

H. Hammond

**REPORT ON THE INTERNAL REVIEW
OF THE
OFFICE OF EQUAL OPPORTUNITY PROGRAMS
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
NOVEMBER 30, 1993**

TEAM MEMBERS: Dolores D. Bartning
Susan Brunner
Robert Egge
Margarette Yu Goldstein
Sally Mavlian
Lawrence Williams
Sandra L. Winston

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I. EXECUTIVE SUMMARY

As part of the current reorganization of the Agency, a team of Agency employees performed a review of the Office of Equal Opportunity Programs (EOP) to determine whether functions are being duplicated elsewhere in the Agency, if EOP's organizational structure is effective, and whether the skills of the staff and the systems/processes used by the office are adequate for it to effectively carry out its mission.

The Office of Equal Opportunity Programs ensures conformity of USAID program activities with the Equal Employment Opportunity (EEO) law and advises the Administrator and senior Agency officials on significant issues or problems relating to equal employment.

The Office is responsible for managing the EEO complaint system for the Agency as well as leading the Agency's effort to achieve diversity in the work force through application of affirmative employment laws. EOP is also responsible for USAID's six active Special Emphasis Programs: the Federal Women's Program; the Hispanic Employment Program; the Persons with Disabilities Program; the Black Employment Program; the Asian Pacific Islander Employment Program; and the Native American Employment Program. Program managers in the EOP Office are responsible for the development, implementation, and evaluation of these programs.

The current FTE level for the office is eleven. The team reviewed the supervisor to staff ratio of the office and attempted to bring the ratio more in line with the Administration's goals. The current supervisor to staff ratio is approximately 1:3.

The team's review of the staffing of the Office led to the following recommendations: Fill the currently vacant position of Deputy Director at the GS-15 or FS-01 level; concentrate all supervisory and managerial responsibilities for the Office within the positions of the Director and Deputy Director; remove the supervisor/manager designation from all remaining positions; eliminate one EEO manager position and one EEO specialist position, reassigning the incumbents elsewhere in the Agency; and staff the vacant Program Operations Assistant position at the GS-09 level. Those functions formerly embodied in the deleted EEO manager and specialist positions will be absorbed by existing staff. With the change in supervisory responsibilities, core staff will now report to the newly staffed Deputy Director position and spend full time on core EEO functions and programs.

Because the two currently vacant positions were above ceiling, the elimination of the EEO manager position and specialist position will enable staffing of the aforementioned critical positions without exceeding the Office's ceiling of eleven (11). These changes allow the program staff to focus on EEO functions, while concentrating administration, budget,

and management functions into one senior level position; increase the statistical analyses and program support capabilities of the Office; and allow for greater proactivity and outreach by the Director and program staff. In concert with the goals of the right sizing exercise, with the implementation of these recommendations the supervisor to employee ratio will improve from 1:3 to 1:5.

The team identified several themes which have been addressed in the report. Among them were the need for a more proactive effort on the part of the EEO staff; the need for more statistical analysis capability; and the fact that the office is constrained by a lack of adequate budgetary resources and appropriate automation technology which, if remedied, could greatly enhance the office's productivity. The need for an additional clerical staff member was mentioned time and again during the internal office interviews. However, the team is not recommending an increase in FTE at this time.

II. INTRODUCTION

An internal review of the Office of Equal Opportunity Programs (EOP) was conducted, as in all other bureaus, in conjunction with the current reorganization of the Agency. This review focused on current functions of EOP, including redundant responsibilities with other USAID entities, functions which could be eliminated, and constraints faced by EOP in attempting to carrying out its functions. Also included was a review of EOP staffing levels, the skills present and lacking among the staff; and the supervisory span of control. EOP budgetary resources were also analyzed. The review included over forty-one (41) interviews, in which both EOP staff and other Agency staff participated. As a result of this review, the team forwards five (5) recommendations.

Several appendices provide detailed information regarding EOP's legislative mandate, interview questions, a list of interviewees, current and proposed staffing patterns, a current organization chart, an affirmative employment chart and a comparative chart of Agency EEO discrimination complaints.

III. METHODOLOGY

The review team consisted of an EOP supervisor as team leader, two EOP staff members, two employees from the Office of Human Resources Development and Management, one from the Office of Budget, and one from the Asia/Near East Bureau.

