

R. Allen Pittman
Assistant Secretary
Human Resources and Administration
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington DC 20420

Dear Assistant Secretary Pittman:

The United States Equal Employment Opportunity Commission's (EEOC's) Office of Federal Operations (OFO) has reviewed the reports filed by the U.S. Department of Veterans Affairs (VA) under EEOC's EEO Management Directive 715 (MD-715) for Fiscal Year (FY) 2005. We genuinely appreciate the work your staff invested in these reports, and your leadership and support of our collaborative effort to advance our mutual goal of making the federal government a model EEO employer.

The reports show a steady willingness to address critical workforce issues within VA. We are optimistic that your EEO program will continue to develop in an effort to meet your agency's mission. While agencies report on myriad employment activities under MD 715, we wanted to bring your attention to the specific activities we have addressed below.

Proactive Prevention

We have reviewed the Workforce Data Tables that VA provided with its FY 2005 report. These tables have allowed VA to assess the participation rates of various employee groups in its workforce as well as provide the EEOC an opportunity assess VA's progress towards creating a model EEO workplace. We have found that many agencies, during these first years of reporting under MD-715, experienced difficulties in generating and analyzing the data called for by the Workforce Data Tables. We commend VA for being at the forefront of federal agencies in supporting and implementing MD-715 by developing and sharing software to automate tables and self-assessment tools, and for providing VA managers with tools to view data and reports providing in-depth diversity analyses for use in exploring for barriers in their units. We encourage all agencies to focus on the connection between the data reported in the Workforce Data Tables and the identification of barriers, objectives, and action items. Our preference is to see a thorough analysis of the data to address possible barriers.

In its FY 2005 report, VA submitted five PART I's (EEO Plan to Eliminate Identified Barrier) regarding the identification and elimination of barriers to equality of opportunity. (We are pleased to see that VA applied the same analytical principles in a sixth PART I addressing declining participation rates for veterans.) One identified a barrier to the participation of Hispanics, White women, Asian men and American Indian/Alaska Native women in major occupations throughout most VA components. VA determined that it lacked a systematic targeted recruitment plan for such groups and instituted long-range plans for the development

and implementation of such a plan. VA's efforts to address this barrier it began in FY 2004 with the objective of automating its Facility Self Assessment allowing an in-depth analysis of its workforce to ensure development of a workable plan, which VA in fact completed during FY 2004. We note that OFO would appreciate a more thorough discussion of VA's planned activities for development of this recruitment plan (and for VA's other objectives and planned activities), since the targeted recruitment plan (and other objectives and activities) may constitute 'best practices' that merit sharing with other federal agencies.

VA also reported on its ongoing efforts to analyze apparent grade disparities, noting that the proportion of Asian men grows, and the proportion of White men quadruples, from the GS-5 to the GS-15 level, while the proportionate representation of other EEO groups decrease. VA's exploration of this situation notes that grade salary disparity is a challenging area to analyze because there are so many factors and variables to consider. VA's planned analysis activities will be undertaken through September 2008 and consider new hire rates, promotion rates, awards, and participation in training and career development. We look forward to a thorough report on this initiative in upcoming reports.

With the exception of barriers for people with targeted disabilities (discussed below), VA's remaining PART Is concern programmatic issues which may pose barriers to full participation, including the need for sufficient training in EEO topics despite the expense of face-to-face training in the numerous VA facilities and the breadth of specific topics that managers may wish to have addressed. To eliminate this barrier, VA produced a training video which has been distributed in VHS and DVD formats, and which also is available for on-demand viewing on an in-house TV channel. Additional training modules will be developed during FY 2005.

We note that VA has established a standard goal structure for its component agencies (Veterans Benefits Administration, Veterans Health Administration, and National Cemetery Administration), which allow these components the freedom to address their specific issues within the overarching agency-wide goals while still allowing VA to monitor the efforts of its components and roll-up their plans into an agency-wide report. However, while VA has been a leader in developing online workforce analysis tools, it appears that many of the tolls were too new for identifying the analytical results in VA's FY 2005 report. Accordingly, we look forward to seeing the more detailed specifications in the FT 2006 report, including the implementation plans.

