth the criteria for establishing a claim of unlawful adverse impact.

REGULATIONS

29 C.F.R. §1604 Sets forth policies and principles governing discrimination on the basis of sex.

29 C.F.R. §1606 Sets forth policies and principles governing discrimination on the basis of national origin.

29 C.F.R. §1607 Establishes policies, principles and procedures for determining when a "selection procedure" has an unlawful impact on the hiring, promotion, or other employment opportunities of members of any race, sex, or ethnic group.

29 C.F.R. §1608.4 Governs affirmative action in the private sector and requires that an affirmative action plan or program under Title VII contain three elements: a

reasonable self analysis; a reasonable basis for concluding action is appropriate; and reasonable action.

29 C.F.R. Part 1614 Sets forth policies and regulations to effectuate the Government's obligation to promote equal employment opportunity and to prohibit discrimination in employment because of race, color, religion, sex, national origin, age or disability.

29 C.F.R. §1614.601 Requires each agency to establish a system to collect and maintain accurate employment information on the race, national origin, sex and disability of its employees. 1614.601(b) states that data on race, national origin and sex should be collected by voluntary self identification. Subsection (e) states that an agency shall not establish a quota for the employment of persons based on race, color, religion, sex, or national origin. Subsection (g) states that an agency shall report to the Commission on employment by race, national origin, sex and disability in the form, and at such times, as the Commission may require.

29 C.F.R. §1614.602 Requires that each agency report to the Commission complaint processing information. Subsection (c) states that each agency shall submit annually for the review and approval of the Commission written national and regional equal employment opportunity plans of action. The plans shall be in a format prescribed by the Commission.

29 C.F.R. §1690 Sets forth procedures for the prescribed coordination between the EEOC and other federal agencies having responsibility for enforcement of statutes, regulations, Executive Orders and policies which require equal employment opportunity without regard to race, color, national origin, sex, religion, age or disability.

EXECUTIVE ORDERS

Executive Order 11478, as amended (1971) Reiterated the policy of the federal government to provide equal employment opportunity on the basis of merit and fitness and "without discrimination because of race, color, religion, sex, or national origin. To promote the full realization of this policy, the Order requires, inter alia, that agencies and departments establish "continuing affirmative programs" to ensure that equal employment opportunity is an "integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees in the Federal Government."

Executive Order 12106 (1978) - Amended Executive Order 11478 to include, in its coverage, non discrimination based on age and disability. The Order further transferred federal equal employment opportunity enforcement authority to the Equal Employment Opportunity Commission and made the EEOC responsible for "directing and furthering" the implementation of equal employment opportunity policy.

Executive Order 12067 (1978) Effected the transfer of the functions of the Equal Employment Opportunity Coordinating Council to the EEOC and delineated the EEOC's responsibility for "develop[ing] uniform standards, guidelines, and policies for promoting and furthering equal employment opportunity in the government.

B. AUTHORITIES RELEVANT TO REHABILITATION ACT

STATUTES

Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791, requires each covered agency to establish an affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities. Section 501(g) of the Act incorporates the legal standards of title I of the Americans with Disabilities Act (42 U.S.C. § 12111 et seq) for complaints alleging "nonaffirmative action employment discrimination" and the provisions of sections 501 through 504, and 510, of the ADA (42 U.S.C. §§ 12201 12204 and 12210) "as such sections relate to employment."

Section 508 of the Rehabilitation Act requires agencies to provide federal employees with disabilities access to information and data that is comparable to the access provided to federal employees without disabilities.¹¹

The Architectural Barriers Act, 42 U.S.C. § 4151 et seq is enforced by the Architectural and Transportation Barriers Compliance Board and requires that buildings and facilities be accessible to people with disabilities if they were constructed or altered by or on behalf of the federal government or with certain federal funds, or leased to the government, after 1968.

REGULATIONS

29 C.F.R. Part 1614 Sets forth policies and regulations to effectuate the Government's obligation to promote equal employment opportunity and to prohibit discrimination in employment because of race, color, religion, sex, national origin, age or disability.

29 C.F.R. Part 1630 Regulations implementing the equal employment provisions of the Americans with Disabilities Act.

5 C.F.R. § 213.3102(t),(u) OPM special appointing authority governing employment of individuals who are mentally retarded (t) and those with severe physical "handicaps"(u).