The team reviewed the following relevant documents: U.S. General Accounting Office Report to the Honorable Barbara A. Mikulski, U.S. Senate, A.I.D. Management: EEO Issues and Protected Group Underrepresentation Require Management Attention; and Final Report - Leadership Transition Study: Office of Equal Employment Opportunity Programs. Information was also gathered via questionnaires and other relevant documents. Interviews were conducted within EOP and throughout the Agency. The latter interviews included senior-level staff, mid-level staff, and line staff representing Training, External Affairs, Executive Management Staffs, Recruitment, employee advocacy groups, such as the Women's Action Organization (WAO), the Thursday Luncheon Group (TLG), the Hispanic Employees Council (HEC), and the Asian Pacific American Employees Committee (APAEC), the General Counsel, collateral duty EEO counselors and the Inspector General.

IV. CURRENT FUNCTIONS

A. Authorities

Like all federal agencies, USAID is required by EEOC to designate a Director of Equal Employment Opportunity to administer the various employment anti-discrimination statutes, for example the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963; the Age Discrimination Act of 1967, as amended; the Rehabilitation Act of 1973, as amended; the Veterans Readjustment Act of 1974; and 29 CFR 1614 issued by the EEOC on equal employment opportunity in the Federal Government.

The Office of Equal Opportunity Programs (EOP) manages USAID's implementation of the above statutes, augmented by case law, with authority delegated from and on behalf of the administration.

B. Functions

In carrying out the above responsibilities, EOP focuses on three basic functional areas:

1. Representation of USAID before the EEOC, the Department of Justice, the Office of Personnel Management, other federal agencies, and legal and advocacy groups concerned with USAID policy and practice of EEO.
2. Complaints Adjudication, including management, coordination, and monitoring of: (a) the discrimination complaints process as related to federal employment; and (b) issues related to programs or activities receiving Federal financial assistance. This unit provides for the informal resolution of complaints (through EEO counseling and dispute

resolution), and for the formal adjudicative process, (through investigation, acceptance, rejection, administrative hearings, final decisionmaking, remedial actions), and for the preparation of final Agency decisions.

3. Management of USAID's affirmative employment programs, including preparation of the mandatory Agency action plans for internal application and external review and evaluation (two plans on the status of women and minorities and persons with disabilities submitted to the EEOC; one plan on disabled veterans, one plan on the USAID collaborative projects and activities with Historically Black Colleges and Universities submitted to OPM); maintenance and effective use of EEO data support systems; coordination with USAID personnel and program officials to ensure implementation and compliance with USAID's commitment to equal employment; management and supervision of the Special Emphasis Programs (e.g., Asian Pacific American, African American, Federal Women's, Disability, Hispanic, and Native American); and monitoring analysis and evaluation of internal and external employment trends to assist in EEO policy determinations, strategic planning, and implementation.

V. STAFFING

EOP is currently at its FTE limit of (11) full-time permanent direct-hire positions. The office also uses one consultant. The Office director's position is in the Senior Executive Service and is supported by one secretary. The office is currently divided (unofficially) into two units. The Affirmative Employment unit has one supervisory EEO manager, one EEO manager, two EEO specialists, and one secretary. The Complaints Adjudication unit has one supervisory EEO Manager and three EEO specialists. The current staffing pattern is included at Appendix D.

The staffing pattern includes a Foreign Service-designated position, which was established as a deputy slot but has never been filled. There is also a vacant position for a program operations assistant. The current span of control is one supervisor to three employees.

VI. BUDGETARY RESOURCES

The Office of Equal Opportunity Programs (EOP) Operating Expense Allocation for FY 1993 was \$87,400. Funding is allotted on an incremental and quarterly basis in an amount ranging from \$1,000 to \$22,700. Total Full Time Employee (FTE) workyears was 11.2 and overtime hours set at 20.

Of the \$87,400 budget allocation, \$47,638 was allocated to Special Investigations. EOP allocated \$21,862 for miscellaneous services, including the purchase of materials on the prevention of sexual harassment (brochures and videotapes); the presentation of workshops of special interest to constituent groups (minority and female); the presentation of educational commemorative programs; and the replacement of office equipment (copying machine, etc.). The remaining \$17,900 was used to purchase computer equipment. Prior to this purchase, EOP had only two computers for the entire staff. No funds were expended on travel.

EXPENSE CATEGORY	FUNDING CODE	FY 1993 EXPENDITURE
Special Investigations	V927	\$47,638
Miscellaneous Services	V990	\$21,862
Equipment Purchases	P322	<u>\$17,900</u>
	Total:	\$87,400

A detailed list of complaint processing accomplishments and attendant expenses for the last four years is included at Appendix G.