People With Targeted Disabilities

The recruitment, employment and retention of people with targeted disabilities has been a long standing goal for the federal government. Notwithstanding, a review of Federal Sector data indicates that much work remains to be done. As noted below, the participation rate of federal employees with disabilities, particularly those with targeted disabilities, has declined each year at a rate greater than that of the overall federal work force.

Federal Work Force (FWF)

Employees with Targeted Disabilities

	#	Change	#	Change	% of FWF
FY 2001	2,445,335	0.11%	26,834	-1.46%	1.10%
FY 2002	2,459,505	0.58%	26,230	-2.25%	1.07%
FY 2003	2,428,330	-1.27%	25,551	-2.59%	1.05%
FY 2004	2,606,903	7.35%	25,917	1.43%	0.99%
FY 2005	2,610,920	0.15%	25,142	-2.99%	0.96%

As a result, every effort must be made to close this gap. We note that the participation rate for employees with targeted disabilities slightly declined at the VA from 1.57% to 1.52% in FY 2005. This is below the FY 2005 “Federal high” participation rate, held by the Equal Employment Opportunity Commission at 2.16%.

However, we are pleased to note that the VA has plans to resurvey its workforce by updating Employee Express to allow employees to self-identify, expanding the use of Special Hiring Authorities, and designating a Selective Placement Coordinator at each facility who will be available to provide assistance to, and act as an advocate for, applicants with disabilities. In addition, VA’s systematic targeted recruitment plan (previously discussed) will include a focus on increasing the number of applicants with targeted disabilities.

VA’s FY 2005 report also contains a list of projects at various facilities that will be undertaken to make the facilities accessible to people with disabilities. Notwithstanding these noteworthy goals, MD-715 requires that a specific numerical goal be established for the employment of persons with targeted disabilities. We urge VA to establish such a goal.

Efficiency

We have chosen to highlight the essential element of **Efficiency**, under which agencies must have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO and ADR programs.

The Commission’s regulations found in 29 C.F.R. Part 1614 set forth mandatory time-limits for processing EEO complaints. In most cases where no hearing is elected, complaint processing should be completed within 280 days (180 days for investigation, 30 days for election of hearing or final agency decision, five days for complainant’s receipt of election letter, five days for agency’s receipt of election decision, 60 days for decision issuance)..

In its FY 2005 Form 462, VA reported that, on average, the processing of a complaint from date of complaint filing to closure (without an AJ decision) took 261 days, a significant decrease from the 303 days reported in FY 2004. The agency also reported that for FY 2005, it timely completed 3900 of 3936 EEO counselings, or 99.1% (compared to 97.6% in FY 2004); 1,016 of 1,405 EEO investigations, or 72.3% (compared to 49.2% in FY 2004); and timely issued 331 of 765 final agency merit decisions on complaints where there was no Administrative Judge’s decision, or 43.3% (compared to 53.5% in FY 2004).

VA has made commendable progress in its program efficiency. VA’s report also includes plans and initiatives to enable it to meet the regulatory time limits for completing investigations and final agency decisions, such as the development of complaint tracking systems, increased

staffing levels. We remain available to provide technical assistance to help VA continue this trend. We also note a report which EEOC has issued, *Attaining a Model Agency Program: Efficiency*. This report includes several best practices established by other federal agencies in establishing and maintaining an efficient complaint resolution process. It is posted at our website under the link: www.eeoc.gov/federal/efficiency.

Again, we are encouraged by VA's overall efforts and we stand ready to provide assistance. We look forward to working with you and VA as you continue to strive for Model EEO Program status. If you have any questions or wish for a more detailed briefing on this, please let me know. I may be reached at carlton.hadden@eeoc.gov or (202) 663-7133.

Sincerely,

Carlton M. Hadden, Director
Office of Federal Operations

cc: The Honorable R. James Nicholson
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