5 C.F.R. § 213.3102 OPM special appointing authority governing persons with psychiatric disabilities. Under this provision such employees may be converted to competitive status after completion of two years of satisfactory service in their excepted positions.

5 C.F.R § 213.3202(11) OPM special appointing authority for employment of readers, interpreters, and personal assistants for employees with disabilities.

5 C.F.R. § 315.709 Authorizes employees with severe physical disabilities and mental retardation to convert to competitive status after completion of two years of satisfactory service in their excepted positions.

EXECUTIVE ORDERS

Executive Order 13078, as amended (2000) Established the National Task Force on Employment of Adults with Disabilities (now called the Presidential Task Force). The purpose of the Task Force is to implement a national policy to effect gainful employment of adults with disabilities, including employment in the Federal Government.

Executive Order 13145 (2000) Prohibits discrimination in federal employment on the basis of genetic information.

Executive Order 13163 (2000) Promotes a policy to increase opportunities for individuals with disabilities employed at all levels and occupations in the federal government.

Executive Order 13164 (2000) – Requires agencies to establish written procedures to facilitate the provision of reasonable accommodations under the Rehabilitation Act.

¹ It should be noted that federal employees and applicants for employment are also protected from discrimination by the Age Discrimination in Employment Act of 1967 (ADEA) and the Equal Pay Act of 1963.

² In the past, EEOC has only required consideration of temporary employees in connection with agencies' Rehabilitation Act programs. However, as the nature of federal employment changes and more employees occupy temporary positions, an examination of Title VII data relating to temporary employees, where they comprise a significant portion of an agency's workforce, may assist an agency in identifying any meaningful disparities resulting from barriers to equality of opportunity. It is recognized that temporary employees will not experience the same career progression as the permanent workforce, and certain data, such as promotion rates, may not be relevant to temporary employees. EEOC will issue more detailed guidance to agencies concerning Title VII program treatment of temporary employees.

³See 42 U.S.C. § 12112(b).

⁴It is permissible for a test to measure sensory, manual or speaking skills where such skills are necessary for the performance of an essential function of the job for which the test has been designed.

⁵See 29 C.F.R. § 1614.601 for further guidance. In addition, EEOC will issue more detailed guidance on collecting and maintaining applicant flow data.

⁶Agencies should separately identify applicants and employees with targeted disabilities. Targeted disabilities are those that the federal government, as a matter of policy, has identified for special emphasis. Targeted disabilities (and the codes that represent them on Standard Form 256) are: 1. deafness (16 and 17); 2. blindness (23 and 25); 3. missing extremities (28 and 32 through 38); 4. partial paralysis (64 through 68); 5. complete paralysis (71 through 78); 6. convulsive disorders (82); 7. mental retardation (90); 8. mental illness (91); and 9. distortion of limb and/or spine (92).

⁷See 29 C.F.R. pt. 1630 app. §§ 1630.13, 14. In most cases, the Rehabilitation Act bars disability related questions until after an agency has made a conditional job offer to an applicant and requires that any inquiries of employees be job related and consistent with business necessity. The Commission has recognized, however, that employers may extend invitations to self-identify for purposes of their affirmative action programs. See EEOC ADA Enforcement Guidance: Preemployment Disability Related Question and Medical Examinations (10/95) at p. 12.

⁸See Executive Order 13164 (July 26, 2000). See also EEOC Policy Guidance on Executive Order 13164 (October 20, 2000).

⁹The Rehabilitation Act requires each Federal agency to submit to the EEOC for review and approval "an affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities." The statute makes clear that EEOC is to approve these plans only after it "determines...that such plan provides sufficient assurances, procedures and commitments to provide adequate hiring, placement, and advancement opportunities for individuals with disabilities." 29 U.S.C. § 791(b).

¹⁰There are excepted appointing authorities that apply only to those with targeted disabilities. See 5 C.F.R. §§ 213.3102(t), (u); 213.3202(k) (1996). Agencies should follow the requirements of those authorities, which are enforced by the Office of Personnel Management, in assessing whether a particular individual with a disability is eligible for an excepted appointment.

¹¹National security systems, as defined in the Clinger-Cohen Act, 40 U.S.C. § 1452 are exempt from these requirements. See 29 U.S.C. § 794d(a)(5).