VII. FINDINGS and CONCLUSIONS (Significant Findings in Bold)

As a result of the interviews, the review of the above documents, and deliberations, the team hereby submits its findings and recommendations.

A. Constraints

The external interviews overwhelmingly demonstrated that Agency managers understand and are willing to assume a first-line responsibility for carrying out the programs and priorities that lead to Equal Employment Opportunity. Unfortunately, the sample interviewed was equally united in their perception that EOP is not providing sufficient leadership in this regard. Frustration was expressed by the use of terms such as: lack of presence, lack of outreach, lack of proactivity, and lack of a well publicized agenda for achieving Equal Employment Opportunity as well as achieving meaningful diversity.

In addition, there appears to be an unabashed ignorance regarding the extent and nature of the programs, services, reporting, operations, and statistical, as well as other kinds of analyses, for which this Office is responsible. Against this background, those surveyed were appreciative of the efforts of both the Complaints Program and also the Affirmative Action Program Managers. The efforts of these two individuals was responsible for the majority of complimentary remarks received. Several interviewees noted that their positive impact continues to grow.

Clearly, there is enthusiasm within the Washington management hierarchy for advancing workforce diversity and equity employment. Moreover, Agency managers recognize that responsibility for bringing about positive change in these areas rests with them. The environment is one which would welcome greater leadership, partnership, exposure, and outreach on the part of EOP. Against this opportunity, the Office is burdened with an overwhelming variety and complexity in the areas of regulatory, reporting and statistical requirements. There is need for additional program operations support.

As discussed elsewhere, the lack of an adequate budget, and a corresponding lack of administrative management capability within the Office, has forced program managers to expend valuable time on internal administrative issues instead of devoting full time to their respective EEO programs and outreach initiatives. In addition, the budget situation is sufficiently critical as to result in needed program funds being diverted to basic Office requirements, e.g., workstations for EOP staff. The Office needs a realistic budget as well as an internal capability/staff/organization with which to manage it centrally.

B. Redundancies

The erosion of the Agency's institutional EOP staff and capabilities has resulted from a protracted period of EEO neglect on the part of senior Agency management. As alluded to elsewhere, this has resulted in an Office structure in which there is far too much overlap of functions and assignments among individual staff members. Inefficiencies and redundancies are apparent in the areas of supervision, administration, and budget. There are currently four (4) EOP staff out of a total of eleven (11) direct-hires designated as supervisors/managers. As indicated above, both senior Program Managers spend valuable time involved in budget and administrative issues. In an Agency environment crying out for greater EEO presence and outreach, both admittedly labor intensive, there is a need to centralize supervision in one or two positions, develop a strong budget and administrative capability in one or two positions, and free the remaining staff to concentrate on EEO programs.

Another area which appeared to surface redundancy in functions was the relationship between EOP and HRDM in the affirmative employment arena. While it is EOP's responsibility to assure compliance with the legal requirements of affirmative employment, it appears that, too often, the two organizations go their separate ways on related issues, thus duplicating efforts. This redundancy can be avoided if both organizations come to the table on a more frequent and collaborative basis.

VIII. RECOMMENDATIONS

- 1. Staff the position of Deputy Director, EOP.** This action is prompted by the need for strong budget advocacy, supervisory, and administrative management capabilities, concentrated in one senior level position. The issue of whether this position should be staffed by GS or FS has been reviewed. Our conclusion is that there are comparable, if different, merits of each option. For this reason it is recommended that the position be designated as G and staffing options remain open to identification of the best qualified among those available, either General Schedule or Foreign Service. In either case, staffing the Deputy position with a vigorous, competent employee at the GS-15 or FS-01 level will allow the Director to concentrate on outreach, visibility, and advocacy for EEO and diversity at the highest levels throughout the Agency.
- 2. Consistent with Number 1 above, remove the supervisory/manager designation and responsibilities from all EOP staff except for the Director and the Deputy.** This action is intended to free the greatest number of EEO specialists and program managers to concentrate on core functions and minimize that portion of their time now spent on non-core issues, i.e., preparation of performance appraisals, budget battles, administrative support problems, etc. The present alignment of functions would remain essentially as it is now, e.g., the supervisory complaints program manager would become a team leader, direct the efforts of the same staff previously under his supervision, and focus all of his time and efforts on efficient complaints resolution.
- 3. Staff the vacant Program Operations Assistant position at the GS-09 level.** This action must result in the addition of strong "numbers crunching" capabilities comparable to what the geographic bureaus retain in their Development Program Offices. Such action would give EOP an increased capability in the areas of statistical analyses, reports generation, and response to Congressional inquiries. It would also free the EEO Specialist now performing these functions on a collateral basis to assume more proactive core EEO functions/programs and outreach.

4. **Identify as surplus two Equal Employment Opportunity Specialists. Note: This recommendation is forwarded with the intention that it is absolutely contingent upon the implementation of recommendations 1 through 3 above. The "right sizing" committee carefully and fully considered the ramifications of recommending the elimination of two EEO Specialist positions at a time when the Agency is demanding more from this Office. Our conclusion in this regard is based on our belief that the establishment and staffing of the recommended Deputy and Program Operations Assist. positions will provide significant economies and efficiencies to the remaining staff.**

Implementation of these four recommendations would result in an overall staff level of eleven (11), which is unchanged from the present level. It is our conclusion that allowing the ceiling to remain at its present level, as opposed to downsizing the Office, is consistent with the Administrator's desire to elevate the performance of the EEO/Diversity initiative.

5. **EOP must receive greater attention and program support in the area of office automation from the appropriate Agency Offices. The results of our interviews with EOP staff consistently pointed to an inordinate amount of time being spent on clerical functions. In the absence of a full workforce analysis we are reluctant to recommend the establishment of a third secretarial support position in an Office with a total ceiling of eleven.**

Notwithstanding the present secretarial to professional ratio, it is clear that EOP does not receive sufficient support, e.g., weekly visits from an IRM client analyst; in its attempt to fully exploit present automation capabilities otherwise available to other A.I.D. organizations. The most egregious symptom of this neglect is the need to re-direct a significant portion of the affirmative employment budget to the purchase of office workstations.

The Agency's official position that there is not enough money in the IRM budget to put a workstation on every EOP staff member's desk is unacceptable. Absent automation and support comparable to that accorded the remainder of the Agency, EOP should be given first priority to utilize secretarial support personnel in need of temporary assignment.

Appendix A - Legal Authorities

1. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16, et seq., and 29 Code of Federal Regulations, Part 1614, Federal Sector Equal Employment Opportunity, effective October 1, 1992.
2. Executive Order 11478, 34 FR 12985, August 10, 1969 - Non-Discrimination in the Federal Government.
3. The Fair Labor Standards Act of 1938, Section 6(d), as amended, 29 U.S.C. 206(d), Equal Pay Act of 1963, which prohibits sex-based difference where work performed is of equal skills, effort and responsibility.
4. The Age Discrimination in Employment Act of 1967, Section 633a, as amended, 29 U.S.C. 621, et. seq., which prohibits job discrimination in Federal employment against workers at least 40 years of age.
5. The Rehabilitation Act of 1973, Section 501, as amended, 29 U.S.C. 701 et. seq., which pertains to employment discrimination in the Federal Government against persons with disabilities.
6. The Veterans Readjustment Act of 1974, Section 403, 38 U.S.C. 2012, et. seq., which requires affirmative action in the employment and advancement of disabled and Vietnam era veterans.
7. Reorganization Plan No. 1 of 1978, 5 U.S.C. 901 et. seq., and Executive Order 12144 and 12106 -- Coordination of Federal Equal Employment Opportunity.
8. The Civil Rights Act of 1991.

Appendix B.

Persons Interviewed in Alphabetical Order:

External Interviews:

Ivan Ashley
Ravi Aulakh
Bruce Bennett
Sharon Carney
Suzanne Chase
Jamie Correa
Roberta Gray
Lois Hartman
Jerry Jordan
John Lee
Melanie Marlett
David Mein
Toni Mitchel
Alexi Panehal
Louise Pierce
Martha Rees
Charles Rheingans
Lois Richards
Sophia Riehl
Barbara Rogers
Prem Sethi
Ken Sherper
Drina Shuler
Lucy Sotar
Alan Swan
Peggy Thome
James Washington
Oveta Watkins
Pam White
Aaron Williams
Marybeth Zankowski

Internal Interviews

Gladys Fry
Margarette Goldstein
Gloria Green-Blackwell
David Grim
Samuel Hoston
Lorraine Johnson
Jessalyn Pendarvis
Mark Phillips
Wendy Reddick
Voncile Willingham

Appendix C.

Questions for Internal Interviewees

- 1. What do you see as the objective/mission of EOP?**
- 2. Do you think that the office is effectively carrying out its mission? If so, why? If not, why?**
- 3. Do you feel that you are adequately trained to do your job?**
- 4. Do you feel that different types of individuals need to be hired in EOP for it to more effectively carry out its objectives? If so, please specify.**
- 5. Do you feel that certain processes associated with EOP are being implemented? For example, regulatory requirements, workforce data analysis, affirmative action and complaints, administrative support, etc.**
- 6. Do you feel there are constraints, such as internal A.I.D. policies, systems or procedures, which impedes EOP's effectiveness?**
- 7. Do you believe that the office is adequately staffed? Give examples.**
- 8. What does EOP do well?**
- 9. What does EOP not do well?**
- 10. What services does EOP provide?**
- 11. Are others in the Agency performing activities which should be performed by EOP? Please specify.**
- 12. Is EOP performing activities which should be accomplished elsewhere in the Agency? Please specify.**
- 13. Do you feel you receive adequate support from other A.I.D. offices for EOP activities?**
- 14. Should the complaint investigations process be handled by contract or direct hire personnel?**

(appendix C. page 2).

Questions for External Interviewees

1. What do you perceive as EOP's mission/objective?
 - Complaints Adjudication
 - Affirmative Employment Process
2. Do you feel that EOP's activities are conveyed widely enough throughout the agency?
If not, what would you do to educate others about EOP's activities?
3. What services provided by EOP do you think they do well?
4. What services does EOP not perform well?
5. Based on your knowledge, do you feel that EOP is adequately staffed to accomplish its mission?
6. Do you believe that the individuals working in EOP are properly trained to carry out their duties?
7. How could you better support the mission of EOP?
8. How could EOP better serve the Agency?

Appendix D.

OFFICE OF EQUAL OPPORTUNITY PROGRAMS
CURRENT STAFFING PATTERN

<u>POSITION</u>	<u>GRADE</u>	<u>INCUMBENT</u>
EO Officer	ES	
Foreign Affairs Officer	FS-01	
Equal Emplt. Mgr.	GM-14	
Secretary (OA)	GS-09	
Equal Emplt. Spcl.	GS-13	
Equal Emplt. Spcl.	GS-13	
Equal Emplt. Spcl.	GS-12	
Equal Emplt. Mgr.	GM-13	
Equal Emplt. Mgr.	GM-14	
Equal Emplt. Spcl.	GS-11	
Prog. Opns. Asst. Typ.	GS-07	
Equal Emplt. Spcl.	GS-11	
Secretary (OA)	GS-06	
Expert Consultant		

Office of Equal Opportunity Programs

Office of the Director
<ul style="list-style-type: none">- Affirmative Action Programs- Complaints Adjudication Programs

- Affirmative Action Programs
- Complaints Adjudication Programs

Appendix H.

Affirmative Employment Program

FY 1993

Purpose/Description

Expenditure

1. Asian Pacific American Employment Program:

- | | |
|---|-----------|
| a) FAPAC National Conference & Job Fair | \$ 300.00 |
| b) Asian Pacific American Heritage Month Program
- Sign Language Interpreter | \$ 304.50 |

2. Black Employment Program:

- | | |
|---|-----------|
| a) Dr. Martin L. King Day Program | \$ 300.00 |
| b) National Urban League Conference | \$ 170.00 |
| c) African American History Month Program | \$ 101.00 |

3. Federal Women's Program:

- | | |
|--|-------------|
| a) National Women's History Month Program | \$ 100.00 |
| b) Women's Equality Day Program
- Sign Language Interpreter | \$ 95.00 |
| c) Resource materials | \$ 707.39 |
| d) Prevention of Sexual Harassment Training
Materials | |
| - Publications | \$ 3,898.65 |
| - Videos | \$ 2,443.50 |
| e) Prevention of Sexual Harassment Briefings
15 in-house briefings to AID bureaus/offices
and two to AID/W agency-wide-- | |

4. Hispanic Employment Program:

- | | |
|---|-----------|
| a) Hispanic Heritage Month Program | \$ 500.00 |
| b) Hispanic Employment Program - Training conf. | \$ 185.00 |
| c) National Org. of Hispanic Women - conference | \$ 100.00 |